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**COUNTY LINES AND GANG CRIME**

**A LANDSCAPE REVIEW & SCOPING DOCUMENT**

1. **Introduction**

In winter 2021 we were asked to complete a landscape review and scope for a potential thematic inspection on CPS activity on the topics of County Lines and Gang Crime. If the inspection were possible county lines would be the focus. The aim of this document is to summarise the law and policy on these areas with reference to academic opinion and make recommendations on the plausibility of an inspection and any value it would add to the work of the Crown Prosecution Service (CPS).

We have also consulted several stakeholders for their advice and assistance in the writing of this document. These have included Tammy Gray (CPS Head of Policy), Kirsten Foster (CPS Senior Policy Advisor – head of gang crime), Graham Fisher (CPS Senior Policy Advisor – head of county lines), Tony Hirst (HMICFRS), a current youth lead in a busy CPS area, Lynette Woodrow (DCCP HQ Operations & Modern Slavery lead) and Joanna Coleman (DCCP London North & Drug and County Lines lead).

Finally, we have drawn on our own experience in this area.

1. **Terms Defined**

The term gang is not defined specifically in law. Section 34(5) of the Policing and Crime Act 2009, as amended by the Serious Crime Act 2015 states something is gang related if it occurs in the course of, or is otherwise related to, the activities of a group that:

* Consists of at least three people; and
* Has one or more characteristics that enable its members to be identified by others as a group.

Crown Prosecution Service (CPS) guidance {<https://www.cps.gov.uk/legal-guidance/gang-related-offences-decision-making>} states that a root cause of gang offending is drug dealing and this often leads to offences of violence and weapon carrying (both for protection and in the commission of offences).

The term “county lines” is described in the CPS document “County Lines Typology” as follows –

 *“County Lines operates by gangs from urban areas, in particular London but also*

 *other cities, introducing a telephone number in a new area to sell drugs directly at*

 *street level. Potential buyers telephone the number and local runners are*

 *dispatched to make deliveries via a telephone 'relay or exchange' system. The*

 *'runners' are almost invariably children, often boys aged 14 – 17 years, who are*

 *groomed with the promise of money and gifts and deployed or forced to carry out*

 *day to day dealing. Runaway and missing children are also used by gangs to*

 *expand inner city drugs operations into county towns.”.*

There is evidence that it is not just children who are used by gangs to assist in the supply of illicit substances but vulnerable adults as well. This is seen particularly with examples of cuckooing (when a drug dealer takes over the home of a vulnerable person to store drugs and/or supply drugs from that residence).

1. **Background**

In December 2021 HM Government released a report entitled ‘From Harm to Hope:a 10-year drugs plan to cut crime and save lives’. This outlines that a priority for the government is to break drug supply chains. It states this will be done by *“closing 2000 county lines gangs and disrupt 6400 organised crime activities”.*

The difference between a county line gang and an organised crime group is discussed in the article ‘Covid-19 and child criminal exploitation in the UK: implications of the pandemic for county lines’ by academics Ben Brewster, Grace Robinson, Bernard Silverman and Dave Walsh, November 2021. Drawing on previous academic works they outline that

 *“gangs involved in county lines presented themselves as a hybrid between*

 *traditional street gangs and organised crime groups, noting that those*

 *involved were “visible, known to police and operated at street level where*

 *organised criminals tend not to operate” (ibid, 13). While this may hold true*

 *for many of the networks involved in CL across the UK, the proliferation of the*

 *trafficking of children, the above-mentioned increase in gun and knife crime, as*

 *well as rising cases of money laundering and cybercrime (O’Hagan and Long*

 *2019) suggest that CL activity does involve some elements of organised crime...*

 *However, due to the overlap between actors in gangs and CLs it can be hard to*

 *establish where a gang ends and where an organised crime group (OCG) begins*

 *(Densley, 2012: 44–45).”.*

The CPS has a specific policy on Gang Related Offences. It can be found at <https://www.cps.gov.uk/legal-guidance/gang-related-offences-decision-making>.This outlines the considerations a prosecutor must have when reviewing a gang related offence. Of key importance here is the requirement on the prosecutor to consider whether the accused has entered into the offending voluntarily or has been *“groomed, threatened or manipulated”*. If the accused fits these criteria the prosecutor should be alive to section 45 of the Modern Slavery Act 2015, the law on duress and public interest considerations. These will be discussed in further detail below.

1. **Modern Slavery Act 2015**

This introduced several new offences in relation to the facilitating and holding of people in slavery or servitude or compulsory labour along with offences on facilitating human trafficking. These offences are dealt with in sections 1 and 2 of the Act and whilst the offences are either way it is our experience that the vast majority of cases involving offences under these headings will be heard in the Crown Court.

If an offender is convicted of an offence under this Act the Court has the power not only to seize assets under the Proceeds of Crime Act (section 7) but can also make ancillary orders relating to Slavery and trafficking reparation orders (sections 8-10) and forfeiture orders (section 12). An order under sections 8-10 requires the offender to pay compensation to the victim. An order under section 12 (subject to specific criteria) forfeits any land, vehicle, ship or aircraft owned (as an individual or director, secretary or manager), in possession through a hire purchase agreement (or director, secretary or manager of a company or driven during the commission of the offence.

Under section 14 the Court can also impose a Slavery and Trafficking Prevention order if an offender is convicted of, found not guilty by reason of insanity or is under a disability and has done the act of a slavery or human trafficking offence. This can only be imposed following an application by -

(a) a chief officer of police,

(b) an immigration officer, or

(c) the Director General of the National Crime Agency (“the Director General”).

A Slavery and Trafficking Prevention order can prohibit the offender from doing anything prescribed in the order both in or outside of the UK providing the Court is satisfied the prohibition is necessary to protect persons (generally or particular individuals) from physical or psychological harm which would be likely to occur if the defendant committed a slavery or human trafficking offence. An order of this nature can also prohibit an offender from leaving the UK. These orders must be for a prescribed period of no more than 5 years.

