

## **Both sides of the coin**

The police and National Crime Agency's response to vulnerable people in 'county lines' drug offending

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## Foreword

Where there is demand for illegal drugs, criminals will find ways to satisfy it.

Rather than take risks themselves, they callously exploit children and vulnerable adults, getting them to travel across police force and regional borders to distribute drugs and collect the proceeds.

Contact between dealer and user relies heavily on mobile phones. Dealers often use a dedicated phone number publicised to users.

This is 'county lines' offending. It presents major problems for the police. Criminals often use violence to enforce debts and protect territory.

It causes significant harm to local communities, including knife crime. And there are clear links between county lines and other crimes, including modern slavery and human trafficking.

Understandably, police forces are under pressure to prioritise activity to tackle crimes in their own area, rather than those happening many miles away. So, the criminals controlling the lines are unlikely to be caught by local enforcement action: they simply aren't there to be caught.

To tackle county lines effectively, each police force must work well across force borders. Policing must work, with the National Crime Agency, as a single system – locally, regionally and nationally – to both understand and respond to the threat. The police also need to work together with other agencies to safeguard vulnerable people, to increase awareness within partner organisations, and to help build resilient communities. Police leaders need to ensure that their staff make good use of the legislative tools available to disrupt and deter this criminality, and to protect people vulnerable to exploitation.

When doing all this, the police must strike a careful balance between safeguarding victims, disrupting criminal operations and prosecuting offenders. This is about recognising that the children and vulnerable adults involved in county lines offending can be victims as well as offenders.

If the police see both sides of the coin, they will reduce both the county lines networks' ability to exploit vulnerable people and the harm those criminals cause.

# Summary

Serious violence and drug abuse are major problems in England and Wales.

In its *Serious Violence Strategy*, published in April 2018, the Government identified strong links between increases in violence and the exploitation of children and vulnerable adults by criminal drug dealers operating ‘county lines’.

The strategy included a commitment that Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services would carry out an inspection.

Policing county lines drug offending involves three main components as follows:

- The 43 territorial police forces in England and Wales. Each is responsible for policing a **local** area (usually a county, several counties or a metropolitan area).
- A network of police-led **regional** organised crime units. These provide specialist policing capabilities to help the forces in their region tackle organised crime.
- The National Crime Agency. This operates on a **national** (and international) basis, providing further specialist capabilities to support regional organised crime units and individual forces. Also, the National Crime Agency hosts the national county lines co-ordination centre (also referred to in this report as ‘the centre’), which it operates jointly with the police.

For this inspection, we analysed documents and data. We visited the national county lines co-ordination centre, three regional organised crime units and ten police forces. We visited British Transport Police (which polices the rail network across Great Britain) because rail travel is a common feature of county lines offending. We interviewed relevant staff in each location. We also consulted representatives from other bodies.

## Police intelligence, prioritisation and response

### The intelligence picture is improving

Through forces’ and the National Crime Agency’s efforts to support the national county lines co-ordination centre, the national intelligence picture of county lines offending has been made much clearer. Most forces have significantly improved their understanding of the scale of offending in their area.

Current analysis suggests that there are more than 2,000 individual ‘deal line’ numbers (mobile phone numbers circulated to users to purchase controlled drugs) in the UK, linked to approximately 1,000 county lines. London, Birmingham and Liverpool are the main exporting areas.

But there are shortcomings in the intelligence processes. Forces don't understand enough about county lines criminality to tackle it as effectively as possible. Some of the guidance on how to submit intelligence needs revising.

### **Forces inconsistently identify vulnerable people**

The way forces identify how some people involved in county lines are vulnerable to exploitation is improving, but inconsistent.

### **Forces don't prioritise attention on county lines**

We also found that, compared with other serious offences, forces don't tend to prioritise attention on county lines. In fact, most regional drug investigations aren't into county lines.

We concluded that the regional tasking and co-ordination arrangements (through which the regional organised crime units' priorities are set and resources allocated) aren't always effective.

We believe there is a case for more active regional co-ordination of the police response, involving the recently established team of regional co-ordinators.

### **Intensification weeks are worthwhile**

Since October 2018, a series of 'intensification weeks' has been held. During these weeks, co-ordinated law enforcement action is taken by police forces against county lines offenders. These are worthwhile events but should be more focused on those controlling multiple lines.

### **Forces could work together more efficiently**

We have reported before on the need for a single law enforcement system. In this inspection, we concluded that police forces are working together, but could do so more efficiently.

In policing, the challenges of responding to county lines offending are symptoms of a bigger problem created by the 43-force structure in England and Wales. This structure acts as a barrier to personnel being deployed efficiently, co-ordinating efforts, or to forces sharing intelligence over police borders.

The National Crime Agency already has legal powers to direct policing activity. It is making good use of them for county lines purposes. However, the national tasking arrangements (through which the National Crime Agency exercises those powers) are not sufficiently well developed to enable an efficient, effective single law enforcement system. A more coherent and integrated system of national tasking is required.

## Joint working with other public services

### Joint working is effective but doesn't always happen

We found widespread recognition of the value of joint working. When done well, joint working involves the police and others recognising the risks and early warning signs of exploitation. They then work together to put in place measures to safeguard vulnerable people.

But they don't always work like this – and demand for services is often greater than supply.

Funding for, and availability of, support services varies hugely from area to area. Also, there are often problems when forces arrest vulnerable people outside their local area.

### Children can be at risk both in and out of school

We heard how children excluded from school face heightened risk of exploitation, and how those at school can be at risk too. There were similar concerns about children who go missing from home, albeit with some good examples of joint working to minimise the risks.

### Support drops when people reach 18

When vulnerable people reach 18, support available to them drops. Interviewees described a “cliff edge” that is leading to a “lost generation”.

### Joint working is improving in some areas

In some ways, joint work to protect vulnerable people involved in county lines is improving. We found examples of the police working well with rail and road transport bodies, landlords and accommodation providers. But there is room for improvement.

### Information needs to be shared

Barriers to sharing information undermine effective partnership working. For example, local authorities don't always tell the police when they move ‘at risk’ children into their areas. They could arrange better safeguarding if they did. Many reports recommend sharing information more effectively. These often follow deaths, serious injuries or public service failings. The many barriers to the lawful exchange of information for law enforcement purposes need to be addressed.

### Different definitions cause problems

Another problem is the lack of a statutory definition of child criminal exploitation. This can lead to public services making different decisions about the levels of risk surrounding an exploited child, or how much support the child needs.

## **Powers and legislation**

### **Police need to use powers well**

The police have a wide range of legal powers to tackle drug dealing and other crime. They need to use them well. We were asked to explore two areas: use of drug dealing telecommunications restriction orders and modern slavery legislation against county lines networks.

### **Police aren't using telecommunications restriction orders**

Drug dealing telecommunications restriction orders were introduced to help prevent mobile phones and numbers being used for drug dealing. We found little support for their use, principally because drug dealers obtain replacement phones and numbers quickly and anonymously. Interviewees often suggested that people should have to register personal details when buying a mobile phone or replacement SIM card. The present arrangements that enable criminality by allowing the anonymous acquisition of phones and numbers, should be re-examined. In the interim, the National Crime Agency's proposal for a dedicated team to co-ordinate the use of drug dealing telecommunications restriction orders should be implemented.

### **Modern slavery offences are effective**

Forces should pursue modern slavery offences whenever possible in county lines cases, because they better reflect how vulnerable people are being exploited. We found examples of successful prosecutions of county lines leaders for these offences.

### **A statutory defence may increase the risk of exploitation**

There is a statutory defence for victims of slavery and exploitation who commit offences on behalf of their abusers, such as county lines drug dealing. But there are signs that this defence may increase the risk of exploitation: some offenders coach their recruits to say they have been trafficked if they are arrested. Also, police and prosecutors reported practical difficulties disproving the defence, even when it is false.

