



UNDERGROUND LIVES

Police response to victims of modern slavery

MARCH 2019

FOREWORD

Hestia, in compiling this report and submitting the first super-complaint on modern slavery, are giving a collective voice to victims who would otherwise have remained silent. We must give confidence to vulnerable victims that when escaping or being liberated from their captors that it's the abuses against them that will be investigated and not themselves.



The Modern Slavery Act 2015 was a huge step forward in tackling this pernicious crime. It sends a clear message that in the UK, modern slavery, human trafficking and exploitation in all forms will not be tolerated. However, this legislative stand must be followed through to the grass roots of policing. Our policing professionals must be given the training and resource to be able to investigate this complex crime alongside giving appropriate protections and support to the victims. I am aware that victims are being alienated by the criminal justice system, to the extent that they disappear or in some cases return to their captors. Not only is this demoralising, but it undermines our fight against this crime. It also seriously undermines our ability to prosecute offenders if we are no longer in touch with the victims. Unless they receive the care they require at this first point of contact with the criminal justice system we've got no hope of victims supporting a case through court.

Victims of modern day slavery are some of the most vulnerable victims I have ever met. There is so much more that we need to do before we can honestly stand up and say that we are providing all such victims with the care and support they truly deserve. By care, I mean robust and professional support that gives them a pathway from being a victim to becoming a survivor.

That is why I am supporting this super-complaint and also lending my support to Lord McColl's Bill, which is making its way through the House of Commons, to ensure that we support these most vulnerable victims every step of the way.

Baroness Newlove

Victims' Commissioner

It should go without saying that the safety and fair treatment of survivors should be the number one priority for those involved in the eradication of modern slavery in the UK. Sadly, despite some progress being made in response to the inspection by HMICFRS in 2017, many survivors still do not receive the right treatment and support.



Although there has been a significant increase in the number of modern slavery cases, the number of prosecutions remains low. It is not hard to make a connection between the treatment of survivors and the success of prosecutions. Slavery is often difficult to investigate because of the unique contexts and challenges it presents; successful prosecutions and progress towards eradication can only be made with the help and cooperation of survivors. That is why this super-complaint is so important.

Survivors must have the confidence to report crimes to the police and witnesses must feel able to come forward if they have potentially important information. This will not happen where service standards are low or where training is inconsistent.

I am pleased that London has an effective specialist modern slavery unit which provides survivors with a positive experience. I am also confident that the Met will address its own shortcomings and inconsistency especially in respect of frontline non-specialist officers.

I recognise the increased demands on Police at a time of limited resources; this should not prevent quality victim care and making necessary investment to identify and support survivors to safety and recovery.

Clare Waxman

Victims' Commissioner for London

UNDERGROUND LIVES: POLICE RESPONSE TO VICTIMS OF MODERN SLAVERY

SUMMARY

In 2018 there was a 250% increase in the number of modern slavery operations reported by UK police forces. However, numbers of prosecutions for perpetrators of modern slavery offences remain considerably low, with only 7% of recorded cases of modern slavery referred to the CPS.

Securing the cooperation of vulnerable victims with criminal proceedings is key to the success of prosecutions for this highly complex crime. However, two years since Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) reported widespread police failings that left many victims unidentified and not given the protection they deserve, the police response continues to fall short of the standards required to afford victims the full safeguards and support they need.

Following on from concerning witness statements to the Home Affairs Select Committee on Modern Slavery, Hestia has undertaken an experience-based analysis to further understand the needs of victims who are engaging with the police and what more is required to meet them. The combination of these two forms the basis of the first police super-complaint on modern slavery highlighting that while considerable progress has been made, many victims are still not receiving the appropriate level of service and support by non-specialist police officers and calling for sustainable plans from police forces to ensure an improved response to this abhorrent crime.

METHODOLOGY

- ▶ Analysis of witness statements to the Home Affairs Select Committee on Modern Slavery
- ▶ Freedom of Information Request to all police forces in England
- ▶ 10 interviews with Hestia keyworkers and service users
- ▶ Supporting evidence from two legal expert organisations

KEY FINDINGS

Progress: Specialist modern slavery units and the Modern Slavery Police and Transformation Unit (MSPTU) have contributed to a marked progress in police response to modern slavery since the 2017 inspection by Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services. However, key urgent recommendations by the HMICFRS inspection have yet to be implemented.

Good practice: At the heart of good practice responses by the police is an understanding of the deep trauma, often sexual, that victims of modern slavery have experienced. Flexibility to conduct interviews in spaces where the victim feels safe, allowing them to be accompanied by trusted support workers and using neutral and non-judgmental language are all key elements of enabling victims to provide the best quality evidence.

Bad practice: Key themes of practice which resulted in a negative experience by victims included: victims feeling like they were not believed by the police officers who took their statements or being treated as criminals; officers prioritising pursuing immigration offences over protecting victims; female victims of sexual exploitation being interviewed by male officers using male interpreters; and victims not being informed by the police that they had decided to drop the investigation into their exploiters and traffickers.

