



JANUARY 2021

PUBLIC'S PERCEPTION ON THE BIOMETRIC SERVICES GATEWAY (MOBILE FINGERPRINT APP)

A REPORT BY:
THE RACIAL JUSTICE NETWORK
AND YORKSHIRE RESISTS

**YORKSHIRE
RESISTS**

THE HOSTILE ENVIRONMENT



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PUBLIC'S PERCEPTION ON THE BIOMETRIC SERVICES GATEWAY (Mobile Fingerprint App)

ABOUT US

The [Racial Justice Network](#) (RJN) is an anti-racist charity based in West Yorkshire. RJN brings together groups, organisations and individuals from across the West Yorkshire region (and beyond) to proactively promote racial justice and address colonial legacies. Our organisation aims to raise awareness about, and mobilise around, racial inequality and injustice by listening and working with disempowered communities, taking positive action for justice and solidarity.

[Yorkshire Resists](#) is a network of organisations and individuals working to resist the Hostile Environment across Yorkshire. Together with RJN we launched the #StopTheSCANdal campaign to fight against the implementation of biometric fingerprint scanners across West Yorkshire.

To cite this report:

The Racial Justice Network and Yorkshire Resists (2021) Public's Perception on Biometric Services Gateway (mobile fingerprint app), UK.

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We would like to thank everyone who shared and/or completed our survey.

THE BIOMETRIC SERVICES GATEWAY

The Biometric Services Gateway is an Application Programming Interface (API), which allows the information to be quickly requested and shared between the Immigration and Asylum Biometrics System (IABS) database and the IDENT1 database used by law enforcement agencies, including the police.¹ Practically speaking, the Biometric Services Gateway consists of an app on a police officer's phone, along with a mobile fingerprint scanner which can be used to almost instantly check fingerprints against biometric data stored on either of the two databases.

This report is part of the Racial Justice Network and Yorkshire Resists campaign, #STOPtheSCANDal, to draw attention to the impact of the Biometric Services Gateway on both the communities targeted by police for fingerprinting as well as the wider public. Moreover, we wish to question the roll out of the devices without proper consultation and consideration of the harmful aspects of the fingerprint scanner and sharing of biometric data. You can find more information about the Stop The Scan campaign and how the Biometric Services Gateway works here: <https://stopthescan.co.uk/about/the-process/>

For this report we have conducted a survey of 115 participants to ask how these mobile fingerprint scanners are perceived; how people see them affecting themselves and their communities; and how people see the devices affecting policing power.

¹ <https://www.gov.uk/government/news/police-trial-new-home-office-mobile-fingerprint-technology>

KEY NUMBERS

- 93% (107 participants) said they did not support the introduction of the Biometric Services Gateway to UK police forces.
- 96% (109 participants) believe the Biometric Services Gateway embeds racial profiling.
- 89% (102 participants) felt police should not have access to immigration data.
- 88% of migrant respondents (23 participants) said they would not feel safe to go to the police for help or to report a crime. This fear did not only pertain to migrant communities, but also to those who felt they could be differentially treated on the basis of their race or ethnicity.
- 79% (92 participants including non-migrants) would not feel safe to go to the police for help.
- 36% (41 participants) highlighted the Biometric Service Gateway's potential for discriminatory treatment and racial profiling of Black and Brown individuals and communities.
- 30% (35 participants) felt that immigration information was unnecessary for effective policing.
- 29% (34 participants) were not aware of the introduction of the Biometric Services Gateway prior to this survey, 46% (53 participants) had prior knowledge of the devices through an NGO or activist group while 13% (15 participants) heard via social media and 9% (10 participants) via a friend.
- 24% (28 participants) believed their privacy, civil liberties and legal safeguards were at risk of being infringed upon or undermined - for the general public as well as marginalised communities.
- 19% (22 participants) expressed their opposition in terms of either the harmful impact on, or the criminalisation of, migrant communities, and the undermining of migrant communities' trust in the police.
- A number of participants felt personally alienated, marginalised and degraded by the use of biometric surveillance by police.
- From our Freedom of Information Request we found:

- BAME² people were more than 3 times more likely to be stopped and have their fingerprints scanned than white British and Irish people.
- Black people were stopped and scanned at a rate of 7 per 10,000 people in comparison to 2 uses of the scanners per 10,000 for white British and Irish people.
- Asian Pakistani, which are the biggest non-white ethnic group in West Yorkshire (8.5% of the population), accounted for 21% of uses of the mobile fingerprint scanners.
- The largest non-British white communities in West Yorkshire are Polish, Romanian and Slovakian, which include a sizable Roma population. This group had one of the highest rates of use of mobile fingerprint scanners, 15.3 per 10,000 people.

KEY THEMES

EXTENSION OF RACIST STOP AND SEARCH

Overall participants highlighted the potential of the Biometric Services Gateway to result in **a failure of the police in their duty to protect basic human rights**. Underlying these concerns is the continuation of a breakdown in trust between marginalised communities and the police forces which are supposed to be there to serve and protect them. From the survey data provided, we conclude that despite the technology used in the Biometric Services Gateway being novel, and awareness of its existence new to many members of the public, the **technology of targeted policing is familiar**. Stop and Search techniques employed by police, though protected under different legislation from ‘Stop and Scan’, encourages similar discriminatory practices by police officers. Indeed, they come to embed them even further into policing practices.

² This term has been adopted here as it is the term used in official information, and in the FOIs included here.

PRIVACY, CIVIL LIBERTIES AND LEGAL SAFEGUARDS

Concerns over privacy, civil liberties and legal safeguards was the second most prevalent issue that arose in participants' reasons for opposing the introduction of the Biometric Services Gateway. Here, there was concern over whether the gathering and sharing of biometric data was ethical. Further to this, others were **concerned over the reliability of the technology**, and the legal safeguards around the processing and storing of sensitive data. Another significant concern was **the lack of information** surrounding the fingerprint scanners, reflected in the number of people with no prior knowledge of the Biometric Services Gateway before this survey despite their introduction since 2018.

SCOPE OF POLICE POWERS AND FEAR OF REPORTING TO THE POLICE

Participants were concerned about the effect of the Biometric Services Gateway in extending police powers into immigration control. Here, participants felt this would create **fear and anxiety**, which could in turn deter people who have been a victim or witness of a crime from reporting it to the police. Many also felt immigration issues extended beyond the scope of police powers, and in doing so hindered their role to protect those in danger. Furthermore, participants also highlighted the multitude of harmful consequences that come from deterring people from reporting crimes to the police. For example, if people fear seeking help from the police because they might end up in detention or get deported, this could result in **trapping victims into domestic abuse relationships or exploitative working conditions without recourse to aid, support or justice**. Similarly, it means **hate crime or assault may go unreported** and victims of crime will suffer in silence.

CRIMINALISATION OF MIGRANTS

Another prevalent concern in participants' responses was that the Biometric Services Gateway effectively criminalises migrants. A number of participants expressed **their opposition** to the introduction of the Biometric Services Gateway and police accessing immigration data on the grounds it treats migrants as potential criminals through the conflation of police and immigration controls. This risk is amplified by the fact the 'stop and scan' could lead to the detainment or deportation of someone who has not broken immigration law, since, as participants highlighted, the Home Office has been known to hold faulty immigration records. The role of biometrics as a form of identification and control is common to both policing and border management and has the danger to result in categorisations that label someone as, for example, 'deportable', or 'criminal' with less rights and reduced access to justice. Biometric identification then extends beyond detecting crimes and instead infers criminality onto individuals by subjecting them to controls (fingerprinting) normally saved for those convicted or charged with a criminal offence. These techniques of categorisation are not new, but the technology is. **We therefore see practices historically used for punitive control expanded to fulfil contentious and highly political immigration rules as laid out in Hostile Environment policies.** Moreover, the roll out of these devices as a means of enacting hostile migration policies becomes depoliticised under the guise of 'efficiency' and 'speed'.