### **Police can use bail conditions well**

We found evidence of good practice in relation to another police power: bail conditions. By making effective use of their powers to impose bail conditions on vulnerable suspects when released from police custody, some forces were safeguarding people vulnerable to exploitation by criminals.

## Recommendations

1. By 30 June 2020, the head of the national county lines co-ordination centre should issue revised guidance to forces on how to complete the county lines intelligence collection matrix.
2. By 31 December 2020, the College of Policing, in consultation with the relevant National Police Chiefs' Council leads, should develop and publish its evidence-based guidelines addressing risk assessments for vulnerable people. The College should also work with the relevant leads to develop an implementation plan so that risk assessment practice is improved across all forces.
3. By 31 December 2020, the Director General of the National Crime Agency, in consultation with the relevant National Police Chiefs' Council leads, should develop a more coherent and integrated system of national tasking. This new system should secure improvements in governance, accountability and performance management.
4. By 31 December 2020, the Home Office should carry out a review of the quality and extent of information sharing by public bodies for law enforcement purposes. The review should clarify the legal position and identify opportunities to address the cultural, systemic, procedural, operational and technological barriers that interfere with the efficient, effective exchange of information for law enforcement purposes.
5. By 31 December 2020, the Home Office, in consultation with other relevant government departments, should secure that the definition of child criminal exploitation in the Serious Violence Strategy (or an amended version of the definition) is placed on a statutory footing.
6. By 30 June 2020, the College of Policing should amend the "release from custody" subsection of the authorised professional practice on detention and custody to include consideration of the risks of exploitation faced by vulnerable detainees after their release from custody.
7. By 31 December 2020, the Department for Education should establish formal arrangements for relevant police forces to be notified when local authorities move children at high risk of criminal exploitation from area to area.
8. By 30 June 2020, the Director General of the National Crime Agency should create a dedicated, central team to co-ordinate the use of drug dealing telecommunications restriction orders.
9. By 31 December 2020, the Home Office should commission a review of the criminal abuse of mobile telecommunications services. The review should explore whether the regulatory environment within which the mobile telecommunications industry operates (particularly in relation to anonymous access to devices and services) is in need of strengthening in order to reduce the criminal abuse of mobile telecommunications services.
10. By 31 December 2020, the Home Office should commission a detailed review of cases involving the defence under section 45(1) of the Modern Slavery Act 2015. The review should establish whether there is sufficient justification to amend the law.



# 1. About the inspection

## Background

The Government's [Serious Violence Strategy](#) (2018) identified strong links between increases in violence and the exploitation of children and vulnerable adults by criminal drug dealers operating county lines.

It defines county lines as:

“... 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) and weapons.”

Generally, “importing areas” are smaller towns, villages and rural areas. They are often supplied with drugs from larger towns and cities – the “exporting areas”.

## Our terms of reference

The [Serious Violence Strategy](#) included a commitment that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services would carry out a thematic inspection of police forces' ability to identify, respond to and disrupt county lines-related criminality and abuse.

## The scope of this inspection

The police and National Crime Agency use many tactics to find unlawful drugs and bring to justice those who import, distribute and consume them.

We were asked to concentrate on how the police and National Crime Agency identify and treat children and other vulnerable people involved in county lines offending. Because of this, we did not inspect all aspects of the police and National Crime Agency's efforts to tackle unlawful drug supply.

We included the National Crime Agency in this inspection because it plays an important role, working with police forces to tackle county lines offending. The National Crime Agency and the National Police Chiefs' Council have established the national county lines co-ordination centre.<sup>1</sup>

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<sup>1</sup> The co-ordination centre's establishment was a feature of the action plan that forms part of the *Serious Violence Strategy*.

## Methodology

We analysed documents and data that police forces, the national county lines co-ordination centre, the National Crime Agency and the Home Office provided to us. We visited and interviewed staff at the co-ordination centre, three police-led multi-agency [regional organised crime units](#) and ten police forces.

We also consulted representatives from bodies that work with the police to tackle county lines offending, such as local authorities. You can find a detailed description of the methodology in Annex A.

## 2. Police intelligence, prioritisation and response

### What we inspected

For the police to deal effectively with county lines drug offending, they need high-quality intelligence.

We examined how police forces share intelligence to answer questions such as:

- Who are the suspected offenders?
- Where do they get the drugs from?
- Where and to whom do they sell them?
- How do they sell them?
- How do they exploit vulnerable people?

We explored the role of the national county lines co-ordination centre and the effectiveness of its intelligence collection process.

We were looking for evidence that the police and National Crime Agency are collecting and analysing intelligence in an effective, systematic way. In particular, we explored the systems they use to assess the vulnerability of people involved in county lines offending, including the use of 'vulnerability assessment trackers' (see page 14).

Like all public services, the police have limited resources to meet the demands made of them. They must prioritise accordingly, sometimes making difficult decisions about where and when to allocate resources to tackle crime. So, we explored how county lines networks are prioritised for law enforcement action, compared with other forms of serious and organised crime. We were looking for evidence that the most problematic networks were being prioritised effectively. We assessed police intelligence on their activities, how much harm they caused and the police's other priorities.

This wasn't an inspection into the full range of police and National Crime Agency activities against drug dealing. Many of those activities are routine and happen throughout the year.

Since October 2018, there has been a series of intensification weeks, during which co-ordinated law enforcement action is taken against county lines offenders. We assessed the purpose and impact of these weeks.

## Leadership

The Government's [Serious and Organised Crime Strategy](#) (2018) provided a framework for tackling organised crime, using four themes: "Pursue, Prepare, Protect and Prevent", also known as 'the 4Ps'. The police and National Crime Agency often use this framework to tackle county lines offending.

Leadership for tackling county lines offending is provided by the National Crime Agency Director of Investigations and the National Police Chiefs' Council lead for tackling gangs and knife crime.

The National Crime Agency has the statutory responsibility to lead the overall law enforcement response to serious and organised crime, as part of a 'whole-system' approach involving other parts of government.

### **The national county lines co-ordination centre is up and running**

The national county lines co-ordination centre was launched in September 2018. It is staffed with approximately 40 personnel from police forces, regional organised crime units and the National Crime Agency. We were informed that approximately 75 percent of the co-ordination centre's personnel come from the police.

The co-ordination centre carries out a range of valuable functions, including:

- visiting police forces to offer a range of assessments and support in relation to all aspects of county lines, including working with partner organisations;
- providing a bespoke interactive training package on county lines, used by police and partner organisations; and
- encouraging closer working between the police and other public services.

A large part of the centre's role is to collect, analyse and disseminate intelligence.

We found that the co-ordination centre performs a useful role in helping to identify people who come to notice in more than one police force. This is particularly important when multiple police forces take action (sometimes involving covert policing) against the same suspects. In law enforcement, the process of identifying these cases so that law enforcement can be co-ordinated is called 'deconfliction'.

### **County lines intelligence collection matrix**

Monthly, all UK police forces are expected to compile a spreadsheet called the 'county lines intelligence collection matrix' (also referred to in this report as 'the matrix'). This contains information on county lines-related drug dealing in their force area.

Police send their spreadsheets to the relevant regional organised crime unit, where analysts check accuracy and add extra information, drawing on intelligence sources. Staff then combine them to create a set of regional spreadsheets, which they send to the national county lines co-ordination centre. The centre collates the regional spreadsheets and does further valuable research, again drawing on other sources of intelligence.

This is a laborious, but necessary, manual process. Partly, this is because the police don't have a sufficiently integrated and automated system for managing intelligence on cross-border criminal activities. We have commented extensively on this before.<sup>2</sup> We consider it a serious weakness in the police service.

