



<b>Policy &amp; Procedure Title:</b>	<b>Modern Slavery and Human Trafficking</b>
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### **Supporting Documents:**

#### **APP Guidance:**

This Policy has been checked against APP. Gwent Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by Gwent Police. Those provisions are shown in the links below:

<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/modern-slavery/>

**1.0**

**POLICY AIMS**

<p><b>1.1</b></p> <p>1.1.1</p> <p>1.1.2</p> <p>1.1.3</p> <p>1.1.4</p> <p>1.1.5</p> <p><b>1.2</b></p> <p>1.2.1</p> <p>1.2.2</p>	<p><b>INTRODUCTION</b></p> <p>Modern Slavery encompasses slavery, servitude, forced and compulsory labour as well as Human Trafficking. Traffickers and slave drivers coerce, deceive and force individuals, against their will or better judgement, into a life of abuse, servitude and inhumane treatment. A large number of active organised crime groups are involved in Modern Slavery. It is also committed by individual opportunistic perpetrators.</p> <p>This document details the approach that Gwent Police will take to combat this area of criminality.</p> <p>Gwent Police acknowledges its obligations to enforce the Modern Slavery Act 2015 and the 2014 Government Strategy on Modern Slavery and associated legislation. By doing so, we will promote a victim focused approach to investigating incidents of Modern Slavery and Human Trafficking. The recommendations from the 2014 review of the National Referral Mechanism is reflected in this policy..</p> <p>This policy will work in tandem with the Modern Slavery guidance and Child Sexual Exploitation process maps to ensure an appropriate and consistent response by Gwent Police.</p> <p>In light of the clear links between the targeting and exploitation of both children and vulnerable adults this policy should be read in conjunction with Gwent Police’s child protection and protection of vulnerable adult policies and the missing persons policy.</p> <p><b>DEFINITIONS</b></p> <p><u>Human Trafficking</u> The accepted definition of human trafficking is set out in the ‘Palermo Protocol’ as:</p> <p>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.</p> <p>Exploitation includes, at a minimum, the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p> <p>The consent of a victim of trafficking to the exploitation shall be considered irrelevant where any force, fraud deception or abuse of power has been used as a means to obtain that consent.</p> <p><u>People Smuggling:</u> Is defined as:</p> <p>The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.</p>
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Human trafficking should be distinguished from people smuggling. The purpose of people smuggling is to move a person across a border and is regarded as a violation of state sovereignty. The purpose of human trafficking is to exploit a human being for gain or other benefits and is regarded as a violation of that person's freedom and integrity.

A number of factors can be identified which help distinguish between smuggling and trafficking. Firstly, a victim's entry into a state can be legal or illegal in the case of trafficking, whereas smuggling is characterised by illegal entry. Secondly, trafficking can take place both within and across national frontiers, whereas international movement is required for smuggling. Thirdly, in the case of adults, trafficking is carried out with the use of coercion and/or deception, whereas smuggling is not, indicating that the latter is a voluntary act on the part of those smuggled. Trafficking also involves subsequent exploitation of people. Victims of trafficking have rights and entitlements and are owed protections under international and domestic law (see below table).

In some cases, however, the distinction between a smuggled and trafficked person will be blurred and a person may have started out being smuggled into the UK but during the journey or on arrival could become a victim of trafficking. It is important to examine the end situation to determine whether someone has been smuggled or trafficked.

The below table illustrates the difference between the two.

	<b>Human Trafficking</b>	<b>People Smuggling</b>
<b>Actions</b>	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.	Procurement of illegal entry of a person into a country of which the person is not a national or permanent resident.
<b>Trans-nationality</b>	Not required.	Required.
<b>Consent</b>	Irrelevant once the means are established. For children, the consent is irrelevant regardless of the means.	The smuggled person consents to the smuggling.
<b>Purpose</b>	Exploitation which includes: <ul style="list-style-type: none"> <li>• prostitution and other forms of sexual exploitation</li> <li>• forced labour / services</li> </ul>	For financial or other material benefit which is primarily derived from transportation to and facilitation of illegal entry into another country.

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|--|--|--|
|  | <ul style="list-style-type: none"> <li>• slavery or criminal practices</li> <li>• domestic servitude</li> <li>• removal of organs</li> </ul> |  |
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Any officer deployed to a suspected incident of Modern Slavery should use the Trafficking Risk Assessment Matrix to help determine if this is the case (see Appendix C).

### 1.2.3 **TYPES OF HUMAN TRAFFICKING**

#### 1.2.3.1 Sexual Exploitation

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

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

#### 1.2.3.2 Forced Labour

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

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

There are six recognised elements which individually or collectively can indicate forced labour. These are:

- a) Threats or actual physical harm
- b) Restriction of movement and confinement to the workplace or to a limited area