OUR RECOMMENDATIONS

1. All mobile fingerprinting devices should be removed from police usage while its disproportionate use on people from racially minoritised communities, and more broadly the issue of racial profiling in police operations, remains unaddressed.
2. Police technology should have no direct link to the immigration database and queries to Command and Control Units should be halted as long as the data flaws evidenced by the Windrush scandal are still in existence.
3. Police forces institute a 'firewall' between victims and witnesses of crime and Immigration Enforcement (i.e., police will not query their immigration status and/or share their data with Immigration Enforcement), so people feel safe to come forward.
4. Remove "immigration control" exemption in Schedule 2, Part 1, paragraph 4 of the Data Protection Act 2018, which allows data processors to set aside an individual's GDPR data protection rights if fulfilling those rights would prejudice "the maintenance of effective immigration control"³ or "the investigation or detection of activities that would undermine the maintenance of effective immigration control"⁴
5. Fund community advocates and grassroot organisations who are supporting racially minoritised individuals and migrant communities, particularly if they have been victims of hate crimes.
6. End Hostile Environment policies which disproportionately impact Black and Brown migrant communities.

³ Data Protection Act 2018, Schedule 2, paragraph 4(1)(a)
<http://www.legislation.gov.uk/ukpga/2018/12/schedule/2/paragraph/4/enacted>

⁴ Data Protection Act, Schedule 2, paragraph 4(1)(b)

CONTEXT

The Hostile Environment,⁵ a set of government policies first implemented by then Home Secretary Theresa May, have been in place since 2010 to make life so difficult in the UK that large numbers of migrants would want to voluntarily leave the country. Banks, schools, landlords, doctors, nurses, and universities all became border agents. In an alarming expansion of these policies, a pilot program⁶ to use biometric fingerprint scanning devices⁷ connected to the Home Office immigration database was launched in West Yorkshire in February 2018.

Mobile biometric devices are handheld fingerprint scanners that police officers can use to check, on the spot, a person's identity by matching the image of the fingerprint taken against the IDENT1 criminal record database and the Home Office IABS database without taking the individual into custody. The scanners can be connected to any mobile phone or tablet that also runs the corresponding App which allows the biometric databases to be searched. A number of forces, including West Yorkshire Police (WYP), use the Mobile Biometrics App available within Motorola's Pronto operating software. The use of these scanners is regulated under Section 61(6A) of the Police and Criminal Evidence Act 1984 (PACE)⁸ and further outlined in the PACE Code D (2017).⁹ The use of the scanners differs from Stop and Search¹⁰ in that officers can only scan the fingerprints of an individual in the case that:

- An offence has been committed (or suspected to have been committed).
- Either no name is provided by the individual OR the name provided is suspected to be false.

⁵ <https://www.theguardian.com/uk-news/2018/aug/27/hostile-environment-anatomy-of-a-policy-disaster>

⁶ <https://www.redpepper.org.uk/stop-the-scan-turning-police-into-border-guards/>

⁷ https://www.motorolasolutions.com/content/dam/msi/docs/en-xu/public-safety/pronto_biometric_app.pdf

⁸ <https://www.legislation.gov.uk/ukpga/1984/60/section/61/1997-01-31>

⁹ <https://www.gov.uk/government/publications/pace-code-d-2017>

¹⁰ <https://www.met.police.uk/advice/advice-and-information/st-s/stop-and-search/stop-and-search-process/>

Section 61 PACE and Code D also provide officers with the power to take a fingerprint by force by virtue of Section 117 of the Act.

The scanners and affiliated software were trialled¹¹ by WYP in February 2018: 250 devices replaced the old Lantern devices that had been previously used for identification away from a police station. The main differences compared to the old devices, which mark the use of the new model as a significant change in police practices, are:

- Checks are conducted live on the biometric databases, rather than on a cached copy.
- The inclusion of the Home Office Immigration database in the search.
- Drastically reduced costs which allow many more officers to be equipped with the handheld devices.

The technology was rolled out nationally in April 2019 despite no Equality Impact Assessment having taken place with regards to how its trial in West Yorkshire impacted Black and Brown communities. As of November 2019, 22 out of 43¹² forces had adopted the use of these devices.

STOP AND SCAN PROCESS

Anyone suspected of committing a crime or 'lying' about their identity can be stopped in the street and have their fingerprint scanned on the spot and searched in the Police and Immigration databases. The technology is used once police officers have deemed an offence to have potentially been committed. This could be anything from loitering to dropping litter. If the officer doubts the given identity of the person being questioned, they may then use a scan of their fingerprints in order to carry out a person search on their identity. In West Yorkshire,¹³ police

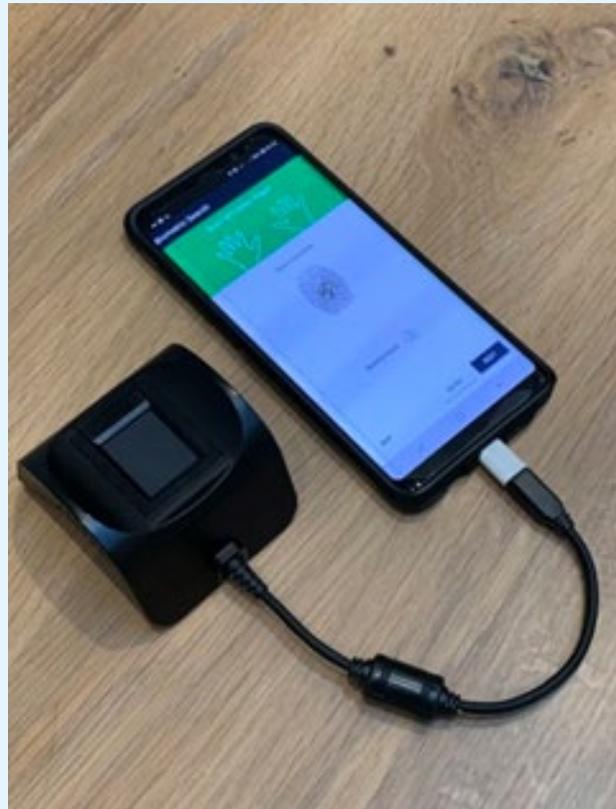
¹¹ <https://www.openaccessgovernment.org/west-yorkshire-police-trial-new-mobile-fingerprint-technology/42433/>

¹² <https://www.libertyhumanrights.org.uk/issue/mobile-fingerprint-scanners-bring-a-dangerous-new-front-to-the-hostile-environment/>

¹³ https://www.westyorkshire.police.uk/sites/default/files/mobile_biometrics_0.pdf

have the option of searching the IDENT1 database¹⁴ which stores fingerprints and biometric data related to crime and law enforcement, the Immigration and Asylum Biometrics System (IABS)¹⁵ or both.

This is not the case with other police forces (see below). There are further plans from the Home Office to store both databases in a single cloud service management structure.¹⁶ This is part of a larger upgrading of Home Office databases within the Home Office Biometrics (HOB) program, which has recently awarded a contract of £96.4 million to Leidos, a US defence and technology contractor.¹⁷ It's crucial to emphasise that an officer uses their own discretion to determine how authentic your given identity is.



