

## REGULATION 28: REPORT TO PREVENT FUTURE DEATHS

	<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p><b>THIS REPORT IS BEING SENT TO:</b></p> <p><b>The Right Honourable Theresa May MP, Secretary of State for the Home Office, Houses of Parliament, Parliament Square, London. SW1A 0AA.</b></p>
1	<p><b>CORONER</b></p> <p>I am Dr Fiona Wilcox, Senior Coroner, for the coroner area of Inner West London</p>
2	<p><b>CORONER'S LEGAL POWERS</b></p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p><b>INVESTIGATION</b></p> <p>On the 10<sup>th</sup> October 2014 an investigation was opened in West London touching the death of Alice Poppy Madeleine Gross, who died aged 14 years between 28<sup>th</sup> August 2014 and 30<sup>th</sup> September 2014 in the vicinity of the tow path of the River Brent, Hanwell, Ealing. This investigation was transferred to my jurisdiction of Inner West London, by order of the Chief Coroner on the 8<sup>th</sup> October 2015.</p> <p>The inquest was concluded on the 4<sup>th</sup> July 2016 at Westminster Coroner's Court sitting at the Royal Courts of Justice.</p> <p>The Jury made the following findings and determinations:</p> <p>The <b>medical cause of death</b> was recorded as:</p> <p><b>1(a) <i>Consistent with Compression Asphyxia</i></b></p> <p><b>How, when and where and in what circumstances</b> the deceased came by her death:</p> <p><i>The deceased's body was discovered on 30<sup>th</sup> September 2014 on the bed of the shallow River Brent in Hanwell, Ealing having been intentionally weighted down and concealed. She had died significantly prior to that date, soon after her disappearance in the late afternoon of 28<sup>th</sup> August 2014. She was murdered in the vicinity of the river tow path in a sexually motivated attack with the cause of death consistent with compression asphyxia prior to her body entering the river.</i></p> <p><b>Related non-causative circumstances included:</b></p> <ol style="list-style-type: none"><li><i>a manual reactive UK system for the checking of criminal convictions of foreign nationals with their respective domestic authorities, the effectiveness of which was limited by inconsistent levels of cooperation from such authorities and their policies on retention of criminal conviction data;</i></li></ol>

2. *the absence in 2009 of a Home Office or Metropolitan Police policy to require the use of such systems to make such checks upon foreign nationals coming to the attention of the police or other relevant authorities;*
3. *limited Metropolitan Police awareness of the existence of such system; the process for using it; or of its potential benefits;*
4. *until the Home Office instruction issued on 18<sup>th</sup> January 2010, the Metropolitan Police were not legally able to use the responses to such checks for the purpose(s) other than for which that particular check was requested;*
5. *a border control "watch list" system, containing both international criminal conviction and intelligence information from a variety of sources not being consistently referenced upon the entry of foreign nationals in the UK until 100% checking was implemented on 4<sup>th</sup> November 2011; and*
6. *the effectiveness of such "watch list" system being limited by incomplete international criminal conviction data therein, including as a result of certain foreign jurisdictions not consistently providing such data.*

Conclusion of the Jury as to the death:

*Alice Poppy Madeleine Gross died as a result of Unlawful Killing.*

4 CIRCUMSTANCES OF THE DEATH

Evidence taken at the inquest was that a Latvian national had entered the country in around 2007, 2 years after serving 7 years imprisonment for the murder of his wife and unlawful use of firearms. The jury found that this individual murdered Alice. Over the years he exited and re-entered the UK on multiple occasions most latterly in September 2013, almost a year before Alice died on the 28<sup>th</sup> August 2014 at the hands of this individual. His name was never placed upon the "watch list" by the Latvian authorities and as such he was never detained at the border even after universal checking had been introduced. The Border Agency thus never had an opportunity to consider him for refused entry or deportation. The evidence of [REDACTED], a senior civil servant with the Home Office was that many EU and non EU foreign countries frequently do not provide such conviction data to the "watch list".

The other way that this man could have been brought to the attention of authorities and considered for a public protection order and/ or deportation would have been by a search for foreign national convictions being undertaken by police if he came into their custody.

In 2009 he was arrested by police in relation to an indecent assault on a 14 year girl. The victim did not cooperate with police and so the case was discontinued and he was released from bail. No check for foreign convictions was undertaken at this time for many potential reasons, for example; it was not police policy, it was not widely known in the police how to undertake such checks, and even if they were carried out, this was usually on charge or arraignment at court.

