



Devon & Cornwall
POLICE

Chief Constable [REDACTED]

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3 May 2023

[REDACTED]

Mr Ian Arrow
HM Senior Coroner for Plymouth, Torbay
and South Devon
1 Derriford Park
Derriford Business Park
Plymouth, PL6 5QZ

[REDACTED]

Dear Mr Arrow

Response to Regulation 28 Report regarding the inquest touching the deaths in Keyham on 12 August 2021 of:

- Maxine Davison
- Lee Martyn
- Sophie Martyn
- Stephen Washington
- Kate Shepherd

I respond to the Reports to prevent future deaths issued by the Senior Coroner under paragraph 7, Schedule 5 Coroners and Justices Act 2009 and Regulation 28 Coroners (Investigations) Regulations 2013, dated 8 March 2023.

This is the formal response in accordance with the requirements under Regulation 29 Coroners (Investigations) Regulations 2013.

This response is provided in relation to:

- a. Concerns raised of the Chief Constable of Devon and Cornwall Police as a properly interested party in the Keyham Inquests.
- b. Any concerns raised of all Chief Constables in England and Wales.

Before setting out our specific response below, Devon and Cornwall Police shares the concerns raised to you by the families directly affected by the tragic events of 12 August 2021. As we stated at the inquest, we will continue to work with National Police Chiefs' Council (NPCC) colleagues to support efforts to seek substantial changes to primary legislation and statutory guidance. As we stated at the inquest, this incident and the learning from it represents a unique opportunity for enacting the comprehensive reform that is required.

Following this incident, Devon and Cornwall Police invested approximately £3 million into the force's Firearms and Explosives Licensing Unit (FELU), and we continue to be involved in sharing advice and learning concerning policies and procedures with other police forces and the NPCC.

Set out below are the specific paragraphs subject of this response under Regulation 29, for ease of reference.

Report to: All Chief Constables in England and Wales

Re: Further Review of all certificates seized/refused/revoked or surrendered and then approved over the past five years

I am concerned that the figures provided to the Home Secretary in 2021 may not reflect the accurate position, and that if sufficiently stringent checks are performed these may reveal other cases where a firearm or shotgun certificate had been seized, refused, revoked or surrendered but was subsequently issued/returned in circumstances when the certificate should not have been approved. I am concerned that if there are other cases that were not subject to a proper or thorough review of the risk of returning the weapons then the person may continue to have a firearms/shotgun certificate and hold weapons in circumstances that place the public and licence holder themselves at risk.

I am concerned that in light of the lessons learned in the Keyham inquests of the attitude towards risk, a further review of all certificates seized, refused, revoked or surrendered and then subsequently approved over the past five years may be required to be assured of public safety.

Response

I agree with the submissions made by the families during the inquest, and we do so for the reasons set out below.

As described during the evidence of Chief Superintendent [REDACTED] during inquest, Devon and Cornwall Police have completed a full evaluation of all 'case reviews' from the period January 2020 onwards. This included a review of all certificates seized, refused, revoked or surrendered which were then subsequently approved, as part of these review parameters.

For the period May 2018 to December 2019 (to complete the full five year period referred to by HM Coroner), Devon and Cornwall Police are committed to reviewing the cases during this period which fit the same criteria.

Full details are contained in the paragraphs below.

In August 2021 the Home Secretary wrote to all Chief Constables asking for an urgent review of specific cases; research was conducted and the number of cases included in the table below were identified (as reported during the inquest).

In the last 12 months (01/01/2020 to 18/08/2021) how many shotgun and firearm certificates were:		How many of those removed were subsequently returned:	
firearm removed from certificate holder by being seized, surrendered or revoked	refused	of those with firearms that were seized, refused or surrendered	of those revoked
123	27	42	0

In August 2021 all 42 cases where certificates/weapon(s) were returned following an issue affecting a holder's suitability were reviewed by an experienced Firearms Enquiry Officer who was not involved in the original decision. The result of this review, as reported to the Home Secretary, was that any issues identified were administrative in nature. As expressed by Chief Superintendent ██████ during live witness evidence, further scrutiny established that the issues were not purely administrative in nature, and steps were subsequently taken to understand and rectify the position.

