Crime and Policing Bill, Release submission

Release is submitting this written evidence to the Crime and Policing Bill committee to oppose measures which aim to increase the use of criminal justice to tackle anti-social behaviour (sections 1, 4, 5, 96 and chapter 2) and proposals to criminalise the purchase of sex, adult services websites, and third parties (amendments NC1 and NC2). We support the proposal to repeal laws which criminalise loitering and soliciting for the purposes of prostitution (NC3). We endorse and echo the submissions of our partner DecrimNow with respect to NC1, NC2, and NC3.

About Release

Release is the UK's centre of expertise on drugs and drug laws. We provide legal support, representation and drugs advice to people with a history of drug use or who are impacted by drug laws. We also campaign for evidence-based drug policies founded on principles of public health and human rights, seeking to reduce the harms faced by people who use drugs. We provide several services, including community legal welfare outreach services, advocacy advice to people accessing drug treatment services, a national helpline, and a harm reduction hub.

Additionally, our organisation provides direct support for sex workers. Our helpline is open to sex workers and the legal outreach programme has previously been offered in sex worker-specific services. We author various forms of rights-literature for sex workers, including a full handbook of laws impacting sex workers known as "Sex Work and the Law," which we have been producing since 1997.

Criminalizing aspects of sex work

NC1 and NC2 would put sex workers in harm's way by criminalizing aspects of their work, namely the purchase of sex and of the facilitation of advertising sexual services. As an organization that advocates for the rights of drug users, we oppose any and all legislation that further criminalizes and stigmatizes already-vulnerable communities. Additionally, drug use is relatively common among sex workers in the UK for reasons that are beyond the scope of this submission[1][2], and we are concerned many of our service users will be adversely impacted by the proposed amendments.

Often referred to as the 'Nordic Model,' the legal framework proposed through NC1 and NC2 been proven to increase harm to people trading sex without demonstrably reducing the prevalence of commercial sex, as evidence from Northern Ireland[3],

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[1] Vulnerability and involvement in drug use and sex work

[2] Sex work amongst people who inject drugs in England, Wales and Northern Ireland: Findings from a National Survey of Health Harms and Behaviours - ScienceDirect

[3] Sex work and the law: The Nordic model in Northern Ireland

Ireland[4], France[5], Sweden[6] and the Nordic region[7] more generally shows. The voices of those most affected by such laws are consistently ignored in policy discussions: sex worker-led organizations have consistently called for the decriminalisation of the sex trade, arguing that this would improve access to support services and enable sex workers to exit the industry if they wish to do so (without being burdened by a criminal record).

NC1: Commercial sexual exploitation by a third party
The criminalisation of third parties under NC1 would increase the isolation of sex workers, who under current UK laws regarding "brothel-keeping" are already barred from working together on the same premises. As pointed out by Decrim Now, the proposed amendment would potentially criminalize the behaviours of people associating with a sex worker to help keep them safe, including those offering services that minimize STI and other risks associated with sex work.

NC1 also proposes criminalizing the facilitation of advertising sexual services. Online platforms used for advertising sexual services allow sex workers to screen potential clients and share information with peers in the safety of their own home rather than on the street. Two separate research studies found that the introduction of erotic services advertising on Craigslist[8] and Backpage[9] respectively was associated with significant declines in homicide rates for women in different U.S. cities. Additionally, the platforms under discussion are an important engagement space that will be lost - they facilitate not just the advertising of sexual services but also support networks, outreach opportunities, even law enforcement access in the event of genuine exploitation. As detailed in NUM's submission, banning adult service websites will lead sex workers to advertise their services in more cryptic ways and/or move to the dark web.

