



west midlands
police and crime
commissioner



Agenda Item 06

JOINT AUDIT COMMITTEE
28 September 2023

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

The force continues to work through the 2023 PEEL inspection requirements from HMICFRS. HMICFRS have commenced PEEL activities through observations of meetings, focus groups and interviews. Formal fieldwork¹ will take place on W/C 11th September 2023.

Recommendations, Causes of Concern and Areas for Improvement

Since the last JAC, there have been a number of national thematic reports published and recommendations have been issued from these.

Level 1 – Closed and archived by HMICFRS.

Level 2 - Forces are able to close records when they have completed the work, including uploading a letter signed by the Chief Constable.

Level 3 - Forces self-certify that the recommendation is complete, including uploading a letter signed by the Chief Constable.
HMICFRS follow-up/ verification via the next relevant planned inspection.

Level 4 - No force self-certification.

HMICFRS follow-up work conducted via further bespoke fieldwork, with additional support / inspection when appropriate. In most cases this will be for forces moved to Engage.

¹ Fieldwork – a group of HMICFRS inspectors will dedicate 1 or 2 weeks to do reality testing in force

Moving forwards the force will concentrate upon the Cause of Concern, Recommendations and Areas for Improvement held on the HMICFRS Portal.

The current figures held for WMP are :

	Open	Closed	Total
Cause of Concern	6	21	23
Recommendation Level 1		2	2
Recommendation Level 2	55	0	45
Recommendation Level 3	36	2	31
Recommendation Level 4	0	0	0
AFI Level 1	0	6	6
AFI Level 2	22	0	6
AFI Level 3	3	0	3
AFI Level 4	0	0	0
AFI Closed before Levels	0	0	18
Recommendation Closed before Levels	0	280	280

This is an increase of four causes of concern, forty five Level 2 and seven Level 3 recommendations and sixteen AFI Level 2 from the recently published reports.

Senior Risk & Assurance Lead Melissa Horton will be supporting the progression of recommendations to closure. Five recommendations have been are currently being considered for closure through internal processes and four have submitted to the DCC for final review and submission to HMICFRS. PEEL will provide an opportunity for evidence to be gathered which may result in recommendations being closed post inspection.

3. National Published Reports and Recommendations

A. An inspection of how effective police forces are in the deployment of firearms

Published on: 11th July 2023

During this inspection HMICFRS examined how effective police forces are in the deployment of firearms, including specialist munitions. They sought to:

- Establish whether the public could be confident that police policies, structures and processes complied with relevant guidance and legislation.
- Determine whether the selection, training and deployment of those in command roles was effective.
- To understand whether they had the capacity and capability to effectively deploy firearms and, where necessary, work across force boundaries

The post inspection report considered several themes;

Resources and Training

HMICFRS found that there has been a reduction in Armed officers from 6621 in 2019 to 6192. Consequently, all forces had less armed officers and commanders than their Armed Policing Strategic Threat and Risk Assessment (APSTRA) required. However, were enough Tactical Firearms Commanders (TFCs) and Strategic Firearms Comanders (SFCs).

The daily Armed Response Vehicle (ARV) deployment was only met by supplementing with overtime and altered Rest Days (RDs).

Authorised Firearms Officers (AFOs) selection processes were positive but there was not a regular follow up on complaints & misconduct throughout the career duration. TFC and SFC selection processes needed to improve.

Some forces lacked specialist TFCs and SFCs for kidnap and relied on neighbouring forces.

Equipment was readily available and access to Counter Terrorism Firearms Officers (CTSFOs) was good. However, not all forces knew how to track assets through Contact. Equipment provision had improved and there was a national issue for procurement of body armour

Training and Exercising

HMICFRS found that there were effective governance structures for training nationally and all forces follow the National Police Firearms Training Curriculum (NPFTC).

The SFC training needed to improve as did SFC & TFC refresher training. Overall, training facilities need to be reviewed for upgrade. Improved opportunities for collaborative training & exercising were felt to be required.

Learning

Most forces had an organisational learning board but this learning was rarely shared at regional or national level. HMICFRS stated that more forces should use Body Worn Video (BWV) for debriefing.

Governance

HMICFRS found that the proscribed governance process was not being followed; Chief Officer Lead reporting to regional lead, regional lead to national lead. Also, greater senior intrusive oversight of armoury management was required.

