



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further  
Provisions and Support for Victims) Bill:  
Police Service of Northern Ireland

20 February 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Stewart Dickson  
Mr Tom Elliott  
Mr William Humphrey  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Patsy McGlone  
Mr Jim Wells

**Witnesses:**

Assistant Chief Constable Drew Harris Police Service of Northern Ireland

Detective Chief Superintendent Roy McComb Police Service of Northern Ireland

**The Chairperson:** I officially welcome Assistant Chief Constable Drew Harris and Detective Chief Superintendent Roy McComb to the meeting. I appreciate your taking the time to come to speak to us. As with all our evidence sessions on the subject, it will be recorded by Hansard and published for the record in due course. I invite Drew to make some comments to the Committee. Then members will have questions.

**Assistant Chief Constable Drew Harris (Police Service of Northern Ireland):** Thank you. I am Assistant Chief Constable Drew Harris, and I am responsible for the crime operations department in the Police Service. That includes the organised crime branch, of which Roy McComb is the head. I am also responsible for serious crime investigation, intelligence and surveillance. I have been in that post for five years. I will let Roy introduce himself.

**Detective Chief Superintendent Roy McComb (Police Service of Northern Ireland):** Thank you, Chair and Mr Harris. I am Detective Chief Superintendent Roy McComb, head of the organised crime branch. I have responsibilities for organised crime, led by the Police Service, throughout Northern Ireland. That includes human trafficking, prostitution, drugs investigations, extortion, armed robbery and a range of other criminality.

**Assistant Chief Constable Harris:** Thank you very much for the invitation to give evidence, as the Police Service welcomes the opportunity to contribute to the debate. First, we want to highlight the benefit that there has been from the public debate in creating publicity and important public knowledge. There is an understanding in the wider community of the types of crimes that have been going on in Northern Ireland, primarily what has happened in respect of human trafficking and how people are being exploited, not only for prostitution, but for forced labour and domestic servitude, and also increased public knowledge of what they might do to assist us in detecting those offences.

Secondly, I want to highlight that the Police Service's focus is on serious harm, combating human trafficking for whatever purpose it might be — I have already highlighted them — and combating serious harm from organised crime groups (OCGs) involved in prostitution. We welcome the focus that there has been on victims and protecting the vulnerable, whether they have been trafficked or not. We want to highlight that individuals who are caught in that web are on a continuum of vulnerability. That continuum is one of grave danger and vulnerability to assault or serious sexual assault for all those who might operate as prostitutes. One has only to look at the murders of prostitutes, particularly in Great Britain, to see the inherent dangers.

I want to make a few comments in respect of clause 6, which has received a great deal of attention. We recognise, in the first place, that it is for the Assembly to pass legislation. We believe that clause 6 sends out a strong message. The message, we think, should be that Northern Ireland is a difficult place for organised crime groups to operate in. In part, the attention and focus on human trafficking and the prevention of prostitution are important messages in that. We envisage that, if the law was passed, prosecutions may then flow. However, those would flow from major investigations that are ongoing into organised crime groups. They would in fact be prosecutions as an adjunct or benefit to organised crime group investigations into human trafficking combined with prostitution.

It should be recognised that prostitution in Northern Ireland, although not unique, does have certain characteristics. It is mostly born through the internet and website adverts. Although there is some, very limited, on-street prostitution, in the vast majority of cases it is off-street; it is, therefore, clandestine. Individuals who seek prostitutes run the risk of public shame and therefore may be classed as risk-takers in this society, because they may be ostracised by their friends and family if they became aware that they used prostitutes. Therefore, it is difficult to assess how much impact the threat of prosecution would have on that behaviour. We concentrate upon the organised crime groups and will continue to do that, particularly in respect of human trafficking and prostitution.

A wider aspect is that Northern Ireland is a target for organised crime groups, as it is seen on the global stage as an affluent place. We will continue to be targeted by OCGs whether the legislation is passed or not. A demand now exists for prostitutes, for prostitution in our society and on the island of Ireland as a whole. Crime gangs regard it as high-yielding in hard cash and of low risk. Therefore, it is attractive for organised crime groups to get involved in this crime.

The PSNI remains committed to preventing serious harm and to tackling organised crime. If the Assembly passes the legislation, we will use it to the best effect that we can.

**The Chairperson:** Thank you both very much. Members will have questions, but let me go straight to clause 6. I note your comment that it sends out a strong message and that you link the clause to the legislation for tackling serious organised crime. Should we pass the Bill, including clause 6, how would that complement the legislative tools available to the police to tackle serious organised crime?

**Assistant Chief Constable Harris:** It is an additional offence for which prosecutions could be mounted. You have already received evidence on the lack of prosecutions of those who have used trafficked prostitutes. They have been defeated by being statute-barred. I know that the legislation will change to accommodate that, so it offers us another plank on which to mount prosecutions against those who have used prostitutes. However, the evidential opportunities in this are limited. It would therefore be part of a larger investigation involving surveillance and all the tools that we bring to bear against an organised crime gang, which would probably be best placed to facilitate such a prosecution. You would need a wide scope of investigative effort, using a lot of investigative tactics to gain the necessary evidence. I do not want to go into all the detail, but it would require large-scale effort on our part. That happens anyway in the case of organised crime groups, as we put a lot of effort and resources into them. Prosecutions may flow from that.

**The Chairperson:** Can you give me a sense of the nature of the crime gangs involved in prostitution? Are they involved in other criminal activities?

**Detective Chief Superintendent McComb:** Generally, the assessment of organised crime in Northern Ireland is led by the police but supported by other law enforcement agencies through the auspices of the Organised Crime Task Force. We estimate that the number of organised crime groups in Northern Ireland fluctuates, but, at the moment, is sitting in and around 145. That is 145 individual groups that can be made up of two, three, four or up to 10 or 12 members at a time. Therefore the better part of perhaps 1,000 people could be involved in organised crime almost as a day job, in effect.

Human trafficking or human exploitation embraces human trafficking for matters other than sexual exploitation as well as prostitution, because there could be prostitution that is not human trafficking. That could be organised crime through prostitution. For the most part, that activity is carried out by non-indigenous organised crime groups — groups from outside Northern Ireland. That has changed slightly, in that, for a time, the non-indigenous groups were working with Northern Irish crime groups. However, it has evolved so that, now, the greater number of crime groups involved in this activity come from outside this jurisdiction. We have led investigations that have had not only a cross-European but a global reach because of the internationalisation of organised crime in this country.

**The Chairperson:** I want to be clear that you are not opposed to clause 6. Does the PSNI have any opposition to clause 6?

**Assistant Chief Constable Harris:** We have no opposition. Overall, we welcome the Bill. We welcome the focus on victims and on what other legislative tools may be brought to bear on human trafficking and prostitution; however, our focus would be on organised crime groups. We have no opposition to clause 6. I think that there is a qualification in our mind about its impact: what are the unintended consequences? Apart from the organised crime group element of prostitution, there are links with the remainder of the industry. We wish to provide them with a service because they are vulnerable, and we wish to ensure that they are protected.

We want to be careful, as the legislation passes, to maintain a sense that those individuals feel that the police service will protect them from assault and serious harm as a result of crime. Some of that has been highlighted to us in correspondence from UglyMugs.ie as well, and we have a qualification in our mind about what the overall impact, the unintended consequences, might be. As Roy said, most of the groups operating prostitution into the island of Ireland, including Northern Ireland, come from outside the jurisdiction, and the legislation and the proposals may send a strong message. I am not sure how much of a deterrent it will be, but it is at least a strong message of the intent of the Assembly and of wider society and our revulsion at this type of crime. Again, we do not know what the consequences or benefits would be, but it would be wrong to say that we were opposed to it. However, there is a qualification in our own mind about the service and our relationship and contact with the rest of those who are prostitutes.

**The Chairperson:** Some in the media have sat in front of us saying that they are on the same side as the Police Service of Northern Ireland, that the police do not want this Bill and neither do they. Where do you see its particular benefit as an additional tool in tackling serious organised crime gangs?

**Assistant Chief Constable Harris:** Of course, there are investigations in respect of the public nuisance element of prostitution, but that is balanced in that we do not want victims of serious crime, particularly those who are vulnerable, not feeling that they can come forward to the police and make complaints. Prostitutes are particularly vulnerable to serious crime and assault; therefore we want to ensure that they feel that they can have a relationship with the police so that they can contact us and report crimes.

**The Chairperson:** I welcome the police's position on clause 6. You touched on how to support victims of human trafficking. In an informal meeting just before this one, we met a girl who gave us her real name, but the name that she prefers us to use in public is Anna. I think that she is familiar to the police, because there was a case recently that led to a prosecution in Sweden that you were involved in. Anna provided us with her documentation to prove that she was a victim. The Serious Organised Crime Agency (SOCA) had given her an official certificate to the effect that she had been a victim of human trafficking. One of the comments that Anna made, which was alarming to me, was that she felt that the police did not necessarily treat her as a victim, but rather as a source of information to get a prosecution. She raised questions that I think the Committee will want to look at: how we support victims, not just from the police point of view, but as a broader welfare-type package. She said that she felt that the relationship between herself and you — as a corporate body — was that she was a source of information to give you intelligence about the people involved and, potentially, get a

prosecution. She did not necessarily feel that she was being treated as a victim and that her needs, as a victim, were being taken care of.

**Detective Chief Superintendent McComb:** First, it is very difficult for us to comment on an instant case; we need to respect the circumstances of the individual. I am alive to the individual that you refer to. We have had significant involvement. On a broader point, our entire approach to human trafficking is victim-centric, and we have made it known to all our staff and investigators that we would rather have an investigation fail than have it lose sight of the rescue and recovery of a victim. That is the first thing that we do; that is what we seek. If we can manage to do that and then frustrate, disrupt or dismantle organised crime groups or detain or detect people involved in the trafficking of people, that is a second big bonus. However, the first and main thing that we are interested in is the rescue of victims.

The provision of services to support victims of human trafficking is well established. They are not provided by the police, but the first contact by the police, who are the first responders, is very important. When we go into an environment where we think we are rescuing victims of trafficking, we are still trying to catch up on the curve of knowledge, so we have to speak to people and gather information from them. It would be churlish to suggest that victims are not rich sources of information and it would be foolish of us not to pursue that as well. However, our opening line and our starting and consistent position is rescuing people and making sure that they get the support that they require through other agencies.

**The Chairperson:** I would expect that response, and my next question is: how do you ensure consistency in that approach amongst all the officers involved?

