

SECTION 45 OF THE MODERN DAY SLAVERY ACT 2015:

AN EXAMINATION OF POLICE INVESTIGATIONS

by

Debi Lloyd

Canterbury Christ Church University

Thesis submitted

for the Degree of Masters by Research in Policing

Year 2021

Contents

Contents 1

List of Tables 4

Acknowledgements..... 5

Abstract..... 6

Chapter 1. What is Modern Slavery? 7

 1.1 The Nature of Exploitation..... 9

Chapter 2. Literature review: The complexities of MS..... 13

 2.1 Background to the Modern Day Slavery act 2015 13

 2.2 The UK MS Act 15

 2.3 The 2016 Review of the MS Act..... 17

 2.4 National Referral Mechanism 19

 2.5 Section 45 the Non-Punishment Principle..... 20

 2.6 Definition of terms 23

 2.6.1 Human Trafficking 23

 2.6.2 Child Criminal Exploitation 24

 2.6.3 Urban Street Gangs 24

 2.6.4 County Lines 25

 2.7 County Lines a Wicked problem..... 26

 2.8 Vulnerability 28

 2.9 Police Training 30

 2.10 Summary 31

Chapter 3. Methodology 32

 3.1 Research Aims 32

 3.2 Theoretical Framework 32

 3.3 Research Questions 35

 3.4 Research Design..... 36

3.5	Data Collection.....	38
3.6	COVID 19	39
3.7	Analysis.....	40
3.8	Sampling approach.....	42
3.9	Sample Characteristics	43
3.10	GDPR & Ethical considerations.....	46
3.11	Researchers Background and Reflection.....	47
3.12	Summary	49
Chapter 4.	Findings and Analysis	50
4.1	Training and development.....	50
4.2	Concerns around misuse of S45	56
4.3	The problem of victim identification.....	57
4.4	Perceptions	60
4.5	When is Section 45 being raised and by whom.....	63
4.6	Officers understanding of the Sec 45 defence.....	67
4.7	Safeguarding	70
4.8	National Referral Mechanism	77
4.9	Summary	81
Chapter 5.	Concluding Remarks	83
5.1	Summary of Findings in relation to the research aims	83
5.2	Recommendations to take forward.....	85
5.3	Limitations and further research	86
	Bibliography	88
	Appendices.....	104
	Appendix 1 - Ethical Decision	104
	Appendix 2 - Participant information	105
	Appendix 3 - Consent Form.....	108

Appendix 5 - Coding Table.....	111
Appendix 6 – Non exhaustive list of Non Government Organisations working within the Modern Slavery and Human Trafficking arena in the UK.....	114

List of Tables

Table 1 CPS Guidance.....17

Table 2 Coding Table Example.....41

Table 3 Force Characteristics.....44

Table 4 Participant Characteristics.....45

Acknowledgements

Thank you to all the officers taking part in this research. Without their participation this would not have been possible. To the Director of European Operations at Justice and Care, for giving me the time and space within my working week to complete the research and to Professor Stephen Tong at Canterbury Christ Church for his invaluable support and guidance throughout the master's journey.

Abstract

The 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights (OHCHR) recognised that victims might commit unlawful acts in the context of their status as a victim of trafficking . The Principles and Guidelines advised, that such victims must be provided with protection, not punishment, for any criminal acts arising as a direct consequence of their trafficking this recommendation was introduced into legislation within the United Kingdom in 2015 with the Modern Slavery (MS) Act. Victim protection is one of the critical aspects of the 2015 Act. Section 45 of the Act looks to formalise protection for victims from prosecution for offences they may have committed as a victim of modern day slavery. The importance of this section of the Act is to recognise that victims often have little to no choice but to engage in illegal activity and support victim engagement with law enforcement so that the traffickers can be brought to justice. Notwithstanding this, prosecutions of victims continue in the United Kingdom, resulting in trafficking victims spending considerable lengths of time in the criminal justice system. This research seeks to understand how Section 45 of the MS Act impacts police investigations and officers' understanding of the legislation. This analysis presents findings drawn from semi structured interviews with 17 practitioners working within specialist teams dealing with MS and 'County Lines'. 'County lines' is a drug distribution model where members of gangs from cities commute to smaller urban areas to increase their profits from distribution networks. This distribution is often across police and local authority boundaries, usually by children or vulnerable people who are coerced into it by the gangs. The research shows a lack of understanding by officers of Section 45 and of what support is available to victims of this often-complex crime type. In conclusion, the research pulls together a series of recommendations to inform police practices to effectively address the understanding of the non-punishment principle within the MS Act. "William Wilberforce convinced his generation that slavery was a sin. That belief has not changed. The sin lies in our ignorance to its existence around us." Welby.J. (2017).

Chapter 1. What is Modern Slavery?

“MS and human trafficking can range in scale and complexity from an individual forced to undertake domestic duties in a private household for little or no pay (domestic servitude to much more substantial, sophisticated, criminal activity such as transporting hundreds of victims across national borders for the purpose of sexual or labour exploitation.” (HMICFRS, 2017).

The issue at the centre of this research is MS. But what is it and what harm does it do? This introduction sets the scene in relation to the global issues of MS and human trafficking moving from its historical roots in the transatlantic slave trade, through to the modern phenomenon of child criminal exploitation through county lines.

In order to fully understand MS, it is important to understand what it is and how it impacts on victims especially children. The primary research will focus on the United Kingdom, highlighting different ways that slavery is viewed and framed.

How something is presented ‘the frame’ influences the choices people make about how to process that information. The framework we use today to think about MS shapes how we see the problem. Lakoff describes frames as ‘mental structures that shape the way we see the world’ (Lakoff, 1980). The word ‘slavery’ invokes images of the trans-Atlantic slave trade and the trafficking of African slaves for exploitation on plantations. Historically the legacy of the transatlantic slave trade shows how discrimination and social exclusion are central to slavery (Kaye, 2005). The media and politicians have linked the term MS to the public’s understanding of the transatlantic slave trade and plantation slavery. Consequently, the words conjure up chains and shackles, a lack of freedom, and racial oppression (Kenway, 2021). In 1807 the British Slave Trade Act was passed prohibiting the slave trade in the British Empire and following in 1833 the Slavery Abolition Act was passed abolishing slavery in most British Colonies making it illegal to trade in humans and slave ownership.

Articles one and two of the Universal Declaration of Human Rights state that “All human beings are born free and equal in dignity and rights”. They state everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another

status.”(United Nations Universal Declaration of Human Rights 1948 United Nations (UN), 2022)). As far back as the Magna Carta, there have been discussions about what constitutes Human Rights, and there is often disagreement as to what represents a breach of human rights (Sen, 2004). Even with the introduction in 1948 of the Universal Declaration of Human rights, Anti Slavery International (Kaye, M., (2008) reports that discrimination plays a role in the enslavement of individuals globally¹. They have highlighted that communities that face institutional discrimination become marginalised and vulnerable to slavery and exploitation because of fewer opportunities and an inability to defend their rights, often being targeted for this reason (Kaye, 2008). Human rights are a set of norms or standards that are cascaded through legislation described by Piotrowicz (Piotrowicz, 2009:192) as “law that makes the state accountable for failing to protect rights which it has the power and obligation to protect”. This legislation balances the relationship between those with power and the powerless.

The 1926 Slavery Convention defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (United Nations, 1926). Until recently MS was almost exclusively referred to as ‘Human Trafficking’ within the UK. The most pervasive and commonly used definition today comes from the United Nations Palermo Protocol which came into force in 2003 and states that trafficking in person is

‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purposes of exploitation’(Protocol to prevent, suppress and punish trafficking in persons 2000).

This establishes the three necessary conditions of trafficking - the act, the means, and the purpose. The United Kingdom’s MS Act of 2015 looked to consolidate separate offences, but it differentiates human trafficking from the offences of slavery, servitude and forced labour, in part the human trafficking element mirrors the concepts in the Palermo protocol, the offences of slavery, servitude and forced labour require only the means and service

¹ Anti Slavery International are the oldest human rights organisation in the world being formed in 1839 by Thomas Clarkson, their vision is to realise freedom from slavery for everyone working in partnerships with Government’s, law enforcement and other non-government organisations

elements for an adult and for children it is only necessary to prove the service. The 2015 Act defines MS as a crime and as such law enforcement play a pivotal role in the identification of victims, investigation of offences and prosecution of offenders (Modern Slavery Act 2015)

1.1 The Nature of Exploitation

On the 1st of April 2009 following the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) the UK introduced the National Referral Mechanism (NRM) which commits the UK to minimum standards for the protection of victims of human trafficking. The NRM is a framework for identifying and referring potential victims of MS and ensuring they receive the appropriate support. Consenting adults in the UK are entitled to receive specialist tailored support for a period of 45 days referred to as the reflection and recovery period giving them access to accommodation, legal advice, health and wellbeing care. Whilst the UK legislation recognises the protective elements required to protect the human rights of exploited individuals, this is often left to Non Government Organisations (NGO's) to meet both short and medium term needs supplementing the statutory provisions. Since 2016 the Salvation Army has delivered the government statutory provision a funded 45 day reflection and recovery service for identified victims. NGOs have provided additional services and advocacy often through charitable donations and volunteer time (Van-Dyke, 2019).

A 2017 report by the International Labour Organisation (ILO), Walk Free Foundation and the International Organisation for Migration (IOM) estimated there were 40.3 million victims of slavery worldwide, doubling the previous figure in 2012 (Kelly, 2017). Slavery within the United Kingdom (UK) appears to be on the increase (Reed et al., 2018). On the 1st of April 2009 following the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) the UK introduced the National Referral Mechanism (NRM) which commits the UK to minimum standards for the protection of victims of human trafficking. The NRM is a framework for identifying and referring potential victims of MS and ensuring they receive the appropriate support. Consenting adults in the UK are entitled to receive specialist tailored support for a period of 45 days referred to as the reflection and recovery period giving them access to accommodation, legal advice, health and wellbeing

care. The 2019 National Referral Mechanism² end of year summary records an increase of potential victims by 52% on 2018, making a total of identified potential victims within the UK 10,627, two thirds of whom claim that the exploitation occurred within the UK. 43 % of those victims are recorded as being under the age of 18 (Home Office, 2020). In 2019 the Government described MS as a ‘brutal form of organised crime in which people are treated as commodities and exploited for criminal gain’ (Home Office, 2019). Even though victims with access to public funds (e.g. British citizens/born victims) have topped the NRM statistics since 2017, this figure represents only a fraction of the true number according to Justice and Care in their ‘It Still Happens Here’ Report (Gren-Jarden, 2020). British victims of MS are in many ways worse off than foreign national victims when it comes to available support, as frontline agencies tend not to refer British suspected victims to the NRM due to them having access to local authority funding or in the case of children where local authorities are responsible for safeguarding and promoting the welfare of all children in their area.

Globally, exploitation of people takes many forms and slavery reflects an industrialised and globalised society, where the movement of people, over half of whom are female, into new cultures increases vulnerability and the risk of enslavement (McAuliffe & Ruhs, 2017). Slavery today is not as visible as it was in the past, the physical confinements have been exchanged for forms of control and coercion, threats of extreme violence not only to the individual but extended family members along with debt bondage where a person is forced to work to pay of a debt that is controlled by the exploiter. Slavery in the twenty first century is not only a challenge to law makers with the human impact of slavery believed to generate up to 150 billion dollars a year a small but significant portion of the global economy but also to law enforcement with it being a hidden crime that is often under reported (Bales et al 2015)..

Slavery used to systematically exploit a specific group of people; while today, anyone can be a victim of MS regardless of ethnicity, nationality, gender, or economic status. Slavery is now facilitated online and through social media. Traffickers use numerous methods of

² The National Referral Mechanism is a statutory framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support to meet their short term recovery needs. Individuals recognised as a potential victim of modern slavery through the NRM can get tailored support. This “recovery and reflection” period is for a minimum of 45 days while their case is being considered. Support may include safe accommodation, legal advice, protection and emotional and practical support. The NRM is also the mechanism through which the [Home Office](#) collects data about victims.

control, and victims might not even self-identify as victims. MS is an incredibly complex issue based on dozens of contributing factors. It is fuelled by a high reward, low risk dynamic meaning that exploiters can expect to make a lot of money with minimal fear of punishment or legal consequence. According to Anti Slavery International (McGrath, 2017) slavery happens at the intersection of three common denominators:

- a) Individual vulnerability (usually but not exclusively arising from poverty)
- b) Social exclusion
- c) The failure of the rule of law

The human impact of modern day slavery is severe. Assault, rape, torture, sleep and food deprivation, dangerous work with no protection along with psychological coercion are all documented experiences of modern day slaves (Bales et al, 2015)

Her Majesty's Inspectorate of Constabulary (HMICFRS since 2013) report on the policing response to MS and human trafficking (HMICFRS, 2017) highlighted the use of children to transport and sell drugs in county lines as a form of modern day slavery. In response to the report the Independent Anti Slavery Commissioner³ Kevin Hyland ., stated used the opportunity to argue that using children to transport and sell illicit drugs in County Lines operations was a form of "modern-day slavery". He went on to say that the police and other agencies were not seeing it for what it is: the use of children and young people as commodities by criminal gangs. He said that more and more county lines were being discovered each day but there was often a lack of sympathy for the victims. Ann Coffey MP supported this in the House of Commons highlighting that the criminal exploitation of children to sell drugs for county lines was the 'next big grooming scandal' (Hansard, 2017). Trafficking for the purpose of criminal exploitation was not specifically included in the definition of trafficking contained in Article 3 of the Palermo Protocol, which has resulted in a lack of analysis of this type of trafficking until more recently and as such trafficking in human beings for criminal exploitation is perhaps the least understood manifestation of this crime type (Villacampa, 2019). ~~tMS Act.~~

³ Part 4 of the Modern Slavery Act 2015 sets out the role of the Independent Anti-Slavery Commissioner. The Commissioner's role is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences, as well as in the identification of victims

This chapter has introduced the legislation providing is an introduction the background to the research, by putting the legislation into context, exploring how it has developed over time, and how this has been translated into policing and the criminal justice system.

Chapter two explores the MS Act 2015 set within the backdrop of international legislation and protocols looking at the relevant professional and academic literature. Chapter three revolves around the analysis of the data collected from the participants, reviewing the officers' views and perceptions of the legislation and how it impacts on their daily investigations. The aim of this chapter is to obtain an understanding of the participants' views of the statutory defence, and how that is incorporated within the criminal justice process.

The final chapter will look at the conclusion and recommendations. The conclusion will draw on all the above sections and make recommendations regarding the importance of training and understanding of the legislation, to support the identification of victims of MS. Reflecting Villacamps (2019) earlier comment, I have chosen to focus on this area of research to look at the conflicting perceptions around who is identified as a victim in the context of County Lines and criminal exploitation.

Chapter 2. Literature review: The complexities of MS

This chapter will explore the MS Act 2015 set within the backdrop of international legislation and protocols. Upon reviewing the available academic literature it is clear that there is literature that covers some areas which are explored below however there does not appear to be any academic studies that focus on the complex law enforcement issue around the victim offender nexus when it comes to MS investigations as a result this chapter looks at professional literature and thematic assessments. The chapter identifies a lack of understanding of the complexities of this crime type resulting in poor victim identification and the subsequent failings of the state concerning the issue of fundamental human rights.

2.1 Background to the Modern Day Slavery act 2015

The United Nations International Organisation for Migration (IOM)⁴ reports that MS relates to ‘situations of exploitation in which a person cannot refuse or leave an exploitative situation due to threats, violence, coercion, deception or abuse of power’ ((David, Bryant and Joudo Larsen, 2022, p.8). Law enforcement has prime responsibility to enforce the law and establish social order. The crime, known as human trafficking and MS, covers many areas, but it is essentially the control of one person by another for gain. Victim’s rights need protection; however, it is still counterintuitive for law enforcement to consider an individual who engages in a criminal act as being a victim (even if the victim has been tricked into believing their act was lawful) (Cross, 2013:401). Cross refers to the fact that it is essential for law enforcement to understand that MS does not require an individual to be restrained or there to be any form of physical restraint or force because if they don’t, that will undoubtedly lead to a failure to recognise a victim of this crime type (Cross, 2013: 401).

At the start of the 21st Century in Britain, there was no specific legislation that made MS a criminal offence. The law prior to the MS Act sat in three different Acts (Sexual Offences Act 2003, Asylum and Immigration Act 2004, Coroners and Justice Act 2009) which meant that it lacked clarity and simplicity. The legislation described as ‘world leading’ (Independent Review of the Modern Slavery Act 2015: Final Report, 2019) that is now in

⁴ The International Organization for Migration (IOM) is part of the United Nations System as the leading inter-governmental organization promoting since 1951 humane and orderly migration for the benefit of all, with 174 member states and a presence in over 100 countries.

place was brought about primarily as a response to developments in international law: the 1948 Universal Declaration of Human Rights (), the 2000 UN Palermo Protocol, and the 2005 European Convention on Action Against Trafficking of Human Beings. Guidelines from the 2002 UN High Commissioner for Human Rights recommended that nation-states ‘promote and facilitate the integration of human rights perspective into national, regional and international anti-trafficking laws, policies and interventions’ (OCHR 2002:2), thus establishing a link between the crime of Human trafficking and Human rights abuses. Prior to the introduction of the Act in 2015, the UK had included Sections 57, 58 and 59 into the Sexual Offences Act 2003, making trafficking in or out of the UK for sexual exploitation a criminal offence. Following the tragic event in Morcombe Bay in 2004 resulting in the death by drowning of 23 illegal Chinese cockle pickers and the media attention it received (Collinge 2019), section 4 was added to the Asylum and Immigration Act (2004), making trafficking in or out of the UK for exploitation a criminal offence. In 2009, section 14 of the Policing and Crime Act (Policing and Crime Act 2009) created a new offence of paying for sexual services with a person subject to force. By 2009, there was sufficient legal framework in the UK to tackle MS; however, its implementation was questionable with a lack of information about the legislation being passed to frontline officers (Van Dyke 2019 p53). The first universally agreed definition of human trafficking comes from the 2000 UN Palermo Protocol (United Nations, 2000). It states: -

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud, of 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 exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs. (UN General Assembly, 2000 Article 3 (a)).

The Palermo Protocol also introduced what is known as the 3Ps, Prosecution of offenders of human trafficking, the Prevention of trafficking in persons and the Protection of victims of human trafficking (Van Dyke 2019, p.50). It was the Palermo Protocol that had the most

significant impact on the introduction of further British legislation. October 2011 saw the introduction of the EU Anti-Trafficking Directive 2011/36/EU adopted in the UK, giving individual rights and benefits to victims of human trafficking as opposed to a mere obligation on the government to act.. Like the Palermo Protocol, the directive set out several obligations:

- (a) *a general duty to implement measures to combat trafficking - “the systems duty”.*
- (b) *a duty to take steps to protect individual victims of trafficking - “the protection duty”.*
- (c) *a duty to investigate situations of potential trafficking - “the investigation duty”.*

The Northern Ireland Assembly was the first in the UK to introduce the Human Trafficking and Exploitation Bill in June of 2013, by 2014 draft bills on human trafficking and modern slavery were being considered by the parliaments in England and Scotland and by 2015, three new Acts had been passed into law. These are the MS Act (UK), The Human Trafficking and Exploitation Act (NI) and the Human Trafficking and Exploitation Act (Scotland) (Brotherton, 2019 p97). The introduction of the MS Act and the Acts in Scotland and Northern Ireland have, without question, been a positive step in the UK’s response. They have raised public and political awareness, which has resulted in commitment to tackling the issue and promoting good practice in the prevention of slavery and human trafficking offences and the identification of victims.

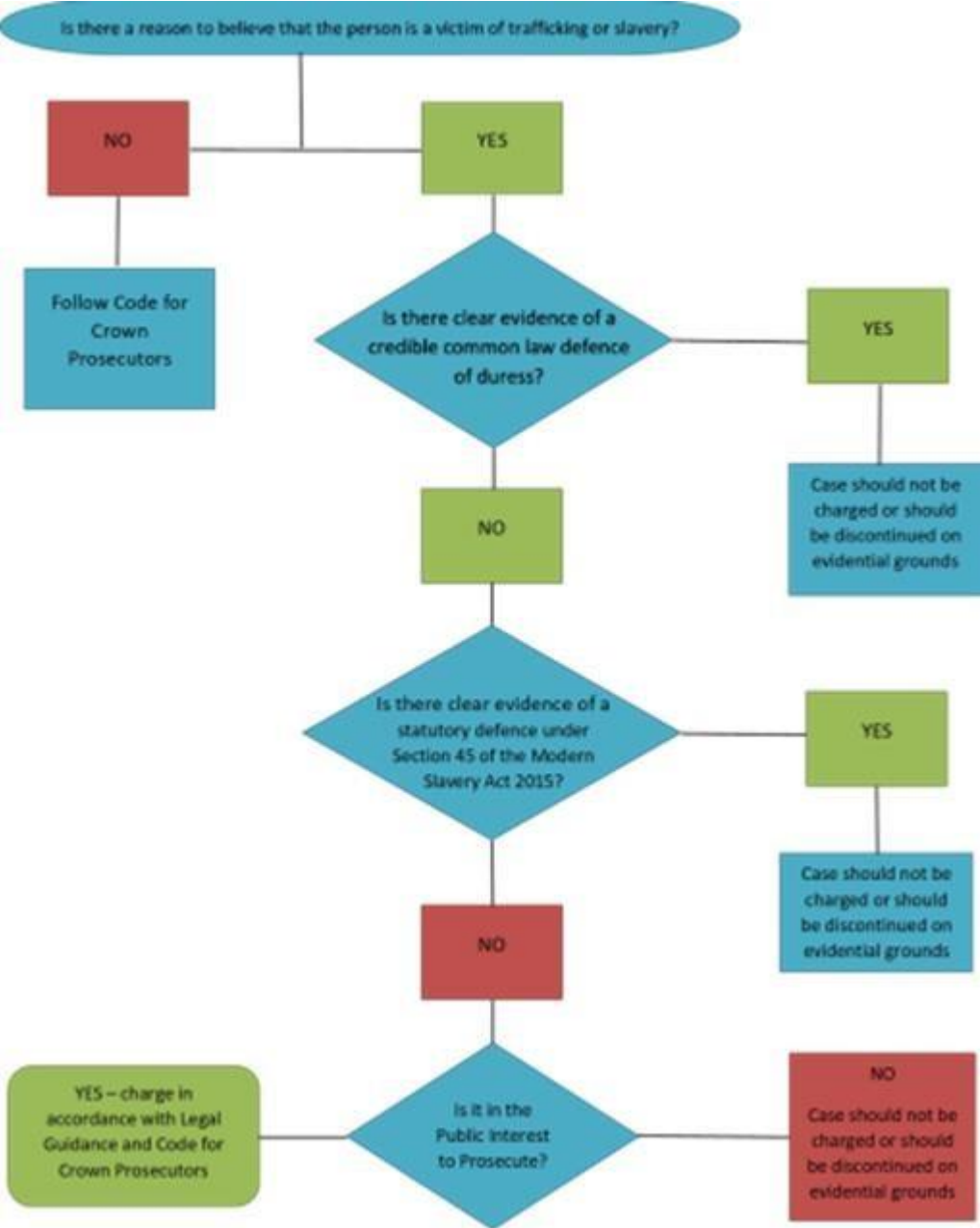
2.2 The UK MS Act

On the 29th of October 2015 the UK Modern Slavery Act was introduced.,). It was seen by the UK Government and Non-Government Organisations as a significant step forward in the fight against Slavery and Exploitation (Brotherton, 2019. p97). It saw the implementation of the UN and EU Anti-trafficking protocols into UK legislation. The Act described by Theresa May as ‘landmark legislation’ sends the strongest possible signal to criminals that if you are involved in this vile trade - you will be arrested, you will be prosecuted, and you will be locked up. And it says to victims, “You are not alone - we are here to help you.” (Home Office, 2015) (. The Act consolidated previous legislation⁵ and established new offences of human trafficking, slavery, servitude, and forced or compulsory labour. It was increasing

⁵ (Sexual Offences Act 2003, Asylum and Immigration Act 2004, Coroners and Justice Act 2009)

maximum sentences to life imprisonment and providing effective provision for slavery and trafficking prevention orders. It placed a requirement on the Secretary of State to give guidance on assistance and support for potential victims and a statutory defence for those victims who have been compelled to commit offences as the result of being a victim of slavery. It established the office of an Independent Anti-Slavery Commissioner whose mandate is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences as well as the identification of victims. Guidance has been produced by the Crown Prosecution Service to assist law enforcement in the identification process (Modern Slavery, Human Trafficking and Smuggling | The Crown Prosecution Service, 2021)).