### **The scale of county lines offending**

We found that, with the help of the matrix, forces' understanding of the scale of county lines offending and the identities of those involved has improved. The [national county lines co-ordination centre's latest analysis](#) suggests that there are more than 2,000 individual deal line numbers in the UK, linked to approximately 1,000 'branded' county lines. The analysis suggests that London, Birmingham and Liverpool are the main exporting areas, with other county lines originating from a further 23 forces.

Before the co-ordination centre became operational, the National Crime Agency's analysis (which relied on less detailed information from forces) suggested significantly fewer county lines.<sup>3</sup>

### **Force concerns about the matrix's value**

The matrix has helped improve the police's understanding of county lines offending. However, our inspection revealed that some forces had concerns about the value of the matrix. They:

- told us that, with their limited analytical capacity, they were reluctant to prioritise submissions to the matrix; some interviewees described analytical capacity in their forces as "scarce";
- considered their local response to county lines offending to be effective already, so they saw extra analysis or intelligence from regional organised crime units and the national county lines co-ordination centre as unnecessary; and
- argued that the co-ordination centre didn't provide any information they weren't already aware of.

These concerns may have made some forces slow to fully commit to completing the county lines intelligence collection matrix. Although the matrix process was introduced in April 2018, it wasn't running smoothly until November 2018.

In our view, the value of the co-ordination centre's analysis is limited, not just by the general state of police computer technology but also by the range and quality of the information supplied through the matrix. In this respect, we found another problem, discussed below.

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<sup>2</sup> See, for example, our comments on the need for reform of national, regional and local arrangements in: [State of Policing: The Annual Assessment of Policing in England and Wales 2018](#), Her Majesty's Chief Inspector of Constabulary, 2019, page 38.

<sup>3</sup> In 2017, the National Crime Agency's conservative estimate was that there were at least 720 county lines in England and Wales. See: [County Lines Violence Exploitation & Drug Supply 2017 National Briefing Report](#), National Crime Agency, 2017, page 9, paragraph 3.4.

## Police inconsistently understand and apply existing guidance for submitting intelligence through the matrix

We found that, when deciding what to include in their submission, forces had different interpretations of the National Crime Agency's guidance. This led to differences from force to force over:

- whether to report all suspected drug dealing or just that which the force suspected to be county lines-related and involving exploitation;
- whether to include in their submission only those county lines that the force was actively investigating (usually involving covert policing tactics), or to include other county lines that it was passively collecting intelligence about from time to time;<sup>4</sup> and
- the weight of intelligence needed before reporting suspicions of a county line.

We asked to see the guidance given to forces by the co-ordination centre. In most respects, we found it clear and detailed, but it didn't deal adequately with the points above. We concluded that the guidance needs to be revised.

### Recommendation

By 30 June 2020, the head of the national county lines co-ordination centre should issue revised guidance to forces on how to complete the county lines intelligence collection matrix.

## The existing methodology doesn't identify the most serious offenders

Individuals are listed by the number of times they come to police attention. Those supplying drugs direct to end users are more likely to come to police attention than those who set up a county line and manage the supply chain.

So, based on this, 'street-level' dealers are likely to be prioritised above the 'controlling minds' – some of whom organise multiple county lines.

The matrix may help police forces identify street-level dealers against whom they can prioritise straightforward safeguarding and enforcement action – so scoring 'quick wins'. But action at this level doesn't achieve long-term disruptions and may create further exploitation. People controlling the lines can often simply replace those arrested with other vulnerable people.

The fact that the matrix doesn't allow police to easily identify criminals who control multiple county lines limits their response. The police and National Crime Agency's ability to get 'upstream' (catching the criminals who control county lines networks) is crucial to tackling county lines offending. Targeting these criminals will reduce exploitation and violence.

<sup>4</sup> In this context, active investigation means the deployment of personnel and/or other resources against a county line. Usually, this is after the county line has been selected as a priority for investigation through the force's tasking and co-ordination process.

## The planned transfer to the police national database is a welcome step

We were encouraged to learn that police are making arrangements to transfer information from the county lines intelligence collection matrix to the police national database during 2020.

This database is designed to contain a substantial amount of criminal intelligence from police forces around the UK, which forces can then search. We have reported on problems with this database before.<sup>5</sup> However, the transfer should give the matrix stronger foundations<sup>6</sup> and make it easier for forces to access, analyse and act on the information it holds.

The police national database can automate some of the time-consuming functions associated with criminal intelligence analysis. This should improve how efficiently forces and the National Crime Agency can identify criminals controlling multiple county lines.

## National data exploitation capability: a longer-term development

There is a more promising development on the horizon too. [With additional funding, the National Crime Agency is investing in a new 'national data exploitation capability'](#). Its intention is to transform the way UK law enforcement bodies use data for criminal intelligence purposes. When the new capability is operational, there is likely to be significant value in connecting the county lines intelligence collection to it. This should enable more sophisticated ways of identifying the most serious offenders, and the individuals and communities most at risk.

## For now, some forces should make better use of intelligence reports and act on recommendations

The national county lines co-ordination centre produces intelligence reports for forces, based on the matrix. These reports provide valuable intelligence about how county lines operate across force and regional areas.

The reports include recommendations. But we found forces weren't always making good use of this intelligence or acting on the recommendations.

## Identifying vulnerability and protecting vulnerable people

Protecting vulnerable people should be a top priority for all forces. People may be vulnerable because of their age, disability, because they have been subjected to repeated offences, or are at high risk of abuse, including exploitation by county lines offenders.

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<sup>5</sup> In 2017, we reported that several police forces did not routinely supply the police national database with all the intelligence that the system is designed to handle. In 2019, this was still the case. It reduces the database's value as an investigative tool, particularly in instances where suspects come to police attention in more than one force area. See: [State of Policing: The Annual Assessment of Policing in England and Wales 2016](#), Her Majesty's Chief Inspector of Constabulary, 2017, page 32.

<sup>6</sup> We were also concerned about the matrix's stability and capacity, and how data quality could be assured.



Failing to protect vulnerable people is likely to expose those with the most needs to the greatest risk of harm. It can also quickly undermine a force's reputation and dent the public's confidence in its ability to provide its services fairly and professionally.

[We have reported before that forces are generally getting better at identifying vulnerability](#). In this inspection, the ten forces we visited all recognised that, when they encounter people they suspect of county lines offending, they need to identify each person's vulnerability and consequent risk of exploitation. This is so they can take any necessary safeguarding action. But forces do this in slightly different ways. Among the ten forces that we visited, five were using some form of vulnerability assessment tracker, with a further four forces developing one.

### **Vulnerability assessment trackers**

Vulnerability assessment trackers give forces a way to calculate people's level of vulnerability to help inform the enforcement response. Those we examined contained different levels of detailed information on each person. This included their links to criminal investigations and other relevant information. Forces recorded this information on a spreadsheet and weighted it in different ways to calculate a risk score for each person.

Forces didn't use a single, consistent vulnerability assessment tracker. Most were derived from one of two spreadsheets first produced by the Metropolitan Police Service and Hampshire Police. These two forces deserve credit for their work.

Generally, we were pleased to see forces using these processes and taking subsequent action to reduce the risks. British Transport Police's commitment to assessing the vulnerability of railway users stood out – with a dedicated team of analysts and an associated case-tracking system.

### **There is a risk of creating a county lines organisational silo**

Some of the trackers we were shown were called "county lines vulnerability trackers". Many interviewees were clear that, while it was important to identify vulnerabilities, it should be done as part of a wider process without creating a silo (an isolated process).