**Detective Chief Superintendent McComb:** In one sense, investigations have been by a small number of my investigative teams who have, over time, developed a high level of specialist knowledge. We have provided training to the greater number of members of my branch; they have been exposed to national-level training. We give them all the training and exposure to these operations and investigations. Because we are the branch that leads on these investigations, they are not dealt with by the broader police family. Therefore, there is a consistency of approach because the investigations are being dealt with by a relatively small cadre of officers in the organised crime branch.

**Mr A Maginness:** Thank you for coming. This is very useful. I am also interested in your written submission. I am trying to understand the nature of the problem in Northern Ireland. Yes, some prostitution arises out of human trafficking, but there is also "indigenous prostitution" — if that is the wrong term, correct me — which is different and separate from human trafficking. If I am right in making that distinction, what is your assessment of human trafficking in providing people for prostitution?

**Detective Chief Superintendent McComb:** Human trafficking provides one part of the scenario of those involved in prostitution. However, the greater number of people involved in prostitution in Northern Ireland are not victims of human trafficking; moreover, the greater number of people involved are also probably not indigenous to Northern Ireland. We have experience of seeing people from the wider United Kingdom and Ireland travel to Northern Ireland because, as Mr Harris said, there is a market to be serviced, if I can use that expression. The greater number of people involved in prostitution here are not victims of trafficking, but trafficking provides a rich source of personnel for brothels. Part of that is to meet the personal choice expressed by men who, for the most part, are the ones using the brothels; they almost like the idea of somebody who is not from Northern Ireland.

**Mr A Maginness:** Can I take it, then, that prostitution, or an element or some section of prostitution, is very mobile, in so far as people are being shipped around the country, Britain, the South and so forth?

**Detective Chief Superintendent McComb:** The expression "chicken run" is used in the trafficking industry for girls who are moved not only throughout Northern Ireland but across the island of Ireland. There have been documentaries showing that people have been moved around. Part of it is to meet requests by people who want to use the services but who do not want to revisit a brothel a week later to find the same girls there. It is to keep the market fresh, as it were.

**Mr A Maginness:** And it is much easier to move people around.

**Detective Chief Superintendent McComb:** The second element is that most of the girls whom we have rescued, especially those who have been trafficked, have no clue where they are. They rarely know which country they are in. Even though the language spoken is English, they do not know which country they are in, and they certainly do not know which city they are in.

**Mr A Maginness:** Has the trafficking of girls for prostitution got bigger over the past number of years? I presume that it has.

**Detective Chief Superintendent McComb:** It is a well-established crime activity now. In the past number of years, we have seen that develop from being quite small, based on our understanding of Operation Pentameter in 2007-08, to the point where we have appointed a senior officer to lead on it, because we recognise it as a growing threat.

**Mr A Maginness:** A growing area.

In your estimation, how big is human trafficking for labour and servitude?

**Detective Chief Superintendent McComb:** That is probably the next challenge for us. We have focused on the sexual exploitation end of the human trafficking chain, but I think that labour exploitation is probably another area of business that we will have to look at. In that respect, we work with other agencies such as the Home Office's Border Agency, which is involved in immigration offences.

**Mr A Maginness:** We have been grappling with this for quite some time to get an understanding of the situation. An argument has been put forward that we should forget about the clause 6 aspect, because the situation in Northern Ireland is such that human trafficking for prostitution is not a big problem in any event and because it is inappropriate to criminalise the purchase of sexual services in the Bill. Have you a view, or are you neutral on that, Mr Harris?

**Assistant Chief Constable Harris:** As Roy set out, you have to look at human trafficking beyond Northern Ireland. Somebody may say that you do not have many instances of it in Northern Ireland and that you have 2% of the United Kingdom's problem. However, we still have 2%, which is, you would expect, proportionate to the scale of the problem. Therefore we are no better off than anywhere else in the United Kingdom, and we will be no better off than the rest of Ireland either.

It is a significant problem, given the scale of harm that such crime entails. It is like saying, "You don't have very many murders, so why do you get worried about them?". We have very serious crime, and people are being placed in these awful positions. It is incumbent on society to respond to that. We as a police service have been very active in responding to this over the past six years. We recognise it as the insidious and serious crime that it is and feel that we have responded appropriately. There is something around clause 6. It is the Assembly's decision, but, as a society, how do we respond to this new phenomenon? Six years ago, when Operation Pentameter was run in Northern Ireland, we could find no evidence of human trafficking. When it was run again, a year or 18 months later, we uncovered cases, and it has grown from then.

**Mr A Maginness:** That is very helpful. Chair, may I ask another question?

**The Chairperson:** Yes, by all means. Your colleague wants to come in next.

**Mr A Maginness:** Page 5 of your submission states:

*"Law enforcement activity to reduce demand for the product of organised crime has concentrated on public awareness rather than criminalisation. It is suggested that demand reduction is focused on awareness within the area of human trafficking."*

I could not understand that; I found it difficult to follow. Basically, you are saying that something to do with awareness is a better remedy than criminalisation. To my mind, that does not follow through. I am not persuaded by that. I think that to criminalise the purchase of sexual services is a huge deterrent. You do not want to be caught in that situation. Even if it is only a fine, as is the case in Sweden or places like that, you have the glare of publicity and are being revealed to family, friends and everybody else.

**Assistant Chief Constable Harris:** I go back to the earlier argument. We cannot be sure because, I think, to go to a prostitute in this society would bring public shame on you in any case, if it was found out. It is going to be a very public event if you are therefore prosecuted in the aftermath. I do not think that it is an either/or. I think that a lot of education is required around the harm that is prostitution. I note in other evidence that people have talked about the importance of education and awareness. Awareness is about people knowing what they are looking at, what seems odd, what it might be, and, therefore, obviously, reporting it to the police. The education relates to educating people on the reality of prostitution for the vast majority of people who are in that industry.

**Mr A Maginness:** Could we say "public awareness and criminalisation" and delete "rather than"? Is that a fair alternative?

**Assistant Chief Constable Harris:** It is a fair alternative. We have made this submission. We have also been aware of how the debate is continuing to develop and move on, and how it probably will continue to develop and move on. With the implementation of this, we will need to be aware of what happens next. Being here today, we can further expand on our views on that.

**Detective Chief Superintendent McComb:** The view that we have of organised crime is that it is a supply-and-demand product. For the most part, law enforcement is about tackling the supply end, which is the people who supply the product, whether that is drugs or, in this case, girls, or, sometimes, men, for prostitution. As a society, we have not often looked at the demand side to take away the enthusiasm of people to buy whatever product organised crime will want to sell you. That is why we wanted to look at the awareness. For a long time, we were engaging with people in communities and the NGO sector. There was not an acceptance that there was a human trafficking problem, so we needed to raise the understanding of it. That is why, as Mr Harris said, the fact that this conversation is going on serves the purpose that we are trying to achieve, which is to raise the public awareness of the fact that it is happening. Therefore, we can drive out the demand for it and, possibly, even shine a light on it.

**Mr McGlone:** I will be brief. I take you back to clause 6, because that is obviously where the question mark is. You added to that question mark in your comments, whether it was adeptly done or there was a basis for it, by referring to what the unintentional consequences might be. That was either an unintentional remark or a very intentional remark. If it was intentional, from my point of view, I would ask on what it is based. Is it based on experience of this type of legislation elsewhere? If so, what are the unintentional consequences of it?

**Assistant Chief Constable Harris:** We would be particularly concerned about individuals who, outside of organised crime groups, engage in prostitution. We are concerned about their protection, so that, in effect, they do not feel further ostracised or further removed from the police and could not come forward to get assistance. There have been studies about people moving elsewhere and this being displaced. We are an island and, I am not sure, but displacement may be a huge factor in this. Certainly, however, protecting those individuals engaged in prostitution who are vulnerable would be an important caveat in this. We want to be sure that we will still have lines of communication open to such individuals. We must be in the position from which we can protect them.

**Mr McGlone:** That brings us, if I am following your thought pattern, to the very point that some have made. Do you feel that clause 6 has the potential, for those outwith the organised crime groups, to drive this underground and therefore make it more difficult to realise and get evidence that you would require?

**Assistant Chief Constable Harris:** It is underground.

**Mr McGlone:** I mean further underground.

**Assistant Chief Constable Harris:** The criminalisation of the purchasing of sexual services may add a further impediment, and it can reasonably be anticipated that it may add a further impediment to individuals who are prosecuted coming forward to police to make complaints around serious matters or to provide information.

**Mr McGlone:** That is grand. That clarifies that.

The second bit concerns what you said about the evidential opportunities being limited. I listened carefully to what you said: the evidential opportunities were limited and it would potentially fall within a wider scope of investigation efforts. In other words, you are going in with a big hit about other aspects of organised crime, possibly including prostitution, and, as a bit of an add-on, you might scoop a few guys round the edges who had been there. That begs two questions. A considerable resource will be used to catch a couple of individuals in a criminal act, and they then appear in court where they are maybe fined a few hundred quid. They might have been scooped as part of a major effort, and that brings me back to the resource issue, which I put to you as well. You are obviously not going to put in a major undercover team, significant resources and surveillance to wind up bringing a couple of people, who have been commissioning sexual services or whatever, to court where they are fined a couple of hundred quid.

**Detective Chief Superintendent McComb:** That is one of the challenges that we would face. We have to decide how to use our finite resources against the most serious harm visited on society. As Mr Harris said, we may be faced with an option of investigating prostitution that involves a woman who wants to be involved for her own reasons but, should the legislation be passed, the purchase of that sexual service will be a criminal offence. If that is the option versus an investigation into an organised crime group that is trafficking women against their will, almost 100% of the time we will be focused on that high-end risk. Therefore, the resources are not going to be put towards investigating straightforward prostitution, where there is no element of trafficking and probably a significant element of consent from both parties.

**Mr McGlone:** Which, if I get the logic of where you are going, really brings us back to my point: it would scoop people at the edges as part of a wider catch-all operation against organised crime. However, that approach has the potential not just to scoop people but to drive prostitution and the flow of information from prostitutes to the police further underground. Am I interpreting that right?

**Assistant Chief Constable Harris:** In some ways, we are looking to the future regarding implemented legislation to try to anticipate the risks or what may reasonably happen. It would be a significant disadvantage to us to lose that contact. That has to be set against the wider message that society has sent out about prostitution and the wider message that sends to organised crime groups. That is a difficult judgement to make and a difficult thing to balance.

**Mr McGlone:** OK, thank you for that.

**Mr Lynch:** I think, Roy, you spoke about the importance of focusing on the large groups rather than where there is no evidence of trafficking and there is consent. How important is it to distinguish between consensual paid sex and those who are trafficked or coerced?