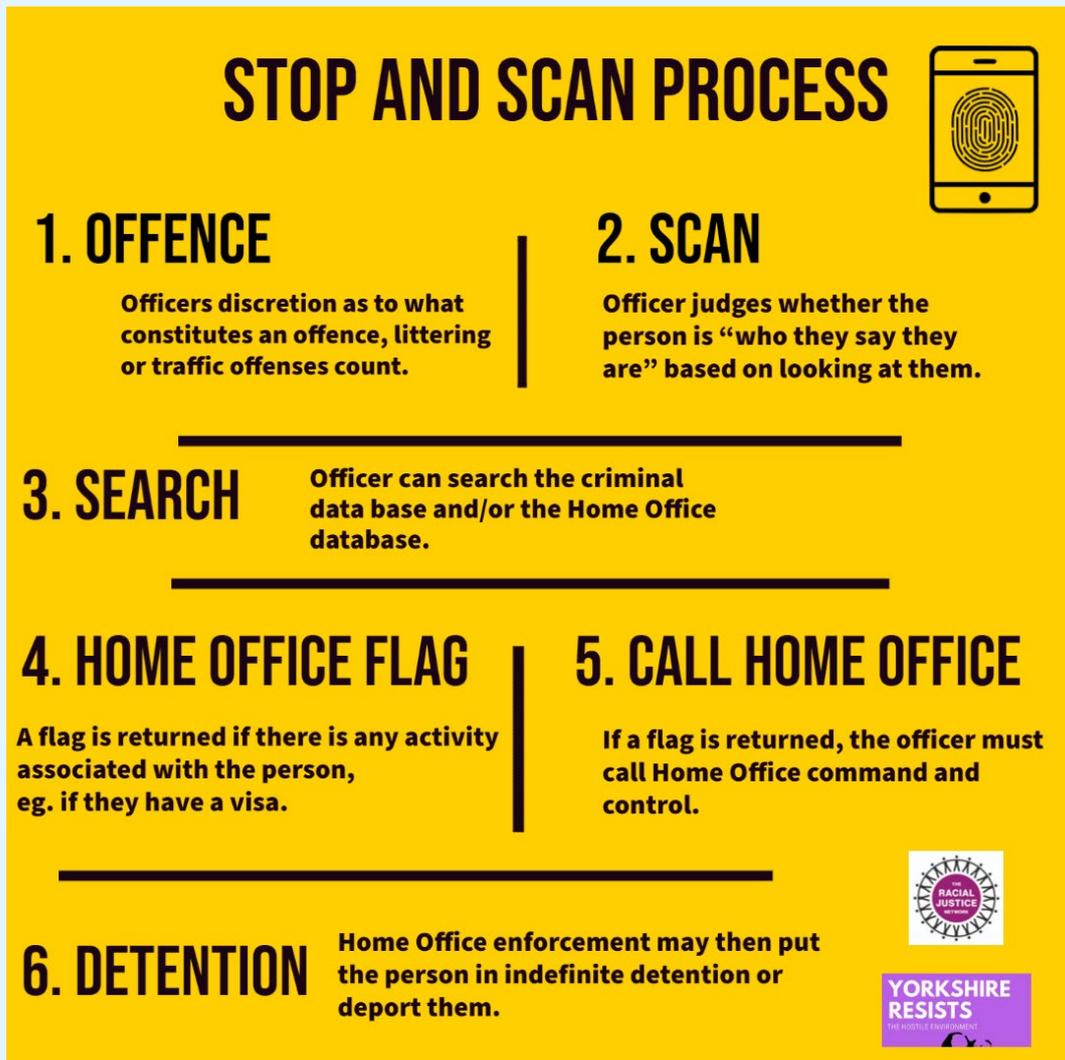
Accordingly, this is a subjective judgement which Stop the Scan believes has the potential to lead to even further discrimination against, for example, trans or non-binary people within Black and Brown communities.

¹⁴ <https://data.gov.uk/dataset/a61d73a0-6935-4821-86da-c6f0988eaa1d/ident1>

¹⁵ <http://www.aboutimmigration.co.uk/uks-immigration-asylum-biometric-system.html>

¹⁶ <https://www.publictechnology.net/articles/news/home-office-bring-together-police-and-immigration-biometrics-schemes-ahead-potential>

¹⁷ <https://tech.newstatesman.com/cloud/leidos-home-office>



Anyone with a migrant status (someone on a visa, with Indefinite Leave to Remain, asylum seekers, refugees or precarious migrant status) will have their fingerprint in the Home Office immigration database, and so will trigger an alarm on the app if scanned by the police. The police are then obligated to contact the Home Office to clarify if there is a need to detain a person due to an immigration issue.

STOP THE SCANDAL CAMPAIGN

The #STOPtheSCANDal¹⁸ was initiated by the Racial Justice Network and supported by Yorkshire Resists. We are a network of individuals and organisations working together to end racial injustice. One of our main goals with this campaign

¹⁸ <https://stopthescan.co.uk/about/>

is to alert the public of the racist nature of the creeping and intrusive power which the new handheld fingerprint scanners extends to the police. These technologies are being introduced, but they lack any meaningful scrutiny of their impact on the communities the police are supposed to protect.

Our analysis of data obtained via FOI¹⁹ on the use of mobile biometrics in West Yorkshire during the latter phase of the pilot, between October 2018 and March 2019, showed that they have been disproportionately used on Black and Ethnic Minority people (this is the terminology used in official information, hence our use). In particular:

- White British and Irish people make up 79% of the population of West Yorkshire (according to 2011 Census data), but accounted for only 51% of people who had their fingerprints scanned.
- Overall, there were 2 uses of the scanners per 10,000 White British and Irish people, compared with 6.5 uses per 10,000 BAME people. In other words, **BAME people were more than 3 times more likely to be stopped and have their fingerprints scanned than White British and Irish people.**
- In particular, Black people (B1, B2, B9) were stopped and scanned at a rate of 7 per 10,000 people.
- Similarly, Asian Pakistani, which are the biggest non-white ethnic group in West Yorkshire (8.5% of the population), accounted for 21% of uses of the mobile scanners, at a rate of 7.5 per 10,000 people.
- Not included under the 'BAME' grouping in our analysis was 'White - Any other White background': although there is no data available on the nationality breakdown of this group, the largest non-British white communities in West Yorkshire are Polish, Romanian and Slovakian, which include a sizable Roma population. This group had one of the highest rates of use of fingerprint scanners, 15.3 per 10,000 people.

¹⁹ https://www.westyorkshire.police.uk/sites/default/files/foi/2019-07/foi_2308-19_biometric_scanners_june_2019.pdf

- In 96 instances (12% of the total) in which the scanners were used, the ethnicity was not recorded.

Search Options

Immigration
 Police

Reason for fingerprinting*
Offence (Sec 61 PACE 1984)

Officer defined ethnicity*
1. White - North European

Self defined ethnicity*
W1. White British

Fingerprint*
Left index finger captured, quality 1
Right index finger captured, quality 1

Device serial number
1826-00140

PNC Search Reason*

PNC Search Location*

#STOPTHESCANDAL

FREEDOM OF INFORMATION FOR WEST YORKSHIRE MOBILE FINGERPRINT PILOT

WHITE PEOPLE

White British and Irish people make up 79% of the population of West Yorkshire but accounted for only 51% of people scanned.

BAME BACKGROUND

BAME people were more than 3 times more likely to be stopped and have their fingerprints scanned than White British and Irish people.

BLACK PEOPLE

Black people were stopped and scanned at a rate of 7 per 10,000 people in comparison to 2 uses of the scanners per 10,000 White British and Irish people.



ASIAN PAKISTANI

Biggest non-white ethnic group in West Yorkshire (8.5% of population), accounted for 21% of uses of the mobile scanners, at a rate of 7.5 per 10,000 people.



OTHER NON WHITE

The largest non-British white communities in West Yorkshire are Polish, Romanian and Slovakian, which include a sizable Roma population. This group had one of the highest rates of use of fingerprint scanners, 15.3 per 10,000 people.



Despite the clearly disproportionate use of the technology on individuals of ethnic minority background during the pilot, no assessment or analysis was carried out by the Home Office or WYP before the devices were rolled out nationally. Initially, WYP and the Crime Commissioner seemed open to engage with RJN in order to address the ethical concerns we had raised. However, despite holding several meetings with the Police and Crime Commissioner for almost a year and being repeatedly promised answers and data in response to our specific concerns, this ultimately never materialised.

