**Community Safety Response to Criminal Exploitation of People with Vulnerabilities in Residential Premises (aka Cuckooing)**

**Guidance Note**

**1.0 Introduction**

“Cuckooing”, is a term which has been used to describe the practice whereby people take over a person’s home by force or coercion and use it to facilitate criminal behaviour, such as drug dealing. It is by no means a new phenomenon, but it is seen as a more coordinated, exploitative targeting of properties and individuals as opposed to the previous phenomenon of ‘crack dens’.

The victims which can include older people will normally be vulnerable as a result of mental and/or physical health problems, social isolation or difficulties in forming friendships or relationships, drug and/or alcohol dependency, debt, living in poverty, having previously been homeless or possibly as a result of being a person who sex works (or a combination of the above). They will not necessarily be seen as a victim to the wider community, especially those affected by the anti-social behaviour (asb) associated with these types of cases. However, they are being coerced and exploited, normally through dependency or debt issues, and essentially they have no control over the situation.

There are different ways in which people can be criminally exploited in their home. This guidance note refers to a local or a serious and organised crime concern definition;

A local concern is described as people using a person with vulnerabilities’ property to take illegal drugs, hold parties or use the property for sex work. The victim (householder) has no or very limited control of the visitors or what is happening at the property and often believes the perpetrators to be their friends. These types of cases can often present as an anti- social behaviour concern for the local community.

A serious and organised crime concern involves organised crime groups (OCGs) using a property for criminal activity. This could involve the movement, sale and distribution of drugs and/or weapons, or even as part of a chain of similar properties, all under the control of the same gang, whereby the criminal conduct moves between premises. The tenant may be exploited through violence, sex, coercion, financial control and drugs, ultimately the group gain control of the individual and the property.

**2.0 The Signs**

Identification of a local or organised crime concern may begin with reports of noise nuisance and lots of comings and goings from a property; it may develop quite quickly with further reports around violence and arguing associated with the property. The victim may be perceived as someone who ‘attracts trouble’ and has ‘brought it on themselves’ - or they may simply be seen as someone who has lost control, but with no obvious indication that it has resulted from exploitation and coercion. The victim may not recognise they are being exploited and perceive the people responsible for the exploitation as their friends.

Subtle signs could involve regular visits to the property by high-end vehicles, drug use in and around the property and a perception in the community that drug dealers have taken over the address.

Signs a property has been targeted:

* An increase in people entering and leaving the property
* An increase in cars or bikes outside
* Possible increase in asb (noise, fighting, arguing etc.)
* Increasing litter outside
* Signs of drugs use
* Lack of engagement with support agencies
* Single tenant with history of drug or alcohol dependency
* Deterioration in condition of property

Signs an individual has been targeted:

* Adult (adult at risk):
  + Any sudden changes in an adult’s lifestyle i.e. self- neglecting behaviours/ withdrawal from family members/ routines/ work
  + Inability to meet basic needs i.e. lack of basic food/ gas/ electricity/ heating etc.
  + Lack of personal self-care
  + Self-harming and/or significant changes in their psychological wellbeing
  + Current or historic drug/alcohol dependency issues
  + Learning disability
  + Mental or physical health problems
  + Living in poverty
  + Previously street homeless
  + Refusing to engage with support services
  + Sudden change in behaviour (withdrawn, using drugs etc.)

**3.0 Partnership Working**

The identification and response to a case of criminal exploitation of a person who is vulnerable in a residential premises relies upon multi-agency information sharing and coordination. If an officer suspects criminal exploitation is taking place at a property they should complete the **Suspected Criminal Exploitation Concerns Form (Appendix 1)** and email it to the relevant GMP Operational Support Officer (OSO). The OSO will forward the information to the chair of the next Local Partnership Meeting (LPM). The referring officer or a colleague from that organisation should attend the LPM, when possible, to provide any further background or updated information regarding the concerns.

During information sharing at the LPM a decision will be made as to whether the case requires a local or a serious organised crime response. There will be confirmation during the meeting that all appropriate referrals have been made (e.g. Adult Services). A local response will involve the chair of the LPM arranging a case conference with relevant partners and appropriate lead. If there is evidence of serious organised crime the chair of the LPM will make a referral to GMP’s Tactical Tasking and Coordination Group. This group will triage the information and either refer back to the chair of the LPM for a case conference or escalate to the Serious and Organised Crime Group. The local case conference or the Serious and Organised Crime Group will develop a case strategy and an action plan to resolve the concerns.

