

Tools to disrupt Child Sexual Exploitation

Updated September 2017

Introduction and Contents

There are a number of legal orders available that can be issued by police, applied to from criminal or family Court or made via civil law route. In all situations legal advice regarding individual situations should be obtained. This list is not an extensive list of orders which may be available.

1. **Section One: Orders relating to Offenders.**
2. **Section Two: Orders relating to locations, places, technology and vehicles.**
3. **Section Three: Orders relating to victims.**

Section One: Orders relating to Offenders.

Sexual Harm Prevention Orders and Sexual Risk Orders

These orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They replace the previous Sexual Offences Prevention Order, Risk of Sexual Harm Orders and Foreign Travel Orders which were introduced by the Sexual Offences Act 2003.

The court needs to be satisfied that the order is necessary for protecting the public, or any particular members of the public, from sexual harm from the defendant; or protecting children or Adults at Risk generally, or any particular children or Adults at Risk, from sexual harm from the defendant outside the United Kingdom.

The Orders can contain (a) prohibitions to prevent the defendant from doing anything described in the order, which may include a prohibition on foreign travel (replacing Foreign Travel Orders which were introduced by the Sexual Offences Act 2003) and (b) requirements to do something – which may include providing updating contact details to the local police force; notifying the police if the defendant comes into contact with a young person

Failure to comply with a requirement imposed under an Order is an offence punishable by a fine and/or imprisonment.

Sexual Harm Prevention Orders

Sexual Harm Prevention Orders can be applied to anyone convicted or cautioned of a sexual or violent offence, including where offences are committed overseas. They replace the previous Sexual Offences Prevention Orders.

A prohibition contained in a Sexual Harm Prevention Order has effect for a fixed period, specified in the order, of at least 5 years, or until further order. The Order may specify different periods for different prohibitions.

Sexual Risk Orders

Sexual Risk Orders can be made where a person has done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for such an order to be made, even if they have never been convicted. They replace the previous **Risk of Sexual Harm Orders**.

A prohibition contained in a Sexual Risk Order has effect for a fixed period, specified in the order, of not less than 2 years, or until further order. The Order may specify different periods for different prohibitions.

Meeting a child following sexual grooming and arranging/Facilitating a child sex offence.

The Sexual Offences Act 2003 introduced a range of offences that recognise the grooming, coercion and control of children.

Section 14 Arranging or Facilitating a Child Sex Offence (child under 16) This makes it an offence for a person to intentionally arrange or facilitate any action which he intends to do, intends another person to do or believes that another person will do, in any part of the world, which will involve an offence being committed against a child under any of sections 9 to 13 of the Sexual Offences Act 2003 (includes sexual activity with a child).

Section 15 Meeting a Child Following Sexual Grooming (child under 16) If an adult (aged 18 or over) has communicated with a child under 16 (including over the

internet) on at least two occasions and communicates plans to meet up with them, then an offence is committed. It is not necessary for the adult to set off on the journey.

The adult must intend to commit a sexual offence and must not reasonably believe the child to be over 16.

Other offences under the Sexual Offences Act 2003 include:

- Section 47 Paying for the Sexual Services of a Child.
- Section 48 Causing or Inciting the Sexual Exploitation of a Child.
- Section 49 Controlling a Child in relation to Sexual Exploitation.
- Section 50 Arranging or Facilitating the Sexual Exploitation of a Child.

Child Abduction Warning Notices

Child Abduction Warning Notices (CAWN) under Section 2 of the Child Abduction Act 1984 can be used to disrupt contact between an adult and a child or young person where the child is aged 16 or under. If the child is a Looked After Child then a CAWN can be used to disrupt contact where the child is aged 18 or under. It is an offence for a person not connected to the child to take the child away 'without legal authority'. In such cases, the police may remove the child to a place of safety and issue a formal warning to the perpetrator. Although these cases do not require a complaint from the child, it does require the child's parent or guardian to make a statement. Although not a long-term solution to the problem, Section 2 notices are a useful tool in terms of immediately breaking contact between the child and the individual exploiting them. They are also useful in ensuring that the suspected perpetrator cannot claim they did not know the age of the child.