Notwithstanding that the police agreed there could be ethical and discriminatory consequences following the use of the scanners, we felt that WYP was more concerned with appearing to be engaging with our concerns rather than with finding a solution. RJN was also told that no other police force in the country had been engaging in consultations with communities over the introduction of this technology. RJN was offered a seat on a new Scrutiny Panel that would be created to oversee the use of mobile biometrics; this was declined. It seemed that the creation of the panel itself was seen as sufficient enough to address the issues, despite the panel not having any power to affect change in how the force would use the devices, and so the panel would act as legitimisation for the scanners being used.

Although RJN had received a promise from the Commissioner that the national rollout would not go ahead until the ethical and equity concerns were addressed (especially regarding the Immigration Database search capabilities of the devices), in the last in-person meeting held between RJN and WYP in March 2019 it was announced that the devices were being rolled out nationally on 30th of April 2019, with our warnings over the ethical implications going unheeded. Guidance on the use of mobile biometrics is inconsistent across police forces. While WYP has laid out in its guidance that searches on the immigration database should only be conducted when there are grounds to suspect that the suspect is an immigration

offender,²⁰ Sussex police strongly recommends that both databases be selected in order to complete a thorough enquiry.²¹ We also have concerns that the training provided to officers is insufficient and only restricted to the use of the technology itself, and not on the impacts of using such technology in very diverse communities. We have, for example, anecdotal evidence that officers have not always accepted foreign identity documents as valid proof of identity, such as EU Driving Licenses, despite guidance instructing them otherwise.

The dangers of police officers being seen as carrying out Immigration Enforcement checks and duties are well documented, both in terms of damaging relations between racially minoritised communities and police, but also in dissuading victims of crime²² to come forward if they are uncertain of their immigration status. It is worrying then that no consultation with communities was carried out before equipping thousands of officers who are insufficiently trained to properly handle immigration matters with the ability to run on-the-spot immigration checks.

Despite the publicity that the Windrush scandal has brought to the Home Office's systemic failure to keep accurate immigration records, no consideration was taken of the well-known issues with the accuracy of data held by Immigration Enforcement and their record-keeping. In these circumstances, a direct line from police officers running day-to-day police operations and a potentially wrong decision being made by Immigration Enforcement represents a serious risk for migrants, the vast majority of which are BAME, and Black and Brown Britons who are mistakenly caught up in the Hostile Environment. In plainer terms, ending up detained indefinitely in a UK immigration detention centre, lawfully or unlawfully, as a consequence of being stopped for a minor traffic offence is a scenario that

²⁰ Page 6 https://www.westyorkshire.police.uk/sites/default/files/mobile_biometrics_0.pdf

²¹ Page 4, paragraph 9.1, <https://www.sussex.police.uk/SysSiteAssets/foi-media/surrey/policies/mobile-fingerprint-identification.pdf>

²² <https://racialjusticenetwork277579038.files.wordpress.com/2020/11/hate-crime-and-systemic-injustice-a-report-by-the-racial-justice-network-2.pdf>

will never be a reality for White Britons, but a clear possibility for people of Black, Brown and people with migration history.

COVID-19

Another worrying aspect of this technology is the ‘function creep’ evident in changes to its use during the pandemic. The PRONTO software,²³ which includes the biometric fingerprint app, has been updated with COVID-19 penalty functions.²⁴ This is the result of the emergency police powers granted by the Coronavirus Bill on March 26th, 2020.²⁵ This new development will compound the unequal impact of the pandemic with the discrimination and lack of accountability embedded in policing technologies. Liberty's report,²⁶ based on analysis of data released by the National Police Chiefs' Council, showed that ‘BAME’ communities are twice more likely to be fined and suffer from the excessive use of force. By early May 2020, 599 fines had been issued in West Yorkshire, only 38.2% of which were issued to white residents.²⁷

We are concerned about the possibility that fingerprint scanners may have been used in conjunction with the COVID-19 Ticketing App, thus compounding the unequal impact of the pandemic on people of BAME background with the added discriminatory use and lack of accountability of this new police technology.

²³ https://www.motorolasolutions.com/en_xu/products/command-center-software/records-and-evidence/pronto.html#applications

²⁴ <https://emergencyservicetimes.com/new-pronto-mobile-apps-help-police-forces-practice-social-distancing-2/>

²⁵ <https://www.gov.uk/government/publications/coronavirus-bill-what-it-will-do/what-the-coronavirus-bill-will-do>

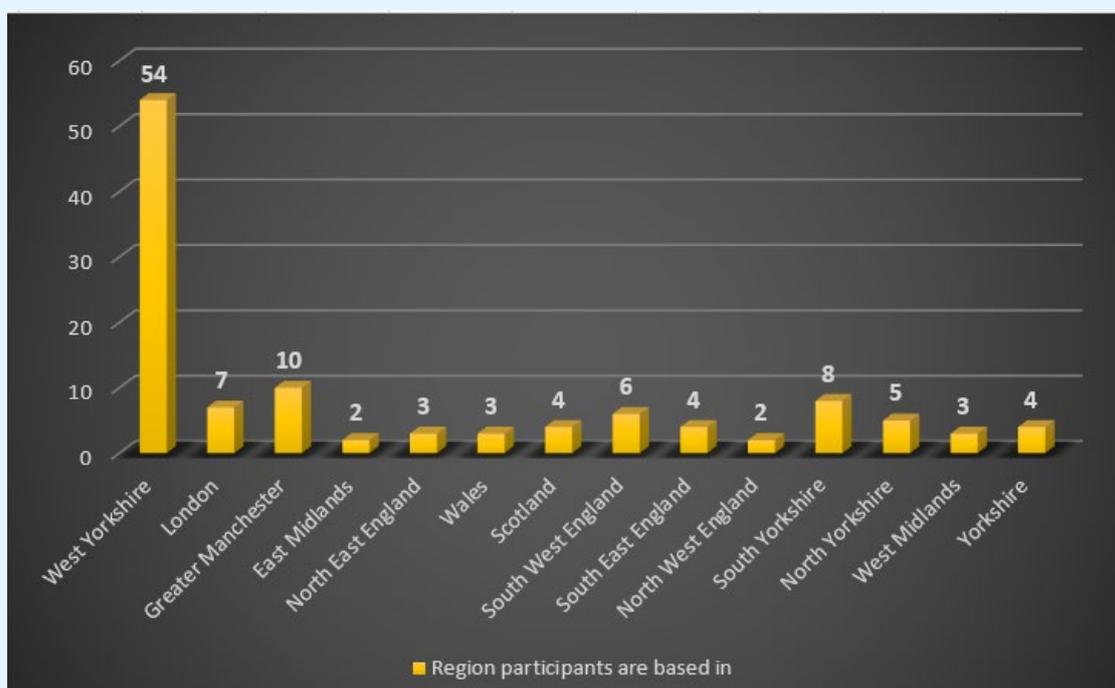
²⁶ <https://libertyinvestigates.org.uk/articles/bame-people-disproportionately-targeted-by-coronavirus-fines/>

²⁷ West Yorkshire Police Independent Advisory Group meeting, 13th May 2020.