	<ul style="list-style-type: none"> <li>c) Debt burden</li> <li>d) Withholding of wages or excessive wage reductions that violate previously made agreements</li> <li>e) Retention of passports and identity documents (the workers can neither leave nor prove their identity status)</li> <li>f) Threat of denunciation to the authorities where the worker is of illegal status.</li> </ul>
1.2.3.3	<p><u>Criminal Purposes</u></p> <p>This relates to the trafficking of persons in order to compel them to commit specific criminal offences. This would include forcing a person to steal items in order to fund a criminal gang. The victim would receive little or no benefit from the theft and would generally be organised into small groups with other victims and a ‘controller.’ This will usually relate to acquisitive crime or any other offence that would realise a benefit to the principals of a group. It could also include the ‘gardener’ of a cannabis factory or person made to commit cybercrime in a ‘boiler house’ or other high intensity unit. Victims will be subjected to verbal threats or violence to achieve compliance.</p>
1.2.3.4	<p><u>Domestic Servitude</u></p> <p>Domestic servitude involves the victim being forced to work in private households. Their movement will often be restricted and they will be forced to perform household tasks such as child care and house-keeping over long hours and for little if any pay.</p> <p>Victims will lead very isolated lives and have little or no unsupervised freedom. Their own privacy and comfort will be minimal, often sleeping on a mattress on the floor in an open part of the house.</p> <p>In rare circumstances where victims receive a wage it will be heavily reduced, ostensibly to pay for food and accommodation.</p>
1.2.3.5	<p><u>Organ Harvesting</u></p> <p>Organ harvesting involves trafficking people in order to use their internal organs for transplant. The illegal trade is dominated by kidneys, which are in the greatest demand and are the only major organs that can be wholly transplanted with relatively few risks to the life of the donor.</p>

**2.0**

**PROCEDURE**



<p><b>2.1</b></p> <p>2.1.1</p> <p>2.1.2</p> <p>2.1.3</p> <p>2.1.4</p> <p>2.1.5</p>	<p><b>INTRODUCTION</b></p> <p>This procedure sets out the overarching principles to be adopted by Gwent Police when responding to, and investigating, incidents of human trafficking.</p> <p>This guidance compliments the four components HM Government’s Modern Slavery Strategy (2014):</p> <ul style="list-style-type: none"> <li>• Pursue - prosecute and disrupt individuals and groups responsible for modern slavery</li> <li>• Prevent – prevent people from engaging in modern slavery</li> <li>• Protect - strengthen safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime</li> <li>• Prepare – reduce the harm caused by modern slavery through improved victim identification and enhances support</li> </ul> <p>Working collaboratively with all stakeholders Gwent Police are committed to safeguarding individuals and communities, and putting the potential victims of modern slavery at the heart of everything we do.</p> <p>All departments and units within Gwent Police are expected to adopt the guidance outlined in this procedure. This procedure applies to all police officers and police staff, the extended police family and those working voluntarily or under contract to the Police and Crime Commissioner (PCC) of Gwent Police.</p> <p><b>Initial contact with Potential Victims of Trafficking (PVOTs)</b></p> <p>In the event of a victim reporting an allegation directly to police, the safety of the individual is paramount. It takes courage for a victim to come forward as their trafficker or controller may have subjected them to periods of psychological and physical abuse which may not be obvious. This may have left them traumatised, and psychologically damaged in ways that are not immediately apparent. Their trafficker or controller may inform them that he or she has influence within the police or government agencies</p> <p>Some of their countries of origin may have, or be perceived to have, institutional corruption. Therefore victims of trafficking who have no experience of the UK police may have been convinced that a similar or worse corrupt culture prevails.</p> <p>This lack of understanding of legal processes and fear of authorities can lead to victim’s accounts being confused and contradictory. A first account should be recorded and documented as this may be important for disclosure purposes in any future criminal proceedings. It will be important to note however that victims will be confused and there may be issues in language and translation. They may also be mistrustful of authority, therefore inconsistencies should be expected.</p> <p>As a very high percentage of victims will be subject to some type of debt burden, a confused or contradictory account, or a failure to disclose or an unwillingness to</p>
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	<p>engage should not be taken as an indication that the person is not being exploited; even if they are complicit in their own exploitation.</p>
2.1.6	<p>The methods by which police may become aware of an incident of trafficking include:</p> <ul style="list-style-type: none"> <li>a) Reporting to a Police Station in person.</li> <li>b) Calls to the Force Control Room (FCR).</li> <li>c) Discovered on routine patrol by uniformed officers.</li> <li>d) Discovered as part of a spontaneous, unrelated incident by response officers (e.g. a domestic incident, burglary etc).</li> <li>e) Discovered during an unrelated, pre-planned operational deployment (e.g. a drugs warrant etc).</li> <li>f) Intelligence including anonymous reporting (e.g. via Crimestoppers).</li> <li>g) External reporting from other Non-Government Organisations (NGOs) or Government Agencies.</li> </ul>
2.1.7	<p>If a victim of trafficking presents themselves to police, as in a) to e) above, they are to be immediately provided with safety and protection from their traffickers and or controllers. <b>Safeguarding the victims of modern slavery will be the priority in every case.</b></p>
2.1.8	<p>Very rarely will a victim who has been trafficked disclose or confirm that they have been at the initial contact. It takes a lot of time and care to gain the trust of a victim of human trafficking.</p> <p><b>Potential victims of trafficking may not perceive themselves to be victims or be willing to disclose they are due to:</b></p> <ul style="list-style-type: none"> <li>a) A fear of retribution / reprisals from their traffickers both in the UK and their native country against them and their families</li> <li>b) Fear and suspicion of the authorities</li> <li>c) Fear resulting from Juju or witchcraft rituals</li> <li>d) Fear that their traffickers will accuse them of being complicit in their trafficked situation</li> <li>e) Toleration of their situation as it is more favourable than their home circumstances</li> <li>f) Being in a relationship with their traffickers</li> <li>g) Stockholm Syndrome, where due to unequal power victims create a false emotional or psychological attachment to their controller</li> </ul>