**Assistant Chief Constable Harris:** The reality will be that, given the priority we have to give to serious harm, the amount of organised crime work that we have, the scale of the evidential requirements and the operation that we would have to put in place, our effort, on the vast majority of occasions, will be predominantly directed towards organised crime groups.

**Mr Lynch:** I think you said that clause 6 could hamper evidence coming from sex workers or those being trafficked and break those lines of communication. Is that true?

**Detective Chief Superintendent McComb:** The activity is covert and clandestine for the most part at the moment, but there are opportunities for us to understand the picture, and that allows us investigative lines of enquiry. For instance, and it is a matter of public record, various websites are touted as escort sites. That is not fooling anybody about what "escort" means. If selling an escort service is synonymous with selling a sexual service, those websites would go underground or shut down overnight. That denies us an opportunity to understand the nature of the picture of prostitution in Northern Ireland, so there is one potential risk that we would have to consider.

**Mr Humphrey:** Thank you both very much for your presentation. Mr Harris, I very much agree with your assertion that prostitution is driven underground. If that were not the case, your organisation and police forces throughout this kingdom would have much more information and statistics around this issue than is the case. Do you agree?



**Assistant Chief Constable Harris:** Yes, it is clandestine in its type. One of the principal issues for us is that it is hidden from view and we become aware of it only through proactive investigation or complaint.

**Mr Humphrey:** I was part of the delegation that went to Sweden to look at this and discuss it with the Stockholm police. Would you also agree that we are dealing with sophisticated international criminals who, not just in this jurisdiction but throughout most of the European Union, are involved in this criminality, but, because of their sophistication, they are skilled at avoiding detection here in Northern Ireland and across Europe? If I was a cricketing umpire and clause 6 was introduced to take away the corridor of uncertainty, do you think that it would make it worse?

**Assistant Chief Constable Harris:** There is an international and national element for us in that we work closely with the National Crime Agency and on out into Europol. We have been involved in a joint investigation team, and there is lots of sophisticated law enforcement to be brought to bear. I am not sure what impact clause 6 will have on that international picture. Sweden undoubtedly still has prostitution, some of which is Internet-based and some of which is off-street.

**Detective Chief Superintendent McComb:** More often than not, those from an international background are involved in trafficking as opposed to prostitution on its own. So, it is towards the higher end of it, and they provide that level of sophistication and investigative challenge, not least because they are moving seamlessly across the European Union.

**Mr Humphrey:** That is the point: they are moving seamlessly across the European Union. I have made the point on a number of occasions to delegations that have made presentations to the Committee that we were told of people who were being used as prostitutes in Stockholm but phone calls were going directly to Bucharest because the young ladies were from Romania or other eastern European countries. Therefore, even when resource is put in of the magnitude that it is in Sweden, it is underground. You will not force it underground because it is already underground. They are sophisticated international criminals who are exploiting young ladies, in particular, in the most evil way. It is a judgement, and some people will have their own opinion on it. I and my party believe that it is our duty to protect the most vulnerable people in society, and that is what we are trying to do.

Northern Ireland has a history in the past 30 or 40 years of paramilitary activity, and criminality flows from those organisations. Have you any evidence of linkages between paramilitary organisations and that type of organised crime through trafficking and prostitution?

**Assistant Chief Constable Harris:** About a decade ago, there was some indication of the involvement of some paramilitary groups in prostitution, but, as Roy described, this now has an international element, and those groups just do not have the international reach. You need that international reach to intimidate and terrorise families back in their home countries. We were involved in Operation Describe in respect of phone calls being routed through to Budapest, and we have presented, on our part of that operation, to Europol and Interpol on our good practice. We believe that we are at the leading edge of enforcement activity around those OCGs, and we are very pleased to help our European partners on that. We have been involved, as you will be aware, in a joint investigation team with the Swedish on those very offences. We sit here not without hope. We have invested in the training of specialist officers and also in training the rest of the organisation on awareness and how to recognise that. We have also worked closely with our partners on that. Our ports officers and the UK Border Agency have received training on identifying telltale signs of human trafficking so that we and our partners at the airports and the seaports have an awareness of the signs to watch for. We have been successful in identifying people being moved under coercion.

**Mr Humphrey:** You said that Northern Ireland has 2% of the UK's problem on the issue. We represent about 3% of the UK's population. I take from that that you are saying that it is no better or worse than other parts of the kingdom. The difficulty in Northern Ireland is that it is an advantage to those who are involved in that sort of illicit behaviour that we have a land border with another European state. The Committee recently visited the Dáil and met the equivalent Committee there, where there seems to be all-party agreement to move forward on legislation on this issue. If the Republic moves to address this issue and puts legislation on statute and Northern Ireland does not, do you fear that that would create a soft underbelly for prostitution and human trafficking of prostitutes in Northern Ireland?

**Assistant Chief Constable Harris:** Organised crime groups are very adept at finding weaknesses in law enforcement, and one would anticipate that they would try to use that weakness. One has to

recognise that individuals who use prostitutes do not seem to travel far to do so. Whether there would be a lot of movement from the South into Northern Ireland would be hard to envisage, but we enjoy good cooperation with an Garda Síochána and we share intelligence. All that is written into an intergovernmental agreement of 2002, and we are very active with the guards in sharing criminal intelligence and in trying to identify criminal gangs that are operating across the whole island. We recognise that, from afar, the border can seem to be a point of advantage for an organised crime group.

**Mr Humphrey:** I am reassured to hear that there is good cooperation; that is vital and it will be particularly important if legislation does not follow here at a greater level.

Will the failure to implement completely the National Crime Agency (NCA) in Northern Ireland affect your operation in this matter? Given that it is not fully implemented, do you have the resources to deal with this problem?

**Assistant Chief Constable Harris:** There are a couple of elements around the National Crime Agency and, hopefully, its operation here. Obviously, there has been an issue about accountability and, hopefully, that can be resolved, but the practical impact for us is being felt. We can seize funds through the seizure of criminal assets proceedings, but the NCA is responsible for the seizure of civil assets through civil proceedings. Given that this and other organised crime group activity is all about the cash, that is an underbelly and a weakness for us.

Secondly, the NCA has already been a very active partner with our colleagues in England, Wales and Scotland. Where there is a big operation against an organised crime group, it has, in effect, lent officers to other forces so that there is a surge capacity with detective resources etc. That has been a great advantage.

**Mr Humphrey:** You cannot avail yourselves of that.

**Assistant Chief Constable Harris:** We cannot avail ourselves of that at the moment. That is significant.

**Mr Humphrey:** So, what Mr Maginness called the indigenous people who are involved in this industry or people who are trafficked in Northern Ireland are left more vulnerable because the National Crime Agency is not being fully implemented and you are not getting the resources that other forces on the mainland are getting.

**Assistant Chief Constable Harris:** At the beginning, those vulnerabilities would have been difficult to anticipate, but after five months without the National Crime Agency, we can start to see where cracks are opening up. We are very hopeful that we can get accountability issues resolved because we are missing out on the operational assistance that the NCA can bring.

**Mr Humphrey:** I presume that you have briefed the Justice Minister on this matter.

**Assistant Chief Constable Harris:** Yes, the Justice Minister is aware.

**Ms McCorley:** Go raibh maith agat, a Cathaoirleach. Thank you for the presentation. In your evidence, you said that most of the prostitution is by independent sex workers and not as much by people who are coerced.

**Assistant Chief Constable Harris:** Yes.

**Ms McCorley:** You also said that the deterrent value of the legislation would be minimal in that persons who use prostitutes do so in a clandestine way. Can you elaborate on that?

**Assistant Chief Constable Harris:** It is very hard for us to say what proportion of the industry involves organised crime groups and what proportion involves prostitutes acting individually. The bigger proportion, by far, is prostitutes who act, in effect, on their own.

As I said, Northern Ireland is not a society in which prostitution is commonplace or accepted. We have not been a society in which prostitution has been very open. We have not mirrored the situation in big conurbations in the Midlands where, for years, prostitution was going on very openly. The nature of

our society means that people who use prostitutes are already taking a significant risk with their reputation. It is very difficult to determine what further impact this will have on their behaviour. It might have some effect if there were prosecutions that were publicised, as they would be. Application of the law and successful prosecutions may have a deterrent value. Unfortunately, we have not had successful prosecutions of individuals who have used prostitutes who have been trafficked. Hopefully, we have resolved the situation with respect to statute limitation. Those offences were becoming statute-barred for a summary offence in the middle of what was a complicated prosecution which was to be taken forward on indictment. Therefore, the two timescales were not compatible.

**Ms McCorley:** I believe it is very important that the statute bar is lifted.

**Assistant Chief Constable Harris:** Yes, we see that as being very important in clamping down on human trafficking and we are very pleased that it will soon be resolved. We have to say that this has been a developing picture over the past five years, and we have begun almost from a standing start. As our learning has developed, so has the legislation. That is why, as I said, we welcome this debate. It is part of the wider debate that society needs to have about our attitudes to prostitution and vulnerability, particularly the vulnerability of the men and women who are engaged in the industry.

**Ms McCorley:** As you know, we have heard a lot of evidence, and, as you said, this has become a much wider debate. That is a good thing, because this is a very complex issue. It is complicated, and there are so many aspects to it.

This is a Human Trafficking Bill, and human trafficking, by its nature, involves coercion and force. When we said to people we have heard from that there are laws in place making it a crime to use someone for sex if that person is coerced, if abuse is involved or if they are under age, they told us that there have been no prosecutions, that the law has not been effective and that it has not resulted in reducing human trafficking. They are saying that this law is required in order to make prosecutions more common. Do you think that that is the case? If this law is introduced, it might bring in people who are doing this in a relatively open way. I do not know how openly people do it, but, if they are doing it openly, they, obviously, will become secretive about it. Is this law likely to deter people who are coercing others?

**Detective Chief Superintendent McComb:** As Mr Humphrey said, this is a clandestine activity. In our experience, people do not advertise the fact that they visit brothels or go to a single-person prostitute. Mr Harris mentioned the moral impact on them. If someone were arrested or prosecuted for this, they would be exposed to public understanding, which, undoubtedly, would have an impact on them. If they are being exposed to visiting a brothel now and are not prosecuted, that can be just as powerful because of the social stigma that we think is attached to visiting a prostitute.

There have been prosecutions for trafficking for sexual exploitation. In the course of one of our investigations, which took a considerable period of time because of its international complexity, we visited six men who had visited girls who had been trafficked. We interviewed them and put papers to the prosecution service, only to discover that, unfortunately, the statute was limited to six months from the date of their visit to the girls. That is a lesson for us and we are pleased to see that the legislation will hopefully change.

