

**Agenda Item 07**

**JOINT AUDIT COMMITTEE  
29 September 2022**

**HMICFRS UPDATE**

**1. PURPOSE OF REPORT**

To provide members of the Committee with oversight of HMICFRS Inspection activity and recommendations.

**2. WEST MIDLANDS POLICE PEEL INSPECTION & NATIONAL RECOMMENDATIONS**

No further PEEL inspection activity is scheduled for WMP at the present time.

The force continues to work through the recommendations set by PEEL and wider thematic inspections across the force portfolios. These are RAG rated to align to the corporate risk management approach and managed by the Force Executive Team through the existing force governance boards, supported by the HMICFRS Force Liaison Lead (FLL) and Officer, where recommendation owners are held to account for timely updates.

Since the last Joint Audit Committee there has been a significant focus on collaboration with HMICFRS to meet recommendations. This has resulted in the sign off of over 60 recommendations and further evidence gathering towards the remaining 45 recommendations, 14 areas for improvement and two causes of concern.

Since the last JAC there has been significant evidence gathering undertaken by HMICFRS, resulting three causes of concern have been signed off by HMICFRS.

The remaining two<sup>1</sup> continue to be worked upon by portfolio leads.

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<sup>1</sup> 1. a. Crimes Against Older People (Recommendation 10618). Within six months Chief Constables should ensure that Victim Needs Assessments are always completed. b. Crimes Against Older People (Recommendation 9962). Within three months Chief Constables should ensure that safeguarding referrals are always made where appropriate and that advice on the processes required to achieve this are provided by the NPCC; 2. Stalking and Harassment (Recommendation 9472). Within six months the NPCC and CPS leads should consider whether they can do more to inform police officers and lawyers of the importance of treating breaches of orders (as evidence of a wider pattern of offending or when it is evidence of stalking and harassment).

These are reviewed every three months and evidence of progress shared with the FLL. Where further support is required, the FLL meets directly with the recommendation owner to offer guidance.

We have received notification of WMP involvement in one forthcoming inspection:

- Thematic Inspection of ROCU – (Early October)

### 3. **PUBLISHED INSPECTION REPORTS**

Since the last JAC, there have been two national reports published by HMICFRS. Fieldwork inspection did not occur in WMP, however we supported with data returns.

#### **The Police Perpetrated Domestic Abuse Super-Complaint Findings published on 30<sup>th</sup> June 2022**

In March 2020, the Centre for Women's Justice (CWJ), working with the Bureau of Investigative Journalism, submitted a super-complaint alleging that forces were not responding appropriately to cases of domestic abuse involving police officer or police staff suspects. West Midlands are one of fifteen forces providing information as a force from which the domestic abuse victim participants hailed.

Approximately half of the women who provided accounts are Civilians and the other half are themselves Police Officers, Special Constables or Police Staff (11 out of 19). A further 27 women wanted to share accounts but resources limited the opportunity to include their experiences in the study.

The CWJ submission describes 11 overarching concerns or 'themes' relating to how forces respond to cases of police perpetrated domestic abuse:

- difficulties in initial reporting;
- failures in investigation;
- improper manipulation of police processes;
- improper responses to complaints/concerns;
- accused officers' personal links with others in the force;
- accused officers using their police knowledge, status and powers;
- improper decisions on criminal charges;
- incorrect approach to misconduct investigations and decisions;
- abused women arrested;
- employment difficulties for women who are police officers; and
- workplace victimisation of women who are police officers.

HMICFRS, the College of Policing and the Independent Office for Police Conduct (IOPC) have published a report in response to this super-complaint with three recommendations which WMP has accepted. Super complaint recommendations are not mandatory in the same manner as thematic or PEEL recommendations:

### **Recommendation 1.)**

- Chief Constables (CCs) should ensure that both live police perpetrator domestic abuse (PPDA) cases and those closed within the last 12 months (ending 30<sup>th</sup> June 2022) are audited. Appropriate action should be taken where they find cases were not treated appropriately as complaint and conduct matters and investigated accordingly.
- Write, via NPCC, to the College, IOPC and HMICFRS within six months explaining how, following their case audit, their force has or will improve the response to PPDA allegations, including in relation to:
  - Their handling of PPDA as a police complaint and conduct matter;
  - Their compliance with existing relevant authorised professional practice (APP) guidance, or their rationale for derogating from it;
  - Their monitoring of PPDA cases;
  - Ensuring impartial, joined up criminal and conduct investigations conducted by people with the right knowledge and skills;
  - Effective engagement and communication with victims;
  - Ensuring appropriate decisions are being made regarding the deployment of officers under investigation for DA allegations; and
  - Other steps to embed the findings of this super-complaint into force working practices.