If it becomes more difficult to advertise sexual services, some sex workers might choose to work in a brothel rather than independently. Reporting exploitation or harassment in a brothel to the police would likely result in that worker losing access to that work space, leaving sex workers working in such contexts vulnerable to abuse. In contrast, following Belgium's decriminalization of sex work effective 2024, the country's sex workers can now negotiate employment benefits and conditions with brothel owners - and be secure in the knowledge that their employer has been screened for previous convictions of sexual exploitation and trafficking[10]. Moreover,

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[4] Assessment of impact criminalisation of purchasing sexual services | Department of Justice
[5] How the Nordic model in France changed everything for sex workers | openDemocracy
[6] Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers - Jay Levy, Pye Jakobsson, 2014
[7] W922-0152-WPS-Policy-Paper-6-singles.pdf
[8] Did Craigslist's Erotic Services Reduce Female Homicide and Rape? | Journal of Human Resources
[9] Negotiated Safety? Did Backpage.com Reduce Female Homicide Rates - Samantha L.N. Tjaden, David A. Makin, 2024
[10] Belgian sex workers now have access to contracts, benefits and pensions | CBC Radio

the legal codification of sex workers rights' to refuse a client or sexual act confers genuine protection against the forms of sexual exploitation with which NC1 is concerned[11].

Client criminalisation (NC2) leads sex workers to work in more isolated areas so as to avoid the police, as highlighted by DecrimNow. "The Nordic Model literally forces me to go and meet unknown men out in the woods somewhere," one participant in a study exploring the effects of the Nordic model in Sweden said. This is particularly concerning given the fact that the criminalization of buying sexual services means sex workers will have fewer clients to pick from, making them more likely to ignore or accept red flags. Research from Ireland shows that violent crime against sex workers doubled in the country in the two years after the introduction of the Nordic Model. In Northern Ireland, reported **assaults increased by an astonishing 225%** between 2016-2018 (NI introduced the Nordic Model in 2015), according to a review that also found that the most dangerous, violent and abusive clients were least likely to be deterred by the law.

Criminalizing clients contributes to the stigmatization of sex work overall. Nearly all sex workers interviewed for the Northern Irish review felt that the law had **increased the stigmatisation of sex workers** in ways that made them more anxious and which had an impact on their day to day life. Stigma on sex work is widely seen as a barrier to sexual health services and as an obstacle to ending the HIV/AIDS epidemic, and as such both NC1 and NC2 will undermine service provision to sex workers - many of whom already feel reluctant to disclose their sexual history to professionals for fear of judgement[12].

The amendments are at odds with positions taken by the UK's HIV and sexual health professional networks. As outlined in the British Association of HIV and Sexual Health's Clinical Standards for the Sexual Health Management of People Involved in Sex Work, repressive legal frameworks and the policing of sex work are associated with increased STI and HIV rates, higher frequency of condomless encounters, and more reports of sexual and physicial violence[13]. Criminalizing aspects of sex work demonstrably increases the risk of **poor sexual health outcomes for sex workers** by reducing their power to negotiate the conditions of sexual encounters and making sex workers less likely to engage with services. As the National AIDS Trust has previously stated, "there is robust international evidence that punitive legal and social environments are key determinants in increasing the risk of HIV."[14] The proposed amendments are in conflict with the UK Government's commitment to ending the HIV/AIDS crisis as a public health threat by 2030 and contravenes UNAIDS' Global AIDS Strategy, which calls for the removal of all punitive and discriminatory laws on

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[11] Belgian labor law for sex workers: what and how?
[12] bashh-clinical-standards-for-the-sexual-health-care-of-people-involved-in-sex-work-final-v1-002.pdf
[13] bashh-clinical-standards-for-the-sexual-health-care-of-people-involved-in-sex-work-final-v1-002.pdf
[14] HIV charities write to MPs to oppose the Nordic model on sex work - National AIDS Trust

sex work.[15] Additionally, criminalizing any aspect of sex work would will add to the burden of a sexual health system already on the brink of collapse by contributing to record-high STI rates[16] and increase health inequalities in the process.

The criminalization of aspects of sex work would likely have an especially negative impact on people experiencing homelessness and engaging in sex work as a survival strategy. The 2021 Women's Rough Sleeping census found that some women offer sex in exchange for shelter and/or money to avoid the perceived and real risk of sexual violence while rough-sleeping or staying in homelessness hostels[17]. Criminalizing the purchasing of sexual services will thus leave some of the most vulnerable homeless people with fewer options to manage risk. Addressing the ongoing housing and homelessness crisis would, on the other hand, significantly reduce the very real risk of sexual violence and sexual exploitation faced of the growing number of young adults and women who are without a safe and secure home[18].

