

Written evidence submitted by the Joint Modern Slavery Policy Unit of Justice and Care and the Centre for Social Justice (CJB31)

Public Bill Committee: Criminal Justice Bill

1. About us

- 1.1. The Modern Slavery Policy Unit is a joint initiative co-led by Justice and Care and the Centre for Social Justice (CSJ). Justice and Care is a non-governmental organisation that brings together specialists to release and care for modern slavery victims, dismantle the criminal networks and organised crime groups responsible for this crime and spark systemic change - both national and international. The CSJ is an independent think-tank that aims to place social justice at the heart of British politics by seeking to influence the policies and laws that the Government creates in ways that address the root causes of poverty. The Modern Slavery Policy Unit's mission is to keep modern slavery at the top of the British political agenda and ensure that the UK fights this crime. It does so by advocating for policy and legislation that centres around victims and their recovery needs; bridging the gap between those working on the frontline and decision-makers in Westminster.

2. Summary

- 2.1. We welcome the Government's intention to tackle serious organised crime and anti-social behaviour through the Criminal Justice Bill. However, one devastating feature of serious organised crime that also leads to anti-social behaviour has been overlooked.
- 2.2. 'Cuckooing' is where offenders exploit vulnerable people by taking over their home and use the property for their own, usually criminal, purposes - often for storing drugs or weapons. This is a growing form of modern slavery and often connected to organised crime and happening at the heart of local communities.
- 2.3. Cuckooing falls through the gaps in the criminal law leaving vulnerable people in fear in their own homes – the very place where they should feel safe. We call on the Committee to consider the benefits of amending the Criminal Justice Bill to add a criminal offence to outlaw cuckooing.

3. Exploitation in the home – cuckooing and its impact

- 3.1. **'Cuckooing' or sometimes called 'forced home invasion' is the name given to a situation where criminals exploit vulnerable people, taking control of their home and using it for criminal purposes.** Victims often have drug, alcohol, physical and mental health problems and may be elderly or have learning difficulties or other disabilities which make them 'easy targets'.¹
- 3.2. Criminals take advantage of this vulnerability to befriend or coerce the victim, inveigling their way into their home – eventually taking over and using it to store or deal drugs, or as a location for prostitution or other criminal activity.

- 3.3. Offenders can be violent or threatening to victims, they may control victims' behaviour and even limit their use of their own home.² Victims sometimes feel so afraid that they leave their home and sleep rough on the streets just to get away from the people exploiting them.
- 3.4. One survivor supported by Justice and Care said *"It's scary, your house is taken over, you don't know who's knocking on your door. People coming to your door every two minutes looking for them. They're threatening people in your home, threatening me in my home. It totally takes over your life."* Another told ITN News about her experience saying *"I spoke a couple of times out of turn, I got burnt with cigarettes on my arms, he cut my tongue."*³
- 3.5. It is not only the individuals exploited in their homes who experience the harmful impact of cuckooing. Neighbours experience serious disruption, anti-social behaviour and intimidation. People may be constantly coming and going from the property and hanging around outside acting in a threatening manner. Litter and drug related items are left around the property and noise creates a lot of disturbance for others living nearby.
- 3.6. **Cuckooing is a growing problem affecting communities across the country.** Comprehensive data on the number of cuckooing victims is not available as there is no systematic approach to recording these cases. In response to Freedom of Information requests several police forces told us they could provide no data on the number of cases because "there is no specific offence code to undertake relevant searches for 'cuckooing' within our crime database."⁴
- 3.7. The likely scale of the problem is indicated in data from police operations for example 799 cuckooed addresses were visited during just one week of national intensive police enforcement action on 'county lines' drug dealing in March 2022.⁵ Polling for our Slavery at Home report in 2022 found **one in eight people** had seen signs of cuckooing in their community.⁶ Data collected from councils in London show an increase in recorded instances of cuckooing from 79 in 2018 to 316 in 2022.⁷ This indicates that thousands of people are likely being exploited through cuckooing at any time.

James's story

When James's mother died, he was devastated and isolated. He was befriended though by someone who seemingly wanted to help – but was actually the front to a drug gang, who took over his life.

James became a victim of cuckooing by a gang who manipulated him, took over his bank account and home as a centre for their drugs supply and prostitution. He wasn't allowed to leave his bedroom and was given a bucket to go to toilet in. "I was frightened to death to even move," he said. "I was scared of what would happen to me."

Eventually James was able to get help from the police and was supported by Justice and Care. He says the officers that found him saved his life.

