



Creating a safer
Cambridgeshire

“to catch a cuckoo”

section 8 misuse of drugs act 1971

A close-up photograph of a police car's blue emergency light, which is illuminated and glowing. The background is dark with out-of-focus bokeh lights in various colors (yellow, red, white).

written by **Paul Street**
november 2017



Creating a safer
Cambridgeshire

overview

- 1)** introduction (page 3)
- 2)** the problem (page 3)
- 3)** what is section 8? (page 4)
- 4)** operation hexham (page 4)
- 5)** operation daybreak (page 5)
- 6)** results to date (page 6)
- 7)** rationale for section 8 (page 7)
- 8)** method of delivering section 8 letters (page 7)
- 9)** case studies (page 8)
XHELADINI, JD LINE, JALLOW/TAYLOR, Z
- 10)** learning points (page 14)
- 11)** BBC documentary (page 15)
- 12)** conclusion (page 17)
- 13)** appendices (page 18)

“to catch a cuckoo”

section 8 misuse of drugs act 1971

introduction

This paper explores Cambridgeshire Constabulary’s new approach to the enforcement of drug supply offences; a process aided by the creation and introduction of a warning notice handed to intelligence led cuckooed addresses.

It explores in detail what created the change in approach by Cambridgeshire Constabulary, the Operation in which these letters were first implemented, case studies and learning points.

It also evaluates the success of the Section 8 Misuse of Drugs Act notice, and whether this is a tool that should be used by Police Forces nationally to help combat the supply of Class A drugs and County Lines drug offences.

County Lines affects almost every major City and Town in the Country, and it is every agency’s responsibility to combat it. This paper explains how Cambridgeshire Constabulary tackled this issue.

the problem

Over the past two years Cambridgeshire Constabulary has seen a marked increase in Class A drug addicts and vulnerable people being subjected to what in urban street slang is known as ‘cuckooing’.

‘Cuckooing’ occurs where a drug dealer befriends a weak, old or otherwise vulnerable person, then takes over their home and uses it as a crack house. In most cases, the victim lives on their own while the dealer turns their home into a drugs den.

In such cases drug addicts are approached by drug dealers usually not based in Cambridge and asked if the dealers can use their address as a base for a finite amount of time. There are many forms of cuckooing, but the most common is for the drug dealers to “pay” the addicts with free crack cocaine and heroin in exchange for this accommodation. The dealers will then usually run their drug supply operation out of these addresses.

Other cases have been identified where dealers have taken over addict’s accommodation as payment for a drugs debt that the user may have accumulated.

It is also the case that on occasion it is not only drug addicts who fall victim to this, but also vulnerable people such as elderly, disabled and those with learning difficulties. In these cases often the homeowner will receive no reward for giving up their accommodation, and could be beaten and humiliated if they refuse.

Cambridgeshire Constabulary started to find more and more premises becoming populated with drug dealers, with the inevitable violence that followed. Rival drug lines became aware of premises being operated by other County Lines, and unreported robberies and burglaries began to take place where people were hurt, or drugs and cash stolen.



It also became somewhat apparent that some of the more manipulative drug addicts were in effect using the Police as bailiffs to regain control of their premises, when the initial free supply of Crack Cocaine and Heroin had ceased from the drug dealers.

This proved a challenge, as in order to safeguard these vulnerable people by removing the often violent drug dealers from their houses, the Police were in a position where they could not say no to a home owner who needed help. It was not uncommon for the same drug user to come to the Police time and time again with the same problem, which was in many cases of their own volition due to their inability to refuse the offer of free Class A drugs from the dealers.

It was soon identified that vulnerable people needed protection, and that those complicit in the offences needed to be prosecuted to prevent re-occurrence.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

what is section 8?

Under Section 8 of the Misuse of Drugs Act ‘a person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say —

- (a)** producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;
- (b)** supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);
- (c)** preparing opium for smoking;
- (d)** smoking cannabis, cannabis resin or prepared opium.’

operation hexham

Four years ago Cambridgeshire Constabulary devised an operation to combat cuckooing; albeit this was at a time when cuckooing was fairly new to the City, and the full scale of the problem had not been properly unearthed.

Operation Hexham (Hexham) was created in early 2013. The CIB was tasked to review all instances of London Dealers being found in Cambridge addresses and this list formed the basis of the Hexham address book. The Operation had three core objectives of identifying the high harm dealers, identifying vulnerable premises and protecting the vulnerable people within them.

This operation led to the arrest and prosecution of a selection of County Lines based drug dealers, with inevitable prison sentences following.

The controversy around Hexham was the very fine line between the homeowner being treated as a victim rather than a suspect. The operation was devised in order to safeguard the cuckooing “victims”, however it soon became clear that the same victims were housing drug dealers, which led to the question of whether they were in fact victims, or complicit in the offending.

Repeated visits to premises linked to cuckooing inevitably led to intelligence being obtained from the same people by the same officers. This left officers open to source handling allegations and the risks associated with it, a situation which had to end.

There is no doubt that in part Operation Hexham was a success; with drug dealers being brought to justice and cuckooed individuals effectively regaining control of their accommodation. What was also clear however, was that there was nothing put in place to challenge frequent cuckooed addresses, and that the manner in which the home owners and intelligence was handled was also flawed. If subjected to scrutiny, this could ultimately lead to court cases being lost.