Table 1. CPS Guidance



2.3 The 2016 Review of the MS Act

In 2016, a year after its introduction, a review of the Act was conducted by Caroline Haughey QC. Haughey reported that the MS Act promoted a criminal justice response to MS, and that

it raised awareness with law enforcement and brought clarity to charging however concluded that translating the Act into practice was a work in progress, due to a lack of training of professionals, and a lack of intelligence in relation to the nature and scale of the problem at a regional and national level. Haughey identified the absence of a structured approach to identifying and investigating, prosecuting, and preventing slavery and a lack of vulnerable witness protection as key issues (Haughey, 2016). Haughey also raised the point of the Section 45 defence in relation to the term ‘direct consequence’ and that clarification should be given as to what that entails and the process by which Section 45 is raised and applied (Haughey, 2016). Following Haughey’s review, the HMICFRS conducted an inspection of all 43 English and Welsh police forces (HMICFRS, 2017). The report notes an inconsistent response from law enforcement in relation to the implementation of the MS Act 2015. At a national level, the report identifies the National Crime Agency as not providing adequate leadership nor effectiveness in collating information and intelligence. At a local level, officers lacked an adequate understanding of the law and indicators of MS that would allow them to identify victims, thereby offering them the relevant protection. MS is not something that the police can manage on their own, and it requires partnership. This was recognised by the HMICFRS (HMICFRS, 2017), who reported that law enforcement tended to be reactive rather than proactive. Investigations of this crime type are time-consuming and resource-heavy, which translates to it not being a top priority for all policing areas and encourages a more reactive approach (HMICFRS 2017, Van Dyke, 2019). It was also noted by HMICFRS that there were very few partnership approaches to this crime type which are necessary for an investigation to be effective (HMICFRS, 2017).

The legislation puts a clear obligation on the UK's government to meet the needs of victims; This is referred to as the Victim Care Contract (VCC) which has been awarded to the Salvation Army (Salvation Army, 2019) this contract is to meet the short term recovery needs once a victim has been identified through the NRM. The NRM was introduced in 2009 however MS has changed considerably since then and despite several reviews the system is still not fit for purpose (Gren-Jardan & Gleich, 2022). These support gaps are therefore largely met by Non Government Organisations (NGO)⁶. In relation to the VCC Gren-Jardan

⁶ An NGO, typically it is a voluntary group or institution with a social mission, which operates independently from the government. See Appendix 6 for a non-exhaustive list of NGOs working within Human Trafficking/Modern Slavery in the UK

and Gleich report that some victims are lost before they enter support systems, some face unacceptable delays while awaiting decisions, and many receive no meaningful support after being confirmed as a victim. In their 2012 report, the Group of Experts on Action against Trafficking in Human Beings (Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, 2012)⁷ note a lack of services in the UK to adequately support victims, in particular a lack of appropriate accommodation and difficulty obtaining interpretation and appropriate legal assistance. The GRETA (2016) report raises concerns around the prevention of child trafficking and other forms of child exploitation suggesting that the UK authorities should strengthen their efforts in the area. The 2019 National Referral Mechanism end of year figures (Home Office, 2020) recording the rise in identified child victims of criminal exploitation would suggest that there is still a shortage of prevention work carried out in this area alongside more effort being put into the identification process of potential victims.

2.4 National Referral Mechanism

Following the implementation of the Council of Europe Convention in 2009, the Home Office introduced the National Referral Mechanism (NRM) intending to identify victims of trafficking. There is no national legislation to give any legal effect to the NRM which is based on procedures and policies by which potential victims of Human Trafficking are identified and supported. Estimates of the number of victims that have been identified to authorities through the national referral mechanism are unlikely to show the scale of this hidden crime because of the under reported nature of this activity (Gren-Jardan, 2022). Whilst most countries acknowledge there is an issue, they have been unable to determine the true extent of the problem (Bales, Hesketh & Silverman, 2015). Potential victims are referred into the NRM by identified first responders (police, some Non Governmental organisations and local authorities). The competent authority (Home Office) will then decide on the balance of probabilities, there is reasonable grounds for believing that a person is a victim of MS or Human Trafficking (MSHT). If reasonable grounds are identified, the victim is notified of the

⁷ GRETA – the Group of Experts on Action against Trafficking in Human Beings. GRETA is responsible for monitoring the implementation of the [Council of Europe Convention on Action against Trafficking in Human Beings by the Parties](#).

decision allowing for a minimum period of 45 days of what is termed a ‘reflection and recovery period’. During this period, the competent authority carries out further investigations and decides based on all the evidence if the person is a victim of MSHT. This is called a conclusive grounds decision. In 2014, the Anti-Trafficking Monitoring Group (ATMG)⁸ conducted a five-year review of the National Referral Mechanism, suggesting that the NRM process is not achieving what it has set out to do, primarily because it is a policy and not contained in any legislation. The ATMG pointed out that there is no accountability within the identification system, so if a decision is challenged by judicial review, then only the decision maker's reason is challenged (Annison, 2014). However, if the NRM process were to be grounded in legislation, then the implications of the review would apply collectively and thus improve the system. The ATMG also described the NRM process as discriminatory, disregarding specialist professional opinion and a widespread culture of disbelief in the Home Office, which impacts the decision-making process and places victims of trafficking into situations of despair.

2.5 Section 45 the Non-Punishment Principle

To prosecute a victim of modern-day slavery for a crime they have been compelled to commit infringes on - that of freedom from slavery and the right to a fair trial. The legal principle of ‘non-punishment protecting victims of modern-day slavery from criminalisation’ was adopted by the Council of Europe Convention on Action against Trafficking in Human Beings in 2005 Article 26. The UK signed this convention in 2007, coming into force on the 1st of April 2009. As a result, the Crown Prosecution Service introduced guidelines for prosecutors following the treaty ratification intended to prevent prosecutions of victims of trafficking in line with the treaty, but there was no statutory provision at the time. This non-criminalisation principle has been seen as a tool to assist victims in cooperating freely with law enforcement in the investigation of their exploiters (Schloenhardt & Towler, 2016). With the passing of the Modern Day Slavery Act in 2015, the UK introduced a statutory defence for victims of trafficking under Section 45 of the Act (MSA, s45). Section 45 lays out that a person over 18 is not guilty of an offence if they commit an act because they have been

⁸ The Anti-Trafficking Monitoring Group (ATMG), is a coalition established in 2009 to monitor the UK’s implementation of European anti-trafficking legislation. The group examines all types of human trafficking, including internal trafficking and the trafficking of British nationals.

compelled to do so. If that compulsion is attributable to slavery or relevant exploitation, a reasonable person in the same situation would have no realistic alternative. The act clarifies that if the person is under 18, they do not need to have been compelled to commit the act. The offences committed will generally enable the trafficker to gain some financial benefit as a direct result, such as controlling or causing prostitution, supplying controlled drugs, cannabis cultivation and theft. Schedule 4 of the Act under Section 45 lists 140 offences that are exempt from the statutory defence, generally violent and sexual crimes (MSA, 2015). A person who has been exploited and compelled to commit a criminal offence does not possess the elements of responsibility and agency required by law. However, it is right that at the same time, a balance needs to be achieved between the interest of justice and the protection of the victim.

For this defence to be used, the victim needs to satisfy the evidential burden, after which it is then up to the prosecution to disprove the defence beyond a reasonable doubt. Some comparisons can be drawn between human trafficking victims and domestic violence victims. They both can be subjected to physical and or psychological harm as well as intimidation. Both victims of domestic violence and human trafficking find themselves in a situation where choices they may make to commit crime are because of being groomed or coerced. The defence of duress is often raised. This is difficult for both victims of domestic violence and human trafficking because of the requirement that the threat was unavoidable and there were no other alternatives. Therefore, it is logical to expect victims to leave the situation to get help and report the matter. However, some believe that by running away, they will be deported or harmed by the authorities' others while others believe that they or their families will be injured or killed (Schloenhardt & Markey-Towler 2016). Research conducted by Hibiscus⁹ found evidence that victims of MS are repeatedly prosecuted for crimes they have been forced to commit, identifying 45 women in prison who had disclosed information about their exploitation between February 2013 and March 2017 (Hibiscus, 2018).

Between 2017 – 2018 there were just under 6,000 convictions of children for drug-related offences, however, there is no data that records how often or if the Section 45 defence was raised (Youth Justice Board, 2019). The lack of a statutory definition of child criminal

⁹ See Appendix 6 for details of NGOs

exploitation is contributing to the confusion around the identification of children who are being exploited through County Lines drugs supply. The complexity of the legal framework allows children to be treated as offenders before being considered as victims adds to the issue. Ofer states that at every stage of the process through which victims of trafficking pass, there is insufficient awareness of Section 45, both from first responders such as police and legal professionals, including prosecutors and Judges (Ofer, 2019). The guidance provided to officers from the College of Policing clearly states that where an individual raises the Section 45 defence before a police interview, they should be offered a separate interview about their experience, and an NRM referral should be made; it does not specify what should happen if the defence is raised during an interview or after.

It is well documented that MS and exploitation victims may not self-identify (Ofer, 2019). The definition of a victim is also a little vague and it is not clear whether an individual must be recognised as a victim by authorities and thus be eligible for the non-punishment element of the act. Traditionally more women have been identified as victims predominantly within the sex industry (Global estimates of modern slavery: Forced labour and forced marriage, 2017), This combined with a lack of understanding in victim identification from law enforcement has meant that males are often overlooked, impacting their ability to access the non-punishment benefits of the MS Act (Muraszkiewicz, 2019). Law enforcement agencies have a duty to identify indicators of MS to establish if a person has been exploited and put the necessary safeguarding in place. International law under Article 10 of the Council of Europe Convention against Trafficking and Article 4 of the European Convention on Human Rights; the case of *Rantsev v Cyprus and Russia* (2010) confirms that law enforcement personnel have an independent duty to take proactive steps to identify trafficking and protect victims, regardless of any action or inaction by victims themselves. Law enforcement agencies, along with other agencies also have a duty to refer individuals who they believe are victims to the National Referral Mechanism. With this as a frame of reference there is a need for law enforcement to actively consider if an individual under arrest may be a victim of MS and exploitation, even without the individual or their lawyer putting forward a defence under Section 45. Without a collaborative approach between law enforcement, and other public services this victim group remains largely undetected (Helton, 2016).

A report commissioned by the Children’s Society (2019) into criminal exploitation suggests that professionals across the board are struggling to keep up with the scale of child criminal exploitation and that children are being criminalised as they are not being identified throughout the criminal justice process as being victims of exploitation (Turner, Belcher and Pona, 2019).). The UN Principles and Guidelines on Human Rights and Trafficking recognise that vulnerability for children lies in their lack of understanding of the law (Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2010) Children by their very nature are more vulnerable than adults so the obligation to protect them is greater. Law enforcement has a time limited opportunity to identify victims, and this is made more difficult when considering the HMICFRS report ‘Other Sides of the Coin’ (2020) that states that there are signs that the Section 45 defence may in fact increase the risk of exploitation as some young people are specifically targeted due to their age by organised crime groups to act as runners to avoid prosecution. (HMICFRS, 2020).

2.6 Definition of terms

It is critical that there is an understanding of the terms used when describing MS. The legal definitions of different forms of MS and exploitation are relevant for law enforcement, in terms of not only the identification of these complex crimes and their potential victims, but to also allow for appropriate investigative responses and successful prosecution, and the provision of protection and support for recovery of victims. The following paragraphs look at the available literature and relevant legislation to define the exact meaning of the terms used when discussing MS.

2.6.1 Human Trafficking

Human trafficking is defined under the MS Act as the intention to facilitate the movement, or the movement of individuals with the purpose of exploiting them. The UK follows the definition of trafficking set out in the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) as follows...

“Trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of 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 exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs.

(ECAT Article 4)

2.6.2 Child Criminal Exploitation

There is no specific definition in legislation for child criminal exploitation; it is an umbrella term that covers a wide range of offending. The Home Office Serious Violence Strategy 2018 states that child criminal exploitation occurs

‘.....where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual’ (HM Government 2018, p.8)

Firmin (2018) states that as in child sexual exploitation there is an element of grooming with child criminal exploitation however there is little research that exists examining the relationship between the victim and the perpetrator. A child who is being criminally exploited will usually not recognise that this is the case and may believe that they are in control of the situation. Involvement in exploitative relationships is characterised by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability. The literature reveals that there does not need to be a physical presence to exert control over a vulnerable young person, but it can occur online through smart phones and social media (Storrod & Densley, 2017, p. 687).

2.6.3 Urban Street Gangs

Urban street gangs commonly connected with County Lines are described by Harding (2020) as street orientated youth groups that are involved in criminality and violence which may

over time evolve into organised crime groups. The Centre for Social Justice defines urban street gangs as....

‘A relatively durable, predominantly street-based group of young people who (1) see themselves (and are seen by others) as a discernible group, (2) engage in a range of criminal activity and violence, (3) identify with or lay claim over territory, (4) have some form of identifying structural feature, and (5) are in conflict with other, similar gangs’ (CSJ, 2009)

There is substantial literature that suggests that there is a connection between gangs and the illegal drug market (Aldridge et al., 2011; Bennett & Holloway, 2004; Harding, 2014; McLean, 2018; McLean, Densley & Deuchar, 2018). The National Crime Agency reports that urban street gangs are central to the distribution of drugs through county lines and are heavily associated with child criminal exploitation (NCA 2015).

2.6.4 County Lines

Dame Carol Black’s Review of Drugs (HM Gov, 2020) states that the UK drugs market is worth £9.4 billion a year. There has been a diversification of drug supply networks from inner cities such as London, Birmingham, Manchester, and Liverpool to provincial areas, to retail heroin and crack cocaine (Moyle, 2019), known as ‘running county lines’ or ‘going country’ (Harding 2020). This movement from urban areas to smaller towns has been enabled by advances in technology simplifying the ordering, supply, and distribution (Harding, 2020). Smaller towns offer less challenge and more opportunity along with a degree of anonymity as the gangs may not be recognised by local law enforcement agencies (NCA, 2015). Drugs markets have an important role in driving serious violence, the introduction of the County Lines model sees the exploitation, grooming and coercion of children and vulnerable adults (in relation to MS) who are subjected to threats of violence and intimidation (HM Government, 2018) with levels of violence increasing in areas where County Lines gangs are established (NCA 2016). There is little research on County Lines available with most information being collated and disseminated by the NCA. The policing of the County Lines issue is not just a law enforcement issue but a public health issue in terms of the harm being caused to children and vulnerable adults through active targeting, debt bondage, coercion, intimidation, and violence. It is this active targeting that separates County

[Line drug dealing from traditional forms of drug dealing (Robinson, McLean, & Densley 2019).

2.7 County Lines a Wicked problem

County Lines enterprises are complex. Comparisons can be drawn in relation to County lines being a wicked problem when compared to Rittle and Webber's (1973) distinction between 'tame' and 'wicked' problems (Rittle & Webber, 1973). Tame being relatively simple to define, analyse, fix, and measure. Whereas wicked problems are intractable, messy, and tricky covering multiple organisations and significant human cost due to failure and the need to use service users in the co-production of any meaningful solutions. While much of police work in the 21st Century can be associated with wicked problems the implications for policing of county lines are that it highlights the need to move away from traditional reactive strategies to more forward thinking proactive approaches based on multi-agency partnerships.

County Lines is a very specific aspect of Criminal Exploitation, victims are forced by criminal gangs to run drugs from urban to rural locations across the UK. By the very nature of County Line drug dealing children caught up in this phenomenon have often been groomed and coerced. Criminal exploitation is a sub category of forced labour, which is covered by section 1 of the Modern Slavery Act 2015. t; The identification of County Lines victims presents a problem for law enforcement, historically the debate about 'gangs' has been identified by sensationalism, moral panics, and punitive responses (Goldson & Muncie, 2015). More progressive thinking on gangs acknowledges dual status of gang members as both victims and offenders (HM Government, 2010. Fuller, 2015). The recognition of dual status considers the push and pull factors, and the multiple risk factors likely to be present to vulnerable children who become involved in gangs (HM Government, 2010). The complexities of victims' decision making to remain within abusive and harmful relationship groups, and not to make what is perceived by professionals as the right choice can seem to be irrational, however it is imperative that professionals recognise such decisions from the perspective of the victim and their experiences (Coliandris, 2015).

Punch & James (2017) highlight that the Police, health education and welfare services in the UK have all worked in silos post WWII with little interaction, typically causing disadvantage to the vulnerable in society. The police focus has been on crime control and public order and interaction with other agencies has often been adversarial (Punch & James, 2017). Bittner (1990) and Manning (1977), as cited in Farrell, McDevitt and Fahy, (2008) suggest that police work is guided by routines, with officers anticipating what to expect from the crime they are investigating based on experience. Bartkowiak-Theron & Asquith (2012) suggest that one of the major issues in relation to policing vulnerabilities is that front line officers do not receive the training they require to deal with complex needs and that the lack of specialised training leaves front line officer with only a basic understanding. Any wrong decision about the order or significance of what actions should be carried out in an investigation can have a serious impact not only on the investigation but also on the potential victim. When new crimes such as County Lines and legislation such as the MSA (2015) are introduced, Farrell et al argue that in the event of ambiguity and a lack of understanding of the legislation, that law enforcement may rely on a schema of offences i.e. previously gained knowledge/experience which fits within pre-defined categories in order to identify offenders and victims (Farrell et al, 2015a). This becomes relevant in the case of County Lines drugs dealing and the blurred lines between offender and victim. Hill et al (2008) conducted a systematic evaluation into confirmation bias during interviews which demonstrated that interviewers who held expectations of guilt generate significantly more guilt-presumptive questions than interviewers holding expectations of innocence (Hill et al, 2008). Schema theory would suggest that officers either ignore the crime type, develop new routines to react to the crime or fit the crime into existing procedures and practices. Combining this with confirmation bias can lead to either a lack of identification of cases or, where officers can identify human trafficking offences, their ability to act may be dependent upon their level of knowledge (Newton et al, 2008). The lack of identification by law enforcement of factors underpinning vulnerability and making assumptions from outdated stereotypes can put vulnerable children at even greater risk (Coliandris, 2015). It seems that victims of this crime type must convince society and law enforcement that they are in fact victims to not only validate their experience but also open doorways to support and the right not to be prosecuted. The NCA (2015) suggest that children with no previous convictions are being recruited into county lines to

avoid police detection suggesting that this cohort of children don't fit the understood profile of those young people associated with drug dealing and as a result can go undetected for some time. It is crucial that the identification of human trafficking and MS cases is effective to ensure the arrest and prosecution of the offender and safeguarding of the victim. Incorrect perceptions held by officers can affect how the legislation is interpreted and subsequently implemented (Farrell, McDevitt and Fahy, 2008).

2.8 Vulnerability

In England the 1989 Children's Act stipulates that local authorities have a duty to safeguard and promote the welfare of children in their area. The addition of contextual safeguarding within the 2018 Working Together to Safeguard Children Guidance specifically states that 'as well as threats to the welfare of children from within their families, children may be vulnerable to abuse or exploitation from outside their families', resulting in safeguarding in all cases of exploitation (HM Government, 2018).

The concept of vulnerability is complex and is a key objective globally in the policing discourse. In the U.K. there is no definition as to what makes a particular group vulnerable. There have been concerns raised by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) suggesting that child trafficking remains underreported due to low awareness among practitioners and criticism of the NRM (GRETA 2016:23). The College of Policing (2014) recognises that the term has many meanings in different situations. Her Majesty's Inspectorate of Constabulary (HMIC, 2015) have stated that a vulnerable person is someone "who is in need of special care, support, or protection because of age, disability, or risk of abuse or neglect" (p.137). The World Health Organisation defines vulnerable groups as 'individuals or groups of individuals who are made vulnerable by the situations and environments that they are exposed to' (WHO, 2013:5). This definition shifts more towards the situation and away from labelling any person or group as innately vulnerable. There is little doubt whatever the definition, the issue of vulnerability occupies a significant amount of time for law enforcement. This was confirmed in 2015 by College of Policing following analysis of the demands on UK police forces (College of Policing, 2015). Longstaff *et al* (2015) observed that police are often poorly prepared to identify vulnerability.

