# 'County Lines': typology

Issued: 6 August 2018

[Introduction 1](#_Toc499047954)

[The context 2](#_Toc499047955)

[Legislation 3](#_Toc499047956)

[Defence to charges of particular relevance to 'County Lines' 5](#_Toc499047957)

[Orders that the police or prosecution can apply for 7](#_Toc499047958)

[Safeguarding 8](#_Toc499047959)

[Charging issues which may arise in 'County Lines' cases may include: 8](#_Toc499047960)

[The police approach 9](#_Toc499047961)

[The CPS approach 11](#_Toc499047962)

[Annex A National Referral Mechanism 14](#_Toc499047963)

## Introduction

This typology sets out the approach of the police and the Crown Prosecution Service (CPS) to 'County Lines' offending, including the safeguarding of vulnerable persons, and the investigation and prosecution of criminal offences.

This document is based on the principle that multi-agency working is essential in order to identify and safeguard those exploited through 'County Lines'; to target those who supply drugs, use violence and exploit vulnerable persons; and to target the organised groups who supply drugs to the networks.

**Purpose**

This typology provides an overview of the approach to be taken in criminal investigations and prosecutions linked to 'County Lines' offending, with a particular focus on the relevance of the Modern Slavery Act 2015 and matters to be addressed by investigators and prosecutors.

This document is intended to aid understanding of issues that may arise in connection with suspected 'County Lines' offending.

This typology is to be read alongside the relevant police and CPS guidance, including the CPS guidance about Modern Slavery.

This typology supports ‘HM Government’s Serious Violence Strategy (April 2018)’, in particular the theme of ‘Tackling County Lines and misuse of drugs’.

## 

## The context

‘County Lines’ is a term used by police and partner agencies to refer to drug networks (both gangs and organised crime groups) who use children and young people and vulnerable adult to carry out illegal activity on their behalf.

The Serious Violence Strategy sets out the UK Government definition of County Lines, as well as the definition of child criminal exploitation, which is increasingly used to describe this type of exploitation where children are involved:

**County lines** is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas (within the UK), using dedicated mobile phone lines or other form of ‘deal line’. They are likely to exploit children and vulnerable adults to move (and store) the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) or weapons.

**Child Criminal Exploitation** occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity:

* In exchange for something the victim needs or wants; and/or
* For the financial or other advantage of the perpetrator or facilitator; and/or
* Through violence or the threat of violence.

The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact. It can also occur through the use of technology.

The National Crime Agency (NCA) and police have identified that there is growing evidence of city-based drug networks extending their drug dealing activity into new areas, many of which are coastal and market towns. The gangs recruit vulnerable people, often children, to act as couriers and to sell drugs.

'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. Children as young as 11 years of age have been reported as being recruited by these highly organised networks.

Gang members may also enter into relationships with young, often vulnerable, women in order to secure a location for drugs to be stored in the new area. In addition, violence is often used against drug users to coerce them to become runners, enforce debts, and use their accommodation as an operating base.

'County Lines' drug networks 'exploit' vulnerable individuals. NCA intelligence assessments identify that a 'County Lines' enterprise almost always involves exploitation of vulnerable persons; this can include both children and adults who require safeguarding. There may, however, be instances where a young person or a person with underlying vulnerability characteristics is engaged in serious criminal offending without having been exploited. As ever, the evidence and particular facts of the case must be judged holistically on their own merits.

## Legislation

The wide range of criminal activity associated with 'County Lines' means that police and prosecutors, on a case by case basis, can consider different legislation which fully reflects the criminal conduct and gives courts sufficient sentencing powers – not just prison sentences, but ancillary orders and asset seizure to disrupt future criminal enterprises. The following summarises some of the legislation which may be of relevance in connection with 'County Lines' activity, and focuses on the Modern Slavery Act 2015.