We have brought prosecutions forward for trafficking for sexual exploitation. As far as the impact is concerned, we know, from our most recent investigation, our reach and our ability to engage with our European partners especially. The crime groups have probably not really appreciated our capability to reach into other European communities to take them on. This is a global problem, not an Irish problem or a British problem. We are simply one of hundreds of destinations that people go to; so there is a necessity to take forward the investigation of human trafficking on a global basis.

**Ms McCorley:** You have outlined how that is the focus of how you operate, that you are after the criminal gangs and are taking an international view on it. Do you think that clause 6 would make any significant difference to that?

**Detective Chief Superintendent McComb:** Clause 6 is targeted at the people who buy the service as opposed to those who are trafficking people; but it would be wrong to say that there is not a connection between one and the other. It is a service that is being delivered because there is a demand for it. If clause 6 has a positive impact, in so far as it reduces the number of people buying the service because they do not want to be at risk of being prosecuted, and therefore reduces the demand side, then that will have an impact on the supply side, if that makes sense to you. If it has the

effect of driving out a number of people who would otherwise, at this point, visit a brothel or use a prostitute, but who will not do so because they could be prosecuted, then that will have an impact on the supply and demand sides. Organised crime is fleet of foot. It seeks out profit where there is least risk. If there is a risk of being caught and prosecuted, people will move into something else; so, it may be positive in driving out and having an impact on the business, but we will not actually know that until we roll the dice.

**Ms McCorley:** Can you say something more about your investigative difficulties. In Sweden, we heard that they would not be able to get prosecutions if they did not have access to wire tapping.

**Detective Chief Superintendent McComb:** At one end of the extreme there are organised crime groups; at the other end there is consensual prostitution, where adults, male and female, agree to participate in a sexual act. At one end, the level of risk is quite low; at the other end, it is quite high. The seriousness of the criminality allows us to engage different legislative tools and less covert means. When you move towards the lower end, where it is consensual between a woman and a man, where a woman decides to be a prostitute for her own reasons and there is no threat, violence or force and it is an independent, conscious decision, then she has not broken any law at that point. If she offers herself to a man for sexual services, that is a consensual agreement between two adults. If this law is passed, then the purchaser of the sex will be committing a criminal offence. For us to use covert means, we need to reach certain thresholds, and this scenario may not allow us to do that. Gathering evidence could involve us trying to find evidence of a consensual agreement between an adult female and an adult male in the privacy of a hotel bedroom. Trying to do that raises all manner of difficulties for us regarding the Human Rights Act.

**Assistant Chief Constable Harris:** Briefly, as far as the legislation is concerned, before you can use the most intrusive means of surveillance, the offence you are directed against must be one in which a person over the age of 21 on first conviction is likely to be sentenced to more than three years imprisonment. That is a high threshold and, obviously, the offence, as indicated at the moment, attracts only a one-year sentence at maximum. That is why, in practice, and with all the investigative tools we might wish to use — and a lot of them would be around surveillance — we would act and look towards investigations into serious harm, where there were offences in respect of human trafficking, rape, serious sexual assault, grievous bodily harm and those sorts of offences.

**Ms McCorley:** Do you see difficulties in trying to get proof of purchase?

**Detective Chief Superintendent McComb:** In one scenario, a girl is voluntarily putting herself forward as a prostitute. In some scenarios, people may put themselves forward almost as a business enterprise. Although they will have committed no crime, the person buying the service from them will have committed a criminal offence. So, we may be asking a person, who has voluntarily offered themselves, to give evidence against their client. I foresee some real challenges with there being an unwillingness to do that.

A lot of the business we are talking about is built on reputation. Some websites allow people to review the service they got. You can just imagine, from an economic, business point of view, that people will not want to put themselves forward and then have their clients say, "I went to this person, but she then gave evidence to the police about the deal she offered." We see some difficulty; and this is even before you get into the use of the covert, highly intrusive and very expensive investigative techniques that we would want use for other more serious crimes.

**The Chairperson:** Thank you. Before I bring in Mr Dickson, I want to comment on a couple of things raised. I take notes and think, "I want to follow that up." There are more questions coming in as we hear the evidence. Is the threshold for covert surveillance, in which the person has to be over 21 and facing three years' imprisonment, necessary if you suspect that the victim has been trafficked?

**Detective Chief Superintendent McComb:** If you are investigating a crime of human trafficking, the criminality has to meet that threshold, which is applied under the Regulation of Investigatory Powers Act.

**Assistant Chief Constable Harris:** That is for intrusive surveillance. It is a specific form of intelligence within the Regulation of Investigatory Powers Act 2000 (RIPA). However, OCGs breach these thresholds because of the seriousness of the crimes they are engaged in. If you go outside the OCGs and to the single actors in prostitution, you will not breach that high-end surveillance

requirement. You may be able to mount surveillance, but it may not be all that you need in for an evidential outcome.

**The Chairperson:** I understand that the Swedish system is different in the sense that the prosecution service seems to be very much involved in directing investigations. I understand that there are differences in how they can get over the line with respect to wire-tapping and those types of processes. However, they say that European human rights legislation applies to them as much as it does to Northern Ireland. We asked them questions such as "How do you overcome this?". The prosecutor who leads a lot of the investigations could not understand why it was even being raised as an issue and why it was difficult in Northern Ireland. They have the same human rights —

**Detective Chief Superintendent McComb:** At times, it is the legislation that has to comply with human rights that can create a challenge.

**Assistant Chief Constable Harris:** The European Convention is the same. The legislation that flowed from the Human Rights Act is very much UK-based.

**The Chairperson:** I do not know whether you said "minimal impact" in your presentation. I think it was unquantified and that you are not quite sure what the deterrent value would be to the ordinary person who uses a prostitute. The Swedish police service said — and I have no reason to suggest why they would tell me different — that the deterrent value in clause 6 would reduce things by approximately half. That was the deterrent value that allowed them to put their resources into the harder cases. The deterrent value would reduce it by about half. Why would we not have that same kind of deterrent value?

**Assistant Chief Constable Harris:** We hope to have a deterrent value, but I am not sure that I would be able to quantify it. We are a different place. Their legislation was introduced in 1999, and I believe that the particular problem then was on-street prostitution, which was very visible in their city centre. There, as well as here, the character of prostitution and how it is made available has moved on in that it is now internet-based and off-street. The overall deterrent value may have changed.

We hope that it would have a significant deterrent value, because prostitution, in itself, can encourage, or be connected to, other forms of criminality, particularly for organised crime groups. We find ourselves walking a narrow line around organised crime groups, serious harm, public nuisance and public well-being but also the vulnerability of those who engage in prostitution as single actors. So, there is a difficult and narrow line for us to operate on. Clause 6 in particular may change some of that relationship. We hope it will be a deterrent, but it is hard to quantify how much of a deterrent it will be.

**The Chairperson:** Mr McComb, you said that one of the unintended consequences may be that internet sites will shut down. The Swedish police showed us how they track people through the internet sites, and they have had the law for quite a number of years. If the law in Sweden did not result in internet sites shutting down, why would it have that impact here?

Finally, they indicated that evidence from the victims was very useful. It is not just clause 6 in isolation: there is also the decriminalisation of the prostitute. Those two, hand in hand, meant that the evidence was more forthcoming from victims. Maybe, you could touch on the internet and victims.

**Detective Chief Superintendent McComb:** With respect to victims, you are talking about human trafficking, which is clearly a matter on which we want to focus our efforts. We are talking about the circumstances in which people are acting as prostitutes voluntarily. Who is the victim then? Potentially, we do not have a victim in such circumstances, because it is a consensual act. There has to be willingness from that person to cooperate, and I am not so sure that we are going to get the required level of cooperation.

If someone is running an escort website, which everybody knows is for the purpose of engaging in a sexual sale, and you make buying that service illegal, there is a risk that such sites will be put off the market or will become part of the dark web, which is that part of the web that is harder to get to and where you need to be more enthused to get to. That is a judgement we have to make. As this legislation has not been passed, we do not know what its impact will be: all we have to go on is professional judgement.

**Assistant Chief Constable Harris:** It is hard to quantify, because Sweden still has a lot of sites offering escort-type services. The websites are also an area of investigation for us. We do not know what the impact will be regarding websites coming down.

**The Chairperson:** The evidence coming forward is that human trafficking victims have been put into sexual servitude, but that the vast majority of women involved in prostitution did not have a choice: they came from broken homes, they had a drug problem, they had an alcohol problem, they had mental problems. Those people may not have been trafficked into Northern Ireland and they may not be being trafficked internally in Northern Ireland, but they are almost exclusively vulnerable adults who have issues. Are they really consenting adults?

**Detective Chief Superintendent McComb:** I accept that there is a spectrum of people on that side of the consensual element: there are people with vulnerabilities. We absolutely accept that, and we are clear that we have an obligation to protect them. Our experience so far is that there are a number of people who we have spoken to who are making a lifestyle choice. They are making a choice for reasons that many of us may find difficult to believe, and they are there because they want to be involved in that activity. There are people who we have spoken to who are using it as a means to make a living, pay for a university course or pay off debts. There is a variety of legitimate reasons why people want to do it. I accept that by the nature of the business there will be people involved who have vulnerabilities, such as the ones you mentioned.

**The Chairperson:** This is my final, final point. This is a question for legislators, so it may be unfair to ask you, but should we be, as the Human Rights Commission said, protecting the rights of the minority who are being kept in sexual servitude at the expense of the majority's freedom?

**Detective Chief Superintendent McComb:** If someone is being held against their will and is being asked to participate as some sort of a sex slave, there is a duty on a decent society to do all it can to protect them.

**Mr Dickson:** Thank you for coming along and for helping us with what is a very difficult and complex situation to understand and work around. I want to look first at the situation of individuals who are trafficked for sexual services. You have clearly set out for us the scenario in which it tends to be a bigger police operation for you than it would be if simple sexual services were being delivered. When you carry out such operations, you would enter premises. If, for the sake of discussion, women are present who are clearly distressed — and it would be what any reasonable person would consider to be a horrible situation — are your officers trained to presume that those women have been trafficked? Is there a presumption that they have been trafficked and that, therefore, until you can prove otherwise, they would be provided with the appropriate services given to those who have been trafficked?

**Detective Chief Superintendent McComb:** The short answer is yes. When the officers whom I have the privilege to lead are used for these types of operations, they will have been trained to understand the signs, images and presentation of people who have been trafficked. However, those are simply indicators. They are not, of themselves, evidence. Officers are trained to try to build up a person's trust. We conduct ourselves in such a way that we try to separate people into individual rooms so that they are not being spoken to in the presence of somebody who may be the trafficker or controlling force. We try to separate people so that we can have a conversation to try to understand who is who in that situation.