The impact of bad practice: Low levels of understanding of modern slavery and of the needs of vulnerable victims discourages victims from supporting investigations against exploiters and traffickers. Bad practice during police interviews with victims of modern slavery can leave them traumatized and in need of therapeutic support.

Training: The majority of police forces now have some mandatory training in place for all staff. However, the choice of training courses provided is inconsistent and often online. Training on modern slavery is largely absent from the continuous professional development of police forces.

Reporting: Some frontline police officers continue to fail in their duty to report modern slavery to the Home Office.

HESTIA'S MODERN SLAVERY RESPONSE TEAM

Hestia's modern slavery response team started in 2011 and since then Hestia has supported over 3,300 victims of modern slavery and their dependents. Currently, Hestia provides 6 safe houses in London and Kent, as well as a pan-London outreach service working in every London borough. In 2018, we supported 1,125 adults and 507 dependent children.

We work closely with The Salvation Army to deliver support to victims who have been referred into the National Referral Mechanism (NRM) and who have chosen to be supported by the Home Office funded Victim Care Contract. The NRM is a national framework that ensures victims of modern slavery are identified and receive appropriate support. In 2018, Hestia also launched the Phoenix Project in partnership with the British Red Cross to provide volunteer-led, long-term support to victims of modern slavery after they have left the NRM.

Since November 2018, Hestia is one of 16 police super-complaint bodies in the country. This position allows us to identify and report systemic issues in policing to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMCFRS), the College of Policing (CoP) and the Independent Office for Police Conduct (IOPC). Alongside this report, we are submitting the first police super-complaint on modern slavery.

POLICE RESPONSE TO VICTIMS OF MODERN SLAVERY

The Modern Slavery Act 2015 strengthened law enforcement powers and enhanced the protections and safeguards afforded to victims. The Act also introduced a duty on all staff employed by the police to notify the Secretary of State if they encounter a victim of modern

slavery. Shortly after its introduction, the College of Policing published Authorised Professional Practice (APP) to set standards for policing on modern slavery.

In early 2017, HMICFRS published the outcome of their inspection of all 43 police forces' response to the implementation of the Act. The inspection uncovered a high level of inconsistency in the way the police forces responded to modern slavery, with poor outcomes for many victims. That same year, a substantial two-year investment into the Modern Slavery Police and Transformation Unit (MSPTU) sought to correct many of the uncovered failings. However, HMICFRS warned that the MSPTU could not be seen as the only solution to the spectrum of issues identified and called for police services to put sustainable plans into action to improve their response to this abhorrent crime.

Recently, there has been considerable progress in the police response to modern slavery, with several forces adopting a victim-centred approach and a considerable increase in operations to identify victims and disrupt traffickers. The operation of specialist modern slavery units, as well as funding for the Modern Slavery Police and Transformation Unit in 2017 has significantly contributed to that progress. As a result, in 2018 there was a 250% increase in the number of modern slavery operations reported by UK police forces. At the same time, the numbers of victims identified by the police under the duty to notify have been steadily increasing year on year.

Despite that progress, numbers of prosecutions for perpetrators of modern slavery offences remain considerably low, with only 7% of recorded cases of modern slavery referred to the Crown Prosecution Service (CPS), a percentage characterised by the CPS as "tiny". The CPS was also concerned to report that the great majority of cases (75%) were referred by the same 6 police forces in the country: the Metropolitan Police Service, West Midlands, West Yorkshire, Greater Manchester, Northumbria and Kent. Securing the victims' cooperation with criminal proceedings is key to the success of prosecutions for what is one of the most complex crimes prosecuted by the CPS. However, victims of modern slavery require considerable support in order to cooperate with the police.

It is widely recognised, including by the Home Office competent authority guidance, that many victims of modern slavery fear that cooperating with police investigations might incur retributions from their traffickers whilst others have an inherent mistrust of authorities, instilled upon them by their exploiters. In our experience, nearly all victims of modern slavery find relaying the circumstances of their exploitation to be very traumatic.

EVIDENCE TO THE HOME AFFAIRS SELECT COMMITTEE ON MODERN SLAVERY

During 2018 – 2019, experts including academic researchers, legal experts, voluntary sector organisations as well as survivors of modern slavery gave extensive evidence to the Home Affairs Select Committee on Modern Slavery, including on their experience of the police response to modern slavery. A number of these accounts were very positive as to the progress that has been achieved in the recent past. However, nearly all witnesses recognised the need for further progress, while many outlined considerable shortcomings in the response of non-specialist police officers to victims of modern slavery. We outline the key issues identified by expert witnesses below:

- ▶ Non-specialist police officers fail to recognise the signs of exploitation and fail in their duty to report modern slavery to the Home Office;

Some witnesses testified that police officers continue to display a lack of understanding of modern slavery and often fail to recognise signs of exploitation and adequately respond to victims of modern slavery. This extended to a lack of understanding of the National Referral Mechanism (NRM) and of the duty to notify the Home Office when a potential victim is identified.