It was because of this that in 2016 Operation Hexham was suspended, and later that year, Operation Daybreak commenced.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

operation daybreak

Over the past 2 years Cambridge city has seen a marked escalation and increase in violence in and around illegal class “A” drug dealing by organised crime gangs based out of county and often although not exclusively from London due to the good rail and road links direct into Cambridge city. In the last year there have been numerous stabbings, taser attacks, several GBH offences, ammonia attacks on dealers and also a live firearm in the shape of a 1915 Webley revolver recovered along with 100 odd rounds of ammunition. There appeared to be a turf war taking place amongst rival class “A” supplying gangs for control of the City.

On 17th April 2016 there was a report of a double stabbing in Cambridge. Uncooperative locally based criminal victims presented the investigation with challenges. After a few days intelligence identified a London drugs line as responsible. It went on to detail information to suggest the victims had tried to rob a London based dealer and had been stabbed. It also sign-posted the same dealer himself being a stabbing victim in Cambridge.

Within 24 hours a review was undertaken of recent suspected drugs related violence. It identified five serious assault incidents with numerous victims involving acid, knives and tasers and intelligence suggesting up to a further five unreported attacks may have occurred, all within the last six weeks. The crimes were held by different investigators across two teams. A review showed the same drugs line mentioned in four of the crimes and some of the intelligence duplicated.

The investigations to date and initial police responses had been costly in terms of resources. Some of the incidents had required scene preservation, search teams and phone work. The human cost had also been significant with some individuals receiving nasty injuries and a 15 year old missing person receiving stab wounds.

On 20th April 2016 two officers on patrol stopped a vehicle containing two gang nominals from London. There were huge inconsistencies in their stories, and they were searched. The males were found in possession of several mobile phones between them, scales, clingfilm and a large amount of cash. They were arrested on suspicion of drug supply and the vehicle they were originally in was searched.

A loaded 1915 Webley handgun was seized from a rucksack in the back of the car, along with 100 rounds of ammunition.



One of the suspects later produced a parcel from his anus in Custody which contained 142 wraps of crack cocaine and heroin, with a street value of £1420. Both males were charged with Possession of a Firearm, and Possession with Intent to Supply Crack Cocaine and Heroin. Both received five and six year prison sentences respectively.

This stop search was considered business as normal, however what had been found was extraordinary to what was considered the norm in Cambridge City.

Cambridgeshire Constabulary’s response to this was to heighten the response to County Lines, and create a six week operation involving a Sergeant and five Constables to specifically tackle County Lines, and crack down on vulnerable drug users’ properties being taken over from which to supply drugs.

Operation Daybreak was created by SIO Detective Inspector Nick Skipworth, who oversaw the operation to ensure that the objectives were strictly adhered to, but also created the concept of the Section 8 Misuse of Drugs Act notice.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

The response plans centred on the following interventions to ensure enforcement, prevention and reassurance:

- S8 MDA warning notices (APPENDIX A) would be created and delivered in person to addresses involved in permitting premises to be used for drug related activities. These would move away from the Operation Hexham supportive approach but maintain the partnership working aspect with landlords; they would spell out aggravating features of the offence (as prescribed in CPS sentencing guidelines) and explain the overall terms the immediacy of duress as a defence. Copies with an overview of the intelligence would be passed onto the housing authority/agency.
- Crimestoppers leaflets were then to be dropped to surrounding houses etc. asking for information about suspicious activity in the area.
- A declaration of Hotspot areas with clear rationale around this decision was made and consideration given to obtaining private information and collateral intrusion (for plain clothed directed patrols). Plain clothed patrols were desirable but if the Hotspot contained a known address and persons they would be overtly visited by the patrolling officers to alert them at the commencement of the patrols each time. The intention would be to react, not to observe. Clearly uniform patrols would not require such measures. Stop checks and searches, around which guidance would be given would be recorded on

TuServe. This would not be a “crackdown”; more part of a directed aggressive patrol.

- Marked vehicles would be deposited in relevant areas for short periods.
- Warrant execution would be sought where intelligence satisfied an inspector and magistrate. Careful recording of used intelligence for disclosure would be required.
- Trigger observations posts and other tactics including covert aspects were undertaken alongside the FIO team and in consultation with the CAB.
- Intelligence interviews and referrals were to be sought.
- Bespoke uniform targeting of nominals identified as being responsible for issues was to be undertaken.
- Personal safety was always a factor in all the work undertaken.

At the end of the operation an assessment would take place, looking at if the plan was implemented, what benefits it had or negatives effects and these were to be shared to inform future planning and longer term tactics.

A key part of Operation Daybreak was the effective use of Section 8 MDA Notices.

results to date

To date, Cambridgeshire Constabulary has served 70 recorded Section 8 Letters to vulnerable premises within Cambridgeshire, but the actual number is likely to be higher due to some not being recorded properly.

There have been at least 40 positive results from these visits, which does not include simple disruption when dealers are found within the property without drugs, cash and phones.

The Section 8 letters are only as reliable as the timely intelligence that the Police receive, and in short, if Police do not act on the intelligence instantly, it becomes a futile exercise.

