



**Strategic Policing and Crime Board
May 2022**

Police and Crime Plan Priority: Regular Item
Title: Performance Report – PCC Responses to HMICFRS Inspection and Super-Complaint Reports
Presented by: N/A

Purpose of paper

1. To provide an overview of the Police and Crime Commissioner responses to HMICFRS inspection reports over the past year
2. Responses to HMICFRS inspection reports can be found here - [HMICFRS Reports - West Midlands Police & Crime Commissioner \(westmidlands-pcc.gov.uk\)](https://www.westmidlands-pcc.gov.uk)

Introduction

3. Police and Crime Commissioners (PCCs) are required to publish certain information to allow the public to hold them to account
4. The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 requires that PCCs publish responses to HMICFRS PEEL inspection reports of their police force and also to publish a summary infographic showing how each aspect of a force's performance has been graded under the PEEL inspection framework (inadequate; requires improvement; adequate; good; or outstanding).¹
5. In addition, if HMICFRS publishes an inspection report which relates to police forces, section 55 of the Police Act 1996 requires the PCC to prepare comments on the report and to publish them (section 55(5)).²

¹ [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2021: guidance for police and crime commissioners - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

² [HMICFRS, PCCs and Mayoral Offices - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

PEEL 2021/22 – An inspection of West Midlands Police³

7. HMICFRS graded West Midlands Police’s performance across 11 areas of policing and found the force was ‘good’ in five areas, ‘adequate’ in three areas and ‘requires improvement’ in three areas. HMICFRS said the areas requiring improvement included how the force investigates crime, how it supports victims and how it protects vulnerable people.

Outstanding	Good	Adequate	Requires improvement	Inadequate
	Preventing crime	Responding to the public	Investigating crime	
	Recording data about crime	Managing offenders	Supporting victims	
	Treatment of the public	Developing a positive workplace	Protecting vulnerable people	
	Disrupting serious organised crime			
	Good use of resources			

8. The PEEL inspection 2021/2022 shows that the police funding model is failing to allocate resources appropriately to address threat, risk and demand. West Midlands Police is an efficient police force, yet, as the Inspector’s commentary notes, lacks the capacity and resources to cope with the demand it faces. The national failure to fully implement the existing police funding formula, coupled to the historic legacy of a failure by the former Police Authority to raise precept in line with other areas, has left West Midlands Police structurally underfunded. The Inspectorate’s acknowledgement of the Force’s position is long overdue but still welcome.
9. I welcome acknowledgement of the concerted work that has been done to improve crime recording. West Midlands Police has improved the speed within which crime is recorded and the accuracy of its recording. As noted by HMICFRS, this is positive for victims as it demonstrates that West Midlands Police takes their reports of crimes seriously.
10. However, Chief Constable Sir David Thompson has reported that the crime recording standards can contribute to perverse outcomes, notably regarding the ability to “de-crime” an incident.
11. The consequences of moving to a model whereby incidents are recorded as crimes as a prelude to investigation – rather than the reverse – need to be fully understood. It appears, for example, that when comparing like-for-like crimes, police now record more crimes than the public self-reports via the Crime Survey for England and Wales. This development is unprecedented and is in part linked to the falling criminal justice outcome rates

³ [PEEL 2021/22 – An inspection of West Midlands Police - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/peel/2021-22-an-inspection-of-west-midlands-police/)

Policing in the pandemic - The police response to the coronavirus pandemic during 2020⁴

12. Demand on policing changed during the first lockdown with decreased theft and robbery offences but an increased need to support the work of other frontline services whilst enforcing lockdown restrictions. However, this change has continued throughout 2020 and into 2021 with the demands and challenges facing the police service being substantial.
13. Despite theft offences being considerably down, recorded crime for 2020/21 saw an increase on 2019/20, driven by increases in low-level violence, domestic violence and stalking and harassment offences. In addition, by summer 2021 it is anticipated that the usual seasonal pattern of crime will have resumed and WMP will be entering a period of summer demand, which will see a further increase in violence and antisocial behaviour.
14. Whilst it is welcomed that the main finding from the report was that overall the police service responded well to the challenge of policing the COVID-19 pandemic, it should be acknowledged that the impacts of the pandemic will continue to impact the police service over the coming years.

