

Agenda Item 5

JOINT AUDIT COMMITTEE

27th September 2018

HMICFRS UPDATE

1. PURPOSE OF REPORT

To provide members of the Committee with oversight of HMIC recommendations.

2. BACKGROUND

Since the last Committee the force has been notified of the questions that it will be inspected on for the Integrated PEEL Assessment (IPA) in November. For those questions not inspected the previous grading will be carried forward for this year.

Pillar	IPA Key Questions	WMP IPA November 2018
Effectiveness	1. Prevent Crime and ASB	Good
	2. Investigating crime & catching criminals	Good
	3. Protecting the Vulnerable*	To be Inspected in November
	4. Tackling SOC	Good
	5. Specialist Capabilities*	To be Inspected in November
Efficiency	6. Use of resources	Requires Improvement
	7. Planning for the future*	To be Inspected in November
Legitimacy	8. Treatment of the Public	To be Inspected in November
	9. Ethical & Lawful workforce*	To be Inspected in November
	10. Treatment of the Workforce	To be Inspected in November

Work is underway to prepare for the IPA with all questions allocated an executive lead.

Work to review all recommendations is ongoing. This quarter two PEEL recommendations have been reviewed by HMICFRS and closed. They relate to national recommendations regarding the mapping of organised crime groups and referrals to the IOPC for allegations where abuse of authority for sexual gain is suspected. Five recommendations from the National Child Protection Inspection have also been reviewed and closed. They relate to quality of service and investigation, development of good practice, reducing delays within the High tech crime unit and within CPS for charging decisions and identifying, disrupting and prosecuting perpetrators of CSE. HMICFRS are comfortable that the force has suitably addressed the recommendations and they are now closed.

Inspections completed since the last meeting

In preparation for the IPA a number of formal and informal insight visits have taken place.

July

2nd NPU Insight visit WV

4th Design authority observation

9th & 10th Crime and Grievance File review

26th Informal interview Head of PPU

27th Mission Support Insight Visit

August

13th – 17th Counter Corruption Unit Insight visit

September

3rd – 21st CDI audit

4th Local Tactical Delivery Board observation (BE)

6th Force Contact Insight visit

17th Stop and Search insight

19th Force Leadership and Strategic Tasking & Coordination observation

21st Control room insight (Lloyd House & Bournville Lane)

24th NPU insight visit (CV)

27th Use of Force insight

27th POD insight visit.

Feedback has been received following each insight visit and this is being fed back to departmental heads and executive leads so that any issues identified can be addressed. Largely the feedback has been positive.

Inspection reports received since the last meeting

None received

Outstanding recommendations currently graded Red

There are no recommendations currently graded as red.

Overview of reports for review

Modern Slavery: Stolen freedom: the policing response to modern slavery and human trafficking

This was a thematic inspection that took place between October 2016 and March 2017 with the report published 2017. The methodology for the inspection looked at documents and data from all 43 forces and conducted fieldwork in ten. West Midlands Police was one of the ten forces selected and was subject to fieldwork in February 2017.

The report outlined eleven recommendations with four assigned to national functions such as the NCA and College of Policing and the remaining seven being all force recommendations.

All recommendations are being addressed as part of the Force Vulnerability Improvement Plan which is managed through the Vulnerability Improvement Board chaired by ACC Crime.

The recommendations are as follows:

Leadership

Within twelve months, forces should review their leadership and governance arrangements for modern slavery and human trafficking, to ensure that:

- senior leaders prioritise the response to modern slavery and human trafficking;
- every incident of modern slavery identified to police is allocated appropriate resources with the skills, experience and capacity to investigate it effectively;
- forces develop effective partnership arrangements to co-ordinate activity in order to share information and safeguard victims; and
- performance and quality assurance measures are in place to allow senior leaders to assess the nature and quality of the service provided to victims.

Intelligence

Within six months, forces should have in place active information-sharing agreements with other agencies to facilitate speedy exchange of intelligence and in order to safeguard victims better and to identify suspects as early as possible.

Victim identification and initial response

Immediately, forces should ensure that all victims carrying out criminal acts under compulsion attributable to slavery or exploitation are afforded the protection of early and continuing consideration of the applicability of the section 45 defence.

Immediately, forces should take steps to ensure they are fully compliant with the NRM process as it evolves and are implementing the requirement placed upon them under the Modern Slavery Act 2015 to notify the Home Office of any individual suspected to be an adult victim of modern slavery or human trafficking.

