

GMP Response to the CoP, IOPC and HMICFRS Report and Recommendations

1. Summary of the Report

On 18 December 2018, Liberty and Southall Black Sisters made a super-complaint to Her Majesty's Chief Inspector of Constabulary. It was the first super-complaint to be made since the enactment of the scheme envisaged by section 29A of the Police Reform Act 2002. The super-complaint concerns two features of policing:

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

In this super-complaint, Liberty and Southall Black Sisters identified the following features of policing that cause significant harm to the public, by deterring all victims and witnesses with an unsettled immigration status from engaging with the police:

- the 'weaponisation' of immigration status by perpetrators;
- victims/witnesses are too afraid to report crimes to the police;
- discrimination against Black, Asian and Minority Ethnic (BAME) migrants leading police to:
- conduct immigration checks on BAME victims/witnesses; and
- prioritise immigration enforcement when dealing with BAME victims/witnesses;
- the criminalisation of victims/witnesses;
- an adverse effect on other proceedings or potential avenues of recourse being contemplated by victims, caused by police failures to deal appropriately with domestic abuse;
- police participation in formal and informal multi-agency discussions leading to a prioritisation of immigration enforcement across state agencies;
- members of the general public are exposed to the risk of becoming future victims of perpetrators who have not been dealt with by police; and
- the prioritisation of immigration enforcement generates a culture of impunity for perpetrators who are not brought to justice.

To address these lines of enquiry, the investigation team requested information on current possible stakeholders who could respond: relevant policies in use from all 43 forces in England and Wales for information. The team also conducted limited fieldwork in six forces across England and Wales, GMP was not included.

The IOPC, College of Policing (CoP) and HMICFRS conducted their investigation by assessing the nature of information sharing between the police and the Home Office/Immigration Enforcement of personal data of victims and witnesses of crime with an insecure immigration status. They also examined the implementation of national and local police policies, guidance, training and practice in safeguarding victims and witnesses of crime who have insecure immigration status. The risks of harm

to the public arising from the police passing victim and witness data to the Home Office for immigration enforcement purposes were also included in the investigation.

The investigation also looked into risks of harm to victims and witnesses arising from information sharing about people at high risk of domestic abuse, who have an insecure immigration status, within formal and informal multi-agency discussions, for example at multi-agency risk assessment conferences (MARACs).

The report identifies areas for improvement and Greater Manchester Police's (GMP's) assessed position against these recommendations is set out below.

2. Recommendations

There are four recommendations for all police forces contained within the above report, one of which is shared with police and crime commissioners (or equivalents).

HMICFRS, CoP and IOPC Recommendation 1

Recommendation

As an interim measure, pending the outcome of recommendation 2, where officers only have concerns or doubts about a victim's immigration status, we recommend that 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, as set out in recommendation 4 (on the creation of safe reporting pathways).

This applies where police officers have doubts about a victim's immigration status, not where they have evidence that an offence has been committed. The College of Policing will immediately develop guidance for the police service to clarify this aspect of practice.

Notes to recommendation

- *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.*

GMP response:

Within GMP, when an individual reports that they have been a victim of crime the focus will always be:

- To put in place such reasonable measures as are necessary to protect the victim/witness from harm.
- To investigate the allegation the victim / witness has reported; and

GMP police officers will not routinely search police databases for the purpose of establishing the immigration status of a victim/witness, nor would GMP seek proof of entitlement to stay in the UK.

The newly drafted Force Domestic Abuse Policy states, that if a victim reports domestic abuse in such circumstances where their immigration position is unclear, their status as a victim witness does not change and their safeguarding is still the priority. The incident will be dealt with in the same way as if that person had secure immigration status. Where children are involved and there is a Child

Protection issue, especially if there is a risk of them being homeless, Children's Social Care have a duty to protect the child and should be the first point of contact.

As set out within the HMICFRS report, police forces are permitted, including by s.20 of the Immigration and Asylum Act 1999, to supply information, documents, or articles to the Home Office for use for immigration purposes. The police also have common law powers to share information with other public bodies where it is in the public interest to do so in pursuit of the police's functions and functions of the body with whom the information is being shared. In GMP, we share information with the Home Office for a number of reasons including:

- To obtain information that may assist in identifying a victim / witness as vulnerable to harm and/or taking measures to protect them from harm;
- To obtain the assistance of the Home Office in the police investigation/taking measures to protect a victim / witness from harm. For example, where it is suspected that the perpetrator in a domestic violence investigation is using the victim's immigration status as way of maintaining control and further isolating the victim, officers may ask the Home Office to assist in resolving the victim's immigration status where possible;

However, in such cases, GMP officers would carefully consider when and what information to share with the Home Office. These decisions will vary from case to case and be guided by the College of Policing's Authorised Professional Practice on Major Investigations and Public Protection under "Domestic Abuse", "First Responders", "Initiate support and protection for victims". Future guidance from the College of Policing would be welcomed.