	<p>h) Fear of discrimination from their community and families</p> <p>i) Religious beliefs and fear of a stigma attached within their community in regards to future marriage after working as a sex worker even though being a forced party.</p>
2.1.9	<p>If a potential victim is adamant that they haven't been trafficked then contact details for an officer should be left with the person and advice given that they can be helped. Victims have come forward in the past at a later time when they feel comfortable or safe doing so.</p>
2.1.10	<p>Gwent Police's intelligence system, Niche, should be updated with all details obtained of the person including why it was thought they may have been trafficked. PND and PNC systems would also need to be updated. Both have a flag system for such criminality.</p>
2.1.11	<p>If a victim discloses that they have been trafficked then they must immediately be taken to a place of safety and an investigation commenced. At this earliest disclosure it must be ascertained whether there are any other potential victims that require safeguarding.</p> <p>Please also refer to the following appendices:</p> <p>APPENDIX A - Guide for First Responders  APPENDIX E - Action Flow Chart for Initial Contact with PVoTs  APPENDIX G - Questions for PVoTs</p>
<b>2.2</b>	<b>CRIME RECORDING</b>
2.2.1	<p>The following counting rules have been published by the Home Office for Modern Slavery:</p> <p><i>GENERAL RULE: ONE CRIME FOR EACH PERSON SUBJECTED TO MODERN SLAVERY</i></p> <p>Example 1:  A minibus is stopped by Force A leaving a ferry port. Following questioning of three female passengers it is established that an offence under this section is being committed. The person responsible for the offence is abroad.</p> <p>Three crimes (class 106) by Force A.</p> <p>Example 2:  Police in Force B raid a brothel and establish from two girls working there that they were the victims of an offence under this section. They had entered the country through a port in Force A and the person responsible is living abroad.</p> <p>Two crimes (class 106) by Force B.</p>
2.2.2	<p><u>Principle Crime</u></p> <p>Modern Slavery in all cases should be recorded in addition to the most serious additional victim based offence involving the same victim-offender relationship.</p>

## Application of the Rule

### Example 1:

A brothel is raided in force A and three working females there report they have been subject of modern slavery arranged by persons who are abroad and also that they were all raped by a male in this country when they arrived.

Six crimes – 3 class 106 and 3 rapes (classification according to ages of victims) by Force A.

### Example 2:

A remote farm is raided by Force B and a group of 4 males are found living in a shipping container. It is established they are victims of modern slavery. 1 male provides details that he has been assaulted as part of efforts to force him to work and the injuries are consistent with a section 18 offence.

Five crimes – 4 class 106 and 1 class 5D by force B.

### Example 3:

A take away restaurant is raided by Force C and a group of 5 females is found and it established they have been subject of modern slavery. In addition 3 of them report that items of personal property have been stolen from them by the owners of the restaurant.

Five crimes Class 106 and three crimes class 39 by force C

## **2.3 ROLES AND RESPONSIBILITIES**

### **2.3.1 Initial Attendee**

2.3.1.1 The officer / staff member attending or responding to an initial report of human trafficking offence should take positive action (see Appendix A for Guidance for first responder). The officer attending is responsible for:

- a) Ensuring the welfare and needs of the victim
- b) Preserving all evidence of any offence, including all crime scenes
- c) Identifying any fast track actions, including using the Trafficking Risk Assessment Matrix (see Appendix C)
- d) Raising the matter to a supervisor
- e) Conveying any victims of a sexual offence / exploitation to a suitable victim suite
- f) Consider declaring it as a critical incident
- g) Arresting any offenders at the scene.

2.3.1.2	The early collection of relevant intelligence and information is critical to the successful management of incidents and allows for effective safeguarding and the identification key lines of enquiry. Depending on the requirements of the victim(s) this may need an interpreting service or a police staff member who can speak the relevant language.
2.3.1.3	It is important that the initial officer is sensitive to the culture and language issues of the victim. Regardless of how robust they appear, they will be confused and frightened. It is their responsibility to help put them at ease.
2.3.1.4	There should be one officer for one victim, where resources allow. A person should be nominated as their point of contact. This will ensure consistency and help to build up a rapport and trust with the victim. If there is more than one victim then the referral forms for multiple victims can be completed by one allocated officer.
2.3.1.5	The initial officer should ensure the welfare of the victim, which includes ensuring they are properly fed and have access to drinks.
2.3.1.6	Make a referral to the National Referral Mechanism where necessary (adult victims must consent to this referral and sign the relevant form). There is no requirement for consent to be obtained from a child.
2.3.2	<b>First and Second Line Manager</b>
2.3.2.1	<p>It is recommended the First / Second line managers of the initial responder are responsible for:</p> <ul style="list-style-type: none"> <li>a) Ensuring that this procedure is observed</li> <li>b) Attending the scene to manage the initial stages of the investigation and ensure relevant evidence is secured and preserved</li> <li>c) Early liaison with the Duty Detective Sergeant (CID or Public Protection)</li> <li>d) Ensuring allocation of appropriate resources</li> <li>e) Oversight of initial safeguarding arrangements</li> <li>f) Assess whether the matter should be classified as a critical incident</li> <li>g) Management support to any identified risks or threats to life.</li> </ul>
2.3.2.2	Fast track actions and initial victim care will be the responsibility of the attending officer and evidence obtained in the <i>golden hour</i> could become key to any investigation, particularly if as the victims will be vulnerable and / or intimidated. Safeguarding the victim and any further victims at the address is paramount.
2.3.2.3	Any victims of sexual offences will be taken to SARC for a full medical assessment. Consideration should be given to arresting for any sexual offences apparent. In such instances, officers will need to follow the Force Procedure for managing sexual offences.