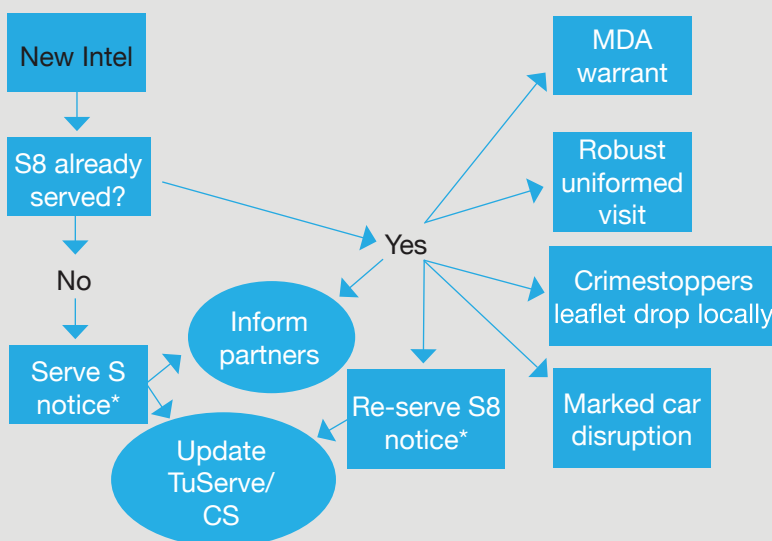
Intelligence suggests that some organised county lines move addresses every two to-three days to avoid detection, or being robbed by other dealers. One particular drugs line was rumoured to move every two to three hours due to their paranoia that Police were coming to arrest them. This has not been proven of course, however the intelligence picture is fairly strong around cuckooing and some of the methods used.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

rationale for section 8 (flow chart)

Rather than the at times, sporadic approach seen with Operation Hexham, the cuckooed addresses identified for Operation Daybreak were intelligence led, and pre-defined. In short, officers could not just attend any address they chose in order to deliver this notice.



* Notice to be served only by Daybreak trained staff

The S8 notice has been designed and is in use and can be tailored for specific locations. Importantly if an address occupant is vulnerable then a 102 will be raised and referral made.

Trained staff are listed in the attached document. Why use them? They have received an input into this tactic also and input into CHIS issues and RIPA, we have reduced the legislative risk associated with this tactic by training these officers. Clearly physical risks need to be considered.

TuServe Events will act as a repository for each address with notice served CC3 will be updated and a marker placed on the address.

Partners will initially be the housing society but there may be other routes we can take with information sharing.

method of section 8 delivery

The methods of delivering a Section 8 letter have been discussed and evaluated at length by the officers delivering them, and there is still ongoing debate about the best tactic.

We believe that where possible officers should be wearing uniform to deliver it. This is for two reasons; the first for the protection of the officer, but also for the community reassurance that Police are addressing the problem. It would not be uncommon for a drug addict to see someone they do not recognise knocking on their door, and be reluctant to answer it.

Best practice should be three to four officers going to each address. We found that two officers at the front and one or two covering other access points avoided drug dealers thinking that the premises was being raided and attempting escape prior to the homeowner allowing Police access.

We have found that having a printed and laminated letter ready to give to the occupant was effective. The officer will soon identify if someone is inside who shouldn't be.

We asked the occupant if the officer could come inside to read the notice to them. This ensures privacy for the homeowner who may not want their neighbours to know that they are being served with such a notice.

We also asked the occupant if there was anyone else in the house. Often the occupant would panic and say that they had “friends” in, and this often formed part of our grounds later for forcing entry.

We physically read the letter to each occupant, not assuming that everyone can read and write, and we advised them that our policy is to read the letter out, so there was no confusion for the individual about why the Police are there.

We re-iterated the duress defence and made it clear that the defence of duress may only be valid if immediately identified to Police.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

Where the homeowner was reluctant to allow us to enter the address, we considered why that may be. Section 8 Misuse of Drugs Act Notices are NOT an automatic power of entry to a property, and do not offer legal powers to enter. However we were confident with Section 17 PACE entry powers and ensured that our teams knew them. We considered the National Decision Model and what reasonable grounds we had to believe that the suspect was inside who has committed an indictable offence.

In summary we asked ourselves the following questions:

- Is there evidence of drug supply in the house?
- Are they refusing you entry?
- Are other people seen inside the windows etc who are not on the tenancy?
- How good is the intelligence?
- How recent is the intelligence?
- Are there drug users coming or going from the property?
- Has the homeowner stated that they are alone, but can you hear people inside the house talking or other noises?
- If drug addicts have left the house prior to your arrival and the grounds are there to search them under the Misuse of Drugs Act, have you found drugs? If so there is a reasonable chance that they have purchased them from within that property. Consider arrest and Section 32 powers?

These are not hard and fast rules, but are things we considered when serving a Section 8 Notice. *It is for each officer to individually justify the use of their powers, and be confident in doing so.*

Once the Section 8 Notice was been served, regardless of result, Crimestoppers leaflets were delivered to all neighbouring houses to advise them how to anonymously report crime. We did not specify which house was involved, or a particular crime, but reminded people how easy it is to contact Police.

We updated our Force Control Room with the address details and asked for a marker to be put on it. This meant

that if another officer was sent to that address for any reason, they would know that this has previously been a cuckooed address and it may help form any future decisions that they made.

We notified the relevant housing association that we had been there. They may have been taking enforcement/tenancy action themselves against the tenant and this could have been the final piece of their puzzle.

case study: XHELADINI

In December 2016 intelligence was received stating that an ex-drug addict, W, was allowing her premises to be used for the sale of crack cocaine and heroin, and also dealing in these drugs herself. Further intelligence came in stating that there were lots of comings and goings from the address. Unlike the majority of cuckooed addresses, this address was unusual as Police had not attended it previously, and it was also in a very affluent area of Cambridge; with large privately-owned expensive houses surrounding it.