Criminal Exploitation is entwined with multiple vulnerabilities and offences, exposing young people to witnessing or being victim of physical and emotional abuse, or neglect, sexual abuse and exploitation, MS and human trafficking offences, domestic abuse and missing from home episodes. It is sometimes difficult for children to recognise that they are being criminally exploited (Ofer, 2019). The NCA (2015) county lines assessment suggests that 46% of the areas taken over by the County Lines business model have at least one issue with deprivation, low levels of educational attainment, unemployment and high levels of mental health or crime. Statistics from the National County Lines Coordination Centre ¹⁰(NCA, 2018) suggest that offenders target a range of children, which can be down to several factors. Factors such as poverty, family breakdown, behavioural and developmental disorders along with exclusion from school. Making young people more vulnerable, so looking to find a sense of belonging that comes from gang membership, which can lead on to exploitation by individuals that they perceive to be their protectors. As the County line model has expanded and re-invented itself, children from stable backgrounds without any criminal footprint have become targets to reduce the attention from law enforcement. To survive in a constantly changing market, urban gangs must recruit new members using tactics that appear increasingly more exploitative and sophisticated, involving vulnerable young children often as young as 10 years of age groomed over a period (Whittaker et al, 2018). Offenders have become highly adaptable enabling them to target the most vulnerable with the aim of maximising profit (NCA, 2018).

The 2018 scoping report from the Home Office reports that children from a variety of backgrounds ranging from children looked after by Social Care, to children from materially well off backgrounds including those who have had contact with statutory and non-statutory services because of dysfunctional home circumstances, are at risk from county line exploitation (Hudek, 2018). The Ministry of Justice report (2017) detailed an increased involvement by young people in the drug market, with convictions of young people aged 10 to 17 for Class A drugs increasing by 77% between 2012-2016. This is three times higher than adult offenders during the same period (Ministry of Justice, 2017). Due to the nature of

¹⁰ The National County Lines Coordination Centre (NCLCC) was launched in August 2018, it is a partnership between the police and the National Crime Agency (NCA) created to map out the threat from County Lines and prioritise action against the most significant perpetrators.

this type of criminality front line practitioners find themselves dealing with the children and vulnerable adults who are being prosecuted for street level dealing outside of the larger cities and not the gangs supplying the dealers. 2018 saw the first prosecution for MS offences involving a county line where a Birmingham drug dealer was convicted of 4 counts of conspiring to supply Class A drugs and 5 counts of human trafficking where the trafficking had involved children. The offender aged just 21, was part of a larger supply ring, had recruited 3 vulnerable children, and was using them to sell drugs some 100 miles from Birmingham. The teenagers had been left in squalid conditions and were controlled over the phone to sell drugs on behalf of the defendant. There was no evidence that the defendant had used any force or duress or that the children had travelled unwillingly or that they had received any payment. The defendant was sentenced to 14 years imprisonment, 8 of which was because of the MSA offences (Crown Prosecution Service, 2018a)

2.9 Police Training

In 2017 the Modern Slavery Police Transformation Unit (MSPTU) was established with a view to providing resources and good practice guides for local forces along with supporting them to not only understand the local threat but to also respond to victims. In March of 2019 they produced guidance in relation to how to manage an investigation involving the Section 45 defence. Contained within the guidance is the following 'if the person is a victim of slavery or trafficking, they should be released from custody immediately and safeguarding measures should be implemented. (Modern Slavery Police Transformation Unit, 2019, p.11). The guidance goes on to stipulate that the National Referral Mechanism (NRM) process must be followed, however there is no guidance on how that identification process should take place; rather it is driven by the officer's belief which is quantified by saying 'belief is founded upon assurance gained by evidence' (Modern Slavery Police Transformation Unit, 2019, p11).

Police training for MS legislation has been delivered in various ways. A specialist in person MS course was developed by the Police Transformation Unit to run over a 5 day period, the course covers all aspects of MS investigations including the Section 45 defence and partnership working however, it is designed for specialist investigators within forces modern slavery teams so has limited reach. The College of Policing along with The National Centre

for Applied Learning Technologies (NCALT)¹¹ have created an eLearning package in relation to MS legislation. Officers receive input on their basic training along with various continued professional development sessions (CPD)¹² (HM Government, 2021)

2.10 Summary

The literature points to a lack of understanding of risk and the ability to identify victims by law enforcement, leading to an absence of high-quality investigations resulting in a lack of prosecutions. One of the aims of this research is to understand the issues faced by law enforcement in the identification of victims and the use of the non-punishment principle. There is limited research into the use of the non-punishment principle and how that affects the criminal justice process. It is clear from the literature that the evolution of urban street gangs into running county lines is proving challenging for law enforcement, leading to inconsistent translation of the principle into the criminal justice process and consequently the prosecution of victims. The literature review has looked at the introduction of the PEQF for police training and argues that although it is recognised that a more knowledge-based training is required for modern day policing current police structures do not allow for the necessary reflective practice to build upon an evidence base.

¹¹ The National Centre for Applied Learning Technologies (NCALT) is a collaboration between the Metropolitan police and the College of Policing it was established to assist the 43 Home Office police forces in England and Wales and the wider policing community in adopting alternative learning methodologies such as e-learning packages.

¹² CPD stands for Continuing Professional Development and is the term used to describe the learning activities professionals engage in to develop and enhance their abilities

Chapter 3. Methodology

This methodology chapter describes the theoretical framework that this research has been set against, considering not only a human rights approach to MS but also Bourdieu's social field analysis concerning the convergence of the three main actors within the research - urban street gangs, law enforcement and victims. It gives an understanding of the design choices of the research, allowing for transparency in relation to replication. It details the sampling approaches considered and the impact of COVID 19 upon the study, along with ethical considerations given to the research. The chapter also looks at the researcher's background, it's bearing on the study and the issues around obtaining access to participants within the law enforcement arena.

3.1 Research Aims

This research aims to evaluate the impact of the use of the Section 45 defence, and how that affects the investigative process and victim identification. The research draws principally on 17 qualitative interviews with serving officers, seeking to understand perceptions of the Section 45 defence. The research questions are targeted at gaps knowledge and understanding in relation to the impact of the defence on police investigations, explicitly relating to county line offending. It will look to outline the research questions and detail the methods and theoretical framework behind the study.

3.2 Theoretical Framework

Slavery has been part of society for thousands of years, and it has had many different forms in all civilisations. Over time slavery has gradually been reshaped from an officially approved legal practice based on the ethnic distinction to one that has become criminalised and moved to the illegal underground economy (Quirk, 2006). Trafficking is a widespread phenomenon; it covers a plethora of practices involving various degrees of consent and coercion and is acknowledged as the transit or transfer of an individual. Trafficking is big business in the UK, reportedly reaching £3.3 - £4.3 billion in the year ending March 2017 (Home Office, 2018).

A Human Rights discourse in relation to trafficking remains without much substance. However, setting MS within a Human Rights framework allows for the identification of

Human Rights abuses by highlighting vulnerabilities regarding victim status rather than the offender status, this, in turn, suggests a more trauma-informed approach (Obokata, 2006). Human Rights legislation addresses real problems associated with human dignity, consequently consideration has been given during this research to a human rights approach.

Trafficking, according to Davidson, is also an economic issue, which has a discourse that has a depoliticising narrative with a view to distracting attention from legal and structural causes of unfreedom (Davidson, 2010). Landman points out that the prohibition of slavery crosses various international instruments (such as Article 8 of the 1966 International Covenant on Civil and Political Rights and Article 7 of the 1998 Rome Statute of the International Criminal Court), and it is more aligned with civil and political rights than economic and social rights setting it within a criminal frame rather than a social justice framework (Landman, 2018). The European Commission (2005) describes human trafficking as ‘a serious crime against persons.’ Its complexity is rooted in political, socio-economic, and cultural factors (Rijken & Koster, 2008). Human trafficking is linked with poverty, inequality, lack of social integration and lack of opportunities; traffickers prey on the vulnerable and trafficking can be seen as an economic process made up of supply and demand for illegal purposes (Muraszkiewicz, 2019). The term vulnerability is widely used within the UK, relating to issues, such as physical or mental impairments and the inability to protect oneself from harm. As a result, the legal concept of vulnerability within the context of human rights is wide-ranging. The Equality and Human Rights Commission (2017) suggest that *‘An individual can be at higher risk of harm, abuse, discrimination or disadvantage if they face adverse external conditions and/or have difficulty coping due to individual circumstances.* Alongside victim identification, the other advantage of a human rights approach is that it can be used to address broader systemic issues allowing an understanding of the issue with a combination of legal, political, social, and economic solutions (Obokata, 2006).

It is helpful to look at County Lines specifically and how they have evolved within the context of a criminological theory. The literature shows that County Lines gangs have social structures that are not always understood by professionals. This lack of understanding contributes to the criminalisation and lack of protection of victims. In his social field analysis, Bourdieu looks at the interaction of different actors within the field and how relationships are built, which go on to transform their own social fields (Bourdieu, 1990). Using Bourdieu

social field analysis as a theoretical framework, a comparison can be drawn as to how county lines drugs gangs and the other actors within this arena, such as law enforcement and the victims involved in the illegal market of drug consumption, build relationships, and subsequently transform their own social fields (Bourdieu, 1990). Bourdieu describes a market within which the hierarchy shapes social interactions inside the group describing them as ‘arenas of competition’. There is often a battle for power and its own internal logic (Bourdieu, and Passeron, 1985). Outside of the gangs, Bourdieu social field analysis can be applied to victims and law enforcement as being other actors within the field. When considering the social field to be a competition between groups, with all the players in the field having a role to play set against their group’s agenda with the dominant players in the field, invested in maintaining their position and destabilising the other players. Bourdieu describes each agent following a specific set of rules for the field that they operate within (Bourdieu, and Passeron, 1985).

Building on Bourdieu’s social field analysis, Harding applied it to urban street gangs identifying them as ‘dangerous arenas of social conflict and competition’ (Harding, 2014). The rise in the use of social media and the internet has enhanced the competition within gangs allowing for violence and rivalry to develop much faster (Harding, 2020). Kotler and Armstrong describe this type of marketing as engaging customers and managing relationships (Kotler and Armstrong, 2018). Combining this with fiscal austerity, there is an ever-increasing pool of vulnerability, with young people gravitating towards urban street gangs (; Moule et al., 2013). Anderson argues that this familiarity of urban street gangs within communities allows for a known vocabulary that all actions are tested against (Anderson, 2000). This extended social field now exists for urban street gangs, and greater competition exists in need to build street capital using violence (Harding, 2020). Bourdieu describes social fields as not being bound physically but relationally, the gang social field which used to be contained to a particular area has now expanded into conceptual territory into smaller counties, thus engaging with more provincial law enforcement and a potentially larger victim base. By using Bourdieu's social field analysis as a theoretical framework for this research, it allows us to look at the convergence of these social fields and how they interact with each other.

3.3 Research Questions

As discussed on page 11, given slavery occurs at the intersection of three common denominators: individual vulnerability, social exclusion, and the failure of the rule of law, the following research areas were developed. These questions were developed from my experience of working in the modern slavery and the introduction of the new legislation. The dominations, three areas I identified in the literature that reflect the key challenges.

1) What knowledge of Section 45 do officers have?

This question is fundamental to the central theme of this research; the literature would suggest that there is a general lack of knowledge of Section 45, resulting in the arrest, prosecution, and detention of victims. This question gives rise to further questions in relation to what training officers have received about the Act and, more specifically, Section 45. This feeds into the failure of the rule of law and the participants' individual vulnerability in understanding the legislation.

2) What do police officers consider to be the strengths and weaknesses of Section 45 of the Modern Day Slavery Act?

It is relevant to the research to understand officers' perceptions of the strengths and weaknesses of the legislation. And how from their perspective that works in practice, to give a critical overview of how the legislation is being utilised. This question looks to address the failure of the rule of law.

3) How do police officers apply knowledge of Section 45 on Prosecution of offenders for MSHT offences and the Protection of victims?

The research aims to evaluate officers' understanding of the legislation and how it is used to prosecute offenders and protect victims. This question addresses the issues around social exclusion and individuals' vulnerability, looking at officers' understanding in relation to context and how this can affect how victims portray themselves.

4) When is Section 45 used and by whom?

This area of the research aims to look at when the Section 45 defence is raised during the investigative process and, if the timing affects the investigating officers view, potentially

causing bias for further investigations. This question aims to explore address the implementation of this legislation on those involved in the criminal justice process.

3.4 Research Design

This research design has been a way of organising the research study from the beginning with a view to addressing gaps in the available evidence. The attention has been less on how to conduct the type of research, and more on which type of research would be appropriate in the circumstances ‘the strategy to be used’ (Hakim, 2000). The research design must be considered in relation to a quantitative or qualitative or mixed approach. Both quantitative and qualitative research have distinctive but contrasting views about what constitutes acceptable knowledge. A quantitative research design is a positivism approach advocating that knowledge is gained through the gathering of facts by collecting and analysing data in which the emphasis is placed on the testing of theories to come to a hypothesis that can then be tested (Bryman, 2001). The foundation of qualitative research requires that the study of the social world uses a different logic, one that reflects the distinction of humans against the natural order as documented by Schutz (1962) sighted in Bryman (2001). The advantage of quantitative data collection is that it provides relatively conclusive answers to questions and when analysed the results are generally considered to be trustworthy. However, this type of research is limited in comparison to qualitative research since it does not take account of individuals thoughts or perceptions about specific events that are under evaluation and does not look at the how and why of the situation.

A multi strategy method combines both quantitative and qualitative research. Bryman (2001) considers that there is an epistemological view that quantitative and qualitative research are incompatible, and that this type of research is not possible, however a more technical position would be that there is prominence given to the strengths of the data collection and analysis and the two research methods can be linked. Flick (2004) refers to this as triangulation. The term triangulation originates in relation to navigation where location is established by using the angles from two fixed points (Heale, Forbes 2013). This method used in research is to increase the confidence in the findings. When considering a triangulation approach the researcher must consider that like any approach to research it must be designed competently,

it must be appropriate to the research questions and the skills of the researcher to carry out both methods effectively.

Consideration was given to an experimental design. This type of research is often conducted within educational establishments gaining insight into teaching methods and their effect. Teachers are used as researchers but there is a danger of research bias although this does not limit the ability of the researcher to be reflective around the process with true experimental research tending to be positive in relation to internal validity (Bryman, 2001). However, this bias can also lead to human error eliminating the validity of the experiment. One of the other disadvantages of the experimental design is that the results can prove difficult to replicate so were not considered appropriate for this research.

A case study design was considered however the basic case study design looks in detail at one case observing the complexity and particularities of a single case (Stake,1995). Within policing research Holdaway (1982,1983) conducted case study research on his own police force where he made covert observations of his colleagues. This is a contentious method of research on ethical grounds however he was able to highlight the nature of police work and culture within which officers worked. There is also the question as to the external validity of case study research, how can a single case be representative for example in Holdaway's case of all police forces, it cannot be, and this must be recognised by the researcher. Bryman (2001) considers that there is considerable crossover between a basic case study design and a cross-sectional design.

Cross-sectional research in its typical form consists of a social survey or structured observations at a single point in time. This type of research looks at variation, more than two cases are often selected, giving way to more variables in which the researcher would be interested. The most common type of research design in social science is a cross-sectional design with one or more pre-existing groups. A cross-sectional design will give the researcher the scope to use both a qualitative and quantitative approach to answer the research questions allowing for the use of a variety of data collection techniques to obtain a better understanding and depth of participants knowledge and application of legislation than either approach alone (Gorard, 2010). This type of research design is now commonly referred to as a mixed-method approach which acknowledges and attempts to consider various points of

view and perspectives, providing a synthesis of ideas from both qualitative and quantitative research.

As this research relates to officers' perceptions and understanding of legislation and its application, it was felt by the researcher that a more qualitative approach rather than a mixed method approach would be better utilised to meet the research aims by reflecting more depth to participant views and experiences. In this case, the sample size does not lend itself to quantitative analysis, which it is acknowledged would have given greater confidence to the findings by using a larger sample. With the various restrictions and limitations on the researcher due to time and COVID it was important to build up officer's trust by building rapport so that they were able to give an insight into the reality of their experiences and understanding, allowing for flexibility which lends itself more to qualitative research.

Having decided on the research design, a decision needed to be made in relation to the research method. The research method is the technique to be used for collecting the data. Bryman (2001) suggests that three of the most notable measures for social research are *reliability*, *replication*, and *validity*. These elements are important to establish if the results of the study are repeatable looking at consistency and stability of the measures used and the validity of the research in relation to the conclusions that are generated. There is an argument that if the research does not fit these criteria, then the findings could be questionable. This criterion is essential for this study in the sense that the accounts given by officers must be plausible and credible considering the small sample size and the kind of information elicited to obtain detailed accounts. An interview approach as a data collection method was used. Interviews compared to questionnaires gather a better narrative allowing the researcher to explore participants views in greater depth.

3.5 Data Collection

Interviewing is the best way to collect data for qualitative research with the aim of answering the specific questions set by the researcher. It provides personal contact facilitating a much higher participation rate than for example, surveys. However, there are obvious disadvantages to conducting interviews, such as the time involved and the potential for interview bias distorting the results (Hagan, 2005). Consideration was given to the type of interview that would most benefit this research. In its basic form, an interview is a

conversation with a purpose, a way of finding out a person's view, experience, and perceptions(DiCicco-Bloom, & Crabtree, 2006).

There are three main types of interviews used in qualitative research; they are unstructured, structured and semi structured (Britten, 1995). In the literature, an unstructured interview is described in various ways: informal conversational interview, in-depth interview, non standardised interview, and ethnographic interview (Zhang & Wildemuth, 2009). In an unstructured interview, there are no predefined questions or agenda of any sort, with the interview taking the form of an unstructured conversation that could lead to questions. A structured interview on the other hand, is one that allows for tight control of the interview, only allowing for a very narrow response from the participant by using closed questions (Stuckey, 2013). Semi-structured interviews are conducted with one participant at a time and consists of both open and closed questions allowing for a dialogue that can twist and turn around the topics being researched, giving greater richness to the answers. The disadvantage of semi-structured interviews is that they take time and effort, not only in the data collection but also in the subsequent analysis (Newcomer et al, 2015).

Due to the nature of the research being conducted, it was felt that using a series of semi structured interviews would be the best way to answer the research questions. Semi structured interviews would give the participants the opportunity to express their views and experiences in an open way allowing for dialogue and understanding of perspectives. Ideally, these interviews would have been conducted face to face allowing for a connection/rapport to be built up with the researcher. However, due to the onset of the COVID-19 pandemic, this was not possible owing to University regulations and government constraints.

3.6 COVID 19

With the onset of COVID 19, the world as we know it changed beyond recognition. The COVID 19 pandemic has significantly changed the way many people, including the researcher, have been forced to work. In one way or another, the pandemic has affected everybody's life across the globe and, as of the 23rd of March 2020, the UK entered a national lockdown. COVID 19 has placed many new environmental demands on police officers. The daily threat of infection put their own health in jeopardy and potentially that of their families (Jennings & Perez, 2020). By the very nature of police work officers have had to be present

within their communities during this very difficult time, facing increased risk. At the outbreak of the pandemic, the use of personal protective equipment was uncertain (Sim, 2020). As a result, and to prevent infection rates rising within police forces, shifts and working conditions were adjusted (Jennings & Perez, 2020), officers began to work remotely where possible using platforms such as Microsoft teams to engage with partners and carry out their daily work.

Prior to the onset of COVID 19, face to face interviews with officers was the preferred choice. In fact, a few of the interviews were conducted on a face-to-face basis prior to the lockdown. However, with the onset of Covid and the disruption for officers this initially presented some challenges. Canterbury Christ Church University instructed that no face to face research would be conducted, and as a result other methods of data gathering had to be considered. Along with technological changes, the growth of the internet has allowed for the development of online interviewing for not only day to day business but for the purposes of academic research. This enabled researchers to conduct interviews all over the world without necessarily having to travel; these are known as synchronous interviews (James & Busher, 2016). Orag (2005) argues that the use of these types of interviews dispels apprehension and lets participants speak freely. With the onset of COVID 19, initially research was not possible, as officers were not available due to work commitments and social distancing, and there was not the IT in place that the police were able to use externally. As time progressed officers were given access to Microsoft teams which allowed for communication, both visually and audibly, and as a result this was the chosen platform for interviews. Other platforms were considered however due to the restrictions on police systems they were not possible. As a result, most of the interviews that were conducted were over Microsoft Teams with the officer usually working from home. This turned out to have its advantages as the participant was able to concentrate on our conversation rather than being interrupted by calls or colleagues.

3.7 Analysis

Consideration was given to how the data would then be analysed. The qualitative data obtained from the interviews was largely semi structured making it not straightforward to

analyse. Miles (1979) describes qualitative data as ‘an attractive nuisance’ due to the richness it provides but the difficulty in the analysis. The process of data analysis can be carried out either manually or by using computer software. One such analytical tool is NVivo. NVivo is a software program used for qualitative analysis allowing the user to import and code textual data to edit the text; retrieve, review and recode (Bandara, 2006). In weighing up whether to conduct analysis manually or using computer software, consideration was given to the time it would take to code the interviews manually compared with using software, and the ease using software should provide regarding the identification of themes. Whilst the sample size is not that large by the very nature of qualitative research, the data is full of detailed information to provide a contextual understanding of the officer’s perceptions.

Whilst the researcher had never used analytical software previously, Canterbury Christ Church University has online lecture recordings, which along with other online tutorials, demonstrated NVivo’s benefits and functionality. The researcher also considered that the interviews were already stored electronically and uploading them to NVivo was a simple process. It is to be noted however, that “NVivo, or any Qualitative data analysis tool for that matter, does not eliminate the need for the researcher to think” (Jemmott, 2002, as mentioned in Bandara, 2006). The software is only as effective as applied by the researcher allowing for creativity and original ideas in relation to the data to be fully explored in an efficient way. The data was then thematically analysed (Braune & Clark, 2006) in NVivo and coded against the framework developed from the data collection. This type of analysis gives the researcher flexibility allowing for large sets of data to be analysed, although care must be given that the researcher does not miss the more nuanced elements of the text. Strauss and Corbin (1988:12) define grounded theory as ‘theory that was derived from data, systematically gathered and analysed through the research process’. Coding is a key process to grounded theory. Charmaz (2006) describes coding as the link between the collection of the data and the emergence of relevant theories. Open coding was used within NVivo as a way of comparing the data and grouping it into relevant categories.

