

Safer Northumberland Community Safety Partnership

Domestic Homicide Review in relation to Rachel

Date of homicide November 2020

Independent Chair and Author: Stuart Douglass

Report completed May 2022

Revised report completed June 2023

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## 1. Introduction

- 1.1 This report of a domestic homicide review (DHR) examines agency responses given to Rachel, a resident of Northumberland, prior to her death in November 2020.
- 1.2 Rachel was killed by her former partner David in a planned, sustained, and brutal assault. Rachel did not regain consciousness and died in hospital some days later.
- 1.3 The review considers agency contact and involvement with Rachel and her former partner David, from 2014, when he was convicted and sentenced to 10 years in prison.
- 1.4 The rationale for the period chosen was that David was convicted of drug and firearm offences. Rachel worked at the prison David was transferred to, and following his release from prison in 2018, they were living together in a relationship.
- 1.5 The purpose for undertaking DHRs is to enable lessons to be learned from homicides where a person is killed as a result of domestic violence and abuse. In order for these lessons to be learned as widely and thoroughly as possible, professionals need to be able to understand fully what happened in each homicide, and most importantly, what needs to change in order to reduce the risk of such tragedies happening in the future.
- 1.6 The Review Panel would like to express its sympathy to the family and friends of Rachel for their loss.
- 1.7 The Review Panel would additionally like to thank those who contributed both directly and indirectly to the DHR process for their participation.

## 2. Timescales

- 2.1 The referral for consideration of a DHR to Safer Northumberland was made on 24/11/2020 by Northumbria Police.
- 2.2 The referral was formally scoped in line with Home Office statutory guidance on 24/11/2020 with a range of key agencies and organisations who may have had previous contact with the victim and perpetrator.
- 2.3 The Community Safety Partnership notified the Home Office of their intention to undertake a Domestic Homicide Review on 22/12/2020.
- 2.4 The Domestic Homicide Review (DHR) was commissioned with due regard to the Domestic Violence, Crime and Victims Act 2004 and relevant criteria to this case are highlighted in bold. The Act states:

*In this section “domestic homicide review” means a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by—*

***a person to whom he was related or with whom he was or had been in an intimate personal relationship, or***

*a member of the same household as himself,  
held with a view to identifying the lessons to be learnt from the death.*

- 2.5 The chair/author was appointed on 21/07/2021 and initial review panel meeting commenced work on the DHR in October 2021<sup>1</sup>. The review concluded in May 2022.
- 2.6 The criminal trial of David concluded in late March 2021, and David was found guilty of murder, attempted murder, and blackmail, and was sentenced to life imprisonment with a requirement to serve a minimum of 35 years.
- 2.7 The review took longer than the 6 months expected in the guidance. This was due to the criminal trial not concluding until late March 2021, the continuing impact of the COVID-19 pandemic, and some delays in identifying IMR authors for one of the agencies involved.
- 2.8 The review was submitted to the Home Office Quality Assurance process in July 2022 and considered by their Panel in January 2023. The feedback from Panel was not received until late April 2023 and some further clarifications and additions sought. The report was resubmitted to the Home Office in July 2023.

### **3. Confidentiality**

- 3.1 The findings of each review are confidential until agreement to publish has been given by the Home Office Quality Assurance Panel.
- 3.2 Pseudonyms are used throughout the report to protect the identity of the individual(s) involved. The family representative asked the chair to suggest pseudonyms and was consulted and in agreement with those used.
- 3.3 The victim was White British and aged 47 years at the time of the fatal incident.
- 3.4 The perpetrator was White British and aged 49 years at the time of the fatal incident.

### **4. Terms of Reference and Methodology**

- 4.1 The terms of reference were agreed following the initial Panel meeting on 04/10/21 and are summarised as follows.
  - Establish the facts that led to Rachel's death in November 2020 and whether there are any lessons to be learned from the case about the way in which local professionals and agencies worked together to manage David and safeguard Rachel.
  - Establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and together.
  - Identify clearly what these lessons are, both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result.

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<sup>1</sup> Prior to appointment of the Chair a core DHR panel of agencies had met on 3 occasions to keep updated on progress with case. Upon appointment of the Chair the initial full Panel was not arranged until early October to allow the Chair to access material from the criminal investigation and review several internal reports from agencies which may have negated the requirement for full Individual Management Review (IMR) submission. Although Police shared their internal review reports, they opted to additionally carry out an IMR. After some clarification on release of the Serious Further Offence Review to the DHR process Probation declined to share that with the Review and prepared and submitted an IMR.

