



**ASSOCIATION OF  
CHIEF POLICE OFFICERS**

# **ACPO Strategy & Supporting Operational Guidance for Policing Prostitution and Sexual Exploitation**

The Association of Chief Police Officers have agreed to this revised strategy being circulated to, and adopted by, Police Forces in England and Wales.

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## Document information

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**This revised strategy has been produced by the ACPO Crime Business Area and was originally approved by Chief Constables' Council in October 2004. The purpose of this strategy is to provide a framework for the future policing of this area and to meet the below criteria to tackle these types of crime. It will be updated according to legislative and policy changes and re-published as required.**

**Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8958/8959.**

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# Part 1: National Strategy Contents

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## 1. SECTION 1 – FOREWORD

This strategy is intended to support the work of Chief Constables in the discharge of their duties, not dictate it. Choices have to be made; Chief Constables, having a statutory responsibility for the direction and control of their forces, are required to make those decisions. This strategy is intended to help them make those strategic choices in so far as the scale of a prostitution-related problem in their area affects them and to minimise the risk, threat and harm that prostitution and other forms of sexual exploitation can cause.

The policing of prostitution continues to present difficult challenges for those involved. This is understandable but needs to be addressed. It is understandable because society as a whole has an equivocal attitude towards prostitution and those involved. Some regard prostitution as a moral rather than criminal issue, some as an anti-social behaviour problem, some as a crime of abuse and exploitation, others as an issue of social care and welfare, and some may even regard it simply as a career choice.

Since the previous ACPO strategy was written in 2004 prostitution and, more specifically, the danger and vulnerability that sex workers face on a daily basis has come to the forefront of many minds on a number of occasions. Most notably the tragic episode of the 'Ipswich murders' of five female on-street sex workers in late 2006. This investigation led to many policing lessons being learnt, not only by Suffolk Constabulary but also by police forces nationally. More recently, during 2009 and early 2010, the murders of three on-street sex workers from Bradford again led to prostitution being headline news. These eight victims are just a snap shot of the numerous sex workers that are killed or injured through violence on the streets each year.

With these events in mind it is the purpose of this strategy to assist forces in making the difficult operational choices relating to prostitution and sexual exploitation in a world of other competing priorities. There are many factors at play, which can be summarised under two main headings. The first is the continual association between on-street prostitution and addiction to illegal drugs, often heroin and crack cocaine. This not only motivates those already engaged in prostitution, but also acts as an incentive to both women and men to become sex workers in the vain search for, what some may perceive as, easy money. The second is the off-street prostitution linked to organised crime – a lucrative business for those in charge.

This strategy also addresses the issue of the sexual exploitation of children and young people since this can involve, or lead to, commercial sexual exploitation. In the case of children and young people the emphasis is always on safeguarding the young person and on the proactive disruption and prosecution of their abusers.

This strategy emphatically recognises that anyone abused and exploited through prostitution needs help and support to access health, welfare and exit services, in order to leave it behind and start a new life. It also, however, recognises that communities as well as individuals can be victimised and need help too. At the same time those who abuse and exploit must be rigorously investigated and prosecuted. This strategy, therefore, promotes a holistic approach to the policing of prostitution that keeps in balance the three essential elements of individual, community, and the investigation and prosecution of those who exploit and abuse. It is not possible to effectively choose between these three facets of effective policing; they must operate simultaneously and sustainably.

In addition to recommending this approach, this strategy also recommends an approach based throughout on partnership with local authorities, other statutory agencies and nongovernmental organisations. It takes account of the National Threat Assessment and the link to drugs and organised crime. Again to put the matter simply, the policing of prostitution will at best only achieve short-term results unless there is effective partnership at the local and strategic level to support victimised individuals and communities with appropriate legislation and enforcement resources.

The main ethos that will run through this strategy is the need to reduce harm and increase public confidence, utilising approaches that consider risk, threat and harm to all.

In completing this new strategy I am grateful to all those who have contributed ideas and examples of successful schemes nationally. Colleagues from police forces, other statutory agencies, nongovernmental organisations and centres of academic excellence represented in the National Working Group have contributed with their expertise both directly and indirectly.

DCC Simon Byrne, October 2011.

## 2. SECTION 2 – STRATEGIC PRINCIPLES

2.1 A set of key principles has been established upon which to base this ACPO strategy. These may be summarised as:

- Prostitution is victim-centred, not victimless;
- Individuals and communities can be victimized;
- Forces are encouraged to scope their own 'problem' using factual information and statistics that are gathered locally;
- Enforcement alone is an inadequate solution;
- As a law enforcement agency, the safety of people engaged in sex work must be paramount to the police service;
- The main ethos behind this strategy is to reduce harm and increase public confidence, utilizing an approach that considers risk, threat and harm to all;
- Prostitution is a market crime that follows market principles;
- It can only be successfully tackled in partnership with other key agencies, organizations, individuals and local communities;
- It can only be tackled by addressing each motivating factor;
- This strategy supports partner organizations and projects offering support services to sex workers and those offering support to sexually exploited children and young people, including those which offer prevention/diversion from entry, health, social care and exit support;
- This strategy supports the proposed roll out of a national 'Ugly Mugs' reporting scheme for sex workers;
- The strategy supports health and education initiatives, especially those which diminish or eliminate dependence on illegal drugs and which promote more mainstream lifestyles and careers;
- The strategy aims to acknowledge the distinct differences and challenges presented by on- and off- street prostitution;
- The strategy embraces everyone, regardless of age, gender or sexual orientation but the response to child victims of sexual exploitation is necessarily different to the response to adults involved in prostitution;
- The strategy treats all children and young people abused through prostitution as victims of child abuse;
- The strategy highlights the complexity in current law – whilst selling sex per se is not illegal, the sale of sex in certain circumstances is;
- The strategy asks all Chief Constables: *Is the price of inaction a price worth paying?*

### 3. SECTION 3 – STRATEGIC AIMS

3.1 The aims of this ACPO Policing Prostitution and Sexual Exploitation Strategy are to:

- **Protect individuals and communities from risk, threat and harm** and exploitation caused by prostitution (NIM level 1);
- **Investigate and disrupt organised criminal activity** (NIM levels 2 and 3) associated with prostitution through effective and innovative use of current legislation;
- **Support or create effective partnerships** with other agencies, organisations or individuals, which help minimise or eliminate the harm that can be caused through prostitution to individuals or communities;
- **Undertake or support research**, which furthers the ends of this strategy;
- **Support national policymakers** and lawmakers in creating policies and laws which make it easier to investigate and successfully prosecute those who abuse, exploit and coerce victims through prostitution, and which support the diversion or exit from prostitution by individual victims.

3.2 It is the underlying principle of this strategy that its objectives will only be achieved through working in partnership with other agencies, organisations and individuals. These partnerships include, but are not exclusive to; the formal Community Safety Partnership's (CSPs) formed under Section 17 of the Crime and Disorder Act 1998.

3.3 ACPO will continue to support the development and spread of good practice through the National Working Group for Prostitution and Sexual Exploitation. ACPO supports the Home Office in its development and dissemination of effective practice in relation to dealing with prostitution. ACPO supports the work of the UK Network of Sex Worker Projects, especially in relation to the ongoing development and enhancement of 'Ugly Mugs' schemes.