The independent peer review completed by Durham Police in September 2021 reviewed these cases in more detail, and these cases were reviewed again by Chief Superintendent ██████, the senior officer appointed to manage the response to the Keyham tragedy. As expressed at inquest, 12 of the 42 cases were identified to have substantive issues affecting the suitability of the licence holder which required further remedial action. As a result, further revocations were instigated where relevant, while others voluntarily surrendered their weapons and certificates.

With over 40,000 firearm and shotgun licences in Devon and Cornwall, the vast majority of licence holders have no issues affecting suitability, and the decision making, within the parameters of the law, Authorised Professional Practice (APP) and statutory guidance, is straightforward.

In addition to the scrutiny applied through the review for the Home Secretary and the Durham Peer Review (September 2021), the Police Gold Commander commissioned our Performance and Analysis Department to conduct further research into licence holders in order to identify issues regarding their ongoing suitability.

As expressed in the witness evidence of Chief Superintendent [REDACTED], this identified those cases which were likely to present a potential risk using the following criteria:

- a. Where a case review has been completed;
- b. Where a crime has been recorded against licence holder/address;
- c. Where a GP had highlighted a concern (noting that before November 2021, neither APP nor statutory guidance addressed the issue of a failure to respond by a GP);
- d. Where intelligence was attached to licence holder and/or their address;
- e. Where there was an incident log involving a licence holder and/or their address.

Taking the result of this research into consideration, the additional supervisors recruited into FELU were tasked to complete, in priority order:

- A detailed review of the initial cases included in the response to the Home Secretary's letter and the Durham Peer Review to ensure each case was dealt with appropriately against APP and statutory guidance;
- A dip sample of the cases involving the decision makers in the case of [REDACTED]
- A review of the cases identified by the research conducted by the Performance and Analysis Department articulated above.

In addition to managing the core demand of the FELU such as grant and renewal applications, the prioritisation of this work sought to address the known risk first (ie that identified through the Durham Peer Review), before reviewing the potential risk such as that contained in cases involving the decision makers who had been involved in the Davison case, and then finally the further potential risks identified through the targeted research conducted by our analysts as articulated above.

Our position is that with the large number of certificate holders within our force area, it is not proportionate to review all the certificates over a five year period, or indeed all those made by the staff involved in the Jake Davison case. The vast majority will contain no issues regarding suitability, and many of these cases will now have been through a renewal process. An additional full review of all licence holders would be likely to transfer risk elsewhere within the FELU by moving staff away from the focussed activity associated with the normal operation of the unit. This is particularly relevant when considering the need to ensure that the staff involved are adequately trained and experienced in making licensing decisions. Consequently, the approach followed was evidence-led using criteria informed through the various inspections undertaken following the incident.

It is relevant to highlight that since the incident we have voluntarily sought a review by an independent police force (Durham), conducted our own peer review post-inquest, and are now supporting the delivery of an independent inspection by HMICFRS (May 2023) following the request of the Police and Crime Commissioner and Policing Minister. It is also noteworthy that throughout this process, we have regularly engaged with the NPCC lead force for firearms licensing (Warwickshire).

In writing this response, our position is that the date from which the five-year period is considered should be the date of submission of this response (3 May 2023). Considering this, it must be noted that the substantial changes implemented in Devon and Cornwall Police cover a significant part of this period. As presented at the inquest, following the incident all decisions were paused until a new leadership structure was created and embedded. This was augmented by a comprehensive training and Continuing Professional Development (CPD) programme for all staff, a portfolio assessment for Firearms Enquiry Officers (FEOs) and a robust dip sampling framework (see below). Consequently, all decisions regarding grants, renewals and case reviews since August 2021 have been subject to the new robust process which includes all of the lessons identified through the inquest, and applies a rigour beyond that set within the statutory guidance and APP. The evidence for this conclusion is found through the internal peer review conducted since the inquest, the preparatory work conducted before it, and the sustained rate of refusals and revocations which is now consistently higher than the national average.