The CoP – Code of Practice on Armed Policing and Police Use of Less Lethal weapons was adhered to across forces but in some forces, TFCs should contact SGCs sooner. Previous advice to use consistent terminology had been adopted and improved record keeping of operations is required.

Recommendations for Chief Officers and Chief Constables:

Recommendation 1

By 31 July 2024, the College of Policing (CoP) should introduce new entry criteria for those attending initial training for SFC and TFC. The selection process should be similar to the process used to select public order commanders.

Recommendation 2

By 31 July 2024, chief constables should make sure there is access to both specialist SFCs and specialist TFCs through a 24-hour rota covering their region.

Recommendation 3

By 31 October 2023, all chief constables should make sure the armed response vehicle asset tracking equipment, as provided by Counter Terrorism Policing (CTP), is available and used in their forces. They should train relevant staff in its use.

Recommendation 4

By 31 July 2024, the CoP should review the content and extend the length of the SFC course. It should ensure candidates have sufficient opportunities to learn and practise the skills of strategic firearms command.

Recommendation 5

By 31 December 2023, all chief constables should make sure that all SFCs and TFCs have observed the firearms tactics and the use of specialist munitions they can authorise, before being operationally deployed.

Recommendation 6

By 31 December 2023, chief constables should make sure that the annual accreditation process for SFCs and TFCs includes familiarisation with any new weapons systems and observation of any new tactics or specialist munitions the force has introduced or is planning to introduce.

Recommendation 7

By 31 October 2023, the regional armed policing lead should share armed policing exercises with the National Armed Policing Portfolio. This would allow opportunities for learning to be identified and shared.

Recommendation 8

With immediate effect, each assistant chief constable regional firearms lead should attend all National Armed Policing Portfolio meetings. If they are unable to attend, they should make sure another assistant chief constable armed policing lead from a force in their region attends on their behalf.

Recommendation 9

By 31 December 2023, the CoP should issue updated armoury guidance.

Recommendation 10

With immediate effect, chief constables should improve senior officer oversight of their armouries, including an independent annual audit.

Recommendation 11

By 31 December 2023, the National Armed Policing Portfolio and the CoP should issue minimum standard guidance for the completion of records in relation to armed policing operations. That guidance, in support of the authorised professional practice – armed policing, should include the requirement for the retention, recovery and audit of those records.

Recommendation 12

With immediate effect, chief constables, through their armed policing governance structure, should make sure that all armed deployment records are stored and auditable.

A. Homicide prevention: An inspection of the police contribution to the prevention of homicide inspection of homicide prevention

Published on 11th August 2023

This inspection examined how effectively the police understood, and contributed to the prevention of homicides. HMICFRS conducted a thematic inspection of homicide prevention, jointly supported by the National Police Chiefs' Council, the College of Policing and the Independent Office for Police Conduct. During the inspection, HMICFRS examined:

How effectively forces understood the pattern of homicide in their areas, including the underlying causes and risks; and how effectively forces contributed to the prevention of homicides, including how they used the homicide prevention framework.

For most people, the risk of becoming a victim of homicide in England and Wales is extremely low despite some media coverage which may create a perception that homicide has increased dramatically. Data shows that homicide rates gradually increased from the mid-1970s to a peak in the early 2000s. But in the past two decades, the risk of being a victim of homicide has reduced to a level last seen 50 years ago. The risk of becoming a homicide victim isn't the same for everyone.

Homicide rates in the three years ending 31 March 2022, and accounting for different population sizes, were around four times higher for Black people than White people. The most common age group for victims of homicide in England and Wales is 16 to 24 years. Men are more likely to be victims than women.

Leadership and governance

HMICFRS found that the response to the causes of homicide isn't always prioritised so that resources can be allocated to prevent them. The most effective forces had identified factors leading to homicide. They had then developed a plan to help prevent homicide and shared this with operational personnel.

Not all forces had effective leadership of homicide prevention. Effective leadership of homicide prevention is crucial to co-ordinate activity, avoid officers and staff working in isolation in their teams and to make best use of resources. HMICFRS found that the most effective leadership model is a single chief officer, with clear responsibility for homicide prevention and positioned with control and influence over the relevant personnel. They should be supported by a governance structure that includes senior personnel responsible for prevention activity aligned to identified homicide causes.

National and local analysis

HMICFRS found that drug-related homicide data is improving after being raised in Government's Beating Crime Plan and Serious Violence Strategy as a key driver of homicide. Recent analysis shows that drugs may have been overstated as a causal factor in homicide. The Home Office is now trying a new approach, working with the College of Policing, to identify homicide trends, including the main drivers or causes of homicide. This

may help police forces to better allocate their resources and identify opportunities to prevent homicides.