Crime recording

Immediately, forces should take steps to ensure they fully comply with national crime recording standard (NCRS) requirements for offences identified as modern slavery and human trafficking and that sufficient audit capacity is available to the force crime registrar to provide reassurance that each force is identifying and managing any gaps in its crime-recording accuracy for these types of offences.

Investigation

Immediately, forces should ensure that allegations or indications of modern slavery and human trafficking are thoroughly investigated and effectively supervised by teams and individuals with the skills and experience to undertake them (this should include the use where appropriate of joint intelligence teams and other means to obtain intelligence and evidence from agencies overseas).

Prevention

Immediately, forces should review their use of preventative powers under the Modern Slavery Act 2015 to ensure that opportunities to restrict the activities of those deemed to pose a clear threat to others in respect of modern slavery and human trafficking offences are exploited

Detective Superintendent Nick Walton is the Force Subject Matter Expert (SME) for modern slavery and whilst all recommendations remain open good progress has been made in this area of business.

Modern Slavery appeared within the Force Strategic Assessment and its profile has been raised by the SME in a number of forums including the Force Leadership Conference.

Investigations are allocated to ICIDP qualified investigators within Public Protection and Force Investigations. The SME is working to maximise exposure to the national MS investigator's course. Public Protection and Force Investigations have a dedicated co-ordinator/tac ad at the rank of Sergeant. The SME meets with the respective co-ordinators on a monthly basis to undertake an investigative overview. The SME continues to scope the potential for a dedicated Slavery/Trafficking investigative function.

The SME has worked with each LA to shape local partnership frameworks for delivery. Chairs and other associated partners are meet with the SME on a quarterly basis at the West Midlands Strategic Partnership Board. The Board is working to an action plan and is accountable to the regional PVVP Board. In addition, the SME is shaping a Modern Slavery Intelligence Sharing forum which will work with partners to exchange information and agree primacy for responding to intelligence/investigations.

Force Intelligence produce a monthly briefing document to inform local tasking processes. A sanitised format is also shared with local partnerships. The SME has also commissioned an internal audit of 60 filed investigations, whilst also undertaking a multi-agency audit of a volume of WMP investigations.

More recently the SME has been engaged with the Force Executive and Strategic Intelligence in determining a future approach to dealing with Slavery/Trafficking, CSE and County Lines. This has included participation in three partnership events across the force.

Domestic Abuse 2017: A progress report on the police response to domestic abuse 2017

This report was the third in a series of thematic reports which considered the response the police service provided to victims of domestic abuse and built on the findings in 2014 and 2015. All of the recommendations from this report feature as part of the vulnerability improvement plan which is managed through the Vulnerability Improvement Board chaired by ACC Crime.

The recommendations and progress made are as follows:

Risk Assessment

Although HMICFRS found that in general risk assessment is improving, forces still use a range of different and inconsistent practices when assessing risk, which potentially means that victims might receive different levels of service across England and Wales. HMICFRS has also raised concerns about the practice of conducting the initial risk assessment over the telephone. HMICFRS has been clear that forces should continue to use the Domestic Abuse, Stalking, Harassment and Honour-Based Violence risk identification, assessment and management model (DASH) until the College of Policing has completed its pilot on a national risk assessment.

To address this a 'DASH APP' has been created and successfully launched. This allows officers attending domestic abuse incidents to complete a risk assessment in a consistent way, which automatically links to the crime report. There were issues with DASH forms not being completed when the victim would not engage or did not want to answer the questions. The APP has now been adjusted so that the form can still be completed. In these circumstances officers are encouraged to complete the form on what information they can establish from the circumstances of the incident. This could include information stated to the original call taker or what the officers see and hear on attendance. The Force are striving to have a DASH completed for all incidents. There is a DASH Implementation group chaired by the Detective Superintendent for Domestic Abuse to monitor and improve performance in this area.

Positive action and the role of arrest

Despite very clear guidance in Authorised Professional Practice, there appears to be confusion about what positive action involves. Police officers have a duty to take positive action when dealing with domestic abuse incidents. Often this means making an arrest, provided that the grounds exist, and it is a necessary and proportionate response. The use of arrest is falling at an alarming rate, which can be explained in

part by the misguided belief of some officers that their actions in not arresting perpetrator are 'victim-focused.' Officers need clear supervision and direction to ensure that all opportunities for an early arrest are taken. This is particularly true in relation to perpetrators of domestic abuse. It is crucial that such an approach is part of an effective process to protect victims and ensure their continuing safety.

