

# West Mercia response to the LSBS super complaint – Safe to share?

29.11.21

**Recommendation 1 (Chief Constables): 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.**

As a force West Mercia do not routinely share victim/witness information with Immigration Enforcement where there are doubts in regards to immigration status. The force is also not aware of any victim/witness engagement with the force resulting in immigration enforcement action.

The force position has been to support the NPCC guidance issued in 2018, the content of which specifies "In the circumstances where a person reporting a crime is also identified, potentially, as a person without leave to remain or to enter the UK, the fundamental principle **must** be for the police to first and foremost treat them as a victim." This guidance remains in effect and accessible to all officers/staff on the intranet pages.

West Mercia also operate the principles of both Operation Missouri and Operation Nexus.

Both operations see local and force intelligence linking in to Immigration Enforcement. Whilst more specific to offenders rather than victims/witnesses the emphasis on the consideration and recognition of potential victim status further supports the force position that this is a primary consideration.

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The force is not aware of any additional guidance developed by the College of Policing as a result of this recommendation.

**Recommendation 4 (Chief Constables): 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.**

There is currently no formal policy or procedure in place in West Mercia specifically in regards to migrant victims and witnesses of crime. As referenced in the response to recommendation 1 there is guidance available to officers/staff via the West Mercia intranet pages which emphasises the need to first and foremost treat the individual as a victim/witness.

The West Mercia policy on Investigating Domestic Abuse and Safeguarding does stipulate that national police procedures are to be followed, as set out in Approved Professional Practice (APP),

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with a link provided to the relevant procedure. Within this APP there is specific reference to "Victims from different cultural backgrounds" and also "Victims with insecure immigration status".

The Victim Code applies to all victims of crime, there is nothing specific within this in relation to individuals with insecure immigration status.

West Mercia has links into a number of bespoke support agencies, such as Women's Aid for Domestic Abuse, and immigration status is not a barrier to referral. West Mercia also has the in-house Victim Advice Line which replaced Victim Support in 2019. The Victim Advice Line (VAL) is a free and confidential service offering support to anyone affected by crime in West Mercia, whether they have reported it or not and regardless of how long ago it took place. The aim is to help people cope and, as far as possible, recover from the impact the crime has had on them. People can refer themselves, be referred by the police or be referred by a third party. This service has seen both internal and external advertising. Any victim that engages with the Victim Advice Line will be supported in accessing services relevant to their needs, this would include any individual with an insecure immigration status accessing available national support where required.

West Mercia provide training to the workforce on MSHT, Domestic Abuse and Data Protection. Investigation pathways conform with APP and the emphasis on first treating individuals as victims/witnesses is applicable throughout. There is training and guidance available to officers/staff in regards to the National Referral Mechanism specific to potential victims of trafficking.

Safer Neighbourhood Teams have where applicable engaged with local authorities where there are resettlement schemes within the force area. Multi-agency targeted enforcement (MATES) and SOJAGs also provide a partnership response whereby MSHT and other issues may be relevant, with victim status at the forefront of any operational activity.

Any specific communication on the issue of immigration status of victims/witnesses will be further considered pending national guidance.

**Recommendation 5 (Chief Constables / PCCs): 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.**

At this present time West Mercia have not pursued a communications piece specific to the insecure immigration status of victims/witnesses, pending any national guidance and approved professional practice.

As referenced in recommendation 4 the force has both internally and externally advertised its confidential Victim Advice Line (VAL), consideration will be given as to any changes that could be implemented to make this even more accessible to harder to reach communities.

OPCC Response:

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The PCC has published a DA Strategy setting out his priorities. Although the strategy does not explicitly reference migrant victims and witnesses there are a number of commitments relating to the provision of services for groups who are marginalised or hidden within services. This includes encouraging such victims' and witnesses' to report their abuse.

### **Recommendation 6 (PCCs):**

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

OPCC Response:

Since publication of the report the PCC's office has set up an operational group called 'West Mercia Victim Services Engagement Working Group 'with our commissioned victims' services. The purpose and role of the group is set out below:

The group is designed to share best practices across various services. This will enable better support for victims from under represented communities and to give victims a greater voice.

The group will be utilising shared ideas and collaborating across the services in order to improve the support given and to improve the access for services. The group also wants to remove any barriers faced in accessing services and to explore what needs to be improved. Key speakers from specialist organisations will be invited to present, this will enable greater insight and improve practices.

The group will improve outcomes for underrepresented victims through a strategic approach to identifying and addressing needs in support across all services.

The focus of the work is to ensure that specialist victim support is available and to encourage those who are currently under represented within those services to seek support.

This group will be doing consultation work with local community groups and victims and survivors to ensure that they are channelling the victim's voice in all they do.