“On one occasion the police found me naked and said, “Are you a prostitute? Get in the back of the van. Here’s a jacket and we’ll drop you back,”—back to the hands of the perpetrators.

I was put in domestic violence refuges and then told that I did not fit the criteria because there was more than one perpetrator. I had given up thinking that there was any—I didn’t understand. I wasn’t fitting any criteria. As soon as I reached 18, it was no longer CSE or trafficking. There’s notes that clearly stated, “This person’s been trafficked,” but nothing was done. When I turned 18, I was told by the police that it was a lifestyle choice because I had access to a mobile phone.

[...] It wasn’t until I’d called the Salvation Army, and after I’d explained and they got the referral and I was taken to the safehouse that they said, “Yes, this is tailored for this person.” My only complaint was that 45 days was not enough. It’s been [number] years and even now support is still needed for ongoing medical stuff.”

Evidence from “witness A”
survivor of modern slavery

“The police are on the front line of detecting and combatting trafficking. Yet clear trafficking indicators are routinely missed by the police. We welcome recent efforts to increase training for front line officers. However, VOTs [Victims of Trafficking] continue to go undetected. We were contracted to provide telephone advice to immigrants who were arrested and awaiting immigration enforcement action at police stations. We would constantly recognise clear trafficking indicators after minutes of speaking to VOTs and then explain this to police officers who had failed to identify them. One solicitor outlined that out of the four years providing advice at least once a month, only on one occasion did a police officer know about the NRM.”

Evidence by Nusrat Uddin,
Wilson Solicitors

“There is a duty to notify under the Modern Slavery Act and the police are first responders, but I am not seeing the police making NRM referrals at that initial stage.”

Evidence by Philippa Southwell,
Birds Solicitors

“Lack of awareness of the offences of modern slavery, indicators of modern slavery or effective investigatory strategies undermines the ability of the police to respond. This has been a long-standing issue as highlighted in Human Trafficking and Modern Slavery strategy documents. Attempts are being made to rectify this, for example by the Modern Slavery Police Transformation Unit. [...] Those officers I interviewed often stated that they now think they missed cases in the past because of their lack of awareness.”

Evidence by the Centre for the Study of Modern Slavery, St Mary’s University

- ▶ Victims of modern slavery are treated as immigration offenders;

A number of witnesses reported that police officers often prioritised immigration offences to protecting potential victims of modern slavery. Examples of relevant accounts are outlined below:

“In (some) cases, instead of referring victims to the National Referral Mechanism (NRM) or providing them with support, the matter was treated as an immigration referral. Questioning victims’ accounts of their exploitation and treating them as immigration offenders reduces their trust in the system that is supposed to protect them. It also sends the message to other victims that it is not safe to report abuses.”

Evidence by Focus on Labour Exploitation (Flex)

“The current approach fails to prioritise the protection of victims of crime above immigration enforcement. The safety and protection of a victim of crime should be prioritised and a recognition given to the importance of prosecution witnesses in the protection of society as a whole.”

Evidence by Hope for Justice

“There is a clear need for a shift in mentality such that victims of trafficking are viewed as victims of crime. Instead authorities continue to question their credibility and believe they are simply immigration offenders. Our Crime Department represented many victims who were prosecuted for offences committed due to their trafficking situation or were trying to appeal those convictions. There remains a lack of awareness that the UK has a duty not to punish and prosecute where the offence is closely connected to the exploitation”

Evidence by Nusrat Uddin,
Wilson’s Solicitors

“There is evidence of a general conflation between asylum and immigration proceedings, and NRM proceedings. Our research also indicates that the fear of deportation (or getting someone else deported) represents a barrier to reporting and exiting exploitation, and therefore to survivors co-operating with police.”

The Rights Lab,
University of Nottingham

- ▶ Victims of modern slavery are treated as criminals when they have been forced to commit criminal activities by their exploiters, despite the existence of the section 45 Defence in the Modern Slavery Act.

Hestia’s Underground Lives: Male Victims of Modern Slavery report in 2018, found evidence that victims of modern slavery had spent time in prison or in detention for crimes or offences associated with their exploitation. Witnesses to the Home Affairs Select Committee had similar concerns.

“We are still prosecuting individuals on a daily basis when there are key trafficking indicators. [...] If we continue to prosecute victims of forced criminality, we will continue to have low prosecution rates for modern slavery-related cases.

Almost all of my clients that have been prosecuted do not want to co-operate with a subsequent or parallel investigation into their exploitation because they feel they are not believed.”

Evidence by Philippa Southwell,
Birds Solicitors

“Victims are often criminalised and will be interviewed as suspects under caution. The current College of Policing guidance regarding interrogations of victims involved in forced criminality is inadequate. Police are regularly arresting victims and treating them as suspects first and foremost, even when there are significant trafficking indicators present when arrests are made. In our experience, victims who are treated as suspects and/or defendants at any stage are highly unlikely to cooperate with the authorities as a victim either at that time or at a later stage.”