Officers attended to serve a Section 8 Misuse of Drugs Act notice and knocked on the door. There was no response, however after around 10 minutes of knocking, an Albanian male, Amarildo XHELADINI (APPENDIX B) opened the door. He didn't seem particularly concerned to see Police, and explained that due to the size of the house, he had not heard the knocking on the front door. XHELADINI explained that he was a lodger in the house, and rented one of the rooms from the tenant, W.

Officers asked XHELADINI if W was home, as they needed to speak with her. XHELADINI stated that he did not know whether W was home or not, as he spent most of his time in his bedroom. He invited officers inside the house, and proceeded to walk them around the 4 floors to search for W. It soon became clear that W was not in fact home.

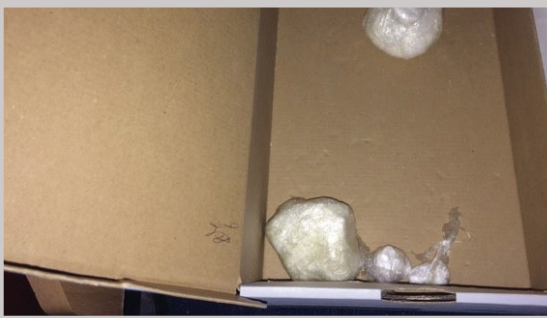
As officers began to walk down the various corridors and flights of stairs to leave, XHELADINI somewhat curiously pulled a bedroom door close and locked it with a key. The Officers questioned why he had done this, and XHELADINI stood silently, looking at the floor. The officers continued to converse with XHELADINI, asking him if he had something illegal in the room that he had just locked. XHELADINI stated that he wasn't sure, but that there was

“to catch a cuckoo”

section 8 misuse of drugs act 1971

most likely to be a small amount of cocaine.

The officers felt they had reasonable grounds to arrest XHELADINI for being concerned in the supply of Class A drugs, based on the intelligence, his behaviour and his comments. A Section 32 search of his locked bedroom revealed 296.61 grams of high purity cocaine, in individual lumps. This was later valued at £20,762.



Also in the bedroom in shoeboxes was a total of £10,290 in bank notes, and a further 160 grams of cannabis valued at £1600.



XHELADINI was charged with Possession with Intent to Supply Cocaine, and Possession with Intent to Supply Cannabis. He pleaded guilty at Cambridge Crown Court and received a custodial sentence of 4 years imprisonment, to be followed by deportation.

The Section 8 Misuse of Drugs Act letter was later served on W, who claimed to have no knowledge of the actions of XHELADINI.

It soon became clear that XHELADINI was in fact nothing to do with the intelligence surrounding county lines drug supply, however was linked to an Albanian OCG working within Cambridgeshire. This particular case highlights the somewhat grey area between county lines drug supply and OCG's; whilst also re-enforcing the success of the Section 8 Notice.

case study: JD LINE

In July 2017 Cambridgeshire Constabulary received intelligence stating that a top floor flat in a deprived area of Cambridge, had been cuckooed by the JD Drugs Line. Local officers had seen the occupant, X, sleeping on the streets overnight which also raised concerns that he was no longer being allowed to sleep in his flat. X, a heroin addict, had previously been involved in housing drug dealers, and was himself vulnerable.

Due to the location of the flat the decision was made that the Section 8 Notice would be delivered by officers in plain clothes; in order to prevent the potential drug dealers observing them accessing the flat block and discarding/plugging evidence.

Officers attended and knocked on the front door, with a further officer placed on the ground near the back of the block of flats. Movement could be heard inside X's flat, however no person answered the door. After a minute or so a strong London accent asked through the door "who is it?" to which the officer provided his first name only. There was whispering from within the flat, before the London accent replied, "I don't know nobody by that name. Go away".

Based on the intelligence specifically that the JD Drugs Line were inside the address, the fact that X had been seen sleeping overnight outside of the flat, the fact that the accent and voice talking to officers through the front door was not that belonging to X, who was the sole tenant for the flat, and the language used, officers believed that an indictable offence was taking place inside the flat, and that the suspect was inside. Officers effected entry utilising Section 17 PACE; using MOE equipment to force the locked door. This took a matter of minutes.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

When officers finally got into the flat, Kevin MAFWA (London gang nominal) was standing on the rear balcony looking over, and Koagan KOYI (London gang nominal) was climbing down the drainpipe towards the rear communal gardens. (APPENDIX C)

KOYI was promptly detained by the officer at the rear of the property, and MAFWA was arrested for drug supply and searched, where he was found in possession of a large quantity of cash.

KOYI was also arrested and both males were strip searched, where there was evidence that KOYI had plugged drugs anally.



The males remained in the address with officers to await transportation to Parkside Police Station, whilst two officers walked round to the rear of the address to ensure that no evidence had been thrown out of the window upon Police arrival.

Nothing was found outside, however as the officers walked back round to the front of the premises, Brian OJEWALE (London gang nominal) known locally as “Blondie” was walking along the road in the direction of the block of flats.

OJEWALE had been found over the previous 8 weeks at 4 different cuckooed premises; each time avoiding prosecution due to lack of evidence. Local intelligence suggested that he was higher in stature within the JD line, and that he was in fact one of the bosses of the group.