We agree. In our view, it would be better to track all the various ways in which people can be vulnerable in a comprehensive process rather than considering county lines vulnerability separately. This is because people can be vulnerable in many ways simultaneously (for example, a child in care may also have mental health problems) and can face many forms of exploitation and abuse – physical, emotional, financial or sexual.

The police have established ways to assess the risk of harm, such as multi-agency safeguarding hubs ([MASHs](#)) and associated risk assessment conferences. There is a danger of duplicating these arrangements when forces create vulnerability identification and risk assessment processes exclusively for county lines. This concern was shared by the practitioners we interviewed.



We support using vulnerability assessment trackers, but not just for county lines. We concluded that more comprehensive, evidence-based guidance is needed, in the interests of:

- securing a more consistent approach to identifying vulnerability and assessing risks whatever they look like; and
- ensuring that relevant data can be more readily and efficiently shared between the police and other public services.

### Recommendation

By 31 December 2020, the College of Policing, in consultation with the relevant National Police Chiefs' Council leads, should develop and publish its evidence-based guidelines addressing risk assessments for vulnerable people. The College should also work with the relevant leads to develop an implementation plan so that risk assessment practice is improved across all forces.

## The prioritisation process for serious and organised crime investigations

### Against other forms of serious offending, county lines networks tend not to be prioritised for police attention

The police and National Crime Agency use a system called 'organised crime group mapping'. This helps identify organised crime groups, assess the seriousness of their criminality and decide which to prioritise for investigation.

For prioritisation purposes, each group is given a score and categorised. These categories reflect the range and severity of crime a group is involved in, together with their capability and sophistication.

This mapping system determines much of the work of the National Crime Agency, regional organised crime units and individual forces' serious organised crime teams. (Generally, larger police forces maintain such teams.)

We found that forces don't always map county lines drugs networks. In some instances, forces use a separate risk assessment process called 'management of risk in law enforcement' ([MoRiLE](#)) when deciding how to respond to county lines and other forms of offending.

Also, in comparison with groups carrying out other types of organised crime, county lines drugs networks tend to attract lower scores if they are mapped.

There are several reasons for this:

- Organised crime groups upstream of the county lines networks tend to handle greater quantities of drugs, so will usually attract a higher score.
- Because of their wider impact on criminality, groups trafficking firearms will tend to attract a higher score.

- Groups carrying out offences such as organised child sexual abuse (which can harm children's wellbeing for life) and commercial robbery (where victims often face extreme violence and trauma) tend to attract higher scores.

In our view, these reasons are compelling. Because county lines drugs networks tend to get relatively low scores (if they are mapped at all) police and National Crime Agency resources are likely to be deployed elsewhere. Given the scale of organised crime affecting the UK, this is understandable.<sup>7</sup>

However, the mapping process does not include an assessment of the extent to which criminals exploit vulnerable people. Because of this, and its cross-border nature, county lines offending creates a difficult balancing act for chief constables when prioritising serious and organised crime. Organised crime group mapping would be more helpful if it included a thorough assessment of how far organised crime groups exploit vulnerable people.

### **Cross-border crime requires a cross-border response**

Across England and Wales (except London), [regional organised crime units provide a range of specialist policing capabilities](#) at a regional level. This helps forces tackle serious and organised crime effectively.

These capabilities include undercover policing, specialist surveillance and intelligence units for handling sensitive and covertly obtained intelligence.

Regional organised crime units investigate and disrupt organised crime groups operating across police force borders. They are also an important link between police forces and the National Crime Agency.

Many of these units' activities are not carried out in public. They conduct sensitive and sometimes covert operations. Yet their work plays a vital part in protecting the public from serious and organised crime.

### **Most regional investigations are not into county lines**

We described earlier how police use organised crime group mapping to prioritise investigations. In each region, the constituent forces jointly operate a tasking and co-ordination process, through which the regional organised crime units' priorities are set and the units' performance is monitored.

The process usually involves a quarterly meeting of nominated chief officers and other personnel from each force. At the meeting, they review an intelligence assessment, decide on priorities and allocate resources.

While some of the regional organised crime units we visited were supporting individual police forces' county lines investigations, none led any such investigations. Often, any

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<sup>7</sup> At the end of June 2018, there were 4,452 mapped organised crime groups in the UK. See: [National Strategic Assessment of Serious and Organised Crime 2019](#), National Crime Agency, page 9.

drug-related covert investigations they were allocated targeted drug suppliers upstream of county lines networks.<sup>8</sup>

In one region, all the forces had nominated county lines drug supply as either their highest or second highest priority for regional support. But that didn't result in the regional organised crime unit leading any investigations into a county line.

We concluded that the regional tasking and co-ordination arrangements in that region weren't working effectively.

### **There is a case for co-ordinated regional activity targeted at county lines**

In another region, we were told of a successful investigation into an upstream supplier. The unit targeted his operation by concentrating on his county lines supply chains. The unit's success highlights the impact regional-level operations can have on county lines.

We think there is scope for forces, working with their regional organised crime units, to use this approach more widely, particularly in regions where intelligence suggests that:

- a group is operating multiple county lines; or
- a county line begins and ends there.

Encouragingly, there is already a team of co-ordinators in place that could enable this approach.

### **Regional county lines co-ordinators**

Each regional organised crime unit has appointed a county lines co-ordinator to manage county lines-related police activity across the constituent forces.<sup>9</sup> These roles were created when the national county lines co-ordination centre was set up. Some of the regional co-ordinators we interviewed reported being unclear about what was expected of them, and having had little training.

We found this was improving. The national county lines co-ordination centre has provided continuing professional development events. Staff there also hold weekly conference calls with the regional co-ordinators to identify and exchange good practice and to organise activity.

## **Intensification weeks**

### **These are worthwhile events, but should be more focused**

Through its team of regional co-ordinators, the national county lines co-ordination centre manages law enforcement activity during dedicated weeks of action against county lines.

<sup>8</sup> We were informed that, after our fieldwork ended, a small number of regional organised crime units began leading county lines investigations.

<sup>9</sup> In London, there is no regional organised crime unit. However, the Metropolitan Police Service has appointed a regional county lines co-ordinator to work with the National Crime Agency and other police forces in London.

These weeks are designed to disrupt county lines networks and increase public awareness (including how to recognise exploitation). The intention is to hold four each year.<sup>10</sup>

We examined updates produced by the national county lines co-ordination centre following intensification weeks. These included the number of arrests, drug and weapon seizures, people safeguarded and the resources deployed.

The updates showed extensive police activity during these weeks, with some good results. For example, during one intensification week (13–20 May 2019), there were 586 arrests, £300,000 seized and 46 weapons recovered.

We concluded that these set piece events are worthwhile. However, based on feedback from interviewees, we believe there is scope for them to become more focused and sophisticated by:

- putting more emphasis on the most problematic county lines; and
- concentrating law enforcement activity in the force areas where those lines are most active.

A few interviewees suggested that intensification weeks may encourage forces to delay enforcement action until that week, so they could boost the reported results. It is important that, as an intensification week approaches, forces should not delay or restrict activity against county lines offenders, particularly when vulnerable people are involved.

## A single law enforcement system

### Police forces are working together but a single law enforcement system is needed

Forces covering areas where groups export drugs tend to be the bigger, metropolitan ones. These forces face challenges of their own but are usually better equipped to deal with county lines networks.

For example, bigger forces usually have greater access to specialist equipment and covert policing capabilities. For effective action against drug dealers, these methods are often needed – and often for extended periods.

But the impact of county lines offending is mainly felt in the importing areas. This includes crime to fund drug addiction, and antisocial behaviour, placing greater demands on health and social services. There is little incentive for forces policing exporting areas to prioritise their resources to tackle it.