In response to this Force policy clearly states that positive action should be taken by the police in response to any report of domestic abuse. In the majority of cases this will justify an arrest. In a limited number of cases the legal requirements around code G of the Police and Criminal Evidence act requires that an attempt is made at a voluntary interview. The Public Protection Unit is in the process of reviewing its internal management of outstanding offenders. This includes ensuring that all outstanding standing suspects for domestic abuse are circulated on the Police National Computer as soon as possible. This should be based on whether there are 'reasonable grounds to suspect' they committed the offence and on the principles of code G PACE, and not delayed if there are challenges around collecting evidence.

Build the case for the victim

HMICFRS accepts that domestic abuse victims are often reluctant to support a prosecution, given the financial, housing and family connections they might have with the perpetrator, or the level of control which they may be under. Despite this, there are opportunities for investigators to build a sound case against the perpetrator whether the victim supports a prosecution or not. It is important that police officers are clear about what constitutes an acceptable level of investigation in all cases of domestic abuse. Given the high and increasing number of cases that are closed due to 'evidential difficulties - victim does not support police action', it is vital that clear standards and expectations are set for building the best possible case for the victim (including working with specialist domestic abuse services), which increase the likelihood of a victim working with the criminal justice process and giving evidence at a trial.

Force policy directs that 'positive action' should be taken in all relation to all reports of domestic abuse. In terms of an initial response this often amounts to seeking to affect an arrest of the suspect. The underlying principle to this is to allow investigators to properly engage with the victim, away from the offender to see if they are more likely to pursue a complaint. In cases where the victim will not support proceedings careful consideration is given to trying to prosecute the matter in anyway. This is normally reserved for the more serious cases, not just for reasons of proportionality, but also because it is in these cases that there is the most corroborating evidence. We continue to strive to maximise the amount of cases that progress on this basis, but it remains challenging to meet a high evidential threshold. This area of work is kept under review, with the CPS attending a joint monthly meeting with the Domestic Abuse operational leads.

A shared view with the Crown Prosecution Service (CPS) on referrals and prosecutions

There is wide variation in the number of cases which police forces refer to the CPS. Referrals are declining and charge rates are falling year on year. Police forces and the

CPS have been examining this matter in an attempt to understand the variation and reduction in the rate of referrals. During the period of this report, the CPS has also invested in training to ensure that its staff are building the case for the victims, even when the victim does not want to make a complaint. However, this cannot be done if the case is not presented to the CPS. To reverse the current trend, forces need to work closely with the CPS to understand when cases should be referred.

The CPS continue to meet with Domestic Abuse operational leads on a monthly basis to monitor the performance of both agencies around the criminal justice processes for domestic abuse.

The elements of a thorough police response

The overall response to domestic abuse has improved over the last three years, but the service provided for domestic abuse victims is not consistent across all 43 forces. Early and accurate identification of risk, followed by timely deployment, frontline officers who understand the dynamics of domestic abuse, early arrest and effective evidence-gathering at the scene are highly likely to provide the best chance of securing a conviction. Where a charge is not appropriate, forces need to consider the use of powers such as DVPNs/DVPOs and referrals to appropriate specialist domestic abuse organisations to protect and safeguard the victim. The investigation of the perpetrator, and continuing support for the victim (e.g. consistent and timely information and communication about the progress of the case) are equally critical. Some forces are better than others at each part of the response to domestic abuse. From the first point of contact, the police service needs to ensure that it understands each element of its response to domestic abuse to help ensure that its response is effective.

To address this a dedicated member of staff continues to improve the standard of DVPOs that are sought. They are regularly pursued by investigators within the Public Protection Unit when other criminal justice options to protect the victim cannot be pursued. Work is underway to improve the link between the creation of DVPOs and the tasking of local neighbourhood officers.

Consistent performance measures

In our last domestic abuse thematic report Increasingly everyone's business, HMICFRS highlighted that some forces had still not completed comprehensive analysis to understand domestic abuse within their area. Throughout this inspection, we have worked with forces to analyse their data, and found that many forces still struggle to record and accurately reflect their performance through the data they collect. They are still unable to explain what is happening in terms of arrest and outcome data even where this is particularly high or low. This suggests that these forces are not monitoring their data for insight into what is changing (or not) in the policing of domestic abuse. Given the importance of the police response to domestic abuse, it is disappointing to see that forces still do not record their performance relating to domestic abuse in a consistent way. Force leaders should use force data more effectively in order to understand demand and monitor performance.

To address this the Force produces performance data which is published by the Strategic Intelligence Team and this is presented and discussed at the fortnightly DA meetings involving the DIs and DCIs. This is available also on the PPU intranet page.

3. RECOMMENDATIONS

The Committee to note the contents of the report.

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BACKGROUND DOCUMENTS