OJEWALE walked towards the officers, not recognising them due to their plain clothes. As he got closer, he realised who they were, and quickly turned and sprinted out of the street. The officers gave chase, and watched OJEWALE jump into the rear of a taxi that was waiting.

The taxi was stopped before it could drive away, and officers struggled with OJEWALE in the back who proceeded to rip a SIM card out of a mobile phone in his hand and swallow it.

Despite OJEWALE having consumed the SIM card, the telephone in his possession still retained numerous drug supply text messages; proving that he was in fact a Lieutenant for the JD Line.

Back at the Police Station KOYI was placed on constant observations due to having been suspected of plugging drugs anally. After a small amount of time he produced a package from his anus which contained 61 rocks of crack cocaine with a street value of £610.

KOYI was charged with Possession with Intent to Supply Crack Cocaine, Being Concerned in the Supply of Crack Cocaine, Being Concerned in the Supply of Heroin and Possession of cannabis and remanded in custody to which he pleaded guilty at Cambridge Crown Court, receiving a Prison Sentence of 3 years and 10 months.

MAFWA was charged with Being Concerned in the Supply of Crack Cocaine, being Concerned in the Supply of Heroin, and Possession of Criminal Property to which he pleaded guilty at Cambridge Crown Court and received a Prison Sentence of 13 months.

OJEWALE was charged with Being Concerned in the Supply of Crack Cocaine, being Concerned in the Supply of Heroin, and Obstruct a Misuse of Drugs Search to which he pleaded guilty at Cambridge Crown Court and received a Prison Sentence of 4 years and 11 months.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

case study: JALLOW/TAYLOR

In February 2016 Officers attended Y's address after Y had contacted Police by telephone to advise that he had a drug dealer staying in his house, who wouldn't leave. Y is a drug addict, who had previously allowed London based dealers to stay at his address, and during this telephone call he disclosed that the dealer had been staying at his address for nearly a week. He claimed that after initially paying him 6 rocks of crack cocaine and heroin for the first few days that the dealer had since cut all payment.

Officers attended and Y opened the door to allow entry. Officers could see a shadow moving inside the single bathroom, and heard the toilet chain flush. They entered the bathroom to find 15 year old missing person Erick WALUSIMBI standing next to the toilet area. Inside the toilet bowl around 20 wraps of crack cocaine and heroin floated to the top of the water, which were seized.

WALUSIMBI was arrested and charged with Possession with Intent to Supply Crack Cocaine and Heroin.

Y was charged with Allowing his Premises to be used for the Supply of Crack Cocaine and Heroin, to which he pleaded guilty at Cambridge Crown Court and received a 20 week prison sentence. He was also given a Section 8 Misuse of Drugs Act notice.

In July 2017 officers received a phone call from a member of the public advising that several drug dealers had just entered Y's house, with the inference that dealing was again taking place.

Uniformed officers attended the location and knocked on the door, where Y allowed them entry. Inside the address were London gang nominals Alhassan JALLOW and Tyrese TAYLOR (APPENDIX D).

A decision was made that the pair were going to be strip searched, due to the intelligence linking the house to drug supply, the gang markers on both males and due to JALLOW being in possession of a bag full of cash.

During the strip search of TAYLOR, he stated he did not feel well, and appeared to faint. Officers suspected that this was a tactic to avoid drugs being discovered, however TAYLOR was then violently sick. An ambulance was called to the scene, along with a MAGPAS Doctor. The MAGPAS Doctor shared the officer suspicion that

TAYLOR was in fact making himself vomit, however deemed that he needed taking to hospital by ambulance for observations.

An officer accompanied TAYLOR to the hospital, where he was given a drip and medical attention. TAYLOR was eventually strip searched at the hospital where a package containing 36 wraps of crack cocaine and heroin was recovered from his buttocks with a street value of £360.



Both TAYLOR and JALLOW were arrested, and their telephones interrogated. One of the phones had made several telephone calls to a Cambridge landline, and when officers phoned this number back, it transpired to be a local bed and breakfast.

A Section 18 search authority was granted, and the B&B bedroom searched. Inside the room a sports bag was seized which contained a further 20 wraps of crack cocaine and heroin with a street value of £200, and a lump of heroin which weighed 11 grams, with a street value of £1100.

JALLOW's fingerprints were found on and in this package.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

Both JALLOW and TAYLOR were charged and remanded into custody with Possession with Intent to Supply Crack Cocaine, and Possession with Intent to Supply Heroin.

TAYLOR pleaded guilty and is awaiting sentence, and JALLOW has elected to go to trial by jury, which is estimated to take place in December 2017.



Y was again prosecuted for allowing his premises to be used for the supply of Class A Drugs under Section 8 of the Misuse of Drugs Act, where he pleaded guilty at Peterborough Crown Court and received a 4 year custodial sentence.

Crucially this is now Y's second conviction for a drugs trafficking offence, which means if convicted a third time he will invoke a minimum prison sentence of seven years.

case study: Z

In May 2016 Cambridgeshire Constabulary received intelligence that Z was allowing her premises to be used for drug supply. She lived in an deprived area that was later designated a “drugs hotspot” due to a number of violent drug dealer on drug dealer attacks, and frequent reports of drug supply.

Z received a Section 8 Misuse of Drugs Act letter from Officers, who found three gang nominals from Bedfordshire in Z's spare bedroom. These three nominals were linked to the London gang matrix, but were actually from Bedfordshire. They had the tell-tale signs of being drug dealers, with multiple PIN LOCKED telephones, around £700 in cash, but no drugs.