**Mr Dickson:** Are they treated with appropriate sensitivity? How quickly would you have someone who could translate for you so that you are not screaming at them in English when they have very poor English skills?

**Detective Chief Superintendent McComb:** I would hope that we would never scream at anybody. When we lead intelligence-led investigations, we often go into those environments with a level of understanding about who is likely to be there and the language that they may be speaking. Part of our planning exercise, when we have the opportunity to plan as opposed to having to react quickly, is to have all those agencies available to us as soon as possible. The Police Service is able to have an on-call telephone translation service. We can literally put somebody on a telephone in the middle of the hotel room, bedroom, flat or wherever it might be.

**Mr Dickson:** To what extent is the current failure to have access to the NCA hampering your efforts? I appreciate that you have good cooperation across a wide range of organisations and agencies. Is there a particular point that either frustrates your opportunities or means that you have to do time-consuming circumventions?

**Detective Chief Superintendent McComb:** To reflect what Mr Harris said, there is an invisible barrier, which is the border with Northern Ireland. The NCA can lead, and in fact has led, international investigations, not specifically in respect of human trafficking but in other matters, in which it has had absolute control and primacy. The moment that that investigation comes into Northern Ireland, the PSNI has to pick up what would be an NCA-led investigation. In the same situation, in England, Wales and indeed Scotland, the NCA would simply carry that through. If our job is to protect the vulnerable and take away the really serious criminals, we do not really have an option to say, "Well, you have brought it this far, but we cannot really help you. You are on your own." We are professionally, but not legally, obliged to pick up the investigation and say, "We will take it from here". That enables us to carry on and do the right thing. However, we have to make a judgement and say that other parts of our business would have to be put into some abeyance for a period. There are practical issues that we see when international investigations have to be supported in Northern Ireland, whereas in England, Scotland and Wales they are simply carried on by the NCA.

**Mr Dickson:** I understand that there are plans to extend the statute-bar period to allow for prosecutions. Is that something that you welcome? What are the practical outworkings of that for you?

**Detective Chief Superintendent McComb:** Yes. We raised that with the Department. With one mind, we thought that it was something that we would like to see fixed. The nature of our investigations into organised crime and human trafficking and exploitation are often not quick operations. They take a period of time. Our focus is on rescuing victims, so the individual who has visited a trafficked victim and has bought a sexual service from them is down the pecking order, as it were, in what we are trying to achieve. We are after the organised crime group. Unfortunately, on the six occasions that we went looking — when we visited six men — in the one operation, it appeared that the legislation did not enable us to do that. We wanted to investigate and bring prosecutions against six people who had been involved in the abuse of trafficked victims, but we were unable to do so because the legislation limited the time.

**Mr Dickson:** Turning to the experience that the Committee had in visiting Sweden, we looked at the model that the police deploy in dealing with these matters. You said that phone tapping and Internet interception comes at a high level in the criminal offence being undertaken. The little piece of video that we saw of an operation was very much a low-level — consensual, if you like — activity. There was no court intervention and no authority given other than that at police superintendent level, which is the level at which the law in Sweden permits interference with telephone communications. That went on to include the placing of — I suppose that you would call them — microphones on the walls of the adjoining room. You obviously have to get to the point where the consensual act takes place, because conversation is not illegal, nor is sitting on a bed beside somebody.

What effect would that have on the resources of the PSNI were that to be what society would demand of you if we were to implement clause 6 in full?

**Assistant Chief Constable Harris:** That which you described as taking place in Sweden is not possible within the present legal framework for how we operate. Under our legislation, it would be classed as intrusive surveillance. Both Roy and I have emphasised that our focus would be on organised crime groups and serious harm, because that allows us all the legislative implements that we can bring to bear for all the tactics that we might wish to apply.

**Mr Dickson:** In the PSNI submission to the Committee, you said in the final paragraph:

*"The criminalisation of paying for the sexual services of a person is not supported at this time. It is suggested that further research is conducted into the prostitution environment in Northern Ireland and this may involve wide-ranging prostitution legislation. The support of persons involved in prostitution is also a concern and this legislation does not assist in such support."*

Is that still the view of the PSNI?

**Assistant Chief Constable Harris:** I think that I have given a more nuanced view. We have discussed this as a command team, and I am representing the views of the Chief Constable when giving the more nuanced view in respect of the application of clause 6. As I said, I can see issues around deterrence, where it would be a deterrent to prosecute somebody as a result of an operation in an organised crime group, but we are also concerned about the flow of information and driving other prostitutes away from the Police Service, both in providing information and seeking assistance from the police.

**Mr Dickson:** And on that basis — I am potentially not disagreeing with you on the serious crime side of the discussion — are you saying to us that, in fact, clause 6 as it is currently written does not achieve all your objectives or is too broad in its concept and that perhaps we should look at how it can be reworded to put more focus on organised crime?

**Assistant Chief Constable Harris:** With the legislation that we have, and the statute-barred element repaired, you have a focus directly on individuals who have been trafficked for the purpose of prostitution. That then catches a further group where we would be involved: organised crime gangs that are using prostitutes to make money where we are not able to illustrate or prove the trafficking portion of it. We have instances where individual women have been trafficked and controlled by other women who, at times, have acted as prostitutes as well. So, as part of the controlling function, if the demand is there, they also act as a prostitute. That would be where, again, we would wish to use this legislation to bring a further prosecution against an individual who used that woman as a prostitute.

**The Chairperson:** It is worth trying to bottom out exactly your position, because the public will want to know very simply whether you are for it or against it. I want to try to encapsulate exactly where you are. My reading of it is that you have moved on from what the submission states because you have looked at it as a command team. You have been listening to the debate and the evidence coming forward in that debate. It is now at a position where you do not oppose clause 6 but there is qualified support for it. Is that right?

**Assistant Chief Constable Harris:** There is qualified support in that there are impacts that are hard to determine at this stage. There could be positive impacts that, again, are hard to determine now. If we were able to bring prosecutions and this was a substantial deterrent to individuals who want to use prostitutes, that would be a public good for this society.

**Mr Wells:** I am interested in your definition and description of the prostitution industry. For some reason, documents on this issue keep falling into my pigeonhole without any indication of where they came from, anonymously, and, yet again, another load from the police and the Department of Justice has come in. I think that it is worth refreshing your mind as to what your view on this is.

On 25 October, Philip Marshall — via the PSNI, of course — was asked for his view on what constituted the prostitution industry in Northern Ireland. He said that he had a number of key points, one of which was that he believes that 1% to 2% of the women involved in prostitution in Northern Ireland are there by choice. That figure is somewhat at odds with the idea of this being a consensual, happy career choice of women who are doing it voluntarily; he says that 1% to 2% are there by choice. He said that, of the women contacted by the Belfast Commercial Sex Workers Service, 87% had suffered depression, 19% had attempted suicide, 87% had been physically assaulted, 40% had been raped and 55% had experienced homelessness. That paints a rather different picture to me from that in your original paper that the majority of prostitutes in Northern Ireland are career women who had made their choice and are content with their lot. If they are, it is a pretty awful lot. Those are not my words, those are Philip Marshall's words, and there is more. Would you like a bit more? In a paper published by the Department of Justice — again, this was dropped into my pigeonhole — called 'Reducing Offending Among Women: 2013-2016', it says, and this is again about prostitution:

*"Women become involved in prostitution for a variety of reasons. Some enter through personal choice, others feel driven to it out of desperation for money, typically to provide for their family or an addiction ... Some are trafficked, either within Northern Ireland or into Northern Ireland from another jurisdiction. Most are controlled or exploited by a male partner or 'pimp'."*

Again, that is not a glowing reference for the industry in Northern Ireland. If that is the case, are we not dealing with a large number of vulnerable women who really have no choice at all?

**Assistant Chief Constable Harris:** I do not move away from what those documents have said. I have highlighted in my answers and my evidence that we are concerned that all these women are on



a continuum of vulnerability, from grave danger through to danger of assault, sexual assault and rape, as highlighted in those statistics. That is why there may be a benefit in this in the deterrent that it may offer and the signal that the Assembly sets out of society's abhorrence at the vulnerability and the abuse of vulnerable people for prostitution.

**Mr Wells:** If 99% of them are there because they do not want to be there, those women find themselves in a very difficult position. Also, the seventeenth, eighteenth and twenty-first Independent Monitoring Commission (IMC) reports found that dissident republicans were involved in organised prostitution in Northern Ireland. Do you stand over those reports?

**Assistant Chief Constable Harris:** I would not contradict those reports, but there is no information at this time that I am aware of to suggest that dissident republican groups are involved in prostitution, and certainly —

**Detective Chief Superintendent McComb:** Sorry to interrupt. What is the latest date for the time periods for the twenty-first report?

**Mr Wells:** That, again, was dropped into my pigeonhole. I do not know the dates but the twenty-first must be quite recent.

**Assistant Chief Constable Harris:** 2010 or 2011.

**Detective Chief Superintendent McComb:** The question was about the role of paramilitaries. We have seen the smallest number of people involved, but they have been displaced rapidly. In fact, in one instance, we had people in organised crime more generally where prostitution, as opposed to trafficking, was just one element. What started out with this particular group having an element of foreign nationals supporting them as the muscle quickly became inverted and the paramilitary group became the muscle on behalf of the organised crime group, which was led by foreign nationals. So, they were displaced by foreign national groups but, again, that is historical.

**Mr Wells:** It must be a great comfort to the women who are locked in various apartments in Northern Ireland and being abused for sexual services that a different cohort of victimisers is in charge of their destiny; it is still a very worrying situation. A report published by the DOJ, in 2011, stated that 85% of men in Northern Ireland would change their behaviour if there was a risk of a conviction under the equivalent of what has now become clause 6. I put it to you that, particularly in rural communities, if there was someone of standing in the community and a tiny column in the paper said that Mr Smith had been convicted — and fined only £100 — because he was caught in a brothel, the shame of that in a Northern Ireland context who have a hugely deterrent effect.

**Detective Chief Superintendent McComb:** I think that we have said that. We accept that there is a social stigma in Northern Ireland. Notwithstanding how the law stands even at the moment, if people are identified as having visited a brothel when there is no criminal offence involved, we accept the fact that that has a huge impact on them in society.

**Mr Wells:** I would not, obviously, but if I visited a brothel today and I walked out, under the present legislation, there is nothing you can do to me.