2.3.2.4	CSI should be contacted and consideration to photographing the victim and potential scenes.
2.3.2.5	Any child victims (under 18) of modern slavery will be particularly vulnerable and Social Care / Public Protection Units must be notified in all cases.
2.3.3	<b>Investigating Officer</b>
2.3.3.1	<p>It is recommended that primacy for the investigation of modern slavery crimes should be undertaken officers or staff that are PIP Level 2 qualified or working towards accreditation. They will be responsible for:</p> <ul style="list-style-type: none"> <li>a) Reviewing all actions taken prior to allocation</li> <li>b) Ensuring any risk to the victim, suspect and community is identified and managed</li> <li>c) Identifying and pursuing all reasonable lines of enquiry</li> <li>d) Ensuring all material gathered during the investigation should be retained as it will be subject to rules of disclosure under the Criminal Procedure and Investigations Act 1996.</li> </ul>
2.3.3.2	The Investigating officer should consider obtaining (with consent) the mobile phone of the victim, and consideration should be given to contact means. The phone should then be submitted as high priority for analysis to assist with the investigation of trafficking and identify any other PVoTS.
2.3.3.3	The Investigating Officer must remain mindful that others are likely to be at risk as a result of victim disclosure or overt action by police. In these cases an early assessment of whether any other victims exist must be made and efforts made to locate and safeguard them.
2.3.3.4	A search of the home address of the victim should be considered. Full use of PACE powers to search should be utilised if there is a suspect in custody, or through other legislative means, including immigration powers to search for ID documents conducted using S44 UK Borders Act 2007 (with power to seize the ID documents using S45 UK Borders Act 2007).
2.3.3.5	Early consultation with Crime Scene Investigation to set a forensic strategies is critical. Body Worn Video should be used when recording interactions with potential victims, especially where language is a barrier and there are multiple persons. Video or still photography of all scenes is recommended.
2.3.3.6	The Investigating Officer should consider linking in with partners who might have had previous contact with the victim in order to gather all available information regarding background, residency status, vulnerability and support needs. Officers can contact the Diversity and Inclusion Team or Modern Day Slavery Team to obtain a list of partner contact details
2.3.3.7	Consideration should be given to holding a strategy discussion with Social Services and to a MDS MARAC referral should be submitted.

2.3.3.8	The victim will be ABE interviewed. Interviewers should explain the purpose of a video-recorded interview to the victim in a way that is appropriate to their understanding. If the victim decides they do not wish to proceed with a video-recorded interview, then a comprehensive written statement must be completed at a suitable location, with the rationale for not conducting a video interview clearly recorded by the SIO. The timing of this interview is critical and SIO or Tier 5 interview coordinator advice should be obtained prior to obtaining any formal evidence in chief.
2.3.3.9	Once identified the victim must be accommodated in a safe place and should not be returned to the address that they were recovered from.
2.3.3.10	Liaison with the force's Financial Investigation and other specialist departments/experts as appropriate.
2.3.3.11	A Foreign National Conviction (ACRO) check MUST be completed for all victims and suspects and submitted to ACRO via the force's FIB within 24 hours of receipt of the information.
2.3.3.14	Many cases require evidence from overseas and it is important early engagement and advice is sought from the Modern Slavery Team and CPS regarding Joint Investigation Teams (JIT's). A JIT is a team of investigators and prosecutors from at least two EU Member States, established to investigate and prosecute cases where a crime is committed in more than one country.
<b>2.3.4</b>	<b>Victim Liaison</b>
2.3.4.1	<p>It is best practise for forces to appoint a dedicated point of contact for modern slavery investigations. This will usually be the OIC. These should be officers or staff with proven experience in supporting vulnerable persons. It is recognised that the nature of some modern slavery investigation may require the deployment of Family Liaison Officers. Any request for a FLO should be directed through the relevant force's FLO Co-ordinator. The dedicated point of contact will be responsible for:</p> <ul style="list-style-type: none"> <li>a) Acting as single point of contact for the victim and supporting lead investigating officers with the risk and welfare management of victims(s)</li> <li>b) Liaison with the National Crime Agency Modern Slavery and Human Trafficking Unit (NCA MSHTU)</li> </ul>
<b>2.3.5</b>	<b>Detective Inspector</b>
2.3.5.1	<p>It is recommended that an accredited Detective Inspector assumes responsibility for directing all modern slavery criminal enquiries. Their responsibility will include:</p> <ul style="list-style-type: none"> <li>a) Setting investigation plans</li> <li>b) Ensuring the effective and efficient management of the investigation</li> <li>c) Reviewing investigations within the first 7 days and then thereafter every 28 days</li> </ul>