Custody services in a COVID-19 environment⁵

15. As with demand on policing in general, the Covid-19 pandemic drastically impacted upon the ways in which custody suites operated. Police officers have had to make assessments prior to arrest as to the health of the suspect/offender and whether the arrest is warranted during the pandemic whilst custody suites themselves have ran at a reduced capacity to ensure a safe and secure environment.
16. The pandemic also impacted services such as the Independent Custody Visitors (ICVs), Appropriate Adults Service, and the Cranstoun Arrest Referral Service. These services had to adapt quickly to the challenges of the pandemic in order to meet the requirement under the Police and Criminal Evidence Act codes of practice and to continue to provide the opportunity to break the cycle of crime and substance use.
17. As part of the ongoing internal audit strategy and work programme, there is a particular focus on the organisational learning from the Covid-19 pandemic, with the review also considering the robustness of new practices that have been adopted in custody suites during the Covid-19 pandemic.

Report on Hestia's super-complaint on the police response to victims of modern slavery⁶

18. Modern Slavery and Human Trafficking are complicated crimes which are difficult to prove and resolve. Although national progress has been made since the inception of the 2015 Modern Slavery Act and the last HMICFRS inspection in 2017, progress remains patchy and inconsistent across forces. The West Midlands has led the way in responding to Modern Slavery; however we must not become complacent and must continue to drive forward improvements.

⁴ [Policing in the pandemic – The police response to the coronavirus pandemic during 2020 - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/policing-in-the-pandemic-the-police-response-to-the-coronavirus-pandemic-during-2020/)

⁵ [Custody services in a COVID-19 environment - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/custody-services-in-a-covid-19-environment/)

⁶ [Report on Hestia's super-complaint on the police response to victims of modern slavery - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/report-on-hestia-s-super-complaint-on-the-police-response-to-victims-of-modern-slavery/)

19. In 2020 we launched the Exploitation and Abuse framework in acknowledgement that these crimes cannot be solved solely by policing alone and required a partnership, multi-agency collaborative response. The framework allows us to drive regional collaboration and improve responses to exploitation and abuse in all its forms across the region. The strategic boards are accountable to the West Midlands Community Safety Partnership (WMCSP) and all seek to prevent, identify and effectively support victims of exploitation and abuse and to disrupt and pursue perpetrators. We also have WMP SOCEX which is the exploitation hub which acts as a SPOC for officers and partners, and they are often the "go to resource" for queries or service recovery
20. A recent report from the Anti-Slavery Commissioner; Sara Thornton speaks about the benefits of taking a public health approach to modern slavery. The Anti-Slavery Commissioner's and this super complaint together provide an opportunity to reflect and consider how the West Midlands could further establish itself as a lead in this area of business

Review of policing domestic abuse during the pandemic – 2021⁷

21. Reports of domestic abuse have been growing and make up a significant proportion of demand on West Midlands Police. In the year ending September 2020, domestic abuse flagged crimes made up around 23% of all crime. In 2021, WMP commissioned Crest Advisory to research the higher than normal increase in reporting for WMP throughout 2020 and an outlier in terms of domestic abuse demand. The findings however show; the West Midlands does not appear to be an outlier in terms of the rate of domestic abuse per population. Between the year ending March 2016 and the year ending March 2020 the West Midlands was in line with the national average and below that of its MSF's.
22. Since the beginning of the pandemic, domestic abuse has risen faster in the West Midlands than nationally, but it is likely Covid has exposed, rather than created the problem. Initial findings from London City University and the University of Durham suggest that the pandemic exposed, rather than created the domestic abuse crisis' i.e. it may be that these areas were particularly good at encouraging reporting during this time.
23. There is broad consensus on the drivers of rising demand, though it has not been possible to evidence this from the available data. West Midlands Police focus group participants identified that the increase in demand was driven by three key factors:
 - a. broader interpretations of the definition of domestic abuse,
 - b. increase in available reporting methods (web chat) and
 - c. failure demand from other public services
24. Within the West Midlands, domestic abuse victims and their families were identified as a priority early on in the initial lockdown. The force were particularly keen to ensure the voice of the child was captured during the pandemic and response officers trained in DA matters were issued 5 wellbeing questions to pursue with children when they went out to domestic calls. This allowed an additional avenue to assess risk and support safeguarding children who were further hidden from professionals and public view due to the lockdown.