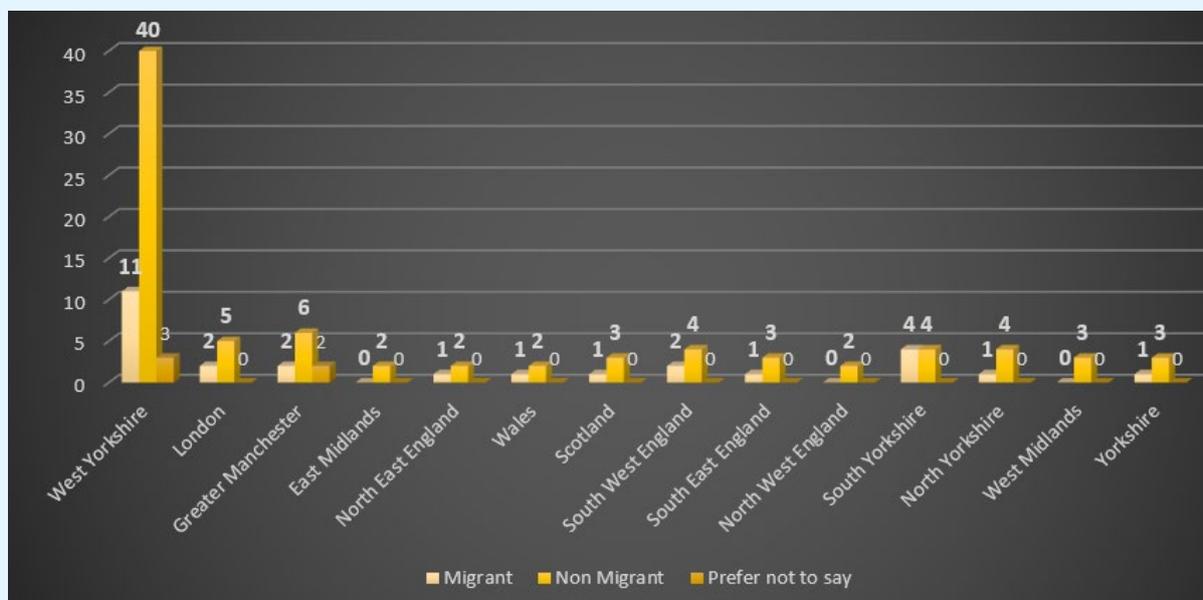
PUBLIC'S PERCEPTION ON THE BIOMETRIC SERVICES GATEWAY

METHODOLOGY

Our report on public perceptions of the Biometric Services Gateway is based on an online anonymous survey launched online from October 29th - November 12th 2020. People living in the UK, including migrants, were encouraged to complete our survey which consisted of 7 open questions and 6 closed questions. In the open questions we asked all participants to provide a short explanation for their answer so that we might show both the breadth and depth of opinion on the new measures. Analysis consisted of identifying key themes/issues in the answers and grouping them accordingly. The open-ended question format meant participants were allowed to give multiple justifications, and therefore a participant's answer could fall into more than one of the identified themes/issues. The average time of completion was 5 minutes. We invited people from across the UK to complete our survey and the greatest number of respondents were from West Yorkshire (almost half). Leeds was the city with the greatest number of respondents.



The majority of our respondents were non-migrants. Only 27 people identified as migrants and 5 preferred not to say. Of our migrant participants, 19 came from Non-European countries.



SUPPORT FOR INTRODUCTION OF BIOMETRIC SERVICES GATEWAY?

An overwhelming majority of participants **did not support the introduction of the Biometric Services Gateway to UK police forces**. Only 4 people of 115 agreed this was a good idea. Likewise, a small minority (8 out of 115) thought that the police should be able to access the immigration database. In other words, **93% (107 participants) said they did not support the introduction of the Biometric Service Gateway to UK police forces** while 3.4% (4 participants) said they did support the introduction of the Biometric Services Gateway; 2.6% (3 participants) said they didn't know; and 1 participant did not provide a response. Overall, there was a **general feeling that the Biometric Services Gateway embeds racial profiling (109 out of 115)**.

The main issues identified for the lack of support were:

- Discrimination and racial profiling of Black and Ethnic minorities (41 participants)
- Privacy, civil liberties and legal safeguards (28 participants)
- Impact on migrant communities (22 participants)
- Scope of policing powers (16 participants)
- Lack of public interest (waste of resources and no consultation) (4 participants)

The following were the main issues identified in the 'Yes' and 'Don't know' explanations:

- To uphold the law and protect citizens (2 participants)
- "If you have nothing to hide, there's no problem" (1 participant)
- Not enough, or conflicting, information to decide (3 participants)

89% (102 participants) felt police should not have access to immigration data in this way, whereas 7% (8 participants) thought they should have access to it. 4 participants either did not know or could not decide how they felt about this.

For those that felt police should not have access to immigration databases, among the reasons given were:

- Creates unnecessary fear and acts as a deterrent for those in need to seek help from the police (11 participants)
- Immigration information is not necessary for effective policing (35 participants)
- Leads to further criminalisation of migrants through the conflation of police and immigration controls (13 participants)
- Exacerbates harmful impact of racial profiling (20 participants)
- Further embeds punitive Hostile Environment policies (6 participants)

For those who responded that police should have access, the majority still felt this should be contingent upon explicit need for immigration information to address a crime, rather than flat access, and should only be used when absolutely necessary.

The concern that extending police powers into immigration control creates fear and anxiety, and deters people from reporting to the police, found resonance in responses to the question “*If you are* a migrant on a visa, seeking asylum or have precarious migrant status would you feel safe to seek help from the police (i.e., reporting a hate crime or domestic abuse)? *if you are not a migrant imagine you were*”. From the total sum of participants, **79% responded No**, 6% responded Yes and 15% gave no response. In the general breakdown of responses, people responded No with these frequently occurring reasons:

- Fear
- Racism and discrimination
- Police mishandling and distrust
- Criminalisation of migrants
- Current Hostile Environment policies
- Continuation of pre-existing problems in Police and Public relations

In the participants who responded Yes, responses were correlated with a perceived sense of safety, though often in an exclusionary sense. The themes discussed in the Yes responses were:

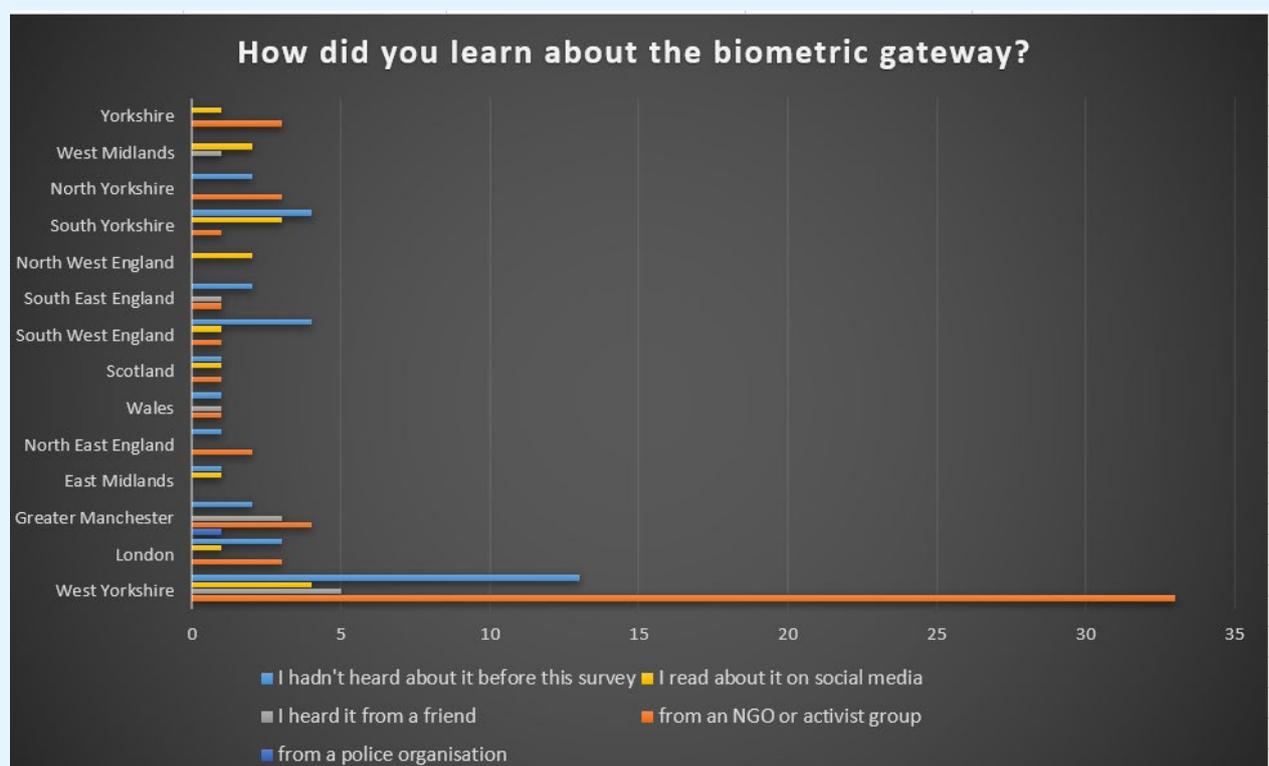
- Whiteness increases feeling of safety
- The police are there to keep people safe
- Precarity of status affects feelings of safety

As outlined in the introduction to this report, most respondents were from the West Yorkshire region and the data shows that 81% of West Yorkshire participants responded No to this question. In the second largest regional group, Greater Manchester, 80% responded No. **This trend is similar amongst respondents who**

were migrants, with 88% answering No. Overall, the data shows a trend in a perceived lack of safety for migrants reporting a crime to the police, compounded further by race discrimination in police engagement.