The Modern Slavery Act 2015 did not just introduce new criminal offences but also introduced a statutory defence to some criminal offences committed by a “victim” of a modern slavery defence. This is covered in section 45 of the Act. This reads as follows –

***45 Defence for slavery or trafficking victims who commit an offence***

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

*(a) the person is aged 18 or over when the person does the act which constitutes the offence,*

*(b) the person does that act because the person is compelled to do it,*

*(c) the compulsion is attributable to slavery or to relevant exploitation, and*

*(d) a reasonable person in the same situation as the person and having the person’s relevant characteristics would have no realistic alternative to doing that act.*

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

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

*(a) it is, or is part of, conduct which constitutes an offence under section 1 or conduct which constitutes relevant exploitation, or*

*(b) it is a direct consequence of a person being, or having been, a victim of slavery or a victim of relevant exploitation.*

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

*(a) the person is under the age of 18 when the person does the act which constitutes the offence,*

*(b) the person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation, and*

*(c) a reasonable person in the same situation as the person and having the person’s relevant characteristics would do that act.*

*(5) For the purposes of this section—*

*“relevant characteristics” means age, sex and any physical or mental illness or disability;*

*“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.*

*(6) In this section references to an act include an omission.*

*(7) Subsections*[*(1)*](https://www.legislation.gov.uk/ukpga/2015/30/part/5/enacted#section-45-1)*and*[*(4)*](https://www.legislation.gov.uk/ukpga/2015/30/part/5/enacted#section-45-4)*do not apply to an offence listed in Schedule 4.*

*(8) The Secretary of State may by regulations amend Schedule 4.*

Schedule 4 is very important as it limits the offences that this section can apply too. The list of offences is too voluminous to list here but included in appendix 1 is a copy of schedule 4. However, in general the offences that cannot apply to sections 45(1) and (4) are offences of violence (excluding common assault/assault by beating contrary to section 39 Criminal Justice Act 1988 and assault occasioning actual bodily harm contrary to section 47 Offences against the person Act 1861), sexual offences, robbery, burglary, riot, violent disorder, terrorism related offences, firearms offences, stalking, harassment (putting a person in fear of violence), arson, racially aggravated assaults and public order (section 4 &4A) and modern slavery offences.

1. **What is the procedure if there are suspicions an offender is a victim of modern slavery?**

Under section 52(1) of the Modern Slavery Act 2015 a public authority has a duty to notify the secretary of state if they believe a person may be a victim of modern slavery or human trafficking. The list of public authorities that this duty applies to are listed in section 52(5). Notably they do not include the CPS but instead impose the duty on all police forces (including the NCA) and all councils.

In criminal investigation and prosecution terms this means at the point of arrest the police should consider the full circumstances of the case to ascertain if this suspect might be the victim of modern slavery. They ought to be considering not only what the suspect may tell them, but any police intelligence and material gathered during the investigation. The Home Office has provided guidance on how to spot a potential victim of modern slavery called ‘Modern Slavery: Statutory Guidance for England and Wales (under section 49 of the Modern Slavery Act 2015)’.

The duty to notify is done by the police through the Modern Slavery Portal. This can be done in two ways. The first is all potential victims under 18 and for all potential adult victims who give their consent a referral will be made to the National Referral Mechanism. For any adult who does not give their consent a notification will be made to the Home Office.

1. **National Referral Mechanism**

The National Referral Mechanism is conducted by the Single Competent Authority (SCA). The SCA has no investigative powers but can request further information from the first responder who referred the potential victim, the victim themselves or their legal representative.

The SCA will make a reasonable grounds decision first. This decision is based on the test “I suspect, but I cannot prove”. The aim is for this decision to be made within 5 days but in practice this takes much longer.

Following the reasonable grounds decision, the SCA will make a conclusive grounds decision. This can involve further enquiry and the test is the balance of probabilities. This decision should be made not less than 45 days from the reasonable grounds decision but again in practice is much longer.

1. **The NRM and Criminal Prosecutions**

It is hugely beneficial for the referral to be done as soon as possible and before the case is charged. This is because a positive conclusive grounds decision can have an impact on both stages of the full code test. However, in reality, a suspect (potential victim) may not divulge any information to the police upon arrest or police interview and may wait until a Court appearance to reveal information to their representative or to the Court. In the case of R v. D [2018] EWCA Crim 2995 the Court of Appeal held that wherever possible victims of trafficking should be identified before a plea is taken. In the cases where a referral is made the usual timetable for case progression cannot apply (in both the Magistrates and Crown Court). The ECtHR have also confirmed this is the correct approach.

This issue of not revealing any modern slavery issues to the police (and subsequent delay) is of particular relevance when considering the reported lack of trust young people (Dr Grace Robinson – *Drug Gangs and County Lines – The Leg it podcast*) and members of the BAME community have in the police and the criminal justice system (The Lammy Review 2020). There will also be occasions when the police may fail to make a referral despite having sufficient information for a suspicion to have been raised.

Therefore, it is crucial that CPS is alive to this issue. Where a CPS lawyer believes there is a suspicion the suspect may be a victim of modern slavery or human trafficking or the suspect states this is the defence they intend to run, an NRM referral must be made immediately. The criminal prosecution must then be paused pending the outcome of the conclusive grounds decision.

The CPS is not a first responder and so cannot make this referral. Nor can the defence solicitors or the Court. Therefore, the CPS must notify the police of the issue and ask them to make the referral.

1. **The Impact of a Referral on Criminal Prosecutions due to Delay**

Due to delays in receiving both the reasonable grounds and conclusive grounds decisions, cases are being put back – sometimes for many months. This has a particular impact upon CTL cases and in these situations the police must, in the referral, notify the SCA of the CTL expiry date. Consequently, the CPS must ensure it is monitoring CTLs closely to enable extension applications where appropriate. The CPS should also escalate any delays to the police who will in turn raise the issue with the SCA as the CPS does not have contact with the SCA.

However, it is not just on CTL cases that these delays will have an impact. Delay has an adverse effect on victims, witnesses and defendants. As the focus of this scoping review is on county lines and gang crime it is important to consider the impact of delay in cases with youth defendants. The CPS has a specific Youth Policy. One of the key points in the policy is that youth cases should be dealt with expeditiously and avoid delay. *“…There is little point in conducting a trial for a young offender long after the alleged commission of an offence when the offender will have difficulty in relating the sentence to the offence. To maximise the impact on the youth offender, the case must be dealt with as soon as possible”.* Therefore, in all youth cases the reviewing lawyer should consider the delay to a prosecution as a key part of the public interest test. It is not impossible to envisage the following scenario:

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| A youth is arrested on suspicion of common assault on another youth on 1.1.20. The youth gives a no comment interview and is released under investigation. The police decide to charge the suspect with the offence on 1.5.20 and the postal requisition is raised and instructs the youth to appear at the local Magistrates Court on 1.6.20. At the first hearing the duty solicitor represents the youth and only brief instructions are taken. A trial date is fixed for 1.8.20. The defendant and his solicitors hold a conference on 1.7.20 where detailed instructions are taken and it is noted that the suspect may be a victim of modern slavery. The defence solicitors notify the CPS on 2.8.20 who accordingly ask the police to make the referral to the SCA. The referral is then made by the police on 9.8.20. The reasonable grounds decision ought to be completed by 14.8.20 and the conclusive grounds decision by 28.9.20. However, we are aware that the decisions from the SCA are taking substantially longer than the timetable set out here. (Anecdotal evidence received in the course of this review is in some cases they are taking up to 12 months to be received). If we consider that the SCA reaches a decision after the 45 days, it still then has to be sent to the police who have to send it to the CPS. This scenario illustrates the difficulty faced by the CPS – particularly in cases where the decision by the SCA may be negative or the offence is relatively minor (albeit not to the victim). The lawyer now must balance a significant delay in the prosecution of a youth defendant against the fact that the victim, who bears no fault for this delay, was assaulted. The matter will require a new trial listing which will no doubt be towards the end of 2020 or the beginning of 2021 – a year after the offence was committed. Is it still in the public interest to proceed with this matter when considering the youth policy?  |

1. **The Impact of a Positive Conclusive Grounds Decision.**

A positive conclusive grounds decision does not automatically mean the prosecution is brought to a stop. The lawyer should review the case entirely along with the decision itself. Then they must decide whether the full code test is met. The CPS has developed a four stage approach to take in these cases in their policy ‘Modern Slavery, Human Trafficking and Smuggling Guidance’ December 2021 <https://www.cps.gov.uk/legal-guidance/modern-slavery-human-trafficking-and-smuggling>.

*1. Is there a reason to believe that the person is a victim of trafficking or slavery?
•    If yes, move to Question 2.
•    If not, you do not need to consider this assessment further.*

 *2. Is there clear evidence of a credible common law defence of duress?
•    If yes, then the case should not be charged or should be discontinued on evidential grounds.
•    If not, move to Question 3.*

 *3. Is there clear evidence of a statutory defence under Section 45 of the 2015 Act?
•    If yes, then the case should not be charged or should be discontinued on evidential grounds
•    If not, move to Question 4.*

 *4.    Is it in the public interest to prosecute? This must be considered even where there is no clear evidence of duress and no clear evidence of all of the elements of a section 45 defence or where section 45 does not apply (because the offence is excluded under Schedule 4).*

*Prosecutors should consider all the circumstances of the case, including the seriousness of the offence and any direct or indirect compulsion arising from their trafficking situation; see R v LM Ors [2010] EWCA Crim 2327; R v VSJ [2017] EWCA Crim 36.*

1. **Other Impacts on the Prosecution**

Disclosure

Once an NRM referral has been made more material will be generated. If the prosecution decides the full code test is passed and the matter should proceed something will need to be done with that material. The vast majority (if not all) of the material will be unused. The material will consist of all documents sent to the SCA by the police when the referral was made, and the material generated by the SCA (including the decisions themselves). Furthermore, in all cases where an NRM referral is made a modern slavery offence must be recorded. This means a new crime report will be raised for that offence alone and therefore in all cases involving an NRM referral an additional crime report will be in existence and should appear on the unused schedule.

None of this material will be in the possession of the CPS – therefore as with any unused material the CPS is reliant on the police to ensure that it is all obtained and scheduled. The disclosure officer will also be responsible for the review of that material and to alert the prosecutor where material may meet the test for disclosure.

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| Anecdotal evidence was obtained in the course of this scoping review from a youth lead for a busy Metropolitan area. They had a concern (and a specific case example) that the police were failing to supply the CPS with all the material submitted to the SCA and that the material was not always being scheduled correctly. There was a fear that disclosure was not being done properly and in turn that these cases were not being reviewed fully.They also shared a concern with the authors that the CPS should be more proactive when a referral is made. They suggested that rather than simply wait for the conclusive grounds decision to be sent to them the CPS could direct the police to obtain school records, social service records and police intelligence. They pointed out that in some cases they have waited 12 months for the conclusive grounds decision and then had to take time to review the case and make a decision. Had they have made attempts to obtain all of the information and review it themselves a decision may have been possible much sooner.  |

Impact of a positive decision on the case?

A positive conclusive grounds decision does not mean the case has to stop. The matter needs to be reviewed and a decision taken in accordance with the full code test and CPIA. The decision is not completed by an expert and is based on the civil standard of proof. Therefore, the decision needs to be examined with care. If the prosecutor decides that following a positive conclusive grounds decision the matter should still proceed to trial a review should be completed to set out the full rationale. The relevant policies and guidance should be referred to (*VCL and AN v United Kingdom* (Applications 77587/12 and 74603/12) [5 July 2021]). The reviewer would also be expected to outline why they disagree that the offender is a victim of modern slavery/trafficking or alternatively that there is no nexus between the slavery/trafficking and the offence.

If the offence was one listed under schedule 4 and therefore section 45 would not apply the reviewer ought to explain why the case can or cannot proceed in relation to the public interest test. When considering the public interest stage, the CPS policy *“Gang Related Offences – Decision making”*summarises the sorts of considerations the prosecutor should have. They will not be rehearsed here but range from the age and maturity of the suspect, the type of sentence, pre-meditation, public confidence, impact on the victim and the culpability of the suspect.

The policy encourages the prosecutor to consider out of court disposals in accordance with the policy on Youth Offenders and Cautioning and Diversion.

If there is a positive conclusive grounds decision and the matter proceeds to trial the evidential burden is on the defence who must raise sufficient evidence to allow the defence to be considered by the jury. The defence is established if a reasonable person in the same situation as the defendant and with the defendant’s relevant characteristics would (for a defendant over 18) have no realistic alternative to committing the offence or (for a defendant under 18) would have committed the offence. The Crown must then disprove the defence raised beyond reasonable doubt.

What happens to the reasonable grounds and conclusive grounds decisions?

The decisions are not written by experts and are not admissible as evidence in a criminal trial. The leading authority on this point is the case of *R v Brecani* [2021] EWCA Crim 731) in which they confirmed that prosecutors should not be making section 10 admissions to allow the admission of the decisions. Whilst it may be appropriate for an admission to be agreed at trial based on a fact contained within the SCA decision, the prosecution should only agree if it is satisfied on the evidential basis.

The decisions are unused material. It would follow that in the vast majority, if not all cases, they will meet the test for disclosure and should therefore be disclosed on the defence as early as possible.