Current arrangements prevent police forces providing more detailed information on homicides

Police forces in England and Wales must submit information about every homicide to the Home Office through an online portal within 30 days of the homicide being reported. They must also provide updates when suspects are charged and again upon conviction. The Home Office uses this information to create a Homicide Index to monitor trends but insufficient data returns mean that opportunities to identify patterns and trends are missed. This is hampered by system limits on updates. Further work is required to produce effective problem profiles which help forces understand patterns of homicide including incidents which are considered to be 'homicide near miss' incidents.

HMICFRS found that forces struggled to keep their homicide problem profile up to date due to lack of analysis. Police forces need to identify gaps in knowledge about homicide causes to effectively direct and support their officers and staff to collect intelligence to fill those gaps. Intelligence gathering was also a concern as the criteria or requirements were not shared effectively to the right people such as neighbourhood policing teams. Forces need to do more to improve their knowledge and make sure that, when intelligence gaps are identified, they do all they can to fill them.

Victims and offenders

HMICFRS found that most forces monitor community tensions effectively usually through the force intelligence bureau. Some forces monitored social media to assess community tensions. They made response and neighbourhood officers aware of anniversaries of homicides so they could complete high-visibility patrols to prevent reprisals and engaged with the community to reduce tensions. Forces also involved Violence Reduction Units (VRUs). Community issues were raised in Daily Management Meetings (DMM) but not always effectively.

HMICFRS found some forces need to do more to prevent homicides linked to domestic abuse making better use of Domestic Abuse, Stalking, Harassment and Honor Based Violence risk identification (DASH). Forces were failing to learn the lessons from reviews of other incidents in other forces. The Domestic Violence Disclosure Scheme (DVDS) allows the police to disclose information about someone's previous history of domestic abuse or violent acts but HMICFRS found this information wasn't being used effectively.

In some forces, information systems were a barrier to the identification of potential offenders and victims. For example, police have access to the violent and sex offender register (ViSOR), a national database of people who pose a serious risk of harm to the public but there were not enough trained people or licences to use this effectively.

In the year ending 31 March 2022, 41 percent of homicides involved the use of a knife or sharp instrument, while 4 percent involved a shooting. Many forces have focused on knife

crime to reduce homicide. HMICFRS stated this should be intelligence-led, innovative and ensure the criteria for identifying potential offenders and victims are unbiased. This would guard against inadvertent disproportionality based on race and other characteristics. More attention should be given to identify linked crimes.

How effectively do forces contribute to the prevention of homicide

Working with partners

The frequency of multi-agency safeguarding conferences (MARACs) should be held according to the need to meet demand and manage risk.

The Serious Violence Duty (SVD) requires authorities, including probation services, health services, local authorities, fire and rescue services, youth offending teams and the police, to work together and share information to reduce serious violence. However, HMICFRS, partners and forces had concerns about how information sharing mandated by the Serious Violence Duty will be enforced.

Learning from homicides

Police forces complete major investigation reviews so that lessons can be learned to help senior investigators solve crime but the inspection found that most inspected forces didn't have a way of quickly identifying learning following incidents of homicide and serious violence so they could change their processes to prevent future homicide. Forces were also generally poor at making sure that learning from previous homicides drove operational improvements. There was also a slow uptake of the recommendations and advice from the Homicide Prevention Framework published in October 2022 by the College of Policing.

Communication

Forces need to make sure their workforce is aware of homicide and serious violence threats. In most of the inspected forces, homicide prevention leads didn't have an internal communication strategy and didn't engage with their communications departments. Consequently, communications to the wider force were limited to information about specific operations or incidents. Officers and staff were not advised how they could contribute to homicide prevention in the course of their normal duties.

Communication with the public also needed to improve. WMP were highlighted for our innovative use with social media influencers, people with large numbers of followers and the ability to sway others. By using influencers, the force could get homicide prevention messages to young people in greater numbers than before. HMICFRS identified that this was a brave move by the force as there was a risk of the messages being corrupted but the work appeared to have been successful

Prevention and enforcement

HMICFRS assessed how the police used a range of protective orders to prevent homicide, including domestic violence protection orders, knife crime prevention orders and sexual harm prevention orders and found that some forces used protective orders more than others.