There was no drug dog available for the County, and the three were arrested and later released without charge due to sufficient evidence.

In June 2016 further information came to the Police that Z was again allowing a London drugs line to operate from within her address.

Officers attended Z allowed them entry to the property. Inside was Zakeria AHMED (APPENDIX E), a London gang nominal. There was evidence of drug plugging, and he was strip searched. AHMED produced from his anus a clingfilm roll, which was found to contain £600 in bank notes.

Officers initially suspected it was a parcel of drugs; due to the shape and size of the parcel, and the way in which it was tightly wrapped in clingfilm. It was extremely unusual to find cash packaged in this way.

AHMED was arrested and his phone interrogated, where there was clear evidence of drug supply. AHMED was later charged and remanded with Being Concerned in the Supply of Class Crack Cocaine, Being Concerned in the Supply of Heroin and Possession of Cannabis.

CPS declined to prosecute Z due to no actual drugs being found, and the lack of evidence to suggest that AHMED actually was supplying from that address.

In December 2016 officers had cause to again attend Z's house due to further reports of drug supply. Again two males from London were discovered with cash and phones, but no drugs were found. A drugs dog attended, however, did not identify any drugs.

In March 2017 officers witnessed a local burglar/drug dealer, Marcus KAZEEM (APPENDIX E) run into Z's address whilst on patrol in the area. The front door of the address looked as though it had been damaged. Suspecting that KAZEEM was committing a burglary, officers entered utilising Section 17 of PACE.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

Inside KAZEEM was standing upstairs with his trouser and underwear slightly down. He was detained for the purpose of a strip search, and back at the Police Station was found to have 16 wraps of crack cocaine and heroin hidden between his buttocks.

Whilst local officers were attempting to fix Z's front door, Z appeared home. She stated that she had asked KAZEEM to damage her door, due to some drug dealers having stolen her door key. She wouldn't disclose any further information or provide a statement.

During this interaction, Delano JOHNSON walked down the road and up towards the front door. He appeared to see Police, and completely change his direction of travel.

Officers went outside to investigate, and JOHNSON was stopped further up the road. He too was linked by intelligence to the London Gang Matrix, and his account of what had just happened was sketchy at best. He was searched and found to be in possession of one item only; a door key. This door key was tested in Z's door, and it worked.

JOHNSON was detained for the purpose of a strip search and taken to Parkside Police Station, where nothing was found and he was released.

Two hours later an anonymous caller contacted Police to notify them that there was a suspected domestic dispute coming from Z's house. The officers who had initially dealt with both KAZEEM and JOHNSON recognised that this was unlikely to be a domestic dispute, and immediately attended the location.

When they arrived at the house, screams could be heard coming from inside the house, and the front door had again been smashed.

Officers crept into the house utilising Section 17 of the Police and Criminal Evidence Act; to save life and limb, where they found Z cowering in the corner of the room, surrounded by JOHNSON, Paul BURDON and Connor MCGOVERN (APPENDIX E).

MCGOVERN had a belt buckle wrapped around his fist, and Z was covered in cuts and bruises, and her eyes had swollen shut. The trio were making derogatory comments to Z, telling her to “open her eyes whilst they were talking”.

The investigation later uncovered that during this beating, BURDON had been instructed to boil a kettle, which was to be poured over Z when it had boiled. Officers evidenced that when they arrived the kettle was hot, and had clearly been boiled moments earlier.

JOHNSON, BURDON and MCGOVERN were all from London and linked to drug supply.

All were arrested and charged with causing Actual Bodily Harm and remanded into Custody.

The trio all pleaded not guilty to ABH, however after a three day trial at Peterborough Crown Court were found guilty of ABH.

JOHNSON was imprisoned for three years.
BURDON was imprisoned for three years, six months.
MCGOVERN was imprisoned for two years.

The victim, Z, received nasty injuries as a result of this incident including psychological trauma. The learning taken from this incident was when the cuckooed individual merges from being complicit, to being a victim. Z was almost always volatile towards Police, which masked the vulnerable and somewhat dangerous position she had put herself in by allowing her premises to be used for drug supply.

The suggestion from the Detective Sergeant who supervised the ABH case was that officers had potentially saved Z's life by their actions on the night in question.

Whilst this was likely to be the case, there was also the possibility that the Police had alienated Z by the manner in which they had conducted their previous attendances and she had felt that she was unable to call upon the Police for help.

The chilling way in which this particular incident was brought to a conclusion should be a stark reminder that the Section 8 Misuse of Drugs Act Letter is a tool that can be used to combat drug supply, but should not be relied upon as the only method.

KAZEEM was found guilty of Possession with Intent to Supply Crack Cocaine and Heroin and sentenced by Cambridge Crown Court to 5 years imprisonment.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

learning points

In order for the Section 8 Misuse of Drugs Act notices to be successful there needs to be structure.

It would be inappropriate for any officer to be able to print such a notice and deliver it to any particular address, as there would be no direction, no audit trail, and often a lack of expertise from the delivering officer to render it effective.