	<ul style="list-style-type: none"> <li>d) Management oversight of all risks</li> <li>e) Co-ordination of agencies and partners, including MSHTU and the CPS</li> <li>f) Briefing to Senior Management</li> <li>g) Management of budgets</li> </ul>
<b>2.3.6</b>	<b>Force Intelligence Bureau</b>
2.3.6.1	<p>Force FIBs will be the hub for receipt and management of intelligence relating to modern slavery, and will remain the point of contact for all related international enquiries. FIBs should also be the repository for collating and analysing all NRM referrals.</p> <p>FIBs will also support investigating officers in determining whether perpetrators of modern slavery offences are organised crime groups and liaise with the ROCU Modern Day Slavery coordinator to consider triggering for OCG mapping.</p>
<b>2.3.7</b>	<b>Modern Day Slavery Team</b>
2.3.7.1	<p>Gwent Police have set up a bespoke Modern Day Slavery/Human Trafficking team. The team consist of a Detective Sergeant, Detective Constable, Police Constable and Victim Advocate. They will monitor all incoming NRM referrals via the FIB mail inbox and will notify the relevant department when Gwent Police is notified of a new NRM from another first responder agency or the NCA.</p> <p>The team will act as Tactical Advisors to officers and will develop intelligence with partner agencies. The team will also monitor the dedicate modern slavery e-mail address: <a href="mailto:Moderndayslavery@gwent.pnn.police.uk">Moderndayslavery@gwent.pnn.police.uk</a></p>
<b>2.3.8</b>	<b>Neighbourhood Policing</b>
2.3.8.1	<p>Neighbourhood Policing Teams remain responsible for gathering community intelligence relating to issues of modern slavery and assessing relevant community tensions. Where required, the Neighbourhood Policing Inspector will be responsible for any Community Tensions Assessment (CTA).</p>
<b>2.3.9</b>	<b>Public Protection Unit</b>
2.3.9.1	<p>It is advised that Public Protection Units take primacy for the on-going management of victims in cases of Child and Adult Sexual Exploitation.</p>
2.3.9.2	<p>Where it is suspected that a child or vulnerable adult is likely to suffer significant harm through trafficking and exploitation then a referral must made to Social Services.</p>
2.3.9.3	<p>Where a child is suspected to be a victim of trafficking Police Protection Powers should always be considered. Children’s Social Services are responsible for gathering relevant information and carrying out safeguarding assessments. Where necessary, Public Protection Units will work with Social Care to instigate and progress joint investigation protocols.</p>



2.4	<b>INVESTIGATIVE CONSIDERATIONS</b>
2.4.1	<b>Cross Border Investigations</b>
2.4.1.1	In any allegation of modern slavery and human trafficking, regardless of which area should become the investigative lead, the welfare of the victim and preservation of evidence is a priority. Officers and staff at the Force or LPA where the initial report is made will take ownership and conduct the initial investigation in line with this procedure until such time as the case is accepted for hand over. There should be a full briefing supplied to the Force/LPA that is receiving the allegation to investigate, together with all the evidence and information obtained to that date.
2.4.1.2	Discussions regarding 'ownership' of an investigation must never take place in the presence or hearing of the victim. When it transpires that the offence has been committed in another area it is vital that liaison takes place at the earliest opportunity between the relevant parties.
2.4.1.3	Consider the family of the victim abroad – they may have family that are being threatened by the traffickers. Ensure that you ask these questions and consider early liaison with the relevant Embassy or High Consulate.
2.4.2	<b>Brothels and Prostitution</b>
2.4.2.1	If the intelligence suggests a vulnerable or juvenile person is held at a brothel or involved in 'off-street prostitution', a visit should be conducted immediately. Early liaison should be made with the appropriate Public Protection Unit.
2.4.3	<b>Missing Persons (MISPERs)</b>
2.4.3.1	Officers reporting a MISPER should identify information within the body of missing person reports that indicate the subject is vulnerable or subject to trafficking.
2.4.3.2	Persistent absconders are vulnerable to targeting by traffickers and when young females or vulnerable adults are subject of debriefing, consideration should be given by officers to asking appropriate questions to confirm / negate this possibility. Concerns should be flagged immediately to the relevant Public Protection Unit.
2.4.4	<b>Searches and Scenes</b>
2.4.4.1	<p>When a house is searched it is important to pay particular attention to any documents belonging to the victim. They may never get another chance to retrieve them again. As a minimum, the following items are to be considered for securing and seizure:</p> <ul style="list-style-type: none"> <li>a) Identity documents <ul style="list-style-type: none"> <li>i. Passports</li> <li>ii. National Insurance Cards</li> <li>iii. Driving Licences</li> <li>iv. National ID cards.</li> </ul> </li> <li>b) Travel Documents <ul style="list-style-type: none"> <li>i. Flight tickets</li> </ul> </li> </ul>

- ii.Coach tickets
- iii.Luggage labels
- iv.Identify routes and points of entry-for the use of evidence and intelligence.