The current policy is for such checks now in the Metropolitan police to be mandatory on arrest and to be automated searches of the ACRO database and the Interpol warnings index. The evidence was that other UK forces now usually undertake such checks on arrest.

In this case, such searches in 2013 would have been negative, since his name was not on the Interpol warnings list and would have been deleted from ACRO in line with Latvian policy to delete murder convictions 8 years after release from prison. Such a search would have been positive via the ACRO database, as long as Latvia had entered the information, in 2009.

His conviction was in fact brought to light in the murder Inquiry into Alice's death in 2014 by a manual Interpol enquiry of the sort usually used for non- EU foreign nationals.

It was the evidence of [REDACTED] that in his view due to resource implications in some foreign jurisdictions that checks for foreign convictions should be usually via the automated system using ACRO and the Interpol Warnings list for all foreign nationals on arrest and that the manual Interpol checks be reserved for use at the discretion of the investigating officer in order not to cause delays in serious cases and produce the widest possible risk mitigation.

I understand that Operation Nexus is now in place whereby foreign nationals with serious foreign criminal convictions that come to the attention of the police are referred to Immigration for potential deportation with public protection orders being available for potential use whilst such proceedings are being considered.

Further, the evidence was that foreign nationals with foreign criminal convictions are routinely detained at the border as long as their names are on the "warnings list" and are then either refused entry or considered for deportation with the potential for those who wish to appeal being deported and appealing from outside the UK.

I understand that much of this work depends on the application of EU directives and the way they have been interpreted by the Home Office.

The evidence was that the UK routinely enters serious criminal convictions such as murder onto the "watch list".

5 **CORONER'S CONCERNS**

The **MATTERS OF CONCERN** are as follows. –

- (1) That checks for foreign convictions on arrest are not mandatory in all police forces across the UK.
- (2) That checks for foreign convictions are not undertaken on UK nationals given the current levels of international travel and the potential relevance for such convictions to the matter for which that person may have been arrested.
- (3) That the Home Office continues to encourage both EU and Non EU countries to update the "watch list" such that there is a readily referenced computer database at international borders of matters such as murder convictions.
- (4) That the Home Office continues to encourage both EU and non EU countries not to delete serious convictions such as murder from their data bases.
- (5) That contingency plans are considered as to how to manage the "watch list" and Operation Nexus when and if the UK leaves the EU, both in respect of how systems operate when no longer resting on EU Directives and how to maintain international communication and cooperation.
- (6) That the UK does not lose access to Europol intelligence when and if the UK leaves the EU.
- (7) Whether non- EU foreign nationals need special consideration in respect of how to identify their foreign convictions and thus for the UK to manage their criminal propensity, since I understand from the evidence that their convictions are most likely identified by non-automated Interpol or police to police queries.

	<p>(8) That systems of audit are in place that would allow regular checking of whether (i) checks for foreign convictions are being carried out by all UK police forces on arrest; (ii) that "watch and warnings lists" are up to date; (iii) and that persons with serious convictions are detained at UK borders and their potential criminal propensity thus appropriately managed.</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion action should be taken to prevent future deaths and I believe you [AND/OR your organisation] have the power to take such action. It is for each addressee to identify the concerns relevant to their own areas of responsibility.</p>
7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 6<sup>th</sup> September 2016. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons :</p> <p>[REDACTED]</p> <p>Liberty House, 26-30 Strutton Gound, London. SW1P 2HR.</p> <p>[REDACTED]</p> <p>Litigation Division, Government Legal Department, 1, Kemble Street, London. WC2B 4TS.</p> <p>Sir Bernard Hogan-Howe, Commissioner of the Metropolitan Police, [REDACTED] Directorate of Legal Services, New Scotland Yard, 8-10 Broadway, London. SW1H 0BG.</p> <p>I have also sent a copy to the Latvian Authorities and the College of Policing.</p> <p>Latvian High Commissioner, Embassy of Latvia, 45 Nottingham Place, London. W1U 5LY.</p>

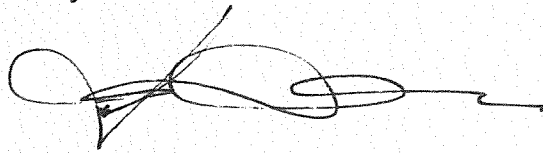
The College of Policing,  
Riverside House,  
2A, Southwark Bridge Road,  
London.  
SE1 9HA.

I am also under a duty to send the Chief Coroner a copy of your response.

The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.

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12<sup>th</sup> July 2016



**Dr Fiona Wilcox,  
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