

LIBERTY & SOUTHALL BLACK SISTERS (17/12/2020)

On 18 December 2018, Liberty and Southall Black Sisters made a super-complaint to Her Majesty's Chief Inspector of Constabulary. The super-complaint concerned two features of policing:

- i. the passing of victim and witness data to the Home Office by the police for immigration enforcement purposes; and
- ii. the operation of and/or perception of a culture of police prioritising immigration enforcement over safeguarding and the investigation of crime.

Liberty and Southall Black Sisters have said that these features of policing cause significant harm to the public by deterring all victims and witnesses with an unsettled immigration status from engaging with the police.

HMICFRS have published a report into the super-complaint and made the following recommendations.

RECOMMENDATIONS	RESPONSE
<p>Recommendation 1. To chief constables</p> <p>As an interim measure, where officers only have concerns or doubts about a victim's immigration status, they immediately stop sharing information on domestic abuse victims with Immigration Enforcement. Instead, police officers should link the victim to a third party that can provide advice and assistance.</p>	<p>Pending the outcome of Recommendation 2, Warwickshire Police has issued a direction to its officers and staff that where they only have concerns or doubts about the immigration status of a Domestic Abuse victim, they do not share information on that victim with Immigration Enforcement. Instead, they are directed to link the victim to a third party that can provide advice and assistance (see Recommendation 4 on the creation of safe reporting pathways). Where there is evidence that the individual is suspected of committing criminal offences themselves this does not apply, and it is understood that the College of Policing is developing guidance for the police service to clarify this aspect of practice.</p> <p><u>Notes to recommendation 1</u></p> <ul style="list-style-type: none"> • This recommendation to stop information sharing only applies to victims of domestic abuse. • The College of Policing guidance will also clarify the difference between insecure and uncertain status and immigration offending. • Any sharing of information should be done in compliance with Information Commissioner's Office (ICO) guidance. • 'Third party' could include a local or national specialist victim support organisation or another individual/organisation that can act as an intermediary and advocate on the victim's behalf in communications with Immigration Enforcement – as required. <p>The current NPCC guidance dated April 2020 '<i>Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender</i>' has been reviewed and when taken against the backdrop of the current internal working practices, appears to provide sufficient safeguards to allow Warwickshire Police officers to undertake the lawful, proportionate and appropriate sharing of information relating to victims and witnesses. However, it appears in part to be in contradiction to this recommendation. The national Law Enforcement Engagement Team from the Modern Slavery & Immigration Crime Unit have been consulted and have advised this guidance remains current. This NPCC guidance has been uploaded to the force intranet and its contents re-communicated to the workforce via a force orders entry including the necessity to ensure decisions to share information are properly recorded. Warwickshire Police will continue to follow this guidance until superseded.</p> <p>From an operational perspective, information regarding a victim with insecure immigration status was recently shared with Immigration Enforcement as an operational necessity (in line with the guidance) and the response from them was in line with the NPCC guidance – entirely appropriate and victim focused.</p> <p>Warwickshire Police have an effective working relationship with local Immigration Enforcement & CFI teams including completing joint operations where appropriate. The police strategic vulnerability Detective Inspector who is also the immigration crime lead is in regular contact with the vulnerability leads from both local immigration services and is aware of the current processes utilised within those services which prioritise the needs of individuals as victims of crime or vulnerable persons in precedence to their being potential immigration offenders.</p> <p>Warwickshire Police do not currently have access to a specifically commissioned service or formal agreement with a third party organisation who specifically provide assistance to those with insecure immigration status. Details of a range of organisations within the region who can provide this type of support have been communicated to staff via a force orders entry, directly to neighbourhood teams and uploaded to the force intranet. This includes those who provide support by telephone/email/video call.</p>

Recommendation 2. To the Home Office

Review the legal framework and policy underpinning the matters raised in this super-complaint with the aim of providing clarification to the police service, other public services and immigration authorities on priorities regarding all migrant victims and witnesses of crime with insecure immigration status. To include associated guidance and further consideration of a mechanism for establishing a firewall between police and immigration enforcement services for all migrant victims of crime with insecure immigration status.

Recommendation 3. To the Home Office and the National Police Chiefs' Council

Develop a safeguarding protocol between the Home Office and the police service to guide responses to all migrant victims and witnesses of crime by the police service, the Home Office and other law enforcement agencies as relevant.

Recommendation 4. To chief constables

Take steps to ensure that all migrant victims and witnesses of crime are effectively supported through **safe reporting pathways to the police and other statutory agencies**.

With reference to recommendation 1, and in consultation/collaboration with local or national specialist organisations, Chief Constables should:

- ensure there is a proper policy and practice framework in place for officers to work within;
- develop victim and witness support policies that reflect the characteristics of the safeguarding protocol set out in recommendation 3 (*when published*), and:
 - draw on all relevant national guidance with particular reference to the Code of Practice for Victims of Crime and data protection legislation;
 - are developed in partnership with and include pathways to the relevant specialist organisations for supporting victims and witnesses with insecure immigration status;
 - are clear about the circumstances in which information will be shared by police with immigration enforcement;
 - provide clarity about the purpose of sharing information at different points of the pathway; and
 - explicitly recognise the importance of telling victims, witnesses and supporting agencies whether information will be shared with Immigration Enforcement, and if so, when and in what circumstances.
- promote understanding among police officers and staff to differentiate between responses to victims of modern slavery/human trafficking and victims of domestic abuse;
- promote awareness within their forces of any existing pathways to specialist organisations for supporting victims with insecure immigration status;
- ensure the policy and practice framework is adopted by all officers and staff who come into contact with victims of crime who have insecure immigration status; and
- promote police engagement in regular outreach community work, as highlighted as good practice in this report

All victims of crime in Warwickshire are provided with an appropriate level of service in line with the requirements of the Victims Code and there is no differentiation on the basis of immigration status.