- c) Mobile Phones
  - i.SIM cards – contacts, text messages
  - ii.Smartphones – Sat nav systems and navigation app memories, Browsing history, Passwords, Apps – (May indicate banks used etc).
- d) Bank documents
  - i.Credit cards, bank statements, loan and credit agreements
  - ii.Benefits, tax credits, family allowances etc
  - iii.Places visited - Opportunity for CCTV evidence
  - iv.Paying in slips - Identifies others in organisation
  - v.Payment patterns.
- e) Shop receipts
  - i.Identifies places visited, again useful for possible CCTV evidence.
- f) Vehicle documents
  - i.Provides research and evidence opportunities via PNC.
- g) Duty sheets / menus (With regards to brothel type premises only)
  - i.Highlights staff takings
  - ii.Services available
  - iii.Times / dates attended (working patterns etc).
- h) Other documents
  - i.Payslips
  - ii.Address books/diaries
  - iii.Any records of employment/registration with employment agencies.
- i) Other Considerations
  - i.Suspect computer
  - ii.Suspect mobile phones
  - iii.Suspect ID documents.

**2.4.5 Crime scene preservation and examination**

2.4.5.1 Before deploying to any scene where modern slavery or human trafficking is identified, officers must risk assess the increased threat that may be caused to other victims by attending these premises. This requires careful consideration.

2.4.5.2 Officers and police staff should identify, secure and preserve all potential investigative opportunities as soon as possible. The first opportunity to preserve evidence may be the only opportunity.

2.4.5.3	Crime scenes should be identified, secured and protected in order that they may be subjected to a full and detailed forensic examination by a trained crime scene examiner. Consider intelligence and evidential opportunities that may exist at the scene regarding suspects and their identification (ID documents, baggage labels, financial material).
2.4.5.4	Video recording of the scene should be conducted to demonstrate conditions within the premises.
2.4.5.5	Consideration should be given as to whether the trafficked victim has been subjected to a serious sexual assault and whether use of a Sexual Assault Referral Centre (SARC) is required.
<b>2.4.6</b>	<b>Victim Management</b>
2.4.6.1	The welfare and safety of the victim is paramount. The initial reporting officer must remove the victims to a safe environment and arrange medical support where appropriate. This place of safety may be a hospital, victim suite or a police station. The National Referral Mechanism (NRM) can then manage longer term accommodation and support on condition that PVoTs consent to the referral and are subsequently accepted.
2.4.6.2	Victims of trafficking may have been subjected to physical or sexual abuse. Steps must be taken to ensure that the medical needs of the victim are assessed and met. In cases where the victim states that they do not require medical assistance, officers and staff should make a judgement of the victim's ability to make this decision at the time and act appropriately.
2.4.6.3	All victims must be treated with dignity and respect. They should be immediately taken out of a public area and given reassurance. No questioning should take place in the presence of other women or men recovered.
2.4.6.4	Persons apparently known to the victim should not be allowed to interpret for them as they may be complicit in the commission of offences. If a language interpreter is required, including British Sign Language, immediate steps should be taken to obtain one through language services.
2.4.6.5	See Appendix G for translated documents and contact details for interpreters.
2.4.6.6	Officers should make a written record of conversation with the victim as this may be relevant in a later ABE interview or judicial process. All first accounts should be signed by the victims and ideally translated into their native language. All first accounts should be recorded in the Gwent Police Witness Interviewing Booklet.
2.4.6.7	Officers should consider preserving forensic evidence and should sensitively explain to the victim the need to preserve the integrity of any forensic evidence prior to forensic examination or evidence retrieval.
2.4.6.8	The victim's immediate needs should be considered with sensitivity in respect of their age, disability, gender, race, religious belief or faith or sexual orientation.
<b>2.4.7</b>	<b>Child Victims</b>

2.4.7.1	Children and unaccompanied minors when identified as suspected trafficking victims should be referred immediately to relevant Children’s Services and Public Protection Department. Consideration should be given to taking the child into Police Protection.
2.4.7.2	<p><u>Role of independent child trafficking guardianship service (ICTGS)</u> Specialist advice is available through the ICTGS who should be notified as soon as possible. They can offer advice and guidance and will also assist in completing the National referral mechanism. (NRM) The ICTGS is a trained advocate and will advise agencies on how to gather the best evidence from the child.</p> <p>The ICTGS service has a 24/7 Referral Line:  0800 043 4303</p>
<b>2.4.8</b>	<b>Obtaining Best Evidence from Potential Victims of Trafficking</b>
2.4.8.1	Proactive management of Potential Victims of Trafficking will be undertaken from the first encounter. As soon as is reasonably practicable, a dedicated point of contact should be assigned to take over the management of the victims.
2.4.8.2	An ABE interview will be the default for any potential victims of trafficking, as being vulnerable and significant witnesses. Where this is refused, or not appropriate, then an equivalently detailed S9 written statement needs to be completed. The timing of this interview is critical and SIO or Tier 5 interview coordinator advice should be obtained prior to obtaining any formal evidence in chief.
2.4.8.3	Questions that need to be included in any victim interview, are contained in Appendix H. (Please note this guide is not exhaustive).
2.4.8.4	It is not uncommon for victims to feel both relief at having been identified and yet fear and suspicion toward police. This is often linked to their fear of being returned to their trafficking situation, many having been told by their traffickers that the authorities would simply return them should they try to escape. It is also not uncommon for negative feelings (fear and suspicion) to give way to those of relief once the victim feels safe and comes to trust the identifying officer.
2.4.8.5	Victims of trafficking may be reluctant to go into the full facts of their case. This may be because of cultural barriers, or simply due to the traumatic or humiliating nature of the treatment they have suffered.
2.4.8.6	Accordingly, it is important that great sensitivity is shown to victims and appropriate safety measures are taken in terms of interview locations and transport arrangements for both victims and officers.
2.4.8.7	Officers need to be highly mindful of the risks to victims arising from detection and disclosure and their contact with services particularly if traffickers become aware of such contact.
<b>2.4.9</b>	<b>Considerations prior to Commencing Statement / Interview</b>