## 4. SECTION 4 – IMPLEMENTATION

### 4.1 CONSOLIDATED ACTION

4.1.1 Successful examples exist of reducing or eliminating the risk, threat and harm caused to individuals and communities through prostitution. Continuous partnership working between police, other law enforcement authorities and sex work support projects, and projects working with sexually exploited children and young people, is vital to the achievement of a common, countrywide approach to dealing with victims and perpetrators alike. Sustainable results are difficult to achieve but they are more likely to be achieved if three aspects of prostitution and sexual exploitation are tackled simultaneously. These aspects are the **individual**, the **community** and those who **exploit** and abuse. Where effective and proportionate action takes place in all three aspects the greatest opportunities for sustainable outcomes are created.

### 4.2 METHOD

4.2.1 Effective operational tools exist to create effective tasking and coordinating at force, and if necessary regional, level. Similarly, those tools already exist to create effective operations at the operational (BCU) and neighbourhood levels. These may be summarised as:

- NIM strategic and tactical assessment and subsequent tasking and coordinating processes;
- The creation of local area problem profiles;
- “SARA” (Scan, Analysis, Response, Assessment) problem solving techniques & CSP’s;
- Crime and disorder audits, surveys and consultation exercises assist planners in establishing the scale of the problem and the degree of public concern;
- Existing strategy partnership under various legislation and regulations, e.g. Local Safeguarding Children Boards (LSCBs), Multi-Agency Public Protection Arrangements (MAPPA), risk conferences (MARACs) etc;
- Using the Project Acumen, Setting the Record guide, 2010.

4.2.2 Following the strategic assessment, forces are advised to select from the range of tactical options following, which will inform the NIM Control Strategy options in respect of intelligence, prevention and enforcement.

### 4.3 INDIVIDUALS

4.3.1 A key aim must be to ensure that individuals do not become involved in prostitution in the first place. While people are engaged in prostitution they should receive the normal protection in law for crimes committed against them and they should be able to access the health, social care, housing, safety and drug treatment support necessary to address their needs and to minimise risk, threat and harm to them. Another key aim must be to ensure that where they are involved, opportunities should be created and appropriate interventions provided for them to leave prostitution. Enforcement of the Policing and Crime Act 2009, with reference to Home Office Circular 006/2010, should help to create exit opportunities for individual sex workers, and prosecution should usually only be used where there is evidence of a persistent and voluntary return to prostitution after exit opportunities have been provided.

4.3.2 **These aims will be achieved by:**

- Supporting practitioners working directly with children and young people to identify those at risk of sexual grooming or other forms of coercion into sexual exploitation. Child sexual exploitation can include, or can lead to abuse through prostitution;
- Working with missing from home coordinators, and specific schemes for runaways, to consider to identify possible sexual exploitation, and to prevent repeat occurrences to reduce vulnerability to sexual exploitation;

- In line with the supplementary guidance to Working Together, Safeguarding Children and Young People from Sexual Exploitation (DCSF 2009) working with the Local Safeguarding Children Board to safeguard children and young people from sexual exploitation and proactively disrupting and prosecuting their abusers;
- Establishing links with key partners to create partnerships to create opportunities for sex workers to access holistic support including; healthcare (particularly, sexual health services & primary care), emotional support & counseling, housing advice and support, training & education, drugs harm reduction, treatment and rehabilitation services, safety advice & support for victims of rape and sexual assault, and opportunities for individuals to exit from prostitution;
- Using the steps provided in Home Office Circular 006/2010, plus guidance from the [UK Network of Sex Work Projects](#) (and others) to engage individual sex workers with exit partnerships;
- Creating a bespoke intelligence “picture” for each local area of active sex workers, which includes new sex workers to the area, kerb-crawlers and exploiters/coercers;
- Arresting on-street sex workers under the existing laws only as part of a staged approach that includes warnings, police engagement with local support projects, voluntary engagements with projects, existing diversionary mechanisms and Engagement & Support Orders (ESOs);
- Using current soliciting legislation and official antisocial behaviour powers only once all other avenues have been exhausted as, in terms of on-street sex work, persistence is almost guaranteed as the vast majority of on-street workers are addicted to Class A drugs;
- Providing safe housing and witness protection to sex workers who wish to provide intelligence and evidence against individuals who abuse, exploit and coerce;
- As currently done by Merseyside Police, to deal with violent and sexual crimes / incidents on sex workers in the same vein as a ‘Hate Crime / Incident’ i.e. premium response and service to the victim;
- Thoroughly investigating reports of violence and sexual offences made by sex workers (these reports most emphatically must not be treated as “occupational hazards”);
- Supporting new and established local “Ugly Mugs” schemes as well as supporting the introduction of a UK wide “Ugly Mugs” scheme;
- Supporting health, welfare, education and peer-led organisations in promoting safe sex practice by sex workers;
- Treating all children (i.e. those defined as “children” within the meaning of the Children Act 1989) as victims abused through prostitution and sexual exploitation in accordance with the ACPO strategy and the supplementary guidance to Working Together on *Safeguarding Children and Young People from Sexual Exploitation* (DCSF 2009);
- With reference to Project Acumen, *Setting the Record*, treating foreign nationals as potential victims of trafficking for the purposes of sexual exploitation unless and until it becomes clear that they have not been trafficked into the UK;
- Establishing investigative and intelligence-building partnerships and information exchange protocols with key partners, including UKBA, CSP’s, LSCBs, etc;
- Ensuring staff are fully briefed on the issues and understand their obligations to protect vulnerable and intimidated victims and witnesses;
- In terms of foreign trafficked victims; work closely with foreign governments to ensure the safety of both the exploited sex workers and their families.

#### 4.4 COMMUNITY

- 4.4.1 The confidence and satisfaction of the public is important to the success and legitimacy of every police force. The public’s perception is formed by what they experience regularly, often via the media on which they base their views about levels of local security and safety.

- 4.4.2 The presence of prostitution in an area is likely to be a “signal crime”<sup>1</sup>, and will have a disproportionately negative affect on a community’s confidence and satisfaction. Conversely, the implementation of successful, sustainable strategies that eliminate or substantially reduce prostitution can increase community confidence and decrease the opportunities for other related forms of crime and disorder to emerge.
- 4.4.3 A community affected by prostitution is often stigmatised as a “red light” district, although most residents and people who legitimately frequent the district have no say in whether their community is a concentration for prostitution.
- 4.4.4 The risk, threat and harm that can be inflicted on communities by prostitution include:
- Harassment of people – generally women, by kerb crawlers;
  - Environmental – e.g. discarded syringes and used condoms;
  - Noise/visual pollution – sex workers and those associated with them loitering in the neighbourhood, sex workers’ cards in phone booths;
  - Associated crimes– e.g. drug dealing, robbery, blackmail, protection;
  - Loss of real-estate and other economic value to the neighbourhood – low house prices and restricted business opportunities;
  - Exposure to risk by the vulnerable, especially children and young people, which can lead to serious violent and sexual crime, causing long-lasting physical and emotional harm to the individual, and threats or acts of violence to their families.
- 4.4.5 Such harm can be caused either through off- or on-street prostitution. Off-street prostitution can be more discreet and therefore less likely to result in disturbance to the neighbourhood, but there could still be exploitation and coercion of individuals.
- 4.4.6 “Crackdowns” on either sex workers or kerb-crawlers are at best likely to prove only short-term palliatives and may result in displacement to other areas. Displacement is not a solution.
- 4.4.7 **These aims will be achieved by:**
- Forces possessing a clear enforcement strategy for action against all parties involved in prostitution and sexual exploitation;
  - Scoping the nature and prevalence of child sexual exploitation, including young people at risk, suspected abusers, and ‘hotspot’ areas;
  - Using local NIM assessments and CSP audits and surveys to establish the scale of off- and on-street prostitution activity, and community concerns and expectations;
  - Reflecting evidence of off- and on-street prostitution problems in the statutory (Section 17 of the Crime and Disorder Act 1998) three-year crime and disorder reduction strategies;
  - Engaging with community representatives in creating problem solving opportunities, but avoiding displacement-only options;
  - Engaging with foreign national community leaders at a local level to highlight and explain the differences between policing and legislation in the UK when compared to other countries;
  - Creating environmental solutions with partners, including designing out opportunities for prostitution and kerb crawling, clearing up debris ([the broken window principle](#)) and using CCTV;
  - Supporting partners in establishing or maintaining diversion and exit support services, including drop-in centres, safe-houses, outreach workers, vocational training, health and educational welfare schemes;
  - Using partners in local authorities to monitor and potentially close down off-street activity i.e. massage parlours and saunas acting as brothels, following local risk assessments that take into account the risk and threat posed by the premises. Premises should be prioritised in accordance with these assessments;

