

HHJ Sarah Munro QC,

c/o Solicitor to the Inquests

[REDACTED]  
Fieldfisher  
Riverbank House,  
2 Swan Lane,  
London EC4R 3TT

[REDACTED]  
18<sup>th</sup> March 2022

**Re: Inquests touching the deaths of Anthony Walgate, Gabriel Kovari, Daniel Whitworth and Jack Taylor.**

**Response to Regulation 28 report on action to prevent future deaths**

Dear HHJ Munro,

We write on behalf of the National Police Chiefs Council (NPCC) and the College of Policing in relation to paragraph 7, Schedule 5 of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013, and the prevention of future deaths reports sent to the Metropolitan Police Service, the NPCC and the College of Policing, dated 21 January 2022.

The NPCC brings police forces in the UK together to help policing coordinate operations, reform, improve and provide value for money. It has the following functions:

- The co-ordination of national operations including defining, monitoring and testing force contributions to the Strategic Policing Requirement, and working with the National Crime Agency where appropriate.
- The command of counter terrorism operations and delivery of counter terrorist policing through the national network as set out in the Counter Terrorism Collaboration Agreement.

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- The co-ordination of the national police response to national emergencies and the co-ordination of the mobilisation of resources across force borders and internationally.
  - The national operational implementation of standards and policy as set by the College of Policing and Government.
  - To work with the College of Policing, to develop joint national approaches on criminal justice, value for money, service transformation, information management, performance management and technology.
  - Where appropriate, to work with the College of Policing in order to develop joint national approaches to staff and human resource issues, including misconduct and discipline, in line with the Chief Officers' responsibilities as employers.

The College of Policing is a professional body for everyone working across policing and

- Connects everyone working in the police and law enforcement to understand their challenges.
- Uses evidence-based knowledge.
- Helps police officers and staff; researchers, academics and learning providers; the international policing community; and the public.
- Gives a voice to professional policing on standards, skills and capabilities.

Whilst the College of Policing and the NPCC have separate and distinct responsibilities, the two organisations frequently work together on national approaches to policing guidance. As such, this response is provided jointly in respect of both organisations' separate prevention of future deaths reports.

Your notice sets out the concerns that arose from the inquests touching the deaths of Anthony Walgate, Gabriel Kovari, Daniel Whitworth and Jack Taylor. We are deeply sorry that there were police failings in the initial investigations into the murders and that the police response did not meet the required standards or expectations of the victims' families. We extend our heartfelt sympathies to the families and friends of those who were murdered and we share your commitment to address the issues that have been identified.

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You specifically asked for a response from the NPCC and College of Policing in relation to five matters of concern. In formulating this response there has been close cooperation with the Metropolitan Police Service to better understand the full circumstances and where possible ensure the alignment of any changes required in policing guidance or practice.

We are aware you heard evidence at the inquests from Deputy Assistant Commissioner [REDACTED] on behalf of the Metropolitan Police Service, who is also the NPCC professional lead for homicide investigations. At the inquests he provided evidence on a number of substantial changes to national police guidance and training that had already taken place since the terrible murders of the four young men in 2014 and 2015.

In April 2017, the NPCC Homicide Working Group commissioned a revision of the Murder Investigation Manual (2006) and Major Investigation Room Standardised Administrative Procedures (2005). The revision of these two important guidance documents was undertaken in conjunction with the College of Policing and involved experienced senior investigating officers and police practitioners who were supported by a number of experts and professionals.

In 2021, following extensive consultation and revisions, including learning from the investigations into the murders committed by [REDACTED], the NPCC published the new Major Crime Investigation Manual and Major Investigation Room Standardised Administrative Procedures. These national publications provide a strong and critical foundation for homicide and major crime investigations and are a key component of the professionalisation of investigative practice within policing. The College of Policing Authorised Professional Practice (APP) for Major Investigations contains links to both sets of guidance, which are also available through the National Police Library.