⁷ [Review of policing domestic abuse during the pandemic – 2021 - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/review-of-policing-domestic-abuse-during-the-pandemic-2021/)

Interim report: Inspection into how effectively the police engage with women and girls⁸

25. Along with the increase in domestic abuse during the pandemic, women's fears about street harassment has also increased significantly⁹ with a recent poll finding that 7 out of 10 women had experienced some form of sexual harassment in public¹⁰. In 2020/21 there were circa 44,000 records of crime relating to stalking and harassment, up 96% on 2019/20 - Of these, 67% did not relate to domestic abuse.
26. Worryingly, whilst there have been increases in recorded crime a local Women and Safety Survey found that 92.5% of respondents who had experienced sexual assault and rape in the West Midlands did not report their experience to the police
27. It is argued that the prevalence of violence against women and girls has been underestimated for decades and suggests that violence against women and girls is better positioned as a systemic, global and enduring phenomenon¹¹. We would argue that any inspection into rape, domestic abuse, and violence against women and girls must acknowledge that these are systemic, structural issues that can only be addressed via multi-agency, long term activity.
28. We are supporting a Force consultation on a Violence and Intimidation Against Women and Girls Strategy (VAIWG) the local strategy will follow the national approach and will seek to coordinate the WMP's response and approach to VAIWG crimes

Neurodiversity in the criminal justice system: A review of evidence¹²

29. The report notes that professionals who work in the CJS have, for many years, been concerned about the experiences of and outcomes for neurodivergent individuals. This concern has centred on (amongst other things) the low levels of knowledge and understanding amongst staff of neurodivergence.
30. The report concluded, for example, that on arrest neurodivergent individuals may be recognised and are more at risk of:
31. Being arrested due to their behaviour not being recognised as a manifestation of their condition
32. Becoming unsettled by the police custody process, leading them to exhibit behaviours which are interpreted as non-compliant meaning that they may not receive the support they need
33. Not fully understanding the process, not being able to effectively engage with the investigation without support or to have someone advocate on their behalf
34. In the West Midlands, we recognise that these risks are particularly pertinent where the detainee is a child. We know that, for instance, children are being inappropriately detained in police stations because local authorities aren't able to offer emergency secure and non-secure accommodation. A national review looking into the scale of this problem is most definitely required. We also know that for children with neurodiversity challenges in contact with the criminal justice system (CJS) – many of whom have some

⁸ [Interim report: Inspection into how effectively the police engage with women and girls - HMICFRS \(justiceinspectorates.gov.uk\)](#)

⁹ [Sarah Everard: 'Epidemic' of violence against women in UK not taken seriously enough after 33-year-old's disappearance, MPs warn](#)

¹⁰ [Prevalence and reporting of sexual harassment in UK public spaces](#)

¹¹ [Understanding the scale of violence committed against women in the UK since birth](#)

¹² [Neurodiversity in the criminal justice system: A review of evidence - HMICFRS \(justiceinspectorates.gov.uk\)](#)

experience of poverty, discrimination, violence, and trauma – the experience of custody can be particularly harrowing and re-traumatising, possibly exacerbating issues which led to their arrest in the first place.

35. Criminal justice spaces (especially custody suites) need to recognise this. That is why in the West Midlands, we have been looking into possibilities regarding specialist police facilities more akin to ‘home like’ rooms – secure rooms but not at all like police cells – for children in custody, geared around the facilitation of integrated, intensive support (including for acquired brain injury, neurodiversity, and mental health – challenges which we know are coexisting, mutually reinforcing, and all too often not picked-up).

A joint thematic inspection of the police and Crown Prosecution Service’s response to rape – Phase one: From report to police or CPS decision to take no further action¹³