In circumstances where a decision is reached to share information, officers will only share 'basic' information, such as date of birth, current address and type of crime reported. Whilst 'additional information' can also be shared with the Home Office (i.e. details of the allegation reported by the victim/ witness including its nature and gravity, details of any protective measures the police have put in place), officers are trained to take a proportionate approach having regard to all circumstances of the case, including:

- The views of the victim / witness with respect to sharing any "additional information" (which should be obtained before any "additional information" is shared save where it is impracticable to do so, but which views are not determinative);
- The nature and gravity of allegation reported by the victim / witness and the investigation into that allegation; and
- The need to put in place measures to protect the victim / witness from harm.

The victim/ witness will be kept up to date with when the information has been shared, what it was and the rationale as to why it was shared.

Within GMP, work is underway with third partners to develop referral pathways for victim and witnesses and also to promote support that is available. In addition to the examples below, the Force has also organised a Facebook Live Question and Answer session on issues facing B,A&ME Communities - which included immigration matters.

Project Advenus

Project Advenus, under Operation Challenger, is a dedicated team working alongside Immigration Enforcement and Border Force to assist officers when they encounter a Non-British suspect or offender who has committed crimes abroad and in the UK.

The team has yet to receive a referral concerning a victim of domestic abuse however, in the event; it

would not be processed for enforcement purposes. For absolute clarity in response to the nature of the complaint, Advenus does not pass the details of victims or witnesses to the Home Office nor does it refer victims of domestic abuse to Immigration for enforcement action. The team only processes details of persons referred to the team as offenders (i.e. from custody, voluntary attendance at a police station or intel from police interaction where the person is suspected of an offence).

HMICFRS, CoP and IOPC Recommendation 2

Recommendation

With reference to recommendation 1, and in consultation/collaboration with local or national specialist organisations, chief constables should 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. They 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, 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.*

GMP response:

The primary source of guidance for police services across England and Wales is contained within the National Police Chief's Council (NPCC) '*Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender*' (April 2020). The document has been used by GMP to inform relevant policies, it provides direction in relation to dealing with those who may have insecure immigration status and what information is to be shared if the officer dealing with the case becomes aware that a victim or witness may be subject to interest from the Immigration Enforcement.

Identifying and dealing with vulnerability

Greater Manchester Police has recently conducted a full review of the Force Domestic Abuse Policy. The additional vulnerability and potential barriers to reporting that are prevalent amongst those victims with an insecure immigration status is clearly recognised and addressed within the policy.

Standard practice dictates the assessment of the vulnerability of an individual focuses on their immediate safeguarding needs, the checking of immigration status is not a 'standard operating

procedure' and this is a point which has been emphasised thorough engagement with other organisations and community forums as outlined below.

The wider scope and impact upon victims of other types of crime and exploitation is recognised within the practice of Operation Challenger and Advenus. Specific guidance and support is available through the Modern Slavery Coordination Unit (MSCU) through a network of district Modern Slavery Liaison Officers and Tactical Advisors with a comprehensive rota to ensure cases can be dealt with in a timely and effective manner and that access to a place of safety can be facilitated. Further support can be instigated through a link to [Justice and Care](#) who provide victim centric support including a Victim Navigator Programme and have a member of staff embedded within the team.

Working in partnership

The Force has a team of eleven Victim Service Coordinators based across its ten districts; in September 2020 the team received detailed briefing from the MSCU together with City Hearts in relation to the issues faced by victims and witnesses who have insecure immigration status.

There are specific Thematic Leads for Modern Slavery, Female Genital Mutilation (FGM), Honour Based Violence (HBV), BAME and domestic abuse. These leads work with commissioned and VCSE service providers to enhance internal understanding of service provision and develop pathways between service providers. The B,A&ME Thematic Leads have been conducting outreach work with organisations offering services specific to B,A&ME communities across GM providing updates to their colleagues and information for the respective internal and external awareness campaigns. Such as the HBA - National Day of Remembrance in memory of victims such as Shafiea Ahmed and promoting the support that is available.

Information relating to immigration and the victims services available to those who require specific support is now contained within the Making a Difference Toolkit which is available to all officers and staff.