Breach of a CAWN is not a criminal offence, however, they can provide evidence to support a prosecution under s2 Child Abduction Act 1984 and/or to support applications for Sexual Risk Orders, Civil Injunctions or evictions.

Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders

These Orders were introduced by the Modern Slavery Act 2015. Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders are Civil

Orders to enable law enforcement agencies to control the behaviour of individuals who may cause harm through committing slavery and human trafficking offences.

Slavery and Trafficking Prevention Order (STPO)

Can only be made if a defendant has been convicted of a slavery or trafficking offence. The court needs to be satisfied (a) there is a risk the defendant may commit further offences and (b) it is necessary to protect others from harm

A STPO can be made when a defendant is sentenced to protect the public by preventing or restricting a defendant's activities such as: not being able to travel to specified countries; not being able to contact / recruit specific individuals, directly or indirectly; not being able to organise transport or accommodation for vulnerable people. The defendant may be required to provide his name and address to the local police force and keep the police updated of any changes. A STPO can be made for a min 5 years or until further Order

Slavery and Trafficking Risk Order (STRO)

Can be made where a defendant has not been convicted of a trafficking or slavery offence but is thought to pose a risk of harm. The court needs to be satisfied (a) the defendant has acted in such a way which means there is a risk a trafficking/slavery offence will be committed and (b) it is necessary to protect others from harm

A STRO may impose any restriction the Court deems necessary to protect the public from harm - the Court will consider: whether the restrictions will minimise the risk of harm to the public; whether the restrictions are proportionate; whether the restrictions can be policed effectively. A STRO can be made for a minimum of 2 years or until further Order

The following Orders were introduced by the Anti-Social Behaviour Policing and Crime Act 2014

Injunctions to Prevent Gang-Related Violence and Drug-Dealing Activity

Applications can be made under Section 51 Serious Crime Act 2015 (Offender) for a 'gang injunction' can be made by a Local Authority or by the police. However consideration will need to be given to the nature of the evidence and the custodian of that evidence (in most cases the police will hold the evidence on their intelligence systems and therefore it may be more effective for the application to be made by the Police).

The court must think it is necessary to grant the injunction:

- to prevent the respondent from engaging in, encouraging or assisting, gang-related violence or gang-related drug-dealing activity or;
- to protect the respondent from gang-related violence or gang-related drug dealing activity.

The injunction can remain in place for a maximum of 2 years. Breach of the injunction will be in contempt of court, and can be subject to a fine or imprisonment, depending on the nature of the breach.

Anti-Social Behaviour, Crime and Policing Act 2014

Under section one of the above act Local Authorities, Police or Housing Providers can apply to the court for these injunctions. An injunction stops or prevents individuals engaging in anti-social behaviour. This can include conduct that has caused, or is likely to cause, harassment, alarm or distress; or conduct capable of causing nuisance, including housing-related nuisance. They may be useful to prevent persons of concern from attending locations such as schools or children's homes. An injunction can include prohibitions including exclusions from areas or a home as well as positive requirements. Where a housing tenant has breached a civil injunction the landlord, including housing authorities, can make an application to court for possession of their property, regardless of the tenure held. Breach of an injunction does not automatically result in arrest as not all will have powers of arrest attached. An application can be made for a warrant of arrest where an injunction is breached. This could result in imprisonment not exceeding 2 years and/or a fine.

Under section 22 of the above act a criminal Behaviour Order can be applied for by a Local Authority or Police. The Criminal Behaviour Order would be requested through the Prosecution upon conviction of an Offender when they receive a

sentence or a conditional discharge. A Criminal Behaviour Order prohibits the offender from doing anything described in the order and can also include positive requirements (mentoring, anger management, drug rehabilitation). Breach of this order is punishable by up to 5 years imprisonment and/or a fine.