The Policing and Crime Act 2009 contains provisions for injunctions to prevent gang‑related violence and gang-related drug dealing activity to be sought against an individual. Gang injunctions allow courts to place a range of prohibitions and requirements on the behaviour and activities of a person involved in gang-related violence. These conditions could include prohibiting someone from being in a particular place or requiring them to participate in rehabilitative activities. Police and local authorities have the power to apply to the courts for the injunctions. The CPS is not an applicant for gang injunctions, but should be consulted to discuss any potential parallel criminal proceedings. Gang injunctions are a valuable tool in preventing gang-related violence alongside a range of other prevention, detection and enforcement measures.

The Serious Crime Act 2015 contains provisions that amend the statutory definition of what comprises a 'gang', as defined in section 34(5) of Part IV of the Policing and Crime Act 2009. Section 34(5) of the 2009 Act, as amended by the 2015 Act, defines gang-related violence as:

1. For the purposes of this section, something is "gang-related" if it occurs in the course of, or is otherwise related to, the activities of a group that:
2. consists of at least three people, and
3. has one or more characteristics that enable its members to be identified by others as a group.
4. In this section "violence" includes a threat of violence.
5. In this Part "drug-dealing activity" means the unlawful production, supply, importation or exportation of a controlled drug.

The nature and form of gang-related violence varies significantly and is not easily captured by a single definition. The wording of the statutory definition is intentionally broad and wide-ranging to ensure that gang injunctions can be used effectively in response to the gangs encountered in local areas.

Section 34 Part IV of the Policing and Crime Act 2009, as amended, states that a court can grant a gang injunction if two 'conditions' are met. These conditions are:

1. the court is satisfied on the balance of probabilities that the respondent has engaged in, or has encouraged or assisted:
2. gang-related violence, or
3. gang-related drug-dealing activity.
4. the court thinks it is necessary to grant the injunction for either or both of the following purposes:
5. to prevent the respondent from engaging in, or encouraging or assisting, gang-related violence or gang-related drug-dealing activity;
6. to protect the respondent from gang-related violence or gang-related drug-dealing activity.

At court, the onus will be on the applicant authority to demonstrate that these two conditions are met.

The principal offences relating to the misuse of controlled drugs are contained in the Misuse of Drugs Act 1971. This Act covers a range of offences including those dealing with possession; supply; and production. Section 170 of the Customs and Excise Act 1979 concerns the importation (and exportation) of a controlled drug.

'County Lines' activity often involves the use of weapons to inflict serious assaults on potential competition. The Prevention of Crime Act 1953 and the Criminal Justice Act 1988 may be appropriate in connection with 'County Lines' activity, as they provide offences involving offensive weapons and articles which have a blade or is sharply pointed.

Firearms are sometimes used in connection with 'County Lines' activity. The Firearms Act 1968 provides a range of offences concerning firearms, shotguns and specific types of weapons, their component parts and ammunition.

'County Lines' activity often involves offences against the person. Offences to be considered include common assault; those offences set out in the Offences against the Person Act 1861; and attempted murder.

'County Lines' activity may involve offences which constitute Violence against Women and Girls. Females who have entered into relationships with gang members are often controlled, coerced and subject to domestic abuse. Females may also be sexually assaulted or threatened with sexual assault and prostituted for sexual favours in payment for drugs. Females may also be used against their will to initiate younger males into gangs through sexual activity. The principal offences relating to Violence against Women and Girls are contained in the Sexual Offences Act 2003.

There may be cases where, properly directed and evidenced, an offence under the Modern Slavery Act 2015 can be considered. The Modern Slavery Act 2015 transposed into domestic law the obligations of the UK under the international conventions towards the victims of human trafficking, who committed crimes in England and Wales where there was a nexus between the crime committed and the trafficking (slavery / exploitation).

Section 1 of the Modern Slavery Act 2015 is the offence of holding someone in slavery, servitude or forced or compulsory labour. This offence includes forms of exploitation relevant to human trafficking and allows consideration of the victim's personal circumstances, such as any mental or physical illness which may make the person more vulnerable than other persons. Consent is irrelevant.