In urgent situations the officer should immediately arrange a case conference and not wait for the next LPM. The Council’s Community Safety Specialists can assist with bringing partners together if required. The information and action plan agreed should then be shared at the LPM.

In the city centre the officer should arrange a case conference and present the case at the next weekly Integrated Neighbourhood Management meeting.

This partnership working process is summarised in a flow chart at **Appendix 2.**

In parallel to the above Manchester City Council’s Adult Safeguarding Procedures S42 need to be followed and if required the use of the High Risk Protocol Model/ S11 2(b) Care Act 2014.

**4.0 Tools and Powers**

Visit / Engage

Any agency that has concerns about a case of this nature should visit the premises and try to engage with the tenant. It may be that a confidential and safe conversation cannot take place at the property due to the presence of others so they should be invited to meet at another location away from the address or the individuals should be asked to leave. If the tenant has a support worker, they should be invited to attend the meeting. Although the situation may first be reported as anti-social behaviour at the property and therefore the tenant considered as “perpetrator” of asb, the officer should consider the tenant as a potential victim and explore support options. The tenant should be given the opportunity to share their views and wishes regarding the situation. Options may involve moving a person who is vulnerable to supported accommodation, putting in target hardening measures, swiftly addressing any sudden deterioration in mental health and support needs and/or use of ASB powers.

**4.1 ASB, Crime and Policing Act 2014**

Injunctions

Who can use them?

Housing Provider, Council, Police

If you are able to establish who the perpetrators are, then you may be in a position to use the Civil Injunction to exclude them from the property/area and protect the tenant. You could do this with or without the support of the tenant, based on neighbourhood evidence (which can be hearsay). Where there is a significant risk of harm, then this can be a very swift method of addressing the problem. It may be as a first step that the most appropriate course of action is to warn the visitors to the property about their behaviour. Individuals can be formally required to engage with ‘positive requirements’ included in an Injunction. When there is a large number of people frequenting the premises and the identity of all the perpetrators cannot be confirmed, it may be possible to issue an Injunction against named and “persons unknown” dependent upon the available evidence.

Community Protection Notices

Who can use them?

Housing provider (if given delegated authority), Council, Police

Can be issued against individuals (16 years plus) who have been identified causing asb in the area. The legal test requires evidence of their behaviour having a detrimental effect on the quality of life of those in the locality, which is persistent or continuing nature; and unreasonable. Individuals need to be warned first and this warning can include an exclusion area dependent upon the evidence. If the warning is breached a CPN can be issued in the same terms. Breach of a CPN is a fine up to £100 or prosecution resulting in a criminal conviction and a fine up to £2,500. An officer will consider any psychological or physical harm to others when determining whether or not a CPN is the most appropriate power.

Closure Order

Who can use them?

Council, Police

The purpose of the Closure Order is to allow the Police or Council to quickly close premises which are being used, or likely soon to be used, to commit nuisance or disorder. A Closure Order would close the premises down for a minimum of three months and would normally prohibit anyone from going into the premises. However, discretion can be applied and the power can be used to allow the tenant to remain living at the address and make it an offence for guests/visitors to go to the premises. Due to the complex nature of ‘cuckooing’ cases, and the potential impact this would have on the victim, this power must be used carefully and together with a housing provider when the tenant is living in a social housing property. In most cases officers will try to resolve the situation in alternative ways prior to considering an application for a Closure Order.

Criminal Behaviour Order

Who can use them?

GMP or Council request to CPS

Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. A CBO can prohibit behaviour (and exclude individuals from areas where they have caused ASB) and address underlying drivers of criminal offending by including positive requirements within the order. The individual can be formally required to engage with services such as substance misuse providers.

Dispersal Powers

Who can use them?

Police

Authorised by a rank of at least Inspector, direction given by uniformed constable, to a person who has or is likely to contribute to the public being harassed, alarmed or distressed in a public place or to reduce the likelihood of crime in the locality. Lasts for up to 48 hours.

**4.2 Criminal Offences (police powers only)**

Police Protection – S46 Children Act

Provides the police with the power to remove children into police protection if they are at risk of significant harm.

S152 Criminal Justice Act 1988

Legislation to tackle drug ‘swallowers’ and ‘pluggers’ (people who conceal drugs internally). Courts can detain for up to 192 hours (8 days) once the suspect has been charged with a drugs offence, including simple possession.