- a) Establish the physical and mental well-being and address this prior to any interview or statement. Ensure that any sexually transmitted diseases, physical injury or mental health problems are dealt with. Establish the last time the victim ate / drank and provide suitable refreshments.
- b) Ask if the victim is willing to provide a statement, and ensure that the process is explained in detail. They may come from countries where the judicial process is very different to the UK.
- c) Establish the physical and mental well-being and address this prior to any interview or statement.
- d) Introduce who all parties are, and what their roles are. Do not assume this has been done.
- e) Establish if any sexual offences have taken place at an early stage, addressing any forensic issues and dealing with them appropriately.
- f) Ensure that an appropriate adult / Registered Intermediary is present in the interview, and throughout if appropriate, as well as an interpreter.
- g) Ensure that time is taken to talk through special measures with the victim.

#### **2.4.10 Confidentiality**

2.4.10.1 Victims who are identified, present to services or disclose their situation should have an expectation of confidentiality. However, without placing barriers in the way of potential disclosure, it is important for officers to be open and honest with victims about the limits to maintaining confidentiality particularly if there are concerns about a risk of serious injury to the victim or other adults at risk, self-harm or child protection risks.

2.4.10.2 It is important that considerations and decisions regarding the disclosure and non-disclosure of information are recorded and staff should be able to explain and justify their decision.

#### **2.4.11 Pre-Charge Advice and Charging**

2.4.11.1 It is important that in cases of Trafficking contact is made with CPS at an early stage.

#### **2.4.12 Statutory Defence for Slavery or Trafficking Victims who Commit an Offence**

2.4.12.1 Section 45 of the Modern Slavery Act 2015 introduces a defence for victims who are compelled to commit criminal offences.

2.4.12.2 Under section 45:

1. A person is not guilty of an offence if –

- a) the person is aged 18 or over when the person does the act which constitutes the offence;
- b) the person does that act because they were compelled to do it;

	<ul style="list-style-type: none"> <li>c) the compulsion is attributable to slavery or relevant exploitation, and</li> <li>d) a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.</li> </ul> <ol style="list-style-type: none"> <li>2. A person may be compelled to do something by another person or by the person's circumstances.</li> <li>3. Compulsion is attributable to slavery or to relevant exploitation only if – <ul style="list-style-type: none"> <li>a) it is, or is part of, conduct which constitutes an offence under section 1 or conduct which constitutes relevant exploitation, or</li> <li>b) it is a direct consequence of a person being, or having been, a victim of slavery or a victim of relevant exploitation.</li> </ul> </li> <li>4. A person is not guilty of an offence if – <ul style="list-style-type: none"> <li>a) the person is under the age of 18 when the person does the act which constitutes the offence,</li> <li>b) the person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation, and</li> <li>c) reasonable person in the same situation and having the person's relevant characteristics would do that act.</li> </ul> </li> <li>5. For the purposes of this section – <ul style="list-style-type: none"> <li>a) "relevant characteristics" mean age, sex and any physical or mental illness or disability;</li> <li>b) "relevant exploitation" is exploitation (within the meaning of section 3) that is attributable to the exploited person being or having been, a victim of human trafficking.</li> </ul> </li> <li>6. In this section references to an act include an omission.</li> <li>7. Subsections (1) and (4) do not apply to an offence listed in Schedule 4 (which includes serious sexual or violent offences).</li> </ol>
2.4.12.3	This is a defence that needs to be tested and investigated from the outset with early CPS advice sought. What to look for:
2.4.12.4	Firstly the circumstances of the arrest may give an indication to some form of exploitation. The classic example is a cannabis cultivation case, where there is a sophisticated drug cultivation operation, the electricity is tapped, there is a multi-million pound drug yield etc. The person tending the plants, who speaks no English, has no ID documents, is malnourished and who is locked in the premises, forced to tend the cannabis plants.
2.4.12.5	This can also relate to drug runners. The victims are often children, aged 14 to 17 years, who are groomed with money, gifts or through relationships and forced to carry out day to day dealing. Children as young as 11 years of age have been reported as being recruited. Violence is used against drug users to coerce them to become runners, enforce debts, and use their accommodation as an operating base, also known as CUCKOOING. It is not always taken into consideration that this is a serious