Table 2 Coding Table Example

Below is an example of Data sorted in levels of coding for research question one: Assessing police officers’ knowledge of Section 45

Theme coding Questions	Theme	Sub Theme	Sub Theme
In your experience at what point in an investigation has section 45 been raised and by whom?	When	Basis of Plea	Mitigation
			Newton Hearing
		Police Custody	On Arrest
			Interview
		Remand	CPS
			Defence
		Defence case statement	Court
Effect on Case			
In your experience what crime type is section 45 raised in?	Legislation	Offence	County Lines
			Labour exploitation
			Sexual exploitation

3.8 Sampling approach

Sampling can be divided into two categories - probability and non-probability. Probability samples are samples which permit estimation of the likelihood of each element of the population being selected in the sample (Hagan, 2005). Sampling techniques such as simple random samples in which there is equal probability of any individual being selected is a probability sample. This type of sampling was considered, however due to time constraints alongside the researcher's knowledge that the force being sampled during 2020 consisted of 2900 officers who had collectively conducted 315 MS investigations, it was important to engage with officers who had investigated where Section 45 of the Act had been raised rather than those who had no experience at all. It was felt that a random sample would not be effective, and a more concentrated sample would be the preferred choice. Quota and accidental sampling were not used as they would not be relevant to the research questions, Consideration was given to non-probability sampling, being any sampling procedure that does not conform with the equal probability of selection method (Hagan, 2005). Due to the nature of the research, non-probability sampling was the preferred option. Purposive sampling through direct negotiated access was used to maximise the potential from combined methods rather than focusing on a single means of obtaining information. The usefulness of a purposive sample is judged based on whether it would work in predicting future behaviour

or attitudes of the target population. In the case of this research into police perceptions and knowledge of legislation, a purposive sample which is also referred to as a judgmental or expert sample is one which produces a sample that can be logically assumed to be representative of the sample population. However as stated by Sheley and Wright (1993) sighted by Hogan (2005), it is important to note that findings using purposive samples are technically not generalisable to other settings and populations. There were very practical reasons for choosing a purposive sample over other sample types as it allowed the researcher to select officers who had direct experience of the Section 45 defence within various policing roles. This degree of knowledge allowed the officers to respond to the research questions with first hand experience.

This type of convenient sampling also led onto what is known as snowball sampling with the researcher making initial contact with individuals who are relevant to the research topic and then using those contacts to contact others. This form of direct negotiated access is what Matthiesen, and Richter describe as “warm sources, i.e., identified through personal and professional networks” and “cold calls, i.e., identified through referrals, functions, databases, listings, managers yearbooks, the internet and adverts” (Matthiesen and Richter, 2007 p. 145). The problem with snowball sampling is that potentially it is not a representative sample of the population. Becker remarks that in ‘no sense is snowball sampling random as it would not be possible to draw a random sample, since no one knows the nature of the universe from which it would have to be drawn’ (Becker 1963).

3.9 Sample Characteristics

The participants all came from a policing background and held the position of warranted officers at various ranks. Some of the participants had taken part in specific training courses which means that they are able to use the word detective in front of their rank. The term detective is not a rank but a title which demonstrates and reflects skills, knowledge, and training in a particular field. Although on some unit’s detectives work alongside uniformed colleagues as equals, they will have received more training in serious and complex crimes such as MS. However, as the research is focused on the police understanding of the Section 45 defence and its use, participants were not approached on their rank/status but on their exposure to the defence. As a result, most of the participants were uniformed officers who

had moved from local policing teams into the County's drug enforcement teams now known as Raptor teams. As a product of their work, these officers have become specialised in drug enforcement operations within the county, which does not fall into the areas of responsibility for detectives. The detectives involved in the research worked under the umbrella of serious and organised crime - which is where the portfolio for modern-day slavery sits.

There were 17 participants altogether from one force, 15 male and 2 female officers, with all the officers being white British. The participants were selected through a purposive snowball process as described above the researcher having first made contact with the Temporary Detective Superintendent, due to COVID this was predominantly carried out by way of email initially.

One of the female participants is a Detective within the Modern Slavery team in the same force, and the other is a sergeant, recently moved to Raptor. Consideration was given to the percentage of females involved in the study, to see if the sample was representative of the force. It was established that police data does not determine the gender split of detectives, so the research is not able to draw comparisons other than to say there are 382 Detective Constables and 180 Detective Sergeants within the force.

Table 3 Force Characteristics

Police Officer	Female	Male	Total
	1150 (34.08%)	2224 (65.92%)	3374
Constable	980 (36.12%)	1734 (63.88%)	2716
Sergeant	118 (26.34%)	330 (73.66%)	448

(Diversity and Inclusion Team, 2021)

There was a large difference in the range of experience between the participants, not only because of promotion but also through investigative experience. The mean average length of service is 11.7 years with participants ranging from 3 to 20 years.

Table 4 Participant Characteristics

Participant N=17	Rank	Gender	Service
P1	PC	Male	3yrs
P2	DS	Male	10yrs
P3	PS	Male	15yrs
P4	PC	Male	11yrs
P5	DC	Male	7yrs
P6	TDS	Male	9yrs
P7	PS	Male	10yrs
P8	DS	Female	18yrs
P9	C/INSP	Male	15yrs
P10	DS	Male	10yrs
P11	T/D/SUPT	Male	20yrs
P12	DC	Male	15yrs
P13	PC	Male	12yrs
P14	DC	Female	15yrs
P15	DC	Male	8yrs
P16	PS	Male	11yrs
P17	DS	Male	10yrs

The Section 45 defence is the available defence for slavery or trafficking victims who commit an offence under the MS Act 2015. The interviews (see appendix4) explored participant backgrounds including any training they had received in relation to the MS Act and particularly the Section 45 defence, their experience of the defence along with their understanding of the National Referral Mechanism and how this operates with the Section 45 defence.

3.10 GDPR & Ethical considerations

Obtaining Ethical approval and compliance with data protection is both a central issue for research ethics and a fundamental human right going to the principle that everyone should be valued and respected. To complete this research, approval was sought and received through the Faculty Ethics Committee. One of the best ways to mitigate any ethical concerns arising from the use of personal data is to anonymise it so that it no longer relates to identifiable persons, and by doing this, the data would therefore fall outside of the jurisdiction of data protection law.

The main hypothesis of this project is that there is a lack of understanding by law enforcement in relation to Section 45 of the MS Act, as described by Her Majesty Inspectorate of Constabularies. This research is intended to address these issues by conducting interviews with officers who are practicing in this arena, to gain context and insight into the reality of the use of Section 45 by front line officers and Detectives. Diener and Crandall (1978), as sighted by Bryman (2001), proposes that ethics in relation to social research should be broken down into four main areas:

Harm being caused because of the research to participants

1. A lack of informed consent to the research by participants
2. An invasion of the participants privacy
3. Whether deception is involved

This type of research may yield sensitive data, and it is recognised that generalising details to ensure anonymity and ensuring confidentiality of data will be essential, thus removing any element of harm being caused to the participant. Regarding the issue of informed consent, all the participants willingly agreed and signed consent forms to take part in the research, the interviews were all conducted overtly either in person or via Microsoft teams. Invasion of privacy is linked with informed consent and in these circumstances was not considered to be an issue. The participants were all informed of the purpose of the research, and all wanted to contribute to the understanding of the complexities of the Section 45 defence in relation to practical policing.

3.11 Researchers Background and Reflection

The background of the researcher is a former police detective with 30 years' experience within the field of public protection and online exploitation. Post retirement the researcher now has a role with a non-government organisation as a Victim Navigator supporting victims of MS that are brought to the attention of the police. The role is unique as it is embedded within the police force where this research was conducted and has security clearance vetting, allowing access to police information and staff. The role of a Victim Navigator is a totally independent role from the policing team and bridges the gap between the victim and the criminal justice process. This, to a certain extent, has made the conducting of the research easier as I was not seen as an outsider by the officers but more someone who understand the issues and complexities of policing and MS investigations, not only because of my policing background but also the expertise I now bring in relation to MS investigations. The role of the Victim Navigator also provides strategic advice and training to the force in relation to this complex crime type. As a result, I interact on a regular basis with front line officers, detectives, and senior management.

The process of data collection for this research felt initially quite daunting. I did not have first hand relationships with all the officers I wanted to interview as it became apparent very quickly that most of the Section 45 defences were being raised within drug investigations which are not initially identified as MS investigation consequently, I was not sure how receptive officers would be. Initially this was made harder with the onset of COVID and the prospect of those relationships having to be built over an internet platform, testing my skills

at engaging and building rapport relying on many years' experience of interviewing I was able to adapt quite quickly once I had identified the best platform to use for the interviews. It was important that the participants felt at ease and able to talk freely about their experiences to gather a true perspective, and so engaging with the officers was paramount. On balance I think I did make some mistakes during the process, for example where I had knowledge of the training the officers were talking about, I do not feel in hindsight that I probed sufficiently about the content of the training and the officers understand having attended the specialised 5 day MS course along with completing mandatory elearning NCALT training when the legislation was first introduced. That having been said, all my previous experiences in policing, and the cultural context within which they work, enabled me to conduct interviews that were all over an hour in length and contain lots of rich information around cases and officers experience.

To conduct successful qualitative research, it requires more than the ability to communicate effectively. The researcher needs to understand their own self and how this is viewed by participants (Serrant-Green, 2002). Insider research refers to research conducted within an environment that is familiar to the researcher, knowing the language and the cultural context of the participants allowing for them to be more open with the research (Kanuha, 2000). The lack of identification with the group when conducting research as an outsider can be a positive drive to encourage participation with participants feeling more at ease to discuss some issues.

There is then the question as to which position is more advantageous to the research insider or outsider? With my background and current employment, I felt in a unique position as a researcher in terms of being considered an 'insider' by the participants allowing for a level of trust from the participants. However, to be truly critically reflective I need to consider my own motivation and perspectives for carrying out the research to remain objective. Even with some of the barriers to obtaining access removed, it is still to be acknowledged that the structure of policing is such that it can create problems for researchers. Due to the nature of the researcher's role relationships have been built over time with key individuals prior to the research taking place. This enabled smoother access to participants particularly as no face to-face contact was able to take place.

3.12 Summary

This chapter has detailed the research aims, questions and design. It has outlined the methods used to collect the data which are firmly embedded within a qualitative background by use of semi structured interviews. It has looked at the sampling approach and characteristics of the participants detailing the gender breakdown and the length of service of the participants. It has also described the background of the researcher and identified the perceived insider status because of previous policing experience. The following chapter will look at the findings because of the data analysis and the themes that developed as a result.

Chapter 4. Findings and Analysis

The aim of this chapter is to present the findings of the data obtained from the participants; the themes contained within this chapter have been raised because of the analysis. This chapter will look at the training and development of officers working within this arena to explore their understanding of the legislation. It will explore the issue raised by the participants in relation to the problem of victim identification when looking at victims through the lens of the ideal victim, and the subsequent difficulties around the safeguarding of individuals who find themselves within the criminal justice system. The chapter also contains a discussion in relation to when Section 45 is raised and by whom as well as officers understanding of the act.

4.1 Training and development

In relation to training, the 17 participants are divided into 2 specific groups. Group 1 represented those who had received formal training on the MS Act and the Section 45 defence (29.41%, n=6 officers). Group two consisted of those officers who had not received formal training 64.71% (n=11).

When looking at the training discussed by group 1 officers had received a learning package provided by the National Centre for Applied Learning Technologies (NCALT), alongside the NCALT training 2 officers had also completed a specialist MS investigator course and another 2 recalled having received a continued professional development (CPD) input. When asked about the NCALT training, officers stated that it had taken place in 2015/2016 when the act first came in and they had not had anything since, nor could they recall anything specific about the course - just that they must have done it as it was mandatory at the time. The responses given by the participants suggest that NCALT training is seen as a tick box exercise, and not regarded very highly. This is consistent with research conducted by Honess (2016) where findings demonstrated that officers felt that NCALT was not adequate for their learning needs with officers failing to see its value or benefit.

3 officers spoke about self-development and considered themselves to be self taught 1 of which had not received any formal training at all. It is noted that these, participants 8, 9 and 11 consisted of the two senior officers and the female detective sergeant. This level of personal development is reflective of rank and ambition to progress within policing. These

officers clearly believed that the level of training that they had received was not sufficient to their role and future career prospects, so sought more knowledge. Participant 8 stated that in relation to the review of the force's response to Section 45 defence that had been carried out:

“I had no specific training at all when I was given the review to do, I literally had never heard of it before, so I read a lot of the law first and then did the review so self-taught really.” (Participant 8)

Participant 9 stated that due to his role requirement and that other officers turn to him for advice and direction, he had completed further reading on MS and the Section 45 defence. The participant felt that this was a better way of him learning the most current case law for him to be able to support his teams.

“I think the best we have had is an NCALT when it first rolled out which would probably have been in 2015/2016. Then everything else has been self-taught, reading the judgements that come out, asking the coordinator in ERSOU¹³ ... A bit of google/twitter if you follow the right barristers in essence almost being self-taught.” (Participant 9)

Participant 11 said that as he was delivering training, he needed to upskill himself as had not actually received any training at all.

“I've actually had no training I've taught myself and the reason I taught myself was because I had to deliver Section 45 training to the DIs in xxxx when I took over the MS team. I've not actually had any formal training myself, but I helped write the content for the course and gone through it for the delivery that is being carried out at headquarters. But I've also gone through it with people that have had training, so I have almost been given a bespoke input, but I've never been formally trained” (Participant 11).

11.76%, (n=2 officers) recalled attending continued professional development inputs, 1 of the participants felt that the continued professional development just highlighted the difficulties of fitting County Lines into MS legislation. The participants described the CPD

¹³ Eastern Region Serious Organised Crime Unit

as either conferences which are often difficult to attend or team refresher days. Participant 13 stated....

“Got a better understanding of it” because of attending a CPD conference,”
(Participant 13)

“We have tried to make it [the legislation] fit to county Lines - it is not really fit for purpose, and I think that's one of the biggest challenges” (Participant 17).

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) conducted a review in October 2017 entitled ‘Stolen freedom: the policing response to MS and human trafficking’. As part of this evaluation, MS training provided for operational officers was examined. The evaluation acknowledged the College of Policing (CoP) had introduced a 40 minute NCALT course covering the identification of victims and the statutory defence. The Stolen Freedom report documented that the NCALT training package was only mandatory in about half of the forces evaluated with low completion rates. HMICFRS reported that the lack of the requirement for mandatory training across all forces could be perceived that this crime type is not a priority (HMICFRS, 2017). This is contrary to Honess (2020) where it was argued that if NCALT training was mandatory officers are not motivated to complete it as it is seen as a tick in the box exercise rather than investment in learning. One of the other issues discussed by Honess was that less than half of the officers surveyed believed that NCALT training was sufficient to implement into their day to day work. This is significant when discussing the MS Act and the Section 45 defence due to the limited number of officers who during their day to day work come across this type of offence and defence to enable them to put any training into practice. The implications of this in a complex crime type is that victims of exploitation are being convicted without any recognition that they may have been exploited or they are not being identified as victims so not given the support they deserve (UNDERGROUND LIVES Police response to victims of modern slavery, 2019)). This report by Hestia was the first super complaint¹⁴ in relation to MS questioning the police response to victims of MS raising concerns about identification of

¹⁴ The police super-complaints system allows designated organisations to raise issues on behalf of the public about harmful patterns or trends in policing.

victims, support offered and investigative practices. In response HMICFRS, the CoP and the Independent Office for Police Conduct (IOPC) issued on the 26th of May 2021 stated:

“That there is still too much inconsistency throughout forces, and that more needs to be done to recognise and support victims of slavery, and to ensure that these crimes are investigated effectively. Further steps need to be taken because some aspects of the police response remain unsatisfactory and may be causing significant harm to the interests of the public.” (United Kingdom Government 2021, p1.1)

From the research conducted it was clear that the most comprehensive training was provided through the MS Investigators Course. This course was originally set up by the MS and Police transformation team as a 5 day course covering all aspects of the legislation including the Section 45 defence and is designed for specialist investigators. The course is now an accredited course by the CoP and can be delivered by individual forces (Police, 2018)

Out of the 17 officers sampled 2 officers had attended this course:

‘It was a very good course, very helpful but the realities of that, and how things are dealt with within force, were a bit different at the time’ (Participant 7).

“I have attended the MS specialist investigators course Section 45 was covered to an extent but not in detail” (Participant 14).

With only 2 officers having attended the specialist modern day slavery course, this could reflect the importance the force places on this type of training. All the officers interviewed are specialist officers in relation to drug investigations, MS, and CID. The lack of specialist training for this complex crime type could lead to a risk of failing victims and investigations. Non specialist frontline officers and staff are generally the first point of contact with victims and suspects, however if their point of reference for complex investigations falls to officers themselves who have not had sufficient training there is a risk of further failures.

In relation to the officers who had not received any formal training, all were dealing with elements of the MS Act or the Section 45 defence in their roles. When asked about training there were a variety of views from these officers. Participant 5 refers to receiving emails about amendments. This is a very reactive response to learning and will not benefit the identification of victims as it does not allow for the individual having sufficient knowledge prior to an issue that may need to be researched.

“There are regular emails that get sent around with refreshers, modernisation of the act and good working examples I generally save it in a folder somewhere I’m known to go and get it should I need to refresh myself” (Participant 5).

Several of the participants could not think of any training that they had received on Section 45 or the legislation itself.

“I was accredited¹⁵ in 2008 so I think the legislation wasn’t being bandied about wasn’t being used 12 years ago so no I’ve not had any training.” (Participant 12)

It is impossible to imagine that officers have not received some form of training, the only plausible explanation is that any training (CPD/NCALT) is not meeting the needs of the participants. The case law around county lines investigations is changing all the time. In December 2020 there was case law introduced regarding the decision making process by the Single Competent Authority (SCA)¹⁶ DPP v M [2020] EWHC 3422 (Admin) (15 December 2020). This case provided guidance as to how the NRM decision should be approached in criminal proceedings making it clear that there is a necessity for a referral to the NRM if relevant and the importance of providing written reasons as to why a charge should be made by the CPS upon receipt of a decision of conclusive grounds that someone is a victim of modern slavery from the SCA. However, this was appealed in the case of R v Breani [2021] EWCA Crim 731 on the 19th of May 2021 when the Court of Appeal disagreed with the decision in DPP v M (2020) stating that Single Competent Authority caseworkers are not experts and their reports do not comply with the expert evidence requirements. Consequently their decision in relation to a persons status as a victim of modern slavery is not admissible in a criminal trial. This quick in change in case law in relation to the complexities of victim status demonstrates how imperative it is that officers keep up to date with this changing legislation to manage their cases effectively.

It became clear during the interview process that the restrictions imposed because of COVID 19, and other commitments had also played a part in what, if any, training had been received.

¹⁵ The office is referring to his accreditation as a Detective

¹⁶ The Single Competent Authority is part of the Home Office and is one of the competent authorities who identify and support potential and confirmed victims of modern slavery through the National Referral Mechanism (NRM).

“I have not been able to attend [the training] due to other commitments and court. I’ve been cited on a couple of CPDs, and I am pretty sure human trafficking with one of those topics to be covered but I was not able to attend” (Participant 5)

“No, not at all. I am new. I joined in June [6 months ago]. I haven't had any training at all I don't think COVID helps to be fair. We have sort of stopped all the training.” (Participant 8)

“Mine got cancelled twice now which was COVID related.” (Participant 4)

The idea of using reflective practices has long been associated with enhancing professional knowledge (Schon 1983 in Christopher, 2015). Police officers attend incidents that are often complex, and difficult to understand presenting different challenges forcing them to display professional judgement in challenging situations. According to Richards et al (2018) the impact and relevance of body worn video (BWV) has not been fully explored in police training. There have been Random Control Trials (RCTs) conducted within the UK in relation to embedding BWV (Grossmith et al., 2015;) which identified some potential for continuing professional development by accessing BWV footage, but this has not been explored further research conducted on a force in Norway by Phelps argues that there is a use for BWV in reflective practice (Phelps et al., 2016). More recent research into BWV seems to focus on the presence of BWV and how that does or does not affect officers or the public's behaviour (Yokum, Ravishankar and Coppock, 2019) as opposed to being used for professional development.

The identification and investigation of human trafficking and exploitation is complex, with officers having limited training and experience this makes identifying and responding to this crime type challenging. Research conducted by Farrell and Pfiffer (2014) suggests that when police and local community do not have a clear understanding of what human trafficking is, they do not prioritise it and identification of victims becomes harder, especially when victims do not fit the stereotypes of slavery that are widely portrayed. The trafficking and criminal exploitation of children through forced criminality is surrounded by myths and assumptions (Barlow, 2019). Even when victims come to the attention of the police they are often not identified as victims. Officers tend to solve problems based on trusted schemas knowing what will happen in an investigation and the resources needed to investigate. Investigating a new

crime type means policing must develop new expectations of the victim and the crime and employ different tactics, otherwise officers will fail to identify genuine victims (Farrell & Piffer, 2014).

4.2 Concerns around misuse of S45

When it came to the rest of the questions, the participants were not so easy to divide into such easily discernible groups and then it became a matter of establishing themes and patterns from the group. Officers' perceptions of the Section 45 defence revealed (70.58% n=12 officers) felt that they had seen the defence raised in cases where the person arrested claimed during interview to be a victim of modern slavery but the officers felt that they were just using the defence in order to escape prosecution rather than it actually being the truth

'It's really difficult to give an informed opinion of it because the ones we are seeing time and time again the ones that are being appropriately recorded are the ones that are being raised by drug dealers and I refer to them as drug dealers, where they victims of MS or not because ultimately that is what they have become that's what they've been arrested for I think Section 45 could be an excellent piece of legislation because it protects the most vulnerable however it is very rarely raised by those [vulnerable] people.' (Participant 14)

"My view I think that it's a valid defence that is completely abused if I'm honest, that's what muddied the waters". (Participant 17)

"I have a lot of experience of that defence, and they are mainly negative very negative experiences my view is that it is an overused piece of legislation, and it is being used for completely the wrong things I can see why the legislation was brought in, but it is being misused and I would say 50% of all my cases now the defendant is citing Section 45" (Participant 12).

"it is complex I believe it's been misused this isn't obviously first-hand experience because I haven't had a job or had a suspect to claim Section 45 defence however from reviewing jobs it very much appears to be par for the course for possession with intent to supply offences I've even heard through the grapevine that solicitors are

advising Section 45 defences which suggests that it is being raised by the solicitors rather than being raised by the defendant's themselves.” (Participant, 14)

This defence has created much debate not only in the courts but also amongst officers, with 12 of the 17 participants sharing the view that there is a place for the defence, however they see it being misused. The core of the issue rests on the balance of protecting victims of slavery and trafficking versus the potential misuse of a protective mechanism, which defendants can try and use to their advantage. This is supported by Harding (2020) who over a two-year period carried out research into the evolution of urban street gangs and their involvement with drug markets. Harding argues that officers believed it was a common feeling among county line operatives to claim to be trafficked victims so they would be released, making some officers feel more sceptical of claims of coercion or trafficking.

‘I think the understanding of [Section 45 defence] is very tricky for police forces to get their head around because when it first came in people really got a negative perception of it and that have happened across the country and people are not viewing it objectively as it was designed, I suppose a lot of people see it as out of jail free card for someone who is committing crime.’

(Participant 3).

The data supports the view that whilst officers are alive to the Section 45 defence being raised in their investigations, they are openly sceptical about its validity when it is raised and as a result there will be safeguarding opportunities missed and genuine victims let down.

