



# **Joint Audit and Standards Committee HMICFRS Update - September 2021**

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## **Summary**

This report provides an update with regards the ongoing inspection of custody facilities within Warwickshire, which is due to run between Monday 6<sup>th</sup> and Friday 17<sup>th</sup> September.

The report also references recent HMICFRS publications (including a joint HMCPSP publication), namely;

- Joint Thematic Inspection of the Police and CPS response to Rape (Phase 1 – from Report to No further Action)
- State of Policing 2020
- HMICFRS Publication: A Duty to Protect – Police use of Protective Measures in Cases Involving Violence Against Women and Girls

## **HMICFRS / HMIP Joint Custody Inspection**

Warwickshire police is currently part way through a joint inspection (between HMICFRS and HMIP Prisons) of its custody facilities.

The force was given little notice, as is it the case with these types of inspections and the activity commenced on Monday 6<sup>th</sup> September. The inspection is due to finish on Friday 17<sup>th</sup> September and the force will be provided with a debrief, which is due to take place on Monday 20<sup>th</sup> September. This inspection is in place of the planned activity that was due to be undertaken in January 2021, but was cancelled due to Covid restrictions.

The activity has been multi-faceted and has involved a case file review of custody records, with inspectors attending Leek Wootton to complete this activity. Inspectors have also reviewed use of force submissions and custody CCTV footage of these identified incidents.

A full review of the custody estate has also been undertaken to review whether it is suitable and sufficient work has been undertaken to remove ligature points etc. Inspectors have also spent time in the suites talking to custody sergeants, as well as observing handovers, inspector reviews and prisoners being booked in to custody.

This has also included an overnight visit at Leamington.

Additionally, there has been a large request for data and documentation (policies, projected training etc.), as well as a number of strategic and tactical interviews with relevant leads, as well as conducting focus groups with front line staff.

Rolling feedback has been generally positive, although there are some areas that have been identified for improvement.

The force will be provided with a copy of the debrief report and asked for comment, prior to publication of the main report, which is likely to take a month to complete.

## **Joint Thematic Inspection of the Police and CPS response to Rape (Phase 1 – from Report to No further Action)**

A joint HMICFRS and HMCPSI report in relation to the police and CPS response to rape was published on the inspectorates website on Friday 16<sup>th</sup> July. This is to be accompanied by a further report by Opinion Research Services (ORS) around the experience of rape survivors in relation to the police and other criminal justice agencies.

This report follows the proposed HMICFRS inspection framework, which indicated that the investigation of rape and survivor experience would be one of the key thematic features, along with other vulnerability related areas.

There are no specific references to Warwickshire police in the reports.

It was also identified that there are a number of issues related to ineffective joint working between police and CPS prosecutors, which is contributing to delays and leading to flawed decision-making. This is, in-turn, having a negative impact on outcomes, conviction rates and victim support for prosecutions.

There are 13 recommendations that have been made jointly, between HMICFRS and HMCPSI. These include:

- police forces and the CPS should work together to build a seamless approach;
- police forces should record information on the protected characteristics of victims; and
- police forces should work with local support services to provide bespoke, wrap-around support for victims at every stage.

This is the first phase of this thematic inspection activity, therefore further activity and reports are anticipated.

A summary over the report has been produced and is attached to this document.



Joint Thematic  
Inspection - Police a

## **State of Policing 2020**

On Wednesday 20<sup>th</sup> July, Sir Thomas Winsor's annual assessment of policing was published via the HMICFRS website.

Below is a brief summary of the highlights from the inspectorate. The document itself is approximately 200 pages and contains an in-depth review of the HMIC's analysis of policing and the issues that the service currently faces.

### **Comments by the Chief Inspector**

As part of the press release, Sir Tom Winsor said:

*“The pandemic provided new opportunities for criminals and showed how essential it is that our public services work well together. It is highly regrettable that new legislation and lockdown restrictions made certain people more vulnerable and limited access to support services. As a result, many more people may have been suffering, and this will have led to increased demand on the police.*

*“For policing to be effective, the wider criminal justice system and other public services must also be as effective as possible. If they are not, many more people may be drawn to crime, enter into cycles of offending, become victims, and lose confidence in policing.*

*“I am disappointed on behalf of the public that so little has been done to fix the perilous state of the criminal justice system and failing mental health services. The Government’s next spending review will provide an opportunity to put right many of the problems in policing, and the other public sector agencies must do much more to match the commitment of the police service to protecting people from harm.”*

### **References to Warwickshire Police**

There are no specific references to Warwickshire police (outside of the table of forces).