However, we were pleased to find examples of bigger forces supporting smaller ones. In one example, a metropolitan force deployed officers to work in a neighbouring force area. While this type of co-operation is welcome, it often relies on goodwill. Even in this example, officers from the metropolitan force were expected to prioritise offences in their home force area over those in the neighbouring area.

<sup>10</sup> The first intensification week was in October 2018. Subsequent intensification weeks were in January 2019, May 2019 and – after our inspection ended – October 2019.

Many forces with exporting areas could do more to support those with importing areas. While we don't expect it to become routine for bigger forces to deploy staff and resources to smaller forces, there are other options.

Where the controlling minds of a county lines network operate, people are vulnerable to exploitation. Forces with exporting areas should do more to uncover and tackle the latent demand (for example, human trafficking) linked with this exploitation, thereby better protecting victims and making it harder for county lines criminals to operate. This approach would benefit both exporting and importing forces by disrupting the flow of people and drugs.

### **County lines challenges are symptoms of a bigger problem**

The challenges faced by police forces when they try to work together on county lines are symptoms of a bigger problem. This is the 43-force structure of policing in England and Wales, and whether it is fit for purpose in the 21st century. We and others have commented on this before.<sup>11</sup>

In our view, the police service needs to function, with the National Crime Agency, as a single law enforcement system. Throughout this inspection, we found good examples of police forces working together, often through regional organised crime units. But those examples did not represent a sufficiently connected and consistent system. Much of what we found was, in effect, a 'workaround'. And matters such as long-term, sustainable funding for police forces, regional organised crime units and, in some respects, the National Crime Agency (for example, funding for the national county lines co-ordination centre) remain unresolved.<sup>12</sup>

Within the present structure's limits, policing county lines can still be more efficient and effective. The police and National Crime Agency's understanding of the problem continues to grow. So, it is foreseeable that the national county lines co-ordination centre will become increasingly well-placed to direct law enforcement activity against the most problematic county lines networks. This may sometimes mean 'tasking', not asking, forces to allocate resources against particular groups.

### **Improving the national tasking arrangements**

The National Crime Agency already has legal powers to direct policing activity. It is making good use of them for county lines purposes. In October 2018, the Director General required forces to take law enforcement action against 21 county lines networks. This resulted in significant arrests and contributed to improvements in the completion of the county lines intelligence collection matrix. Consequently, it improved the police and National Crime Agency's understanding of the threat.

However, the national tasking arrangements (through which the National Crime Agency exercises its legal powers) are not sufficiently well developed to enable an

<sup>11</sup> See, for example: [State of Policing: The Annual Assessment of Policing in England and Wales 2018](#), Her Majesty's Chief Inspector of Constabulary, 2019, page 38.

<sup>12</sup> We have previously commented on weaknesses in funding arrangements. See: [State of Policing: The Annual Assessment of Policing in England and Wales 2018](#), Her Majesty's Chief Inspector of Constabulary, 2019, pages 25 and 26. See also: [Regional Organised Crime Units: A review of capability and effectiveness](#), HMIC, 2015, page 25 and recommendation 7.

efficient, effective single law enforcement system. In [our previous inspection of these arrangements](#), we found various weaknesses. These are being addressed, but more needs to be done.

If the police and National Crime Agency are to operate a single law enforcement system with the requisite levels of efficiency and effectiveness, a more coherent and integrated system of national tasking is required. Such a system would need to include certain characteristics, as follows:

- An element of control over the funding to tackle serious and organised crime.
- A more flexible, responsive tasking process, designed to improve levels of inter-agency co-ordination.
- A more robust governance and accountability mechanism, particularly concerning the resourcing of regional organised crime units, their prioritisation and the deployment of their assets.
- A stronger emphasis on performance management, designed to maximise the impact of law enforcement activity.
- The specification and use of jointly agreed outcome measures, designed to enable and support these characteristics.

### Recommendation

By 31 December 2020, the Director General of the National Crime Agency, in consultation with the relevant National Police Chiefs' Council leads, should develop a more coherent and integrated system of national tasking. This new system should secure improvements in governance, accountability and performance management.

After our inspection ended, the Government announced a comprehensive [review of the police and National Crime Agency's approach to tackling serious and organised crime](#).<sup>13</sup> This review and our inspection findings should inform the development of a revised national approach to tasking and co-ordinating the law enforcement system.

<sup>13</sup> The review, led by former Deputy Commissioner of the Metropolitan Police, Sir Craig Mackey QPM, will consider the powers, capabilities, governance and funding required to tackle today's threats across law enforcement and the justice system in England and Wales – including the National Crime Agency, local police forces and regional organised crime units.



## 3. Joint working with other public services

### What we inspected

It is essential that police work well with other professionals to protect and support vulnerable people. We inspect the police but not the other agencies with which they work.<sup>14</sup> So, for this part of the inspection, we asked police officers for their views on the contribution of other agencies in tackling county lines cases. We also sought the views of other interested parties.

We were looking for evidence of professionals in all agencies working together to identify and respond quickly to signs of county lines offending and exploitation. They need to provide relevant services and support where and when appropriate.

There also needs to be a joint effort to raise awareness with children, parents and the wider community, encouraging them to recognise and report signs of exploitation.

Professionals from other agencies often have contact with county lines victims before the police become involved. They need to ask the right questions to recognise the signs of exploitation. Systems for collating and sharing intelligence and information between the police and other agencies are crucial to preventing exploitation efficiently and effectively.

### Joint work to protect those vulnerable to county lines exploitation is improving

We found good examples of police and other agencies working together to protect those vulnerable to county lines exploitation.

One police force had expanded the scope of its multi-agency safeguarding and risk assessment arrangements. With partner organisations, it often used these for domestic abuse and child sexual exploitation cases, and expanded them to include vulnerable children and adults associated with county lines offending. The adults were often drug addicts or sex workers whose homes the county lines network took control of for drug dealing, against the occupants' will. This is known as '[cuckooing](#)'. There is scope for other forces to adopt a similar co-ordinated approach.

There were good examples of joint work with local authorities. In at least one force area, local authority tenants dealing drugs from their homes received a notice from their landlord warning them that this would not be tolerated. This is called a 'notice of

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<sup>14</sup> Police forces work closely with a wide range of public services – for example, local authorities; social care providers; probation and community rehabilitation services; youth offending teams; healthcare providers; education; housing; and transport providers.

proceedings for possession'. These notices are issued under section 8 of the Housing Act 1988. The police and local authority sought to differentiate between tenants who were 'cuckooed' and those who were willingly complicit.

Some tenants put these notices in their windows as a sign that the police were aware of the criminal activity and had the property under surveillance. This may have deterred further exploitation.

In another force area, following a series of police raids on flats used for drug dealing, the local authority cleaned them up and converted one into a drop-in centre for vulnerable people.

Set against these and other good examples, we also found many problems. These included barriers to sharing information and involving other agencies when and where they were needed.

## Problems with joint working

### Barriers to information sharing undermine effective partnership working

Interviewees reported major barriers to police and other agencies exchanging information efficiently and effectively. These included:

- legal requirements to keep personal data secure, and the ways in which different bodies (and sometimes people) may interpret those requirements;<sup>15</sup>
- disconnected and often incompatible computer systems;
- insufficient digital storage space;
- difficulties in enabling secure access to information systems and premises; and
- a frequent requirement for interactions with multiple bodies (particularly in instances where police forces and other agencies don't cover the same area).

Many previous reports have recommended sharing information more effectively. These often follow deaths, serious injuries or public service failings.

Our findings in this inspection should serve as a further warning that the police and other agencies still don't exchange information as well as they should. The many barriers to the exchange of information for law enforcement purposes need to be addressed.