Furthermore, 92 respondents felt they would not feel safe seeking help from the police (i.e., reporting a hate crime or domestic abuse) if they were (or are) a migrant on a visa, seeking asylum or have precarious migrant status.

Finally, 34 participants (29%) were not aware of the introduction of the Biometric Services Gateway before answering our survey, despite its existence since 2018. A large portion of these respondents were based in West Yorkshire, where the pilot was first carried out. 53 participants (46%) had prior knowledge of the devices through an NGO or activist group, while 16 (13%) heard via social media and 11 (9%) via a friend. Of those who were aware via an NGO or activist group, more than half (33) were located in West Yorkshire. This demonstrates the importance of grassroots organisations in mobilising and informing communities of the potential impact these technologies have in our everyday lives.



EXTENSION OF RACIST STOP AND SEARCH PRACTICES

One of our biggest concerns expressed via our #StopTheSCANDal campaign is that the nationwide introduction of the Biometric Services Gateway has the potential to **further embed discriminatory practices within UK police forces**. Our survey found these concerns were clearly reflected by members of the public, particularly by people from the North West region (who comprised the majority of our study). In the reason's participants gave for their opposition to the introduction of the Biometric Services Gateway, a large number of the explanations (41) highlighted its potential for discriminatory treatment and racial profiling of Black and Brown individuals and communities. The following are examples of this fear expressed by participants:

"In the same way as stop and search, this will only deepen the disproportionate criminalisation/deportation/arrest of black and brown communities." [Manchester, non-migrant participant]

"No, as we have seen with stop and search, giving individual police officers license to make those calls allows for inherent racial biases to come through" [Leeds, non-migrant participant]

"No, I think this new technology can only exacerbate the discrimination and lack of accountability already embedded in policing technologies and stop and search practices." [Leeds, non-migrant participant]

This last response also echoes the problem of racial bias in current policing technologies and their discriminatory impact, which has been discussed in depth by Patrick Williams and Eric Kind in their report 'The Hardwiring of Discrimination' (2019).²⁸ Furthermore, this concern was even shared by participants who did not know if they supported the introduction of the Biometric Services Gateway:

"[I] don't know. It seems like a good idea in principle but how will they target the people they test? This seems to be a chance for further discrimination" [Scotland, non-migrant participant]

²⁸ <https://www.statewatch.org/media/documents/news/2019/nov/data-driven-profiling-web-final.pdf>

Underlying participants' concerns here is that individual officers hold vast discretionary power, and thus the entire stop and scan process is likely to be **shaped by racial bias and a lack of accountability:**

"No, this will disproportionately affect black people and people of colour. There is evidence that the police are institutionally racist, using the fingerprint scanner will be up for the officer's own judgment. There is a lot of evidence that shows black people and people of colour are disproportionately targeted by police, for example stop and search." [Bristol, non-migrant participant]

Racial disparity in the application of both Stop and Search practices, and the criminal justice system in general, has been evidenced and discussed in-depth in the Lammy Review.²⁹ Mirroring a process whereby officers can stop someone on poorly and inconsistently defined grounds of 'suspicion', which has historically been applied on the basis of racialised characteristics, Stop and Scan marks a disregard for taking seriously the findings of the Lammy Review and undermines police and government efforts to tackle the racial injustice revealed.

Other participants in the study highlighted the alienation of Black and Ethnic minority communities as a detrimental impact of the potential discrimination enabled by the Biometric Services Gateway. Various participants felt that it *"further alienates and marginalizes Black and Brown communities"* [Leeds, non-migrant participant] and people of colour who *"are already disproportionately affected by police initiatives to our detriment"* [Sheffield, Non-EU migrant participant], and contributes to a system that *"degrades us as humans"* [Birmingham, non-migrant participant].

It is a significant finding of our study that **a number of participants felt personally alienated, marginalised and degraded by the use of biometric surveillance by police.** If governing officials and law enforcement wish to uphold their purported values of community, inclusion and fairness, then this finding should be of grave concern to Policing Crime Commissioners, local MPs, Mayors and governing bodies alike. We question the extent to which these claims are realised when

²⁹ <https://www.gov.uk/government/publications/lammy-review-final-report>

initiatives are introduced that result in community members feeling excluded and dehumanized. Concrete measures should be taken to ensure that *all* communities feel their interests are protected and served, not just privileged sections of society. A number of our participants reflected the concern that the Biometric Services Gateway signals a move in the opposite direction:

“No - it seems like it would involve racial profiling... It seems like this scanning in combination with racism in the UK would also mean many people will be made to feel less of a citizen of this country by being ‘checked’”. [Bristol, non-migrant participant]

“No - I worry this will invite racial profiling by the police and cause harm in non-white communities as people are treated as potential criminals based solely on their appearance.” [Yorkshire, non-migrant participant]

“We know that institutional racism is rife in this country, and handing these powers to the police is a few steps closer to the already abhorrent violence we experience from them.” [York, Non-EU migrant participant]

One individual, who in response to previous questions talked about their “*very negative*” personal experience with police and immigration services in the UK, said that:

“I feel like it is becoming a world where we can't breathe.” [Leeds, non-migrant participant]

This response speaks loudly to the Black Lives Matter movement, and the devastation wrought by over-policing, institutional racism and police brutality,³⁰ which are becoming further entrenched through new technologies and the conflation of immigration and policing databases.

³⁰ <https://racialjusticenetwork.co.uk/2020/05/30/we-still-cant-breathe-channeling-our-rage-to-action-2/>

PRIVACY, CIVIL LIBERTIES AND LEGAL SAFEGUARDS

Concerns over privacy, civil liberties and legal safeguards was the second most prevalent issue that arose in participants' reasons for opposing the introduction of the Biometric Services Gateway. 28 participants believed these were at **risk of being infringed upon or undermined** - for the general public as well as marginalised communities:

"No. I support civil liberties and this is an encroachment on that. Less heavy-handed nonsense and more visioning of a more just and equal world." [London, non-migrant participant]

While one participant expressed their support for the Biometric Services Gateway as *"Yeah, why not? If you have nothing to hide there's no problem"*, [Wales non-migrant participant] privacy and intrusion were key concerns for many. For example, one participant felt that *"privacy is worth more"* [Leeds, non-migrant participant] than what could be gained from the introduction of the gateway, and two others felt the nature of the procedure was *"intrusive"* [Leeds, non-migrant participant]. Other participants similarly felt that:

"It is an infringement of people's privacy, and will amplify already existing racial biases in policing." [Leeds, Non-EU migrant participant]

"No, I have grave concerns about the racist application of the technology and the safety and privacy of all citizens under a regime that utilizes such power." [Leeds, non-migrant participant]

While one participant said they supported the introduction of the Biometric Services Gateway to *"protect citizens and uphold the law"* [East Midlands, non-migrant participant] and another because *"it may quickly lead to police connecting up evidence around a suspect"* [Bradford, EU migrant participant], others were opposed to what they described as an *"invasive surveillance culture"* [Sheffield, non-migrant participant]. This speaks to a wider societal turn to techno-solutionism, where surveillance technologies and

data-driven governance are becoming increasingly commonplace across society, from policing to welfare to migration to hiring practices.³¹