1. **What exactly is the CPS involvement in county lines cases?**

As will probably be clear from the above the CPS does not have a significant impact on these cases at the early stages. Potential victims should be highlighted by various agencies including schools, social services, local authorities, the NHS and the police. However, once a criminal investigation has commenced and the CPS is either asked to provide a charging decision or to review a case charged by the police, the CPS becomes an interested party. CPS involvement is summarised below, and it follows that any inspection into CPS activity would focus on this –

* On receipt of a request for a pre charge decision the CPS should consider the material. If it appears the suspect is a potential victim of modern slavery or trafficking the CPS should ask the police to make a referral. The charging decision should be delayed until the conclusive grounds decision is received. (Clearly there will be some exceptions to this which could be an STL almost expiring or in serious cases where schedule 4 applies. For example, a murder charge – particularly in cases with multiple defendants.)
* County lines and gang related offending encompasses several diverse but interrelated issues. Some of which fall outside the scope of the work of HMCPSI and involve a multi-agency approach. For example, the safeguarding of minors is a concern for the police and child services but not the CPS. It is linked to the issue of diversion, which does fall within the scope of the CPS and should be addressed at the pre charge stage.
* When the police charge a case, the CPS will review it (either before the first hearing for NGAP cases or at Court and/or after a NG plea is entered for GAP cases). As with pre charge cases, the CPS should review the material and if the defendant is a potential victim, the CPS should ask the police to make a referral. In the majority of cases the plea should not be taken from the defendant and the proceedings should be adjourned pending the outcome of the conclusive grounds decision.
* There will be cases where there will be sufficient material on the case papers to identify a potential victim. The CPS is responsible for highlighting this, even in cases where the police have not.
* In cases where the defence notifies the CPS that the defendant is potential victim the CPS should ask the police to make a referral. The CPS should not delay in making this request and should keep the matter under review and escalate it with the police where the decision from the SCA is delayed. This will be of relevance in cases where the defendant is remanded in custody and all CTLs should be monitored very closely with extension applications submitted when appropriate.
* Once the conclusive grounds decision is received the CPS needs to ensure the case is reviewed fully. The review should be fully reasoned and completed in accordance with the relevant policies. The review should also follow the four stages outlined at part 9 of this report.
* In cases where the decision is made to stop the prosecution, there ought to be no delay and the defendant and Court should be notified as soon as possible. The victim should also be notified in accordance with the Victim Communication and Liaison Scheme.
* In cases where the decision is to proceed the review should outline fully why the lawyer disagrees with the conclusive grounds decision and why the case should proceed.
* In cases that proceed to trial the lawyer should ensure that a fully completed disclosure schedule is prepared by the police and served on the defence. In addition to the unused material gathered during the investigation, the schedule should include the crime report relating to the modern slavery offence, all material considered by the SCA and the reasonable and conclusive grounds decisions.
* Any disclosable material arising from the referral should be disclosed as soon as possible and this should include the reasonable and conclusive grounds decisions in the majority (if not all) cases.
* In accordance with the leading authority no admission should be made to adduce as evidence in the trial the conclusive grounds decision.
* If a defendant is convicted after trial the CPS should ensure relevant applications are made at the sentence hearing which could include forfeiture and destruction (weapons, knives or drugs) and CBOs (on request from the police).
1. **What CPS areas could be inspected as part of this thematic inspection?**

In 2016 the National Crime Agency said (in their report County lines gang violence, exploitation & drug supply) 71 per cent of British police forces have reported *“established County Lines activity in their boundaries”.* Whilst all areas will undoubtedly have relevant cases, we would recommend limiting the inspected areas to three or four to ease the burden on the Inspectorate and the CPS.

Dr Grace Robinson in her podcast <https://safetonetfoundation.org/2021/07/17/safeguarding-podcast-county-lines-with-dr-grace-robinson/> discusses the impact the Covid 19 pandemic has had on county lines offending. Of interest here she reports that the British Transport Police have been able to “spot” suspicious young people doing county lines drug dealing via the train routes. This was also commented upon in the Guardian article Gangs still forcing children into county lines drug trafficking by Grierson and Walker 2020 who stated that although there had been a reduction in rail travel due to the pandemic the British Transport Police had not seen a reduction in “juvenile drug runners”. CPS West Midlands are responsible for all the criminal prosecutions submitted by the British Transport Police. Therefore, we suggest that this is one of the areas that could be inspected.

In December 2021 HM Government released a report entitled “From harm to hope: a 10-year drugs plan to cut crime and save lives”.This report set out the Government’s plan to break up drug supply chains over the next ten years. One of the aims set out in the report is to *“roll up”* county line gangs and to achieve this they have set out three county lines task forces. These are London, West Midlands and Liverpool.

The NCLCC County Lines Strategic Assessment 2020/21 stated the reason these cities had been selected to form the task force is that they are the top three exporter areas and account for 80% “of all lines when the origin of the line is known”.

Given the extra focus on these areas we would recommend therefore that any thematic inspection focusses on the following CPS areas –

1. Liverpool
2. London North
3. London South
4. West Midlands.
5. **What should the aim of this inspection be?**

In our opinion this inspection should focus on the quality of county lines casework. This is covered in detail at part 11 above.

1. **How could this inspection be carried out?**

CPS Staff Interviews.

This could be done to assess the lawyers’ understanding of the county lines policy. However, we question whether this might be truly representative. The area involved will be asked to select specific people for these interviews and there is a risk that those selected may be more experienced practitioners in the area. The aim of this inspection is to select a range of cases, including those missed altogether or those dealt with to a poor standard. Therefore, the interviews would have to be done alongside other inspection methods.

Police officer Interviews.

This could be done to obtain a stakeholder’s opinion as to how the CPS is operating in its handling of these cases. Our concern is that the CPS is heavily reliant on the material and information provided by the police. Information that police officers may have would not necessarily assist our understanding of the CPS’s casework quality. There is the risk that information received here would be anecdotal in nature and this approach could not be done without other inspection tools being used.

Document reading

All areas hold Local Case Management Panels (LCMPs) on cases with difficulties or of high interest. It is possible that these may be held on some of the county lines cases. Areas also hold high-risk logs and anecdotally we have been made aware that the youth lead from a busy metropolitan area keeps his own log of all county lines cases. These documents could be obtained and reviewed as part of an inspection.

Casefile analysis.

In our opinion this will be the most successful way of reviewing CPS work on county lines cases. All the aspects that we have considered above will be revealed through casefile reading and we recommend any inspection being based on file reading. Interviews and document reading could of course supplement this.

It is important that all CPS work is put into context and therefore we recommend the consideration of police file quality, defence correspondence and identifying of trial issues and any delay by the SCA during the inspection.

