

West Midlands PCC Response - HMICFRS Report: Police use of protective measures in cases involving violence against women and girls

The HMICFRS [‘A duty to protect: police use of protective measures in cases involving violence against women and girls’](#) report sets out the concerns raised by the Centre for Women’s Justice in their recent super-complaint, regarding police failure to effectively utilise the full range of protective measures available to safeguard victims of VAWG crimes; specifically focused on pre-charge bail conditions, breaches of non-molestation orders, domestic violence protection notices and orders, and restraining orders. The report highlights a lack of understanding amongst police forces.

As part of the [Vulnerable Victim’s Review](#) conducted by the West Midlands Office of the Police and Crime Commissioner in February 2020, a prevalent theme discussed by victims of domestic abuse was the failure by West Midlands Police to enforce powers of arrest for 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). That suggests an apparent wholesale and systemic failure to prioritise the safeguarding of victims of VAWG.

It is plainly unacceptable for victims of VAWG to be left unsafe and vulnerable, despite the availability of protective measures to prevent this. This is a failure to prevent crime, protect the vulnerable and help those in need. A failure to effectively utilise protective measures available to safeguard victims of VAWG undermines victims trust and confidence in the police, their likelihood to report in the future, access to justice and the robust and effective safeguarding of victims.

It is vital that the voice of the victim is heard, both in relation to the improvements that need to be made to the use of protective measures and that their needs and views are central to decision making. West Midlands Police should also have regard to the need to safeguard and promote the welfare of any children and that their best interests are a top priority in all actions and decisions that affect them.

Victims must be advised of the protective measures that are available to them and West Midlands Police. The starting point must always be the safety of the victim of VAWG, any children that are involved and that the West Midlands Police will use all of the powers available to them to safeguard victims of VAWG. If any of the available powers are not to be utilised, then victims should be advised why that power is not to be used and what alternative action is to be taken to safeguard them.

I welcome the perspective the super-complaint and the inspection report provides on this important issue which is imperative in ensuring that victims and their families are safeguarded and perpetrators are held accountable for their actions. The effective use of protective measures in cases involving violence against women and girls is a top priority in my police and crime plan. I have committed to ensure that whenever and wherever possible West Midlands Police impose bail conditions on alleged perpetrators of VAWG and domestic abuse, use all available civil protection orders, ensure breaches are dealt with effectively and proportionately, including enforcement of powers of arrest and that restraining orders are imposed following any conviction.

One recommendation states *“The NPCC lead for domestic abuse should consider Home Office data on the number of reported breaches of NMOs, and provide a report to HMICFRS within six months on national actions and guidance required as a result.”* I would encourage not only the number of reported breaches but also the number of arrests for breaches and outcomes should be reported on so the full picture is presented and can be monitored for improvement. In addition, breaches of Domestic Abuse Protection Orders should also be monitored in the same way.

Another recommendation states *“Chief constables should assure themselves that:*

a. their officers are fully supported in carrying out their duties to protect all vulnerable domestic abuse victims by:

i. ensuring their officers understand the suite of protective measures available (including new measures such as DAPOs);

ii. ensuring officers are aware of referral pathways to third-party support organisations which are available to protect vulnerable domestic abuse victims; and

iii. ensuring their officers have guidance and support on how to choose the most appropriate response for the situation;

This is a recommendation echoed in the HMICFRS 2021/22 inspection into police effectiveness, efficiency and legitimacy which also suggests West Midlands Police should increase the capacity of its civil interventions team to support this work, which I urge them to consider.

The OPCC-led, Home Office funded Early Awareness Stalking Intervention enabled a selection of officers to be trained on the use of Stalking Protection Orders with training delivered by the Force stalking SME in partnership with The Alice Ruggles Trust. We are working with the Force in order to make this training accessible to all officers.

However, the Suzy Lamplugh Trust stresses that training to appropriately understand the suite of protective measures available is not covered in DA Matters training and therefore work needs to be done to ensure a suitable package of training is developed. If that is the case, then it is a serious omission in the training package that needs to be remedied as a matter of urgency.

My office will work with West Midlands Police to explore how it can effectively respond to the recommendations set out by the super complaint and HMICFRS report, by turning them into tangible and measurable actions, objectives and outcomes to ensure that the safeguarding of victims of VAWG, including any children, are the first and paramount consideration.

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 criminal justice system is working together to ensure the effective and efficient use of the full range of protective measures, with a particular focus on cases involving violence against women and girls.

Simon Foster

West Midlands Police and Crime Commissioner