36. In recent months we have had a spotlight focus on both national and international policing responses to both Violence Against Women and Girls (VAWG) and in particular sexual assault and abuse including a plethora of national strategy, guidance and direction all indicating a lack of procedural justice for victims of rape.
37. Since November 2020, the force has been implementing both the feedback from the hot debrief and also the following in the RASSO space:
- a. A joint multi-agency strategy; the West Midlands Sexual Assault and Abuse Strategy 2020-2023 was launched on 8th January 2021 with buy in from both WMP and WMOPCC.
 - b. The Sexual Assault and Abuse Board (formerly RASSO) has been moulded to a multi-agency focus promoting the above agenda through its action plan and work streams. The board which used to be very CJ focused now incorporates representatives from health, third sector and all local authorities with the aim to work towards the national strategy.
 - c. The OPCC are working with the force through their new Sexual Harassment Project lead for the 3 year project to ensure that gender inequality and sexual harassment are addressed appropriately. The Sexual Violence Consortia (specialist third sector providers) are overseeing this project and a specialist support arm has been developed for officers who are victims of sexual assault and abuse to access specialist support.
 - d. We support the work of the RASSO CPS Gatekeeper and the progress they have established since being extended in post. This role has been crucial to supporting the communication between Police and CPS.
 - e. We work with all our commissioned services through the PCC’s Victim’s Commission to identify and address issues arising and support more victim focused work.
38. Key work ongoing with the force are:
- a. training for all staff on sexual harassment and exploitation,
 - b. strengthening the victim’s voice within the process through the recommendations of the PCC’s Vulnerable Victim’s Review.
 - c. Piloting of the Rape Triage PPU car will in a different locality in the next months to look at a better front end offer to victims of RASSO crimes.

¹³ [A joint thematic inspection of the police and Crown Prosecution Service’s response to rape – Phase one: From report to police or CPS decision to take no further action - HMICFRS \(justiceinspectorates.gov.uk\)](#)

- d. ISVA/DI clinics in each of the RASSO units monthly to work with local support services to provide bespoke, wrap-around support for victims at every stage.
39. A 2019/20 Data driven insights report showed that to have the best chance to reduce the length of investigation and enable better engagement/reduction in attrition for victims/witnesses, one investigator should hold the case from start to finish and hold a maximum of 6 investigations at any one time (current WMP DC's hold 20-25 cases each). For this cycle to be broken, there is a need to invest in resources to fund PPU in terms of staff and digital forensics capacity.
 40. West Midlands Police are one of four pilot forces joining the Home Office's Operation Soterio pilot which is the roll out of the action plan for a deep dive review into RASSO as modelled in Avon and Somerset Police by academics following a five pillared approach to follow the directions of the Government's End to End Rape Review.
 41. With the academic pilot starting in West Midlands in April 2022, planning is underway to prepare and use the delivery plan above to increase progress towards both the recommendations above and the wider national and regional targets to improve the criminal justice response to rape and sexual offences. Working towards the recommendations above and within the End to End Rape Review will be successful when working together in partnership, with the right legacy funding/provision to uplift all parts of the CJS to be able to investigate rape and sexual offences in a timely, efficient, procedural and effective manner.

State of Policing: The Annual Assessment of Policing in England and Wales 2020¹⁴

42. There is much in the Assessment that I would recognise and support. Your analyses of the issues arising from failing national technology projects, under resourcing of mental health services, and the consequences for the criminal justice system arising from ill-advised, misconceived and poor decision making by successive governments over the past decade, are all well made. I also agree that the "stop-start" of annual funding cycles are unfit for purpose and they have damaged medium-term planning and preventative activity.
43. The financial cuts imposed on public services after 2010 did not fall evenly, either in policing or in the public sector more widely. West Midlands Police lost approximately 2,200 officers, but notwithstanding the Uplift we will only get 1,200 back. Thus, while some forces will be larger than they have ever been, West Midlands Police will have a thousand or so less officers than it had in 2010. This is not the product of local decision making, as government has cynically and inaccurately suggested, but a deliberate policy that disadvantaged forces more reliant on police grant. At no point does the Assessment, or any of its predecessors, adequately address this reality. Neither has HMICFRS reflected on the implications of the failure to implement the police funding formula, which has cost West Midlands Police tens of millions of pounds a year.
44. Despite this, HMICFRS has inspected West Midlands Police year after year as if it is directly comparable to forces with far lower crime, far less vulnerability, far less threat, and far less deprivation, but whose funding per head of population is greater than that allocated to West Midlands Police. In this sense, the inspection regime is essentially flawed and suggests either a lack of appreciation of the impact of this reality and/or an

¹⁴ [State of Policing: The Annual Assessment of Policing in England and Wales 2020 - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

unwillingness to factor it in, have regard to it and reflect on the reality of the circumstances in which different forces find themselves.