### **References to Vetting and Professional Standards**

With regards to vetting, concerns have been raised in relation to the planned recruitment of an additional 20,000 police officers by 2023. The Chief Inspector states that this is undoubtedly a good thing, but it also heightens the danger that people unsuited to policing – including those with extremist or racist views – may be recruited.

The report highlights the issue of applicants lying or concealing their social media activity on their application/vetting forms and the crucial role of the vetting teams to identify where this has happened and take appropriate actions. Clearly, there have been a number of recent high profile cases where it was found that the officers involved had lied when applying to become officers (i.e. PC Benjamin Monk).

As part of the wider discussion around Professional Standards Departments (or equivalents), there is a call for probationary police officers to be dealt with robustly if they are found to have not acted to the highest standards.

Additionally, there is a reference to the previous HMICFRS publication, ‘*Shining a light on betrayal: Abuse of position for a sexual purpose*’. The Chief Inspector calls the predation of vulnerable people by police officers for sexual advantage ‘*one of the most serious forms of police corruption*’, calling on forces to do everything necessary to root it out.

The Chief Inspector calls upon senior officers to take this area of business very seriously and to ensure that Professional Standards Departments contain some of the best detectives to help achieve these aims.

## **HMICFRS Publication: A Duty to Protect – Police use of Protective Measures in Cases Involving Violence Against Women and Girls**

On Tuesday 24<sup>th</sup> August HMICFRS released a report entitled '*A duty to protect: Police use of protective measures in cases involving violence against women and girls*'

### **Overview**

This report is as a result of a super-complaint that was submitted by the *Centre for Women's Justice*. In this complaint, the centre raised concerns around the alleged limited and inconsistent use of protective measures to effectively safeguard women and girls.

The super-complaint was investigated by HMICFRS, with assistance from the IOPC and the College of Policing.

The investigation showed that there was evidence of good practice being employed across some forces. The investigation also showed that some forces were making effective use of protective orders. The support of the relevant police legal team was a consistent theme in the forces that were found to be performing well.

However, the report also said there was a lack of understanding within police forces over how and when to use protective measures, which means support for victims is sometimes not good enough. This could potentially lead to women and girls being harmed, or victims being less likely to report crime in the future

### **Findings**

The findings of the investigation are recorded below:

- **Failure of police forces to impose and extend bail conditions** – This has been echoed across a number of reports and appears to be a perennial issue for forces.
- **Use of Non-Molestation Orders (NMOs)** – Whilst NMO's are civil orders, they will prescribe a power of arrest. The complaint suggested that the police often fail to arrest people who breach their NMOs. Additionally, concerns were raised that some officers may be suggesting to victims that they should obtain an NMO as alternative to other police action, such as arrest. Fieldwork revealed that nearly every force had a good understanding of NMOs, however the wording of some of the orders was not clear, making arrest difficult in some cases. Officer's that were spoken to state that they did not routinely advise victim's to obtain NMO's.
- **Use of DVPN/DVPO's** – There is limited data around usage, however the investigation suggests that these orders have being underutilised and concerns have been raised as

to whether this will be a continuing issue with the new orders that will imminently replace them (DAPOs).

- **Failure to apply for Restraining Orders (ROs)** – The super-complaint suggested that forces were inconsistent in their applications for ROs. This was not clearly evidenced in fieldwork and the majority of forces routinely apply for ROs. The super-complaint argued that when an order has not been made in sufficient time, the magistrate's court should be able to grant one under the *Slip Rule* (more information [here](#)). The CPS does not hold the view that the rule can be used in this context.
- **Collective use of protective measures** – Making sure that women and girls are properly protected is not the responsibility of the police alone. The reports found that a more joined-up approach across policing, government, the CJ system and agencies providing support for victims was required. Better coordination was needed between the police and both the civil and criminal courts.

## **Conclusions**

The inspectorate concluded that:

- There is a need for better data collection on the use of protective orders and research on the effectiveness of these orders.
- There is a need for the police to consider the full range of orders available and to involve victims, as appropriate.
- There is a need to measure the value of the changes that are likely to be brought about by the *Police, Crime, Sentencing and Courts Bill*.
- Changes need to be made to the way the police, civil and criminal courts co-ordinate their work so that important information, and consequently victims' safety, does not fall between the gaps that currently exist in the system.
- There needs to be a full multi-agency, community response, tailored by forces and local authorities.

## **Recommendations**

The report made several recommendations, a number of which are recorded below:

- Chief Constables should ensure their officers understand all the protective measures available;
- The Home Office and Ministry of Justice should intensify and accelerate their consideration of creating a bespoke offence of breaching pre-charge bail; and
- The Home Office and Ministry of Justice should review and improve the way the police are told about non-molestation orders.

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Report respectfully submitted for consideration.

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