Evidence by Ben Douglas QC, Michelle Brewer (Barrister) and Philippa Southwell (Solicitor Advocate)

- ▶ Police forces fail to adequately investigate cases that come to their attention.

According to the CPS, modern slavery is a complex crime that presents resourcing challenges for police investigations. Evidence by a number of witnesses suggested that police forces failed to adequately investigate cases, often due to a lack of suitable resources.

“Give me the resources and I will give you an increase (in the number of modern slavery referrals to the CPS)”

Evidence by Chief Constable Shaun Sawyer,
National Police and Crime Commissioner Lead for
Modern Slavery

“Our action research with police in 2018 revealed that additional resources for frontline policing did not match demand created by increasing intelligence. Police were struggling to prioritise complex modern slavery cases against other forms of violent crime. Although the number of cases referred to the CPS is increasing, the proportion of cases leading to prosecution is reducing.”

Evidence by The Rights Lab,
Nottingham University

“Anti-Slavery is concerned that the significant reduction of police resources over the past decade has had an impact on the police ability to act early, mount complex investigations and work in the communities that is important addressing and preventing modern slavery crime.”

Evidence by Anti-Slavery International

“The level of resources available to the 43 police forces in England and Wales has decreased, and may affect decisions about which crimes to focus on or to limit the scale of an investigation. By their nature, modern slavery investigations may be more time-consuming because victims do not automatically come forth to make a complaint. Moreover, the collection of evidence may be protracted or require more-costly police investigative strategies like surveillance. In addition, many cases may be transnational involving the recruitment and transport of victims from within the EEA area or from countries outside the EEA. Some police forces may not want ‘to turn over the stone’ and identify cases of modern slavery because of the cost implications. Others may decide to limit the level of investigation to within their local force area, and pass information upwards to the National Crime Agency to deal with regional, national or transnational elements.”

Centre for the Study of Modern Slavery,
St Mary’s University

The evidence submitted to the Home Affairs Select Committee points to persistent problems in the police response to modern slavery across the country. In light of the above, Hestia decided to undertake an experience-based analysis to further understand the needs of victims who are engaging with the police and what more is required to meet them.

VOICES FROM HESTIA'S MODERN SLAVERY RESPONSE TEAM

In 2019, Hestia conducted 10 interviews with frontline keyworkers who had supported victims of modern slavery during interviews with the police. We also have two accounts of service users' experiences of being interviewed by police officers without the presence of their Hestia keyworker. The oldest account included in this report is from July 2017.

The experiences captured in this report are from the South and South East of England. Overwhelmingly, working with specialist officers from the Modern Slavery and Kidnap Unit of the Metropolitan Police (SC07) was a positive experience for our service users. However, the picture was very different when it came to the experience of interacting with officers from non-specialist local police. These accounts revealed an inconsistent picture with patches of good work and many examples of poor practice, sometimes within the same police station. It is our experience that once a victim of modern slavery has a negative experience with the police they find it impossible to engage with the investigation.

All the service users whose experiences are presented in this report were asked whether they would like to submit a complaint to the police by their keyworker at the time of the incident. Only one chose to do so and the complaint is currently being investigated. On all other occasions, our service users declined to file a complaint, either because the experience had left them traumatised, because they worried complaining to the police might harm the outcome of their conclusive grounds decision, or because their experience reignited feelings of mistrust and fear of the authorities

The super-complaint provides a much-needed new platform to hear the voices of victims of modern slavery who otherwise would have remained silent.

The accounts uncovered many examples of poor practice by police officers in ensuring victims of modern slavery receive the appropriate level of service and support as set out in the Authorised Professional Practice on modern slavery.

► **Not taking immediate steps to make a victim feel safe** (first key responsibility under the APP on modern slavery).

During interviews, we heard two examples of female victims of sexual exploitation being interviewed by male officers using male interpreters despite an explicit request for female officers and interpreters. On both occasions, the victims were not given warning in advance of the interview and felt like they did not have the option to walk out.

On one occasion a victim of sexual exploitation went to a police station to report the crime and proceeded to be interviewed by a police officer who, whilst sympathetic did not understand modern slavery, in the non-private reception area of the station, in the presence of members of the public.

We also heard two examples of clients not being informed by the police that they had decided to drop the investigation into their exploiters and traffickers. Such practice contravenes key entitlements under the Code of Practice for Victims of Crime. Finding out that a prosecution cannot be pursued can be very traumatizing for a victim of modern slavery who longs to see the perpetrators of their abuse brought to justice. As such it requires sensitive handling by the police that includes a clear justification of the decision to the victims.



Personal Account – escaping from sexual exploitation in East London

“I was pregnant with one baby when I managed to escape. It was very cold and I realized I had nowhere I was running to. I felt I needed to go to a police station because I couldn’t trust anyone. On the streets, I met a Nigerian lady who helped me. She gave me an oyster card so I could travel on the bus. She led me to a police station.