The guidance reflects the considerable developments in homicide and major crime investigations, including:

- Major investigations and the role of the Senior Investigating Officer – accreditation of Senior Investigating Officers, the role of the PIP Level 4 strategic investigator and the categorisation of homicide investigations, which reflects the complexity and resourcing requirements of investigations.

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- The strategic management of major crime investigations – the importance of adopting a professionally curious mind-set, testing investigative hypotheses and the use of the National Decision Model in investigative decision making.
  - Linked series investigations, and
  - Reviews of major crime investigations – progress reviews, unsolved case reviews and post judicial reviews.

Our response to the five specific matters of concern set out in your notice are detailed below. Chief Constables have already been informed of the inquests outcomes and will be updated on the wider policing response to the matters of concern you have raised.

**Matter of Concern (MC1): “It is a matter of concern that although the current MPS policy, the Death Investigation Policy, dated 24 May 2021, similarly stipulates that officers attending the scene of a sudden death should treat the scene and incident as suspicious until satisfied that it is not, the term “unexplained” as used in the current policy may once again distract officers from the correct and necessary approach, which is for the death to be treated as suspicious unless and until the police investigation has established that it is not.”**

The College of Policing delivers the Policing Education Qualifications Framework (PEQF) curriculum. It also publishes Authorised Professional Practice (APP) as the official source of professional practice for policing. Police officers and staff are expected to have high regard to APP in discharging their responsibilities. There may, however, be circumstances when it is perfectly legitimate to deviate from APP, provided there is clear rationale to do so. With respect to homicide the relevant section within APP is titled “Major Investigation and public protection.”

In close consultation with the Metropolitan Police Service, the NPCC and the College of Policing are in the process of finalising a new classification for death investigations (to be completed by Summer 2022). The revised classifications will be:

1. **Expected death.** For example, where there is medical diagnosis and a medical practitioner is able to sign a medical certificate of cause of death.

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2. **Unexpected death – under investigation.** Where the death was not expected and the police investigation has not yet been able to prove or disprove there was no third party involvement and further investigation is required.
  3. **Unexpected death – investigated and not suspicious.** Where the death was not expected and the police investigation has secured evidence to indicate there is no third party involvement.
  4. **Homicide** - Where the death was not expected and the police investigation has established in all likelihood there was third party involvement, or obvious evidence of homicide.

These new classifications are intended to ensure that there is clarity around the correct and necessary approach to death investigation; namely all unexpected deaths should be investigated and treated as suspicious until the police investigation has established it is not suspicious. This approach is intended to remove ambiguity that may lead to differing responses to death investigations.

The NPCC are also working with the Home Office to develop a new consistent approach to recording homicide and death investigations across police forces in England and Wales, which is hoped will continue to build public confidence in police death investigations. This project includes a review of the current Home Office Counting Rules to identify any changes that may be required in how deaths are recorded by police. The above classifications for death investigations will be cross-referenced to any new definitions within the Home Office Counting Rules.

The College of Policing and NPCC have undertaken a joint review of the policing curriculum and national policing publications that inform death investigations for use of the term “unexplained deaths”. In some publications it was identified the term had been used interchangeably with the term “unexpected deaths”. References to “unexplained” in the policing curriculum, or publications, are in the process of being removed and replaced with the word ‘unexpected’. This work will be largely concluded by the end of March 2022. For clarity, references to “unexplained” were found in the following publications:

- College of Policing (2019) Practice advice: The medical investigation of suspected homicide
- College of Policing (2019) Practice advice: Dealing with sudden unexpected death

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- Investigation APP Unexpected deaths
  - PIP2 Investigative Supervisor/Manager Programme National Policing Curriculum
  - Policing Education Qualifications Framework curriculum (PEQF)

The following documents are currently subject to wider review and updated versions are likely to be published in Summer 2022:

- A Guide to Investigating Child Deaths
- Guidelines on dealing with cases of encouraging or assisting suicide