	organised crime and trafficking operation, where the individual they are prosecuting is, in fact, a victim of a serious crime.
2.4.12.6	Other common trafficking indicators that the defendant may display are: mistrust of the authorities; non-disclosures about their exploitation; be under perception of debt bondage to their traffickers; having their movement controlled by others; being subject to threats and violence; having injuries; being forced to work under certain conditions; being inconsistent about their age; coming from a place that is known to be a source of human trafficking; not having travel documents; and their trafficker withholding their documents and controlling their movements.
2.4.12.7	Following the National Referral Mechanism referral (NRM), representations need to be raised with the CPS informing them of this information. It may be possible to raise a statutory defence of slavery under section 45 of the Modern Slavery Act 2015. Where the suspect is a child, if after investigation, there is clear evidence that a defence might apply, the custody officer may decide not to charge. In all other cases, the CPS will make the decision.
2.4.12.8	In the case of a child under the age of 18 years the defence has one less limb and does not include the separate requirement to show compulsion.
2.4.12.9	It should be noted that schedule 4 of the Act contains a list of over 100 excluded criminal offences, where the statutory defence does not apply.
	Any questions please contact The Modern Day Slavery Team.
<b>2.5.</b>	<b>NATIONAL REFERRAL MECHANISM</b>
2.5.1	The National Referral Mechanism (NRM) is a victim identification and support process. NRM is designed to make it easier for all the different agencies that could be involved in a trafficking case, for example, police, UK Border Agency, local authorities and non-governmental organisations to co-operate; to share information about potential victims and facilitate their access to advice, accommodation and support.
2.5.2	NRM is managed by the Modern Slavery and Human Trafficking Unit (MSHTU), which is an operational branch of the National Crime Agency. They are the competent authority for referrals made by the Police.
2.5.3	Initial referrals for welfare support and accommodation for PVOTs should always be made via the NRM. Adults must consent to a referral in to the NRM process, whereas children should be automatically referred and Children's Social Care notified.
2.5.4	It is important that the NRM process is fully explained to any PVoT. In addition, evidential debriefings of the victim where time critical should be undertaken whilst the victim is with the investigators as many will be accommodated elsewhere in the UK as part of the NRM process. Establishing a continuing point of contact is vital and a dedicated point of contact (as detailed above) must be allocated and maintain contact throughout.
2.5.5	Where a trafficking victim is identified, the National Referral Mechanism form must be submitted to the MSHTU. The forms are found on the Gov.uk website and are submitted digitally.

2.5.6	Please note that for cases involving children, the NRM should be submitted ideally by Children's Services HOWEVER consideration needs to be taken as to who has the best rapport with the child therefore this might be the police officer or ICTGS.
2.5.7	Completed forms SHOULD BE SUBMITTED DIGITALLY (.gov website). This is a legal requirement. In Gwent the NRM should be copied in to the <a href="mailto:Moderndayslavery@gwent.pnn.police.uk">Moderndayslavery@gwent.pnn.police.uk</a> e-mail address.
2.5.8	The MSHTU will then determine which competent authority (e.g. Home Office or MSHTU) will deal with the case and will forward the papers if needed. Trained experts in the competent authority will then assess the case and make a decision on whether an individual is a victim of trafficking.
2.5.9	The MSHTU can provide support from non-governmental organisations, such as charities, and acts as the competent authority to decide on whether a victim meets the threshold as being trafficked and qualifies as in need of support. The NRM is a Victim Care Process, which assists investigators with Victim Care matters. This process is invaluable to both the victim and investigators and can be the difference when turning a first account into a reliable witness.
2.5.10	<p>Some victims may be reluctant to assist police and refuse to provide details of their experiences. In these circumstances the assistance of non-governmental organisations across the region may prove invaluable.</p> <p>As part of the NRM process, persons illegally in the country may be allowed a period of respite from deportation whilst evidence can be harvested. This can be for a period of up to a year or in some cases even indefinitely. This should never be used as an inducement within any investigation and to prevent allegations that this has occurred, the provision of food, clothing, accommodation and other support should be recorded.</p>



<b>3.0</b>	<b>LEGISLATIVE FRAMEWORK</b>
3.1	<p>Modern Slavery Act 2015  NCA Review of the National Referral Mechanism 2014  Government Strategy on Modern Slavery 2014  Sexual Offences Act 2003  Asylum and Immigration Act 2004 – trafficking for exploitation  Coroners and Justice Act 2009 – slavery, servitude and forced or compulsory labour  CPS Guidance on Sexual Offences and Child Abuse  HM Government guide to inter-agency working “Working Together to Safeguard Children (2013)”  Children’s Act 2004</p>
<b>4.0</b>	<b>HUMAN RIGHTS</b>
4.1	<p>This Procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts, the legitimacy of its aims, the justification and proportionality of the actions intended by it, that it is the least intrusive and damaging option necessary to achieve the aims and that it defines the need to document the relevant decision making processes and outcomes of actions.</p>
<b>5.0</b>	<b>WELSH LANGUAGE STANDARDS</b>
5.1	<p>This Policy aims to comply with the Welsh Language Standards in terms of dealing with the Welsh speaking public, <b>language preference of victims will be ascertained at the earliest practical opportunity.</b></p>
<b>6.0</b>	<b>HEALTH AND SAFETY</b>
6.1	<p>The Gwent Police Service Dynamic Risk Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.</p>
<b>7.0</b>	<b>REVIEW/RESPONSIBILITIES</b>
7.1	<p>The policy business owner maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.</p>
7.2	<p>The policy should be considered a ‘living document’ and subject to regular review to reflect upon any Force, Home Office, NPCC, legislative changes, good practice (learning the lessons) both locally and nationally.</p>