45. Similarly, local authorities in more deprived, urban areas, saw much greater cuts to funding than those serving more affluent areas. It is no surprise then that forces like West Midlands Police were faced with a more challenging environment than forces in less disadvantaged areas. Again, the inspection regime fails to address these systemic factors in reaching its judgements. The net effect of this approach is that the inspection regime simply perpetuates and reflects this inequitable state of affairs rather than acknowledging and challenging it.
46. The desire to see crime recorded accurately is universally accepted. However, the Assessment fails to offer self-reflection on the issues that have arisen from the approach to crime recording required by HMICFRS and the HOCs. The HMICFRS Assessment continues to make a crude assertion that there is an automatic correlation between compliance with prevailing crime recording standards, improved outcomes for victims and better value for taxpayers.
47. Compliance has created significant additional resource requirements for forces, potentially taking capacity away from preventing and responding to crime, and allocating it to measuring crime. Changed recording practices have led to significant increases in the recorded levels of some offences – notably those involving violence without injury, and stalking and harassment – when the number of reported victims has, in some cases, been falling.
48. It is driving down outcome rates, potentially irrecoverably, creating a sense that policing is not responding to criminality when a more accurate picture might be that crimes are being recorded that were never likely to be detected. This is in turn skewing the demand assessment for investigation teams. The Additional Verifiable Information standard for “decriming” an incident has become so onerous that there is little profit in investing the necessary level of resource to get a crime taken “off the books,” even where a reasonable observer would consider it to be the appropriate course of action.

A review of 'Fraud: Time to choose'¹⁵

49. The independent inspectorate’s report shines a light on the issue of Fraud in the UK. Fraud affects everyone, from individuals to businesses, organisations and Governments. We will all either have experience of or know people who have been affected by fraud. In fact, fraud costs the UK economy £193 billion each year and an estimated 3.8million fraud offences are committed annually, yet Action Fraud, the national reporting centre, only recorded just shy of 750,000. The fraudsters are inflicting misery on millions. That has to end. We need to get tough on the criminals preying on the vulnerable.
50. The report exposes a number of key things. Fundamentally the Investigators found that not enough had changed since their 2018 inspection and that victims are ultimately being failed by the system across the country. The main thing the report concludes which needs to happen, is a greater investment into anti-fraud capabilities. This investment needs to match the scale of the problem. Subsequent government announcements since the Investigators conducted their revisit, such as the Beating Crime Plan, fall considerably short of the mark.
51. Policing also needs to focus on and make this area as a priority. I support the recommendations made to forces in this report. Firstly, fraud victims need to be given

¹⁵ [A review of 'Fraud: Time to choose' - HMICFRS \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk)

appropriate advice and support when they report a case of fraud and secondly that all forces follow guidance regarding calls for service

A duty to protect: Police use of protective measures in cases involving violence against women and girls¹⁶

52. The report highlights a lack of understanding amongst police forces on how to effectively utilise protective measures available to safeguard victims of VAWG crimes; specifically focused on pre-charge bail conditions, non-molestation orders, domestic violence protection notices and orders, and restraining orders.
53. As part of the Vulnerable Victim's Review conducted in February 2020, a prevalent theme discussed by victims of domestic abuse was the breach of non-molestation orders (pg. 12). One victim told us that "there were 28 breaches last year and he never got arrested, just warned" (Anonymous).
54. It is plainly unacceptable for victims to be left vulnerable and feeling unsafe despite the availability of measures to prevent this.
55. These failures further harm victims trust and confidence in the police, their likelihood to report in the future and as such undermines the delivery of justice as well as the robust and effective safeguarding of victims.
56. It is vital that the voice of the victim is not lost in both the improvements made to the use of protective measures and that their views and needs are central within decision making and that the processes the protective measures entail are appropriately communicated with the victim; whereby they have responsibility to serve a non-molestation order on the defendant themselves or request this from the court, for example.
57. My office will work with Force to explore how the West Midlands can most effectively respond to the recommendations set out by the HMICFRS report and super-complaint by turning them into tangible and measurable actions and objectives.
58. We will also work with wider criminal justice agencies through the Local Criminal Justice Board and its victims and witnesses subgroup to ensure the whole system is working together efficiently to improve the use of protective orders, with a particular focus on cases involving violence against women and girls.