**Assistant Chief Constable Harris:** No, you have not committed any offence.

**Mr Wells:** Therefore, my name will not appear in the paper. But if you then stopped me and said, "Mr Wells, we have just seen you coming out of that brothel. We are fining you £100. We are taking you back to your wife", I would only do it the once, I can tell you. I would only do it the once. If I then appeared in the paper, that would be a big deterrent.

**Detective Chief Superintendent McComb:** We did visit people using the 2009 legislation, not intending to cause domestic catastrophe, but I can imagine that that was the outworkings of it — one of those unintended consequences. We did knock the doors of six men and had those conversations. That did not lead to a prosecution, but I would be not at all surprised if, as a consequence of that, the follow-on conversations were far more difficult than the conversations that we had with those people at the door.

**Mr Wells:** If you knew my wife, I would say that it would be a very difficult conversation.

**Detective Chief Superintendent McComb:** Absolutely, and we accept the fact that there is that deterrent value, and we accepted that in the evidence.

**Mr Wells:** That leads on to the issue of the Swedes. I hope that you have been on the plane. I do not normally support the police going off on foreign trips, but this is one that you should make. The Swedes — we spent a very interesting day with them — told us that their stats indicated that the demand from Swedish men for prostitutes' services had halved. That is against a backdrop of countries such as Germany and the Netherlands, where it has rocketed. Therefore, the impact has been more than that.

**Detective Chief Superintendent McComb:** I certainly have not been to Sweden, nor has Mr Harris, in respect of this legislation, but we have conducted a joint investigation with the Swedish police. So, I have had investigators embedded in Sweden for considerable periods. If you will allow me to present it as second-hand evidence from them, I will say that their experience is different. Their experience is not that it has had that positive impact but that there is still a significant prostitution problem in Sweden. More so, there is still a significant human trafficking problem in Sweden. It is not the on-street prostitution. It is off-street, more clandestine and more sinister in so far as human trafficking is concerned. As for that being second-hand information, those were my detectives and senior investigating officers having those conversation with their counterparts in the middle of an investigation that was focused on human trafficking.

**Mr Wells:** I do not think that anyone who supports clause 6 is saying that it will wipe out prostitution in Northern Ireland. I think that we accept that. However, the Swedes have measured their performance against that of somewhere like Germany, where the line on the graph has gone sky high. In other words, the growth there would have been stopped.

They told us another very interesting statistic, which was that the reoffending rate was amazingly small among the hundreds and hundreds of men — the vast majority are men — who had been intercepted, taken back to their wife and fined and seen their name appear in the paper. That indicates that the shame of what they had done clearly registered. So, they did not find that the same customers were coming back time and time again.

**Detective Chief Superintendent McComb:** The social stigma today of visiting a brothel, where there is no criminality, is, I think, significant in Northern Ireland. If it were publicly recognised that Jim Wells visited a brothel, the social stigma would be huge. I absolutely accept that.

**Mr Wells:** He would also be an ex-MLA. *[Laughter.]*

**Detective Chief Superintendent McComb:** The additionality of Jim Wells being exposed and prosecuted would add to that. We accept that, but —

**Mr Wells:** That is useful. Unless the Swedish prosecutors, social services and police are telling us porkies, I have to say that their evidence, like the evidence from other countries that did this such as Iceland, indicates that it suppresses demand, but it does not wipe it out, and no one is pretending that it will.

**Detective Chief Superintendent McComb:** We express a caution that you have to compare like with like in respect of legal systems, societal attitudes, social pressures, the prosecution service, the attitude of the prosecutors, the evidential issues, the evidential processes and the investigative processes. Those things have to be seen in the mix.

**Mr Wells:** There is an argument going round that you cannot — I think that this is the word — conflate prostitution with trafficking. Why, in July 2011, did Douglas Grant, who is a senior police officer — I do not know the gentleman; he is known as Dougie apparently, but I think that his proper name is Douglas — decided to merge the trafficking and prostitution units within the PSNI? Why was that done?

**Detective Chief Superintendent McComb:** For a start, he did not; I did.

**Mr Wells:** Oh right. Sorry about that. He announced it. He took the credit.

**Detective Chief Superintendent McComb:** At that point, Dougie was the, what we call, service lead. He is one of my detective chief inspectors at this time. We did not have a standing prostitution unit. We had quite a small cadre of people who had experience of human trafficking. Recognising that it was an emerging and increasingly difficult issue and that there are overlaps between human trafficking and prostitution, I merged the concept and the service lead issues and called it "human exploitation", because there are two elements to it. So there is an overlap, but one is not synonymous with the other.

**Mr Wells:** But it is interesting that you made that decision because you could see a very clear overlap between prostitution and trafficking.

**Detective Chief Superintendent McComb:** I accept that. Absolutely.

**Mr Wells:** So those who say that you should not link the two are, frankly, talking through their hat.

**Detective Chief Superintendent McComb:** Well, no. We do not support the idea that there is no link. What we do say is that there is no absolute link. One is not a mirror image of the other. You can have human trafficking that is not at all linked to the sex trade, and you can have the sex trade that is not at all linked to the human trafficking trade.

**Mr Wells:** You have tended to add some weight to the argument that criminalisation drives it further underground. Yet, interestingly, again, the Nordic countries have not suggested that that is a problem. If someone who needs to make contact with the provider of sexual services can do so through the Internet, why can the police not make the same contacts? If you arrive in a town and want to acquire the services of a prostitute, by its very nature, you have to have access to the information to obtain those services.

**Detective Chief Superintendent McComb:** Take the scenario of buying drugs: you cannot just look up the Yellow Pages and order drugs. The reason for that is that it is a criminal act. If it were not a criminal act, you would see ads in the Yellow Pages and websites popping up. If you reverse that and make something a criminal act — it is not unreasonable to think that something that is not a crime today will be a crime tomorrow — it becomes much more difficult to access that information.

**Mr Wells:** Yet, the Swedes apparently had no problem whatsoever.

**Detective Chief Superintendent McComb:** I revert back to the point about whether there are absolute parallels between the Swedish justice system and societal system and the Northern Ireland systems.

**Mr Wells:** The French took a look at the Swedish system, and they are going down exactly the same route. It is strange that very different countries with different systems have all looked at the Nordic model and thought, "There is something going on here". I accept your point, but I would have thought that the difference between drugs and prostitution is that, with prostitution, you are talking about human beings who have to be accessed. That is rather more difficult than a small packet of powder being slipped between one person and another. I would have thought that you would have the ingenuity, as policemen, to track down the prostitutes using *[Inaudible.]*

**Assistant Chief Constable Harris:** Part of the fear that we are expressing is on the vulnerability therein. Will they report crimes to the police in the overall climate of clause 6 being in place? Will they report assaults or sexual assault? We want to make sure that we keep an avenue open for that and that they do not feel that we will just be focused on the criminality of the individuals who used them as a prostitute.

**Mr Wells:** But if you make the buyer the criminal, why would that make the person who is being abused less likely to report crime?

**Assistant Chief Constable Harris:** That is what has been represented to us in correspondence.

**Mr Wells:** Yes, and I am coming to that. You quoted it, and I am extremely worried about who you quoted. You said that you were in correspondence with Ugly Mugs and Escort Ireland.

**Assistant Chief Constable Harris:** They sent me a letter.

**Mr Wells:** Do you know what Escort Ireland is?

**Assistant Chief Constable Harris:** Yes, I do.

**Mr Wells:** It is the largest prostitution website, run by Peter McCormick and Mark McCormick, in Ireland. I will say it again — Peter McCormick and Mark McCormick. They have both been prosecuted and convicted, and they are both perfectly open about what they do. They have 400 women being trafficked internally on the island of Ireland weekly, and that includes Northern Ireland. As we speak, 45 of those women are in Northern Ireland. They are being trafficked around. I hope that you followed the line of questioning I made to the Ugly Mugs representative, Lucy Smith. Ugly Mugs is quite clearly the front spokesman for that organisation. There is no question about it. Why are you regarding what they are telling you as anything but the voice of the industry, and they would say that, would they not?

**Assistant Chief Constable Harris:** They would say that, would they not, but then you yourself have quoted to me the statistics on the vulnerability of prostitutes, and that is our concern. Throughout our evidence, I have highlighted the fact that our concern is around the vulnerability of those individuals. As I said, they are on a continuum of vulnerability to very grave danger. They are in danger of being attacked, physically assaulted or sexually assaulted, and we want to be sure that they know that, if they come to the Police Service, we will respond properly in protecting them and investigating those offences.

**Mr Wells:** I think that that is important, but if you take your steer from a front organisation that is funded by the prostitution industry, I think, it is clearly very tainted evidence.

**Detective Chief Superintendent McComb:** I am not sure that we are taking our steer from them. We make our own judgements.

**Mr Wells:** You quoted them several times in your earlier evidence.

**Detective Chief Superintendent McComb:** Certainly not consciously. I have not met them.

**Assistant Chief Constable Harris:** I think that we quoted the correspondence that was provided to us once. Ugly Mugs does exist elsewhere and is used by Merseyside Police as a conduit to prostitutes in its policing area. That was as a consequence of the murder of a prostitute. We have to bear in mind the lessons and awful experience there has been, both in Merseyside and Ipswich, of the murder of prostitutes, and the need to be able to keep a route of communication open with that vulnerable group of people.

Our position has changed. I think that it has become more nuanced, but we cannot know all of the impact of the provision of the legislation. If it is the deterrent that is described in Sweden, that will be a public good, as I have already said, but we just want to be mindful of the consequences as well, if there are any consequences.

**Mr Wells:** It is worth saying, on that letter you received, that none of those people is from Northern Ireland. Equally, I must make it very clear that the Laura Lee lady has admitted to this Committee that her International Union of Sex Workers includes the largest pimp in the north-west of England, Douglas Fox. So, you must always treat the evidence from so-called prostitutes' collective groups with extreme suspicion. You would be better to speak to prostitutes individually when they are not being coerced by their pimps and their controllers, rather than to the so-called groups, which are clearly front people. The pimps cannot come here and give us opinions, obviously.

**Assistant Chief Constable Harris:** We have experience of prostitutes being in a position of vulnerability and being subject to crime. That is the reality of our policing experience.

**Mr Wells:** May I say that I welcome the different nuances that you have and the stance that you are taking on clause 6? You have moved from a position of outright opposition to one where you can see some benefit from it, even though you still have some concerns about what you might see in the outworkings. That is a major step forward. It is interesting that the two organisations in Northern

Ireland that are directly involved in the care of prostitutes, including Women's Aid, are very strongly in favour of clause 6.