4.3 The problem of victim identification

It was clear from the interviews, that the raptor officers regularly faced a dilemma in relation to the duality of the perceived victim/offender status. The concept of the ‘ideal’ victim was first introduced by Norwegian criminologist Nils Christie. According to Christie the ideal victim has five characteristics: -

- a) a victim who is perceived to be weak or vulnerable
- b) a victim who was carrying out a respectable project
- c) a victim who is in the right place at the right time

d) a victim who should be weaker than the offender

e) a victim should not be known to the offender

(Christie, 1986) Van Dijk (2009) points out that the English word for victim comes from the Latin word for sacrificial animal, and it is this construction of the victim that makes it problematic especially for this crime type as these young people are often not seen by officers as helpless and naïve but as complicit in their crime. Participant 12 summed up the complexity's officers are often faced with when dealing with county lines victims.

'Where they have been doing it willingly for a week then they have decided they don't want to do it anymore they don't present as good victims do, they? Anyone else looking at that ... a court, a jury ... they have been selling drugs because they wanted the money for a week then when they have decided they want a couple of days off and they haven't been given that time off ... they are such messy investigations in terms of having a victim that presents as being a victim' (Participant 12).

"We had this woman who was literally handing drugs to a drug user. So, at that point our hands are tied. We cannot second guess defendants if they want to give us a defence, give a defence if they don't want to give it, we are not going to go around second guessing them." (Participant 15)

"I think as an officer we are just building the investigation to put to CPS and from our point of view we are relying on them to say whether that case will proceed or not I do not think we are judging ourselves before that but we know that both has to be done so we will run the possession with intent to supply and we will run the other side for the NRM as well and then the whole case will get put to CPS because what we are finding at the minute the ones that get raised at court are coming back to us and delaying the case and we are putting all the information back to CPS and then they are deciding obviously because it is at court at that point so it almost feels like we are doing that beforehand now so we will say this is what we have got for the possession with intent to supply side this is what we have got for the MS side and CPS will make the decision on the entire case as to whether to run it or not" (Participant 8)

"I think a lot of the time some of the true proper victims they get missed or if they're not getting missed they are not getting as good a service as they should be getting

because there are some people trying to take advantage of a situation and there are some solicitors firms trying to take advantage of a situation and I can see why they do it because it is a difference so solicitors are thinking well my task is to get you off here is the defence that is available to me shall we look at and if you are facing 4 or 5 years in prison or you get to run this defence and you don't I know what I would be tempted to do.” (Participant 7)

A similar issue was raised by Participant 13 in relation to labour exploitation where he stated that adults in this circumstance are not only choosing to work for below minimum wage, but they are also actively recruiting others to join them.

“Thinking back to the 2019 job where the two were arrested being involved in the exploitation of the six that had arrived, they were alpha victims they had come across to the UK being victims of exploitation themselves and decided that they were quite happy with that level of exploitation and being paid way below the minimum wage and poor living conditions so were then going on to recruit more victims.”

(Participant 13)

One participant felt that the Section 45 legislation was too complex for front line officers to manage. The issue and complexities surrounding victim identification was mentioned by every participant in the data collection process. The overall view was that no two cases were the same, but it was very difficult on occasions to move away from the comfortable schema of arresting those committing crimes and not looking past it to identify any potential vulnerabilities on an individual case by case basis.

“Because they (officers) want to lock up criminals and they see these people as criminals I don't know what the additions need to be to the Section 45 defence, but it needs something it's too difficult for us we cannot look at a 17 year old and say you are definitely a victim. But then what do we do because if we are not prosecuting the 17 year old drug dealer does that mean that the gang leader who is 30 years old will recruit more 17 year olds because we're not prosecuting them it's difficult to know what the answers are. The ones that are raising it tend to be the young males who have been arrested for drug dealing I think there is a distinct lack of sympathy across the board for those people no matter what their age which isn't right either I've heard stories of 13-14 year old's who have been arrested for possession with intent to supply

from officers who are saying well they're drug dealers aren't they and they can't see past that. There are circumstances where officers should see past that equally there are circumstances where it's been raised as a defence by a solicitor to get their client off, so we are all very cynical unfortunately that is what officers see.' (Participant, 14).

4.4 Perceptions

As with Child Sexual Exploitation, Child Criminal Exploitation involves an element of grooming, the issue with words such as grooming, and exploitation is that they are words used by practitioners (Hallsworth & Young, 2008) and the challenge with any form of exploitation is that victims seldom see themselves as victims. Robinson et al (2019) noted in their research exploring child criminal exploitation and drug dealing in Merseyside and Glasgow identified that exploitation was something that happened to others and that most of the victims were male, who rejected the victim label to uphold their status further stating that drug dealing was their own (rational) choice. Whilst some of the participants agreed that they were being 'used' they talked positively about going 'out there'. Robinson et al (2019) went on to report that even with the dangers associated with county lines and the possible encounters with law enforcement many of the young people suggested that it was easy and financially worthwhile. Barlow (2016) suggests that context gives meaning to behaviour and that whilst it is difficult for professionals to understand the behaviour of young people, understanding life experiences and that many decisions are made to protect themselves or family those decisions then become rational given the circumstances that they are made in. The failure of officers to identify victims of criminal exploitation fails to afford them the right to protection measures including that of the Section 45 defence - an example of this was suggested by participant 15.

'When we did our bit and flipped it on its head and said Well, we are going to try and treat her as a victim now because she is saying via her solicitor, I have evidence to suggest I am a victim we sent officers up there to have a chat with her. Although she never told us anything we tried twice to have a chat with her, the officers eventually met with her and she refused to make disclosures, she refused to do anything she said I won't talk to you unless these conditions can be met to which we said, well hang on

this is not how a victim of crime is supposed to be. You don't get to dictate the conditions that are being met this is not America this is not a life at risk situation. You need to tell us what is going on before we can decide what the risk is to you, have given us nothing to suggest what the risk is we need to know what is going on.”
(Participant 15)

Participant 10 felt that there had been a great deal of improvement in relation to the police identification of victims, especially in MS cases and summed it up by saying:

“We have come a huge way in the last five years identifying vulnerability and risk modern day slavery that wasn't a phrase 5 years ago but it's everywhere now and I think everyone is rightly a lot more aware of where you get your car washed where you get your nails done where you are off to the take away that everything is not perhaps quite what it seems I think we are now much better at identifying that and as a result identifying the crimes that people are found doing is not always out of their own choosing it's in the interests of justice that although someone might have done something illegal it's not always necessarily their fault and I think it is a lot more measured and balanced and it does give that opportunity for someone to put that across to mitigate their circumstances rather than us just going you had your chance to get away from it you could have asked us for help etc. etc. when it is not always that simple.” (Participant, 10)

The complexities of victim identification were also pointed out by Participant 6 who felt that on occasions the process of identifying victims and the decisions that were made consequently sometimes felt quite risky to take too early in an investigative process and it was often better to pursue a criminal investigation initially with the victim being treated as a suspect until the evidence proved otherwise.

“Is it better to lose victims and safeguard down the line, probably but we just have to be open minded when investigating. But we also have to be bold enough to say when someone is stringing you along it is a difficult decision to make sometimes because You are putting your name to a decision which ultimately could mean somebody is not safeguarded I don't know I think if put the measures in place beforehand and you

haven't evidence to show that they are making it up then you have to pursue that.”
(Participant, 6)

Of the 17 participants, 15 stated that they came across the defence being raised in relation to county lines investigations. The interviews conducted with the participants suggest that although they may have been involved in the arrest of individuals they are not being made aware of someone's victim status until they are in custody. They are likely to be legally represented. This fits with the offender status that the police are used to seeing which makes victim identification difficult. The participants suggest that it is not always clear cut especially when the subject is 17 years old thus almost an adult. The non-criminalisation principle should balance criminal justice interest with the non-prosecution of victims of trafficking and exploitation and the prosecution of exploiters however it seems the challenge for law enforcement is the identification of the exploiters especially when the victims do not themselves identify as victims.

The participants felt that it was incumbent on the victims to identify themselves as victims at the earliest opportunity to avail themselves of the police support in relation to the matter for which they had been arrested.

“my whole frustration with this process and the victims or Suspects is that they can say I'm a victim but then completely not engaged with the police at all for example we will have seized a phone from them they will say I am a victim we ask let's have your pin phone number and we can check this and access the material showing us that you are a victim of this offence and that will help our investigation into the person who has been exploiting you and they say oh no you are not going to have my pin number and like I say in all of this you then get the proper victims that are lost to a degree I suspect.” (Participant, 7)

“When it first came in there was no credence to it was just no, I'm being exploited and they didn't have to show what that was now, clearly, they do to a level - it is obviously difficult if they are a genuine victim of slavery to show that, but they certainly have to provide some credibility to that rather than just say the words.”
(Participant, 16)

Participant 11 went on to talk about the process during an investigation and explained that officers would follow a process to mitigate risk by treating someone as a suspect and at the same time a victim...

“That's exactly why because they are doing it because it is a process, they are doing it because they have tunnel vision to focus on getting the suspect charged, and then somebody will say something to them like think it might be MS. I think that by submitting that in NRM that goes off into a magical bucket and another team picks it up, but they don't understand that they have a responsibility under their own investigation”. (Participant, 11)

4.5 When is Section 45 being raised and by whom

The participants were all asked at what point in an investigation were they seeing the Section 45 defence being raised and if in fact they were identifying individuals as victims prior to it being raised as a defence.

Under section 5 of the Criminal Procedure and Investigations Act 1996¹⁷, the Crown Court a defendant must give a defence statement within 28 days of being served the prosecution evidence and this should cover the nature of the defence and any matters that the defendant takes issue with. If there is insufficient information, then the Crown can request further details. According to the participants it is not the fact that there is a statement, it is the delay in the process which seems to make investigating the defence difficult. There was a real sense that participants are seeing it being raised by way of mitigation in defence case statements or at the point of sentence.

“Some are a few weeks before trial they will hold out on their defence case statements for as long as possible sometimes they will plead guilty but on a basis and that basis would be that they were playing a willing role but they were forced initially and then we will get to a Newton hearing (trial within a trial to decide a point of law) and we are able to go there and disprove what they are saying but generally maybe a few weeks before the trial they (the defence) will raise an issue which we need to provide

¹⁷ This code of practice is issued under Part II of the Criminal Procedure and Investigations Act 1996 ('the Act'). It sets out the manner in which police officers are to record, retain and reveal to the prosecutor material obtained in a criminal investigation and which may be relevant to the investigation, and related matters.

rebuttal evidence for and CPS start panicking the criminal justice units start panicking because we have got to try and get all this new evidence served to try and disprove it.” (Participant, 17)

“The defence will do anything to muddy the water of a case or make their clients seem less involved than they were. It is being used so often and so frequently it is to be expected that people will say I was being forced at the time. But without credible information that was occurring or some supporting evidence for the police to work with it is almost impossible. I mean we cannot disprove it, but we certainly cannot prove it because generally it's 2 years ago and there is no information to work with. If someone comes into interview and says people have been asking me to do stuff, even if they didn't recognise that they were being exploited at the time you can see that has happened fair enough as you have things to work with you can look at phone numbers, ANPR number plate records of where people travelled there are some investigative things you can do but 2 years later it is just a delaying tactic because they know that we can do nothing with that it is just a way of delaying it muddying the waters and trying to get a reduced sentence.” (Participant, 3)

“We don't always get defence case statements with detail the commonality is very little detail no checkable facts and no corroboration of their account, and you would think in all the cases you would think there would be some witness at some point they always leave it a few months so they know that there will be no CCTV because every man knows that CCTV only lasts 30 days.” (Participant, 2)

“Normally later in a defence case statement generally interviews for us are no comment interviews or silent and then at some point further down the line they will give a defence case statement saying they are being used. We have a series of questions we ask in an interview so if further down the line when they say I was a slave they have been asked specific questions in the interview so we can say you were asked this at the time and that should help to alleviate the problems. An inference can be drawn from a no comment interview and questions that were asked and not answered, so if you have laboured a point and gone over it in interview it is less impactful later.” (Participant, 3)

A more balanced view was offered by Participant 9 who felt that there was a lack of understanding on both sides in relation to the process of the Section 45 defence which in turn led to a lack of cooperation between parties to the detriment of the potential victim.

“I think there is a stale mate because they see it as a process again and they go we have advised our client he has said this, so we are now submitting the Section 45 defence, and this is our defence case statement that is it and then they know once they have served their defence case statement it is down to the CPS to do their bit.” (Participant, 9)

“There is no onus on cooperation or consideration because the problem falls back into CPS Crown Court upgrades team and their times scales and there is no differentiation between a defence case statement for a burglar without a Section 45 defence and a human trafficking job with a Section 45 defence, they are all treated the same.” (Participant, 9)

The disclosure rules under the Criminal Procedures and Investigations Act 1996 (CPIA) would make the National Referral Mechanism (NRM) form a disclosable document which could possibly undermine the case (Criminal Procedure and Investigations Act 1996). The main theme in relation to this was although it was an area that was always covered in interviews it was generally not raised by the defence until further into the investigation. Participant 16 explained how officers should deal with the defence if it is raised during a custodial interview

“So if they have raised an indication or made it as clear as I’m raising this defence then we would start a parallel investigation so into slavery with them as a victim so we would still investigate our drugs offences whatever that may be but we would have a parallel one to that we would gather that initial evidence we would send of that initial referral to the home office where they would then do their review give an early indication and then dependent on where we were with the other investigation we would then review them both either internally if the investigation sat with me or if it’s with post charge that would go to CPS for their review and I would allocate an officer to deal with the slavery part of that and then look at the perpetrators for the slavery as part of the conspiracy for the wider drug offences.” (Participant 16)

The view of the participants was that in most cases the defence was not raised during the interview however there was some thought that if the defence is applicable in a case, it would/should be part of the investigative process to identify and highlight it...

“I would say more often it appears to be raised in defence case statements in the lead up to trials.” (Participant, 14)

“So, I think that rightly or wrongly people hear the whole caution. You don't have to say anything, they would rather wait and see how things go knowing they have the time to put the defence forward, see what our case is, and they look for it then.” (Participant, 15)

“I don't see the problem with doing that as putting it in the disclosure process because what you could say to the solicitor is yes they have been arrested they were found in these circumstances but we feel that the circumstances they have been found in the intelligence we have is that this person was compelled to do what they did they have no option they had to commit this offence because of the pressure that was being put on them. If you explain that to a solicitor I am adamant that a solicitor they would jump on that it would be the first thing that was brought up be that a prepared statement even if he was able to explain to his client in private after that the police feel that you are a victim that we should explore the route of Section 45 and we can begin that in interview and I feel if we explain that to a solicitor that would probably be the first thing that comes up in interview to be honest with you.” (Participant, 4)

“So, in my experience the ones that have raised it generally don't have any evidence to back that up so therefore I don't think they bring it up at the earliest point because or they don't want to because of the advice they have been given and around what we do.” (Participant, 16)

Participant 16 felt that the defence was being raised by solicitors at the point of charge not initial interview to provide a defence for their client which was not actually present.

“Most 90% of my work is county lines so that defence is generally raised at the point of once they have been charged and going through the court process it won't be brought up in custody or at any point of the police interaction with the people, so it is clearly something that is being driven by solicitors.” (Participant, 16)

Based on the analysis officers see Section 45 being raised predominantly once a person has been charged and a defence case statement is produced. There are policies and procedures in place, but it would seem overall that officers are just following a process, as that is what they have been told to do, rather than understanding the signs and indicators present in victims of exploitation. This is done without fully understanding the complexities of this crime type, particularly in relation to county lines offending. The role of the investigator is clearly a frustrating and confusing one. Officers are aware that the defence needs investigating, but this often takes longer than an individual would be held in custody prior to charge this dual status of victim and offender is problematic, for victims to engage with the police leaving them unlikely to cooperate. A careful balance needs to be drawn between the victim and the interests of justice. Due to the length of time the criminal justice process takes, this defence is often not raised for a considerable time post the original arrest and potential safeguarding opportunities, there is also a very good chance that a full investigation of the defence is unable to happen as a result. This system does not afford the young person their entitlements under the MS Act at the earliest opportunity thus contributing to the trauma suffered by genuine victims and potential criminalisation because of poor practice.

4.6 Officers understanding of the Sec 45 defence

Following on from when officers were seeing the Section 45 defence raised, it was important to understand the participants actual understanding of the defence and how it would be applicable to any individuals that they come across. The findings show that there was some understanding by the participants of the reason behind the Section 45 defence being included in the legislation however it highlighted the often complex nature of the defence being raised in drug related cases.

“The defence allows them to explain to the police that they are being forced or exploited into committing the crimes that they have committed and then the police should then or any law enforcement agency investigating should then have an obligation to treat them as a victim and investigate what they are putting forward. That they are not necessarily suspects or defendants in that case they are victims that are being forced to do it.” (Participant 13)

I think it prompts agencies not just police to be proactive to investigate that because if I wasn't inclined to review whether someone is being exploited or not and I simply arrested all the runners and all the kids, and I wasn't looking at the safeguarding the defence makes me if it raised to look at safeguarding. Or at least if I was completely on the side of, I want to prosecute everyone at least I must look at the evidence and present that, so I guess it blocks me being of that mindset, but I don't think it goes far enough. If that's the objective behind it because I don't have to do too much around that because it relies on them providing detail rather than me to investigate.”
(Participant 16)

“It offers them the potential to be found not guilty of an offence that they have been forced into, and I think that is probably what it was set up for. If there is a particularly vulnerable person boy or girl child adult female mental health person who has been tricked or exploited or forced into committing a crime which they would not have normally committed and there is a defence in law for them not to be found guilty of that. Previously some of the other defences may not have covered both circumstances and there was a gap in the market so to speak so the government have thought to cover that with Section 45.” (Participant 7)

“So, the Section 45 defence if it is brought up by the victim it basically stops them from being prosecuted for the crime that they are associated with, or they have been arrested for. They can be turned from suspect into victim however its not as easy as that you cannot just raise a Section 45 defence and provide no detail to the investigation because otherwise every suspect would be doing that. You cannot just say yes, I've been forced to do this then just stop talking you must assist the investigation in some manner, or you must provide evidence that you were being forced to do this type of crime, that you were subject of slavery, and you were subject to some sort of trafficking. In the case of say brothels or providing false ID that's a crime you cannot carry around false ID, but if you have been forced to do that and you can prove that then you can raise the Section 45 defence. You don't even necessarily have to know the details of the person who providing threats to you.”
(Participant, 4)

In their 2020 inspection *Both sides of the coin: An inspection of how the police and National Crime Agency consider vulnerable people who are both victims and offenders in 'county lines' drug offending*, Her Majesty's Inspector of Constabulary Fire and Rescue Service reported that policing is too siloed was not policing County Lines effectively and argued that a more joined up response was needed working across borders in a single response to the issue. The report also states that in areas where there is joined up working allowing police and others to recognise the risks and early warning signs of exploitation there is limited funding and a real variance of support services across areas. (HMICFRS, 2020). Violence Reduction Units (VRUs)¹⁸ have been set up to tackle the issue but there is still a need to embed youth services and facilitate cross border responses (Hidden in Plain Sight, 2020). Interestingly not one of the participants mentioned the Violence Reduction Unit within their force confirming the siloed approach referred to by HMICFRS. Participant 2 felt that from a supervisory point of view the introduction of the Section 45 defence gave him grounds to suggest that potentially a case should not be proceeded with and could be justifiably filed as not being in the public interest.

“Generally, it stops them getting charged almost gives me good grounds for saying this isn't in the public interest we are unlikely to get a prosecution because they've raised this defence and I actually agree with them set the last email I've had is about a 14 year old that we helped he's now been moved to get away from here because his family couldn't cope with it so gave him up to go into care and go down to and I'm literally about to file that as not in the public interest because he clearly was the victim.” (Participant, 2)

Participant 8 had a much more pessimistic view of the defence from a safeguarding point suggesting that the defence's only use was to mitigate for a more lenient sentence upon conviction.

“Probably not a lot I would say I think it gives them some form of defence to get a lenient sentence is that more what it is probably going to be used for I would imagine I think we tend to prosecute still at the minute for drug related cases excluding

¹⁸ Violence Reductions Units (VRUs) are a key component in local areas to tackle the root causes of serious violence. There are 18 VRUs nationally that bring together police, local government, health and education professionals, community leaders and other key partners to ensure a multi-agency response to the identification of local drivers of serious violence and agreement to take necessary action to tackle these.

cannabis as I think we do treat that differently but most of the drug cases I think we prosecute and I think the sec45 is probably used as a plea bargaining - mitigation so they use it to drop years of their sentence I haven't looked into it I don't know if cps have dropped any or not I have not looked at that side of it because they did their own review certainly the cases we have had at I have never seen any dropped because of sec45 so I wonder if it is just used to get a lesser sentence.” (Participant 8)

There was a clear understanding amongst participants that the Section 45 defence was there for the protection of victims if they had been forced into criminality because of the exploitation they had suffered, however there was an underlying tone that in most cases the defence was only raised to mitigate a sentence as current practice is to charge with offences in most cases.

4.7 Safeguarding

Child criminal exploitation within county lines can take many forms including grooming recruitment and the subsequent compulsion by those in charge to get the vulnerable to commit various criminal offences so that the line remains profitable. In October 2020 the Anti-Slavery Commissioner, Dame Sarah Thornton, put out a call to evidence in relation to the use of the Section 45 defence. The report produced states that there were cases where it would have been appropriate for the defence to be raised in cases of children being charged with drug supply by the police. However, it was argued that there was inadequate investigation conducted into the context of the offending which was happening because the onus to raise the defence is on the defendant (Independent Anti Slavery Commissioner, 2020). The report went on to say that although there was plenty of evidence to suggest that victims were not being prosecuted, they were also not being supported or protected by statutory services or services provided by the NRM. In the inspection carried out by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services they identified that the risk of exploitation is increased in some circumstances if the Section 45 defence is raised (HMICFRS,2020). The NCLCC¹⁹ County Lines Strategic Assessment 2021 states that although the scale of exploitation within county lines is not fully known, trauma is evident through the serious

¹⁹ The National County Lines Coordination Centre (NCLCC) was launched in August 2018, it is a partnership between the police and the National Crime Agency (NCA).

violence that is associated with the running of lines both physically and mentally. The assessment goes on to say that it is essential that law enforcement and statutory agencies not only share information but look to proactively safeguard at the earliest opportunities those that are vulnerable to exploitation within county lines (NCLCC, 2021).