1. **CPS Monitoring of county lines cases**

To be able to read relevant case files a detailed file triage would need to take place. Therefore, the monitoring of these cases is of crucial importance. To assist our understanding of this topic we met with Tammy Gray (CPS Head of Policy), Kirsten Foster (CPS Senior Policy Advisor – head of gang crime) and Graham Fisher (CPS Senior Policy Advisor – head of county lines). The authors of this report also have a great deal of experience of the CPS and these cases. One was a Senior Crown Prosecutor on a Crown Court unit for several years and the other was a District Crown Prosecutor on the Magistrates and Youth team for London South CPS for over three years.

At the present time the CPS is not completing any formal monitoring of these cases. Whilst there is a modern slavery flag on CMS this is reserved for those cases where offences have been committed under the Modern Slavery Act contrary to sections 1 and 2.

We consulted the policy leads on any informal monitoring and they explained the following two methods are being done –

1. The Drugs Network. A SPOC from each CPS area will refer some drugs cases to Policy. These will not necessarily be county lines cases and Kirsten Foster accepted that this will not encompass “missed” cases and will only be the cases the area is actively working on.
2. Graham Fisher explained that he has started to bring some cases together to monitor the work on NRM referrals. These cases are revealed to the policy team by the Area Communications Manager. Graham accepted that these cases inevitably will be only those that the area knows about and is working on. It also follows that these cases will undoubtedly be well considered and prepared.

The authors of this report did consider whether we could rely on the cases identified by the Drugs Network or by the Area Communications Manager, but we do not feel this is appropriate. This is not likely to be a representative and accurate picture of the work as these are the cases especially selected by the area and not therefore a genuine dip-sample of the work across the board.

Any triage of these cases would be challenging. To narrow the triage, we have considered limiting the scope of the inspection to youth defendants who are potential victims. We have also considered limiting the triage to offences where section 45 is applicable. However, the guidance is clear that even in offences where section 45 is not applicable, if there is a positive conclusive grounds decision a review should take place to consider whether duress applies or whether it is in the public interest to proceed. Therefore, this is not a representative approach. Sadly, there are no other limiting features.

Consequently, any triage to enable a file read would have to consider all youth cases in the area over the specified period and would be a resource intensive activity.

1. **Recommendations**

To conduct an inspection on this subject presents a challenge, principally arising from the difficulties in identifying cases. It would be a resource intensive activity, which was confirmed by the comments made by Kirsten Foster when asked how she obtains details of cases. The question for HMCPSI is whether this presents a proportionate use of resources compared to the added value such a report might produce. The policy documents disclose areas of interest, which suggests that there is scope for a set of questions that may form the basis of a meaningful inspection. If an inspection were to be resourced, the question that follows is where might an inspection add value to the quality of CPS casework?

During our discussions with the CPS Policy Leads they notified us that the current CPS policies on County lines and Gang crime are in the process of being updated. The county lines policy is due to be released sometime around February 2022, while the revised gang crime policy is due to be published by the end of 2022. It may be that the current timing is not right for the CPS. Although guidance is frequently reviewed, the CPS Policy leads inferred that the current revision work is more significant. If an inspection were to be conducted before the revised publications are embedded, it may not reflect the anticipated improvements to casework. However, this must be tempered with the awareness that any policy guidance, revised or not, is only effective if it is understood and implemented. It is also not clear from Policy to what extent the guidance is being revised and to what extent improvements might be expected.

Lynette Woodrow and Joanna Coleman were both contacted during this scoping review and asked for their views on any value of an inspection. They were also asked the specific question in relation to the activity of the CPS “if you had 60 days resource to look at county lines what would give you the most value – what would you do?”. Sadly, at the time of writing neither have responded.

When asked the same question, the representatives from CPS Policy gave the impression that they do not see any value being added by an inspection. There appears to be the perception that there is no need for improvement in either subject area. There was an implied response that any necessary improvement work is in hand by the work being undertaken on the revision to the guidance. The quality of police file submissions was identified as the only area of weakness and therefore in their opinion there would be limited, if any, value added from an inspection of CPS work.

We do not find this to be an accurate assessment. The review of literature undertaken, in particular the CPS guidance documents, which set out the approach to be taken by prosecutors and our knowledge of casework, disclose potential areas for examination and improvement. This is supported by our own knowledge of casework.

If resources were to be allocated for the triage of material and if the scheduling of an inspection was timed appropriately around the revised guidance, the following inspection question and aims could be considered.

1. **The Inspection Question**

Is the CPS correctly prosecuting such cases by following its own guidance? The purpose of guidance is to define the approach that is to be taken in investigations and prosecutions. Whether CPS policy and guidance are applied correctly or not is a corollary of the quality of casework. Where could the focus of an inspection fall?

The overarching question could be:

*In cases of county lines and gang crime offending does the standard of CPS casework provide an effective response to the prosecution of defendants and to the identification of exploited individuals?*

The aims of an inspection:

1. Was the prosecutor alive to potential victims and where appropriate did they ask the police to make a referral to the SCA?
2. Was the charging decision correctly postponed pending the outcome of the conclusive grounds decision?
3. Did the prosecutor consider the nature of exploitation?
4. Was there evidence of exploitation, even if the activity appears consensual?
5. Are prosecutors able to identify the difference between exploitation and trafficking?
6. Did the prosecutor identify an element of duress that derogated from the decision to prosecute, even if the legal definition of duress was not made out?
7. Did the prosecutor consider the possibility of age and/or gender bias when identifying potential suspects and victims?
8. Did the prosecutor consider that other exploited individuals might have been overlooked? Such as vulnerable adults and females.
9. Was the evidential test correctly applied and reasons provided?
10. Was the public interest assessment correctly applied and reasons set out where the evidential assessment was passed?
11. Did the charging decision accurately reflect the level of offending?
12. Are prosecutors considering diversion appropriately?
13. Were other related offences considered such as firearms, weapons offences, offences against the person, sexual offences, coercive and controlling behaviour and human trafficking?
14. Were all reasonable lines of enquiry raised?
15. Was the action plan proportionate and kept under review?
16. Did the CPS demonstrate grip on cases involving the National Referral Mechanism by the appropriate preparation of CTL extensions, the adjustment of the standard timetable and the implementation of escalation procedures?
17. Has the CPS been pro-active in requesting material that may assist in their review of these cases such as police intelligence, school and Social Services records?
18. Were defences fully considered, including the statutory defence under S.45 Modern Slavery Act 2015?
19. Was the case strategy reviewed in view of the defence?
20. Do the reviews contain a clear rationale and justification for the decision taken?
21. Was the CPIA correctly applied to unused material including NRM material?
22. Did the charging decision leave the court with sufficient sentencing powers?
23. Were the full range of ancillary orders considered?
24. **Inspection Framework**

**Pre-Charge Decisions**

1. Charges

County lines and gang crime cases are often prosecuted solely under the Misuse of Drugs Act 1971. The volume of cases that enter the Criminal Justice System under this piece of legislation may belie a greater complexity of issues and therefore other potential offences. Prosecutors should be aware of the availability of other offences such as weapons and firearms offences, offences against the person, sexual offences and coercive and controlling behaviour. The evidence may also disclose a wider conspiracy in preference to drugs related counts.