- Apply these lessons to service responses including changes to inform national and local policies and procedures as appropriate.
- Prevent domestic violence and homicide and improve service responses for all victims of domestic violence and abuse, by developing a co-ordinated multi-agency approach to ensure that domestic abuse is identified and responded to at the earliest opportunity.
- Contribute to a better understanding of the nature of domestic abuse.
- Highlight good practice.

#### Key lines of enquiry

- Were agency policies followed during the period Rachel was employed at HMP Northumberland?
- Were agency policies followed in relation to David whilst in prison and whilst on licence in the community?
- Did agency interventions and planning adequately take account of the threat of harm posed by David. This should be in terms of both individual agency responses and through any multi-agency interventions and safety planning.
- Were any other options for perpetrator disruption available to your agency/agencies at any time during the period of this Review and if so were they used, or why were they not considered. Are disruption actions not available or were there barriers to using them?
- Were service responses to the subject/s affected by the COVID19 pandemic (review each contact/response with current impact at that time)?
- Was information shared in a timely manner and to all appropriate partners during the period covered by this review?
- Are there areas that agencies can identify where national or local improvements could be made to the existing legal, policy or practice framework?

#### 4.2 Additional Specific issues for individual agencies

All agencies should address the key lines of enquiry above but in addition to this, there are some specific issues that should be addressed in their respective IMR by the following agencies.

- **Probation Service – additional areas to address**

To specifically reference in detail all contact and information sharing with Northumbria Police following the decision to recall David.

To consider if all decision making and action was undertaken in line with policy and in a timely manner.

To specifically reference the findings and outcomes from the separately commissioned Serious Further Offence Review

- **Prison Service – additional areas to address.**

To provide context to the Review in relation to the issue of inappropriate relationships between staff and prisoners.

To reference policies and action open to the service in relation to this.

To specifically reference what was known about the relationship between David and Rachel, both whilst at HMP Northumberland and after the subjects left the prison. If any relevant intelligence existed in this regard, was it shared with other agencies?

To specifically include any information relevant to any earlier period than the review timeline where the Subject/s may have had potential contact within the prison estate.

To specifically reference in the IMR any risk assessments/prison release reports/information shared with other agencies in relation to David prior to or at the time of release on licence.

- **Northumbria Police – Additional areas to address.**

What was the context in relation to prisoners on recall within the Force area at that time?

To reference specifically the policy to manage recall requests and impact of any changes made subsequent to the period of this review.

What training and supervision were in place regarding management of prison recall in the period covered by this review?

Specific review of the risk assessment process following the notification to Police to assist in the recall of David to prison and what informs the risk level – i.e., last conviction or any prison release assessment or a wider review of antecedents?

To consider if the enforcement actions to recall David were adequate and in line with policy.

To reference any known recorded domestic abuse history of the Subject/s.

4.3 The Domestic Homicide Review followed the methodology outlined in the Home Office statutory guidance. Sources of information included:

- Individual Management Reviews – 3 reports, completed by Northumbria Police, and Her Majesty's Prison and Probation Service (Prison Service and Probation Service)
- Information report -Department for Work and Pensions
- Information from North Tyneside Council (where the perpetrator had previously lived and rented a flat following his release)
- Contact with the letting agency renting a flat to David – declined to give information
- Child Safeguarding Practice Rapid Review – reports and documentation
- Interviews of staff
- A combined chronology
- Documents and statements provided by the homicide Senior Investigation Officer, Northumbria Police which included accounts of friends, work colleagues, and neighbours of Rachel
- Trial Judge sentencing remarks, prosecution summary, and agreed trial facts submissions
- Relevant literature review