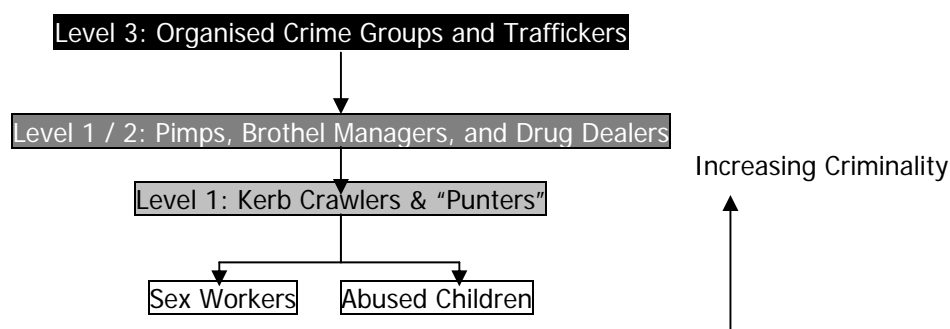
<sup>1</sup> ACPO, 2004, ‘Policing Prostitution Strategy’

- Using partners, including local authorities and BT, to remove sex workers' cards from telephone boxes, and arresting those who place them there;
- Deploying intelligence-led visible police patrols in order to build trust with sex workers and communities;
- Applying, where appropriate, the examples provided in the 2006 Home Office publication 'A Coordinated Prostitution Strategy'.

## 4.5 EXPLOITATION

- 4.5.1 The number of exploiters punished by the law is low compared to the number of prostitute's convicted/cautioned. Police activity is not a major strategic threat to those who exploit at levels 2 and 3 of the NIM. A strategic assessment, which looks at profitability and exploitation, will reveal the depth of the prostitution problem in an area, and demonstrate the links to other serious organised crimes.
- 4.5.2 In some cases, prostitution starts with offences being committed against vulnerable children. The number of sexually exploited children is unknown, but previous policing activities such as Operation Ore, Project Acumen and most recently Operation Retriever (Derbyshire Constabulary), have demonstrated the significant level of criminal activity against these children both in the UK and worldwide. The sexual exploitation of children and young people involves serious violence, including sexual violence, and can alter their value judgements and damage their self-esteem, causing repercussions into their adult life and potentially a route into prostitution.
- 4.5.3 Self-esteem can also be lost through chaotic parenting, emotional blackmail, and involvement in domestic violence and/or drug usage, leading to increased vulnerability to exploitation. Exploitation often has its roots in these social problems; this is an area where proactive investigation and action may have the most beneficial, preventative and long-term effects.
- 4.5.4 People who use the services of sex workers may not consider themselves to be exploiters, but it is the sex workers' loss of self-esteem (and/or drug dependency, poverty, etc.) that is often being exploited.

**Figure 1. "Chain of Crime" associated with prostitution**



(Adapted from Previous ACPO Document, 2004)

- 4.5.5 The impact of the crimes committed against adults trafficked for sexual exploitation is considerable. Intimidation of trafficked women is likely to be a significant inhibition on seeking help to exit or provide evidence against those who have abused and exploited.
- 4.5.6 Given the opportunities for high profit from organised prostitution, criminals are likely to protect their assets using extreme measures: turf wars, murder or other critical incidents are a potential development. This emphasises the importance of proactivity in identifying, disrupting and detecting this form of organised crime.
- 4.5.7 However, investigative and legislative techniques and tools are available and these should be used increasingly in gathering intelligence and investigations.

- 4.5.8 Organised off-street prostitution can be big business, with significant profits being made in a highly organised and businesslike manner. Like other, more mainstream businesses, these businesses carry overheads and administrative costs that have to be financed through the primary business activity. Ultimately, however, the money made through this illegal business activity must enter the legitimate economy, even if only through cash transactions.
- 4.5.9 **This business activity creates opportunities for investigation:** Proactive use of the Proceeds of Crime Act 2002 (POCA) is essential. Asset seizure hits at the profits. Properly focused financial investigations therefore have the capacity not only to create opportunities for prosecution but also to hit at the profits being made. In other words, financial investigation and asset seizure increase risks and diminish rewards.
- 4.5.10 **The importance of gathering intelligence against organized exploiters cannot be stressed too highly:** However, passive intelligence gathering techniques are unlikely to reveal the true extent of a problem, at level 1, 2 or 3. It is essential therefore that proactive intelligence means be used, providing full force area problem profiles that can be used at all three levels of the NIM. Not all such activity involves sophisticated covert or technical techniques – the “personal ad” columns of local newspapers, the phone book, Internet (notably “Punternet”) and joint working with sex work projects are all likely to create a reasonable intelligence picture of activity at levels 1 and 2, and possibly 3, without traveling further than an office with phone and Internet access.
- 4.5.11 **These aims will be achieved by:** Setting specific intelligence requirements to create proactive intelligence gathering capabilities within forces by;
1. Imaginatively using all intelligence gathering techniques, including:
    - Working through the LSCB with practitioners who work directly with children and young people to help them to record information that may help to build an intelligence picture of child sexual exploitation;
    - “Desktop” research into newspaper advertisements, telephone directories, Internet sites (e.g. “Punternet”), property letting agencies, etc;
    - Community intelligence gathering techniques, including information from local crime and disorder surveys;
    - Intelligence debriefs of sex workers, their associates and friends, clients, kerb crawlers, etc;
    - Technical surveillance under appropriate authorities;
    - Covert Human Intelligence Sources (CHIS);
    - Test purchase operations (N.B. test purchase officers must be appropriately trained and qualified, and must never engage in sexual acts);
    - Financial Investigation under the POCA;
    - Intelligence and information sharing with key partners including Her Majesty’s Revenue and Customs (HMRC), United Kingdom Borders Agency (UKBA), local authorities, Health and Safety Executive, British Telecom, etc.
  2. Coordinating intelligence gathering through NIM:
    - Understand connections with other forms of organized crime and illegal economic activity (e.g. protection, car crime, trafficking, squeegee merchants, cheap labour in restaurants, illegal minicab hires etc);
    - Include in-force level risk assessment;
    - Include response in Control Strategy using standard problem analysis framework: (1) Victim, (2) Offender, (3) Location.
  3. Building an intelligence picture of:
    - Controllers, exploiters, abusers and supporting associates (including those in the control and exploitation chain who manage and administer prostitution related activity, when acting as so-called madams and maids etc);
    - Users and abusers of sex workers (i.e. kerb crawlers and people who pay for sexual services);

- Premises used (N.B, it is essential that intelligence gathering techniques are used to understand what is happening in suspected premises; informal visits are unlikely to reveal the true picture of activity on premises, as those involved in the management of premises will seek to hide the true nature of activity from visiting officers);
- Those engaged in prostitution: creating intelligence gathering opportunities through confidence building measures with individual sex workers.