It is essential that prosecutors select appropriate charges that:

1. Reflect the seriousness of the offence.
2. Allow the court to exercise adequate sentencing powers.
3. Permit the making of appropriate orders, such as Confiscation Orders, Forfeiture and Destruction Orders and.
4. Enable cases to be presented in a clear way.
5. Diversion and the Decision Not to Prosecute

The nature of gang culture is that offenders often have affiliation and links to more serious organised crime groups and those within the prison system. Prosecutors should be aware of the following considerations:

1. Lower level offenders who have not acquired a criminal record may benefit from diversion from the Criminal Justice System.
2. Lower level offenders may lead to the identification of more serious offenders, organised crime groups and those who operate within gangs.
3. The suspect may have been the victim of grooming or coercion. Suspects who are seemingly complicit in the alleged activity may be victims of exploitation and may need to be diverted from prosecution.
4. Is there a possibility of the suspect, who is already vulnerable, becoming a witness against those upon whom a relationship of financial or drug dependency and/or the fear of violence have been established? This might be a remote prospect, but prosecutors should be aware that those who are apparently complicit may be under duress, even if the degree of duress does not meet the legal definition.
5. Female suspects may not be aware that they are the victim of coercion and may present to investigators as the willing partner of a gang member.
6. Evidential Considerations, case strategy and action plans

Evidential considerations can be diverse and complex. The characteristics of this offending behaviour – the use of debt bondage, coercion, intimidation, violence, weapons and exploitation, are likely to involve several strands of evidence and lines of enquiry. Therefore, consultation with the police should be undertaken with the police as part of Early Investigative Advice. Where the case focusses on gang crime, evidence will be needed to prove the existence of the gang and its relevance to the case. Prosecutors should ensure that evidence such as the use of social media, telecommunications data, CCTV, body worn video and potentially expert evidence or opinion on gang affiliation and the use of drill music are gathered, which may need detailed action plans.

Prosecutors should be aware of the following:

* 1. Robberies and aggravated burglaries of drug runners’ houses might be staged and may raise a reasonable line of enquiry as to upstream suspects.
	2. Other forms of offending may also indicate organised crime activity.
	3. Evidence gathering may call upon lengthy enquiries before charges can be authorised.
1. Application of the Full Code Test

Prosecutors should be aware that evidential considerations are not the only issues that may influence the decision to prosecute. The public interest may weigh against prosecution where the youthfulness of the suspect or defendant might explain the susceptibility to being exploited and that to criminalise such defendants may not act as a deterrent to future offending.

When assessing the public interest, prosecutors will need to consider the following:

1. The level of maturity of the suspect.
2. The likely sentence.
3. Whether such offending is widespread in the area and public confidence in prosecutions.
4. The use of weapons during the offence and the escalation of violence and more serious offending.
5. Whether the offence was premeditated or the suspect was the ringleader.
6. The likelihood of repeat offending.
7. The suspect’s mental and physical wellbeing and vulnerability.
8. Whether exploitation might fall short of a defence

**Post Charge Review and decisions**

1. Ongoing case strategy

A clearly set out case analysis is essential, it should be defined at the pre charge stage and should be followed during the life of the case. Prosecutors should undertake a proportionate review once the case is in the Criminal Justice System and should keep the case under review.

Prosecutors should:

* 1. Ensure that the police have responded to the action plan.
	2. Pursue outstanding requests and escalate where necessary.
	3. Respond in a timely manner to the defence, in particular to the S.45 defence.
	4. Review the appropriateness of any pleas or bases of plea that might be advanced by the defence.
	5. Consider whether the case strategy needs to adapt to developments in the case.
	6. Ensure that victim and witness support measures are in place for the gathering and giving of evidence.
1. Defences

A prompt response to the raising of the statutory defence under S.45 Modern Slavery Act 2015 and other stated defences is essential to the quality of casework. The National Referral Mechanism may have a significant impact upon case strategy and the progress of the case. The CPS response to the quality of police file submissions and to defence representations can impact on the quality of casework and the outcome of the case.

Prosecutors need to be aware that:

1. A Conclusive Grounds Decision does not preclude a prosecution.
2. Failings in the disclosure of police intelligence or officer unawareness of an NRM referral may not immediately disclose a defence.
3. A child who is found by police away from home or in possession of a large amount of drugs or money may be the victim of trafficking and may have a defence to prosecution and should raise a reasonable line of enquiry.
4. S.45 Modern Slavery Act 2015 does not apply to all offences.
5. Disclosure:

Reasonable lines of enquiry potentially will raise disclosure issues. Prosecutors should establish a disclosure strategy with the police as soon as possible. A failure to do so leaves cases at risk of being listed for trial where undermining material, which might derogate from the decision to prosecute, is not disclosed at the earliest opportunity.

Prosecutors need to be aware that:

* 1. The disclosure test applies to NRM material as well as to other types of unused material.
	2. A Reasonable Grounds Decision should be subject to the Disclosure test once the prosecutor is made aware of it and it should not await the Conclusive Grounds Decision.
1. Sentencing and Orders

County lines and gang crime can encompass a wide range of activity and therefore a wide range of sentencing orders is available to the courts. Prosecutors should ensure that applications are made for orders that reflect the gravity of offending and contain sufficient punitive and preventative elements that relate to the facts of the case.

**The National Referral Mechanism (Pre and post charge cases):**

The Modern Slavery Act 2015 is a key piece of legislation and a proper understanding directly affects the outcome of cases. To draft accurate action plans, prosecutors must have a good understanding of the application of S.45 Modern Slavery Act 2015 and the implementation of the National Referral Mechanism.