Police response to violence against women and girls - Final inspection report¹⁷

59. My office has been supporting the embedding of the force's Violence, Abuse and Intimidation Against Women and Girls (VAIWG) strategy as attached below which is loosely based on the NPCC VAIWG strategy nationally. In respect of the commitments of the NPCC to the VAIWG strategy; The NPCC state "this strategy should be very much seen as a work in progress, with the aim of becoming embedded in business as usual throughout policing," The strategy proposes that it runs from 2021-2024, and will need to include regular review points and updates in line with the plethora of upcoming national inspections and strategies as well as the pending independent enquiry into the murder of Sarah Everard. The NPCC need to ensure that there is a sufficient reviewing process of the need to update the strategy in line with the likelihood that significant change will be

¹⁶ [A duty to protect: Police use of protective measures in cases involving violence against women and girls - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/)

¹⁷ [Police response to violence against women and girls – Final inspection report - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/)

coming, this should be specified within the work plan and highlighted as to frequency within the strategy itself.

60. The closing statements read “Our next actions will directly impact upon the confidence that women and girls have in policing,” which leads me to emphasise that this is a key turning point for both society and policing in the work to End Male Violence Abuse and Intimidation Against Women & Girls and there is a distinct need to recognise that women and girls will only have confidence in policing when there is an acknowledgment of the past and a commitment to continue to develop and embed good practice across the scope of the strategy’s term. These are key elements which are important to hold the force to account on.
61. Further to the initial response submitted on the interim report published earlier in 2021; whereby I stated that victims’ needs should be a central consideration of any investigation, victims should be fully supported towards a result that reflects their wishes and considers any discrimination and inequality they may face.
62. Consistent and accurate recording of information on the protected characteristics of victims is needed to help ensure the right support is offered. Indeed, the strengthening of the Victim’s Code in 2021 seeks to address many of these issues yet there is clearly as demonstrated by the full report a significant gap in policing to demonstrate compliance.
63. The recent HMICFRS PEEL Inspection highlighted that the force’s data for victims of crime shows that age and gender are well recorded whilst other protected characteristics (ethnicity, disability, and sexual orientation) are not. This is an issue that the OPCC is aware of through various work streams with the Force and ways to improve recording are being explored.
64. This data is essential in understanding the demography of victims and offenders and is crucial in the commissioning of services to support victims of crime and in the commissioning of diversionary activity.

A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders¹⁸

65. In the West Midlands, we know that rates of mental ill-health are high among those who pass through the Criminal Justice System (CJS). We know also that, even where consistent information is available, the data picture is far from complete given the high number of cases which, for a variety of reasons, are never properly diagnosed.
66. This is important to recognise for 3 primary reasons:
 - a. The criminal justice process itself can be incredibly traumatising and detrimental to mental health – criminal justice agencies therefore have a duty of care to individuals in contact with the CJS who deserve access to treatment;
 - b. Mental ill-health (in its various forms) can trigger harmful behaviour which leads to contact with the CJS – combatting harmful behaviour thus necessitates some action be taken to treat mental ill-health;
 - c. Mental illness, particularly in its most severe forms, can massively impact an individual’s capacity to understand and participate in criminal justice processes – the application of open and fair justice therefore demands proper recognition for individuals with problems associated with mental ill-health.

¹⁸ [A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders - HMICFRS \(justiceinspectorates.gov.uk\)](#)

67. WMP are working to ensure that provision for individuals with MH support needs and the early identification of those needs is improved
68. The findings in the report are closely linked to the findings from the joint inspection on neurodiversity in the criminal justice system published December 2020, which noted that professionals who work in the CJS have, for many years, been concerned about the experiences of and outcomes for neurodivergent individuals and concluding specifically for Police, that on arrest neurodivergent individuals may not be recognised and are at more risk of:
- a. Being arrested due to their behaviour not being recognised as a manifestation of their condition
 - b. Becoming unsettled by the police custody process, leading them to exhibit behaviours which are interpreted as non-compliant, meaning that they may not receive the support they need
 - c. Not fully understanding the process, not being able to effectively engage with the investigation without support or to have someone advocate on their behalf