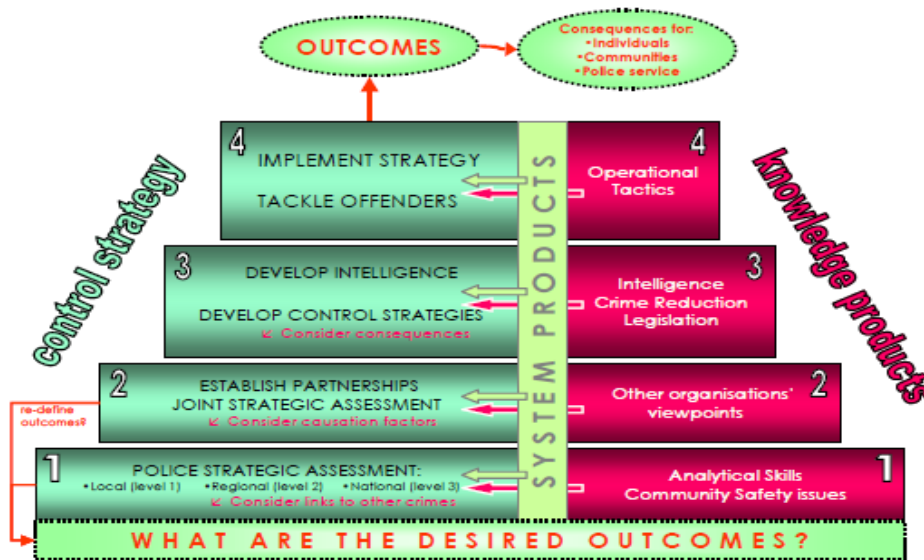
4. Matching response to risk:

- Consider creating or maintaining specialist units with appropriate resources and skills balance;
- Contributing a force level strategic assessment to the national strategic risk assessment;
- Encouraging the Home Office to include prostitution in the National Policing Plan, and resource appropriately;
- Including in the Police Authority's Local Policing Plan;
- Assessing regional and cross-boarder risk;
- Engaging with and using SOCA;
- Instigate financial investigation and asset seizure through the use of POCA;
- Fully investigating allegations of assaults, sexual abuse and other crimes made by sex worker victims;
- Implementing witness protection schemes to protect vulnerable victims;
- Using alternative charges where appropriate, e.g. Perverting the Course of Justice, Conspiracy, False Imprisonment, etc;
- Ensuring operational security (with significant risks being run by organized crime gangs and a highly vulnerable witnesses, it is essential that the integrity of operations is maintained at all times);
- Effective counter kerb-crawling operations;
- DNA samples to be taken in all cases of recordable crime arrests;
- Progressive cautioning schemes to be applied in line with a prostitute cautioning policy
- Vehicle seizures to be used in persistent cases of kerb-crawling.

## 4.6 STEP-BY-STEP NIM APPROACH

4.6.1 Once the scale of the problem within an area has been identified and desired outcomes defined, individual forces or BCUs can create their own tailored strategies for the control of prostitution using the NIM based framework shown below. Steps 1 to 4 should be followed from the bottom to the top of the pyramid.

Figure 2. The Intelligence Flow



(Taken from ACPO Strategy 2004)

## 5. SECTION 5 – ‘BUILDING THE BIG SOCIETY’

- 5.1 The coalition Government promotes ‘Building the Big Society’. The police service must play a part in supporting this by enabling citizens and communities to come together to solve the problems they face. Throughout this strategy the fears and problems that prostitution may give rise to have been highlighted. This strategy is designed to encourage partnership approaches to reduce the risk, threat and harm that prostitution and sexual exploitation produces.
- 5.2 Health, education and the media all have key parts to play in effectively dealing with child sexual exploitation and prostitution. Police forces are encouraged to promote engagement between themselves and all three areas in order to make a positive impact on the issues of prostitution in every area.

## 6. SECTION 6 – SUMMARY

- 6.1 This strategy does not offer a “solution” to prostitution; problems in this area are often of a longstanding and complex nature, which belie simplistic approaches. This strategy does however seek to offer a cohesive and rational alternative to a series of uncoordinated and sometimes unsuccessful local initiatives.
- 6.2 It also offers the prospect of making life better for some individuals and communities in both the short- and long-term, and of increasing the risks and penalties on those who abuse, coerce and exploit. The key is to tackle three aspects of prostitution – the individual, the community and those who exploit – simultaneously and sustainably.
- 6.3 Running through the whole strategy is the risk, threat and harm of all involved in prostitution and, the principle of partnership. Without partnerships at the appropriate level this strategy will not work, progress will not be made and risk, threat and harm will not be reduced. The onus to create effective partnerships rests with all responsible elements, particularly those who have a statutory requirement under Section 17 of the Crime and Disorder Act 1998, and not simply the police. The police however are often in a place to act as a catalyst and wherever possible should seek to use their expertise and resources to create and maintain effective partnerships. The victimised individuals and communities will benefit if we do<sup>2</sup>.

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<sup>2</sup> ACPO absolutely recognises its responsibility to enforce the law set by the Government of the time. However the current law around prostitution and sexual exploitation is complex and sometimes contradictory. ACPO would welcome a debate about alternative approaches that could be implemented to deal with this area of policing, which may better equip the police service to both protect communities and individuals alike. It is essential that the gap is bridged between neighbourhood nuisance and the exploitation of sex workers by organised crime groups.