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<sup>15</sup> The principal requirements interviewees cited were those in the Data Protection Act 2018, which gives effect to the European Union General Data Protection Regulation 2016/679 ("the GDPR"). In this inspection, the National Crime Agency reported having to draft and obtain signatures to a memorandum of understanding with each police force before it could disseminate intelligence to them in compliance with the GDPR. Legal advice we obtained on the subject was not definitive.



### Recommendation

By 31 December 2020, the Home Office should carry out a review of the quality and extent of information sharing by public bodies for law enforcement purposes. The review should clarify the legal position and identify opportunities to address the cultural, systemic, procedural, operational and technological barriers that interfere with the efficient, effective exchange of information for law enforcement purposes.

### Difficulties frequently arise when vulnerable people are arrested away from their home area

We found that police officers are often the first professionals to identify that a vulnerable person is a victim of county lines offending. This usually happens when police arrest children moving drugs or money, or when they find drug dealers occupying vulnerable adults' homes to store or deal drugs.

Forces can experience problems when vulnerable people are arrested away from their home area, which often happens. The police force covering the area where the offence happens will generally be responsible for the investigation, no matter where the offender lives. But other public services generally work differently. For them, the responsible organisation is usually the one covering the area where the offender lives.

This means that, when they are released from police custody, children and other vulnerable people often don't have ready access to the support services they may need. We heard evidence of:

- children being put on trains for long and unsupervised journeys home after their release;
- officers handing children over to colleagues from another force at county borders;
- emergency duty teams<sup>16</sup> from different counties disagreeing about who has responsibility for safeguarding vulnerable people after their release; and
- serious delays (of several weeks) in processing information passed from one public service to another.

In London, the Mayor's Office for Policing and Crime has allocated £3m this year to recover and support 'looked after' children<sup>17</sup> who are arrested in other areas.

In particular, British Transport Police found this service valuable when dealing with vulnerable children from London whom they found on the rail network in other parts of Great Britain. But, understandably, this valuable service only applies to children who live in London, not those from elsewhere who are arrested in London.

<sup>16</sup> Emergency duty teams are teams of social workers that provide emergency and/or out-of-hours services, usually to vulnerable adults and children. Many local authorities provide such teams.

<sup>17</sup> 'Looked after' children are children in the care of a local authority. They usually live in children's homes, or with foster parents or other family members.

Other bodies have also commented on the problems inherent in county or borough-based child protection arrangements and how they are not fit to tackle cross-border concerns such as county lines.<sup>18</sup>

### **The lack of a statutory definition of child criminal exploitation is problematic**

We believe that the lack of a single, commonly applied definition of child criminal exploitation is part of the problem. There is a useful definition in the *Serious Violence Strategy*, but it is not a statutory definition.<sup>19</sup>

This means that the police and other public services can make different decisions about the levels of risk surrounding an exploited child, or the amount of support they need. This often leaves one body more committed than another to working with the child. A recent [report by The Children's Society](#) also raised this problem. It needs to be rectified.

#### **Recommendation**

By 31 December 2020, the Home Office, in consultation with other relevant government departments, should secure that the definition of child criminal exploitation in the *Serious Violence Strategy* (or an amended version of the definition) is placed on a statutory footing.

### **Being arrested can make exploited people more vulnerable**

Interviewees reported how, in some circumstances, exploited people can be even more vulnerable after police intervention. For example, if the police seized drugs or cash, vulnerable people may find themselves in 'debt bondage'<sup>20</sup> after being released from custody. This is likely to lead them into further offending or expose them to the risk of violent retribution.

Every time police release a detainee, custody officers are expected to carry out a pre-release risk assessment. [There is guidance, called 'authorised professional practice', on how to carry out assessments.](#)

We found that, although the guidance included references to detainees' welfare, these references were brief and mainly covered the risk of suicide after release. There was no mention of other risks faced by exploited county lines offenders after their release. In our view, the authorised professional practice should be amended.

<sup>18</sup> See, for example: [An inspection of youth offending services in Barking and Dagenham](#), Her Majesty's Inspectorate of Probation, 2018, page 19.

<sup>19</sup> "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 (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) 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." [Serious Violence Strategy](#), HM Government, 2018.

<sup>20</sup> Drug traffickers will often expect to be reimbursed by the individual from whom the drugs or cash were seized.

### Recommendation

By 30 June 2020, the College of Policing should amend the “release from custody” subsection of the authorised professional practice on detention and custody to include consideration of the risks of exploitation faced by vulnerable detainees after their release from custody.

### Demand for services often outstrips supply

It was apparent that, when provision was available, demand quickly outstripped supply. For example, interviewees reported a lack of 24/7 multi-agency support, a lack of healthcare provision, and a lack of beds in secure accommodation. These were all seen as significant problems.

One organisation’s lack of resources can have a negative effect on the demand other organisations face. For example, gaps in youth services provision can mean that young people are not diverted away from crime. They can go on to offend, creating demand for the police and the criminal justice system. In one force area, the police and crime commissioner had diverted funds from policing to pay for youth workers.

Some interviewees highlighted the problems created by short-term public funding arrangements. These can reduce the stability, longevity and development of the services the funding is meant for. This is a recurring theme in our inspections, and [it is not just a problem for the police](#).

### Vulnerable adults receive less support than vulnerable children

Access to support services reduces dramatically after the age of 18. As a result, exploited vulnerable adults receive less support. This was described to us as a “cliff edge” leading to a “lost generation”. It is particularly worrying that this description includes people discharged from prison with little or no support.<sup>21</sup>

### The availability of services after arrest and after release

We were pleased to see vulnerability being increasingly considered when children are arrested for supplying drugs. Forces have varying approaches to children and other vulnerable adults in police custody.

We established that, for exploited children arrested for drug dealing, there was every possibility a healthcare professional would assess them while in custody. But, if their circumstances were so harmful that they needed to be taken into the care of the local authority on release, interviewees were far less confident that adequate services would be available.

<sup>21</sup> HMICFRS and Her Majesty’s Chief Inspector of Probation have both commented on the lack of effective support to reduce reoffending. In 2018/19, 80 percent of community rehabilitation companies were rated ‘inadequate’. See: [Report of the Chief Inspector of Probation](#), Her Majesty’s Chief Inspector of Probation, 2019, page 4.

Interviewees often mentioned problems with the resilience of out-of-hours services and availability of accommodation, particularly secure accommodation (which can be used as an alternative to custody).

### **Children excluded from school are at heightened risk; better recognition and safeguarding action are needed**

Every child can be vulnerable to criminal exploitation. But interviewees reported a strong link between school exclusion and becoming a target for county lines criminals.

When exclusion was a response to a criminal matter (such as carrying weapons or possessing controlled drugs) police were usually informed. However, we heard of cases involving children excluded for non-criminal matters, where the police were not informed.<sup>22</sup> Some of those children went on to become involved in county lines. In these cases, the exclusions (and other events such as adverse childhood experiences) had not been recognised as warning signs of a greater potential for exploitation. This deprived police and other professionals the opportunity to work with these children, to help them recognise they were being exploited, understand the consequences and divert them from criminality.

### **Children at school can be at risk too**

Conversely, schools are sometimes used as places to recruit children and young people into county lines networks. In one case, a child who wasn't previously of concern to the police set up a county lines operation and encouraged other children at his school to join him.

### **Missing children need strong partnership-based safeguarding**

We have highlighted risks children face while in education or when excluded. In a similar way, children who go missing from home are especially vulnerable to exploitation.

Even when children are found and returned home, they can remain vulnerable if their return isn't well-managed. Charities are often well-placed to build trust and uncover information that can be used to help make a child safe and remove them from harm.