### **Recommendation 2.)**

- CCs should make sure they have plans in place to ensure PPDA allegations are investigated (both in terms of the criminal investigation and misconduct response) by someone with no prior connection to any of those involved in the allegations. Rationales for investigation ownership decisions should be fully recorded.
- It may be appropriate to refer a case for external force investigation when:
  - There are concerns that truly independent investigators cannot be found in force, e.g. in smaller forces, or in cases involving a suspect who, due to seniority or length of service, is well known in the force; or
  - Victim trust and confidence cannot be secured another way.
- Local plans should include procedures to mitigate any unintended consequences to the speed and quality of the investigation and/or victim engagement in the investigative process that may be caused by referring a case to an external force for investigation.

CCs should keep local plans for external force investigations under review. The recommendations and actions designed to expand what is known about PPDA should inform development of local policies regarding when and how PPDA allegations are investigated by an external force.

### **Recommendation 3.)**

Police & Crime Commissioners (PCCs), the Ministry of Justice (MoJ) and CCs should make sure their provision of DA support services and guidance is capable of meeting the specific needs of all non-police and police victims of PPDA. This should include the following:

- PCCs considering whether local services are capable of dealing with the specific risks and vulnerabilities of PPDA victims and supporting them when engaging with the police complaints and disciplinary system;

- MoJ ensuring its guidance for Independent DA Advisors (IDVAs) includes the specific risks and vulnerabilities of such victims and the specific support and advice they may need in relation to both the criminal and misconduct aspects of the police response;
- CCs reviewing support available to these victims, including that provided by the force, staff associations and other workforce support bodies and taking any action needed to strengthen these provisions;
- CCs assuring themselves that capable case updates and information are shared with victims in an accessible way that encourages trust and confidence in the police response - consideration should be given to appointing a nominated senior person(s) in force, or from an external force, to have oversight of PPDA cases to ensure these are conducted in a victim-focused way and act as a single point of contact for victims; and
- CCs ensuring, they provide accessible information for all non-police and police victims on how they can report PPDA and access confidential support (including external agencies, e.g. Refuge 24-hour helpline) - CCs should also ensure accessible information is provided on how allegations will be investigated to ensure confidentiality and independence from the alleged perpetrator.

### **The Police Response to Burglary, robbery and other acquisitive crime – Finding time for crime published on 11<sup>th</sup> August 2022**

This report focuses on the police response to serious acquisitive crime (SAC), which is defined as: domestic burglary, personal robbery, theft from a person, and theft of and from a motor vehicle.

HMICFRS cited the renewed focus on these crimes in the Government's *Beating crime plan*, which includes SAC in its definition of neighbourhood crime. SAC can have long-lasting and profound effects on victims, causing them to live in fear of going out or no longer feeling safe in their homes, and the consequences leave some in long-term financial difficulties.

HMICFRS found that very few of these crimes result in justice for victims. Often the investigation ended without the police identifying a suspect. Charge rates for robbery, burglary and vehicle theft are nationally low, and have dramatically decreased in recent years. Home Office data showed only 7 percent of all robbery offences and 4 percent of thefts resulted in a charge.

Where an offender is caught and prosecuted, robust intervention is needed to change offending behaviours. Without this, many will reoffend and impose further misery and harm on victims. SAC often funds drug misuse and addiction, and can lead to a cycle of crime. The report examined these trends and aims to identify what is working well, what needs to change, and the main barriers to making improvements.

Based upon this, the following recommendations were made to all forces:

#### **Recommendation 1.)**

By March 2023, forces should make sure their crime scene management practices adhere to the APP on managing investigations for SAC or provide a rationale for deviating from it. They should include:

- Giving victims timely and appropriate advice during their initial call; and

- Applying a risk assessment process such as THRIVE, clearly recording it, and flagging those re-victimised for further support.

**Recommendation 2.)**

By March 2023, all forces should ensure SAC investigations are subject to effective supervision and direction. This should focus on:

- Making sure supervisors have the capability and capacity to meaningfully supervise investigations;
- Making sure investigations meet the necessary standards and achieve suitable outcomes that consider the voice or opinions of the victims;
- Apply investigative codes appropriately; and,
- Comply with the Victims Code and record evidence of compliance.

These will be added to the force recommendation management system and progress reviewed through the governance boards. The new Strategy, Delivery & Assurance department, with its enhanced Performance & Assurance teams will provide additional control and focus on any new and pre-existing outstanding recommendations in the coming months.

This report is submitted for the information of the Committee. The Committee are asked to note the contents of the report.

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<p><b>BACKGROUND DOCUMENTS</b></p> <ul style="list-style-type: none"> <li>• NPCC / HMICFRS Super-complaint response - Police perpetrated domestic abuse: Report on the Centre for Women’s Justice super-complaint.</li> <li>• HMICFRS spotlight report: The police response to burglary, robbery and other acquisitive crime - Finding time for crime.</li> </ul>
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