When I arrived, I rang the buzzer and they asked me who I was. It was freezing cold and I was in shock. I couldn’t talk much. A man and a woman came out. They took my details.

Inside the station, the woman left us alone, she said she needed to check something. The man started interrogating me. He questioned everything I told him. How can you say you’re running away if you have a coat on? Is it this cold in Nigeria? I told him I grabbed a coat that was by the door when I escaped but he didn’t like my answer. How come it fits so well? How come you have warm clothes for your son? He even questioned why I spoke English. He said they don’t speak English in Africa. I said we speak English in Nigeria. He didn’t believe me.

He then started searching me. He emptied my bag and took out every item. He made me empty out my pockets and take off my shoes. It was so traumatizing I cannot remember it all. He said he’d throw me out if I didn’t tell the truth. He shouted at me to speak up. When I asked him to slow down because I didn’t understand him, he accused me of insulting him. The officer at the counter was rude to me too. He told me to get up and told the other man to search me.

The woman came back. She said she had spoken to the Home Office and they had told her they’d find me a place to stay. Two hours later, they came to take me somewhere safe. Those people were nice.

I didn’t want to complain after that, I didn’t want anything to do with the police. That’s why I didn’t report my case (refused to support police investigations).”



Afghan victim of forced labour

“My client had escaped a forced marriage situation in which her husband was also forcing her to work without pay in his factory. She did not have the right to work in the UK when this was taking place. The husband was already in prison for a different offence when she decided to give a statement about the forced labour exploitation. When we went to the police station, the receptionist straight up told us ‘this isn’t modern slavery’. She hadn’t even heard my client’s case. Later, whilst my client was giving her statement, the officer interviewing her was very patronising. When my client said she had been forced to work against her will, the officer asked her if her husband had given her food to eat. My client said yes. The officer responded ‘did you expect to come to the UK to be a kept woman?’ In the end they told her it was

an employment issue and had nothing to do with them.” Hestia keyworker

► **Police officers do not treat reports from victims of modern slavery seriously from the start, nor do they remain victim-focused at all times** (third key responsibility towards victims of modern slavery according to the Authorised Professional Practice).

During interviews, we heard examples of victims of modern slavery feeling like they were not believed by the police officers who took their statements or being treated as criminals. Such experiences can be profoundly traumatic for victims of modern slavery, especially when they have been keen to cooperate with police investigations to see their exploiters brought to justice.

Sri Lankan victim of sexual exploitation

“My client was a victim of sexual exploitation. The local police had received a complaint of a disturbance from her neighbours. She lived in an expensive part of the city. The police knew of the client’s background of exploitation. They showed up at her property without a warrant. They told residents that they had a delivery so they were allowed in. My client is terrified of the police. She hid in her room. They started banging on her door. She said the banging was so hard, she thought her door would break. She let them in and asked if they had a warrant. They told her they don’t need

one because they were invited in the property, even though they’d used deception. They demanded to see her immigration documents and searched her room. They didn’t find anything so they left. Days later, one of the officers saw her on the street and demanded to see her immigration documents again. The same happened on two more occasions. My client felt constantly threatened and worried that the officers would ask for her to be deported. She never complained because she felt it would only make matters worse.” Hestia case worker



Ghanaian victim of domestic servitude

“My client wanted to see her exploiters prosecuted. When she gave her statement, the police officer who interviewed her was very dismissive. Her tone was accusatory, implying that had my client really been exploited, she would have reported it sooner. The officer didn’t seem to understand the effect of psychological intimidation or the use of juju by exploiters to control their victims. I kept trying to explain it to her. The officer told my client that if she

was really being exploited, she should have kept a diary of what was happening to her. In the end she told her they wouldn’t investigate because with cases of domestic servitude, it’s one person’s word against another’s. The officer said they want to see someone shackled to the wall, not someone who could’ve opened a door and left.” Hestia keyworker.

Romanian victim of sexual exploitation

“My client wanted to support police investigations. We set up a meeting with the police for her to give her statement, requesting female officers and interpreters. On the day, two male officers and a male interpreter turned up. The statement was to be taken in my client’s room in her NASS accommodation. When we’d set it up, they suggested a familiar setting might be better for her. But when three men turned up in her bedroom carrying cameras and recording equipment, my client became extremely nervous. The body language of the interrogating officer was very dismissive throughout. Providing a statement can be very difficult for a victim, they need to remember very traumatic experiences. In the end,

the officers told her they have no lines of enquiry to follow so they wouldn’t investigate. They should have had an informal discussion first to establish if there were lines of enquiry, not put her through this. My client felt devastated after the meeting.” Hestia keyworker

We received three negative accounts that described victims being interviewed in their home. The CPS guidance on achieving best evidence in criminal proceedings specifically recommends that intimidated victims should not be interviewed in their homes and interviews should instead take place on “neutral ground”.



“the officer told my client we want to see people shackled to the wall, not someone who could’ve opened the door and left”



What Good Practice Looks Like

Case Study from the Metropolitan Police Anti-Slavery Unit (SCO7) – Anna, a Polish victim of sexual exploitation.