We found a good example of this. One of the forces we visited was collaborating with social services and Barnardo's to support and divert children who are missing from home or victims of sexual exploitation. The team was widening its scope to include county lines and other exploitation cases.

However, we are concerned about how processes, ownership, completion and outcomes that follow 'return home' interviews vary across the country.

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<sup>22</sup> Some of these cases involved children being excluded more than once, and often the exclusions were for significant periods. [School exclusions](#) can be permanent – that is, expulsions, or for fixed periods based on the seriousness of the child's misbehaviour. One interviewee suggested that multiple exclusions of more than about three days each were warning signs.

We found that, when missing children are recovered in their own county, they are usually interviewed by a police officer (or a third party). These interviews can reveal important information, on which the police need to act. We found that interviews were less likely to take place if missing children were found in other counties.

### **Local authorities don't always tell the police when they move 'high-risk' children into their areas**

We were concerned to hear examples of children at high risk of criminal exploitation being moved, often at short notice, into children's homes or foster care in another police area. Relevant local bodies, including the police, are not always told in advance (if at all) by the local authority responsible for the child's care.<sup>23</sup>

Interviewees said there should be formal arrangements to inform them of these movements in advance. This would enable them to work more effectively with the homes, and other local services, to put better safeguarding arrangements in place from the child's arrival. We agree.

#### **Recommendation**

By 31 December 2020, the Department for Education should establish formal arrangements for relevant police forces to be notified when local authorities move children at high risk of criminal exploitation from area to area.

### **There are benefits from joint working with transport bodies and accommodation providers**

People involved in county lines criminality, particularly children, often use the rail network to travel between exporting and importing areas. We learned that British Transport Police provides valuable training for railway staff on how to identify and deal with vulnerable people. County lines is a feature of the training.

The force has also placed posters at railway stations to raise public awareness and [it works closely with a charity called 'Railway Children'](#) to reduce the risk of child exploitation.

County lines networks also use roads to transport drugs. One of the regional organised crime units we visited described basic steps it had taken to disrupt this. These included:

- working with a county council taxi licensing department for action against complicit taxi companies and drivers;
- visiting airport car hire companies from which county lines offenders were hiring cars to transport drugs; and
- using automatic number plate recognition technology to track suspicious vehicles' movements.

<sup>23</sup> Statutory guidance already exists whereby, in certain cases, the 'exporting' local authority has a duty to notify the receiving authority of a child coming into their care. But it doesn't apply to all cases.

Two of the forces we visited had briefed staff at hotels on how to detect the signs of exploitation, and a third was planning to do so. One force had created a priority list of hotels to work with, based on police intelligence.

Forces reported that awareness-raising sessions of this kind could bring good results. In one example, following their work with hotel staff, a young girl being exploited in a hotel was recovered and taken to safety.

### **Communicating with the public**

There is no doubt that county lines offending (and activity to tackle it) creates media interest. Some forces reported that media coverage of intensification weeks often leads to more intelligence reports from the public. Some have used national communications material produced by other organisations, such as British Transport Police and the [National Society for the Prevention of Cruelty to Children](#), to raise awareness.

## 4. Powers and legislation

### What we inspected

The police have a wide range of legal powers to tackle drug dealing and other crime. Generally, these include powers of entry, stop and search, seizure and collection of evidence, and arrest.

Also, when police release people from custody on bail, either to a court or while further investigations are carried out, they can sometimes place conditions on them such as curfews. In some cases, the police can apply to courts for orders placing certain restrictions on people.

It was not within the scope of this inspection to explore how the police use all their powers (and [we have reported on some of them elsewhere](#)). But we were asked to explore two areas: the use of drug dealing telecommunications restriction orders, and modern slavery legislation against county lines networks. We looked at how well the police used these legal provisions.

### Drug dealing telecommunications restriction orders

Since December 2017, police superintendents have had the option to apply to the civil court for drug dealing telecommunications restriction orders. When the court is satisfied that a mobile phone or number has been used, or is likely to be used, for drug dealing, it can grant the application and issue the order.<sup>24</sup>

The effect of these orders is to compel service providers to deny mobile phone services to drug dealers, but only in relation to specified phones or numbers.

### There is little support for their use

We found limited use of, or support for, these orders. We were unable to establish the exact number of orders the National Crime Agency and police forces had applied for, or the number of successful applications. Based on the responses we received, we believe the former to be fewer than 50, as at 1 September 2019.

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<sup>24</sup> The Drug Dealing Telecommunications Restriction Orders Regulations 2017, SI 1240, made under section 80A of the Serious Crime Act 2015 (inserted by section 107 of the Digital Economy Act 2017). Applications may be made by the Director General or Deputy Director General of the National Crime Agency, or by a police officer of the rank of superintendent or above.



Interviewees with relevant experience of applying for them described the application process as difficult and time-consuming, with only six courts approved to grant orders.

Interviewees told us that county lines organisers are likely to keep lists of their customers' contact details so they can simply transfer them to a replacement phone. It is easy for anyone (including drug dealers) to anonymously get a replacement mobile phone and number through 'pay as you go' services. So, drug dealing telecommunication restriction orders can only disrupt their activities for a short time.

We were told of one example where a county lines network received and shared a new number within an hour of the service provider acting on the order. Also, we were reminded that drug dealers are increasingly likely to use social media for communicating with customers, with some platforms being heavily encrypted. This further decreases the value of these orders.

Some interviewees suggested that the only way to make drug dealing telecommunication restriction orders worthwhile would be to:

- obtain orders quickly;
- co-ordinate simultaneous activity against multiple phone numbers; and
- identify and deal promptly with replacement numbers as they emerge.

We found little evidence that this was happening in any of the forces or regional organised crime units we visited. This is another symptom of the lack of a single law enforcement system. In its absence, the National Crime Agency suggested creating a dedicated team to co-ordinate the use of drug dealing telecommunications restriction orders. We think there may be merit in this, potentially expanding the role of the national county lines co-ordination centre and using the network of regional co-ordinators.

### **Recommendation**

By 30 June 2020, the Director General of the National Crime Agency should create a dedicated, central team to co-ordinate the use of drug dealing telecommunications restriction orders.

### **Denial of anonymity: making restriction orders more effective**

Interviewees often suggested that people should have to register personal details when buying a mobile phone or replacement SIM card. Criminal use of unregistered mobile devices is a serious problem for all law enforcement bodies and, by extension, society. In many criminal investigations, not just those into county lines, the police and other law enforcement agencies must put considerable time and effort into attribution – establishing who owns and uses mobile phones.

Because of the need to safeguard against abuse of the financial services industry, those seeking to open a bank account must present official documents to prove their identity first. This safeguard makes it harder for criminals to launder money or commit fraud.



In respect of access to mobile communications devices and services, there is no such safeguard. The present arrangements that enable criminality by allowing the anonymous acquisition of phones and numbers, should be re-examined.

### **Recommendation**

By 31 December 2020, the Home Office should commission a review of the criminal abuse of mobile telecommunications services. The review should explore whether the regulatory environment within which the mobile telecommunications industry operates (particularly in relation to anonymous access to devices and services) is in need of strengthening in order to reduce the criminal abuse of mobile telecommunications services.

### **There is inconsistent use of other forms of court orders to prevent or restrict county lines**

As well as drug dealing telecommunications restriction orders, there are other court orders and notices that can be used to protect vulnerable people or disrupt county lines operations. These include gang injunctions, community protection notices and serious crime prevention orders. We found that some forces (and other law enforcement agencies) made innovative use of them, but many didn't. One force said it didn't use serious crime prevention orders at all. Another said it had little success in getting the orders when it applied for them. The force made ten applications for serious crime prevention orders – only one was successful.

