

02.12.21

Dear Home Secretary,

West Yorkshire MCA Response: Liberty and Southall Black Sisters' super-complaint on policing and immigration status; HMICFRS, IPOC, and College of Policing joint investigation.

This report of December 2020 identified the potential conflict that arises when someone of uncertain immigration status becomes a victim of a crime. This creates a number of challenges for the individual and law enforcement agencies:

- The police may choose to investigate the victim's immigration status alongside the specific offence they have experienced,
- Victims may be fearful of reporting crimes in the expectation this will lead to contact with immigration enforcement,
- The perpetrators of offences (for example domestic abusers, or those involved in modern day slavery) may control or coerce victims using their insecure immigration status as a means to warn them against contacting the police or victim support services.

West Yorkshire has a longstanding commitment to addressing the issue of human trafficking and modern-day slavery through the work of the Office of the Police and Crime Commissioner (now Mayoral Combined Authority). Notable achievements have included the establishment of the West Yorkshire Anti-Slavery Partnership (WYASP), and the National Anti-Slavery Network (NASN), formally the National Anti-Trafficking and Modern Slavery Network (NATMSN). Both of these bodies seek to bring partners closer together to help raise the profile and awareness of modern slavery abuses, and provide a forum for practitioners and subject experts to promote best practice. Both networks are now Chaired by the current Deputy Mayor for Policing and Crime, Alison Lowe.

Since 2012, West Yorkshire's focus on the threat to vulnerable people who may have an insecure immigration status has led to the establishment of the first dedicated human trafficking team within our local police service, and the publication of the ground-breaking 'Modern Slavery Transparency in Supply Chains (TISC) Statement',

which represents a landmark collaboration between the police forces and PCCs/Mayors of the North East region.

Our focus on the exploitation of vulnerable people has meant that the police and our partners across West Yorkshire have established a strong working relationship to identify and support potential victims of modern slavery and exploitation, and across West Yorkshire, each of the five district Modern Slavery multi-agency partnerships have worked on implementing and improving their victim care pathways.

West Yorkshire Police have trained officers to help develop a Victim Liaison Officer (VLO) model of response. VLOs have received training in best practice when working with any potential victim of modern slavery or human trafficking. VLOs are deployed to any potential modern slavery case and are responsible for the care and support needs for that individual for the first 24 to 48 hours, before completing a handover a 'Victim Navigator' for more long-term support.

The *Victim Navigator* has been working alongside West Yorkshire Police since February 2021. This resource is provided by international charity *Justice and Care*, and provides specialist knowledge and support to victims to help rebuild their lives and enable them to engage with the criminal justice system, so the criminal networks responsible are brought to justice.

This is one of only five posts across the country established to provide a bridge between the police and a modern slavery victim, and to help improve victim support and drive higher conviction rates for slavery offences. The Navigator post also works closely with West Yorkshire Police to support operations against slavery and human trafficking, and help with training and links to partners and third sector organisations who can provide legal, medical, and emotional support for victims.

Justice and Care's project is complemented by the work of the *Palm Cove Society* and *Hope for Justice*, both of which work within West Yorkshire to support vulnerable individuals from the stage of identifying a potential victim, to building a rapport of trust, and assisting victims to exit their situation of exploitation.

The following pages provide an update from West Yorkshire Police on their work in response to the report's recommendations.

Additionally, our office has recently been in consultation with the Racial Justice Network in West Yorkshire about the use of hand-held devices to take/record biometric data which can then be shared with the Home Office database. I have raised serious concerns about this practice – and discussed it with the Biometrics Commissioner during his recent inspection of the force. As a result of this challenge, the force has agreed to monitor the use of this data over a six month period and will provide a report for the Command Team in the new year about whether the policing benefits of the current practice outweighs the ethical and moral considerations. As Deputy Mayor, I will maintain vigilance around this issue.

If you would like any further information about our work on this topic, please contact my office for further details.

Yours,

A handwritten signature in black ink, appearing to read 'Alison Lowe', with a stylized, cursive script.

Alison Lowe

Deputy Mayor of West Yorkshire for Policing and Crime

Update on West Yorkshire Police's response to the report's recommendations:

Recommendation 1. To chief constables

As an interim measure, pending the outcome of [a Home Office review of policy], 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 [the creation of safe reporting pathways].

West Yorkshire Police operate in accordance with the current NPCC Guidance – 'Information Sharing With The Home Office Where a Victim or Witness of Crime is a Suspected Immigration Offender'. Specifically:

- *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.*

West Yorkshire Police carried out additional training during early 2021 in response to an increase in reported cases of Domestic Servitude involving women with insecure immigration status (Operation Neatwood). These cases often came to police attention in the context of reports of Domestic Abuse.

The training of over 800 frontline staff specifically included reference to the complexity of managing victim's concerns around their immigration status (as the main mechanism of control was often through their Spousal Visa status). The training included signposting to third party, independent, and reliable immigration advisors, and did not recommend early referral to Immigration Enforcement.

A number of these cases are also now being supported by a 'Victim Navigator' from the charity *Justice and Care*, who understands the complexity around insecure immigration status, and is similarly able to signpost to independent support and advice. This includes the support offered by the National Referral Mechanism to those who may be the victim of human trafficking or modern-day slavery.

Recommendation 4. To chief constables

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.

West Yorkshire Police have two ongoing partnership protocols which operate in relation to identifying potential victims of crime where insecure immigration status can be a factor in their vulnerability.

Operation Mandevilla is a joint operation with national abortion service providers with the aim to improve the identification of victims of sexual exploitation, and provide an appropriate police response. This protocol recognises the impact of insecure immigration status on crime victims' willingness to come forward, and training delivered to the abortion service providers highlights this vulnerability. Appropriately trained officers (Modern Slavery trained or trained Victim Liaison offers) are recommended for the police response so that the implications of the victim's situation can be fully considered, and appropriate reassurance provided.

Operation Rosewood is the police response for asylum seekers who go missing from their accommodation. This protocol is focused on highlighting the vulnerability of these individuals and is designed to maximise safeguarding opportunities if these individuals are encountered again in the future.

Recommendation 5. To chief constables and police and crime commissioners (or equivalents)

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.

Operations Neatwood, Mandevilla and Rosewood all seek to achieve this objective in different circumstances. Our future policies and procedures will reflect the recommendations provided by the Home Office Review due to be published shortly.