

Durham Constabulary



Altogether Better Policing

[REDACTED]
Chief Constable

**Chief Constable's Office
Constabulary Headquarters
Aykley Heads
DURHAM
County Durham
DH1 5TT**

[REDACTED]

Dear Mr Arrow, His Majesty's Senior Coroner for the area of Plymouth, Torbay and South Devon

I write to you in response to the Report to Prevent Future Deaths issued to the Chief Constable of Durham Constabulary under Regulation 28 of the Coroners (Investigations) Regulations 2013. I note that all Chief Constables have received the same Prevention of Future Deaths report and that this is one of a number of reports issued by you following the hearing of the Keyham inquests. I am required to respond to the Regulation 28 Report by 3rd May 2023.

The report raises a number of concerns identified during the Keyham inquests and whilst this report is my formal response to the Regulation 28 report issued by you, I also wanted to take this opportunity to provide further assurance regarding Durham Constabulary's approach to the grant and management of lawfully held firearms.

As referenced at point 3 on page 6 of your Regulation 28 report to the Home Secretary: In March 2013, His Majesty's Senior Coroner for Durham issued a report, under rule 43 Coroners Rule 1984, following inquests into the deaths of Sam McGoldrick, Alison Turnbull, Tanya Turnbull and Michael Atherton. This report and its concerns led to wholesale reform within Durham Constabulary and its approach to firearms licensing. It is noteworthy that, whilst NPCC portfolio lead from 2016, Durham Constabulary led the way to formalising the need for medical information to be a mandatory requirement of all renewals and grants; a process that was formally adopted nationally in November 2021.

As a Constabulary, the force has sought to ensure that the failings identified in 2013 are never repeated in County Durham and Darlington, and that learning from this has informed national practice. I trust that the following information provides you with the assurance you require with regards to Durham Constabulary's processes surrounding firearms licensing, as well as addressing the concerns you raise within the Regulation 28 report.

Scrutiny of initial licence applications:

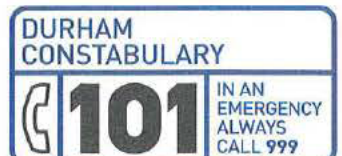
Within Durham, every initial grant and renewal application is subject to enhanced checking



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against both internal (intelligence/safeguarding) systems and national systems (PNC, PND and Special Branch) as a matter of routine. These enquiries not only focus on the applicant, but also the residence and wider known associates. Additional scrutiny is applied on a case-by-case basis involving enhanced checks on financial and social media platforms (in excess of that currently mandated by extant guidance), scrutiny of body-worn video and evidence linked to incidents involving the applicant or licence holder. Since November 2021, this information is further overlaid with medical proforma information from the applicant's GP, thereby providing a holistic view of an individual's circumstances and suitability.

The outcome of these enquiries is then scrutinised by a decision maker and supervisor within the firearms licensing team. Any concerns highlighted or further identified at this stage are subject to further and more detailed or intrusive investigation, for example, where a GP response identifies concerns regarding mental health, the department will explore these further to fully understand the impact of these issues on the applicant's suitability to hold a firearms licence.

With regards to the referees nominated by the applicant: Durham's firearms licensing team contact named referees and complete prescribed enquiries which fully explore the relationship with the applicant and the responsibility that comes with the role of referee. Referees may be contacted by telephone, email or home visit depending on the risk assessment.

The professional curiosity and proactive approach of the firearms licensing team has led to several broader interventions across the constabulary both in respect of lawfully held firearms and illegal possession of firearms. In the past 12 months the team has initiated the execution of a number of search warrants and subsequently seized over 200 lawfully held firearms, as well as prohibited firearms. This has also led to the revocation of a registered firearms dealer licence. The team's broader appreciation of harm has led to a number of intelligence submissions and has initiated force activity around county lines, domestic abuse, child sexual exploitation, drug cultivation and unlawful firearms manufacture.

Ongoing review of licence holder fitness:

Durham Constabulary takes a proactive approach to any incident or intelligence relating to its licence holders. All licence holders have a 'live' profile within both force and national systems. As part of embedded risk management practice, the Force Incident Manager reviews all incidents reported to the force that involve a licence holder and will take positive action to seize all weapons and certificates at the time of reporting. This is a daily review of incidents conducted independently of the firearms licensing team, so that immediate action is taken. The firearms licensing team is also notified and will then review the licence holder's circumstances and suitability.