Section 2 of the Modern Slavery Act 2015 concerns human trafficking for the purposes of exploitation. Trafficking is defined as arranging or facilitating the travel of another person with a view to their exploitation.

Section 3 of the Modern Slavery Act 2015 defines exploitation. This section is important in the Act and is [expanded on below](#_Defence_to_charges) under section 45.

Section 4 of the Modern Slavery Act 2015 is committing an offence with intent to commit an offence of trafficking. The offence encompasses any offence committed by aiding, abetting, counselling or procuring an offence of trafficking. Where the evidence links offenders into the agreement to traffic, it is more likely that an offence of conspiracy would be considered.

## Defence to charges of particular relevance to 'County Lines'

Section 45 Modern Slavery Act 2015 provides a statutory defence for victims of slavery and relevant exploitation who:

* In the case of a person over 18, was compelled to commit the offence and the compulsion was attributable to the slavery or relevant exploitation; or
* In the case of a person under 18, committed the offence as a direct consequence of being, or having been, a victim of slavery or relevant exploitation.

In both instances 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: Section 45(1)(d) and Section 45(4)(c).

The defence has been in force since 31 July 2015 and does not apply to certain serious offences (including serious violent and sexual offences listed in Schedule 4 of the Act). However the statutory defence does apply drug trafficking and money laundering offences.

Section 45 places a mere evidential burden upon defendants: i.e. the defendant only has to adduce sufficient evidence to ‘pass the judge’ and allow the defence to be considered by the jury.

If a defendant succeeds in discharging the evidential burden, then the legal burden falls upon the prosecution to disprove the defence beyond reasonable doubt.

The safeguard against ‘unscrupulous’ use of the defence lies within the application of the objective tests set out in Section 45(1)(d) (for persons over 18) and section 45(4)(c) (for persons under 18). See *MK v R* [2018] EWCA Crim 667.

"Exploitation" is defined in section 3 and includes slavery, servitude and forced labour as well as sexual exploitation and organ removal.

Section 3(5): exploitation includes when a person is subjected to force, threats or deception designed to induce him or her to:

1. provide services
2. provide benefits to another
3. enable another to acquire benefits.

Section 3(6): importantly "exploitation" also includes using or attempting to use a person for any of these purposes (a) – (c) having chosen a person because of their age or defined vulnerability. Note that subsection 6 of section 3 refers to paragraphs (a) – (c) of section (3)5 but not to the first line of subsection 5 – this means that force, threats and deception are not essential elements for exploitation under section 3(6).

This means that where a child or vulnerable person does an act as a direct result of having been so chosen to provide certain services such as drug trafficking, they may have a defence to the charges regardless of whether they were compelled, forced, threatened or deceived to do the act that constitutes the offence. It is also necessary to consider the public interest of proceeding against an individual even where the defence is not strictly available.

Information about the National Referral Mechanism (NRM) and the significance of a positive competent authority decision in NRM cases is at [Annex A](#_Annex_A_).

*Joseph and others* [2017] EWCA Crim 36 provides guidance in cases where suspects / defendants claim to have been victims of trafficking where they have committed serious criminal offences. In this case, the court highlighted that a positive Competent Authority decision is made for a different purpose than criminal proceedings and a different (lower) evidential threshold is applied. The court stated that it does not follow from the fact that an individual 'fits the profile' of a victim of trafficking that they necessarily are the victim of trafficking. Simply accepting someone has been trafficked or coerced because they have a Competent Authority decision does not prove an offence and does not necessarily prove part of the defence under section 45.

Those who operate within or for gangs may seek to rely on the defence of duress. Case law provides that if a person, by joining an illegal organisation or a similar group of people with criminal objectives and coercive methods, voluntarily exposes and submits himself to illegal compulsion, he cannot rely on the duress to which he has voluntarily exposed himself as an excuse either in respect of the crimes he commits against his will or in respect of his continued but unwilling association with those capable of exercising upon him the duress which he calls in aid, (*R v Fitzpatrick* [1977] NILR 20).