Still more people had concerns over whether the gathering of biometric data “*just on the street*” [Leeds non-migrant participant] was ethical, whether it “*impinges on civil liberties*” [Sheffield, non-migrant participant] and constitutes “*a massive violation of people’s rights*” [York, non-migrant participant]. Others were concerned over the reliability of the technology and/or the legal safeguards around the processing and storing of sensitive data. This last point speaks to issues raised by Liberty in their #CareDontShare Firewall Pledge campaign,³² which challenged the sharing of data between the Home Office and schools, doctors and police. The data-sharing was in part enabled by changes to the Data Protection Act 2018 which, in Schedule 2 Part 1 Paragraph 2, introduces an immigration exemption to a number of data protection rights for “the maintenance of effective immigration control.”³³

Notably, responses regarding the misuse or abuse of legal processes overlapped with those who felt the introduction of the Biometric Services Gateway was not in the interest of the public. These participants criticised it for being an unnecessary use of public resources:

“No. Wildly open to abuse by state powers and would not result in anyone actually being safer. It’s security theatre.” [Leeds, non-migrant participant]

“No, it seems very intrusive and a waste of money.” [Leeds, non-migrant participant]

“No... There are many ways the money used for this scheme could be used to improve lives, as opposed to singling out and targeting vulnerable people for political gain.” [Newcastle, non-migrant participant]

³¹ For more information on these wider practices refer to the research of groups such as EDRI at <https://edri.org>, Privacy International at <https://privacyinternational.org/learn>, the Data Justice Lab here <https://datajusticelab.org/publications/> or AWO agency at <https://www.awo.agency>

³² <https://www.libertyhumanrights.org.uk/campaign/challenge-hostile-environment-data-sharing/>

³³ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/immigration-exemption/>

Not only did respondents feel it was unnecessary and expensive, but one participant also highlighted the lack of meaningful public consultation on the measure:

“No. There has been almost no public discussion about this that I'm aware of but it seems a substantial jump in connecting everyday policing with online databases which themselves have quite opaque and remote governance - who knows what other databases will be connected up, without anyone really noticing or caring until it is too late. To some extent the testing of this on migrants is a good way to develop the technology and the practices of its use on a set of people who can't complain much. Once it's up and running and working well in that context, what is next?” [West Yorkshire, non-migrant participant]

Our findings similarly highlight the extent to which public authorities have failed to adequately inform the general public of the plans to introduce this new measure. In our survey, **only 2 of 115 participants had heard about the Biometric Services Gateway through police communications** (such as websites, newsletters, social media accounts, or consultation groups). In contrast, 53 participants heard about it from an NGO or activist group, while 34 had not heard about it prior to our survey. Of the latter, 13 participants were located in West Yorkshire, where the pilot of the Biometric Services Gateway first took place. These numbers demonstrate that police are simply not informing the community of the introduction of these new technologies, nor how they can disproportionately impact Black, Brown and migrant communities, and most certainly not carrying out thorough consultations or impact assessments. Of the 53 participants that had heard about the Biometric Services Gateway from an NGO or activist group, 33 were located in West Yorkshire, which suggests this was likely an outcome of our #StopTheSCANdial campaign. While community organisations and charities are continuously underfunded, these numbers demonstrate the role they have in informing and supporting Black, Brown and migrant communities.

SCOPE OF POLICE POWERS AND FEAR OF REPORTING TO THE POLICE

Another prevalent reason for being opposed to the introduction of the Biometric Services Gateway related to its impact on migrant communities. 22 participants expressed their opposition in terms of either the **harmful impact on, or the criminalisation of, migrant communities**, and the undermining of migrant communities' trust in the police. These participants felt it was “*massively harmful to migrants*” [Leeds, Non-EU migrant] or could “*create fear in an already vulnerable group of people*”. [Bradford, non-migrant participant] Other participants were opposed on the grounds that it “*augments the Hostile Environment*” [Wales, Non-EU migrant participant] or constituted an “*overreach*” [Bristol, Non-EU migrant participant] of the policy. For example:

“The Home Office’s hostile environment still exists and this mobile fingerprint scanning is only going to continue to contribute to the racist harassment of migrant people”. [Shipley, non-migrant participant]

As the above participant points out, the introduction of the Biometric Services Gateway reflects not only the continued existence of the Hostile Environment, but also its extension. While former Home Secretary Sajid Javid renamed the policy ‘compliant environment’ following public outcry over the Windrush scandal,³⁴ its core policies and aims remain unchanged: to use measures such as data-sharing amongst other draconian immigration enforcement measures to make life unbearable for ‘irregularised’ or ‘illegalised’ migrants. One of the core concerns of the Stop the Scan campaign is that the introduction of the **Biometric Services Gateway risks migrant communities feeling they are unable to reach out to police forces** when they have suffered or witnessed a crime because they could be detained (regardless of their actual immigration status) as the police become further embedded into the British border regime and immigration enforcement. Our study revealed members of the public shared similar concerns. A number of participants were opposed to the introduction of the Biometric Services Gateway on the grounds that it would “*force people into ever darker corners where they are*

³⁴ <https://www.bbc.co.uk/news/uk-politics-43957812>

at risk of harm and exploitation”[Leeds non-migrant participant] or felt it “discourages them from seeking help from police if abused or threatened or otherwise victims of crime”[Wales, non-migrant participant].

Amongst migrant participants, **88% of respondents answered they would not feel safe to seek help from the police. Fear was a frequently used word** in responses to one of the questions in the survey.³⁵ It was seen as a primary driver in feeling unsafe to report a crime. Fear was mentioned explicitly 11 times, and was inferred in many more responses throughout the survey. The sentiment of fear in reporting to police appears to come alongside the conflation of immigration enforcement and the police force. Additionally, the element of race as a discriminatory factor feeds into an environment of fear. One respondent states:

“Because the data recorded proved that there are many police officers with racist views or who hold internal biases, causing them to view ethnic minorities and asylum seekers in general as “other”, labelling them as criminal before human being. The risk of coming across a police officer with these views is too high. Therefore, we are creating a situation where people who are already vulnerable are now in fear of getting help from the very people who are supposed to protect them.” [London non-migrant participant]

Discrimination regarding race and migration status is part of a continuum of concern for respondents. **Racism is mentioned 19 times explicitly**, and race is used as a descriptor for types of discrimination migrants would experience when reporting an offence:

“I have experienced racism from police before in a work setting. There is no evidence to suggest that they would protect me.” [York Non-EU migrant participant]

“Abusers/traffickers etc often use precarious immigration status as a tool of abuse. Eg you will be detained, sent back etc. Abusers use systematic racist system in UK to control and continue abuse.” [York Non-EU migrant participant]

³⁵ Q8 If you are* a migrant on a visa, seeking asylum or have precarious migrant status would you feel safe to seek help from the police (i.e. reporting a hate crime or domestic abuse)? *if you are not a migrant imagine you were. Q9 Please provide a reason to your previous answer.