The measures outlined above are aimed to promote understanding amongst officers and staff of policy and protocol as it applies to different groups of victims and witnesses and what advice is available to them and support for the individuals concerned. The guidance is explicit in relation to the importance of telling victims and witnesses when and what information will be shared with Immigration Enforcement.

The team and other departments within GMP have been working with service providers to ensure that as far as possible all are aware of each other's service provision and the respective referral pathways. There is a proposal for Karma Nivara to deliver training the Independent Victim Advocate's in the first part of 2021 to increase understanding and awareness.

HMICFRS, CoP and IOPC Recommendation 3

With reference to recommendation 1, pending the developments outlined in other recommendations and in consultation/collaboration with local or national specialist organisations, chief constables and police and crime commissioners should take steps, through the appropriate channels, to promote migrant victims' and witnesses' confidence in reporting crimes to the police through safe reporting pathways, without fear of prioritised immigration control.

GMP response:

In addition to the activity outlined above, GMP has been working closely with several organisations who focus upon the communities where immigration insecurity is an issue or the prospect of the same is used to exploit victims. Predominant participants have been Saheli, Olive Pathways, the Caribbean and African Network (CAHN) and Endeavour working alongside them and closely with GMCA colleagues to understand the barriers within existing arrangements and how to unravel them.

Part of this process involved Olive Pathways and CAHN together with the Victim Services Team, Officers from the PPGU and other commissioned service providers in a Greater Manchester wide Facebook Live Q&A session held in October to coincide with Black History Month. The session had a reach of 65,000 with the panel answering 41 questions many of which related to immigration, forced marriage and other issues faced by our B,A & ME communities. This was seen by all of those involved as a platform for building of trust and confidence amongst professionals and a clear message to victims and witnesses that they can come forward to whichever agency best meets their needs. This activity has served as a platform for further collaboration to achieve recommendation 3.

HMICFRS, CoP and IOPC Recommendation 4

All recipients of recommendations from this investigation are to 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.

GMP response:

GMP is fully committed to progressing the recommendations set out within the HMICFRS report and will continue to collaborate and develop relationships with partners who can assist the Force in ensuring every victim of crime receives the service they are entitled to.

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Police Information Sharing with Immigration Enforcement

A joint super complaint investigation by HMICFRS, the College of Policing and the Independent Office for Police Conduct found that victims of crime with insecure or uncertain immigration status are fearful that, if they report crimes to the police, their information will be shared with the Home Office. The investigation looked at migrant victims in highly vulnerable circumstances – usually arising from crimes of domestic abuse or modern slavery and human trafficking.

HMICFRS found no evidence of an intention within the police service to operate a culture that prioritises immigration enforcement, nor that this is the primary purpose of information sharing. However, they express concern that NPCC guidance has been inconsistently adopted by police forces in England and Wales.

HMICFRS found no evidence of an intention within the police service to operate a culture that prioritises immigration enforcement over the investigation of crime and safeguarding. However, there is a perception of such a culture by some victims and the specialist organisations that support them.

HMICFRS acknowledged positive outcomes achieved when police recognise immigration status as a risk factor for victims and work in partnership with specialist agencies, with a priority given to safeguarding.

The relevant extract from current NPCC policy, published in 2020, is set out below:

When an individual reports to the police that they have been a victim/ witness of crime the focus of the police will always be:

- *To investigate the allegation the victim/witness has reported; and*
- *To put in place such reasonable measures as are necessary to protect the victim / witness from harm.*

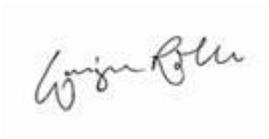
Officers will not routinely search police databases for the purpose of establishing the immigration status of a victim/witness or routinely seek proof of their entitlement to reside in the UK.

When a victim/witness is suspected by an officer of being an immigration offender, their status as a victim/witness does not change. The focus of the police will remain to investigate the allegation the victim/witness has reported and to put in place such reasonable measures as are necessary to protect them.

Many police investigators work tirelessly to protect victims of domestic abuse, human trafficking and modern slavery. Where an investigation involves a victim, witness or suspect with uncertain immigration status, officers are alive to their particular needs and fears. It is not uncommon for officers to work with Immigration Enforcement to resolve concerns and reassure victims and witnesses, particularly where perpetrators have used a victim's immigration status to perpetuate fear and abuse. This is a complex area for policing as it is not uncommon, in human trafficking and exploitation cases, for a person to be a victim and a perpetrator.

The National Police Chiefs Council will work with the Home Office and the College of Policing to continue to address concerns expressed by victims. We will cooperate fully in the development of the approach to safeguarding, including relevant guidance and protocols.

Yours sincerely



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Assistant Commissioner



Shaun Sawyer
Chief Constable