Prosecutors must be aware of the following considerations;

* 1. The need to escalate a decision to the police via a unit head where a CTL expiry is imminent.
	2. Once deemed relevant that the police initiate a referral at the earliest opportunity.
	3. A post sending review must include the PTPH form as the defence is required to confirm if the statutory defence is to be raised.
	4. The usual timetable does not apply in referral cases.
	5. CTL extension applications may need to be prepared.
	6. Referral mechanism material may need to be disclosed. The police are responsible for the redaction of sensitive information.
	7. A claim to being trafficked might be false and a Conclusive Grounds Decision may not signal the end of the prosecution case.
	8. Diversion from prosecution for a drugs related offence does not preclude prosecution under the Modern Slavery Act. Prosecutors should consider that a police witness may give evidence that the suspected courier was trafficked or exploited, in lieu of the child or vulnerable adult suspect, and that a prosecution may still proceed with an alternative strategy under the MSA 2015.
1. **Conclusion**

An inspection is feasible but resource intensive. There is the potential to add value to the quality of CPS casework. Timing is an issue but the fact that the CPS is revising its policy in this area does not preclude an inspection being undertaken. It is suggested that a meaningful inspection could be conducted within the next eighteen to twenty-four months.

Report Prepared by:

Helen Cox, Legal Inspector

Sarah Lloyd, Legal Inspector

20th January 2022

**APPENDIX 1**

**Modern Slavery Act 2015 Schedule 4**

Offences to which defence in section 45 does not apply

Common law offences

1False imprisonment.

2Kidnapping.

3Manslaughter.

4Murder.

5Perverting the course of justice.

6Piracy.

[Offences against the Person Act 1861 (c. 100)](https://www.legislation.gov.uk/id/ukpga/1861/100)

7An offence under any of the following provisions of the Offences Against the Person Act 1861—

section 4 (soliciting murder)

section 16 (threats to kill)

section 18 (wounding with intent to cause grievous bodily harm)

section 20 (malicious wounding)

section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)

section 22 (using drugs etc to commit or assist in the committing of an indictable offence)

section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)

section 27 (abandoning children)

section 28 (causing bodily injury by explosives)

section 29 (using explosives with intent to do grievous bodily harm)

section 30 (placing explosives with intent to do bodily injury)

section 31 (setting spring guns etc with intent to do grievous bodily harm)

section 32 (endangering safety of railway passengers)

section 35 (injuring persons by furious driving)

section 37 (assaulting officer preserving wreck)

section 38 (assault with intent to resist arrest).

[Explosive Substances Act 1883 (c. 3)](https://www.legislation.gov.uk/id/ukpga/1883/3)

8An offence under any of the following provisions of the Explosive Substances Act 1883—

section 2 (causing explosion likely to endanger life or property)

section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)

section 4 (making or possession of explosives under suspicious circumstances).

[Infant Life (Preservation) Act 1929 (c. 34)](https://www.legislation.gov.uk/id/ukpga/1929/34)

9An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

[Children and Young Persons Act 1933 (c. 12)](https://www.legislation.gov.uk/id/ukpga/1933/12)

10An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

[Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)](https://www.legislation.gov.uk/id/ukpga/1936/6)

11An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

[Infanticide Act 1938 (c. 36)](https://www.legislation.gov.uk/id/ukpga/1938/36)

12An offence under section 1 of the Infanticide Act 1938 (infanticide).

[Firearms Act 1968 (c. 27)](https://www.legislation.gov.uk/id/ukpga/1968/27)

13An offence under any of the following provisions of the Firearms Act 1968—

section 5 (possession of prohibited firearms)

section 16 (possession of firearm with intent to endanger life)

section 16A (possession of firearm with intent to cause fear of violence)

section 17(1) (use of firearm to resist arrest)

section 17(2) (possession of firearm at time of committing or being arrested for specified offence)

section 18 (carrying firearm with criminal intent).

[Theft Act 1968 (c. 60)](https://www.legislation.gov.uk/id/ukpga/1968/60)

14An offence under any of the following provisions of the Theft Act 1968—

section 8 (robbery or assault with intent to rob)

section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it

section 10 (aggravated burglary)

section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person

section 21 (blackmail).

[Criminal Damage Act 1971 (c. 48)](https://www.legislation.gov.uk/id/ukpga/1971/48)

15The following offences under the Criminal Damage Act 1971—

an offence of arson under section 1

an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

[Immigration Act 1971 (c. 77)](https://www.legislation.gov.uk/id/ukpga/1971/77)

16An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

[Customs and Excise Management Act 1979 (c. 2)](https://www.legislation.gov.uk/id/ukpga/1979/2)

17An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

[Taking of Hostages Act 1982 (c. 28)](https://www.legislation.gov.uk/id/ukpga/1982/28)

18An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

[Aviation Security Act 1982 (c. 36)](https://www.legislation.gov.uk/id/ukpga/1982/36)

19An offence under any of the following provisions of the Aviation Security Act 1982—

section 1 (hijacking)

section 2 (destroying, damaging or endangering safety of aircraft)

section 3 (other acts endangering or likely to endanger safety of aircraft)

section 4 (offences in relation to certain dangerous articles).

[Mental Health Act 1983 (c. 20)](https://www.legislation.gov.uk/id/ukpga/1983/20)

20An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

[Child Abduction Act 1984 (c. 37)](https://www.legislation.gov.uk/id/ukpga/1984/37)

21An offence under any of the following provisions of the Child Abduction Act 1984—

section 1 (abduction of child by parent etc)

section 2 (abduction of child by other persons).

[Public Order Act 1986 (c. 64)](https://www.legislation.gov.uk/id/ukpga/1986/64)

22An offence under any of the following provisions of the Public Order Act 1986—

section 1 (riot)

section 2 (violent disorder).

[Criminal Justice Act 1988 (c. 33)](https://www.legislation.gov.uk/id/ukpga/1988/33)

23An offence under section 134 of the Criminal Justice Act 1988 (torture).

[Road Traffic Act 1988 (c. 52)](https://www.legislation.gov.uk/id/ukpga/1988/52)

24An offence under any of the following provisions of the Road Traffic Act 1988—

section 1 (causing death by dangerous driving)

section 3A (causing death by careless driving when under the influence of drink or drugs).

[Aviation and Maritime Security Act 1990 (c. 31)](https://www.legislation.gov.uk/id/ukpga/1990/31)

25An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

section 1 (endangering safety at aerodromes)

section 9 (hijacking of ships)

section 10 (seizing or exercising control of fixed platforms)

section 11 (destroying fixed platforms or endangering their safety)

section 12 (other acts endangering or likely to endanger safe navigation)

section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994 ([S.I. 1994/570](https://www.legislation.gov.uk/id/uksi/1994/570))

26An offence under Part 2 of the Channel Tunnel (Security) Order 1994 ([SI 1994/570](https://www.legislation.gov.uk/id/uksi/1994/570)) (offences relating to Channel Tunnel trains and the tunnel system).