Existing victim support services, both general and DA specific, do not differentiate the services they provide to individuals based on their immigration status.

Refuge are the current Domestic Abuse support service provider and provide culturally relevant services to victims of DA when required.

Warwickshire Police do not currently have access to a specifically commissioned service or formal agreement with a third party organisation who specifically provide assistance to those with insecure immigration status. Details of a range of organisations within the region who can provide this type of support have been communicated to staff via a force orders entry, directly to neighbourhood teams and uploaded to the force intranet. This includes those who provide support by telephone/email/video call.

OPCC Warwickshire are finalising the commissioning of the Victims Needs Assessment and have specifically included the following in the terms of reference:

- Services to victims of Modern Slavery and Human Trafficking, including:
 - What does support for victims of modern slavery look like/need to look like locally from when they are initially identified, before they enter the NRM and what are the challenges?
 - What does support for victims of modern slavery look like/need to look like locally when they exit the NRM and what are the challenges?
 - What does support for victims of modern slavery look like/need to look like locally when they decline to enter the NRM and what are the challenges?
- Services to victims who are Refugees
- Services to victims who have a questionable immigration status (not Refugees)

	<p>With regards to the reporting of DA by those with insecure immigration status in Warwickshire, at this time there is no formal pathway for this to be achieved via a third party as no organisation has been specifically commissioned to provide this service. There are however reporting pathways through local authorities within the county who are able to report directly to police. In addition reports can be made via the DA support service (Refuge), the Warwickshire MASH and the Coventry Warwickshire Sexual Assault Referral Centre (SARC) who can make anonymous reports for those suffering sexual assault or abuse including within a DA context.</p> <p>Warwickshire Police are aware some local authority services are unavailable to those with 'No Recourse to Public Funds' (NRPF) which can include those with insecure immigration status. They continue to work with their partners around the needs of those who are NRPF to ensure human rights are upheld. A working group to look specifically at the needs of those who are NRPF has recently been formed.</p> <p>Safer Neighbourhood Teams within Warwickshire routinely engage in outreach community work across a diverse range of communities as Business As Usual (BAU) activity.</p>
<p>Recommendation 5. To chief constables and police and crime commissioners</p> <p>In consultation/collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.</p>	<p>Warwickshire Police have reviewed the Domestic Abuse communications plan specifically within the Communications Risk section to address the potential risk for those of migrant/insecure immigration status:</p> <ul style="list-style-type: none"> • Risk that victims and witnesses who are migrants/have insecure immigration status may not have the confidence to report DA crimes (given language barriers) to police for fear of potential ramifications (e.g. deportation) <p>Warwickshire Police continually review and consider which demographics within the county are more likely to be at risk/affected by this issue (for example, the Albanian community). They will look at how communications can be better targeted (e.g. language specific versions) so the messaging is appropriate, can be understood and is able to reach those demographics based on evidence. They will continue to consider testing potential communications with a 'critical friend' e.g. local IAG/support groups. They will seek every possible opportunity to reiterate and share messages on all force platforms including national messages and consider the merit of sharing with language specific groups once identified.</p> <p>The above should not only ensure those at risk feel confident they will be protected when reporting such incidents but also provide reassurance they can and will receive support from police/other agencies.</p> <p>Consideration is also being given to the translation of some elements of future DA communications campaigns into alternative languages. Due to the diversity of the county translation would be only into languages where there was a significant identified resident community and potentially limited to a specific geographic area.</p> <p>OPCC Warwickshire will provide ongoing support to force communications on this issue. A new Police and Crime Plan is currently being drafted and MSHT is highly likely to feature.</p>
<p>Recommendation 6. To police and crime commissioners</p> <p>Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks.</p>	<p>The OPCC is in the process of commissioning a new Victim Needs Assessment and have incorporated the following into the terms of reference:</p> <ul style="list-style-type: none"> • Services to victims of Modern Slavery and Human Trafficking, including: <ul style="list-style-type: none"> ○ What does support for victims of modern slavery look like/need to look like locally from when they are initially identified, before they enter the NRM and what are the challenges? ○ What does support for victims of modern slavery look like/need to look like locally when they exit the NRM and what are the challenges? ○ What does support for victims of modern slavery look like/need to look like locally when they decline to enter the NRM and what are the challenges? • Services to victims who are Refugees • Services to victims who have a questionable immigration status (not Refugees)
<p>Recommendation 7. To the Home Office</p> <p>Improve the recording and assurance processes related to sharing information with the police. In particular, record the status, ethnicity and nationality of people referred, or enquired about, to the National Command and Control Unit within Immigration Enforcement in order to understand and record whether the caller believes the individual to be a victim, offender or both.</p>	

Recommendation 8. To all recipients of recommendations from this investigation

Provide an update to Her Majesty's Chief Inspector of Constabulary on progress in implementing these recommendations **within six months** of the date of publication of this report (**i.e. 17/05/2021**).

Communication between the APCC and HMICFRS suggests that this recommendation does not constitute a legal requirement under Sect 55(1) of the Police Act 1996. APCC received several queries about whether to use the HMICFRS monitoring portal to report on progress with these recommendations and stated that the portal was not being used by the APCC/PCC's to report on progress on the recommendations.

Correspondence between OPCC Warwickshire and the APCC took place on 17/01/2021 with the APCC outlining that they expected to coordinate feedback on the recommendations through the APCC Victims Portfolio but that this would be fairly light touch. Since that time no further mention has been made of this at the Victims Portfolio Group and the lead APCC officer has now left the organisation.