

Determining identity and nationality in local policing

Niall Hamilton-Smith and Shilpa Patel

The study involved an examination of practices for checking the nationality and migrant status of arrestees in a sample of custody suites in England and Wales in 2006/07. The study also involved the piloting of enhanced checking processes in four custody suites. The aim was to examine the use of immigration powers when dealing with foreign national (FN) arrestees and whether this could be expanded and improved.

- The circumstances surrounding the arrest of FNs and the nature of their offending was examined. It was notable that of the offences which have a significant level of FN involvement many are commonly associated with organised crime and are also inherently transnational. These arrests may merit particular attention, not only because an arrestee may have been culpably involved in serious or organised offending but also because, in some instances, an arrested individual may actually be a victim of organised criminals, having been trafficked or exploited for material gain.

- Aside from these offences, the involvement of different FN groups in serious offending was mostly similar to that of UK nationals. It is also important to note that, in most sites, officers said that their most common encounters with FNs were as either victims or witnesses.
- Across the sites, there were wide variations in the quality of practice. Less effective performance in this area was primarily demonstrated by a lack of thoroughness in checking an arrestee's identity and migrant status and failing to pursue an appropriate course of action when an FN arrestee or illegal migrant had been identified. Processes were generally strongest in sites where dedicated custody officers undertook checks, as this provided clarity about roles.
- The police were found to be generally happy with the level of service that they received from the UK Border Agency when it came to telephone queries, and they particularly welcomed the provision of a 24-hour telephone service.

Contents

Key Implications	i
Summary	iii
1. Introduction	1
2. Research approach	3
3. Baseline practices	7
4. Pilot site findings	15
5. Conclusions	20
Acknowledgements	22
References	22
Annexes	24

Keywords

Organised crime
Foreign nationals
Illegal migrants
Immigration

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

The Research, Development and Statistics Directorate exists to improve policy making, decision taking and practice in support of the Home Office purpose and aims, to provide the public and Parliament with information necessary for informed debate and to publish information for future use.

- The research found that more support needs to be provided for custody officers to ensure that the correct checks on migrant status are undertaken.
- Beyond this, some custody suites would benefit from more intensive support from the UK Border Agency. This research successfully employed one model for providing this (embedding UK Border Agency officers in custody suites).
- The pilots showed that custody suites could significantly increase the volume of checks undertaken and the number of FN and illegal migrant arrestees identified. This represents an opportunity for police and the UK Border Agency to work together to reduce harm caused by foreign national offenders and increase community confidence and cohesion through coordinated enforcement action and intelligence collection.
- The research also demonstrated that more rigorous practices in custody suites could increase the number of FNs and illegal migrants who are identified as being involved in criminal activity.
- Consideration should be given to prioritising the *quality* as well as the *quantity* of cases resolved (i.e. recognising that the removal of one very 'harmful' individual from the UK may be worth more than the removal of several 'low harm' – but nevertheless illegally resident – individuals).
- Despite some of the issues raised during the fieldwork, significant progress and momentum in addressing many of these problems was achieved in the pilot sites. The embedded immigration officers in particular appeared highly adept at working productively and cooperatively within a custody suite environment, and were very highly regarded by custody suite staff. In the three years since the fieldwork was completed, the police and UK Border Agency have also implemented a range of improvements to processes and practices, referenced in the main report where relevant.