4. Cuckooing is not a criminal offence

- 4.1. **We expect our homes to be places of safety, a refuge from the pressures and troubles of the outside world, but for victims of cuckooing their sanctuary has become a living nightmare. The fact that invading someone's home, turning it from a place of safety into a place of fear and crime is not itself a criminal offence is shocking.**

- 4.2. Exploiting someone by taking control of their home is not currently a criminal offence. We have heard compelling frontline evidence from a number of police forces that the CPS is regularly refusing to charge cuckooing offenders under the Modern Slavery Act 2015, and the Director of Public Prosecutions has confirmed that it does not fit the definition under the Act unless the victim is also exploited to perform some additional 'labour'.⁸
- 4.3. Prosecuting cuckooing offenders for other offences fails to recognise in law the harm done to the victim and offenders' criminal records lack the warning signs of exploitation that could protect others.
- 4.4. Victims are also not being recognised. There continue to be reports of vulnerable individuals, even acknowledged victims of cuckooing who are themselves convicted for allowing criminal activity to take place in their homes.⁹
- 4.5. The public overwhelmingly wants to see cuckooing become a criminal offence. Almost four in five of the people we polled in October 2023 (78 per cent) agreed that cuckooing should be a criminal offence.¹⁰

5. Existing powers are inadequate

- 5.1. It has been suggested that other criminal charges can be brought against cuckooing offenders including drugs and organised crime offences and that the exploitation can be addressed as an aggravating factor at the point of sentencing. However, this does not recognise the true nature of the crime. It does not hold offenders to account for the abuse and harm done to the individual victim. Nor are these offences necessarily applicable to every situation of cuckooing, for example, cuckooing need not involve drugs offences or organised crime groups.
- 5.2. Police officers have told us that most commonly civil closure and partial closure orders under anti-social behaviour orders are used. However, this civil approach fails to recognise this exploitation as a crime at all. It may briefly disrupt the offending behaviour but does not hold offenders to account, unless they specifically breach the order. Civil means that criminals can simply move on to another property and another victim, or even may return to the same victim after the partial closure order has been lifted.
- 5.3. Cuckooing is in some ways similar to a form of domestic abuse known as 'coercive or controlling behaviour' but that offence under the Serious Crime Act 2015 only applies if there is a family or intimate relationship between the individuals.
- 5.4. Police officers we have spoken to have said that they would welcome a new offence of cuckooing to be able to tackle this type of modern slavery and exploitation head on.
- 5.5. A specific offence of cuckooing will help disrupt the crime more effectively than just closing one property, punish the perpetrators, recognised and support its victims, as well as get to grips with data and the scale of the issue. A tougher response to this exploitative practice is long overdue.

6. Proposed amendment

- 6.1. We recommend that the Criminal Justice Bill be amended to create a specific offence to criminalise the act of cuckooing.
- 6.2. The offence should be identifiable in recorded crime and court statistics to improve data collection and understanding of the prevalence of the exploitative behaviour.

- 6.3. The amendment should ensure victims have access to support and special measures in court as vulnerable or intimidated witnesses. It should also ensure that if the offenders themselves victims of modern slavery (such as young people themselves exploited as part of county lines gangs) they are able to access the statutory defence under section 45 of the Modern Slavery Act 2015.
- 6.4. The amendment should ensure that it is an offence to arrange or facilitate the cuckooing behaviour in the way that clause 50 makes it an offence to arrange or facilitate begging for gain. In our research into a type of modern slavery known as criminal exploitation we have heard of cases where people are forced or manipulated into begging. In the same way that the Criminal Justice Bill will criminalise those who manipulate others to beg for their own profit, so it should criminalise offenders who make personal gain by taking control of someone's home to facilitate their criminal activity.

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¹ [Slavery at Home, Centre for Social Justice and Justice and Care, 2023](#)

² The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets. Jack Spicer, Leah Moyle, & Ross Coomber Trends Organ Crim 23, 301–323 (2020)

³ [Slavery at Home, Centre for Social Justice and Justice and Care, 2023; https://www.itv.com/news/2023-03-01/womans-tongue-cut-by-cuckooing-drug-dealer-who-took-over-her-home](#)

⁴ [Slavery at Home, Centre for Social Justice and Justice and Care, 2023](#)

⁵ [Over 1,400 arrested and 671 vulnerable people safeguarded in county lines week of action, Press Release, National Police Chiefs' Council, 18 March 2022](#)

⁶ [Slavery at Home, Centre for Social Justice and Justice and Care, 2023](#)

⁷ <https://www.bbc.co.uk/news/uk-england-london-65637307>

⁸ [Cuckooing, Centre for Social Justice and Justice and Care, 2021](#)

⁹ For example: <https://www.liverpoolecho.co.uk/news/liverpool-news/cuckooing-victim-confined-lounge-bedroom-22045951>

¹⁰ [Slavery at Home, Centre for Social Justice and Justice and Care, 2023](#)