[Protection from Harassment Act 1997 (c. 40)](https://www.legislation.gov.uk/id/ukpga/1997/40)

27An offence under any of the following provisions of the Protection from Harassment Act 1997—

section 4 (putting people in fear of violence)

section 4A (stalking involving fear of violence or serious alarm or distress).

[Crime and Disorder Act 1998 (c. 37)](https://www.legislation.gov.uk/id/ukpga/1998/37)

28An offence under any of the following provisions of the Crime and Disorder Act 1998 —

section 29 (racially or religiously aggravated assaults)

section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

[Terrorism Act 2000 (c. 11)](https://www.legislation.gov.uk/id/ukpga/2000/11)

29An offence under any of the following provisions of the Terrorism Act 2000—

section 54 (weapons training)

section 56 (directing terrorist organisation)

section 57 (possession of article for terrorist purposes)

section 59 (inciting terrorism overseas).

[International Criminal Court Act 2001 (c. 17)](https://www.legislation.gov.uk/id/ukpga/2001/17)

30An offence under any of the following provisions of the International Criminal Court Act 2001—

section 51 (genocide, crimes against humanity and war crimes)

section 52 (ancillary conduct).

[Anti-terrorism, Crime and Security Act 2001 (c. 24)](https://www.legislation.gov.uk/id/ukpga/2001/24)

31An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

section 47 (use of nuclear weapons)

section 50 (assisting or inducing certain weapons-related acts overseas)

section 113 (use of noxious substance or thing to cause harm or intimidate).

[Female Genital Mutilation Act 2003 (c. 31)](https://www.legislation.gov.uk/id/ukpga/2003/31)

32An offence under any of the following provisions of the Female Genital Mutilation Act 2003—

section 1 (female genital mutilation)

section 2 (assisting a girl to mutilate her own genitalia)

section 3 (assisting a non-UK person to mutilate overseas a girl’s genitalia).

[Sexual Offences Act 2003 (c. 42)](https://www.legislation.gov.uk/id/ukpga/2003/42)

33An offence under any of the following provisions of the Sexual Offences Act 2003—

section 1 (rape)

section 2 (assault by penetration)

section 3 (sexual assault)

section 4 (causing person to engage in sexual activity without consent)

section 5 (rape of child under 13)

section 6 (assault of child under 13 by penetration)

section 7 (sexual assault of child under 13)

section 8 (causing or inciting child under 13 to engage in sexual activity)

section 9 (sexual activity with a child)

section 10 (causing or inciting a child to engage in sexual activity)

section 13 (child sex offences committed by children or young persons)

section 14 (arranging or facilitating commission of child sex offence)

section 15 (meeting a child following sexual grooming)

section 16 (abuse of position of trust: sexual activity with a child)

section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)

section 18 (abuse of position of trust: sexual activity in presence of child)

section 19 (abuse of position of trust: causing a child to watch a sexual act)

section 25 (sexual activity with a child family member)

section 26 (inciting a child family member to engage in sexual activity)

section 30 (sexual activity with a person with a mental disorder impeding choice)

section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)

section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)

section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)

section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)

section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)

section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)

section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)

section 38 (care workers: sexual activity with a person with a mental disorder)

section 39 (care workers: causing or inciting sexual activity)

section 40 (care workers: sexual activity in the presence of a person with a mental disorder)

section 41 (care workers: causing a person with a mental disorder to watch a sexual act)

section 47 (paying for sexual services of a child)

section 48 (causing or inciting child prostitution or pornography)

section 49 (controlling a child prostitute or a child involved in pornography)

section 50 (arranging or facilitating child prostitution or pornography)

section 61 (administering a substance with intent)

section 62 (committing offence with intent to commit sexual offence)

section 63 (trespass with intent to commit sexual offence)

section 64 (sex with an adult relative: penetration)

section 65 (sex with an adult relative: consenting to penetration)

section 66 (exposure)

section 67 (voyeurism)

section 70 (sexual penetration of a corpse).

[Domestic Violence, Crime and Victims Act 2004 (c. 28)](https://www.legislation.gov.uk/id/ukpga/2004/28)

34An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

[Terrorism Act 2006 (c. 11)](https://www.legislation.gov.uk/id/ukpga/2006/11)

35An offence under any of the following provisions of the Terrorism Act 2006—

section 5 (preparation of terrorist acts)

section 6 (training for terrorism)

section 9 (making or possession of radioactive device or material)

section 10 (use of radioactive device or material for terrorist purposes)

section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act [2015 (c. 30)](https://www.legislation.gov.uk/id/ukpga/2015/30)

36An offence under any of the following provisions of the Modern Slavery Act 2015—

section 1 (slavery, servitude and forced or compulsory labour)

section 2 (human trafficking).

Ancillary offences

37(1)An offence of attempting or conspiring to commit an offence listed in this Schedule.

(2)An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.

(3)An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.

**Appendix 2**

**Bibliography**

Relevant CPS Guidance and Policy documents:

1. *Gang Related Offences - decision making in* (Published 4th November 2021)
2. *Modern Slavery, Human Trafficking and Smuggling* (published 2 December 2021)
3. *County Lines Typology* (published June 2018)
4. Youth Offenders (published November 2021)

Non-CPS documents:

1. Home Office: Serious Violence Strategy 2018
2. From harm to hope: a 10-year drugs plan to cut crime and save lives. Dec 21 – HM Government.
3. NCLCC County Lines Strategic Assessment 2020/21
4. HMICFRS – Stolen freedom: the policing response to modern slavery and human trafficking - October 2017.

Podcasts:

1. Safeguarding – County lines with Dr Grace Robinson - <https://safetonetfoundation.org/2021/07/17/safeguarding-podcast-county-lines-with-dr-grace-robinson/>
2. The legit podcast with Dr Grace Robinson on Drug Gangs and County Lines -https://podcasts.apple.com/gb/podcast/drug-gangs-county-lines-with-dr-grace-robinson/id1449038179?i=1000491151428

Academic articles:

1. County lines: How the state is failing our young (December 2021) - <https://www.lawgazette.co.uk/commentary-and-opinion/county-lines-how-the-state-is-failing-our-young/5110982.article>
2. Blackbox research and Consultancy - Review of drugs: Phase one. Summer 21 - <https://www.blackboxresearchandconsultancy.com/recent-work>
3. Blackbox research and Consultancy - Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside - <https://www.blackboxresearchandconsultancy.com/recent-work>
4. Covid-19 and child criminal exploitation in the UK: implications of the pandemic for county lines by Dr Brewster and Dr Robinson -<https://slavefreetoday.org/wp-content/uploads/2020/12/COVID19-and-Child-Criminal-Exploitation-Implications-of-the-Pandemic-for-County-Lines.pdf>