Anna was sexually exploited over ten years. She now suffers from psychosis and alcohol addiction as a result of her exploitation. Anna wanted to support any investigations that could lead to her exploiters being brought to justice. However, she was very worried about recounting her traumatic experience as well as potentially facing retributions from her exploiters.

Anna's keyworker helped her arrange an appointment with a specialist female officer from SCO7 to discuss her concerns. The officer explained that Anna would have the opportunity to record her victim statement so that it could be used in a trial if Anna did not want to be present. She also reassured Anna that measures would be taken to ensure her comfort during the day. Anna decided that she was ready to provide a statement.

The specialist officer was very flexible and offered to make any arrangement that would make Anna feel comfortable. She arranged for a female interpreter to be present, as Anna occasionally needs language support. The officer also offered to travel to the station closest to Anna to meet her. The venue that she arranged to meet with Anna was a standalone building separate to the main police station. It felt welcoming, plain and clean. Anna's partner was allowed to accompany her to the venue, and was able to wait in the provided waiting room. Anna was able to bring her Hestia keyworker with her to the interview room for support.

The specialist officer brought recording and audio equipment with her. She took the time to explain to Anna what everything was and reiterated the purpose of recording Anna's statement.

The officer used very sensitive and neutral language. She reassured Anna that there was no such thing as "bad language" and that she could use whichever words she wanted to explain what had happened to her. Victims of sexual exploitation may often have a very sexualized vocabulary from their period of exploitation, even when their English language skills are not developed.

Anna's memory of some traumatic events can be blurred and often during her statement she needed time to compose herself and arrange her thoughts. The specialist officer made sure to move at Anna's preferred pace and never appeared to not believe her. The officer showed compassion without once betraying shock, pity or judgment.

At the end of the statement, the officer asked Anna how she felt. Anna felt very vulnerable from having to recall the details of her exploitation and said she would like a drink. The officer took time to talk to Anna about her drinking and confirmed with her that she was already accessing substance abuse support. The officer confirmed with Anna's Hestia keyworker that there were plans in place to help Anna access any additional support she required on the day.

POLICE FORCES' TRAINING REQUIREMENTS ON MODERN SLAVERY

The Authorised Professional Practice on modern slavery identifies as a key responsibility the requirement for all police officers to be trained and competent in recognising and responding to the signs of modern slavery.

However, the experiences reported during our interviews showed that lack of understanding of modern slavery by frontline police officers was common. This included a lack of understanding of the definition of modern slavery, a lack of understanding of the signs of exploitation as well as a lack of understanding of the impact of the experience of exploitation upon a person.

In 2019, Hestia submitted a Freedom of Information request to all England police forces on their training requirements for modern slavery.

28 out of 39 police forces responded by the time of the writing of this report, with several forces experiencing a backlog of FOI requests. A complete table of the remaining responses is being submitted to the HMICFRS alongside this report. Of the respondents, one police force did not agree to provide information. It was encouraging to see that

24 police forces had some form of mandatory training on modern slavery in place for all staff.

However, of those, four still relied solely on e-learning training packages. In 2017, the HMICFRS inspection found e-learning training on modern slavery to be of limited value to police officers.

17 forces provided mandatory training for student officers and 15 police forces provide more in-depth training for some specialist staff such as detectives and investigators. However,

only **two** forces included training on modern slavery as part of their continuous professional development,

and that was not mandatory.

There is clear progress since the 2017 HMICFRS inspection in that the majority of forces around the country now include some mandatory training for officers. However, there was inconsistency in the training courses delivered, with some courses being no longer than two hours for a subject that is extremely complex and affecting victims with widely different backgrounds, experiences and vulnerabilities. At

the same time, modern slavery was absent from the continuous development training offer of the overwhelming majority of police forces in the UK.

In 2018, there were 128,000 police officers in the country. St Mary's Centre for the Study of Modern Slavery noted that many of those officers will never come across a victim of modern slavery in the course of their career. If officers only ever receive training on modern slavery as students, it may take years before they are required to put their learning to practice.

The experience from our own service as well as evidence from legal, police, academic and voluntary sector bodies suggests that there is an abundance of skills and knowledge amongst specialist staff, particularly those in specialist modern slavery units such as those in the Metropolitan Police, Greater Manchester and West Yorkshire Police. However, this capacity does not consistently filter down to frontline officers. In their evidence to the Home Affairs Select Committee, West Yorkshire Police said that

in a police force of over 7,000 a team of 15 specialists is a small number

and called for more specialist staff to pass on their knowledge and advice to officers in the front line.

In the 2 years of its funding, the MSPTU has developed a range of training resources on modern slavery and has trained 900 local police staff and over 1000 specialist staff across the country. However, this represents only the start of the effort to transform a frontline police response that remains inefficient and inconsistent in dealing with this abhorrent crime.