While the negative effects of the Nordic Model are overwhelmingly clear, the added benefit of NC1 and NC2 is anything but. Under the Sexual Offences Act (2003) it is illegal to cause someone to engage in sexual activity without their consent, to cause or incite "prostitution for gain" for oneself or a third party, and to pay for "sexual services of a prostitute subject to force" by a third party (regardless of whether the client is aware of any exploitative conduct). Seeing as engaging in sexual exploitation and buying sexual services from a victim of sexual exploitation are already criminal offenses, it is unclear what the purposes of the proposed amendment is other than to discourage *consensual* sex work by making it more difficult and less safe.

Setting aside the desirability or ethics of such an aim, which in our view endangers sex workers in the name of protecting women, there are few indications that the Nordic model has led to a significant reduction in sex work or trafficking in countries where it has been introduced. The authors of a study on the impact of the Nordic Model in Sweden note that there is no reliable data showing a decline in the number of people selling sex or otherwise indicating a decline in levels of sex work.[19] The Northern Irish review similarly concluded that there was "no evidence that the offence of purchasing sexual services has produced a downward pressure on the demand for, or supply of, sexual services", and that it "was not obvious" that criminalising the purchase of sex "has had any effect on human trafficking for sexual exploitation".

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[15] UNAIDS, 'Global AIDS Strategy 2021-2026: End Inequalities, End AIDS,' 2021
[16] Mystery shopper: access to sexual health services | Terrence Higgins Trust
[17] First National Census of Women Sleeping Rough - Solace Womens Aid
[18] Stats and facts | Centrepoint
[19] Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers - Jay Levy, Pye Jakobsson, 2014

Section 4(3) and (4) - Increase of Public Space Protection Order fines:

This section proposes to allow local authorities to increase a standard Public Spaces Protection Order (PSPO) fine from £100 to £500. These fines are issued on the spot, and it can be a criminal offence if the person fails to pay. Subjecting people experiencing poverty to financial sanctions can have far-reaching consequences beyond that initially intended by the sanction. Compelling a person to pay up to £500 on-the-spot can be the difference between eating, paying for rent, paying for bills and other outgoings, and being simply unable to do so.

Moreover, where a person does not have access to that amount immediately due to their limited means, they face the prospect of a much higher fine and prosecution. This mechanism effectively criminalises a person for having limited means, and would likely affect young people disproportionately. For this group, prosecution and a criminal record can have a devastating impact on their life's outcomes, including in educational attainment and accessing employment in a wide range of professions and roles.

More generally, those with limited means that fall into arrears that are subject to the higher fine and prosecution may have their lives significantly upturned. This can include falling into rent arrears or being unable to afford basic necessities - which is particularly problematic given the rising cost of living and the worsening homelessness crisis. As such this proposal amounts to a criminalization of poverty and should not be implemented.

Section 5 - Expansion of closure order powers:

The government is proposing to expand existing closure order powers to allow any registered social landlord to issue them. It is not clear what purpose this expansion serves other than to outsource government responsibility to private organisations. Local authorities will still be responsible for providing adult social care where a vulnerable person is identified and the police will still be responsible for managing any alleged criminal activity. As such, the registered social landlord will continue to have a duty to involve the local authority and refer the vulnerable person to the authority and a duty to involve the police where unlawful activity is suspected. There is no reason why the powers cannot remain solely in the hands of government bodies, as they will remain involved in the process around applying for a closure order anyway.

The expansion of powers to private organisations also raises concerns around accountability mechanisms. There is significantly less accountability and oversight over a private organisation than there is over the police and local authorities. If a private registered social landlord were to unlawfully or incorrectly issue a closure notice, thus rendering a tenant homeless for 48 hours under the proposed bill, the

only accountability mechanism would be an internal complaints procedure. This is markedly less accountability compared to judicial review or legal actions against the police that would be available if a notice were to be issued by a local authority or the police. This is especially concerning when there is a high likelihood of vulnerable people being involved, who may not know their rights or how to stand up for themselves where these rights are being breached. Some of these vulnerable people may belong to social groups that have historically faced, or continue to face, exclusion from the housing market due to discriminatory practices. We submit that these expansions should not be enacted into law to maintain appropriate accountability mechanisms over a power that routinely renders vulnerable people homeless.