**Matter of Concern MC2A ‘In the context of these unexplained deaths, which were extremely challenging to investigate, SC&O1 — the specialist homicide investigators — were reluctant to take primacy. It is a matter of concern that the current policy framework guiding decisions on primacy still lacks clarity.’**

Police forces across England and Wales have a number of different arrangements in terms of which units investigate homicides and other death investigations. In many police forces there are dedicated homicide and major crime investigation teams, in others this function is provided under cross-force collaborative arrangements, in some forces homicides are investigated by teams that are established by co-opting investigators from different policing units.

Regardless of how such investigations are resourced and led, it is important that there are clear decision making criteria as to which investigation units take primacy for particular death investigations. The learning from the inquests is being used to update national policing guidance and will be shared with forces so that they can review, and where required, update their own force policies for death investigation.

The NPCC national lead for homicide investigation will be writing to all Chief Constables, detailing this specific aspect of learning from the investigations into the murders committed by [REDACTED]. This will include a request for all Chief Constables to review their force policies and procedures and assure themselves that they have clear decision making processes, which are understood, when deciding which units should investigate different death investigations. This request will be supported by the College of Policing who will be

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updating APP to state that chief officers are required to consider how unexpected deaths are allocated for investigation, and that forces should have suitable policies in place to guide such decision making.

Once the new guidance on the classification of death investigations (as set out in response to MC1) has been finalised, all relevant national guidance and publications will be updated. The College of Policing is also in the process of reviewing the “Investigative supervisor / manager programme” to ensure there is clear reference to unexpected deaths and decision making processes for the allocation of investigations. It is expected this review will conclude by April 2022.

**Matter of Concern MC2B ‘It remains a matter of concern that there is a lack of clarity surrounding the levels of support that can be expected from the specialist homicide investigators and crime scene managers or other forensic practitioners in the investigation of deaths where primacy remains with the BCU’**

The arrangements for the provision of specialist support from homicide investigators and forensic or other professionals, depending on policing arrangements, can be different between forces for the reasons as described above (see response to MC2A).

In their letter to Chief Constables, the NPCC national lead for homicide investigation will be requesting they undertake the appropriate action to ensure national guidance is shared and understood within their police force and to assure themselves that the policies followed in the force or collaborative arrangements, provide the appropriate clarity and specialist support for investigators.

The College of Policing will be updating the “Investigative supervisor / manager programme” to ensure that appropriate sources of expert advice are included; for example access to accredited Senior Investigating Officers or Crime Scene Investigators. References to the levels of support available will be included in APP for Investigation.

NPCC and the College of Policing are also making revisions to the Major Crime Investigation Manual to ensure there is clear guidance that Senior Investigating Officers

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understand the importance of providing the required support to unexpected death investigations, particularly where unexpected deaths may not appear as suspicious.

These developments are intended to be completed by the end of April 2022.

**Matter of Concern MC3A 'It is a matter of concern that despite the regularly refreshed training that is now in place for detective sergeants and detective inspectors, and the additional leadership training in which the MPS has invested, a lack of ownership and responsibility for the investigations of unexplained deaths may persist in officers who are supposed to be leading investigations into unexplained deaths'**

The College of Policing will be reviewing and making any required changes to the national curriculum, the "Investigative supervisor / manager programme" and APP, to ensure there is clear guidance on the responsibilities of those leading death investigations.

In their letter to Chief Constables, the NPCC national lead for homicide investigation will be requesting forces undertake the appropriate action to ensure that force or collaborative arrangements have the required policies and processes to assure themselves that those leading death investigations understand their responsibilities.

The College of Policing will include the responsibilities for those supervising or leading death investigations within the revised death investigation guidance.

These developments are intended to be completed by the end of April 2022.