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# Part 2: Operational Guidance Contents

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<b>Appendix A</b>	<b>The Law relating to Prostitution</b>
<b>Appendix B</b>	<b>ACPO Workbook Section C</b>

## 1. SECTION 1 – INTRODUCTION

- 1.1 Prostitution is often seen, erroneously, as victimless. Indeed, by some it is argued that prostitution is simply an exercise in freedom of choice. Some forms of adult prostitution in private are lawful and fully consensual, and this strategic guidance does not seek to proscribe these forms. However, the concept that all prostitution is a matter of choice is emphatically rejected. It is recognised that many modes of prostitution related activity are crimes with definite victims – individuals & communities. This guidance does not take a narrow view of the definition of either victim or crime, but it does put victims, in whatever form, at its centre.
- 1.2 The most obvious, but generally the most neglected, victim is the sex worker. In most cases in England and Wales today this will be an adult woman, but may also be a man, a child or a trans-person. Sex workers may be exploited, abused and physically and mentally harmed. Too often individual damage has been seen as an ‘occupational hazard’, but such an attitude can have no place in modern Britain, and especially not in any strategic police guidance seeking to address the problems caused by prostitution.
- 1.3 It has been suggested that sex workers are more likely to be the victim of homicide than non-sex workers and some studies indicate they are between 60 & 120 times more likely to be the victim of homicide<sup>3</sup>. Some studies indicate that sex workers are far less likely to report assault to the police, some quote that up to 56% of assaults on sex workers go unreported<sup>4</sup>, a point which can be tied into the work of the UK Network of Sex Work Projects (UKNSWP) and Sexual Assault Referral Centres (SARC’s), where offences may be reported but not to the police directly.
- 1.4 In addition to this there is consistent research to suggest the majority of sex workers will be subjected to violence or assault, with between 62% and 68% reporting rape and 73% and 82% reporting physical assault at some point<sup>5</sup>. Research also suggests that murdered sex workers are more likely than not to have been killed by their clients; in one study this was true in 69% of cases<sup>6</sup>.
- 1.5 Communities too can become victimised. Communities, where on-street prostitution flourishes, are often marginalised as “red light” districts. Other forms of crime, such as drug abuse, drug dealing and robbery can take root, while the environment is degraded with discarded needles, used condoms, other forms of litter, and sex workers’ cards in public telephone boxes. Kerb crawlers can harass women not involved in prostitution, and children can be placed in moral danger. In summary, it can become a ‘signal crime’ for the community.
- 1.6 Prostitution has traditionally for a variety of reasons, been a low priority for the police. Prostitution by its nature has existed at the margins of communities, often in a geographical as well as a social sense. In national political terms it is a difficult topic to draw policy and legislation around, because it is not only seen as an inevitable phenomenon, but also one that offends some because it degrades individuals through exploitation and abuse. Examples of other jurisdictions suggest alternative solutions, but on closer inspection these are illusory.
- 1.7 Prostitution is difficult to measure or quantify and seems somehow less impactful than burglary, vehicle crime and robbery. There are however links to be made to tangible and measurable performance indicators. Prostitution can be directly linked to anti social behaviour, as well as the confidence and satisfaction of the community. The institution of a Home Office review of prostitution, ‘Paying the Price’, in July 2004<sup>7</sup> was recognition of the need to tackle this crime at both the national and local level, and this was followed by the Home Office publication ‘A Coordinated Prostitution Strategy’ in January 2006<sup>8</sup>. This new ACPO strategy and operational guidance still

<sup>3</sup> Lowman & Fraser, 1995

<sup>4</sup> Church, Henderson, Barnard & Hart, 2001

<sup>5</sup> Farely, Baral, Kireman & Sezgin, 1998; Farley & Barkan, 1998

<sup>6</sup> Kinnell, 2001

<sup>7</sup> Home Office, 2004

<sup>8</sup> Home Office, 2006

complements many of the principles stated in those reviews. It also embraces and promotes the holistic approach to prostitution advocated in these Home Office publications and others.

- 1.8 The adverse impacts that prostitution might have on individuals and communities are also recognised. Prostitution often has a pivotal position in stimulating or maintaining other, more measurable forms of local crime, such as robbery and drug dealing. It recognises the links it can have with level 2 and level 3 organised and cross-border crime, especially trafficking, protection, corruption and extortion. The physical and emotional damage prostitution can cause to vulnerable individuals should be at the forefront of operational policing.
- 1.9 No moral view on prostitution as an activity or phenomenon is taken in this guidance. However, it does accept the position of the United Nations convention 1949 on the Suppression of the Trafficking in Persons and the Exploitation of the Prostitution of Others. Similarly, this strategic guidance accepts and incorporates the 2000 UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime.
- 1.10 The purposes of this UN Protocol (Article 2) are made clear in the statement of purpose:
  - (a) To prevent and combat trafficking in persons, paying particular attention to women and children.
  - (b) To protect and assist the victims of such trafficking with full respect for their human rights; and
  - (c) To promote cooperation among States' Parties in order to meet those objectives.
- 1.11 The strategy and guidance recognise that Articles 2 (Right to life) and 4 (Prohibition of slavery and forced labour) under Schedule 1 of the European Convention on Human Rights and the Human Rights Act 1998 are key principles and are supported.
- 1.12 The new strategy incorporates the current ACPO Guidelines in respect of abuse of children through prostitution. The victim-centred approach within these guidelines has proved effective and in many respects represents a model for the current strategic approach to dealing with all forms of prostitution.
- 1.13 Whilst it is accepted that prostitution will not be a priority for everyone all police forces and all CSP's are encouraged to assess the extent and community impact of prostitution in their areas. The techniques for doing so are apparent – the correct application of the National Intelligence Model, community safety surveys and community safety strategies.
- 1.14 It is recommended that integrated, partnership approaches are adopted and fermented at the local level, and that "crackdowns" which concentrate on only one aspect of the prostitution problem may deliver temporary respite but will not deliver sustainable solutions.
- 1.15 Police Forces in England and Wales are currently operating in a vacuum: the law regarding prostitution is in need of review; the statutes may appear clear but the application of the law – in order to best serve the public and protect the vulnerable – is not. It is the purpose of this strategy and guidance to fill the vacuum, to raise the profile of the issues, and to ensure that prostitution is effectively policed to a victim-centred national standard.

## 2. SECTION 2 – PROSTITUTION AS A ‘MARKET CRIME’

- 2.1 Prostitution is in many of its aspects a “market crime”; in other words it obeys the laws of economic markets and the principles of supply and demand. Strategies that address only one aspect of the market are therefore unlikely to be successful in the long-term. This strategy seeks to investigate a range of activities that will create the environment and opportunities to achieve sustainable harm reduction.
- 2.2 Sex markets can take many forms, but broadly speaking can be defined as either “on-street” or “off-street”. The markets tend to generate different levels of concern among local communities and law enforcement agencies. Where it exists, on-street working is intrinsically a high visibility problem for local communities, whereas off-street sex markets tend to be hidden from view and therefore of lower public concern.

Type of sex market	Access to market	Associated crimes/issues
<b>ON-STREET</b>	<ul style="list-style-type: none"> <li>Meeting face-to-face on street</li> <li>Kerb crawling, usually in a red light district</li> <li>Via opportunistic sex working in ‘cottaging’ &amp; ‘cruising’ sites</li> <li>Transport routes – lorry parks and service stations</li> </ul>	<ul style="list-style-type: none"> <li>Harassment of local residents</li> <li>Environmental harm</li> <li>“Signal” crimes</li> <li>Drug dealing</li> <li>Violence to vulnerable people</li> <li>Exposure of young children to moral danger</li> <li>Street robbery</li> <li>General fear of crime</li> </ul>
<b>OFF-STREET</b>	<ul style="list-style-type: none"> <li>Visiting brothels or working in flats</li> <li>Responding to small ads in local newspapers or magazines</li> <li>Calling escort agencies or visiting hostess clubs</li> <li>Visiting massage and sauna parlours</li> <li>Crack Houses</li> <li>Via internet advertising</li> <li>Prolific advertising cards in telephone boxes (nb primarily a London phenomenon)</li> <li>Clubs, bars and pubs</li> </ul>	<ul style="list-style-type: none"> <li>Hidden from public view, greater opportunity for exploitation</li> <li>Trafficked men, women and children</li> <li>Coercion and control</li> <li>Money laundering</li> <li>Protection rackets</li> <li>Tax evasion</li> <li>Illegal firearms</li> <li>Violent &amp; property crime</li> </ul>

(Adapted from ACPO Strategy, 2004)

- 2.3 Clearly, a comprehensive approach is needed in order to tackle the various forms of prostitution and its related problems effectively.