Controlling or Coercive Behaviour in an Intimate or Family Relationship

The Serious Crime Act 2015 (Offender) Controlling or Coercive Behaviour is a key component of CSE, and it is an offence where it is committed within an intimate or familial relationship. Some cases of CSE could be eligible under this Act due to the element of 'intimate relationship'.

A person commits an offence if they:

- repeatedly or continuously engage in behaviour towards another person that is controlling or coercive,
- at the time of the behaviour, the offender and victim are personally connected (includes in an intimate relationship)
- the behaviour has a serious effect on the victim, and
- the offender knows or ought to know that the behaviour will have a serious effect on the victim The behaviour is deemed to have a serious effect on the victim if:
 - it causes them to fear, on at least two occasions, that violence will be used against them
 - it causes them serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities

This offence is punishable by a fine or imprisonment of up to five years.

Automatic Number Plate Recognition (ANPR) (Offender)

Vehicles are a common feature of CSE investigations, for example:

- To collect and transport victims
- To act as the location for sexual abuse
- Used by perpetrators for targeting and grooming potential victims

Police can use ANPR entries and PNC flags to ensure that vehicles believed to be being used for these purposes are stopped and checked regarding the presence of potential victims or evidence of CSE related activity. Police should submit Vehicle Registration Marks (VRM) to Central Motorway Police Group (CMPG) to ensure that vehicles believed to be being used for CSE purposes are stopped and checked regarding the presence of potential victims. It is essential that clear directions are given to officers who may stop the target vehicle in terms of action to be taken. The primary objective is to safeguard any vulnerable child in the vehicle, conducting full intelligence checks and considering police protection. Police should also obtain full details of all other occupants, taking positive action to arrest where appropriate or submitting details for intelligence purposes. It may be necessary for the vehicle to be preserved for forensic examination.

Section Two: Orders relating to locations, places, technology and vehicles.

Community Protection Notice (CPN)

Section 43 Anti-Social Behaviour, Crime and Policing Act 2014 gives the power to issue a Community Protection Notice issued by; a Local Authority, Police or an agreed designated person such as a social housing landlord. The aim of a CPN is to prevent persistently anti-social conduct by individuals or businesses which is having a detrimental effect, of a continuing nature, on the community's quality of life.

Where there is unreasonable behaviour affecting a community's quality of life, a warning can be given. If there is no improvement, then a notice can be given which can make clear the requirement:

- to stop doing specific things
- to do specific things
- to take reasonable steps to achieve specific results.

Failure to comply with a CPN is a criminal offence and could result in a fine or prosecution.

Dispersal Powers

Under Section 35 Anti-Social Behaviour, Crime and Policing Act 2014 a senior police officer, is able to authorise the use of dispersal powers in a specified area for up to 48 hours, in order to reduce the likelihood of members of the public being harassed, alarmed or distressed, or to reduce the likelihood of crime and disorder in the locality. The officers can require a person committing, or likely to commit, antisocial behaviour, crime or disorder to leave an area for up to 48 hours. Under S37 of this act, officers may also require persons to surrender any property which is believed to have been used or is likely to be used as part of behaviour which causes harassment, alarm or distress or to commit a criminal offence. Failure to comply with the dispersal direction could lead to a fine and/or up to three months imprisonment.

Public Spaces Protection Order (PSPO)

Section 59 Anti-social Behaviour, Crime and Policing Act 2014 gives the power to local authorities to issue a PSPO after consultation with partner agencies.

A PSPO prevents unreasonable continuing behaviour such as congregation by groups causing ASB and/ or consuming alcohol from occurring in a particular area and/or requires things to be done by individuals carrying out a specific activity in that area. Where these activities are believed to be linked to CSE activity, a PSPO should be considered. PSPO can be in place for up to 3 years, with an option to consider an extension if necessary. Breach of a PSPO is a criminal offence which can result in a fixed penalty notice or court fine. They are used to restrict behaviours in locations such as parks, shopping centres. Local Authorities have the power to make these Orders to restrict/control behaviours such as alcohol consumption, preventing groups gathering within a park.

