

West Midlands PCC Response - Report on Hestia's super-complaint on the police response to victims of modern slavery

This statement has been written in response to the super-complaint made by Hestia to regarding the police response to victims of modern slavery. Full details on the super complaint can be found [here](#).

In summary the super-complaint raised several concerns about the police response to victims of modern slavery, including how police identify, deal with and support victims and how modern slavery crimes are investigated. Hestia believes the current police response leads to victims not engaging with the police or supporting modern slavery investigations and prosecutions and that, as a consequence, offenders are not brought to justice. A summary of the issues raised include:

- non-specialist police officers fail to recognise the signs of exploitation and fail in their duty to report modern slavery to the Home Office;
- police officers aren't taking immediate steps to make a victim feel safe;
- victims of modern slavery are treated as immigration offenders;
- 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 2015;
- police forces don't adequately investigate cases that come to their attention; and
- the adequacy of training provided to frontline officers.

Modern Slavery and Human Trafficking are complicated crimes which are difficult to prove and resolve. Although national progress has been made since the inception of the 2015 Modern Slavery Act and the last HMICFRS inspection in 2017, progress remains patchy and inconsistent across forces. The West Midlands has led the way in responding to Modern Slavery; however, we must not become complacent and must continue to drive forward improvements.

In 2020 we launched the Exploitation and Abuse framework in acknowledgement that these crimes cannot be solved solely by policing alone and required a partnership, multi-agency collaborative response. The framework allows us to drive regional collaboration and improve responses to exploitation and abuse in all its forms across the region. The strategic boards are accountable to the West Midlands Community Safety Partnership (WMCSP) and all seek to prevent, identify and effectively support victims of exploitation and abuse and to disrupt and pursue perpetrators. We also have WMP SOCEX which is the exploitation hub which acts as a SPOC for officers and partners, and they are often the "go to resource" for queries or service recovery.

A recent report from the Anti-Slavery Commissioner; Sara Thornton speaks about the benefits of taking a public health approach to modern slavery. The Anti-Slavery Commissioner's and this super complaint together provide an opportunity to reflect and consider how the West Midlands could further establish itself as a lead in this area of business.

Strategic Leadership/Prioritisation.

The report makes mention of the crime type appearing within Strategic Assessments. Although WMP's assessment will reflect this under the banner of exploitation and the obvious link to Serious Organised Crime (SOC). It would be useful to understand where slavery/trafficking features amongst the understandable complexity and volume of other competing policing demands. It would also be useful to seek assurance as to the level of Executive scrutiny and accountability.

Initial Response

There is a level of inconsistency within the identification of, and initial response to potential victims/survivors. WMP is looking to explore the notion of specialism within Response, and this is very much welcomed. There is a thread here to the Victims Code and the necessity to keep a victim/survivor or their advocate fully apprised of developments. Some of these failings are exacerbated by the handover to investigation from Response or Neighbourhood and is a definite area which needs focus. Having said that the PCC is commissioning an innovative Community Engagement project in collaboration with Black Country Women's Aid in respect of increasing the identification of victims of sexual exploitation. The project aims to increase access to support for vulnerable sexually exploited women who are victims of modern slavery in the West Midlands. The service works closely with police and partner agencies to develop/respond to intelligence, map sex work/exploitation across the region, and engage with potential and identified victims. The service works closely with the West Midlands Police Exploitation Hub and works in partnership to:

- Gather intelligence for partners to build evidence for future activity e.g. warrants/identification of victims
- Respond to police and partner intelligence (for example visiting indoor sites to engage women and map activity) to further investigate potential exploitation and develop additional evidence for potential police action
- Online analysis and mapping to identify linked brothels across the region, women advertised across multiple sites, and hotspot areas to assess organised crime involvement/potential for exploitation
- Work with ROCU (Regional Organised Crime Unit) and NCA (National Crime Agency) where needed providing essential information and intelligence.

Criminal Justice Outcomes

The report suggests that increasing investigative volumes are a measure of success. In truth, this is more likely reflective of better crime recording practice as increased NRM's will naturally lead to increased investigations. However, page 42 of the report provides an insight into potential attrition. It is advisable WMP explores a similar approach in understanding why investigations are not proceeding to court outcomes. There is obvious complexity and challenge in investigating these crimes, but greater localised insight would be advantageous. In addition, access to CPS data would enhance overall understanding. It would also be useful to gain an understanding of the use of prevention orders and risk orders as part of a wider data set. The report offers an opinion with regards to the added benefit of specialism. It would be helpful to seek assurance from WMP as to the current volume of specially trained investigators and an equal assurance as to enquiries being allocated accordingly. It would also be helpful to understand whether or not the developing SOCEX model will bring an

enhanced specialist investigative capacity and capability. Finally, it would be useful to monitor the level of intelligence to ensure that staff are gathering and inputting intelligence, whilst also ensuring that the relevant development and tasking is taking place. These issues have been raised at strategic board.

Section 45 and Criminalising Victims/Survivors

This is an issue which has been brought to the MSHT strategic board, there is a need for greater insight into the cohort of victims/survivors that are seen as criminally exploited. We need to understand the WMP direction to investigators who are faced with such circumstances. It would be useful to understand at what point and by whom NRM's are being submitted in these circumstances. Are victims/survivors being charged with criminal matters or are they being released pending an investigation into their potential exploitation.

Survivor Support

The PCC commissions an innovative response to victim safeguarding in our region. The Slavery Adult Safeguarding Case Conference (SASCC) provides a model which is similar to that of the Domestic Abuse Multi Agency Risk Assessment Conference (MARAC). Although not funded by the PCC; the Safe Place project delivered by the West Midlands Anti- Slavery Network (WMASN) is a unique service which affords victims a place of safety after being rescued and prior to an NRM being submitted. Both of these initiatives places the West Midlands as front runners nationally in our response to victim care.

The PCC and the WMASN has convened a care and support network which brings together all service providers who deliver care and support to victims of modern slavery. We now have a Directory of all these services which includes what service are provided and how a referral is made, capacity and the organisations geographical coverage. This Directory is now on the PCCs website and is regularly kept up to date.

A previous super complaint by Liberty and Southall Black Sisters', Safe to Share? raised the following concerns; has been raised with WMP who are factoring this in as a consideration in any pending investigation.

1. the police passing victim and witness data to the Home Office for immigration enforcement purposes; and
2. the operation of and/or perception of a culture of police prioritising immigration enforcement over the investigation of crime and safeguarding.

The New plan for immigration proposes a number of reforms which will impact on victims and survivors these have been summarised in our response to the recent consultation.

Simon Foster

West Midlands Police and Crime Commissioner