Generally, we found that the level of knowledge regarding the use of such orders was too low. Given the seriousness of offending by many county lines offenders, this is unsatisfactory.

### **Police are using modern slavery legislation effectively**

The Modern Slavery Act 2015 created several new offences, such as holding a person in slavery or trafficking for the purposes of exploitation. Prosecution for modern slavery offences (as an alternative, or in addition, to drug trafficking offences) can be effective against county lines offenders. Interviewees reported examples of criminals controlling county lines operations being convicted of modern slavery offences as well as drug supply offences.

### **The legislation can make the exploitation of vulnerable people less attractive to criminals**

We believe that modern slavery offences should be pursued whenever possible in county lines cases. Some perpetrators may be deterred by the stigma that can come with a modern slavery conviction, particularly involving children.

Also, in some cases, police can impose other forms of restrictive court order, which may disrupt offenders' activities. These orders are made under section 14 of the Modern Slavery Act 2015.

For example, we learned of a case where, in addition to custodial sentences, the defendants received 15-year slavery and trafficking prevention orders. This case involved the conviction of three adult males for using boys and girls as young as 14 to smuggle drugs from London to Portsmouth. The orders preclude them from owning more than one mobile phone or computer, or driving a car containing a young person under 18 who is not a family member.

### **The section 45 defence may perversely increase exploitation**

Section 45(1) of the Modern Slavery Act 2015 provides a statutory defence for victims of slavery and exploitation who commit offences on behalf of their abusers.

If a defendant wants to use the defence, they must give evidence that they were coerced into offending. When used appropriately, this defence can protect vulnerable people exploited by county lines criminals from being convicted.

But, perversely, we found signs that the availability of this statutory defence may increase the risk of exploitation. We were told by a survivor of county lines exploitation that some offenders coach their recruits (vulnerable or otherwise) to say they have been trafficked if they are arrested. For some vulnerable people, this may give them a false sense of security. Most of the forces we visited said that use of the section 45 defence is increasing.

The Crown Prosecution Service was unable to provide information on how widespread the use of this defence is becoming.

### **There are practical difficulties in disproving the defence, even when it is falsely raised**

Some drug dealing cases are discontinued or downgraded after the defence is raised. We heard strong views from police investigators and Crown Prosecution Service lawyers. They felt that, once the defence had been raised, it was often very difficult to disprove, even when they believed there was evidence of the suspect's willing involvement in the drug dealing.<sup>25</sup>

### **The section 45 defence and the national referral mechanism**

One senior interviewee suggested that these difficulties were compounded when the suspect is referred to the [national referral mechanism](#) (a government-provided support service for victims of human trafficking and modern slavery).

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<sup>25</sup> The Court of Appeal recently considered this situation in two unrelated cases, *R v Kreka* and *R v Grega* [2018] EWCA Crim 667. Both cases involved the use of the section 45 defence. The court recognised a 'golden thread' of English criminal law: the prosecution must establish guilt beyond a reasonable doubt. Therefore, it is for a defendant to raise evidence and for the prosecution to disprove it to the criminal standard.

Between January 2017 and December 2018, there was an increase in the referral of county lines suspects.<sup>26</sup> In genuine cases of exploitation, this is encouraging. After referral, the national referral mechanism follows a sequential, two-stage decision-making process:

- A “competent authority” (the National Crime Agency or the Home Office) decides whether there are reasonable grounds to believe that the person is a victim of modern slavery (the “reasonable grounds” decision). At this point, some cases will go no further; others will proceed to the next stage.
- In cases where the competent authority has made a positive reasonable grounds decision, there will be an investigation. This leads to a further decision. The competent authority decides whether, on the balance of probabilities, the person is a victim of modern slavery (the “conclusive grounds” decision).

In some cases, a defendant to a drug trafficking charge can produce evidence to show that the competent authority initially thought them to be a victim (i.e. at the reasonable grounds decision). Even if that decision is later overturned (i.e. at the conclusive grounds decision), the prosecution will be very unlikely to succeed because the burden of proof for the drug-related criminal charge is “beyond a reasonable doubt”.

It was beyond the scope of our inspection to establish how many times charges had been refused or cases subsequently discontinued or dismissed, or to evaluate the quality of the police investigations and their evidence in each case. However, the strength and consistency of views we heard during interviews suggest that the section 45(1) defence may be too open to abuse. We think this matter deserves closer attention.

### Recommendation

By 31 December 2020, the Home Office should commission a detailed review of cases involving the defence under section 45(1) of the Modern Slavery Act 2015. The review should establish whether there is sufficient justification to amend the law.

## Bail conditions can safeguard vulnerable people

While they are in police custody, children and vulnerable adults cannot be exploited by county lines offenders. But they can when they are released.

In most instances where the police don’t have enough evidence to charge a detainee within 24 hours of their arrest, but the investigation is not finished, the detainee will be released from police custody.

<sup>26</sup> Referrals for “minor exploitation categories” increased by 48 percent between 2017 and 2018 (2,118 in 2017; 3,137 in 2018). This was mainly because of an increase in the number of county lines-related referrals. See: [National Referral Mechanism Statistics – End of Year Summary 2018](#), National Crime Agency, 2019, page 1.

They are usually released ‘under investigation’ or on police bail. During police bail, the police can attach ‘pre-charge’ bail conditions to the release. If the police charge a detainee and release them on bail to a court, they can often attach ‘post-charge’ bail conditions.

Six of the forces we visited reported using these conditions to reduce the risk of criminal exploitation faced by people they released. They imposed conditions such as curfews and regular ‘signing on’ at police stations. This helped them monitor people’s apparent vulnerability and alerted them promptly if someone went missing from home.

However, drug supply investigations often don’t result in enough evidence to charge within 28 days (the initial maximum period for pre-charge bail). This is because of the time it usually takes to have seized drugs forensically analysed and for communications data<sup>27</sup> to be obtained and analysed. Pre-charge bail can be extended beyond 28 days, but only with special permission: for up to three months by a superintendent and beyond that by a magistrate.<sup>28</sup>

When pre-charge bail ends, the individual often reverts to being released under investigation. The bail conditions no longer apply, and any protective effect is lost.

In lengthy investigations where particularly vulnerable people may benefit from the protective effect of bail conditions, we encourage forces to make continued use of such conditions rather than simply releasing people under investigation.

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<sup>27</sup> ‘Communications data’ is data about mobile phone use – for example, the devices used, the numbers to which calls are made and those from which they are received, and the dates, times and durations of such calls. Police forces make extensive use of their powers to obtain this data in the course of many criminal investigations.

<sup>28</sup> After our inspection ended, the Home Office [announced a separate review of pre-charge bail legislation](#). Also, we intend to carry out a separate inspection.

# Annex A – Methodology

## Data and document review

Before starting fieldwork for this inspection, we used several sources of information to help shape our approach and provide context. These included:

- force data returns and document reviews;
- the Home Office annual data requirement;
- force management statements;
- findings from the serious and organised crime insight completed by all forces; and
- fieldwork findings from tranches one and two Integrated PEEL Assessment inspections.

## Fieldwork

Our fieldwork visits took place between March and June 2019. They involved interviews, 'reality testing' in relevant departments and with partnership agencies, and document reviews. We were not inspecting partner organisations such as other criminal justice agencies or community groups, but their role is important so we included them in our fieldwork visits.

Organisations and other interested parties we visited are shown below. Representatives from some non-police bodies were included as part of forum discussion groups in each force area as follows:

- Ten police forces.
- The national county lines co-ordination centre.
- Other parts of the National Crime Agency.
- Three regional organised crime units.
- The College of Policing – county lines lead.
- The Crown Prosecution Service – county lines lead.
- The Police National Database manager.