## 5. Involvement of family, friends, work colleagues, neighbours, and wider community

- 5.1 The chair contacted Rachel’s parents with a letter of introduction together with the Home Office domestic homicide review information leaflet. They did not wish to engage in the review process (and it was confirmed that there were no other family members), however they nominated Stephen, Rachel’s separated husband to act as their representative.
- 5.2 The chair briefed Stephen on the review process and invited him to consider advocacy support from Action After Fatal Domestic Abuse<sup>2</sup>, in both a letter, and subsequent telephone conversations. Stephen declined the offer. The chair indicated that it was an option for him to access advocacy at any time throughout the review and he would assist him in making contact if required.
- 5.3 Draft terms of reference were shared with Stephen for comment, and he indicated that the terms of reference covered the areas he wished to be addressed by the review. The chair remained in regular contact with Stephen throughout the review period by telephone, e mail and face to face meeting.
- 5.4 The draft overview report was shared with Stephen in May 2022, and he was given the opportunity to comment, suggest factual amendments, and to discuss the report in detail with the chair.
- 5.5 The family representative was offered the opportunity to meet the panel, however, did not feel that was necessary.
- 5.6 Rachel had no siblings and no other wider family members were able to be identified.
- 5.7 The police homicide investigation collected statements from a wide range of sources, and these were shared with the chair. They included accounts from friends, Rachel’s employer, work colleagues and neighbours and importantly covered broad background information on Rachel, her relationship with the perpetrator and domestic abuse. The statements were able to give the review insight in relation to the voice of Rachel and negated the need to make further inquiries with those respondents, many of whom had found the circumstances of the homicide highly traumatic.

## 6. Involvement of the perpetrator

- 6.1 The chair had approached the perpetrator in prison via his Offender Manager. The perpetrator had declined to have any engagement with the review. It should be noted that throughout his trial the perpetrator had accepted no responsibility or remorse for his actions.

## 7. Contributors to the Review

Northumbria Police	Individual Management Review /Panel
HM Probation and Prison Service (HMP Northumberland)	Individual Management Review /Panel

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<sup>2</sup> Advocacy After Fatal Domestic Abuse (AAFDA) provides specialist and expert advocacy and specialist peer support to families and friends bereaved by domestic homicide, domestic abuse related suicides and unexplained deaths.

HM Probation and Prison Service (Northumbria Community Rehabilitation Company <sup>3</sup> /National Probation Service)	Individual Management Review /Panel
Northumberland County Council - Children's Services/Legal Services/Housing/Adult Social Care/Fire and Rescue	Information reports/Panel/specialist safeguarding advice
Department for Work and Pensions	Information report/Panel

7.1 Individual Management Review authors had no management responsibility for any staff who had contact with either Rachel or David nor had any contact with them.

## 8. Review Panel Members

8.1 Members of the Panel were as follows.

Northumbria Police	Detective Chief Inspector Louise Cass Williams Detective Inspector Ian Callaghan
Northumberland County Council	Adele Moore – Head of Service Children's Social Care Shlomi Isaacson – Solicitor Legal Services Julie Stewart – Strategic Housing Manager Chris Grice – Strategic Community Safety Manager Karen Wright – Senior Manager Safeguarding Adults Helen Viscocci - Prevention Manager Fire and Rescue Service Lesley Pyle - Northumberland & North Tyneside Domestic Abuse & Sexual Violence Lead (engaged from May 2023) <sup>4</sup>
North East Ambulance Service	Jane Stubbings - Safeguarding team
Independent Chair/Author	Stuart Douglass
HM Prison and Probation Service	Helen Lund – Senior Contract Manager
Clinical Commissioning Group	Leesa Stephenson - Designated Nurse Safeguarding Adults
Sodexo	Samantha Pariser - Prison Director
Northumbria Healthcare NHS Trust	Paula Shandran - Head of Safeguarding Children & Adults
Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust	Sheona Duffy - Acting Team Manager Safeguarding and Public Protection/Named Nurse
Department for Work and Pensions	Lyndsey Thornton/Jackie Butson – Advanced Customer Support Senior Leader
HM Prison and Probation Service	Paul Weatherstone - Head of Newcastle upon Tyne Probation Delivery Unit

8.2 The panel met on 6 occasions. Panel members had no line management responsibility for any staff who may have contact with Rachel and David and was satisfied that the panel members were independent. The senior prison manager from SODEXO had known both the victim

<sup>3</sup> Northumbria Community Rehabilitation Company were responsible for David prior to the Ministry of Justice merging CRCs with the National Probation Services in June 2021.

<sup>4</sup> During the period of this review there were capacity challenges in the voluntary sector domestic violence sector in the County following COVID. This occurred in conjunction with a period of recommissioning of service providers hence initially the panel did not have a domestic abuse specialist. Following feedback from QA to conduct further work in respect of the review, a domestic abuse specialist was engaged in the reconvened panels, in addition to individual meetings with the chair.