Section 1 - Respect Order introduced:

The proposed Respect Order (RO) is little more than a renamed version of its predecessors - the anti-social behaviour order (ASBO) , criminal behaviour orders and anti-social behaviour civil injunctions, and local Public Spaces Protection Orders (PSPOs). All of these types of orders perpetuate and exacerbate the harms associated with increased contact with the police, particularly as this creates the clear risk of increased use in stop-search powers. The use of the criminal justice system to tackle concerns about anti-social behaviour (ASB) has been proven to do little to make communities safer, while also decreasing public trust and confidence in the police and increasing demographic disparities.

The Baroness Casey Review into the standards of behaviour and internal culture of the Metropolitan Police Service drew attention to the ways in which measures designed to increase police contact have exacerbated racial disparities and are used disproportionately. It found that:

a. *"Existing scientific evidence does not support the widespread use of [police stops] as a proactive policing strategy.'*
b. *Those stopped by the police suffer far more mental and physical health problems than those who live in the same neighbourhoods but have not been stopped by police.*
c. *Those who have been stopped showed a significantly more negative attitude towards the police than those who had not been stopped.*
d. *Level of distrust in police was twice as high among those who had been stopped compared with those who had not been stopped"*[20]

Stops by the Met police, which consistently account for 40-50% of all stops carried out in England and Wales[21], are disproportionately acquired against Black

[20] Casey, 2023, p.319
[21] Home Office, 27 October 2022, Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022,

communities: between May 2024 and May 2025, 40% of searches were conducted against people of black ethnic appearance compared to 37% for people of white ethnic appearance.[22] The Met have publicly admitted that they target areas of high crime which tend to be poorer areas where Black communities are more likely to live. Rather than targeting crime, however, applying stop and search tactics in these areas inevitably manifests itself in the targeting of the communities themselves.[23]

The Misuse of Drugs Act is consistently the most used reason to stop and search in London, accounting for 60 per cent of all such police interactions between April 2022 and April 2023.[24] Liberty's report, to which Release is a contributing partner, "Holding Our Own: A Guide to Non-Policing Solutions to Serious Youth Violence"[25] explored the harms perpetuated by drugs policing, demonstrating how increasing police powers and contact is both ineffective and fuels racial disparities, undermining public trust in the police. Release also highlighted these disparities in The Colour of Injustice,[26] which looked at drug law enforcement and racial disparities

A loosely defined RO covering the whole nation risks the abuse of these wide-ranging powers to criminalise poverty, and to widen issues of over-policing of poorer communities. Even in the unlikely event that the RO is implemented consistently across racial lines, this does not eliminate the risks that over-policed communities, in particular black people, will face severe consequences following the increased powers. Overwhelmingly, the evidence as highlighted by the Met police's own stop and search data, and independent reports such as the Baroness Casey review, demonstrate that increasing police powers through measures such as a RO, with its broad brushstroke approach to giving wide powers over wide areas for a long period of time, does more to harm communities, criminalise poverty, and exacerbate

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<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1113377/stop-search-data-tables-summary-mar22.ods>

[22] Metropolitan Police Service, MPS Stops and Search Summary: 12 Months, <https://public.tableau.com/app/profile/metropolitan.police.service/viz/MPSStopandSearchMonthlyReportv2/Coversheet>

[23] Baroness Casey of Blackstock DBE CB, An Independent Review into the standards of behaviour and internal culture of the Metropolitan Police Service, <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf> p.317

[24] Metropolitan Police Service, MPS Stop and Search Monthly Report, <https://www.met.police.uk/sd/stats-and-data/met/stop-and-search-dashboard>

[25] Liberty and Release, COMMUNITY SAFETY PARTNERSHIPS REVIEW AND ANTISOCIAL BEHAVIOUR POWERS Liberty & Release Joint Response to Home Office Consultation, 2023, <https://www.release.org.uk/sites/default/files/pdf/publications/Liberty%20and%20Release%20Submission%20-%20Anti-Social%20Behaviour.pdf>

[26] Michael Shiner, Zoe Carre, Rebekah Delsol and Niamh Eastwood, The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales, 2013, <https://www.release.org.uk/sites/default/files/pdf/publications/The%20Colour%20of%20Injustice.pdf>

existing racial tensions and mistrust in police, than it does to prevent ASB and make communities safer.