### 2.4 INDIVIDUALS’ MOTIVATION

- 2.4.1 A universal approach must consider and understand the motivation of people involved in sex work. This is an unregulated industry, which may yield incredibly high profits for operators. There is a customer demand for the services of sex workers which stretches back thousands of years, and it is relatively easy to get involved in prostitution – no special skills or training required. These motivating factors apply in varying degrees to all those involved in prostitution (sex workers themselves, as well as those who abuse and exploit).

**Figure 3. Motivating Factors<sup>9</sup>**



2.4.2 **Need** might include the perception that there are no other options available to obtain/maintain a lifestyle – ranging from a basic hand-to-mouth “survival strategy” existence, to creation of wealth.

2.4.3 **Opportunity** is a motivational factor as it can be relatively easy to become involved and stay involved in prostitution.

2.4.4 The potential **Rewards** for being involved in prostitution – in terms of power and money – are great, and such temptation may be difficult to resist.

2.4.5 Last but by no means least; **Demand** is a key, driving factor in the development of the prostitution market. If demand to buy sex or similar services disappeared, the industry would either have to go to great lengths to create a demand (through advertising, etc.), or would dry up completely.

2.4.6 **It is by dealing with, simultaneously and sustainably, each of these motivating factors that the best opportunities exist for assisting victimised individuals and communities.**

## 2.5 SEXUAL EXPLOITATION OF CHILDREN

2.5.1 The NPIA guidance on Investigating Child Abuse and Safeguarding Children, 2<sup>nd</sup> Edition (2009) defines child sexual exploitation as: *'Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities...'*

2.5.2 The key principles of Guidance may be summarised as:

- Children and young people who are sexually exploited, including through involvement in prostitution, are victims of abuse;
- The principle law enforcement effort should be against abusers and those who coerce children into sexual exploitation, including prostitution;

<sup>9</sup> ACPO, 2004

- Children and young people who are sexually exploited, including through prostitution, may be hidden from public view;
- Where such as child or young person is discovered by police, measures must be taken to protect the child;
- Such a child or young person should usually be treated as a child who may be suffering or is likely to suffer significant harm;
- Officers should also consider the possibility that children or young people may have been trafficked within, or into the UK in order to sexually exploit them.

2.5.3 The keys to the relative success for this Guidance will be the focus on:

- Partnership, including involvement with the Local Safeguarding Children Board;
- Addressing causes, not symptoms;
- Focusing on safeguarding young victims;
- Focusing investigation, disruption and prosecution on those who abuse, exploit and coerce;
- Following the [Working Together to Safeguard Children 2010](#) guidelines.

## 2.6 THE LINKS BETWEEN DRUG AND SEX MARKETS

2.6.1 A key area of linkage is clearly between drug and street sex markets. Problematic drug misuse is common among on-street sex workers and has been well documented over the years. It is without doubt that sex workers make significant customers for drug dealers. They may also buy for clients, act as a bridge between clients and drug sellers and can also be managed by drug dealers themselves. Previous research has found that drug use was more likely to have preceded prostitution than vice versa. It follows that, once involved in drugs, the criminal society and impaired lucidity they bring, working an occasional "trick"<sup>10</sup> to pay for the habit may appear to be an easy option.

2.6.2 A particular concern is that research from national studies show that the use of crack cocaine still appears to be extremely high with on-street sex workers. Crack is a palliative for the risks and pressures inherent in sex work and, in contrast to opiate use; the short-acting nature of the drug encourages binge use. Furthermore, sex workers can easily raise sufficient cash to binge and they can also bring additional custom to the market, for instance through introducing clients to the drug or to their dealer, at the same time as selling sex.

2.6.3 A point to note is the differing drug habits of on- and off-street sex workers. Whilst on-street sex workers are known for their heroin and crack cocaine addiction studies have shown that there are far lower levels of problem drug use amongst women working in the indoor markets. Indeed, with off-street sex workers, stimulant drug use and alcohol abuse were the main concerns identified.

## 2.7 DRUG USAGE AMONG SEX WORKERS<sup>11</sup>

2.7.1 **93%** (90/115) of on-street sex workers had used an illegal drug in past six months compared to 69% (86/125) of indoor workers (2001)<sup>12</sup>.

2.7.2 **78%** of on-street sex workers had **used heroin** compared to 5% of indoor workers (2001).  
**85%** of on-street sex workers had **used heroin** compared to 6% of indoor workers (2007).

2.7.3 **49% of on-street sex workers had injected in past month** compared to 3% of indoor workers (2001). **58% of on-street sex workers injected drugs** compared to 3% of indoor workers (2007).

<sup>10</sup> A sex workers client

<sup>11</sup> Statistics taken from Church et al, (2001) & Jeal & Salisbury, (2007).

<sup>12</sup> Within this study, amongst the indoor workers, 50% of this drug use related to cannabis. Tranquillisers were also commonly used. In contrast on-street sex workers primarily used Class A drugs, specifically heroin and crack cocaine.

- 2.7.4 **32%** of on-street sex workers had **used crack cocaine** compared to 4% of indoor workers (2001). **87%** of on-street sex workers had **used crack cocaine** compared to 7% of indoor workers (2007).
- 2.7.5 **63% of on-street sex workers** reported their main **reason for prostitution** was to **pay for drugs** compared to 1% of indoor workers (2001).

## 2.8 REASONS TO ADDRESS THESE PROBLEMS

2.8.1 The complexity of the relationship between drug use and prostitution means that there are numerous valid reasons for addressing this problem on as many levels as possible. These reasons include:

- Preventing the involvement of vulnerable groups in prostitution and drug misuse;
- Preventing anti social behaviour & maintaining the confidence and satisfaction of our communities;
- Preventing vigilante actions of local communities;
- Responding effectively to needs and wishes of communities;
- Disrupting the drug trade;
- Minimising the potential wider impact of prostitution and drugs on society – increased levels of acquisitive crime, deterioration of health, mounting pressure on local resources/services, perpetuating cycles of poverty and abuse;
- Putting a stop to the “collateral damage” suffered by communities within which drug markets are located – the downward spiral of crime, fear of crime, and disinvestments which these markets can precipitate;
- Reducing the social and mental damage which drugs cause to individual sex workers, including problems with physical and psychological health, self-esteem and overall ability to contribute to society;
- Reducing the level and amount of violence, inherent in the illegal drug trade, experienced by sex workers, drug users, innocent bystanders and others in affected communities;
- Reducing the perception that sex workers are legitimate targets for physical attack.