**Assistant Chief Constable Harris:** I have taken notice of their evidence as well, and I respect it. The evidence from the Committee has provided us with further information on which we can make judgements. It would be foolish for us to have adopted a position six months ago and to have stuck fast to it, especially in the light of emerging evidence and a more thorough understanding of what happens in Sweden. However, I will point out that there is a caution, in that police officers are naturally cautious about what the unintended consequences might be.

**Mr Wells:** I think that it is a very welcome move, and it shows the benefit of the Committee system and of people listening in to hearings. I am certain that the Committee can give some consideration to allaying your fears. I see it as a major step forward in the protection of vulnerable women in Northern Ireland.

**Detective Chief Superintendent McComb:** Just to drive it home, let me reiterate a point that I made earlier. Organised crime is about making money and is driven by supply and demand. If one of the consequences of the Bill, particularly clause 6, is to have that 85% of men who today visit a brothel or a prostitute determine that they would not then visit them, it changes the supply-and-demand nexus, and organised crime will react to that. This is only a hypothesis, but if that 85% of people who today use a brothel or a prostitute determine that they will not do that today or tomorrow for fear of being prosecuted, it changes the supply-and-demand nexus and will have an impact on organised crime generally.

**Mr Humphrey:** That is not an excuse not to do it.

**The Chairperson:** It is the opposite.

**Assistant Chief Constable Harris:** It is the reason to do it.

**Detective Chief Superintendent McComb:** Absolutely, and I thought that I made that clear. That is the point that I am making. If the Bill passes and it has that effect, we will be the first people to say "Hallelujah", because we are in the business of protecting vulnerable people.

**The Chairperson:** Amen.

**Mr Wells:** It is worth saying that, in the Twittersphere and on the Internet, huge insults are being thrown at members of this Committee and at Lord Morrow because there is a fear in the industry that, if we go down this line, the Republic might do so and eventually the rest of the UK as well. The industry will then react by moving somewhere else. That is what happened in Sweden; it moved across the border to Denmark. However, we have no control outside Northern Ireland, and we have to do what is best for our people. So, the industry clearly sees the writing on the wall with this legislation. People in the industry are not sitting there saying that this is going to have no impact on prostitution; they are extremely worried. That is where we all want to get to: less organised crime and fewer vulnerable women locked in rooms being abused, even as we speak.

**Mr Elliott:** Thank you very much, and I apologise for missing the start of your presentation. I have a couple of questions, but if you have dealt with some of them, please tell me. You mentioned the percentage of prostitutes in Northern Ireland that are trafficked. Can you remind me of that percentage?

**Assistant Chief Constable Harris:** No, we are not able to give such a percentage. Research was quoted that suggests that it lies between 1% and 2%, but, as I sit today, I could not put a figure on that, Mr Elliott.

**Detective Chief Superintendent McComb:** We would say that the picture of prostitution in Northern Ireland is more tainted for those who have not been trafficked than for those who have.

**Mr Elliott:** You mentioned clause 8 and said that it would be unwise to introduce an automatic immunity from prosecution. Do you believe that the current legislation is sufficient?

**Detective Chief Superintendent McComb:** Clause 8 provides for almost a mandatory immunity. We have seen people in our investigations raise nothing about being trafficked when they are caught in the middle of the cultivation of cannabis especially. Very late in the day, they might suddenly throw in the allegation that they had been trafficked. We are obliged to pursue that as a very proper allegation. Oftentimes, we have not found evidence to support it. So, this would allow people to claim from the get-go in a range of different criminal investigations that they had been trafficked. If you are caught driving from Fermanagh to Belfast with 100 kg of cannabis, you can see a circumstance where you would immediately say, on being arrested, that you are doing it only because you have been trafficked. If that is the case, it potentially raises a number of barriers to prosecuting people who have not been trafficked but who have been involved in serious criminality. That automatic assumption that they would be given immunity would raise some difficulties. Those issues of immunity have to be addressed in the round by the prosecutor understanding the totality of the evidence that is presented to them.

**Mr Elliott:** In your evidence, you touched a little on the Swedish model. To put it in my terms, you do not believe that that has been as effective as it was intended to be or maybe as some pretend that it is. Why do you think that is? Why do you think that it may not have been as effective?

**Assistant Chief Constable Harris:** I am not an expert on Sweden's legal system or the particular policing problems that it faces, but it seems that the problem that Sweden faced with prostitution was a very significant social issue and that this legislation came after a number of decades of consideration about what should be done about prostitution in Sweden. The difficulty is that, with that base of a problem, there is money and there is demand. As Roy said, organised crime works to gain money against an illicit demand. Therefore, the Swedes faced a very difficult problem with prostitution, which is now coupled with human trafficking. We have first-hand experience of working with the Swedes on human trafficking involving prostitution. Thankfully, I think that we are starting from a different base level of prostitution in Northern Ireland, certainly, and, hopefully, on the island of Ireland. We are at an advantage to the Swedish. That may mean that we do not see all the advantages that the Swedes enjoyed. However, we also have a different legal system, so because the law will not allow them, we are precluded from some of the operations that the Swedes conduct.

**Mr Elliott:** Finally, I think that your words were that, although the police are still opposed to clause 6, there is qualified support for it. Can you explain that a bit further, because it does leave it hanging?

**Assistant Chief Constable Harris:** We are not opposed to clause 6, if I can use that phrase back to the Chair. We give it qualified support because of some of the consequences that may flow from it. We talked about those at some length, mainly information flow, but, more importantly, the vulnerability of people who are prostitutes.

**Mr Elliott:** To be clear, does that mean that the paper that you provided to us is now not accurate?

**Detective Chief Superintendent McComb:** No, I think that what we said is that, since the paper was submitted, we have looked at it not only against the evidence that has been heard in this Committee but against the additional learning that we have had in investigations, conversations and discussions with professionals. An NGO engagement group has been set up. There has been a variety of information sources, and that commands us to think that maybe we do not want to take an absolute position at this point. So, the paper was presented in good faith. It was presented as our position at that time, but, to use the cliché, when you have new information, you have to consider your position.

**The Chairperson:** I think that that is the right way for people to approach this discussion. Indeed, a Sinn Féin TD said that he came into this with his eyes a bit blinkered, but that, having tested the evidence and examined the issue, he now wholeheartedly supports what they are trying to do in the Republic of Ireland, which is exactly what we are trying to do here in Northern Ireland. I think that that is the responsible way for organisations and individuals to come to this issue so that they can ensure that they do not have closed minds and that their eyes are open. So, I think that that is an approach to be commended.

**Mr Anderson:** Gentlemen, thank you for coming to the Committee today. We talked about the international crime gangs that are operating not just here but right across Europe and further afield. My colleague Mr Humphrey and, I think, Mr Dickson touched on the National Crime Agency. Roy, I think that it was you who said that, when it comes to a certain distance and stops operating here, you come up against an "invisible barrier". Is that the term that you used?

**Detective Chief Superintendent McComb:** It is like an invisible border.

**Mr Anderson:** When you come up against that, how much does it hamper efforts on trafficking right across Europe? You more or less have to pick up the pieces. Is there a big void that would be mostly filled if we had the NCA operating right across?

**Assistant Chief Constable Harris:** Any time that we worked with SOCA, which was the predecessor to the NCA, we found that it would take on international investigations that had a foothold in Northern Ireland, if I may describe it that way. It would take on these big international pieces of work with scope. We would assist, but it would be one of the lead agencies. That is one of the things that it was good at doing. The NCA has also now picked that up. What happens now is that, as it arrives in Northern Ireland, we have to lift the mantle of law enforcement. That creates a break or a lacuna in the operation.

Therefore, we have to prioritise the work that we are involved in. It is a resourcing issue. It is perhaps not the most effective way to work operationally. We are cut off from a search facility. Beyond that and in the longer term, there is still asset recovery through the civil courts, which will be a bigger and growing issue as the months go by. We have a lot of goodwill with the NCA, and we have information-sharing agreements with it. We also understand, and have been very much involved in the discussions on, the accountability of the NCA operating in Northern Ireland.

**Mr Anderson:** I am trying to work out how big a void there is here. How much more would it help if the NCA were operating right across? Is there such a big void here? I forget the numbers, but Jim talked about the numbers being trafficked into the whole of Ireland.

**Detective Chief Superintendent McComb:** We have a finite capacity. We need additional support, and the difficulties of getting mutual aid are well documented. Before 7 October, we had the capability to use NCA officers who had the powers to assist us in investigations. From 7 October, that has not been available to us. So, we could not rely on that and had to become self-sufficient. This is about not just human trafficking; it is about organised crime or serious crime in its widest remit. The NCA is simply not there as an asset.

Another point that we are making is that Northern Ireland is not isolated from the internationalisation of organised crime. It is here. Organised crime of an international nature is here in Northern Ireland today. The NCA provides that international reach, which, at times, is denied to us. That can only have the impact of making Northern Ireland a more vulnerable place for its citizens and a more lucrative place for organised criminals.

**Mr Anderson:** I think that we are saying today that, if we had the NCA operating right across, it would be so much more helpful resource-wise and with everything else.

**Detective Chief Superintendent McComb:** Take just one example. The amount of money that can be made from human trafficking, prostitution, drugs and other organised crime activity is significant. We need to prosecute people. If those people are in Northern Ireland, we need to secure a criminal conviction before their assets can be taken off them. If we cannot bring that higher standard of proof, which is the criminal standard of proof, we do not have the option to use the civil standard of proof to take assets off them. Therefore, people who have been involved in the most egregious criminality can hold on to assets, simply because we cannot find the higher evidential standards of proof. So, you could find that Northern Ireland becomes a place where criminal assets are left untouched simply because the ability to take them off those people, and the agency that is empowered to do so, is not there in statute.

**Mr Anderson:** It is worrying that that could happen. What I am trying to say, and what I think others would say, is that the NCA would be a great tool for working right across and would bring some of the numbers down.

**Ms McCorley:** Go raibh maith agat, Chair. Thanks for letting me in again. I have two points to make.

It has taken us a long time to get through the discussion, but it has all been very useful. Legislation in France was mentioned, and my understanding is that that was a comprehensive piece of legislation. The difference here is that the Human Trafficking Bill has one clause that deals with prostitution. You expressed reservations, and I have concerns about the impact on those who will be affected by the Bill

and by its unknown consequences. We do not really know what those will be. So, given that, I think that there is a good argument for having separate legislation on prostitution and to do that in a comprehensive way, rather than through a single clause that just leaves it hanging and does not deal with other aspects, outcomes and consequences. So, I wonder what you think about that.

It was also mentioned that clause 6 will criminalise the buyer and decriminalise the seller. I am not sure whether that is true; I am not sure that there will be a decriminalising of the seller. Will you make that clear?