**Matter of Concern MC3B 'It nevertheless remains a matter of concern that the SCRG, which DAC ██████ commended as an asset to assist in the process of review of complex investigations is not, in practice, accessible and/or properly understood as a resource'**

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All police forces in England and Wales are required to provide the relevant information for statutory reviews, which include Child Safeguarding Practice Reviews, Domestic Homicide Reviews, Safeguarding Adult Reviews and Multi-Agency Public Protection Arrangement Serious Case Reviews. Dependent on local arrangements, review units may also provide a review function for non-statutory major crime reviews in accordance with the Major Crime Investigation Manual, critical incident reviews and other bespoke reviews.

The arrangements to undertake reviews of criminal investigation can be different across police force within England and Wales. Many forces have dedicated review teams, established by the force or via regional collaborations; other forces use investigation units to conduct reviews as part of wider unit responsibilities.

The fundamental objective of any review is to constructively evaluate the conduct of an investigation to ensure;

- it conforms to nationally approved standards;
- it is thorough;
- it has been conducted with integrity and objectivity;
- that no investigative opportunities have been overlooked; and
- that good practice is identified.

The NPCC and the College of Policing have been working together to develop a national role profile for a Review Officer, which details their key duties, responsibilities and functions. The policing curriculum has also been updated to include the functions of a Review Officer.

The College of Policing will be delivering a new nationally accredited review officer course this year.

A National APP for reviews has been jointly developed by NPCC/CoP and is due to be published by Summer 2022. This new APP will provide guidance for the delivery of the general review processes, which is transferable across different types of reviews and should be considered alongside specific guidance for major crime and statutory reviews.

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The importance of raising the profile and awareness of review units and their capabilities will continue to be raised through the national network of review officers and by the NPCC lead for homicide investigation and reviews.

**Matter of Concern MC5 'Therefore, although it may only very rarely be the case that the verification of a person's handwriting might have a critical impact on future deaths, it is a matter of concern to me that this task be carried out appropriately and sensitively to afford the police the best opportunity of any identification being accurate'.**

The NPCC and College of Policing guidance and training states that investigative decisions should be recorded. This would include a line of enquiry to establish who has, or may have, written a note, letter or other document. How such enquiries are undertaken should be in accordance with the Senior Investigating Officer's strategy.

In accordance with existing guidance, handwriting analysis should be undertaken by a professional, who is able to provide expert evidence for the purpose of the investigation. In such circumstances it is expected that family members and / or close friends would be asked to provide the police with samples of the deceased's handwriting for comparative analysis. In some situations, the Senior Investigating Officer may decide to seek views from a family member or associate as to the content or authorship of a note, letter or other document. This should be undertaken sensitively and as with the securing of other evidence, where evidence is provided it should be properly recorded, usually in a signed witness statement.

The practice and delivery of forensic science in England and Wales is governed by the quality and standards as set out by the Forensic Regulator in their 'Codes of Practice and Conduct For Forensic Science Providers and Practitioners in the Criminal Justice System', which applies to all forensic science practitioners providing services to the criminal justice system.

Forensic handwriting analysis is one strand in the forensic science of Questioned Document examination (QDE). Forensic expertise in QDE is predominantly provided by commercial or

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independent forensic providers, rather than in-house police forensic units. These services are accessed by police forces through their local forensic contractual arrangements.

Awareness of handwriting comparison as a forensic discipline and access to expertise is managed through police forensic management and submission teams. Whilst not a frequently used forensic discipline, it is a widely recognised capability within the forensic community. Good practice awareness on forensic submissions, including handwriting comparison, is available through the 'Forensic Submissions Good Practice Guide' (published by the NPIA, now superseded by the College of Policing). This guidance was published in 2012 and a review has been initiated between the College of Policing and the police Forensic Capability Network.

We hope this response addresses the matters of concern you raised. Should you have any further questions in relation to our response, please send them to:

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Yours sincerely,

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Chair  
National Police Chiefs' Council

████████████████████

Chief Constable ██████████  
CEO  
College of Policing