## 2.9 LINKS BETWEEN ORGANISED CRIME AND PROSTITUTION

- 2.9.1 Organised crime is defined by the Serious and Organised Crime Agency (SOCA) as “those involved, normally working with others, in continuing serious criminal activities for substantial profit, whether based in the UK or elsewhere”. Criminal organisations may be driven by motives of profit or political ideology, and in order to prosper, some degree of support must be provided by the society in which they operate. Prostitution-related organised crime in the UK operates at both levels 2 and 3 of the NIM, but it is normally only obvious at level 1.
- 2.9.2 Prostitution has traditionally been a component of the business carried out by criminal organisations. Along with dealing in drugs and firearms, extortion, “protection” and illegal gambling, the sale of sex on a large scale is potentially extremely lucrative to semi-legitimate businesses and criminal organisations that align their trade according to customers’ demands.
- 2.9.3 However, unlike firearm- or drug-related crimes, organised prostitution remains a relatively underdeveloped police area of concern. It is an area that has gone unnoticed for a long time in police performance targets, and as a result, may be seen as an easy way to make money by the organised criminals. **This, therefore, offers an opportunity for police forces to dismantle organised crime: any complacency on the part of the criminals is an opportunity for police forces to bring about their downfall; targeting their weakest defences and using the resulting intelligence to bring down entire organisations.**
- 2.9.4 The potential lines of investigation include financial investigation, immigration and taxation offences, and the use of Covert Human Intelligence Sources (CHIS). The Regulation of Investigatory Procedures Act 2000 (RIPA) and the Proceeds of Crime Act 2002 (POCA) provide valuable legal tools through which to attack organised criminality associated with prostitution.

## 2.10 HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION

- 2.10.1 The problem of transnational organised crime is a real one that continually demands more careful investigation and greater resources than have so far been devoted to dealing with it. Legislation exists which is principally directed against those who exploit others through prostitution (see [Appendix A](#)). The following paragraph, taken from [www.interpol.int](http://www.interpol.int), outlines some of the problems associated with the trafficking in women and children for sexual exploitation.
- 2.10.2 *'This prevalent form of trafficking affects every region in the world, either as a source, transit or destination country. Women and children from developing countries, and from vulnerable parts of society in developed countries, are lured by promises of decent employment into leaving their homes and travelling away. Victims are often provided with false travel documents and an organized network is used to transport them to the destination country, where they find themselves forced into sexual slavery and held in inhumane conditions and constant fear. The trafficking of women for sexual exploitation is an international, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims. Trafficking in women is a criminal phenomenon that violates basic human rights, and totally destroys victims' lives. Countries are affected in various ways. Some see their young women being lured to leave their home country and ending up in the sex industry abroad. Other countries act mainly as transit countries, while several others receive foreign women who become victims of sexual exploitation.'*
- 2.10.3 For more details, please see:  
<http://www.interpol.int/content/search?SearchText=Trafficking%20in%20human%20beings>.
- 2.10.4 The Serious and Organised Crime Agency (SOCA) regularly publishes a UK threat assessment; a link to this can be found on <http://www.soca.gov.uk/threats/human-trafficking>.
- 2.10.5 The [United Kingdom Human Trafficking Centre \(UKHTC\)](#) became part of SOCA on the 1<sup>st</sup> April 2010 and acts as a national advisory for ACPO forces in relations to their human trafficking investigations. It offers 24/7 tactical advice to all agencies, and under its prevention remit provides training and development opportunities and coordinates nationwide human trafficking campaigns.
- 2.10.6 It also has an established Vulnerable Persons Team (VPT) to deal with those persons identified as vulnerable, intimidated or significant witnesses during the course of trafficking investigations, intelligence activities or strategic initiatives. The VPT provides specialist interviewing techniques required to fulfill this function and assists in the requisite responsibilities for duty of care to those individuals. They are regularly called upon to assist both the United Kingdom and overseas Law Enforcement agencies engaged in Human Trafficking investigations.
- 2.10.7 Early engagement with the UKHTC is paramount to establish tactical advice and victim strategy, risk assessment and expertise in relation to operational planning, the gathering of high quality evidence and intelligence and advice on the management of victim needs including medical, psychological, language and social care, repatriation and security.
- 2.10.8 The UKHTC will provide specialist knowledge and advice on applying for special measures at court for witnesses, both within the United Kingdom and overseas.
- 2.10.9 "Illegal immigration", "asylum seeking", "people smuggling" and "human trafficking" are all terms that are used and sometimes confused when dealing with issues surrounding foreign nationals entering the UK. It is easy for a rich and affluent society to take for granted the standards of living that are regarded as normal everyday life, but which actually represent an extremely luxurious and wealthy lifestyle to persons whose own quality of life is subject to poverty, conflict, disease, family abuse, cultural displacements and a lack of jobs and education. The UK continues to be seen as a very attractive place with opportunity to improve the quality of life for such individuals whose desperation makes them vulnerable to exploitation. It is also a very attractive place for others whose only motive is to commit crime.

- 2.10.10 **Trafficking** is interpreted differently in different countries. This strategy, in line with the UN Protocol, highlights the exploitation element of illegal immigration: *“Trafficking in persons shall mean the recruitment, transportation, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation... Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*
- 2.10.11 By contrast **People Smuggling** is defined under the UN Protocol as: *“The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of illegal entry of a person into a State Party of which the person is not a national or permanent resident.”*  
The scale of People Smuggling is, by its nature, unknown, but it can be estimated to be substantial; this strategy deals only with those people who are **trafficked for sexual exploitation**.

## 2.11 TRAFFICKING AND THE SEXUAL EXPLOITATION OF WOMEN

- 2.11.1 Victims trafficked for the purposes of sexual exploitation have been identified throughout the UK. In practice, any off-street sex establishment in the UK may be employing trafficking victims. Demand for sexual services remains strong, with the off-street sex trade employing an increasing number of foreign women, girls and men, some of who are human trafficking victims.
- 2.11.2 Much of the demand for victims appears to be generated by the criminals controlling them. They can make greater profits by forcing victims under their control to work longer hours and provide a wider range of sexual services, while allowing them to keep only a small fraction of their earnings. It is certain that fear of violence and intimidation from their criminal controllers makes many victims reluctant or unable to come forward.

## 2.12 CHILD TRAFFICKING

- 2.12.1 Children and young people trafficked into the UK are predominantly identified as previously living in poverty, orphans or living away from their family. Child traffickers promise a better life; the prospects of an education, employment, or a family are significant pull factors.
- 2.12.2 The child will commonly be put under debt bondage to cover the cost of transportation, accommodation and the agent’s fee. Some children appear to be trafficked into the UK with the agreement of their parents or guardians.
- 2.12.3 Children and young people are also trafficked within the UK. This often involves moving a young person to a nearby town or city, and sometimes onward from town/ city to town/city, for the purposes of sexual exploitation.

## 2.13 WHY IS ORGANISED CRIME INVOLVED?

- 2.13.1 Organised crime is involved because the human commodity is inexhaustible and is not inherently illicit. International law is not set up to tackle it. The high profits outweigh the low risks.
- 2.13.2 *“High profits, combined with relatively a low risk of detection, also attract organised criminal groups into the gang master business to exploit illegal migrants smuggled or trafficked into the UK as cheap labour. Legal migrants who may be unaware of their rights are also vulnerable to various forms of exploitation, including those from new European Union (EU) member states” (SOCA, 2010).*
- 2.13.3 Victims of gangs who operate sex workers will, naturally, be fearful of brutal retaliation by the organisation should they break away from their exploiters. This fear is the lifeblood of the criminal organisation, and **police forces must do whatever they can to reduce or eliminate it, to encourage victims to come forward to give evidence that would secure a conviction and bring these brutal organisations to justice.**

## **2.14 LONDON 2012 OLYMPIC GAMES**

- 2.14.1 Concerns were raised in a Metropolitan Police Authority report, published in 2009, that sex trafficking may increase in the lead up to the 2012 Olympic Games. At present there is no intelligence to support that such a trend is occurring. During the run up to the Games, the Human Exploitation and Organised Crime Command (SCD9) of the Metropolitan Police Service is working to disrupt prostitution and rescue victims, including victims of trafficking, in the five Olympic London boroughs.