The active identification of MS and human trafficking cases is vital to safeguard victims and prosecute perpetrators. Incorrect perceptions by law enforcement about what human trafficking is and where it occurs can affect the way that human trafficking laws are interpreted and implemented (Farrell et al., 2019). What was clear from the data analysis was that although officers were not often seeing the defence raised during a custodial interview, they were asking relevant safeguarding questions to try and assist them in the identification process, although overall they were not being answered as in most drug related interviews the defendant would answer no comment. The participants felt that this was to do with legal advice being given which was not always allowing a suspect/victim to give the information required by the police to safeguard them. An example of this was given by participant 1 who stated that one of his interviews had been stopped by the attending solicitor on several occasions as their client had started to answer questions around safeguarding, which in turn the participant felt was hampering the investigators' ability to do anything other than see the young person as a guilty party.

“It was very difficult that interview. I remember it because it got suspended 3 times, because he had a solicitor who had told him to go no comment and we were saying literally we are treating you as a victim this is your time to tell us now if someone is forcing you to do this. The Appropriate Adult²⁰ was trying to encourage him to come forward as I imagine that he obviously wanted to say his side and how he was being forced to do this we suspended the interview 3 times because he went to say stuff and then the solicitor would remind him it was no comment and then every time, we would come back it would be a no comment so unfortunately we didn't get anywhere.”
(Participant, 1)

²⁰ The Appropriate Adult is required to be present during the course of a police interview and key stages of an investigation conducted in the police station (PACE Code C, para. 11.15). to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively.

Participant 1 went on to say that he did not consider it to be his place to point a solicitor in the direction of a possible defence for their client in relation to Section 45 although he did agree that if that had happened the interview may have gone a different way.

“I don’t think I’m trained enough to give advice to solicitors. I understand potentially why the solicitor advised in the way they did because the suspect was found in the address where the cannabis cultivation was found. I think she (the solicitor) was probably a bit on the more cautious side in terms of she thought it was just going to be a straight charge. I don't think she considered the Section 45 defence.”
(Participant, 1)

When asked if the participant felt that had they had spoken with the solicitor about the potential to raise the defence during interview and the effect that may have on the investigation and the treatment of the defendant they felt that the interview would have gone completely differently, and the defendant would not have been charged.

The issue of safeguarding within the custody setting was explored with the participants to ascertain their understanding of what processes were in place, and how they as investigators perceived it. It was also interesting to understand what the participants own understanding of safeguarding was within this context. It was clear from the responses that all the investigators (n=17) felt that they covered safeguarding as part of their interview process by means of questioning the defendants during a custodial interview.

“During interview we complete a safeguarding risk assessment with everybody that we arrest and that will cover things such as duress whether there is fear of repercussions or violence any alternative addresses that they could stay at it is a template a questionnaire covers everything to give them an opportunity to explain if they have any concerns and then we can address those and so there is multiple things we can do if somebody is in genuine fear that they are going to have people turn up at their doorstep with Knives or weapons can you look at sourcing alternative housing whether that be taking them to a relative or friend's house overnight or even getting the funding to put them in a hotel while we source alternative accommodation social care and the council help with things like this.” (Participant, 6)

However, some officers went further by saying that remanding young people into custody as a method of safeguarding was an appropriate course of action depending upon the circumstances they were presented with. Participant 3 felt:

“Depends upon the merits of the case we have immediate safeguarding in custody so we have to look at whether we are going to remand the person the way we try and safeguard people is generally by remanding them into custody anyway to be absolutely sure they are safe if they are being asked to do things or they are being forced to do things they've lost time they've lost money they've lost drugs we know that as soon as we book them out someone's going to go and they are straight back in the mix..... If they are not remanded and they must be released, we then must take care of their safeguarding. It's not to go places or be places or even help people with moving things like that with the council Juveniles are very difficult unless there is a strong likelihood that they are going to be remanded from court. You cannot apply the threshold test unless it's happened before there is a pattern of behaviour and they have got remanded. so, we have remanded a few juveniles. You can look at a job very early on and know that the juvenile is not remandable. you can find a juvenile with crack heroin everything but no previous convictions and they are 16 years old they are not getting remanded it's a simple as that so that becomes a safeguarding issue juvenile P.P.O.²¹ on release that's our policy if we have a juvenile involved in drug supply and we cannot remand they are PPO upon release social care take over because there is no way that we can safeguard that child effectively the only thing we can do to take them out of that immediate significant harm is to PPO them taking an emergency protection order normally do it from custody social services meet us in custody.”(participant 3)

“If there was a really high risk to their safety if we thought potentially they are going to be killed then there would probably be a policy decision about whether we are

²¹ The Police have powers under Section 46 of the Children Act 1989 to protect children. If a police officer believes that a child is at risk of suffering significant harm in a particular situation then he/she may exercise powers under this Act to remove the child to suitable accommodation, or, if the child is in hospital or in a place of safety, take steps to keep the child there. Normally, the child would be immediately turned over to the Local Authority to place into foster care. When these powers are exercised, the child is considered to be in police protection. Police protection does not give the police parental responsibility and does not, for example, give the police the ability to consent on behalf of the child to a forensic medical examination.

going to look to prosecute them immediately or bail them and treat them as a victim and look to safeguard them that would really depend on the circumstances of the investigation you may look to remand for their own safety because sometimes being in custody is the best place for them to keep away from everyone who is trying to use them.” (Participant 10)

“It's so easy to get wrapped up in it it's almost giving them that chance to get out of it by giving them the support they need and seeing if they take it or not there are times that we still charge and still do referrals quite often.....if we get any Intel coming in saying the runner is particular Young well there is a particular vulnerability around them Then we will send out I've got a disruption team of officers as well as investigators I've got Intel so I'm quite lucky I've got the whole lot in here so we can manage everything disruption team will go out and try and find that person normally arrest them if this stuff on them just so that we can safeguard them at least we've disrupted that line.” (Participant, 2)

The comments would suggest that the remanding of young people or seeking police protection to force social care to act was common practice to safeguard. This view of ‘safeguarding’ was also commented upon by the Anti Slavery Commissioner where the report suggested that the call to evidence had shown that due to the lack of support for individuals outside of the criminal justice process officers felt that it was better for young people to be criminalised to obtain the statutory support (Independent Anti Slavery Commissioner, 2021) There is a comparison between this crime type and Child Sexual Exploitation (CSE). Children who are being exploited by gangs for their criminal purposes are victims and they should be safeguarded, not criminalised. Child protection is devolved in the UK and there is inconsistency in law, policy, and practices with the care of children tasked to local authorities with room for variation nationally. In 2017 ECPAT UK²² launched a public campaign to push for better multi agency working in relation to child trafficking highlighting there should be improved services through statutory provision. Child sexual exploitation is still the focus of both politics and media campaigns with the victim fitting the required stereotype, the victims of child criminal exploitation commonly face blame for their role in the criminality with

²² ECPAT UK is a leading children's rights organisation working to protect children from trafficking and exploitation.

many being arrested and imprisoned (Craig et al 2019). The criminal justice system gives greater priority to retribution and deterrent through custody than it does to welfare and education to support children caught up in this crim type. In Garland's work, *The Culture of Control*, he talks about the ease of using the penal system to deal with the behaviour of marginal populations rather than governments looking to address the social and economic sources of their marginalization. Garland suggests that this is because custody is easy to implement and can claim success fitting in with the sense of the proper allocation of blame (Garland, 2012).

Dame Carol Black's review of drugs in February 2020 reported that for a young person to receive a conviction it not only risks them being caught up in a cycle of crime and violence they potentially are at further risk of exploitation when in prison or youth offender institutes (HM Govt, 2020).

The opposing view to custody was raised by one of the officers. Participant 4 who discussed the fact that custody was not the way forward and that to remand someone was just a way of ticking a box and that there are better ways to safeguard a young person.

"From custody when you are looking to remand someone there is a safeguarding box to tick on the paperwork allowing for a stronger case to be presented to the custody Sgt and then the Court. I think if you are remanding someone you are instantly building up another barrier of hostility between yourself and the victim. You are basically creating a further gap that's all you are doing. There are far better ways to be able to safeguard someone in that arena as you know, looking at the NRM if they won't take them after they have done their initial assessment you don't just stop or give up there for a child let's say you can do a referral to social care child services, you can get them to provide information that is needed and the social worker can then build a safeguarding plan around them. They will then link in with the school's officer, so if a lot of these children are in the world of drugs and don't go to school the social worker is able to work with the family and re-introduce them back into school the safest environment for children is school. That is one of the safest environments for children is school because that's where you have got the teachers you have the safeguarding officers, then you have social care working with those two

agencies as well so no I don't think remand is the best thing especially when you have someone who is a victim just for safeguarding, I wouldn't do that" (Participant 4).

This was not a view that was widely held though amongst the participants. Participant 6, one of the supervisors on the Raptor teams, stated that as a force they had introduced safeguarding officers onto their teams which helped when young people had been arrested, as the safeguarding officer could do the necessary referrals. Although among the supervisors that took part in the research, there did not appear to be a clear understanding as to the benefits of the Safeguarding role.

"Our safeguarding officers generally make those referrals and have quite close contact within the council so they can try and push through moves quicker. We put panic alarms in on occasions and we have put markers on address to flag any calls as urgent. We can give people replacement mobile phones, a lot of the people that we deal with are from out of the County, so we refer to their home force as well to help with safeguarding. It is difficult for us when they live in other Counties so we will liaise with gang units and youth offending teams and we conduct achieving best evidence interviews." (Participant, 6).

"Their role is fairly new particularly in my department they have only been in place since May, and during that time my department has gone under a new command, so it is still evolving. Their terms of reference are still being defined and worked out, covid hasn't helped that has slowed everything down. They are a really good resource for us to have, the safeguarding police officer based in my team carries investigations and business as usual but his extra arm is day to day liaising with partner agencies social care young offenders and the council to try and identify people who are being exploited, to try and identify people who have been cuckooed early or to try and identify people who could be at risk of being brought into gangs or county lines activity. He carries out intervention with them be that attending strategy meeting talking with social care, doing visits with them or their family. Looking at more enhanced measures, so for example we have one now we are looking to see if we can administer a CAWN (Child abduction warning notice)²³ on the two people we think

²³ A Child Abduction Warning Notice (CAWN). CAWN's are a tactic used by police and social care to protect children from people that may place them at risk. They can be an effective way of protecting a child who is

are trying to bring him into the world of drugs, to try and proactively safeguard before it becomes an issue. And then the other string to his bow is that after we have dealt with someone it's to look at the safeguarding either post charge or post arrest kind of the same things, I've just discussed but in reverse they come to our attention and what can social care and health help with. Are there any diversions we can send them down and to try and prevent any reoffending and having any more risk assigned to them.” (Participant 10)

“Not a lot to be honest as I don't deal with her (Safeguarding Officer) that much the ... one I spoke with her a little while ago she was saying what she does - a lot of the forms to flag people up who need it the younger kids and things like that she does a lot of the meetings with the council things like that all of the macro stuff but yes I don't supervise her directly so I don't have a lot of dealing with that obviously I have flagged a few jobs that we have had there is one in now where some of the younger kids are getting involved and one of the dads is probably the drug dealer, she has been brought into that to try and do some safeguarding in respect of that but other than that I don't have a lot of knowledge of it” (Participant 8).

It is clear from the analysis that officers are finding the safeguarding of vulnerable young people challenging. They are following a process that has been set down from an offender perspective, to negate a defence rather than from a victim perspective which not only safeguards in a more victim centred way, but it would also not take place in custody which is a totally oppressive and controlling environment. It is a positive move that the force has introduced safeguarding officers on the proactive drugs teams, and it is to be hoped that in time more safeguarding will be conducted prior to a young person finding themselves on remand.

4.8 National Referral Mechanism

The 2018 end of year summary from the National Crime Agency (NCA) shows that there is a reported increase in child criminal exploitation figures with referrals increasing by 48% to

regularly missing but may also be used to address controlling, grooming type behaviour which is not associated with missing episodes. A police officer is responsible for serving the CAWN on a suspect who is believed to be harbouring the child.

3,137 in 2018 (NCA, 2018) this figure has risen again and the end of year stats for 2020 show that of the 10,613 referrals into the NRM 47% (4,946) were children identified as being criminally exploited (Home Office Statistical Bulletin 2021). Setter and Baker, 2019 argue that this increase is because of an increased awareness of criminal exploitation in relation to children, however there are concerns in relation to the low levels of reporting and that despite having been identified as victims' children continue to be criminalised (Setter and Baker, 2018).

There seemed to be some confusion, and quite a negative view from the participants, in relation to what the NRM was and how the support it provided made a difference to the victims.

“To be honest I’m not sure because there is no correspondence once I’ve sent of that initial pack if you like with the details unless I’m proactive in sending anything further I’m not asked for anything and there is nothing you can check. There is no sort of detail around that it appears to be a subjective answer or just they will have a threshold that they say yes or no so I think that is fairly poor to be honest it is more they give an answer about an individual’s victim status and then we will decided if that is correct or not and justify either way.” (Participant, 16)

“In the referral mechanism they don't look at anything they regurgitate stuff there is no investigation really or sort of scrutiny of the facts from anyone.” (Participant, 7)

“Sometimes they ask for more detail or they will ask for the mg5 (Case summary document) or some sort of case work we are doing but they do go back and forth by email requesting information, and I would like to think it does some form of trigger of safeguarding from that side of things, but I wouldn't be convinced I have to admit I don't know.” (Participant, 8)

Participants identified that the NRM was an independent decision-making process along with a government statistical tool but not an investigative body...

“It is not an investigative body, unfortunately there are officers out there that think that by doing the NRM that the Single Competent Authority will take over the

investigation. But its statistics because we submit an MS/I²⁴ form to them a duty to notify for victims that we encounter that haven't given consent for the NRM but also to act as a conduit for the Salvation Army seeking Asylum etc. etc.” (Participant 14)

“It is supposed to achieve an independent review as to whether this person is a victim of MS and what safeguarding needs to be put around them and that should assist with the decision making when it comes to any prosecutions around them it should not prevent them from being prosecuted it could just be quite a valid mitigation as to why they have been forced into that criminality or exploitation.” (Participant, 17)

One of the issues raised by most of the participants was a lack of communication with the Single Competent Authority. This was summed up by participant 17 who stated:

“My experience over the years is that it has been quite erratic some people you think they are definitely going to come back as positive, but they come back as negative but others you think they are clearly just taking the mick we can disprove that, and they come back as reasonable grounds then conclusive grounds it doesn't make any sense as there is no communication. That has improved I would say over the last year or so. We do get direct lines of communication now they will come back and ask more details.” (Participant, 17)

However, there was also a view that the NRM was not working at all and that was affecting the defence being raised.

“The NRM has ground to a complete halt because of that and the NCA not being able to keep up with it I think it's almost taken some of the emphasis of it at the ground level, so I've seen a change in how many people are saying it” (Participant, 2)

In September of 2019 a new system to reform the NRM was brought in by the Home Office - this may be one of the reasons there is some confusion amongst officers in relation to who is involved in the process. The new system is supposed to simplify and speed up referrals of potential victims of MS for government support, it is digitalised and has introduced the Single Competent Authority to carry out the assessments rather than the NCA. Participant 2 also felt that there was some confusion with the CPS in relation to the NRM suggesting that CJ

²⁴ If an adult victim (over 18) does not consent to being referred to the NRM: a Duty to notify (MS1) form must be completed instead,. There is still a duty to notify the Home Office that a potential victim of modern slavery has been identified. The victim's details can be anonymous.

decisions were being delayed because of waiting for the NRM decisions; this clearly does not help officers' perceptions of the system.

“The NRM decisions aren't coming through so we are having to run the cases because they can't just sit and wait forever even though a lot of them are. There is inconsistency with the CPS they're waiting for a decision and the CPS lawyer won't look at it until a decision has come through and then I'll put one up with the same circumstances and they'll come back straight away saying I'm happy to charge it's like some want the NRM decision and some don't.” (Participant, 2)

More recently there has been a move to pilot devolved decision making in relation to under 18s which is being trialled within several local authorities. In 2020, 47% (4,946) of referrals into the SCA were under 18. UK national children are the fastest growing group in the NRM partly being driven by county lines (United Kingdom Government, 2021) When talking about the NRM process, participant 7 raised the issue of the NRM process being devolved to local safeguarding boards. His view was that currently the system is not fit for purpose, so this could only be an improvement although at the same time recognising the difficulties this decision-making process may have on social workers: *“I suspect it is the response to them not realising how many referrals they were going to receive. I'm thinking that we have a current setup that isn't fit for purpose, and we get so much so we can regurgitate these decisions out so now they are going to try to pass the buck to Social Services. It might work because we would certainly have more access to them and be able to have a sensible discussion with them. I think it would be better but the only good thing about how it works at the minute was that it was supposed to be an independent body and you are going to be asking social workers who have potentially been working with a child 4 maybe 5 or 6 years to make a like impartial decision they think they are involved in crime wanting to speak ill of some of my colleagues that work in social care understandably they tend to form relationships it is a big ask for them they tend to.... they believe everything they are told but again they are not an investigative body they are there to provide care and help and support.” (Participant, 7).*

The Government states that the identified areas within the pilot scheme will run a multidisciplinary meeting involving health, the police and local authority with the chair not being the lead social worker on the case, to avoid the conflict of interest as identified by

participant 7. The aim being for a reasonable grounds decision to be made no later than 45 days from the date the referral is received. The current process sees this reasonable ground decision made within 5 days. The government argues that this new approach will not only enable the decision-making process to be conducted by individuals involved in the case but also ensure that decisions are made aligned with provision for services in the local area and any law enforcement response (United Kingdom Government, 2021).

4.9 Summary

This analysis chapter has looked in detail at the views of the participants stemming from their experiences of the Section 45 defence. The research obtained information in relation to assessing police officers' knowledge of Section 45. Out of 17 participants 58.82% (n = 10) claimed to have received no training at all in relation to the Section 45 defence, with 17.65% (n = 3) having conducted their own professional development to enhance their knowledge. The research established that there is a modern day slavery investigators course which is promoted by the College of Policing, however only 11.76% of (n=2) participants had attended the course. The participants identified that they did not feel that their training was sufficient but that they were learning as they went along. There is an acceptance that County Lines offending, and the exploitation contained within it, falls under the MS legislation but there is a feeling that it has been shoehorned in, with the legislation not really fit for purpose giving some validity to the officer's frustrations.

Exploring, failure of the rule of law, social exclusion and vulnerability, the analysis examined the nexus between the identification of victims and offenders and the implementation of the criminal justice process. The police interview process, which is necessary to obtain information once an individual has been arrested, was seen by some participants as a way of offering safeguarding opportunities. The decision-making process between victim and offender status for the police is described as a tricky one, with officers believing that some individuals claim to be victims when in fact they were abusing the system. Participants felt that in some circumstances the most appropriate way to deal with safeguarding was to remand someone into custody. It was felt that they would be able to safeguard more effectively. The other option would be to take police protection and hand the young person over to social care to safeguard.

When discussing the defence, officers were in favour of the defence being contained within the legislation for genuine victims however, they stated that it was rarely raised in interview even though the opportunity was always given. The defence was generally being raised in the defence case statement. A defence case statement is a document, usually prepared by the defence lawyer, which is required to be served on the Prosecution in Crown Court proceedings before a trial hearing begins these statements are being provided without much detail and some considerable time post the custodial interview and charging decision. This was seen by the officers as being a defence tactic rather than a method of supporting a genuine victim. Although there was an understanding of the National Referral Mechanism, participants did not feel that there was sufficient communication between themselves and the SCA. Even when policing prioritises MS investigations, if officers are not properly equipped with the correct knowledge to identify the crime it is difficult to ensure that victims are identified, and offenders are brought to justice.

Chapter 5. Concluding Remarks

The purpose of this study is to examine police officers' understanding of the Section 45 defence and how that affects the investigative process. The lack of understanding of the S45 or not identifying victims to which the legislation applies could mean that the investigations are not having an impact. This chapter will discuss the findings and reflect on the strengths and challenges of the research conducted. The study used the available literature to provide the operational context, relevant research, and the legal framework relevant to County Lines drug offending, victimisation, and investigative responses. It shows how this study contributes towards the limited evidence base in relation to officer training in this crime type and the complexities of the victim offender nexus. In addition, the study makes several recommendations in relation to improving officers' understanding of the legislation and the identification of victims.

5.1 Summary of Findings in relation to the research aims

Notwithstanding the limitations of this research, the identification of victims within the MS legislation is complex especially in relation to County Lines drugs offences. Although the participants of this research described numerous challenges in relation to MS, particularly when victims are reluctant to self-identify and are fearful of the police and their exploiter, they approached human trafficking and child exploitation like other traditional forms of crime, waiting for self-identification or for confirmation from a third party such as the Single Competent Authority. This approach often officers 'no choice' but to charge and thus criminalise the vulnerable.

There was a consensus amongst the participants that the young people involved in County Lines were making choices to remain involved; this blameworthiness clearly affected the investigative process resulting in most participants feeling that the introduction of the defence was a delaying tactic rather than a genuine defence. The statutory defence should help to ensure that victims of modern slavery are able to give evidence without fear of being convicted for offences they may have committed connected to their exploitation. There is no quantitative data available with which to assess the scale and impact of Section 45. It is therefore difficult to understand how it has been used or potentially misused. This blame culture displayed by officers narrows the focus, and the identification of individual

vulnerabilities can be missed. Police culture informs attitudes and opinions especially within small teams such as the County Line drugs teams that were part of this study. This can lead to barriers for officers' acceptance of training initiatives to implement new methods of working. This degree of continued professional development is one that should be encouraged throughout the teams.

The characteristics of the teams involved in this research demonstrates that over half of the participants (10 of the 17) had also taken part in detective training within the force, giving them an investigative background, but that the specialised training that is required to deal with this complex crime type had not been addressed by the force leaving the officers unprepared on the whole to provide the service that is required in order to identify genuine victims within the County Lines arena.

The issue of the victim offender nexus has made it difficult for law enforcement agencies to develop responses that acknowledge that some victims are also exploiters and some offenders have been exploited. This issue has become increasingly apparent in County Lines cases, where young people become trapped and reliant on the profits of illicit drug-dealing leading to them becoming criminalised (Coomber and Moyle, 2018). Law enforcement agencies lack an established framework to guide its understanding of how this crime type fits within the MS legislation. Although from this research some of the participants have begun to apply newly learnt knowledge of human trafficking legislation and what that 'looks like' to this criminality. While some perceptions have begun to shift, without clear direction from lawmakers, CPS, or police leadership, the front line officers will continue to struggle, and victims will continue to be prosecuted for offences to which they have a statutory defence.

There is a great deal the police can do to improve their response to victim identification in County Line offending, but real change requires a commitment beyond allocating resources. Investigative strategies need to be thought through to explore the context that young people find themselves in. If we expect officers to identify genuine victims of exploitation, they need to understand the control, coercion and violence used to force children into committing offences and move away from the mistaken view that they are making a choice to be involved. Children who are being exploited by gangs should be safeguarded, not criminalised.