Cambridgeshire Constabulary has learned and evolved this process over the past 18 months, with the following learning points considered best practice:

- A selection of trained officers should be responsible for the actual delivery of Section 8 Notices; usually from a particular team or department.
- Training should be a very strict brief about the Section 8 Notice, and the legal powers surrounding it.
- Officers should be reminded about RIPA, and the dangers of stepping outside the legislation in relation to the running of CHIS.
- It was previously identified that local officers had been giving their mobile phone numbers to drug users for information, and this was challenged with immediate effect.
- Overview of a database from a Supervisor allows for the recording of the Section 8 Notices and a suitable audit trail.
- A Section 8 Notice is only to be given if recent intelligence suggests drug supply from an address. If intelligence is left more than a couple of days it becomes outdated, and no longer viable.
- Officers should be mindful of people leaving the rear of a premises when Section 8 Notices are being given. Consideration should be given to stationing an officer at the rear of the premises to prevent this.
- Ensure Crimestoppers leaflets are delivered to surrounding houses at the time of the Section 8 Notice being delivered. It has been shown that this is often forgotten due to whatever is found at the subject address. A PCSO could be included in this process.
- Be pragmatic. If someone is taking a long time to answer the door, the chances are that the dealer inside is anally plugging or swallowing the drugs. If there is no evidence of drug supply inside when officers do enter, then consider it as disruption and move the dealers out. This will at the very least offer some level of safeguarding to the occupant. Arresting people with little evidence is a costly and time consuming process, and often despite officer frustration, disruption is still a good end result.
- Officers who do not understand Section 8, or have a general understanding of drug supply are unlikely to be able to spot the signs of a cuckooed address. It is not uncommon for dealers to be described to Police as “cousins or relatives” of the homeowner, and no further questions asked. Ensure that officers with relative experience are assigned these roles where possible.
- Ensure that intelligence is submitted about each address and person within. This should be best practice.
- Consider the vulnerability of the homeowner. Often it will be very unclear whether they are complicit, or vulnerable, and we can get it wrong (see CASE STUDY Z).
- If vulnerability issues are identified, ensure that 101’s and 102 forms are submitted. These are easily forgotten; yet could be one of the greatest safeguarding methods that we have (APPENDIX).
- Remember that a Section 8 Notice is not a pre-cursor to arrest. It is not a legal form, and is only a warning to the occupant. Just because an occupant has not been served a Section 8 Notice, it does not mean they cannot be arrested for allowing their premises to be used for drug supply.

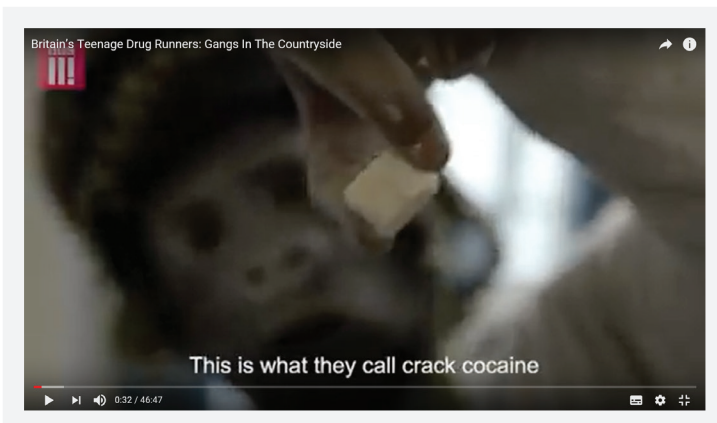
“to catch a cuckoo”

section 8 misuse of drugs act 1971

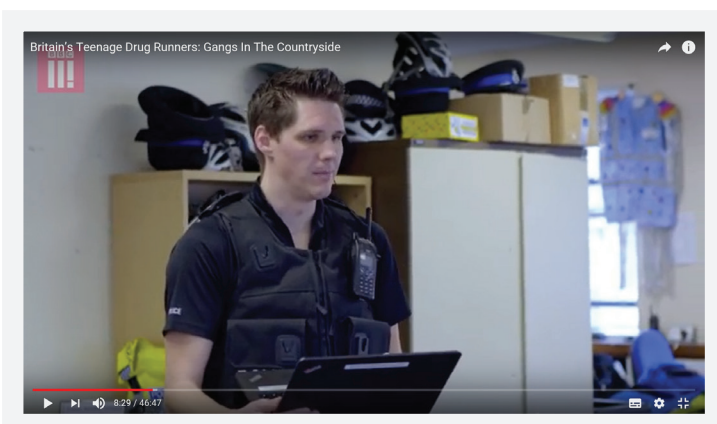
BBC documentary



In March 2017 Cambridge City Prevention Team officers were accompanied by a BBC3 film crew who were filming a documentary named **“BRITAINS TEENAGE DRUG RUNNERS”**.



This was a unique documentary which was split into two sections; with one showing masked drug dealers cooking up crack cocaine and giving explicit interviews detailing how the drugs are packaged, weighed and supplied, whilst also offering opinions and explanations about why dealers come to Cambridge and other Counties to supply the drugs.

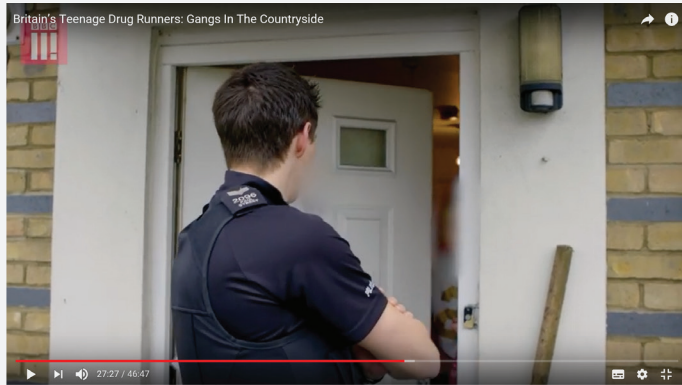


The second part of the documentary showed Cambridgeshire Constabulary officers briefing and explaining the Section 8 Notice, before attending the home address of a drug user and reading him the Section 8 Notice.