ACCOUNTS FROM OTHER EXPERTS

After reviewing the evidence submitted by witnesses to the Home Affairs Select Committee, we invited two experts to provide further evidence. Key issues identified from their statements are included below, with their full evidence submitted alongside this report to the HMICFRS, CoP and IOPC and available on the gov.uk website.

► Wilson Solicitors

Victims of modern slavery require extensive support to cooperate with police investigations:

Many Victims of Trafficking (VOTs) come from countries where corruption pervades law enforcement agencies. Traffickers often tell victims that they have links to law enforcement in the UK so in this context victims often start from a place of deep distrust towards the UK

authorities. Building trust is key to allowing victims to come forward to safety. [...] If victims can trust authorities to protect and support them, they can engage with the prosecution process, they can become key witnesses and help bring about trafficking convictions.

Failure of the section 45 defence:

We are contracted by the Legal Aid Agency to provide immigration advice in immigration removal centres (IRCs) by offering immigration advice at regular legal advice surgeries to people detained under immigration powers. We have represented numerous clients who present with clear indicators of trafficking but who are facing deportation, due to convictions for crimes clearly linked to their trafficking situation. There is legal protection against criminalisation of VOTs set out in the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings and the 2011 EU Directive on preventing and combating Trafficking in human beings and protecting its victims. The Modern Slavery Act 2015 introduced a statutory defence under section 45 of the Modern Slavery Act 2015. Despite these legal protections, the police and CPS continue to fail to recognise VOTs as victims. Instead potential VOTs are arrested and prosecuted in contravention of the UK's non-punishment obligations. [...]

There remains a lack of understanding and awareness of trafficking within front line staff within the criminal justice system. For example, there is extensive literature covering the widespread trafficking of boys and young men from Vietnam to work in cannabis farms and who are often subjected to debt bondage. Despite an increase in awareness of this issue, we continue to see VOTs in IRCs facing deportation, due to convictions for cannabis cultivation. Trafficking indicators were or should have been evident at the time of their arrest and many were children whose age had been unlawfully disputed. [...] We have had one case where a criminal judge stopped a criminal prosecution that he was presiding over, he recognised that the defendant was a VOT and required appropriate legal advice. In that particular case the judge had sat as an immigration judge and had experience of hearing cases of VOTs from that context.

Inefficient police investigations:

From our experience of clients who are engaging with police investigations, the process can be extremely slow and victims are kept in the dark about timeframes or progress. Furthermore, key avenues of investigations are often not fully considered by police. We are concerned that despite the government's commitment to trafficking prosecutions, police forces are inadequately resourced to be able to make real progress.

► Hope for Justice

A summary of key issues experienced by Hope for Justice Independent Modern Slavery Advocates (IMSA) are outlined below:

- 1) The majority of our clients do wish to report, either immediately or after they feel safe and stable. Some clients have had a very positive experience. All the prosecution cases we have been involved with have resulted in convictions (except 2 discontinued on points of law). 100% of the clients we have been working with have been able to attend court as witnesses when required to do so. However, we have found in many instances a reluctance to investigate and pursue prosecutions.
- 2) Cases have been marked No Further Action (NFA) without the victim even being spoken to or interviewed and decisions have been made about the credibility of the victims without consideration of the effects of trauma.
- 3) The Victim Code is regularly not complied with and victims do not know what is happening to the case. This causes additional stress to the victim as they feel they have not been believed and no one is doing anything.
- 4) When the decision to take No Further Action has been made, in many circumstances, no one explains the decision to the client or gives updates in compliance with the Victims Code. Hope for Justice IMSAs have consistently requested the police to update clients and the police have not done so. Hope for Justice IMSAs will regularly chase for updates and confirmation that cases are being investigated.
- 5) If a decision is NFA, the victims do not receive in writing the reasons for the decision. The lack of written confirmation means no audit trail exists and the victim is unable to assess whether their case has grounds for review. The lack of written confirmation means victims and their IMSAs are unable to access review processes. There is no clarity that a case is NFA and reasons for lack of investigation.
- 6) There have been cases where a poor or inappropriate interpreter has been provided. In one case, a Latvian female was only given access to a Russian interpreter and she spoke very little Russian. The language barrier meant the victim was unable to disclose that she was a victim of human trafficking and had been violently assaulted by the perpetrator.
- 7) There is little knowledge of APP practices and procedures/NRM process and legislation generally. Where a police force has a specialist Modern Slavery Unit, the understanding in the police force is better but the officers on the front line can still have little or no knowledge of modern slavery in practice.

CONCLUSION

Victims of modern slavery have suffered severe trauma and have often escaped long-term abuse. Hestia's Underground Lives research has found that nearly all suffer mental health issues as a result of their exploitation and remain acutely vulnerable for long after their escape. It is also very common amongst our service users to continue to fear retributions or recapturing by their exploiters despite the safeguards put in place for their protection.

The statutory Code of Practice for Victims of Crime entitles vulnerable and intimidated victims to an enhanced level of service. However, the level of support often encountered by victims of modern slavery in their interaction with the police often falls below minimum standards of care.