## Orders that the police or prosecution can apply for

Where Modern Slavery Act offences are being investigated, the police force solicitor will consider whether to apply at the magistrates' court for a Slavery and Trafficking Risk Order (before or after charge). The Slavery and Trafficking Risk Order can be applied for in respect of un-convicted defendants where victims or members of the public may be at risk of harm. The Risk Orders can be used in two different ways:

* where investigation has commenced but protection of victims / potential victims is needed whilst police enquiries are on-going; or
* in cases where there is insufficient evidence to prosecute but there is a need to restrain the activities of suspects which may lead to harm.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced a range of powers to ensure that local agencies have the tools they need to respond to different forms of anti-social behaviour. For example, the police and local authority may use the closure power to close premises quickly which are being used, or likely to be used, to commit nuisance or disorder; and the prosecution may apply for a Criminal Behaviour Order (CBO) after the offender has been convicted of a criminal offence.

It is important to note that these orders may involve restrictions on travel in order to reduce the ability of individuals to travel between the home city and county area. Assuming the required grounds are made out such restrictions may be made whether the person is dealt with in the home city or the county force area.

The Digital Economy Act 2017 introduced the Drug Dealing Telecommunication Restriction Orders (DDTRO) Regulations. These enable the police and National Crime Agency to apply directly to the civil courts for a court order to compel mobile network operators to close down mobile phone lines and/or handsets used in drug dealing.

The phone lines (‘deal lines’) are central to the county lines business model, as each county line phone number has the potential to connect to hundreds of drug users and to facilitate thousands of drug deals. Where it is possible to link an individual to a county lines deal line, and there is sufficient evidence, the criminal prosecution option should be pursued. However, a number of factors, particularly the anonymity of the phone line, make it hard to achieve prosecutions against an individual for activity on the line. The DDTRO powers were introduced to enable the closure of anonymous phone lines known to be used for dealing drugs.

The DDTRO Regulations came into force in December 2017 and apply throughout the UK. In England and Wales there are six designated courts that can hear DDTRO applications: Clerkenwell & Shoreditch (London), Bristol, Birmingham, Newcastle, Liverpool and Newcastle. In Scotland, any Sheriff’s Court can hear applications, and in Northern Ireland, Belfast Crown Court is the designated court.

## Safeguarding

The effective intervention by local multi-agency collaborations is essential to safeguarding children and vulnerable adults and their properties from 'County Lines' activity. Multi-agency safeguarding coupled with law enforcement intelligence and operations will generate effective disruption outcomes.

Multi-agency partnership working provides a sound platform upon which to combine the protection of young and vulnerable persons with criminal justice outcomes. The police will, from the outset, focus on the issues of 'aggravating or mitigating' circumstances, leading to the appropriate disposal and / or safeguarding of a person in custody.

The extent of the multi-agency collaboration will be determined by the scale of the gang activity. As gang presence expands across regions, the necessity to increase regional law enforcement and safeguarding collaboration increases. Successfully pursuing criminal gang activity is informed by knowing which gang members are where and who they are affiliated to, and ensuring individuals are appropriately safeguarded.

Gang activity generates considerable harm at both the urban core and within the county market location, which drives the need for multi-agency responses, particularly in connection with safeguarding vulnerable people. The police recognise that where there is 'exploitation' and 'coercion', 'vulnerable people' will be involved, including Class A drug addicts and those with mental health problems whose addresses are taken over (cuckooing). The police will, where appropriate, secure a vulnerable location to prevent 'cuckooing'.

The multi-agency partners must recognise that gangs and gang members may use drug dealing as an opportunity to lure young females for sexual exploitation. It is essential that the multi-agency collaboration ensures that measures must be in place to safeguard young females from sexual exploitation.