In addition to this, the period 1 January 2020 to 18 August 2021 is covered by the response to the Home Secretary in September 2021, and the additional (independent) review of these cases by Durham Police and the remedial work completed as a result by Chief Superintendent Linden. Consequently, we suggest that the requirements of the PFD report are met for the period 1 January 2020 to 3 May 2023.

Considering the above, our response for this report relates to this remaining period (3 May 2018 to 31 December 2019 inclusive). I have decided that we will conduct a further review of cases over this period in order to identify any remaining risk to the public that requires remedial action. Our position, based on the experience of reviewing the decision making in cases prior to August 2021 (completed for the inquest), is that further work is required notwithstanding that the passage of time will diminish any risk in the vast majority of cases.

By October 2023 Devon and Cornwall Police will have reviewed cases using the same identification criteria used in the submission to the Home Secretary in 2021 and, importantly, reviewed using the standard applied during the remedial work that was completed prior to the inquest. We will prioritise the review of cases using the most recent statutory guidance for this period as follows:

- Cases where firearms have been seized or surrendered to police pending a review of suitability to have a licence, but then subsequently returned. These will be reviewed with the most recent cases first (ie where the risk is closest to the current time).
- Cases where grants or renewals have been refused but where applicants have been successful at appeal.

In addition and in parallel to this, we will review the analytical product articulated above, and use this to complete further targeted reviews of licence holders who may have had an involvement with the police that is capable of affecting their suitability to hold a licence. However, experience over the last 20 months has shown that this research frequently identifies matters that are either irrelevant to the licence holder (eg a road traffic collision that is recorded in the same street as the holder), or that have already been reviewed as part of a renewal or case review.

Report to: The NPCC lead for firearms licencing and all other Chief Constables in England and Wales

Re: Training of Police Officers and Police Staff involved in firearms licencing decisions

So that each Chief Constable is made aware of my concern that, despite the many recommendations made of the past 27 years, there continues to be a lack of nationally accredited training for their FELU staff.

I also report my concern that in the absence of such training there is a risk that the Statutory Guidance is not being appropriately applied by FELU staff today and so each Chief Constable may need to take steps to satisfy themselves that (i) adequate local training, of a satisfactory standard has been universally delivered to all their FELU staff and supervisors in applying the Home Office Guidance on Firearms Licencing Law (published in November 2022) and the revised Statutory Guidance for Chief Officers of Police (published in February 2023) and (ii) they have only delegated decision making to persons who have undergone adequate training in firearms licencing and in applying that relevant Guidance.

I am concerned that the lack of accredited training combined with the absence of a mandatory requirement for all those making firearms licencing decisions to undertake adequate training for their role increases the risk of incorrect decision making and, consequently, increases the risk of future deaths.

Response

Devon and Cornwall Police fully support the NPCC and the College of Policing (CoP) in developing a national accredited training program for staff involved in making licensing decisions. We agree with the PFD submissions made on behalf of the families during the inquest and will continue to support the national training program as it develops; advocating for sufficient funding to enable this to deliver at pace. We will also support its delivery where requested, ensuring that lessons from Keyham are integrated into the fabric of the course.

As expressed in evidence during inquest, the training provision for the FELU within Devon and Cornwall Police has been completely revised since the incident, creating clear expectations of staff and auditable records of training delivered. There is a clear focus on decision making, risk identification and the implementation of statutory guidance. This has included training to all staff within the FELU, key operational managers who are responsible for making dynamic decisions to revoke licences, and those responsible for making decisions within criminal investigations, known as Evidence Review Officers (EROs).

Immediately following the tragic incident in Keyham, a senior manager was appointed to create a training and continual professional development plan, and to deliver this to all staff within the unit. In the absence of a national accredited training package, we have created and delivered a bespoke training program to all staff working within the FELU including those responsible for making high risk decisions.

At the time of writing, all staff working within the FELU have undertaken a Firearms Enquiry Officer course provided by a Firearms Licensing Manager from South Yorkshire Police. This course has a positive reputation across UK policing and is one of only a handful of options available. The content covers the use of the National Decision Model (NDM) in addition to a vulnerability assessment framework, core investigative principles, the grant and renewal application process, suitability criteria, powers and appeals, the National Intelligence Model, domestic abuse, security arrangements, mental health, and the statutory guidance. Importantly the course integrates these issues with the revised processes created within Devon and Cornwall Police since the incident; for example, the completion of enquiry forms by FEOs.