5.2 Recommendations to take forward

The following recommendations are suggested for police and partnership teams dealing with MS investigation involving County Lines. This will help develop an improved understanding of policing County Lines, and better identification of victims within that arena. This is a 21st century problem, which officers are trying to deal with from a culturally siloed and operationally slow position.

1. *Improved and consistent face to face training around victim identification and the nuances involved in the legislation surrounding MS for officers involved in county line investigations.*

Whilst it is acknowledged that some training on MS exists in the way of NCALT, this has consistently proved to be ineffectual leaving officers feeling that it is not adequate for their learning needs and failing to see its value or benefit. By introducing regular continued professional development training giving operational officers real case scenarios to work through to identify victims within the context of county lines and then assessing officers understanding of the training delivered once it has been put into practice. The introduction of this type of regular training and ongoing assessment would also keep all officers updated on the changing landscape when it comes to MS legislation and how this will affect their investigations.

2. *A closer working relationship with partners and statutory services in relation to contextual safeguarding.*

Without the introduction of contextual safeguarding young people will fall through the cracks and will not be identified at the earliest opportunity as being vulnerable to abuse and being groomed for criminality. A trauma informed approach is required to obtain an understanding of the physical, social and emotional impact of trauma on the individual considering the mental health implications for young people involved within County Lines. This should be a long-term approach with more funding providing young people with ongoing support and care.

4. *A balanced strategy needs to be introduced into the policing teams to look at prevention, intervention, and enforcement.*

The policing vision for 2025 is to see more multi-agency teams or hubs, which will pool funds rather than addressing problems in silos ((Police chiefs and PCCs set out a vision for policing in 2025, 2016) the research did not show a holistic approach for this crime type and as a result, over reliance on enforcement will hinder the identification of victims at the earliest opportunity and thus curtail and frustrate the investigative process.

5. *The implementation of a framework for officers on how this crime type fits within the MS legislation.*

The MS Act is rooted in a criminal justice response, but this study, and the surrounding literature, suggests that there is an implementation gap with police forces failing to understand risk and identify victims in relation to County Lines and the link with Criminal exploitation. There is authorised professional practice in relation to modern slavery and gang violence. A national framework/authorised professional practice is required for a consistent policing approach to be applied for this crime type and the juxt position that victims can find themselves in.

5.3 Limitations and further research

The sample size in this research is small so it is difficult to determine if the analysis is an accurate reflection of wider law enforcement. The ideal sample size would elicit sufficient data that the researcher would reach a level where findings were applicable beyond the sample in this research. The study did achieve saturation within the sample size, gathering rich contextual data in response to the research questions. The research did not achieve a level of generalisation that could be claimed more widely because of the limits of the sample size. Given that the participants were selected because of their exposure to the crime type and the Section 45 defence, it is likely that there was some sampling selection bias to meet the criteria of the research. While this inevitably limits the generalisability of the research, it also implies that the wider population of officers who are not working within this field may lean towards being less informed and therefore the study understates the lack of awareness of the general police officer population. If this is the reality of the situation it speaks to the importance of there being the need for clear operational policy procedure and enhanced training in this crime type. Further research into this area with a larger broader sample size

would be beneficial to look at the different policing responses to the issue with a view to informing good practice, and developing an evidence base for law enforcement to work from.

The MS legislation is changing with the introduction of the impending Nationality and Borders Bill which puts an emphasis on credibility and engagement with law enforcement to assist in the victim identification status. As this research has shown, early identification by victims especially involved within County Lines is very difficult. With the introduction of this bill, it is likely that even more victims will be prosecuted rather than identified as victims. Further research will be required into the impact this legislation has in relation to County Lines investigations and the non-punishment principles contained within the act.

The research conducted for this thesis has shown that there is a gap in the implementation of legislation and the understanding by officers of the complex social fields that they are operating within. Left unchallenged, and without further research, the spread of County Lines will bring increased violence and exploitation of the vulnerable. Detection will become more complex, and potentially move beyond the realms of local policing - who are only set up to deal with the local low-level offending. Further research is required to look at the cross over between urban street gangs and organised criminal networks, how law enforcement addresses the relationship between victim and offender, and what vulnerability looks like within this arena. It is only by conducting this research, will law enforcement and partner agencies be able to focus on the problem.

Bibliography

Action against Trafficking in Human Beings GRETA (2012)6. *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom*. [online] Available at: <<http://www.coe.int/trafficking>>.

Aldridge, J., Measham, F. & Williams, L. (2011) *Illegal leisure revisited*. New York: Routledge. Available from: doi.org/10.4324/9780203830468.

Anderson, E., (2000) *Code of the street: Decency, violence, and the moral life of the inner city*. WW Norton & Company.

Annex, I.I., 2000. Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime. In Vienna: United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Available from: https://www.unodc.org/documents/middleeastandnorthafrica/organisedcrime/united_nations_convention_against_transnational_organized_crime_and_the_protocols_thereto.pdf.

Annison, R., 2014. *Hidden in plain sight Three years on: updated analysis of UK measures to protect trafficked persons*. [online] Antislavery.org. Available at: <http://www.antislavery.org/wp-content/uploads/2017/01/hidden_in_plain_sight.pdf>

Assembly, U.G. (1948) 'Universal declaration of human rights', UN General Assembly, 302(2). Available from: <https://www.un.org/en/about-us/universal-declaration-of-humanrights>.

Assets.publishing.service.gov.uk. (2019) *Independent Review of the Modern Slavery Act 2015: Final Repo*. [online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

Bandara, W., 2006. Using Nvivo as a research management tool: A case narrative. In *Proceedings of the 3rd International Conference on Qualitative Research in IT and IT in Qualitative Research* (pp. 6-19). Institute for Integrated and Intelligent Systems. Available from: <https://eprints.qut.edu.au/67148/>.

Bales, K., Hesketh, O. and Silverman, B., (2015). MS in the UK: How many victims?. *Significance*, 12(3), pp.16-21.

Barlow, C.H., 2019. Child criminal exploitation: a new systemic model to improve professional assessment, investigation, and intervention. Doctoral dissertation, University of Hull.

Bartkowiak-Théron, I., ' & Asquith, N. L. (2012). The extraordinary intricacies of policing vulnerability. Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks Available at: <https://www.gov.uk/government/publications/review-of-drugs-phase-one-report>.

Becker, H., 1963. Outsiders-Defining Deviance. Available at: http://leeclarke.com/courses/intro/readings/becker_definingdeviance.pdf.

Bennett, T. & Holloway, K., (2004) Gang membership, drugs, and crime in the UK. British Journal of Criminology, 44, pp.305-323.

Bourdieu, P. and Passeron, JC, (1985) The Genesis of the Concepts of Training and Assessment by Competences in Higher Education, P.11.

Bourdieu, P., (1990) The logic of practice. Stanford university press.

Braun, V. and Clarke, V., (2006) Using thematic analysis in psychology. Qualitative research in psychology, 3(2), pp.77-101.

Brotherton, V., (2019) 'The UK's response to MS: law, policy and politics', The MS agenda: Policy, politics, and practice. p. 97.

Britten, N., (1995) Qualitative research: qualitative interviews in medical research. British Medical Journal, 311(6999), pp.251-253.

Bryman, A., (2001) Social Research Methods. Oxford: Oxford Univ. Press.

Centre for Social Justice, (2009) Dying to Belong, London: The Centre for Social Justice.

Charmaz, K., 2006. Constructing grounded theory: A practical guide through qualitative analysis. 2nd Edition. London, Sage.

Christopher, S., (2015) The police service can be a critical reflective practice... if it wants. *Policing: a journal of policy and practice*, 9(4), pp.326-339.

Criminal Procedure and Investigations Act 1996 (section 23(1))
Assets.publishing.service.gov.uk. 2015. [online] Available at:
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/447967/code-of-practice-approved.pdf

Coliandris, G. (2015) 'County lines and wicked problems: exploring the need for improved policing approaches to vulnerability and early intervention', *Australasian policing: a journal of professional practice and research*, 7(2), pp. 25-36.

College of Policing, (2016) Policing Education Qualification Framework Consultation, Coventry: College of Policing. Available at: policinginsight.com/wpcontent/uploads/2015/04/CoP-Policing-Education-Qualifications-Frameworkconsultation.pdf. [Accessed: April 2020]

Collinge, V. (2019) Faith for the Faithless.Situating Police-Church Partnerships in the Fight Against Modern Slavery. Groningen. Available at: <https://ggw.studenttheses.ub.rug.nl/520/1/1819RCG%20Mascriptie%20Collinge,%20VM.pdf>.

Coomber, R. Moyle, L. (2018) The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines', *The British Journal of Criminology*, Volume 58, Issue 6, November 2018, Pages 1323–1342, <https://doi.org/10.1093/bjc/azx068>

Council of Europe Convention on Action against Trafficking in Human Beings. (2005) Council of Europe Treaty Series - No. 197 Warsaw, 16. (ECAT Article 4). Available at: rm.coe.int/168008371d.

Craig, G. & Balch, A., (2019) *The modern slavery agenda: Policy, politics, and practice*. Bristol, Policy Press.

Crown Prosecution Service (CPS) (2018a) County lines drug-dealer jailed under modern slavery laws, 4 October. Available at: <https://www.cps.gov.uk/west-midlands/news/county-lines-drug-dealer-jailed-under-modern-slavery-laws>.

Crown Prosecution Service (CPS) (2021) Modern Slavery, Human Trafficking and Smuggling. *Legal Guidance, International and organised crime* Available at: <https://www.cps.gov.uk/legal-guidance/modern-slavery-human-trafficking-and-smuggling>.

Cross, A.L., (2013) Slipping through the cracks: The dual victimization of human-trafficking survivors. *McGeorge L. Rev.*, 44, p.395.

Christie, N (1986) The Ideal Victim. In: Fattah, EA (ed.) *From Crime Policy to Victim Policy*. Basingstoke: Macmillan, 17–30.

David, F., Bryant, K. and Joudo Larsen, J., (2022). *MIGRANTS AND THEIR VULNERABILITY TO HUMAN TRAFFICKING, MODERN SLAVERY AND FORCED LABOUR*. [online] Publications.iom.int. Available at: https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf

Davidson, J., (2010) New Slavery, Old Binaries: Human Trafficking and the Borders of 'Freedom'. *Global Networks* 10(2): pp 244–61. Available at: doi.org/10.1111/j.14710374.2010.00284.x.

Densley, J., McLean, R., Deuchar, R. & Harding, S. (2018) 'An altered state? Emergent changes to illicit drug markets and distribution networks in Scotland', *International Journal of Drug Policy*, 58, pp. 113-120.

Police.,(2018). *Training delivery*. [online] Policing-slavery.co.uk. Available at: <https://www.policing-slavery.co.uk/transforming-our-response/training-delivery/>.

Diversity and Inclusion Team, (2021). *Statutory Duty Information Report 2021*. [online] Essex Police. Available at: <https://www.essex.police.uk/SysSiteAssets/media/downloads/essex/about-us/equality-and-diversity/essex-police-statutory-duty-report-2021---final---290121.pdf>

DiCicco-Bloom, B. and Crabtree, B.F., (2006). The qualitative research interview. *Medical education*, 40(4), pp.314-321.

European commission., (2005). Fighting trafficking in human beings - an integrated approach and proposals for an Action Plan. Communication to the European Parliament and the Council, COM (2005) 514.

Equality and Human Rights Commission., (2017) 'Measurement Framework for Equality and Human Rights' Available at: docs.google.com/document/d/1pu_c9tn_PZNI64P52VTa8r8U1eHAoRjcoQW05iaJys/edit

Farrell, A., McDevitt, J. & Fahy, S., (2008) *Understanding and improving law enforcement responses to human trafficking*. U.S. Dept. of Justice. Report number:222752.

Farrell, A. & Pfeffer, R., (2014) Policing human trafficking: Cultural blinders and organizational barriers. *The Annals of the American Academy of Political and Social Science*, 653(1), pp. 46-64.

Farrell, A., Pfeffer, R. & Bright, K., (2015a) Police perceptions of human trafficking, *Journal of Crime and Justice*, 38(3), pp. 315-333. Available at: doi: 10.1080/0735648X.2014.995412.

Farrell, A., Dank, M., de Vries, I., Kafafian, M., Hughes, A. and Lockwood, S., 2019. *Failing victims? Challenges of the police response to human trafficking*. [online] wileyonlinelibrary.com/journal/capp. Available at: <<https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9133.12456>

Firmin, C., (2018) *Abuse between young people*. Abingdon, UK: Routledge.

Flick, U., (2004) *Triangulation in qualitative research*. A companion to qualitative research, 3, pp.178-183.

Fuller, I., (2015) *Sharing Information to Safeguard Against County Lines Gang Activity*. Centre of Excellence for Information Sharing. Available at: informationsharing.org.uk/sharing-information-to-safeguard-against-county-linesgangactivity/ [Accessed: April 2020].

Garland, D., (2012) *The culture of control: Crime and social order in contemporary society*. University of Chicago Press.

Gorard, S., (2010) *Handbook of Mixed Methods in Social & Behavioral Research*. 2nd edn. Thousand Oaks: SAGE Publications.

Goldson, B. & Muncie, J., (2015) *Youth crime and justice*. London, Sage.

Gren-Jardan, T., (2020). *It still happens here: Fighting UK slavery in the 2020s*. Available at: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/07/It-Still-Happens-Here.pdf>

Gren-Jardan, T. and Gleich, L., (2022). *A Path to Freedom and Justice: a new vision for supporting victims of modern slavery*. [online] Justiceandcare.org. Available at: <https://justiceandcare.org/wp-content/uploads/2022/01/CSJ-JC-A-Path-to-Freedom-and-Justice-a-new-vision-for-supporting-victims-of-modern-slavery-single-pages.pdf>

Group of Experts on Action Against Trafficking in Human Beings., (2016) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom*, Strasbourg: GRETA and Council of Europe. Available at <https://rm.coe.int/16806abcdc>.

Grossmith, L., Owens, C., Finn, W., Mann, D., Davies, T. & Baika, L., (2015) *Police, camera, evidence: London's cluster randomised controlled trial of body worn video*. London: College of Policing.

Hagan, F.E., (2005) *Essentials of research methods in criminal justice and criminology*. Boston [u.a.]: Pearson/Allyn and Bacon.

Hakim, C., (2012) *Research design: Successful designs for social economics research*. Routledge.

Hallsworth, S. & Young, T., (2008) *Gang talk and gang talkers: A critique*. *Crime, media, culture*, 4(2), pp.175-195.

Hansard, Volume 630., (2017) Column 487.

Harding, S., (2014). *The street casino*. Bristol, UK: Policy Press.

Harding, S., (2020) *County lines: exploitation and drug dealing amongst urban street gangs*. Bristol University Press.

Haughey, C., (2016) *The MS Act 2015 Review: One Year On*. Available at: 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.

Heale, R. & Forbes, D., (2013) Understanding triangulation in research. *Evidence-based nursing*, 16(4), pp.98-98.

Helton, M., (2016a) *Human trafficking: How a joint task force between health care providers and law enforcement can assist with identifying victims and prosecuting traffickers*. Health matrix, 26, p. 433.

Hibiscus Prison reform., (2018) *Still no way out*. Available at: <http://hibiscusinitiatives.org.uk/wp-content/uploads/2018/09/Still-No-Way-Out-summaryreport.pdf>

Hill, C., Memon, A. & McGeorge, P., (2008) The role of confirmation bias in suspect interviews: A systematic evaluation. *Legal and Criminological Psychology*, 13(2), pp. 357371. Available at: doi: 10.1348/135532507X238682.

Hidden in Plain Sight,. (2020) Gangs and Exploitation A youth work response to COVID-19. [online] National Youth Agency. Available at: <<https://s3.eu-west-1.amazonaws.com/assets.nya2.joltrouter.net/wp-content/uploads/20210417221247/NYA-Hidden-in-Plain-Sight-1.pdf>> [Accessed 28 May 2022].

HM Government., (2010) *Safeguarding children and young people who may be affected by gang activity*. London: HMG. Available at:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/189392/DCSF-00064-2010.pdf.

HM Government., (2018) *Working Together to Safeguard Children*. A guide to inter-agency working to safeguard and promote the welfare of children. Available at: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

HM Government., (2020) *Independent review of drugs by Professor Dame Carol Black part 1*. Available at: <https://www.gov.uk/government/collections/independent-review-of-drugs-by-professor-dame-carol-black>

HM Government., (2021) *Independent review of drugs by Professor Dame Carol Black* Available at: <https://www.gov.uk/government/collections/independent-review-of-drugs-by-professor-dame-carol-black>

HM Government., (2021) *Guidance Modern slavery training: resource page* Available at: <https://www.gov.uk/government/publications/modern-slavery-training-resource-page/modern-slavery-training-resource-page>

HMIC., (2015) *PEEL: Police effectiveness (vulnerability). A national overview*. Available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/police-effectivenessvulnerability-2015/>.

HMICFRS., (2017) *Stolen freedom: the policing response to modern slavery and human trafficking*. Available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/wpcontent/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-humantrafficking.pdf>.

HMICFRS., (2020) *Both sides of the Coin*. Available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/both-sides-of-the-coincounty-lines>

Holdaway, S., (1982) *Police accountability: a current issue*. Public Administration, 60(1), pp.84-91.

Holdaway, S., (1983) *Inside the British police: A force at work*. Oxford: Basil Blackwell.

Home Office, 2015. *Historic law to end Modern Slavery passed*. [online] GOV.UK. Available at: <<https://www.gov.uk/government/news/historic-law-to-end-modern-slavery-passed>

Home Office., (2018) *Serious Violence Strategy*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf.

Home Office., (2019) *UK annual report on Modern Slavery*. Available at: <https://www.gov.uk/government/publications/2019-uk-annual-report-on-modern-slavery>.

Home Office., (2020) *National Referral Mechanism Statistics UK, End of Year Summary, 2019*. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf.

Home Office., (2021) *National Referral Mechanism Statistics UK, End of Year Summary, 2020*. Available at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970995/modern-slavery-national-referral-mechanism-statistics-end-year-summary2020-hosb0821.pdf.

Honess, R., (2016) *The mandatory delivery of ongoing training within the police service of England and Wales and its relationship to the andragogical principle of self-motivation*. [online] Available at: <<https://www.canterbury.ac.uk/science-engineering-and-social-sciences/law-policing-and-social-sciences/canterbury-centre-for-police-research/docs/Mandatory-police-training-and-motivation-MSc-Operational-Report-Richard-Honess.pdf>>.

Honess, R., (2020) Mandatory Police Training: The Epitome of Dissatisfaction and Demotivation. *Policing: A Journal of Policy and Practice*, 14(1), pp.191-201.

Hudek, J., 2018. *County Lines Scoping Report, May 2018*. [online] www.basw.co.uk. Available at: <<https://www.basw.co.uk/resources/county-lines-scoping-report-may-2018>> [Accessed 28 May 2022].

Human Rights Instrument., (2002) *Optional Protocol to the Convention on the Rights of the Child on the sale of children , child prostitution and child pornography.*, Volume 2171, A-27531. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>

INDEPENDENT ANTI-SLAVERY COMMISSIONER ANNUAL REPORT 2020-2021. [online] <https://www.antislaverycommissioner.co.uk/media/1642/independent-anti-slavery-commissioner-annual-report-2020-2021.pdf>. Available at: www.gov.uk/official-documents..

Ilo.org. 2017. *Global estimates of modern slavery: Forced labour and forced marriage*. [online] Available at: https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf

James, N. & Busher, H., (2016) *Online interviewing. Qualitative research*, 4, pp.245-259.

Jennings, W.G. & Perez, N.M., (2020) The immediate impact of COVID-19 on law enforcement in the United States. *American journal of criminal justice*, 45, pp.690-701.

Jus.uio.no. 2022. *United Nations Universal Declaration of Human Rights 1948 United Nations (UN)*. [online] Available at: <<https://www.jus.uio.no/lm/un.universal.declaration.of.human.rights.1948/portrait.a4.pdf>>]

Kanuha, V.K., (2000) “*Being*” native versus “*going native*”: Conducting social work research as an insider. *Social work*, 45(5), pp.439-447.

Kaye, M., (2005) *1807-2007: Over 200 years of campaigning against slavery*. Anti Slavery international. Available at: <http://www.antislavery.org/wpcontent/uploads/2017/01/18072007.pdf>.

Kaye, M., (2008) *Arrested development: discrimination and slavery in the 21st century*. Anti slavery international. Available at: <https://resourcecentre.savethechildren.net/library/arrested-development-discrimination-and-slavery-21st-century>.

Kelly, A., (2017) *Latest figures reveal more than 40 million people are living in slavery*. The Guardian, 19 September. Available at: www.theguardian.com/global-development/2017/sep/19/latest-figures-reveal-more-than-40-million-people-are-living-in-slavery.

Kenway, E., (2021). *The truth about modern slavery*. 1st ed. london: pluto press.

Kotler, P. & Armstrong, G., (2010) *Principles of marketing*. Pearson education.

Landman, T., (2018) *Out of the Shadows: Trans-Disciplinary Research on Modern slavery*. Peace Human Rights Governance 2(2): pp. 143–62.

Lakoff, G., (1980) Conceptual Metaphor in Everyday Language. *The Journal of Philosophy*, 77(8).

Longstaff, A., Willer, J., Chapman, J., Czarnomski, S. & Graham, J., (2015) *Neighborhood policing: Past, present, and future*. A review of the literature. London: The Police Foundation. Available at: www.police-foundation.org.uk/publication/neighbourhood-policing-past-present-and-future.

McGrath, D., (2017). *Human rights and the challenges of ending slavery*.

Matthiesen, J.K. & Richter, A.W., (2007) Negotiating access: *Foot in the door... or door in the face*. *Psychologist*, 20(3), pp.144-147.

McAuliffe, M. & Ruhs, M., (2017) *World migration report 2018*. Geneva: International Organization for Migration. Available at: https://www.iom.int/sites/default/files/country/docs/china/r5_world_migration_report_2018_en.pdf.

McLean, R., (2018) *An evolving gang model in contemporary Scotland*. *Deviant Behaviour*, 39, pp 309- 321. Available at: doi.org/10.1080/01639625.2016.1272969.

Miles, M.B., (1979) Qualitative Data as an Attractive Nuisance. *Administrative Science Quarterly*, 24; 590-601.

Ministry of Justice. (2017). Criminal justice statistics quarterly: December 2016: criminal justice statistics outcomes by offence tool. Retrieved from <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterlydecember-2016>

Miles, M., (1979). Qualitative Data as an Attractive Nuisance: The Problem of Analysis. *Administrative Science Quarterly*, 24(4), 590–601. <https://doi.org/10.2307/2392365>

Modern Slavery Act 2015. Available at: <http://www.legislation.gov.uk/ukpga/2015/30/section/41/data.pdf>.