## Charging issues which may arise in 'County Lines' cases may include:

1. Standard charges such as drug trafficking and money laundering may well be the most effective charges in 'County Lines' cases.
2. Consideration should also be given to investigating offences under the Modern Slavery Act as it provides an added dimension to the case and may act as a deterrent to criminals planning to exploit individuals.
3. That particularly where vulnerable individuals and or children are involved in a 'County Lines' investigation the MSA provides a potential defence to those individuals to the charges they may face notwithstanding the serious nature of such charges.
4. It may be that a person involved in trafficking cannot be charged in their own right because of the MSA defence and they may also not wish to cooperate as a victim.
5. Prosecuting a victim in their own right and as a victim of charges under MSA is possible but unattractive and more difficult to explain to juries.
6. Section 73 SOCPA cannot be engaged unless a suspect is to be charged. Equally a victim of trafficking may not wish to engage where they remain at risk of prosecution.
7. It may be possible to determine before the arrest phase who is or is likely to be a victim of trafficking and or who has or may have a defence to the charges they may face.
8. It is desirable to decide before charge whether a person is a victim of trafficking and or whether they have a defence to the charges they may face.
9. A finding that a person is a victim of trafficking per se does not necessarily preclude prosecution but may do so. There must be some nexus between the trafficking and the offending. However in any event there is a public interest decision to be taken if the MSA defence is not made out.
10. A victim of trafficking is less likely to be prosecuted in their own right and more likely to be a potential witness to a MSA charge.
11. The investigation of MSA charges is more akin to sexual or child abuse than to drug trafficking and needs to be planned accordingly.
12. The early identification, contact and treatment of potential victims and witnesses is clearly of critical importance to these cases.

## The police approach

The police will operate a multi-agency approach at a national, regional and local level to respond to 'County Lines' activity.

Each police force will have a mechanism in place for investigating 'County Lines' offending and collaborative working with other forces and Regional Organised Crime Units (ROCU). The mechanism will ensure a coordinated policing response which joins up the multiple policing portfolios dealing with 'County Lines' activity, including: vulnerability; gangs; drugs; organised crime; missing; and violence. The collaborative working will encourage consistency across the forces in their practice to: identify victims; gather evidence; the approach to be followed when victims remain silent / fail to report; and options to get victims to speak when there is fear of prosecution.

The police will agree with cross-partner and ROCU colleagues how to: work collaboratively to build intelligence; tackle the demand for drugs; ensure disruption of the 'County Lines' activity; protect the vulnerable; and carry out enforcement activity.

During the investigation the police will be alert to identify whether the 'County Lines' activity involves violence, exploitation of vulnerable people, and organised crime.

The police will consider whether the perpetrator has committed criminal offences under the Misuse of Drugs Act 1971, or whether the perpetrator is a victim of Modern Slavery Act 2015 offences. The public interest may be less strong in favour of seeking charges for Modern Slavery Act offences where an individual has already been charged with drugs supply or other offences. Each case should be considered on its merits.

The police should seek early investigative advice from the CPS in accordance with the Director's Guidance on Charging.

The lines of enquiry and evidence requirements are different for drugs related offences under the Misuse of Drugs Act and for money laundering, as opposed to human trafficking and slavery offences under the Modern Slavery Act. Building a strong case will be dependent on obtaining evidence to support a modern slavery offence and not attempting to bolt charges on to a drug trafficking case

The circumstances of the young or vulnerable person coming to notice should be reviewed. If the officer has reviewed the available intelligence and evidence believes that trafficking has taken place, a National Referral Mechanism (NRM) referral should be made to the NCA. Decisions about whether the individual is likely to be a victim of trafficking should be made on a case by case basis. Alternative support mechanisms might be more appropriate for vulnerable children and adults where the evidence suggests they have not been a victim of trafficking, but may be at risk of other forms of exploitation.

If the potential victim is over the age of 18 and does not wish to avail themselves of the support provided through the NRM, they should be referred through the ‘Duty to Notify’ process. Child victims (those under the age of 18) do not have to consent to be referred into the NRM and should also be referred to wider child safeguarding processes for support.