**Detective Chief Superintendent McComb:** I do not think that we used the expression "the decriminalisation of the seller." Currently, a woman who sells herself for sexual purposes does not commit a criminal offence unless she is in a brothel. The legislation will not change that, but it will change the buying of that service from the other party. It will criminalise one element of it. The seller will commit no offence, but the buyer will commit an offence.

**Ms McCorley:** That is how I read it. It has been described in a way that sounds as though it is making life a bit better for the seller, but it will actually not change anything.

**Detective Chief Superintendent McComb:** Legally, it will not change the situation. If it is a case of a male and a female, it will not change the situation for a woman who sells herself for sexual services; the buyer will become the one who commits the criminal offence.

**Ms McCorley:** OK. What about my other point?

**Detective Chief Superintendent McComb:** We are a law enforcement agency. We were invited here and are grateful for the opportunity. We give our views on how we think legislation may impact.

I think that the legislation raises a number of possible positives and negatives. We do not know, because it is such a difficult issue, as was mentioned. Ultimately, if the legislation provides an opportunity to reduce the harm to vulnerable people, reduces the demand for sexual services, has an impact on organised crime-related activity and reduces the impact of human trafficking in Northern Ireland, it will all be to the good. If it has the reverse effect, it will clearly not have worked. Unfortunately, we do not legislate; that is a matter for you.

**Mr McCartney:** Thank you very much for your presentation. On a lighter note, as you were walking in the door, I was reading that paragraph about the Lord Chief Justice saying that we were acting outside our powers. I thought that he had sent you in early — *[Laughter.]* That is maybe for another day, as the saying goes.

It was interesting to follow your commentary, and, as the Chair said, people should be led by evidence. A number of years ago, Assistant Chief Constable Will Kerr was appearing before the Justice Committee and made what, to me, was the very forthright and honest assertion that no police service in the world would refuse any power. However, the issue is what you do with that. I think that we were discussing legislation on drinking alcohol on buses, and he made the point that it would be a good power to have, but whether it would ever be used was something else. You can see that type of debate with clause 6. You could have that power, but whether you use it or not —

**Detective Chief Superintendent McComb:** It is like a fire extinguisher.

**Mr McCartney:** It is that type of thing. We have to ensure that we do not legislate because we think that it is a good thing, but it has no consequence. It may not tackle the problem that we are trying to tackle. Do you have a view on that?

**Assistant Chief Constable Harris:** We talked about what we see as the difficulties and how we would see the Bill in the organised crime group arena so that we could use the full menu of police tactics to get evidence. If the legislation was passed, we would respect it. We would also respect the manner in which it was passed and its purpose and intent of trying to reduce the demand for prostitution. However, as we outlined at some length, that is not say that there will be a whole set of operations around all prostitution. That would not happen. We have to prioritise and focus on where we see organised crime, primarily because of the serious harm that is always involved with organised crime groups.



**Mr McCartney:** It is always interesting, because we use statistics to either prove or disprove something, and they can sometimes be used liberally. We are told that no one knows the extent or the nature of prostitution in the North and that nobody knows the precise number. So, we must keep that in mind when we hear people talking about percentages of what is an imprecise number. At present, it is a crime to pay a coerced person for sex.

**Assistant Chief Constable Harris:** Yes, and there is an important change in that not becoming statute-barred.

**Mr McCartney:** Chief Superintendent Philip Marshall, allowing for his use of percentages, said that, in his opinion, only 2% were doing it by choice. That means that 98% are not doing it by choice, so it is a form of coercion.

**Assistant Chief Constable Harris:** The coercion could be due as much to the dire straits in which they find themselves socially, such as deprivation, drug addiction, mental health or whatever. It may not be human trafficking-type coercion.

**Mr McCartney:** I accept that, but I am making the point that, in acting as a deterrent, the person who enters into an arrangement does not know whether they are doing it with a coerced or trafficked person. In the past year, how many people have been convicted of paying for sex to a coerced or trafficked person?

**Detective Chief Superintendent McComb:** None, on the basis that the legislation requires a charge or summons to be brought within six months of the sexual engagement or its purchase. In the investigations that we have had, unfortunately, which we have to take our own responsibility for, we focused on the rescue of the victims and targeted the prosecution of the organised crime groups. It was a very deliberate action on our part to target, as a second wave, men who had been involved in buying a sexual service. It was an error on our part that that was statute-barred. So, the answer at this point, Mr McCartney, is zero.

**Mr McCartney:** We have heard that Sweden relies heavily on wiretapping —

**Assistant Chief Constable Harris:** We are precluded from doing that.

**Mr McCartney:** You cannot do that?

**Assistant Chief Constable Harris:** No. We are precluded by legislation even from talking about it, really. So, it will not be an evidential avenue for us.

**Mr McCartney:** I had not heard about your officers being in Sweden, but would they have submitted a report of their experiences there?

**Detective Chief Superintendent McComb:** How do you mean "a report"?

**Mr McCartney:** Maybe a published report that they submitted when they came back that contained their views so that they can be shared.

**Detective Chief Superintendent McComb:** No, their being in Sweden was in the context of a live operation, so it was the operational learning from two law enforcement agencies with different elements working together for a single purpose. So, it was in the environment of saying, "We do this and they do that; they can do this, we cannot do that; we can do this". On that basis, no reports have been submitted. There is a prosecution report that will be with the Public Prosecution Service, but that is not the type of report that I imagine you are referring to.

**Mr McCartney:** Would it be something that you feel would be helpful for the Committee to use?

**Detective Chief Superintendent McComb:** No, because its purpose is to consider the prosecution of people who —

**Mr McCartney:** No, in light of this discussion, I am talking about it perhaps not being a bad idea to ask the officers who were in Sweden to put their thoughts on paper so that we can share them. Those are

people who may, in the future, be tasked with pursuing this and have had experience of the Swedish model.

**Detective Chief Superintendent McComb:** I trust that I have not misrepresented their experiences —

**Mr McCartney:** I would not suggest that you had, but sometimes, as you said — I do not doubt the accuracy of this — in formulating an evidence-based report, it may be better that we have it in writing.

**Detective Chief Superintendent McComb:** I am slightly worried about that, because I think that what you are talking about is — forgive the expression — two cops having a conversation: one Swedish, one from Northern Ireland. That is not to say that they are inaccurate or are making anything up, but it is two police officers having a conversation such as this, and to convert it into a report that comes to the Committee is, I think, probably not what the conversation was intended to be.

**The Chairperson:** Very finally — you have been very generous with your time — I want a bit more detail on the evidential requirement before you can use covert methods. People who are involved in trafficking can get a conviction for beyond three years for that offence. Does that not meet your threshold?

**Detective Chief Superintendent McComb:** It does.

**The Chairperson:** If it was trafficking on the basis of someone's sexual servitude, you could not —

**Detective Chief Superintendent McComb:** You can, because trafficking for the purposes of sexual exploitation breaches that threshold. Prostitution that does not involve trafficking — the Bill proposes a one-year threshold — would not reach that threshold, nor would some of the high-end covert activities.

**The Chairperson:** It is about how you can identify that. Obviously, you will know that, when information comes in about a brothel — I hate using the phrase "consensual prostitutes" because I question that — and there are human trafficking victims, we can use covert methods.

**Assistant Chief Constable Harris:** You would want to establish whether that is the activity of an organised crime group or activity outside of an organised crime group. I will not use the word "consensual"; you have to establish whether it is the activity of an organised crime group and, therefore, other elements of serious harm will be present, either trafficking, coercion, violence or whatever it might be, or whether it is outside of an organised crime group.

**The Chairperson:** However, if you identified a brothel and victims of human trafficking are involved, you can determine that that meets the test for the use of covert methods. If that did not identify a human trafficking victim, and someone used a prostitute who had not been trafficked and the offence was going to attract only a one-year sentence, you could not prosecute that offender on the basis of the covert evidence.

**Assistant Chief Constable Harris:** We would not have the evidence from surveillance. I understand that, in Sweden, some prostitutes have given witness evidence and that suspects are willing to make admissions and have the matter dealt with quickly through the courts. However, we would have to present a case that was complete to the Public Prosecution Service for the alleged offence. That is not to say that it could not happen, but our emphasis and priority in using our resources is always going to be around organised crime groups and serious harm.

**Detective Chief Superintendent McComb:** In the scenario that you painted, Mr Chairman, if we had information that a particular premises was being used today for prostitution or that people were being held as trafficked victims, we would not be seeking to use covert means as a first step. We would be looking to do a fairly rapid intervention in order to rescue and protect the victims. Using covert methods can sometimes be a slower burn and would not necessarily be our first action. We would seek to use the powers that we have to enter the premises and rescue victims first of all.

**Assistant Chief Constable Harris:** That is worth emphasising. Even with the feedback that you received from Anna, our priorities are, in the first place, public safety and the safety of these

individuals; the criminal justice strategy comes as a third or fourth priority. The purpose of our interventions is to prevent further harm and to save people from further abuse.

**The Chairperson:** I want to ask you about your covert methods, if you ever had them — say, you had a video of someone. We were shown a video in Sweden of someone walking into premises and walking out 15 minutes later. That was pretty much enough to prosecute. Would that even be admissible in proceedings here if you had that to charge someone? That person will have broken the law in respect of clause 6, and you will have the covert information to prove it.

**Assistant Chief Constable Harris:** If that was the height of your case, you would be well short of the proofs that the PPS would require. There are two elements: there is an exchange that is a purchase, and there is an exchange that is the sexual services provided. Evidence of someone going in and out of premises would not be sufficient for a prosecution.

**The Chairperson:** I am, perhaps, misrepresenting them. They said that they would go in and get a witness statement from the individual, which is usually enough.

**Assistant Chief Constable Harris:** They also use their wiretap evidence to show the person's intent, but we are precluded from doing that.

**Mr McCartney:** How many people have you rescued from trafficking?

**Detective Chief Superintendent McComb:** Since 2009, the Police Service — my own branch — has conducted 12 proactive operations. We have rescued 18 potential victims of human trafficking, conducted 75 searches and arrested 41 people.

**Mr McCartney:** Is that all involving sexual exploitation, or is it across the range?

**Detective Chief Superintendent McComb:** Those are exclusively for the purposes of sexual exploitation. The figures for victims who have been rescued are greater, but those are the proactive, intelligence-led operations that the PSNI has led: 12 operations, 41 arrests, 75 searches and 18 victims of human trafficking.

**The Chairperson:** Mr Harris and Mr McComb, I thank you both for coming to the Committee. I know that we have spent a long time going over your evidence, but it has been very helpful.