Reviews of Licensed Premises Licensing Act 2003

Partners can request a license review for a licensed premise where there are concerns that they are acting otherwise than in accordance with licensing conditions and the Licensing Act 2003. Licensed premises have a duty to protect children on their premises from harm, including CSE (revised guidance added to the Act in 2015). Following the review, Licensing Departments may offer advice and education to the premises about adhering to their license conditions; to bring compliance, or they may prosecute them for breach of their license. Where licensed premises are a

location of concern relating to CSE, Licensing Teams should always be informed and consulted regarding possible action which could be taken.

Hotel or accommodation

Section 116-118 Anti-Social Behaviour, Crime and Policing Act 2014 allows a senior police officer to issue a written notice to the owner, operator or manager of a hotel or a similar establishment which they reasonably believe has been, or will be used for CSE or related activities. The hotel operator is required, upon request to provide information to the police such as guest's name and address, and other information about guests which could be readily obtained from guests themselves. The information supplied can be used as intelligence to support any investigation into criminal offences which may have been or are being committed on the premises. Failure to provide requested information, or giving false information, is a criminal offence and could result in a fine.

Tactical Options Where hotels/ guesthouses/ B&B's are known or suspected to be frequented by CSE perpetrators or victims and the management are failing to prevent this, you should consider:

liaising with Trading Standards regarding compliance with legislation, e.g. under the Business Names Act 1985 owners of hotels must display a notice showing the owner's name where it is not the same as the business name, and regulations, e.g. fire regulations and registers must be kept of guests over 16 years of age;

- liaising with Local Authority Licensing Team regarding compliance with licensing legislation and conditions;
- police, Licensing and/or Trading Standards conducting routine high visibility visits and patrols;
- holding meetings with area and regional management for franchises and hotel chains;
- issuing Child Abduction Warning Notices for management and staff where it is believed that they are complicit in the abuse taking place at the premises;
- seizing CCTV footage and guest registers;
- forensic examination of rooms;
- obtaining payment details used by perpetrators;
- covert observations

Fire & Rescue Services Act 2004

Fire Officers may be eligible to enter premises causing concern relating to CSE on fire safety, or health and safety grounds. This may enable officers to ascertain whether there are any signs of CSE related activity at the premises, and may prove especially useful where there are concerns about the use of premises, but not enough evidence for a police warrant to be issued.

Closure Power

This is a power which can be used to prohibit access to a premises where nuisance or disorder has been reported. The premises can include licensed, residential property and business/commercial property. The Police and the Local Authority can issue a Notice and within 48 hours an application for a Closure Order has to be made to the Court.

Technology

Police should always conduct Section 18 Police and Criminal Evidence Act 1984 (PACE) searches of the perpetrator's premises and vehicles when investigating CSE to preserve and secure relevant evidence.

Mobile phones

Police are able to check mobile phone numbers using CORVUS, COMPACT and other systems, in an attempt to identify potential perpetrators or other potential victims. In some circumstances, further subscriber checks and reverse billing enquiries can be utilised to widen this network and obtain valuable intelligence.

Patterns of phone calls may also disclose evidential material of value, e.g. if a victims missing episodes coincide with the receipt of calls from particular numbers. Where possible, phones belonging to victims and potential perpetrators should be forensically examined as they may contain evidential material in the form of text messages, call logs, social media conversations and indecent images taken with it or sent to it.

If the victim's mobile phone number is known but the victim is unwilling to hand the phone to police, a Cymcoms application can still be made by police to obtain details of

all incoming and outgoing telephone calls. This information request is limited to a specified time frame, but would be an option to consider on return from a missing episode.

If police are able to gain possession of the relevant mobile phone either directly from the victim or via the parent/carer, it is possible to extract all relevant data from the phone, including text message content, photo's etc. This procedure will be carried out by a phone examiner. In cases of high risk, it is possible for this data to be downloaded in a surprisingly short time, therefore any unexpected possession of a victims phone, no matter how short, may be an opportunity for data to be extracted. In order for e-forensics to be able to complete an examination under normal circumstances, it would be preferable for them to have the phone for at least 12 - 24 hours.