By mandating attendance for all staff within the FELU, this provides a consistent approach for both existing staff and new members, providing a baseline from which individuals can perform their role to a high standard. A handbook for staff is also shared following the course, and all staff have been provided with a copy of the most recent statutory guidance with clear instructions for its use, linking this with a risk identification tool which was referred to in the inquest as the FELU Risk Matrix. It is noted that Devon and Cornwall Police are in the process of reviewing the use of this risk identification tool alongside the NPCC in light of both the statutory guidance released in February 2023 and the issues raised during the inquest.

As a result of the work conducted after the incident, we have also delivered additional training in risk assessments and decision making. This training has been delivered by a barrister who specialises in firearms licensing and focuses on the practical identification of risk through the THRIVE (Threat, Harm, Risk, Investigation, Vulnerability) assessment process, as well as the application of the national police risk principles and the use of the NDM in case and appeal management. This training, initiated soon after the incident, is clearly relevant to the matters subjected to appropriate examination at the inquest. Suitability decisions are now recorded on separate documents, including all relevant detail that could affect the suitability of an applicant to hold a licence. The records are comprehensive and apply the statutory guidance through the use of the NDM.

In terms of managing the various IT systems used in making and recording licensing decisions, all staff within the FELU have completed training courses in the following computer systems:

- Police National Computer – PNC;
- UNIFI – our previous records management system;
- Niche – the new records management system;
- Storm – our incident management system;
- Police National Database – PND – a national intelligence database.

To assist FEOs in the conduct of their public facing role, all undertake training in first aid and personal safety which are based on the (NPCC) Personal Safety Manual and covers a vast range of subjects. FEOs also complete Firearms Safety Training which is delivered by our accredited Force Armourers. This covers the safe handling of firearms and shotguns and how to make weapons ‘safe’ during their duties. Prior to the incident this training was taken every five years until 2019; FEOs now have refresher training every three years.

Until a national qualification is made available through the College of Policing, FEOs are accredited ‘in force’ with a qualification from the course provided by the Licensing Manager from South Yorkshire Police. This process is coordinated internally with individual records maintained, enabling automatic reminders to be sent to staff and their line manager to alert them when this skill is due to expire. At this time there is no formal requirement across England and Wales in relation to either accreditation or refreshing existing skills and learning. We will continue to engage and work closely with the NPCC and College of Policing during 2023 to assist in delivering the national course and in defining a period for reaccreditation which is robust and pragmatic. Following the inquest we submitted a comprehensive response to the College of Policing to assist this process, and Devon and Cornwall’s future policy will reflect the national position and any requirements set by the NPCC and the College.

In order to maintain this standard of training for new starters, Devon and Cornwall Police will re-engage with South Yorkshire Police to provide training to staff in cohorts as and when required. It is envisaged that this process will continue until the new national qualification is delivered through the College of Policing.

Following the completion of the mandatory training requirements listed above, we have also started to deliver a three-year continual professional development programme comprising dedicated training to FELU staff from experts in mental health and domestic abuse. This training reflects the core issues examined during the inquest. In addition, we continue to work with the NPCC lead to ensure that these issues are reflected within the national planning for accredited training and annual CPD requirements which are further set out within the NPCC portfolio.

The decision to temporarily remove the decision-making capability of FEOs and FEO supervisors articulated during the inquest by Chief Superintendent [REDACTED] provided an immediate response to the issues identified. Following the delivery of the training described above, two additional training related actions have been pursued to augment the decision-making process: the creation of a portfolio for assessing and performance monitoring FEOs, and a comprehensive dip sampling regime involving both the Assistant Chief Constable (Operations) and the Senior Management Team (SMT) within the FELU. This involves the new supervisors within the unit reviewing FEO decisions via an enquiry form, assessing their rationale, and providing feedback to them directly. Significant issues or more systemic ones are regularly discussed within the risk management meetings led by the ACC (Operations) as described during the inquest. This system provides a clear and robust process for assessing the quality of the investigations conducted by FEOs following their training, and one which will be part of the forthcoming HMICFRS inspection.

