

**Norfolk Police and Crime Commissioner (PCC) response to inspections of Norfolk Constabulary published by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)**

*Section 55 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond to recommendations in inspectors reports within 56 days*

Inspection Title:	<a href="#"><u>Safe to share? Report on Liberty and Southall Black Sisters’ super-complaint on policing and immigration status</u></a>
Date Published:	<b>17 December 2020</b>
Type of Inspection:	<b>Super Complaint</b>

**KEY FINDINGS:**

The above document relates to a super complaint raised by Liberty and Southall Black Sisters about the treatment of victims of crime and witnesses with insecure immigration status. The report itself has been produced jointly by HMICFRS, the Office for Police Conduct (IOPC) and the College of Policing as a result of their investigation. These agencies are responsible for investigating and reporting on super-complaints and this is the first of its kind.

The super-complaint has been raised as the originators felt that some features of policing were significantly harming the interests of the public. The key areas within the complaint focus on:

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

There is a concern from the authors that existing approaches deter victims and witnesses with an unsettled immigration status from engaging with the Police. They raise the point that despite the guidance from the NPCC circulated in October 2019 and the subsequent circulation of a revised version of this paper in June 2020, the relevant behaviours have not stopped and they question whether the guidance has in fact been adopted by forces nationally.

The agencies investigating the super-complaint adopted a number of key lines of enquiry when undertaking their investigation. This included reviewing the nature of information sharing between Police and Home Office / Immigration colleagues, the implementation of available guidance by forces and the specific risks facing domestic abuse victims with insecure immigration status.

The report provides an overview of its findings following the above investigation taking place. There is recognition by the authors that the Police and Home Office need to share information when carrying out their main public functions, i.e. to investigate crime, maintain public order and protect life and limb. This is recognised as being important for people’s safety and in certain circumstances it is required by law.

The report does however go on to confirm that the NPCC guidance provided for this area of business has not been consistently adopted by forces in England and Wales and they also state that whilst there is insufficient data available to enable us to assess whether such referrals do affect criminal justice outcomes, there is a strong likelihood that this is the case.

The report recognises it is difficult for officers to make a judgement call when responding to migrant victims of crime and how to best balance the interests of criminal justice and victim's safety against the interests of the state in upholding immigration law. The ability to prioritise one over the other is a challenge and these difficulties are believed to be exacerbated by the lack of shared knowledge between the Police and the Home Office on the outcomes for migrant victims.

Overall the report identifies a lack of awareness in forces about the implications of sharing information with Immigration Enforcement and a lack of understanding about the potential enforcement activity that may occur as a result. There is a feeling that the lack of policy or protocols in this area may mean victims are less likely to report crime to the Police and as such, victims may go un-supported. The report suggests officers are not always clear on their priorities, that the response to migrant victims is determined by the type of crime and individual circumstances of each victim and that there is currently no evidence that the sharing of personal victim data supports or addresses identified safeguarding requirements.

The report offers some solutions to the issues:

- Develop clear and consistent policy and guidance
- Identify and share good practise
- Develop robust advocacy and partnerships
- Develop a complete firewall between police and immigration authorities and develop an immediate change in police practice to allow a separation between the response to victim's report of domestic abuse and the handling of their immigration status

In addition, several recommendations are also contained in the report. A number of these are directed specifically at the Home Office and the NPCC, however the following recommendations are directed specifically at Chief Constables and as such should be progressed at a local level:

## RECOMMENDATIONS:

### Recommendation 1

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.

### Recommendation 4

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.

### Recommendation 5

(Recommendation jointly for Chief Constables and PCC's)

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.

A specific recommendation is also included for PCC's:

Recommendation 6

Conduct an assessment of local access to specialist victim support organisations or networks and take any necessary steps to build up such networks.

### CHIEF CONSTABLE RESPONSE TO REPORT AND ANY RECOMMENDATIONS:

“Norfolk Constabulary welcomes the report and it's recommendations. These will be taken forwards through the Victims Sub Group currently chaired by the T/ACC Joint Justice Services as strategic lead for Victims and the Victims Code of Practice.’

“On receipt of the Super-Complaint the need to respond urgently to the first recommendation was recognised. An urgent review of policy and procedures within the Safeguarding and Intelligence directorates was carried out and while existing policy was compliant with the spirit of the recommendation changes to the text were made to ensure that the force was compliant to the letter with the updated guidance released as a result of the Super-Complaint. At the same time communications were issued to the whole of the workforce to reiterate the importance of police not becoming compliant with abusers in using uncertain immigration status as a means of victimising vulnerable people. Actions were tracked at the Domestic Abuse Delivery Group to ensure compliance and that group, along with the group mentioned by ACC Wvendth, will continue to mote and implement any further guidance that emerges.”

### PCC RESPONSE TO REPORT AND ANY RECOMMENDATIONS:

I welcome the report into the Super Complaint and recognise the urgent work required to address the recommendations, in particular the first recommendation.

In response to recommendation 5, my office works with and continues to work with organisations that support migrant victims’ and witnesses to report crimes to the police. One such organisation is GYROS, based in Great Yarmouth, who the OPCCN has worked with to provide safe reporting pathways for victims and survivors of domestic abuse.

In response to recommendation 6, my office, in partnership with Norfolk Constabulary, acknowledges the need to ensure there are safe reporting pathways for all victims of crime, and will assess access to specialist support organisations. This will be achieved utilising existing strategic partnerships and the OPCCNs Independent Advisory Group.

I have noted that an update on progress on delivering these recommendations and associated actions is expected by HMICFRS six months on from the publication of the report. I will be monitoring the progress being made against these recommendations in Norfolk through the governance meetings held both internally and externally.

#### For Office Use Only:

- ✓ Response forwarded to HMICFRS Section 55 Responses
- ✓ Response forwarded to Chief Constable
- ✓ Response forwarded to Police and Crime Panel
- ✓ Response published on the OPCCN website