These concerns overlapped with another reason given by 16 participants in their opposition to the Biometric Services Gateway: that **policing powers should not be extended to immigration enforcement**. For some participants, this was about more than preventing migrants seeking help when needed: it was also simply *“not the police’s job to check on immigrant status”*. [Leeds, non-migrant participant] Here, some respondents believed police already had *“too much power”* [Leeds, non-migrant participant] and that *“we should be looking to reduce police powers rather than bolster them”* [Leeds, non-migrant participant], whereas for others concern lay in the measures capacity to *“fuel racial tensions”* [Leeds non-migrant participant] or *“cause serious harm to the possibility of peaceful policing”*. [Yorkshire non-migrant participant]

There was a **clear absence of trust in the police among respondents**. Some of this was due to previous negative interactions with them or the police’s lack of response to hate crimes:

“The police mishandle delicate asylum claims often. There is often a lack of awareness and empathy from the police regarding asylum claims. The police are institutionally racist and therefore it may be extremely hard to feel safe or protected as a migrant/refugee of colour. The police are also notoriously bad for handling cases of hate crime.” [Sheffield non-migrant participant]

“The consequences of having your citizenship questioned are too severe to allow trust in police.” [Leeds non-migrant participant]

“Police officers do not care about minority communities. When we have reported crimes to them, there was a real lack of care particularly when the incidents were racism related.” [Greater Manchester non-migrant participant]

“I do not know that I will be protected by the police. I would rather reach out to an NGO.” [Reading Non-EU migrant participant]

“Police have never helped me when I needed it.” [Glasgow Non-EU migrant participant]

Although 6% (7 respondents) felt safe to report a crime to the police as migrants, the safety was seen as conditional and exclusionary by several participants:

“I am a white woman and my immigration status is not precarious” [Greater Manchester Non-EU migrant participant]

“I’m white. I am sure BAME respondents will rightly feel differently” [Bristol Non-EU migrant participant]

Generally, there was a noted lack of trust in police officers’ ability to carry out their duties, and this was heightened when a precarious migrant status or asylum claim was added to the equation. Although many of the sentiments expressed by respondents are long standing difficulties between members of the public and police officers, there is a recognition that **the current Hostile Environment has heightened fear and mistrust in the police force**, and that any extension of Hostile Environment policies will most likely exacerbate these existing tensions. People deserve to feel safe in their place of residence. Yet, in respondents’ responses, the Hostile Environment is attributed as heightening the lack of safety felt by migrants:

“For years I have been fearful of accessing public services, including the NHS or the police, because of their association with the Hostile Environment. This would merely add to that.” [Wales Non-EU migrant participant]

The association of current practices with previous experiences of discrimination fed into a sense of unease and danger that the reporting of a crime could be turned against you.

CRIMINALISATION OF MIGRANTS

A number of participants expressed **their opposition** to the introduction of the Biometric Services Gateway and police accessing immigration data on the grounds it treats migrants as potential criminals through the conflation of police and immigration controls. Concerns over “criminalisation” were again raised when participants were asked whether they would feel safe reporting to the police if they had (or have) some form of precarious migration status. For example:

“This could result in being deported or criminalised in some way. The police would be a danger to me and my family if I were a migrant. This fact may also stop me from reporting abusers to the police, for their own safety.” [York non-migrant participant]

“I am a citizen of the UK. But if I had precarious migration status, I would not feel safe contacting the police for support as I would fear being criminalised by the police.” [Bristol non-migrant participant]

Some respondents note that **the Home Office holding incorrect information can lead to migrants being criminalised**, despite not breaking any immigration rules.

“They might be less trusting and use the data against me... Many ppl lawfully here as migrants get tripped by misleading data that puts their status at jeopardy” [Leeds participant, immigration status unknown]

“I would worry they would investigate my immigration status and become hostile or/and unjust.” [Sheffield EU migrant participant]

With the already prevalent concerns over the dangers of mistakes in Home Office data, or discrimination against migrants as a means of criminalisation, respondents felt that the Biometric Services Gateway would once further entrench existing harmful practices. Furthermore, the criminalisation of migrants was also associated with the racism and racial profiling historically found in police practices:

“There is already so much racism and discrimination against migrants and people of colour. Existing as a person of colour is not a crime yet the police and corresponding organisations make it so. This feeds into society and racism.” [Leeds non-migrant participant]

“In the same way as stop and search this will only deepen the disproportionate criminalisation/deportation/arrest of black and brown communities.” [Manchester non-migrant participant]

The role of biometrics as a form of identification and control is common in both policing and border management, and one of the dangers noted by participants was that it could result in categorisation that labels someone as ‘deportable’, or ‘criminal’, with less rights and reduced access to justice. Participants felt that fingerprint scanners could result in perpetuating narratives that frame migration as in some way illegal and, as such, that migrants are criminals:

“It criminalises migrants, refugees, asylum seekers. None of this is a crime.” [Leeds, non-migrant participant]

“Registering biometric information in this way essentially treats anyone who enters this country automatically as a criminal, leading to counterproductive hostility between communities.” [Newcastle, non-migrant participant]

While portraying migrants in this light has fuelled restrictive and exclusionary border policies for many years, the perpetual and increasing criminalisation of migrants can be clearly seen in Home Secretary Priti Patel's characterisation of the asylum and border system as “fundamentally broken”.³⁶ What is more, the framing of migration as a threat to security is frequently used to justify the use of biometric technologies within immigration enforcement, which in turn further conflates migration and policing tactics.³⁷ In opposition to this, one respondent commented “*immigration matters should not be conflated with criminal matters.*” [Leeds, non-migrant participant] Fingerprinting has long been used to identify a ‘criminal’, but more recently has become commonplace within borders, from visas to ID cards, and now through the Biometric Services Gateway.

The adoption of fingerprinting migrants by police forces transfers criminality onto people by replicating punitive tactics for control used traditionally in criminal investigations, affecting both migrants and Black and Brown communities racially targeted by the police. Whilst the mobile fingerprint scanners have been heralded by the Home Office as saving time, improving efficiency and “allowing officers to do what they do best,”³⁸ the use of this language depoliticises the impact and contentious policy goals inherent in turning police officers into border guards.

³⁶ <https://www.theguardian.com/uk-news/2020/oct/04/priti-patel-bring-in-new-laws-for-broken-uk-asylum-system-channel-boats>

³⁷ <https://www.migrationpolicy.org/article/biometrics-migrants-and-human-rights>

³⁸ <https://www.gov.uk/government/news/police-trial-new-home-office-mobile-fingerprint-technology>

CONCLUSION

We conducted this report because of the concerns emerging from the communities we work with and support about their experiences and discrimination in relation to the Biometric Services Gateway and police interactions. Amongst the most worrying issues is people who have migrated (particularly those seeking asylum, refugees or those with precarious status) refusing to seek help and suffer in silence. This has been especially the case with victims of domestic abuse, which have increased significantly due to lockdown. Those on visas, seeking asylum, refugees or with precarious status have No Recourse to Public Funds (NRPF), which means they are turned away from homeless shelters. Furthermore, their fingerprints are still at risk of being shared between police and immigration forces despite them being victims of a crime. The same can be said for individuals we have supported who have been victims of hate crimes (for more see our latest report [here](#)).

Another of our motivations to carry out this report was the lack of awareness by the general public of the level of power and surveillance the police have. Most of the people who responded had not heard about the Biometric Services Gateway and the handheld fingerprint scanners nor the implications this has on their civil liberties or the disproportionate impact these technologies have on Black, Brown and migrant communities. As highlighted in this report, due diligence, ethical procedures and impact assessment were not conducted by the police which is why the public were not made aware of these creeping powers and actions. Questions of where public resources are best directed remain a pertinent issue and, in the 'Recommendations' section, our report points towards the importance of investing in community advocates, organisations and charities who continuously support individuals experiencing police discrimination or who are victims of hate crimes.

There have been numerous reports over the past decades that have highlighted the institutional racism and racialism that exists within the police force and the Home Office such as the [Macpherson Report](#) and [the Williams Review](#). To hand over even more powers to a force whilst the dust has not settled on the current claims and calls for accountability is reckless and also an insult to the general public. An unchecked police force on matters of classism, racism and xenophobia should not be judge, jury and executioners of the same communities. This report shows the majority of those individuals who now know about mobile fingerprinting do not support its use. We are not only asking for proper ethical duty and processes to be undertaken, we are asking the police force to listen to these concerns.

Our survey ultimately demonstrates the introduction of the Biometric Services Gateway runs fundamentally against public interest and that police becoming a border force ultimately further harms engagement with racially minorities who they are required to protect under the [Equality Act](#).



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The Racial Justice Network is a registered charity,

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