The force also operates a 'wash-through' process that affords additional reassurance. This process will highlight any licence holder referenced on either a command-and-control incident log or wider intelligence/information submission (including those from partner agencies) and is scrutinised by the firearms licensing team within 24 hours of the incident. As part of this 'wash-through' process, the firearms licensing team will undertake additional enquiries to confirm or negate any elevated concerns. This review will also trigger action to remove weapons from licence holders where concerns have arisen, to allow a full review of suitability to be undertaken. This holistic approach allows the licensing team to conduct a full review of any licence holder that

comes to the attention of the force, without weapons remaining within the public arena.

Only after being subject to a full review will consideration be given to the return of any firearms/certificates to a licence holder. This process is overseen by the firearms licensing Inspector and delegated authority (Superintendent) where any concerns are highlighted. In 2022, Durham seized weapons from 116 licence holders using this process. To date, 22 licence holders (18%) have subsequently had their firearms/certificates returned following a full review.

Durham also operates a live 'Watch List', which monitors licence holders that trigger one of the following criteria: known associations, medical conditions, hold over 12 weapons, or intelligence linked to their nominal record. The firearms licensing team conduct regular and enhanced assessments of these licence holders to review their ongoing suitability. Approximately 10% of all licence holders are on this rolling list at any given time.

General:

When reviewing any previous intelligence or antecedents that relate to any grants or renewals, Durham's licensing team ensures that the modus operandi, as well as the offence recorded, are scrutinised in full. This is accompanied by a full review of any available digital evidence, such as body worn video or incident recordings of 101/999 calls. In the past 18 months Durham has successfully defended 7 appeals against a refusal/revocation decision at Crown Court; many cases of which explored the entirety of the information available surrounding the Appellant's conduct - the reach of which extended beyond the balance of probabilities and focused upon the foreseeable risk to the public.

Whilst I welcome the important work being done by Chief Constable [REDACTED] that addresses national standardisation, formal accreditation and training for firearms licensing staff, all of Durham Constabulary's Firearms Enquiry Officer's currently receive training/CPD in approved practice on an annual basis. New staff joining the department are further supported throughout this process by a period of tutorship, mentoring and CPD to ensure they are both confident and competent within the role. In January 2021, Durham Constabulary's four FEOs were the first in the country to successfully complete the online Mowbray Partner's training package, aligned to the College of Policing learning outcomes. The use of this online training has evolved, with all members of the firearms licensing team completing a training package for their respective roles, supported by additional in-house CPD.

The governance structure of firearms licensing within Durham is robust and can be evidenced from at all stages of decision making, from an operational level on receipt of an application- all the way through to quarterly Chief Officer accountability meetings with by the Deputy Chief Constable. (For your information, my Deputy Chief Constable is a highly experienced firearms commander and has experience operating as a Delegated Authority in his previous forces so is well acquainted with the risks in this area of policing.) These processes include monthly performance meetings, chaired by the Delegated Authority (at Superintendent Rank), to monitor, dip-sample and manage the performance of the unit and escalate firearms licensing related issues. The firearms licensing Inspector also forms part of the core membership of Durham's Firearms Threat Group which meets monthly to discuss all aspects of both lawful and unlawful possession of firearms. Additional scrutiny is further afforded by Durham's Ethics Committee - which meets quarterly and is independently chaired. This committee scrutinises firearms licensing

processes and decision making.

To mitigate the projected increase in demand on the firearms licensing team in 2019, Durham Constabulary employed 5 additional staff to assist in managing the cyclical workload of review and renewals. Much of the current workstreams that exist within the department are intrinsically linked to the enhanced governance processes and checks that are in existence, as articulated above. These processes are pivotal in keeping the public safe; focusing on foreseeable and avoidable harm, careful risk assessment based on all available information, not expediency.

Matters of concern:

In light of the above response to the Regulation 28 notice and further to Chief Constable [REDACTED] letter to all Chief Constables, dated 24th March 2023, I am satisfied that the review of the original request from the Home Secretary in August 2021 remains accurate. The review of all decisions to return firearms to licence holders after seizure or surrender (35 in total) over the previous 12 months, were appropriate and were subjected to the appropriate level of scrutiny and oversight.

Durham Constabulary has an embedded cycle review and revocation in respect of risk-based assessments of licence holders, whether as part of a cycle of review of certificates or when a licence holder comes to the force's attention. It is my view that these mechanisms remain more effective than retrospective review of all certificates over the last 5 years. The proactive approach of the force and the triggers in place for managing and reviewing current certificates is effective. Based on the above, I do not propose to commission further review of certificates granted beyond that already undertaken.

Yours sincerely

[REDACTED]

[REDACTED]
Chief Constable