On this occasion there were no dealers present, however it was a clear message to both the user and potential dealers that this address was one of many that Police had visited.

“to catch a cuckoo”

section 8 misuse of drugs act 1971



The same officers then attended Cambridge resident Lisa ROGERS' home address, after receiving intelligence that ROGERS was again allowing her premises to be used for drug supply.

ROGERS, a Class A drug addict had previously been found with dealers inside her premises, and was always a very challenging individual to engage with; particularly if she had drug dealers inside her premises.

The film crew showed officers at the front and back of ROGERS' address, as a drug addict walked up to the door. The addict taps gently on the door before quickly leaving, which further added to the officer suspicion that there was a drug dealer inside.

The film shows the officers knocking on the door, and ROGERS opening it but refusing their entry. The officer utilises their Section 17 PACE power of entry, forcing their way inside.



London based Reece MARSHALL was found hiding in an upstairs bedroom. He had cash on him and was arrested on suspicion of being concerned in the supply of Class A drugs.

A search of premises revealed a large number of wraps of crack cocaine and heroin in a downstairs cupboard, and ROGERS too was arrested for allowing her premises to be used for drug supply.

MARSHALL was charged with Possession with intent to Supply Crack Cocaine and Possession with Intent to Supply Heroin, to which he pleaded guilty at Cambridge Crown Court.

ROGERS was charged with Allowing her Premises to be used for the Supply of Class A drugs, to which she pleaded guilty at Cambridge Crown Court.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

conclusion

A review of the Section 8 tactic has demonstrated that it is an excellent tool that can be used to disrupt and prosecute county lines drug dealers. It also is an excellent safeguarding tool that no longer provides the home owner with the power to use the Police inappropriately.

What is clear is that Section 8 is an excellent tool, but it is one of many that can and should be used to combat drug supply. A “one size fits all” approach will ultimately be unsuccessful, as there will be drug lines who won’t open the door to Police, or occupants who won’t allow Police entry and there will be insufficient Section 17 powers to force entry.

Section 8 Notices shouldn’t be used *instead* of Misuse of Drugs Act Warrants, but are a quicker and more disruptive approach to tackling cuckooing. Warrants are hard-hitting enforcement activities, but offer little safeguarding, and can tie up a team of officers for long periods of time, at the expense of the Constabulary, often with little reward.

The Section 8 process is quick, hard-hitting, and can often replicate the positive results of a drugs warrant, whilst allowing officers the opportunity to visit numerous addresses in one day. It makes these vulnerable premises a hostile environment for dealers, who are left wondering whether Police are going to be knocking on the door.

The more cuckooed addresses that the Police have a degree of control over, the more hostile and difficult it can be for drug dealers to operate. It is possible that they will be forced to change their tactics; operating out of hotel rooms and B&B’s instead, which will pose new and very different challenges.

The Crimestoppers leaflet drops work, and also show the community that officers do still patrol the streets, and are taking their local concerns seriously. We have had success with repeat offenders solely from the Crimestoppers leaflets, and it can often be the final piece of the puzzle that the police require.

Section 8 Misuse of Drugs Act Notices do work, and CPS has prosecuted countless cases off the back of them. If premises are entered lawfully and professionally by officers, there can be little defence from suspects inside, and the cases prosecuted in the last 18 months have more than a 90% guilty plea rate prior to trial. This is exceptional.

It is recognised that the Police will never fully solve the issue of drug supply in our communities, but the role of Cambridgeshire Constabulary is to disrupt them to the point where it becomes so hostile to come and deal drugs, that they cease or go elsewhere.

If the problem is allowed to go untouched, it will become an epidemic.

“to catch a cuckoo”

section 8 misuse of drugs act 1971

appendices

appendix a - example of section 8 notice

****WARNING****

1 *****, CAMBRIDGE, CB* **R

We have information to suggest that your premises are being used in connection with the supply of controlled drugs, and therefore you are committing an offence under Section 8 of the Misuse of Drugs Act 1971, which states;

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say -

- (a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;
- (b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);
- (c) preparing opium for smoking;
- (d) smoking cannabis, cannabis resin or prepared opium.

If you are found to be allowing your premises for use in any of the above activities, you will be considered for prosecution, and we will inform your housing provider who may well take tenancy enforcement action.

A potential defence of duress can only be relied upon if you have advised police of the threat(s) to you **immediately**.

In the event of any future prosecution, we will bring this warning letter to the attention of the court, and inform them of the environmental factors surrounding your premises, such as the close proximity of green spaces and care homes.

Operation Daybreak Team, Parkside Police Station

“to catch a cuckoo”

section 8 misuse of drugs act 1971

appendix b



Amarildo XHELADINI
4 Years Imprisonment

appendix d



Tyrese TAYLOR
Guilty - Awaiting Sentence

appendix c



Brian OJEWALE
4 Years, 11 months
Imprisonment

appendix e



Connor MCGOVERN
2 Years Imprisonment



Kevin MAFWA
13 months Imprisonment



Marcus KAZEEM
5 Years Imprisonment



Koagan KOYI
3 years, 10 months
Imprisonment