Where an NRM referral is made the police must also create an associated crime report for a modern slavery offence, as well as the most serious additional victim based offence involving the same victim-offender relationship, to comply with Home Office Counting Rules. This is irrespective of whether or not the investigation focuses on modern slavery offences or whether modern slavery charges are brought. Where a 'County Lines' case proceeds on drug trafficking charges, for example, if an NRM referral is made a modern slavery crime must also be recorded.

When carrying out investigations, it is good practice to try to establish so far as possible who the victims are and whether they are victims, or victims who may also have available to them the statutory defence under section 45 of the Modern Slavery Act 2015 (of being compelled to commit a criminal offence or of being exploited).

As described above, section 45 provides a defence for certain offences including but not limited to drug trafficking and money laundering.

When investigating a trafficking offence (section 2 of the Modern Slavery Act 2015), although the precise means of securing the victim's exploitation does not have to be proved under section 2(1), the prosecution **do** have to prove that the defendant intended to exploit the victim or that it was likely that another person would exploit them – section 2(4). In order to prove this intention, the police will seek evidence to demonstrate an intention to exploit the victim in one of the five different ways set out in section 3, primarily sexual exploitation – section 3(3), securing services by force, threats or deception – section 3(5), and securing services from children or vulnerable adults, having chosen them for that reason – section 3(6).

Where the victims are reluctant or afraid to co-operate, the police will focus on identifying victims and obtaining evidence in respect of their exploitation as part of the drugs case, in a manner consistent with the drugs case, and will use surveillance evidence to support the case. Evidence to support Modern Slavery Act 2015 offending should be obtained if possible through an ABE interview, together with detail about the victim's previous offending history (if any). In due course section 28 Youth Justice and Criminal Evidence Act 1999 may apply to allow pre-recorded cross‑examination of complainants.

In *R v K and others* [2018] EWCA Crim 1432,the Court of Appealconsidered the operation of the offence of trafficking a person within the UK for exploitation contrary to Section 4(1A)(b) Asylum and Immigration Act 2004 (which is now largely replicated in Section 2 Modern Slavery Act 2015) and also considered the evidential requirements for bringing victimless prosecutions for this offence.

The Court held that:

1. A prosecution for this offence does not depend upon the ability to call the individual said to have been exploited or the target of exploitation.
2. It is not necessary for the prosecution to establish that the defendant (and/or another person) has actually exploited the victim. The offence requires no more than a ‘view to exploitation’.
3. The prosecution does not have to prove that the victim was chosen solely because of their youth and that an adult would be likely to refuse. The fact that the victim may have been chosen for other reasons as well is not fatal to the prosecution case.
4. The prosecution does not have to prove a lack of consent on the part of the victim or any element of coercion.
5. The word ‘chosen’ is not synonymous with ‘being recruited’ and is not a once and for all act that cannot be repeated. A victim might be ‘chosen’ by various people in a drugs hierarchy on a number of occasions.

## The CPS approach

The CPS Area receiving the police file will accept the case and deal with the case. 'County Lines' cases will be allocated in accordance with the CPS national referral criteria including the Crown Court Unit and Complex Case Unit referral criteria.

The prosecutor will consider all cases in accordance with the Code for Crown Prosecutors and relevant CPS guidance, for example the guidance about Drugs Offences and Violence against Women and Girls. The prosecutor will, on a case by case basis, consider different legislation which fully reflects the criminal conduct and gives the courts sufficient sentencing powers.

When reviewing cases, the prosecutor will be alert to the issues to resolve which may include how to identify: drug offence suspects; victims of slavery or trafficking who may have trafficked drugs; whether those victims should be considered for prosecution; whether those victims could be witnesses in the drugs or any slavery prosecution; and slavery offence suspects.

When providing early investigative advice to the police, the prosecutor will address matters to include the following:

* who is to be treated as a victim and who are the suspects,
* the application of the defence under the MSA,
* whether there are suspects who are involved in less serious criminality who might be used to give evidence against more critical suspects.