During the next 18 months we intend to provide additional training to further enhance the quality of FEO investigations. This will be delivered through the national Professionalising Investigations Programme at level 1, which is the nationally recognised standard and includes an investigative accreditation that applies to investigators at all levels within policing. It is a structured framework running through every aspect of investigation and will improve the professional competence of all officers and staff. It also enables supervisors to manage performance of their staff and to identify areas for development.

Noting that the APP for firearms licensing is under consultation and is due for imminent renewal in 2023, the current training provided within Devon and Cornwall exceeds the current requirements in APP.

The post incident review following the tragedy clearly identified a need to consider training to roles outside those which deal solely with firearms licensing. With a total workforce of over 5000 staff, this is a challenging issue, particularly when considered alongside other mandatory training requirements such as Personal Safety Training, role specific training, and training to support business change processes (ie the delivery of the new records management system). At this time, Devon and Cornwall Police have adopted a targeted approach to wider organisational training, specifically to EROs and those in investigative roles.

In addition to the CPD for FELU staff, in 2023 the following training is planned:

- a. The integration of firearms licensing into the nationally mandated practical scenarios for Personal Safety Training for all sworn (and some unsworn) staff;
- b. Presentation of the key learning from the incident to a CPD event for Firearms Licensing Managers in May 2023;
- c. Presentation of the key investigative learning to the annual CPD event for Senior Investigating Officers, Silver and Gold Commanders, and the submission of lessons learned to the NPCC via the Homicide Working Group.

Following the incident, the Firearms Policy and Licensing Procedures have been reviewed, taking into consideration the immediate lessons learned from the incident, and the change in statutory guidance. The policy states that *“officers and staff who come into contact with firearm or shotgun certificate holders who they believe to be suffering from mental health issues or where the certificate holder has been involved in any incident of violence, drug or alcohol abuse or any other incident of a nature where public safety is considered to be at risk, should ensure that they seize the firearm(s), certificate and any ammunition/explosives in accordance with legislation. Particular attention should be taken of incidents of domestic violence or abuse. Any incident committed does not need to involve the use or threatened use of any firearm by the certificate holder”*.

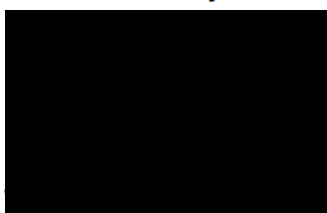
The requirement to complete this notification was circulated to all EROs and included within the ERO training package for new EROs, and for existing ones through mandatory CPD sessions.

As expressed in evidence by Chief Superintendent [REDACTED], while there is no current annual or regular CPD program for investigators, predominantly because this function is discharged by over 3500 staff within the organisation, the FELU used a drop-in training session for investigators. The aim of these sessions was to raise awareness and build confidence and understanding of firearms licensing across our detective cohort. This includes identifying the broader safeguarding considerations that need to be considered when dealing with suspects and victims, knowing who to contact and how to mitigate risk associated with licensed weapons (ie through seizure). The learning outcomes are to use force systems to identify a certificate holder, to recognise the associated risks to suspects, victims and officers, to understand the measures that can be put in place to minimise these risks and who to contact. These sessions are held monthly and are advertised via our internal intranet site.

All officers and a significant number of police staff have to undergo training on the Police National Computer (PNC). While this training is not normally refreshed or subject to any CPD requirements, there is a mandatory requirement for new officers joining the organisation to undergo this training. As a result of this incident, the training plans and learning outcomes of this course have been permanently amended to reflect firearms force policy.

Finally, although this represents a significant amount of activity since August 2021, I hope it shows that Devon and Cornwall Police are committed to learning from this tragic incident. However, it nevertheless represents only part of a continuing process of improvement. I am determined that the lessons learned will not conclude with the writing of this response, and that we will continue to deliver improvements in the years to come, working with colleagues to advocate for the changes that need to take place nationally.

Yours sincerely



Chief Constable