These harms are further exacerbated by the fact that it is proposed that a breach of an RO will be a criminal offence, which goes beyond the current powers under anti-social behaviour civil injunctions. This will inevitably lead to the over-criminalisation of marginalised people. Additionally, given that there will be no limit on the length of time an RO can apply for, someone could theoretically be subjected to life-long restrictions, creating criminal offences for them and nobody else. Such an order is a clear overreach of the rule of law.

The CPB report likens ROs to the repealed ASBOs, but with greater powers to impose both positive requirements and prohibitions. However, it is also acknowledged in the Report that '*ASBOs were ultimately replaced with anti-social behaviour civil injunctions and criminal behaviour orders under the 2014 act, after concerns over the decline in use and effectiveness of ASBOs*'[27]. Why, then, has the government sought to introduce an expanded version of an order that was repealed for being ineffective? There is precedent that these types of orders do not work in practice, and exacerbate serious concerns over racial bias in policing and the over-criminalisation of marginalised communities. As such, we submit that the ROs should not be brought into law.

Chapter 2 - Introduction of a 'cuckooing' offence:

The proposed introduction of a cuckooing offence will do little in practice to protect vulnerable people from having their homes taken over. The reality is that there are already a number of offences that cover all of the issues that the proposal seeks to address, which is identified by the government in the Report itself.[28] The heart of the issue is the government's failure to adequately safeguard vulnerable individuals so that they are not exploited. If the government focussed more on strengthening local authorities' ability to safeguard vulnerable people, there would be a significant decrease in 'cuckooing' incidents. Yet the proposal is silent on how it actually protects vulnerable people, and only seeks to extend criminal definitions. As above, we submit that any extension of criminal definitions or police powers will only result in the over-policing of marginalised groups.

Furthermore, simply adding an unnecessary criminal offence and nothing else fails to address the often complex situations where 'cuckooing' arises. The proposal does not reflect any awareness of the complicated relationships between the people in the properties, or how this will be managed in practice. These situations often involve complex relationships where the lines between 'victim' and 'perpetrator' are often murky and unclear. The proposal fails to consider this or explain how existing

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[27] William Downs, Sally Lipscombe, Joanna Dawson, and Francesca Cooney, 'House of Commons Library, Crime and Policing Bill 2024-25', 2025, <https://researchbriefings.files.parliament.uk/documents/CBP-10213/CBP-10213.pdf> p. 21

[28] Ibid, p. 55

mechanisms to safeguard vulnerable adults will work to ensure that all people are treated and assisted appropriately. Adding an additional offence on a charge sheet will do nothing to change the situation at hand and as such we submit that this offence should not be introduced.

Section 96 - Expansion of drug test on arrest:
Release has opted to not respond in full to this proposal, however we maintain that we are in opposition to such an expansion and defer to other consultation responses outlining the potential harms and risks associated with such an expansion.

Cost:
The projected cost to implement the bill is £48.65 million, whilst the projected benefit or savings to the government is £11.81 million.[29] When the UK government debt is currently sitting at over £2500 billion, the question of why the government persists in implementing a bill that would increase social harms and cost the government £36.84 million must be asked. There is no social or economic justification for these proposals, many of which would likely contribute to the cost of public service provision indirectly through their cascading effects on vulnerable individuals and communities. The government should therefore abandon them.

[29] Ministry of Justice, 'Crime and Policing Bill: Overarching factsheet', 2025, <Crime and Policing Bill: Overarching factsheet - GOV.UK>