Where the defence does not strictly apply, the prosecutor will consider whether a prosecution is in the public interest given the person's potential trafficked status. Where the defence does not apply, the prosecutor will still consider whether a prosecution is in the public interest.

Where appropriate, the prosecutor will consider the use of SOCPA legislation for assisting offenders.

The prosecutor will determine which legislation best reflects the criminality. The Modern Slavery Act 2015 may provide opportunities to consider the circumstances of 'County Line' offending, particularly where there has been targeting, recruitment and significant exploitation of young and vulnerable people. The prosecutor will be mindful of the challenges of evidencing a Modern Slavery Act offence, and will consider a range of issues including: whether pursuing a Modern Slavery Act offence will prevent the prosecution of individuals defined as 'victims' for offences of trafficking of Class A controlled drugs and money laundering; and whether there may be other more suitable offences which provide for significant penalties, for example offences set out in the Misuse of Drugs Act 1971.

Particularly where there are a number of defendants and victims, the prosecutor will consider the applicability of conspiracy charges.

Where a serious crime has been committed by a potential victim, the prosecutor will consider information about the cogency of the evidence on which the Competent Authority relied in making their decision. This information will inform the prosecution decision on whether it is in the public interest to prosecute. Prosecutors will recognise that the Competent Authority's decision on whether the individual is a victim of trafficking is not evidence for criminal proceedings but an indication.

The prosecutor will recognise that some victims will not want to support a prosecution, despite the availability of 'special measures'. The prosecutor will work with police colleagues to ensure that all appropriate steps are taken to ensure strong cases can be presented at court. This may include the use of body worn video, 999 and 101 calls, forensic evidence and evidence which may be available via social media.

The CPS will work with the police to ensure a consistent approach to CBOs in connection with 'County Lines' offending. The prosecutor will ask the police to explain the appropriateness of the proposed CBO prohibitions and / or requirements. CBO prohibitions to prevent gang offending may include: non-association; exclusion zones; curfews; the wearing of hooded clothing; possession of unregistered mobile phones; and contributions to websites.

Upon conviction, the prosecutor will apply for the forfeiture of any knives and / or offensive weapons.

Upon conviction for a Modern Slavery Act offence, the prosecutor should normally apply for a Slavery and Trafficking Prevention Order. The prosecutor will use the evidence at trial to support the provisions to restrict the defendant from all activities engaged in committing the offence, such as recruiting victims, arranging travel, or financial restrictions for 5 years after the defendant has served their sentence.

The prosecutor will draw to the court's attention relevant Sentencing Guidelines, to ensure the aggravated nature of the offending attracts the most appropriately informed sentence. For example, the Sentencing Council's Drug Offences Definitive Guidelines identify a list of aggravating features some of which are highly pertinent to gang related exploitation linked to facilitate drugs supply. The aggravating features include: using or permitting an under 18 to deliver a controlled drug; drug supply conducted with proximity of a school; targeting premises used to accommodate vulnerable persons; presence of a weapon, when not charged separately.

The prosecutor will identify to the court the factors which may define the offending as serious organised crime, for example the use of violence and / or firearms, kidnap, and ruthless debt control. The prosecutor will, where appropriate, identify to the court the aggravating features of trafficking and slavery for the purpose of sentencing.

## Annex A National Referral Mechanism

The National Referral Mechanism (NRM) is the process by which potential victims of human trafficking and modern slavery are identified and supported ahead of a decision being made on whether they are indeed victims. Following an initial referral from a first responder, the NRM involves a two-stage decision-making process by the relevant competent authority:

* Firstly, the competent authority decides whether there are 'reasonable grounds' to believe that the person is a victim ('RG' decision) and, if this decision is positive; then
* The process proceeds to investigate fully and make a 'conclusive grounds' decision on the balance of probabilities ('CG' decision) whether the person is a victim of modern slavery.

The police must also file an associated crime report following the Home Office counting rules for modern slavery, further details of which can be found at:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627449/count-violence-jul-2017.pdf>