HMICFRS found that officers felt that there were barriers to successful applications, such as the length of time and amount of evidence required to secure a gang injunction, which limit the activities of a person involved in gang-related violence. HMICFRS were told the effort to obtain the order wasn't proportionate to the sanction when it was breached. They also found that forces are letting down the public by identifying potentially dangerous people but not allocating sufficient resources to manage the risk.

In conclusion HMICFRS identified a number of elements which might help forces prevent homicide.

- An identifiable chief officer lead for homicide prevention with control of, or a high degree of influence over, prevention resources.
- An accurate strategic assessment that determines and defines the causes and patterns of homicide and serious violence.
- A control strategy that defines the homicide causes and is communicated to officers and staff at all levels so that effective resource allocation decisions can be made.
- Identifiable operational leads for the causes of homicide with control of, or a high degree of influence over, prevention resources.
- Homicide and serious violence problem profiles based on a range of information, including from partner organisations with thorough analysis of linked incidents, including across police borders.
- Communication of targeted homicide prevention messages to people at most risk of homicide or serious violence.
- Accurate identification of serious violence hotspots, from regular analysis of crime data and other information, including from partners.
- An effective review and rapid debrief process that allows officers and staff to learn lessons to prevent homicide and serious violence. Robust governance of the application for protective orders to make sure they are obtained in appropriate cases and action when a person breaches a protective order.

Recommendations for Chief Officers and Chief Constables:

Recommendation 1

By 1 December 2023, the Home Office should make sure that forces can provide it with relevant, detailed information on each homicide either via the online portal or through

another secure method. The Home Office should update its guidance to police forces accordingly.

Recommendation 2

By 31 August 2024, chief constables in England and Wales should devise an approach to make sure their force can, on a sufficiently frequent basis, produce an analytical report concerning its death investigations. This will help the force to: better understand the pattern of death reports across the force area, drawing on force data and information gathered by other organisations, including the NHS and local authorities; and identify any linked series of death reports.

Recommendation 3

By 1 December 2023, chief constables should make sure their force can quickly identify lessons from homicides and serious violence incidents. The process should be capable of involving partner organisations when appropriate, so that lessons can be learned more widely.

B. West Midlands Joint Custody Inspection

Published on 16 August 2023

The inspection was conducted jointly by HMICFRS and the Care Quality Commission (CQC) in May 2023 and sought to assess the effectiveness of custody services and outcomes for detained people throughout the different stages of detention and the force's approach to custody provision in relation to detaining people safely and respectfully, with a particular focus on children and vulnerable adults.

There were five inspection themes:

- leadership, accountability and working with partners;
- pre-custody – first point of contact;
- in the custody suite – booking-in, individual needs and legal rights;
- in the custody cell – safeguarding and healthcare; and
- release and transfer from custody.

In the final report, the following areas were highlighted as positive themes:

- WMP has improved governance structures but there is still some work needed
- Improved recording of Strip Searching
- Diversion work with partners
- Officer understanding of vulnerability

- Patient & reassuring custody staff
- Identification of detainee risk
- Improved physical healthcare for detainees
- Openness for external scrutiny

HMICFRS made four recommendations which address the main causes of concern and a further 16 areas for improvement.

1.) Cause of concern: Leadership

Recommendation:

The force should strengthen its oversight to robustly manage custody provision. It should make sure there are always enough custody personnel on duty to meet detainees' needs. It should use performance management and quality assurance to identify concerns and make the improvements needed to achieve appropriate outcomes for detainees.

2.) Cause of concern: Detainee risk

Recommendation:

The force should take immediate action to manage detainee risks safely and consistently follow authorised professional practice guidance

3.) Cause of concern: Meeting legal requirements and guidance

Recommendation:

The force should take immediate action to make sure that all custody procedures and practices comply with legislation and guidance.

4.) Cause of concern: Use of force

Recommendation:

West Midlands Police should scrutinise the use of force and restraint in custody to show that when it is used, it is necessary, justified and proportionate. This scrutiny should be based on accurate information and robust quality assurance.

Areas for improvement

First point of contact

Officers dealing with people in mental health crises should have enough advice and information available to them to help decide the most appropriate action to take.

In the custody suite – booking-in, individual needs and legal rights

The force should strengthen its approach to always maintain the dignity of detainees by:

- Informing all detainees that the suites are covered by CCTV and that the toilet area in cells with CCTV is obscured.
- Taking steps to avoid detainees remaining naked in their cells.