Modern Slavery Police Transformation Unit., (2019) *A guide to the defence for slavery or trafficking victims who commit an offence*. Section 45 Modern Slavery Act. MSPTU.

Moule, R.K., Decker, S.H. & Pyrooz, D.C., (2013). *Social capital, the life-course, and gangs*. In *Handbook of life-course criminology*. pp. 143-158. Springer, New York, NY.

Moyle, L., (2019) Situating Vulnerability and Exploitation in Street-Level Drug Markets: Cuckooing, Commuting, and the “County Lines” Drug Supply Model. *Journal of Drug Issues*, 49(4), pp. 739-755.

Muraszkiewicz, J., (2019) Protecting Victims of Human Trafficking from Liability: An Evaluation of Section 45 of the Modern Slavery Act. *The Journal of Criminal Law*, London, Sage. Available at: doi.org/10.1177%2F0022018319857497.

National Crime Agency., (2015) *County Lines, Gangs, and Safeguarding*. NCA Intelligence Assessment: Report number. 0129. London: NCA Available at: www.nationalcrimeagency.gov.uk/who-we-are/publications/359-nca-intelligenceassessment-county-lines-gangs-and-safeguarding-2015/file.

National Crime Agency., (2016) *County lines gangs' violence, Exploitation and Drugs Supply 2016*. National Briefing report. Available at: www.nationalcrimeagency.gov.uk/whowe-are/publications/15-county-lines-gang-violence-exploitation-and-drug-supply-2016/file.

National Crime Agency., (2018) *County lines violence, exploitation & Drug Supply 2018* National Briefing report. Available at: www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file.

National County Lines Coordination Centre., (2021) *NCLCC County Lines Strategic Assessment 2020/2021*. Available at: cdn.prgloo.com/media/a814c42e66be436298757f5099bd3fd6.pdf.

Newcomer, K., Hatry, H. & Holey, J., (2015). *Handbook of Practical Program Evaluation*. 4th ed. Jossey-Bass.

Newton, P.J., Mulcahy, T.M. and Martin, S.E. (2008), "Finding victims of human trafficking", available at: www.ncjrs.gov/pdffiles1/nij/grants/224393.pdf.

Obokata, T., (2006) *Trafficking of human beings from a human rights perspective: towards a holistic approach*. Martinus Nijhoff. Available at: library.dundee.ac.uk/F/?func=direct&local_base=DUN01&doc_number=000569443.

Office of the United Nations High Commissioner for Human Rights. 2010. *RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING*. [online] Available at: https://www.ohchr.org/sites/default/files/Documents/Publications/Commentary_Human_Trafficking_en.pdf

Orgad, S., (2005) *From online to offline and back: moving from online to offline relationships with research informants*. In: Hine, Christine, (ed.) *Virtual Methods: Issues in Social Research on the Internet*. Berg, Oxford, UK, pp. 51-66. ISBN 9781845200855
Ofer, N., (2019) Implementation of the Non-Punishment Principle in England: Why Are Victims of Trafficking Not Benefiting from the Protection from Prosecution. *International Law, Journal of Human Rights Practice*, Volume 11, (3), pp 486–507.

Phelps, J., Strype, J, Le Bellu, S, Lahlou, S & Aandal, J., (2016) Experiential learning and simulation-based training in Norwegian police education: examining body-worn video as a tool to encourage reflection. *Policing* . ISSN 1752-4512 DOI: 10.1093/policing/paw014

Piotrowicz, R., (2009) *The legal nature of Trafficking in Human Beings*. *Intercultural Human Rights Law Review* 4, pp. 175-203.

Punch, M & James, S (2017) Researching law enforcement and public health, *Policing and Society*, 27:3, 251-260, DOI: [10.1080/10439463.2016.1205066](https://doi.org/10.1080/10439463.2016.1205066)

Quirk, J., (2006). The anti-slavery project: *Linking the historical and contemporary*. *Human Rights Quarterly*, pp.565-598.

Reed, S, Roe, S, Grimshaw, J, Oliver, R (2018), *The Economic and Social costs of Modern Slavery*. Research Report 100, Home Office, OGL, London.

Richards, P., Roberts, D., Britton, M. & Roberts, N., (2018) The exploration of body-worn video to accelerate the decision-making skills of police officers within an experiential learning environment. *Policing: A Journal of Policy and Practice*, 12(1), pp.43-49.

Rittel, H.W.J. & Webber, M.M., (1973) *Dilemmas in a General Theory of Planning*. *Policy Sciences* 4: pp. 155–69.

Rijken, C & Koster, D., (2008) *A Human Rights Based Approach to Trafficking in Human Beings in Theory and Practice*. SSRN Electronic Journal [online]. <http://dx.doi.org/10.2139/ssrn.1135108>.

Robinson, G., McLean, R. & Densley, J., (2019) Working County lines: child criminal exploitation and illicit drug dealing in Glasgow and Merseyside. *International Journal of Offender Therapy and Comparative Criminology*, 63(5), pp. 694-711.

Salvation Army (2019) *Supporting adult victims of Modern Slavery: year eight report of The Salvation Army victim care and coordination contract*. Available at https://issuu.com/salvationarmyuk/docs/final_modern_day_slavery_report_2019_colour/1?e=5764755/73162031

Schloenhardt, A. & Markey-Towler, R., (2016a) Non-criminalisation of Victims of Trafficking in Persons—Principles, Promises, and Perspectives. *Groningen Journal of International Law*, 4.

Sen, A., (2004) *Elements of a Theory of Human rights*. Available at: <http://compus.uom.gr/MBAL108/document/Course materials/jsen on human rights.10884963.2004.00017.pdf>.

Serrant-Green, L., (2002) *Black on black: Methodological issues for black researchers working in minority ethnic communities*. *Nurse Researcher*, 9 (4), p.30.

Setter, C. & Baker, C., (2018) *Child Trafficking in the UK 2018: A Snapshot*, London: ECPAT UK. Available at: www.basw.co.uk/system/files/resources/child%20trafficking%20uk%202018.pdf.

Sim, M., (2020). *The COVID-19 pandemic: major risks to healthcare and other workers on the front line*. [online] Available at: <<https://oem.bmj.com/content/oemed/77/5/281.full.pdf>>

Stake, R.E., (1995) *The art of case study research*. London, Sage.

Stogner, J., Miller, B.L. & McLean, K., (2020) Police stress, mental health, and resiliency during the COVID-19 pandemic. *American journal of criminal justice*, 45(4), pp.718-730.

Stuckey, H.L., (2013) Three types of interviews: Qualitative research methods in social health. *Journal of Social Health and Diabetes*, 1 (02), pp. 56-59.

Strauss, A. & Corbin, J.M., (1997) *Grounded theory in practice*. London, Sage.

Storrod, M. & Densley, J., (2017) ‘Going viral’ and ‘Going country’: The expressive and instrumental activities of street gangs on social media. *Journal of Youth Studies* 20, pp. 677–696.

The Office of the United Nations High Commissioner for Human Rights., (2002) *Recommended Principles and Guidelines on Human Rights and Human Trafficking* E/2002/68/Add.1. Available at: <https://www.ohchr.org/documents/publications/traffickingen.pdf>.

Turner, A. Belcher, L. & Pona, I., (2019) *Counting Lives Report*. The Children’s Society. Available at: www.childrenssociety.org.uk/sites/default/files/2020-10/counting-livesreport.pdf.

United Kingdom Government., (2021) *Devolving child decision making pilot program: general guidance* <https://www.gov.uk/government/publications/piloting-devolving-decision-making-forchild-victims-of-modern-slavery/devolving-child-decision-making-pilot-programme-general-guidance-accessible-version>.

United Kingdom Government., (2021) . *The hidden victims: Report on Hestia's super-complaint on the police response to victims of modern slavery*. [online] Available at: <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>.

United Kingdom Government., (2021). *Modern slavery training: resource page*. [online] Available at: <<https://www.gov.uk/government/publications/modern-slavery-training-resource-page/modern-slavery-training-resource-page>>

UNDERGROUND LIVES Police response to victims of modern slavery. (2019). [online] Available at: <https://www.hestia.org/Handlers/Download.ashx?IDMF=952a9bfc-b57e-42f0-9ff3-6efcafb5db6f>.

United Nations, Slavery Convention (1926) Available at: https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.13_slavery%20conv.pdf

Van Dijk, J., (2009) *Free the victim: A critique of the western conception of victimhood*. International Review of Victimology, 16(1), pp.1-33.

Van Dyke, R., (2019) *The UK's response to Modern slavery: law, policy, and politics*. The Modern Slavery agenda: Policy, politics and practice, pp. 47. Available at: doi:10.1332/policypress/9781447346791.003.0003.

Villacampa, C., (2019) Trafficking in Human Beings for criminal exploitation from the perspective of victims and professionals. *World society of victimology affiliated journal* 13(3). Available at: doi.org/10.14664/rcvs/931.

Welby, J., (2017) '*Sins before our eyes*' Speech to the Istanbul forum on Modern Slavery. Available at: <https://www.archbishopofcanterbury.org/speaking-and-writing/speeches/archbishop-canterburys-speech-istanbul-forum-modern-slavery>

Whittaker, A.J., Cheston, L., Tyrell, T., Higgins, M.M., Felix-Baptiste, C. & Harvard, T., (2018) *From Postcodes to Profits: How gangs have changed in Waltham Forest*. London, London South bank university. Available at: doi.org/10.18744/PUB.002234.

World Health Organisation., (2013) *Comprehensive Mental Health Action Plan 2013-2020*. Geneva: WHO. Available at: www.who.int/publications/i/item/9789241506021.

Youth Justice Board, Ministry of Justice., (2019) *Youth Justice Statistics 2017/18 England and Wales*. Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf.

Yokum, D., Ravishankar, A. and Coppock, A., (2019). A randomized control trial evaluating the effects of police body-worn cameras. *Proceedings of the National Academy of Sciences*, 116(21), pp.10329-10332.

Zhang, Y. & Wildemuth, B.M., (2009) *Unstructured interviews*. Applications of social research methods to questions in information and library science, Libraries Unlimited. pp.222-231.

Appendices

Appendix 1 - Ethical Decision

Ms. Debi Lloyd

School of Human and Life Sciences

Faculty of Social and Applied Sciences

9th July 2020

Dear Debi

Confirmation of ethics approval: Doctoral Research Project

Your ethics application complies fully with the requirements for ethical and governance review, as set out in this University's Research Ethics and Governance Procedures and has been approved.

You are reminded that it is your responsibility to follow, as appropriate, the policies and procedures set out in the Research Governance Framework and any relevant academic or professional guidelines.

Any significant change in the question, design or conduct of the study over its course will require an amendment application and may require a new application for ethics approval.

It is a condition of approval that you must inform ethics@canterbury.ac.uk once your research has completed.

Wishing you every success with your research.

On behalf of

Faculty of Social and Applied Sciences Ethics Panel dennis.nigbur@canterbury.ac.uk

Appendix 2 - Participant information



The impact of Section 45 of the Modern slavery Act on Police investigations

PARTICIPANT INFORMATION

A research study is being conducted at Canterbury Christ Church University (CCCU) This research is being led by Debi Lloyd, with support from the Centre for Policing Research (CCPR) Canterbury Christ Church University

Please refer to our [Research Privacy Notice](#) for more information on how we will use and store your personal data.

Background

Human trafficking and MS are highly profitable and global issues. MS takes many forms including labour exploitation, sexual exploitation, domestic servitude, and criminal exploitation where victims are coerced and controlled into committing illegal activities. In 2015 the UK government introduced a MS Act described at the time as being world leading. The act introduces Section 45 the ‘non-punishment’ principle providing a defence for an individual in relation to some criminal offences. This principle recognises that individuals who have been compelled to commit criminal offences whilst under the control of others and subject to violence, threats, deception, or compulsion should not be criminally responsible. There is limited research in relation to criminal exploitation, the risk is transferred onto the victim and the proceeds from this crime type are high. County lines drug dealing, which sees drug dealers travel from urban locations to provincial towns to supply class A drugs is well-established in the UK but is characterised by the exploitation of the vulnerable to distribute the product. In 2016 the National Crime Agency labelled these supply practices as a ‘national

threat'. There is no definition within the UK of what should be considered as vulnerable, although Her Majesty's Inspectorate of Constabulary have suggested a vulnerable person is someone "who is in need of special care support or protection because of age, disability, or risk of abuse or neglect" (HMIC,2015). These risk factors have been identified by the NCA (2017) as being characteristics for involvement in county lines labour exploitation. Calandrias (2015) suggests that responding to the vulnerabilities associated with county lines is one of the main challenges presented to law enforcement when it comes to the investigation of county lines offences. The victims might not at first glance meet the parameters of a 'traditional' victim, instead crossing the line between 'victim' and 'offender' making responding to this challenge more complex. Due to the nature of county lines, local police forces inevitably are arresting street level drug runners who are then being prosecuted for drugs related offences. The prosecution of victims of exploitation touches on the most basic of human rights issues, namely freedom from slavery and freedom from wrongful attribution of criminal responsibility and the right to a fair trial. It is acknowledged that many victims of exploitation do not identify as victims within the criminal justice system and that a duty exists for public sector agencies including the police to spot the signs and provide the appropriate safeguarding. The duty of law enforcement is extended to actively consider that an individual may be a victim of exploitation and if appropriate even without the individual or their legal representative raising a Section 45 defence it should be investigated. In 2017, the HMICFRS report on MS suggested that there was poor awareness by police officers in relation to indicators of exploitation and a lack of knowledge in relation to the Section 45 defence. The purpose of this project is to investigate this reported lack of knowledge and the impact that is having on county lines, investigations, and potential victims of MS. It will look at the complex considerations that are at stake when law enforcement engages with victims/offenders of the county line issue and officer's views of the Section 45 defence and how it is used within this crime type. The intended outcome of this research is to evaluate the current use of Section 45 of the MS Act and to obtain a comprehension of how this relatively new legislation is being utilised and understood by officers. This will, in turn, improve victim identification and investigative techniques.

What will you be required to do?

Participants in this study will be required to take part in a semi structured interview process to gather your thoughts and view in relation to Section 45 and how it is used in your investigations

Confidentiality and Data Protection

The following categories of personal data (as defined by the [General Data Protection Regulation](#) (GDPR)) will be processed:

The study can offer anonymity and no identifiable information needs to be collected from you. Data for the study will be used in academic reports, but no names or identifying information will be included in these reports.

If you would like to obtain further information related to how your personal data is processed for this project, please contact Debi Lloyd

You can read further information regarding how the University processes your personal data for research purposes at the following link: Research Privacy Notice - <https://www.canterbury.ac.uk/university-solicitors-office/data-protection/privacynotices/privacy-notices.aspx>

Dissemination of results

MA thesis will be published in the CCCU library

Process for withdrawing consent to participate

You are free to withdraw your consent to participate in this research project at any time without having to give a reason. To do this just send an email to Debi Lloyd and inform the withdrawal of your consent

You may read further information on your rights relating to your personal data at the following link: Research Privacy Notice - <https://www.canterbury.ac.uk/universitysolicitors-office/data-protection/privacy-notices/privacy-notices.aspx>

Any questions?

Please contact *Debi Lloyd* on dl237@canterbury.ac.uk

Appendix 3 - Consent Form



Consent Form

Title of Project: The impact of Section 45 of the Modern Slavery Act on Police investigations

Name of Researcher: Debi Lloyd

Contact details: Canterbury Christ church University, N Holmes Rd, Canterbury CT1 1QU **Telephone:**
01227 927700

Email: dl237@Canterbury.ac.uk

- I confirm that I have read and understand the participant information for the above project and have had the opportunity to ask questions.
- I understand that my participation is voluntary and that I am free to withdraw my participation at any time, without giving a reason.
- I understand that any personal information that I provide to the researchers will be kept strictly confidential and in line with the University [Research Privacy Notice](#)
- I understand that my participation is voluntary and that I am free to withdraw my participation at any time, without giving a reason.
- I agree to take part in the above project.

Name of Participant.....

Date.....

Signature.....

Name of person taking consent (*if different from researcher*)

Date.....

Signature.....

Name of Researcher.....

Date.....

Signature.....

Appendix 4 – Interview Questions

Section 45 of the MS Act an examination of police investigations

1. Have you had any training specific to Section 45 of the MS Act?
2. What are your experiences of or with Section 45 of the MS Act?
3. What are your perceptions of how Section 45 is used?
4. Do you have any knowledge or experience of Section 45 being raised falsely?
5. If so, what were the circumstances?
6. In your experience at what point in an investigation has Section 45 been raised and by whom?
7. In your experience what crime type is Section 45 raised in?
8. What is the procedure or action have you taken if Section 45 is raised during a custodial interview?
9. In relation to cases where a remand in custody is sought, and Section 45 is raised during an interview, what effect does this have on actions taken?
10. What protection does the use of Section 45 offer victims of MS?

Appendix 5 - Coding Table

Theme coding Questions	Main Theme	Theme	Sub Theme
Have you had any training specific to Section 45 of the MS act?	Background/ Training	Role	Chief Officer
			Detective Sgt
			Police Sgt
			Detective Constable
			Police Constable
		No Training	Length of Service
			Covid
		Self-Taught	Force SPOCs
			Internet
			College of policing website
			Learning on the Job
		Yes	MSHT Specialist Course
			CPD
			NCALT
		Training Recommendations by participants	Specific training for all officers on the entire legislation
			Specific training on Section 45 defence
Joint training with CPS			
Immersive training			
Change in culture			
What are your perceptions of how section 45 is used?	Culture	Lack of understanding	Negative
			Difficult
			Abused all the time
	Informed	Abused some of the time	
		Positive	
	What are your experiences of or with Section 45 of the MS act?	Participants experiences	Claimed falsely
Gang affiliation/Get out of jail card			
Duress			
CPS			Discontinuance
			NRM
			Process/inconsistency
Genuine Victims			Arrest
			Age

			Exploitation
Theme coding Questions	Theme	Sub Theme	Sub Theme
In your experience at what point in an investigation has section 45 been raised and by whom?	When	Basis of Plea	Mitigation
			Newton Hearing
		Police Custody	On Arrest
			Interview
		Remand	CPS
			Defence
		Defence case statement	Court
Effect on Case			
In your experience what crime type is section 45 raised in?	Legislation	Offence	County Lines
			Labour exploitation
			Sexual exploitation
What is the procedure or action you have you taken If section 45 is raised during a custodial interview?	Process	Custodial Interview	Questioning
			Disclosure
			Safeguarding
			Understanding of importance of Legislation
		Pre prepared statements	Solicitor
Defence			
In relation to cases where a remand in custody is sought and section 45 is raised during an interview how does that determine actions taken?	Effect	CPS	Confusion
			Defence
		Process	Safeguarding
			NRM
			Referrals
			Speed of investigation
What protection does the use of section 45 offer victims of modern slavery MS?	Understanding	NRM/SCA	Understanding of NRM
			Process investigation
			Delays
		Safeguarding	Process
			Referrals
		Offender/victim	Complexity
			Age
			Understanding

			Experience
			Court
			CPS

Appendix 6 – Non exhaustive list of Non Government Organisations working within the Modern Slavery and Human Trafficking arena in the UK

Africans Unite Against Child Abuse (AFRUCA)	AFRUCA advocates the safeguarding of African children from cruelty and abuse. It offers training to tackle child abuse linked to a faith or belief, including witchcraft and juju.
Ashiana Sheffield	This works to protect black, Asian, minority ethnic and refugee women, children and young people trafficked for the purposes of sexual exploitation and domestic abuse.
Barnardo’s	Barnardo’s provides support services to victims of trafficking up to 24 years of age, and advocates positive change to anti-trafficking legislation in the UK.
Black Association of Women Step Out (Bawso)	Bawso provides specialist services in Wales to people from black and ethnic minority backgrounds who are affected by human trafficking.
Black Country Women’s Aid	BCWA is a charity which has supported survivors of abuse and exploitation in the West Midlands for 30 years.
Caritas Bakhita House	This is a centre for the emergency placement of victims across the UK who are escaping human trafficking. It offers emergency support, psychosexual therapy, legal and financial assistance, mentoring, and help with accessing accommodation. Women have access to education and employment opportunities.
City Hearts	City Hearts supports victims through their immediate and long-term support programmes
Eaves’ Poppy Project	This provides advocacy, accommodation and free legal advice to trafficked women over the age of 16 years. It offers nine bed spaces.
ECPAT UK	ECPAT UK offers safeguarding training on trafficking and modern slavery to frontline professionals in order to improve identification of victims and the response to

	children who have been trafficked. It runs two support groups for children and young people in London who have been trafficked.
Hestia	Hestia is one of the largest providers of domestic abuse refuges in London and one of the largest organisations supporting victims of modern slavery in the UK.
Helen Bamber Foundation	This Foundation provides therapeutic care, medical consultation, legal protection and practical support to victims of modern slavery.
Hibiscus Initiatives (Hibiscus)	Hibiscus have distinct expertise working with Black, minoritised and migrant women and families at the intersection of the immigration and criminal justice systems. Their specialist expertise in international reintegration and resettlement, and supporting migrant offenders and those at risk of offending, places Hibiscus as one of the leading organisations supporting foreign nationals and BMER groups and individuals involved in the UK criminal justice system.
Hope for Justice	Hope for Justice identifies and rescues victims, advocates on their behalf, provides restorative care and trains frontline professionals to tackle slavery. It has offices in the UK, USA and Cambodia.
Justice and Care	Justice and Care works alongside law enforcement to bridge the gap between the victim and the criminal justice process
Kalayaan	Kalayaan helps migrant domestic workers in the UK to access their rights. It offers immigration and employment advice, and English language classes to those in need.
Migrant Help (Scotland and Northern Ireland)	This is the lead contractor for modern slavery victim support in Scotland and Northern Ireland, as well as a subcontractor to The Salvation Army in England and Wales. It delivers support, advice and accommodation services to victims.
Palm Cove Society	Palm Cove Society is based in the UK and provides specialist accommodation and

	support to men and women who are victims of modern slavery.
Snowdrop Project	The Snowdrop Project was established in 2012 as a direct response to major shortcomings in the long term support provided to survivors of trafficking
Stop the Traffik	This international charity works to increase local community awareness of modern slavery through campaigns, including Taxis Against Trafficking.
The Medaille Trust	The Medaille Trust (opens an external website in the same tab) is the largest provider of safe house beds in the UK. They work in partnership with a number of police forces, carry out a variety of awareness raising projects, and support preventative projects overseas
Unseen UK	Unseen UK provides secure accommodation for women of 18 years and over who are classified as victims of human trafficking for the purposes of sexual exploitation and domestic servitude. It provides medical care, counselling, legal and financial assistance, education, immigration advice and assistance with returning to their home country or residing in the UK. They also run the Modern Slavery and Exploitation Helpline.