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NPIA: National Intelligence Model: more information on

<http://www.npia.police.uk/en/9015.htm>

NPIA / ACPO: National Strategic Assessment 2010: for more information follow this [link](#)

NSPCC National Child Trafficking Advice and Information Line (CTAIL), a specialist service for anyone working with children who may have been trafficked. Contact [ctail@nspcc.org.uk/0800](mailto:ctail@nspcc.org.uk/0800) 107 7057 (Mon-Fri 9.30-4.30)

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## Appendix A - The law relating to prostitution

### Controlling, exploiting and trafficking

The offences principally directed against those who exploit others through prostitution **include controlling prostitution for gain and causing or inciting prostitution for gain** both of which have a maximum penalty of 7 years (Sexual Offences Act 2003). These offences replace a number of old offences found in the Sexual Offences Act 1956 such as living off the earnings of a person involved in prostitution.

The main offence relating to brothels is **keeping a brothel used for prostitution**, the penalty for which is 7 years (section 33A of the Sexual Offences Act 2003).

The Sexual Offences Act 2003 introduced the offences of **trafficking into, within and out of the UK for sexual exploitation** (section 48-50 of the Sexual Offences Act 2003). These offences cover both adults and children and carry penalties of up to 14 years.

The Sexual Offences Act 2003 also introduced new offences specifically in respect of the exploitation of children and young **people. These are causing or inciting child prostitution, controlling a child prostitute, and arranging or facilitating child prostitution** (section 48-50). The new offences cover the prostitution of both boys and girls and all carry a maximum penalty of 14 years.

Section 21 of the Policing and Crime Act 2009 amends the Sexual Offences Act 2003 to introduce closure orders. These allow the police to apply to a court for an order closing premises associated with specified prostitution or pornography related offences for up to three months (which can be extended by up to 3 months if the court deems it necessary. However the total period for which the order has effect must not exceed 6 months).

### Paying for sexual services

The Sexual Offences Act 2003 has been amended by the Policing and Crime Act 2009 to introduce a new offence which makes it illegal to **pay for the sexual services of a prostitute subjected to force, threats (whether or not relating to violence) or any other form of coercion or any form of deception** of a kind likely to induce or encourage the person involved in prostitution to provide those services. It is not a valid defence for a defendant to argue that he did not know the person involved in prostitution had been subject to force etc. The maximum penalty is a level 3 fine (section 53A Sexual Offences Act 2003).

In respect of the abuse of a child through prostitution, the 2003 Act introduced an offence of **paying for the sexual services of a child**, for which the maximum penalty is life when the child is under 13 and the offence involves penetration; otherwise 14 years when the child is under 16, or 7 years if the child is 16 or 17.

The Sexual Offences Act 2003 has been amended by the Policing and Crime Act 2009 to create an offence of soliciting a person in a street or public place for the purpose of obtaining sexual services from that person as a prostitute. This can include a person soliciting from a vehicle in a street or public place and replaces the offences of kerb crawling and persistent soliciting found in the Sexual Offences Act 1985.

### Men and women involved in street-based prostitution

The Street Offences Act 1959 criminalises **loitering or soliciting** for the purposes of prostitution. It is an offence for a person persistently to solicit or loiter in a street or public place for the purposes of prostitution. Conduct is persistent, for the purposes of this offence, if it takes place on two or more occasions in any period of three months. The maximum penalty is a level 3 fine or an Engagement and Support Order.

[1] Closure orders will not come into force in Northern Ireland on 1st April 2010.

[2] Farley, M (2003) Prostitution and Trafficking in Nine Countries: An update on Violence and Posttraumatic Stress Disorder in the Journal of Trauma Practice.

[3] R Matthews Prostitution, Politics and Policy, 2008, Routledge.

[4] Research indicates that the average age of first involvement in prostitution in the UK is 15 years old see [Paying the Price](#) page 16

[5] EWCA Crim 2664. This case involved an appeal against conviction for an offence contrary to section 53 of the Sexual Offences Act 2003

[6] CETS No. 197/2005

[7] EWCA Crim 2664. This case involved an appeal against conviction under section 53(1) of the Sexual Offences Act 2003

**Appendix B - FOR USE ONLY WHERE AN EXISTING GUIDANCE OR PRACTICE ADVICE DOCUMENT IS BEING AMENDED AS THE RESULT OF A REVIEW**

**SECTION C - ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY AUDIT) AS AGREED WITH THE CRE**

**C1. Identify all aims of the guidance/advice**

<b>C.1.1 Identify the aims and projected outcomes of the guidance/advice:</b>
To provide a framework for the future policing of this area.
<b>C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?</b>
Police Forces, ACPO, the Home Office, Non Government Agencies, 3 <sup>rd</sup> Sector Assoc. to sex work & academia.

**C2. Consider the evidence**

<b>C.2.1 What relevant quantitative data has been considered? N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.2.2 What relevant qualitative information has been considered? N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.2.3 What gaps in data/information were identified? None</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.2.4 What consideration has been given to commissioning research? N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

**C3. Assess likely impact**

<b>C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified? N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.3.2 If yes explain any intentional impact: N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples: N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.3.4 Are there any other factors that might help to explain differential /adverse impact? N/A</b>	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	

**C4. Consider alternatives**

<b>C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:</b>
This document has no effect upon these issues
<b>C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:</b>
This document has no effect upon these issues
<b>C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:</b>
N/A

## C5. Consult formally

<b>C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:</b> Yes – Police Forces, ACPO, the Home Office, Non Governmental Agencies, 3 <sup>rd</sup> Sector Assoc. to sex work & academia.	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.5.2 What was the outcome of the consultation?</b> Feedback sought & received re content & structure of document.	
Age	
Disability	
Gender	
Race	
Religion / Belief	
Sexual Orientation	
<b>C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?</b>	
Yes – Regular reviews & redrafts made of document throughout the consultation period.	
<b>C.5.4 Have the results of the consultation been fed back to the consultees?</b>	
Yes – Following receipt of feedback & within this final version.	

## C6. Decide whether to adopt the proposal

<b>C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:</b>
See foreword.

## C7. Make Monitoring Arrangements

<b>C.7.1 What consideration has been given to piloting the proposal?</b>
N/A
<b>C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?</b>
Monitored by the ACPO Lead for Prostitution & Sexual Exploitation working group.
<b>C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?</b>
This document will be distributed via ACPO Intranet and Internet, POLKA & Media Links.

## C8. Publish Assessment Results

<b>C.8.1 What form will the publication of the impact assessment take?</b>
<i>It is recommended that for publication the impact assessment be attached to the completed document as Appendix B.</i>