The force should strengthen its approach to meeting the diverse and individual needs of detainees

This should be achieved by:

- Routinely asking detainees if they have caring responsibilities for others and if they want to speak to an officer of the same sex in private on being booked in.
- Allocating female detainees a female member of staff to speak to.
- Making sure all staff understand different religious practices, including how to handle religious items respectfully.
- Making adequate provision for detainees with physical, hearing or sight impairments.
- Having double handset telephones in all custody suites to allow telephone interpreting privately.
- The force should keep detainees in custody for the least time possible, minimising waiting times for booking them into custody and dealing with investigations expeditiously.
- Bail conditions should be appropriate and reasonable for the detainee to adhere to.
- The force should make detainees aware of what happens to any DNA samples they provide during custody and make sure that any samples taken are securely stored.
- The force should make detainees aware of how they can make a complaint if they wish.

In the custody cell – safeguarding and healthcare

The force should improve the physical environment by:

- Keeping all cell floors clean to an acceptable standard.
- Making sure all daily and weekly safety and maintenance checks are completed and recorded as per authorised professional practice guidance.

-Ensuring all custody personnel are trained and involved in fire or emergency evacuation drills as per authorised professional practice guidance and all equipment required for an evacuation is easily available and stored in one place.

The force should improve the way it cares for detainees

- By making sure detainees know what care is available to them.
- Offering and providing showers and exercise to detainees, especially those in custody for a long time.
- Routinely offering distraction materials to detainees and making sure there is sufficient stock available.
- Extending the range of reading materials, including more choice for children and more in other languages.
- Having mattresses in a good state of repair to provide enough comfort for detainees.
- Children and vulnerable adults should consistently receive prompt support from appropriate adults. Information should be accurately recorded to show how well this is achieved.
- The force shouldn't keep children in custody any longer than necessary and should offer them additional care and attention during their detention, including time out of their cell where possible, and welfare provisions.
- All medical rooms should be compliant with standards for infection prevention and control.
- Detainees' dignity should always be protected during clinical examinations
- Detainees experiencing a mental health crisis should have prompt access to treatment they require.

Release and transfer from custody

Liaison and diversion practitioners should be based in all custody suites to consistently meet the needs of all those in custody with vulnerabilities.

The force should strengthen its approach to releasing detainees by making sure:

- Leaflets with details of support agencies are given to detainees on their release.
- Detainees are helped to get home with travel passes available at all custody suites and used when required.
- Custody officers check digital person escort records and oversee the transfer of detainees to other agencies, as per authorised professional practice guidance.

4. Inspection Activity

Since the last JAC, WMP has hosted the following inspection activity in force. These reports will be published later in 2023 or during the PEEL publication anticipated in February 2024.

- 1.) WMP – No Notice Custody Inspection – Findings as reported above.
- 2.) 5th – 9th June 2023 – WMP PEEL Inspection Activity
Managing Suspects and Offenders, PEEL Question 7.2. The MOSOVO and Polit teams were exclusively inspected.
- 3.) 19th – 23rd June – Victim Service Assessment Inspection (VSA) – Review of the VSA process as part of PEEL 2023.
- 4.) 19th – 23rd June - Stop and Search Review. This inspection was completed and findings will be reported during PEEL 2023.
- 5.) 10th – 14th July 2023 - HMICFRS Inspection of Serious Organised Crime inspection (SOC) HMICFRS inspected regional organised crime units (ROCU) and each of the forces that form part of that region. Graded judgements and findings will be published in a regional SOC report. Relevant findings and gradings will be published on the HMICFRS website linked to force PEEL reports 2023 and 14 July 2023.
- 6.) 17th - 21st July - Regional Organised Crime Unit (ROCU) Inspection – Completed.

Forthcoming HMICFRS Activity & Inspections

- **21st August – 1st September - Super-complaint on the police response to Stalking and Harassment**

Investigation of the super-complaint submitted by the Suzy Lamplugh Trust, on behalf of the National Stalking Consort about the police response to stalking and harassment. WMP are an assessed force.

- **11th- 23rd September - PEEL Onsite Evidence Gathering Phase.**

CONTACT OFFICER

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Title: HMICFRS Force Liaison Officer,
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BACKGROUND DOCUMENTS

Nov 2022 – HMICFRS Report - An inspection of vetting, misconduct, and misogyny in the police service

March 2023 - An inspection of how well the police tackle serious youth violence.

April 2023 - An inspection of how well the police and National Crime Agency tackle the online sexual abuse and exploitation of children.