State of Policing: The Annual Assessment of Policing in England and Wales 2021¹⁹

69. Policing has become more difficult because under-funded, weakened public services are not able to work together as effectively and efficiently as possible, to prevent crime and harm. I therefore welcome the commitment to greater use of joint inspections so the effectiveness and efficiency of the *system*, rather than just policing, can be better assessed. A thematic inspection of, for example, violence prevention, which focuses largely on policing and the “tertiary” response is, in large part, missing the point. It is my intention to use the partnership structures I support, such as Community Safety Partnerships, the Local Criminal Justice Board, the Violence Reduction Partnership and Victims Commission to review recommendations from joint inspections to ensure a collective response.
70. I welcome the response from APCC Chair Marc Jones²⁰ and agree that PCCs are working tirelessly to cut crime and keep our communities safe and would like to highlight the Assessment’s recognition of the significant contribution that PCCs make to the different parts of the criminal justice system, together at a local level, to improve outcomes for victims and the public.
71. Within the West Midlands the increase in police-recorded crime continued in 2020-21 and 2021-22. For the year ending September 2021, the West Midlands saw a 28% increase in police recorded crime compared with the previous year - largely driven by increases in records relating to Domestic Abuse and Stalking and Harassment.
72. Compliance [with recording requirements] has created significant additional resource requirements for forces, potentially taking capacity away from preventing and responding to crime, and allocating it to measuring crime. Changed recording practices have led to significant increases in the recorded levels of some offences – notably those involving violence without injury, and stalking and harassment – when the number of reported victims has, in some cases, been falling.
73. With the increased focus on “league tables” for police performance through the national priorities for policing and the beating crime plan, there are valid questions around whether increases in crime are due to poor performance by police forces or due to increases in

¹⁹ [State of Policing: The Annual Assessment of Policing in England and Wales 2021 - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

²⁰ [State of Policing: The Annual Assessment of Policing in England and Wales 2021 \(apccs.police.uk\)](https://www.apccs.police.uk)

crime data integrity. It also raises the question of how useful performance comparisons are as between forces' who are good at recording crime and forces' who are not.

74. For example, Table P1a (Jul-Sep) for the year ending September 2021 edition of the Crime in England and Wales: Police Force Area data tables²¹ shows that in the latest quarter of the data set (Q3 2021), the Metropolitan Police Service only recorded 1,418 more stalking and harassment offences than West Midlands Police and West Midlands Police recorded 280 more possession of weapons offences. Is this really because London has a lower crime per population rate for these offences than the West Midlands? Or, is it due to the Metropolitan Police Service not recording these offences as accurately?
75. The number of police outcomes for certain offence types have remained largely static and yet outcome rates are decreasing rapidly following the significant increases in police-recorded crime. The PEEL inspection 2021/2022 for West Midlands Police shows that the police funding model is failing to allocate resources appropriately to address threat, risk and demand. West Midlands Police is an efficient police force, yet, as the Inspector's commentary notes, lacks the capacity and resources to cope with the demand it faces and to investigate crimes.
76. The Assessment notes the gap between resourcing levels and public expectations and that the police service cannot meet all of the demand it faces. The 2021/22 PEEL inspection findings outlined above highlight the gap between demand and capacity within West Midlands Police. With rising costs and inflation, West Midlands Police's budget remains under pressure.
77. The Assessment also makes a reference to evidence of toxic behaviour and attitudes among some police officers and the impact this has had on trust and confidence. The IOPCs Operation Hotton²² investigation found evidence of evidence of bullying and harassment, discrimination, and a culture of 'toxic masculinity', sexual harassment and misogyny. A YouGov survey commissioned by the End Violence Against Women Coalition²³ found that almost half of women have less trust in the police following the rape and murder of Sarah Everard by serving Metropolitan Police officer, Wayne Couzens.
78. Policing needs to do more to take appropriate steps to ensure that the behaviours identified by the IOPC are not more widely prevalent and to also do more to monitor the performance of individual police officers.

²¹ [Crime in England and Wales: Police Force Area data tables - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/crime-in-england-and-wales/p1a)

²² [Operation Hotton Learning report - January 2022.pdf \(policeconduct.gov.uk\)](https://policeconduct.gov.uk/operation-hotton-learning-report-january-2022.pdf)

²³ [Almost half of women have less trust in police following Sarah Everard murder \(endviolenceagainstwomen.org.uk\)](https://endviolenceagainstwomen.org.uk/)