

**‘SAFE TO SHARE? REPORT ON LIBERTY AND SOUTHALL BLACK SISTERS’ SUPER-COMPLAINT  
ON POLICING AND IMMIGRATION STATUS’ PUBLISHED 17TH DECEMBER 2020  
A JOINT INVESTIGATION BY HER MAJESTY’S INSPECTORATE OF CONSTABULARY AND FIRE  
& RESCUE SERVICES (HMICFRS), THE COLLEGE OF POLICING AND THE INDEPENDENT  
OFFICE FOR POLICE CONDUCT  
RESPONSE FROM AVON AND SOMERSET PCC DATED 17TH JUNE 2021**

This is the first of the new police super complaints to which I am responding. Super complaints are a very important process as they effectively allow another avenue for the public's voices and concerns about policing to be heard. In addition, having these complaints investigated by the three national policing bodies allows for meaningful recommendations which can drive change. I will be alert to the issues raised through super complaints and will scrutinise and respond to these. Where appropriate I will also publicise my response including that of the Constabulary.

The essence of these particular findings is *"that victims and witnesses with an unsettled immigration status are currently deterred from engaging with the police because of fears that this may make their situation worse. Consequently, victims are denied justice, while offenders go unpunished and remain a threat to the public."*

In my election manifesto I talk about priorities including reassuring the public that the police are there for them, strengthening victim support and domestic violence. All of these priorities accord with the improvements identified in this report.

The report contains five recommendations for forces and/or PCCs as set out below.

**Recommendation 1. To 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.

#### Recommendation 4. To 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.

#### Recommendation 5. To chief constables and police and crime commissioners

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.

#### Recommendation 6. To police and crime commissioners

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

#### 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.

In response to these recommendations I can confirm the following.

#### Response to recommendation 1

At the point of writing the Constabulary are still in discussion with the National Police Chiefs' Council (NPCC), HMICFRS and other stakeholders about this recommendation. Before the Constabulary take any definitive action on this they are waiting for the national guidance from the NPCC.

The Constabulary prioritise the victim in their approach to safeguarding and only share information where relevant and necessary to do so. This sharing of information (referral) is discussed more below.

#### Response to recommendation 4

The investigation focussed on migrant victims in highly vulnerable circumstances and highlighted domestic abuse victims within this. The Constabulary have a policy that all victims of domestic abuse are referred to the Lighthouse Safeguarding Unit (LSU) by virtue of being an enhanced victim, under the Victims' Code of Practice. There is already a well-established route for LSU to refer victims onto external support agencies. For example the LSU works closely with specialist organisations such as Nextlink, YouTrust and Southside, who between them, cover all five local authority areas across Avon and Somerset and offer comprehensive guidance and interventions for all victims of domestic abuse. This includes Independent Domestic Violence Advisors that specialise in support for victims from ethnic minorities.

When the LSU receive a referral for any enhanced victim of crime, a Victim and Witness Care Officer undertakes a Common Needs Assessment with the victim. This is in order to clearly understand their current situation and any needs that the victim may have; this includes any additional support required, which may include for example, immigration status or translation services.

In addition to the above, if the victim or witness is subject to honour based abuse or modern slavery then there are specific agencies that the LSU can refer them to such as Unseen or Karma Nirvana. Although other local support agencies also have the expertise to manage these issues. If they have been the victim of a lower level offence (such as theft) then they may be referred for to a more broad support agency – such as Victim Support – who also have pathways and/or links to support victims who are experiencing immigration issues.

Victim and Witness Care Officers would not specifically ask victims about their immigration status, unless it emerged whilst completing the Common Needs Assessment. If this was apparent to an officer it may also be noted in a referral to LSU if they felt it was contributing to their vulnerability or risk. Immigration issues will never detrimentally affect how the victim is supported by the LSU; if anything this could add to the victims risk and vulnerability which will mean that additional support and pathways will be put in place as a result.

Victims of modern slavery was another aspect of this investigation. The Constabulary also work as part of the Anti-Slavery Partnership, which is a multi-agency collaboration including: local authorities, Port Authority Police, Fire and Rescue Services, Immigration, Her Majesty's

Revenue and Customs, NHS, Unseen, Clewer Initiative, The Gangmasters and Labour Abuse Authority, Regional Organised Crime Unit, National Crime Agency and Crown Prosecution Service. This is a forum for multi-agency working together to identify and safeguard potential victims of modern slavery or human trafficking by sharing of intelligence and attending joint visits.

#### Response to recommendation 5

The Constabulary seek to encourage all under represented communities to report crime and will continue to examine ways in which this can be improved. Inclusivity is one of the Constabulary values and they will continually seek to practice this value and provide safe and appropriate channels for victims and witnesses to report crime.

The Constabulary have recently completed some external campaigns aimed at under-represented communities to promote crime reporting and build trust and confidence in the police. For example the Constabulary co-created a series of short videos with communities at high risk of hate crime, which were shared within their networks and on targeted channels; videos were available in English, Punjabi, Urdu, Arabic, and Somali. The videos signposted members of the public to appropriate support services and reporting platforms.

Depending on the national direction which follows from recommendation 1 will determine how the Constabulary can respond to this recommendation also. I will ensure my office work with the Constabulary to develop this once that national direction has been received.

#### Response to recommendation 6

The Office of the PCC undertook a comprehensive victim services Needs Assessment, Equalities Impact Assessment and consultation with stakeholders and victims prior to the last recommissioning of victim services in 2019. No evidence of specific additional needs for this cohort of victims was flagged as a local issue. Needs assessments and consultations are undertaken prior to any commissioning and my office will ensure this area is specifically considered in future needs assessments.

Super complaints and impact on victim services and experience in Avon and Somerset will form part of the Victim Services Improvement Plan for the coming years; which will include relevant issues from super complaints. In response to this recommendation, for example, my office are planning to use the Avon and Somerset Victim Services Provider Forum as a platform to understand and address any local gaps or issues for victims with unsettled immigration status and migrant victims of crime.

#### Response to recommendation 8

Although the responses to these recommendations have not all been concluded within the six month time period I felt it was important to provide an update at this stage. Responses to police super complaints will form part of a new system of scrutiny, which I am designing with my office, in line with the development of my Police and Crime Plan.