Modern Slavery Act 2015

Created offences of modern slavery and human trafficking where victims have been exploited. (Runners and cuckooed individuals may be victims.) Use of this legislation must be carefully considered with early liaison with CPS. The ‘National Referral Mechanism’ must also be considered. This may result in dropping a drugs investigation and pursuing modern slavery / human trafficking instead.

S45 Serious Crime Act 2015

Creates a criminal offence whereby a person participates in activities advancing the criminality of an OCG or deliberately assists an OCG by not acting. The suspect must know or reasonably suspect that their actions will help an OCG (e.g. could apply to couriers who deny knowledge of what they are couriering).

**4.3 The Care Act 2014 and Manchester’s High Risk Protocol Model**

The Care Act 2014 (Section 42) requires that each local authority must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom.

S11 Care Act 2014

An *Act* to make provision to reform the *law* relating to *care* and support for adults and the *law* relating to support for ... Changes over time for: *Section 11* ... (*2*) but the local authority may not rely on subsection (1) (and so must carry out a needs assessment) if— ... (*b*) the adult is experiencing, or is at risk of, abuse or neglect. As assessment exploring at risks and risk management strategies to prevent harm for adults who have mental capacity and are not engaging with services.

**High Risk Protocol Model**

**(Approved by the Manchester Adult Safeguarding Board)**

This protocol provides a framework for working with adults who are deemed to have mental capacity and who are at risk of serious harm or death through self-neglect, risk taking behaviour or refusal of services.

It aims to provide professionals from Manchester City Council (MCC) and partner agencies with a framework for the management of complex cases where, despite ongoing work, serious risks are still present.

The protocol is a process to discuss, identify and document serious, current risks for high risk cases. Where appropriate it provides a multi-agency response and can formulate and review an action plan identifying multi-agency responsibility. It will also identify and record those situations where there is a reputational risk to MCC and provide access into the Reputational Risk Monitoring Group and from there to Children and Families Leadership Team.

The High Risk Protocol (HRP) is for adults who have care and support needs and are at risk of significant harm or deathand have the mental capacity to make unwise choices. If the adult is assessed as having the capacity to understand the consequences of refusing services, then HRP should be considered.

For the purpose of this protocol a professional is described as a:

* Health Professional
* Social Care Professional
* Police Officer
* Housing Officer

**Appendix 1**

**Suspected Criminal Exploitation Concerns Form**

|  |  |
| --- | --- |
| **Name of resident** |  |
| **Date of birth** |  |
| **Address** |  |
| **Type of tenancy** |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **The resident** | **Yes** | **No** | **Don’t know** | **Notes** |
| Current or historic drug/alcohol dependency issues |  |  |  |  |
| Learning disability |  |  |  |  |
| Mental health needs |  |  |  |  |
| Physical health needs |  |  |  |  |
| Living in poverty |  |  |  |  |
| Previously street homeless |  |  |  |  |
| Reluctance to engage with offers of support |  |  |  |  |
| Sudden change in behaviour (withdrawn, using drugs / alcohol) |  |  |  |  |
| Lives alone |  |  |  |  |
| Lack of personal self-care |  |  |  |  |
| Children residing at the address |  |  |  |  |
| Open to Adult or Mental Health Services |  |  |  |  |
| Other |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **The property** | **Yes** | **No** | **Don’t know** | **Notes** |
| An increase in people entering and leaving the property |  |  |  |  |
| Organised crime group (OCG) members visiting the property |  |  |  |  |
| An increase in cars or bikes outside |  |  |  |  |
| An increase in anti-social behaviour (noise, fighting, arguing for example) |  |  |  |  |
| Increasing litter outside |  |  |  |  |
| Signs of drugs use |  |  |  |  |
| Deterioration in condition of property |  |  |  |  |
| Other |  |  |  |  |

|  |
| --- |
| **Any additional supporting information** |
|  |

|  |  |
| --- | --- |
| **Name of officer completing the form** |  |
| **Organisation** |  |
| **Email address & telephone number** |  |

**Criminal Exploitation of People with Vulnerabilities in a Residential Premises**

**Agency identifies concerns**

LPM chair to ensure all appropriate referrals are completed and arrange Case Conference with most relevant Lead.

**Referral to tactical Tasking and Coordination Group**

**Serious and Organised Crime Group**

**Agreed action plan**

**Operational Support Officer (OSO) for appropriate area,**

**North,**

**Central,**

**South**

**Local Partnership Meeting (LPM) for appropriate Local Policing Team (LPT) area.**

Locally resolvable

OCG involvement

OCG involvement confirmed

OCG involvement discounted

OCG involvement identified