The purpose of a modern slavery investigation is to safeguard and protect the welfare of the victim or witness by reducing the risk of harm to them, improving their safety, health and wellbeing and enhancing their trust and confidence in the police so that they feel able to disclose. The CPS recognizes the significance of supporting victims in increasing the numbers of prosecutions for modern slavery offences. Our own experience suggests that victims of modern slavery who have a desire to support investigations against their exploiters change their minds after a negative experience of interacting with police officers. The fact that rates of prosecutions for modern slavery offences remain very low despite a dramatic increase in operations to disrupt gangs and traffickers, suggests that unless we improve our support for victims we will continue to fail in bringing perpetrators to justice.

A negative experience of interacting with the police can also have a profoundly adverse impact on the wellbeing of a victim of modern slavery. It is key to the recovery of a person who has endured extreme trauma to be met with compassion and belief by the authorities. The opposite experience can be a considerable setback. It is not uncommon for victims of modern slavery in our service to experience a mental health crisis after recounting the details of their exploitation, even when that account is given following the highest standards of care. The keyworkers we interviewed reported having to conduct several follow up meetings with their clients to ensure their mental wellbeing after a traumatic experience with the police.

Tackling modern slavery has moved up on the agenda of many police forces across the country, with some great work undertaken by specialist units and patches of good practice from non-specialist officers. However, many frontline officers continue to display low levels of awareness of modern slavery and of the needs of victims of this heinous crime. Victims of modern slavery who escape their exploiters are more likely to come in contact with a non-specialist officer at a local police station than with an expert. It is, therefore, vital that all officers are competent in their response to modern slavery, to ensure we are not failing in the identification and support of the most vulnerable victims of crime. Levels of prosecution for modern slavery will remain very low and exploiters will continue to victimise more vulnerable people, until all forces ensure a consistent approach to supporting victims in becoming witnesses.

RECOMMENDATIONS

- ▶ For the College of Policing, the National Crime Agency and Regional Organised Crime Units to:
 - ▶ urgently review uptake of all recommendations by the 2017 HMICFRS inspection of police response to modern slavery and ensure these are immediately implemented;
- ▶ For the Government to:
 - ▶ ensure long-term funding for the Modern Slavery Police and Transformation Unit until all police failings identified in the HMICFRS inspection, Home Affairs Select Committee on Modern Slavery and the first super-complaint on modern slavery are adequately addressed;
- ▶ For all police forces to:
 - ▶ ensure all frontline officers adhere to the APP on modern slavery;
 - ▶ quality assure all training provision on modern slavery to ensure that it adequately covers victim identification and care;
 - ▶ ensure they provide a trauma-informed response to all victims of modern slavery;
 - ▶ make training provision on modern slavery part of continuous professional development for all police officers.

REFERENCES

“Achieving Best Evidence in Criminal Proceedings Guidance on interviewing victims and witnesses, and guidance on using special measures”, Ministry of Justice, 2011

“Authorised Professional Practice on Modern Slavery”, College of Policing, 2015

“Code of Practice for Victims of Crime”, Ministry of Justice, 2015

“Stolen freedom: the policing response to modern slavery and human trafficking”, HMICFRS, 2017

“Underground Lives: Male Victims of Modern Slavery”, Hestia, 2018

Anti-Slavery International, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0125, October 2018

APPG on Modern Slavery and Human Trafficking, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0117, October 2018

Ben Douglas-Jones QC, Michelle Brewer and Phillipa Southwell, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0129, October 2018

Centre for the Study of Modern Slavery, St Mary’s University, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0053, October 2018

Focus on Labour Exploitation, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0027, October 2018

Hope for Justice, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0069, October 2018

Oral Evidence to the Home Affairs Committee on modern slavery HC 1460, 15 January 2019

Oral Evidence to the Home Affairs Committee on modern slavery, HC 1460, 6 November 2018

The Rights Lab, University of Nottingham, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA 0099, October 2018

Victims of modern slavery – Competent Authority guidance, Home Office, 2019

West Yorkshire Office of the Police and Crime Commissioner, written evidence to the Home Affairs Select Committee on Modern Slavery, MSA0073, October 2018

At Hestia, we support adults and children across London in times of crisis. Last year we worked with more than 9,000 people, including victims of modern slavery, women and children who have experienced domestic abuse, young care leavers and older people. Hestia's modern slavery response team started in 2011 and since then Hestia has supported over 2,500 victims of modern slavery and their dependents. Currently, Hestia provides 5 safe houses in London and Kent, as well as a pan-London outreach service working in every London borough. We work closely with The Salvation Army to deliver support to victims who have been referred into the National Referral Mechanism (NRM) and who have chosen to be supported by the Home Office funded Victim Care Contract. In 2018, Hestia also launched the Phoenix Project in partnership with the British Red Cross to provide volunteer-led, long-term support to victims of modern slavery.

For more information, please contact us at:
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To make a donation, please visit:
[Hestia.org/appeal/modernslavery](https://hestia.org/appeal/modernslavery)

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