Billing and historic cell site enquiries can be completed also on the victim's mobile phone under the authority of Regulation of Investigatory Powers Act 2000 (RIPA). There would be a cost implication for the police, but the phone would not need to leave the child's possession for this to occur.

Covert download of phone content (text/digital media/email) would require the phone to be taken into police possession for several hours. This would be beneficial following a missing episode. RIPA authority would be required to examine the content of the phone.

Facebook and Other Social Media

The police can access open Facebook/Twitter pages without the owner being aware that the page is being viewed. Although CSE victims typically only allow access to identified 'friends' this may still disclose some information. Police should consider gaining the appropriate authority and RIPA legislation to gain further access or where it is being used to inform covert tactics. Facial recognition software could support with the identification of offenders from social media activity.

Laptops, Computers and Tablets

If a victim is using a laptop, computer or tablet, police may be able to monitor the activity on it. In any investigation, police should seize all computers, phones and storage devices for examination.

Vehicle Telemetry

Where there are concerns that a vehicle is involved in CSE and/or trafficking then there are a number of tactical options that could be considered:

- NAVCIS (National Vehicle Crime Intelligence Service) – have a dedicated member of staff who can contact any company asking whether a vehicle has been fitted with a tracker
- Onstar – all new Vauxhall Motor vehicles, manufactured from August '15 have trackers fitted as mandatory (other than very small basic models)
- Most tracker companies will speak with law enforcement via a signed data protection form
- Most young drivers (under 25's) will have a vehicle telematics box fitted as a condition of their insurance
- 687,000 vehicles have now been fitted with Vodafone SIM's built in (primarily BMW).
- www.dcgfutures-academy.com – any member of law enforcement can register through DCG Futures. Within there is an OEM guide on what telematics are fitted to what vehicle, what data do they retain etc.
- Additional material is held on CDA – if you are a DMI and haven't as yet access to CDA – email KETAdmin@college.pnn.police.uk and explain you are a DMI and require access.
- Category 5 vehicles all should have a tracker installed (vehicles £45,000 plus)
- Most tracking companies will also accept requests for investigations involving murder, manslaughter, rape, kidnap, and vulnerable / high risk mispers – on most occasions this service should be free
- A HPI check (through a financial investigator) will indicate whether a vehicle is fitted with tracker

Section Three: Orders relating to victims.

Inherent Jurisdiction.

There may be circumstances where a Local Authority considers it necessary to make an application to the High Court under the Inherent Jurisdiction Section 100 Children Act 1989. An application under this section should only be made where there are no other Orders under the Children Act 1989 available to safeguard a child and can only be made with the permission of the Court.

In cases where there is evidence that a child has been or is being sexually exploited and the perpetrators are known then an application may be made under the Inherent Jurisdiction to seek an injunction against the perpetrator(s). This injunction can be wide ranging and can seek to impose restrictions on named individuals to prevent them from; for example making any direct or indirect contact with the subject child; excluding them from the area where the child lives or the area / property where the exploitation occurred. Further restrictions may also be to prevent the perpetrators from using social media.

The evidential basis must be robust and requires comprehensive information sharing between all partner agencies and in particular between the police and the Local Authority.

NB: there have been a number of reported cases where Injunctions under the Inherent Jurisdiction have been sought. There is a difference of opinion between the judiciary regarding how wide ranging these Orders should be and whether there are more appropriate powers that could be used. Therefore legal advice should be sought to consider the latest Case Law.

Forced Marriage Protection Order (FMPO)

The Family Law Act 1996 - Section 63A (Forced Marriage Protection Order) (Victim) an FMPO can be obtained by the police through Legal Services or by any person with permission of the court, including local authorities, a relevant third party, or by the individual being threatened with forced marriage/in a forced marriage, even if they are a child.

The Order aims to protect any person from being forced into marriage. The Order can contain any prohibitions, restrictions and requirements as are considered necessary by the court.

A power of arrest can be attached to a FMPO. A breach of this Order is deemed to be contempt of court, and could result in a fine or imprisonment.