(though did not have management responsibility) and perpetrator, however, both the Chair and the HMPPS prisons representative agreed she be invited to be a panel member due to her specialist knowledge and contribution in relation to local context. In addition, the chair had several individual discussions with panel representatives.

## **9. Author of the Overview Report**

- 9.1 Sections 36 to 39 of the Home Office Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews<sup>5</sup> sets out the requirements for review chairs and authors. In this review the chair and author roles were combined.
- 9.2 Stuart Douglass was appointed as the Domestic Homicide Review chair and author. Stuart established as an independent chair and author of DHR's in 2021 following 30 years' previous management experience of safer communities and safeguarding within local government. Stuart has experience of Domestic Homicide Reviews, Child Serious Case Reviews and Safeguarding Adult Reviews. Stuart completed approved DHR Chair training in 2016 and is a qualified social worker with a degree in applied social studies and has an enhanced knowledge of domestic abuse and safeguarding legislation, policy, and practice.
- 9.3 Stuart was previously employed by Northumbria Police (as a crime research officer) leaving that role in 1992 and Northumberland County Council (as community safety manager) leaving that role in 2007. This was declared to commissioners of the review at appointment and was not considered to affect independence of the chair role given the time elapsed since those employments. Stuart has no current connection with any agency engaged in this review.

## **10. Parallel Reviews**

- 10.1 The criminal trial concluded on 30th March 2022.
- 10.2 HM Senior Coroner for Newcastle had opened an inquest however subsequently a **NON-RESUMPTION** decision was taken in court in September 2022.
- 10.3 Her Majesty's Prison and Probation Service commissioned a Serious Further Offence Review<sup>6</sup> following the homicide. This was completed in mid 2021 but was declined to be shared with the review, though used as a basis for the Individual Management Review.
- 10.4 In line with guidance, Northumbria Police had referred the incident to the Independent Office of Police Complaints, who indicated that there were no grounds for their involvement.
- 10.5 There were no other parallel reviews.

## **11. Equality and Diversity**

- 11.1 The review gave due consideration to each of the protected characteristics under Section 149 of the Equality Act 2010.

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<sup>5</sup> Statutory guidance for the conduct of Domestic Homicide Reviews, published December 2016, Home Office.

<sup>6</sup> Serious Further Offences are qualifying violent or sexual offences committed by individuals who are subject to probation supervision. Mandatory notification and review procedures for probation providers were introduced in 2003, to ensure that when such an event occurs, there is a comprehensive review of the management of the case. source Ministry of Justice

- 11.2 The review panel identified sex as a protected characteristic relevant to this review.
- 11.3 There were no other protected characteristics relevant to the review.
- 11.4 Research indicates that women are more likely to be seriously hurt or killed than males<sup>7</sup>.
- 11.5 The Crime Survey for England and Wales estimate that 1.6 million women aged 16 to 74 years experienced domestic abuse in the year ending March 2020. Of domestic homicide victims (killed by ex/partner or a family member) for the year ending March 2017 to the year ending March 2019 77% were female and 96% of suspects were male<sup>8</sup>. Further, between the year ending March 2019 and the year ending March 2021, 72.1% of victims of domestic homicide were female compared with 12.3% of victims of non-domestic homicide<sup>9</sup>.
- 11.6 Women’s Aid acknowledge that both men and women can experience incidents of interpersonal violence however, “women are more likely to have experienced sustained physical, psychological or emotional abuse, or violence which results in injury or death”. This is supported by numerous academic research studies and recorded statistics.
- 11.7 Women’s Aid summarise that, “Domestic abuse perpetrated by men against women is rooted in women’s unequal status in society and is part of the wider social problem of male violence against women and girls. We found in our research with the University of Bristol that sexism and misogyny set the scene for male abusive partners’ coercive and controlling behaviours. Sexism and misogyny serve to excuse abusive behaviour by men in intimate relationships with women and put-up barriers to female survivors being believed and supported to leave abusive men (Women’s Aid et al, 2021)”.<sup>10</sup>

## 12. Dissemination

- 12.1 Recipients who will receive copies of the review report:
- Family representative
  - Safe Northumberland Board
  - Northumberland Strategic Safeguarding Partnership
  - Office of the Police and Crime Commissioner
  - Domestic Abuse Partnership
  - HM Senior Coroner Newcastle

## 13. Background Information (The Facts)

- 13.1 In 2018 David, a prisoner serving a 10-year sentence for drugs and firearms offences at HMP Northumberland was released on licence. It is understood that David had a relationship with

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<sup>7</sup> Walby, S, Towers, J (2017) Measuring violence to end violence: Mainstreaming gender. *Journal of Gender-Based Violence* 1(1): 11–31.

<sup>8</sup> Office for National Statistics (ONS). Domestic abuse victim characteristics, England and Wales: year ending March 2020

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2022>

<sup>10</sup> <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/domestic-abuse-is-a-gendered-crime/>

Rachel who worked at the prison sometime between 2016 and 2018. Following his release the relationship continued with David, moving into Rachel's home.

- 13.2 By 30<sup>th</sup> October 2020 the relationship had ended, and Rachel commenced an unlawful relationship with a child.
- 13.3 In November 2020, David attended Rachel's home and carried out a violent, prolonged, and ultimately fatal assault on Rachel. She died in hospital in the following days. The child who was present, was also seriously assaulted.
- 13.4 The assaults followed a relatively short but intensive period of stalking, harassment, and blackmail of money by the perpetrator from Rachel.
- 13.5 Immediately following the assaults, David reported to a neighbour that Rachel has been attacked, then left the area and was arrested by police the following week in the Police Scotland area.

#### **14. Background prior to the timescales under review.**

- 14.1 Rachel had no siblings and was brought up by her parents in Northumberland.
- 14.2 Upon leaving school Rachel was understood to have married a soldier and lived for a period in the Cumbria area where she worked as a police officer between 1991 and 1994. Following her divorce, she relocated to the northeast and commenced a career in the prison service in 1994.
- 14.3 Rachel worked in several northeast prisons as a Prison Officer and Physical Education Instructor until moving to the Education Department<sup>11</sup> in 2005. Rachel delivered English and mathematics qualifications and managed a team delivering group, one to one and outreach sessions in prison workshops.
- 14.4 Rachel described herself being passionate about her educational work in institutions. She developed her qualifications between 2004 and 2012 via City and Guilds and a university degree in educational training, followed by a range of post graduate studies.
- 14.5 In December 2019 Rachel left the prison service and commenced employment as a teacher.
- 14.6 Rachel was described as very close to her parents though did not have close extended family.
- 14.7 Rachel was described as outgoing and active, loved animals, kept, and rode horses, and trained her dog in agility.
- 14.8 In 2003 Rachel married Stephen, a colleague at the prison where she was employed, and they lived together in Northumberland until an amicable and mutual separation around January 2019. The couple remained friends and regularly stayed in touch by phone and occasionally met for social meetings until the covid pandemic restrictions prevented them from doing so.

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<sup>11</sup> Education services were commissioned by Ministry Of Justice via a third-party company who employed Rachel.

- 14.9 Following the separation Rachel rented a property for around 6 months and upon completion of the sale of the former marital home purchased a house in a small village in Northumberland in November 2019.
- 14.10 Rachel had no other person living with her at the time of the homicide.
- 14.11 The perpetrators background relies to a large extent on criminal justice agency records.
- 14.12 David was aged 49 at the time of the homicide and understood to have been born in the northeast of England and reportedly had family ties to both the northeast and Scotland.
- 14.13 It is known that he had close connections with associates in the Glasgow area and his historical offending history records indicated that his offending typically occurred in either the Northumbria or Police Scotland areas.
- 14.14 It is known that he had children and that he perpetrated domestic abuse against previous partners.
- 14.15 David had interests in mixed martial arts<sup>12</sup> and fitness training, and he focussed on the latter whilst in prison. Rachel delivered some Open University modules in prison and David was understood to have had formal contact with Rachel via that until he withdrew from the programme in April 2019. Other information suggested that they also had contact via Rachel assisting David with business plans for a gym business he intended to establish upon release.
- 14.16 Accounts from 2014 onwards tend to describe David as a compliant prisoner who achieved trusted status whilst in custody.
- 14.17 David's antecedents indicated that he is first known to youth justice services in 1985 at age 14 and known as an adult offender by probation from 1990.
- 14.18 He had spent a significant part of his adult life in prison custodial settings, having 21 convictions for 92 offences as follows.
- Two Offences against the Person- AOABH<sup>13</sup> and GBH<sup>14</sup> (1986/2002);
  - One Offence against Property- Criminal Damage (1993);
  - Forty-three Theft & Kindred Offences (1985-2014);
  - One Public Disorder Offence- Affray (1993);
  - Four Drug Offences- Possess controlled Drug (1990);
  - Possession of a controlled drug With Intent to supply Heroin and Breach of Suspended sentence order (2014);
  - Two Possession of Offensive Weapons (1986/87);
  - One Firearm Offence- Possession of Ammunition without Certificate (1998); Twenty-three Miscellaneous Offences- Motoring offences (1987-2014).
- 14.19 David appeared in court in May 2014 for offences which included Possession of a Class A Drug with Intent to Supply and Possession of a Prohibited Weapon for discharge of noxious liquid

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<sup>12</sup> Mixed martial arts (MMA), sometimes referred to as cage fighting, no holds barred (NHB) and ultimate fighting is a full-contact combat sport based on striking, grappling and ground fighting, incorporating techniques from various combat sports from around the world. Source Wikipedia

<sup>13</sup> Assault Occasioning Actual Bodily Harm

<sup>14</sup> Grievous Bodily Harm

gas. He was sentenced without a Pre-Sentence Report to a total of ten years imprisonment (5 years for the drugs offences and 5 years for the weapon offence consecutively). He was subject to licence supervision on release on 30/11/2018 following his term of imprisonment. He was recalled to prison from 27/02/2019 and had been unlawfully at large for 21 months when he committed further offences including the murder of Rachel.

- 14.20 There was insufficient detail recorded in relation to the early serious violence offences in relation to the circumstances, or relationship to some of his victims, however the Judge's sentencing in the 2021 homicide case referred to David, "inflicting grievous bodily harm (2002), when you punched an 18-year-old girl in the face and broke both sides of her jaw".
- 14.21 Information from the Police Individual Management Review does however specifically indicate a number domestic and non-domestic related incidents, charges, and offences.
- 14.22 David was charged with firearms related offences (possession of ammunition) and 2 charges of attempted murder in 1997 involving the shooting of a male. This led to his remand until 1999, when the attempted murder conviction was quashed, though the firearms offence upheld.
- 14.23 In 2005 David received a 5-year prison sentence for possession of heroin with intent to supply<sup>15</sup>.
- 14.24 In 2007 there was the first record of a domestic violence incident with former partner (1) but no recorded details other than David making threats from prison.
- 14.25 In 2008 David was charged with a wounding with intent to commit GBH after reportedly stabbing a victim twice over a reported drug debt. David was recalled to prison and his risk of harm raised to high. The victim would not assist the investigation and the case was dismissed.
- 14.26 In 2008 David was reported to police for breach of non-molestation Order Domestic Abuse described as follows, "Separated two years ago whilst offender was in prison. Former partner (1) obtained a non-molestation order against David when he was released in May 2008. He has been violent in the past and she was afraid. On May 2008 she received a text message from a mobile she recognised as being owned by David. The text message said "bang". She was concerned and contacted Police believing David had breached the non-molestation order. Offender was subsequently arrested. After consultation with Crown Prosecution Service David was recorded as No Further Action due to insufficient evidence".
- 14.27 In 2009 David was managed under MAPPA<sup>16</sup> as a cat 3 level 2 offender before being deregistered in late 2009.
- 14.28 In 2010 David was interviewed by Police in relation to an attack on 2 males with a crowbar. Victims would not cooperate with police, so David was recorded as No Further Action.

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<sup>15</sup> It was suggested at trial for the homicide that David first met Rachel whilst serving this sentence.

<sup>16</sup> Multi-agency public protection arrangements (MAPPA) were introduced in 2001 with the aim of improving inter-agency collaboration. They are organised at the police force area, with probation, the police and prison service coming together to form the MAPPA Responsible Authority area. Other agencies, such as the NHS or local authorities, have a duty to cooperate with MAPPA. All should work together locally to identify, assess, and manage those individuals who pose a higher risk of harm to others. There are three categories of MAPPA service user and they are managed at three differing levels. Category 3 is "other dangerous offenders" and level 2 management involves active involvement of more than one agency. Source: Her Majesty's Inspectorate of Probation 2021.

- 14.29 In 2010 Probation records indicate that Police inform Probation of intelligence that David was believed to have torched his ex-partners mother's car and threatened another family member.
- 14.30 In early 2010 Police issue David with an Osman<sup>17</sup> warning which informed him that a named individual was trying to source a firearm to use against him. This was in response to a dispute with a fellow prisoner.
- 14.31 In late 2010 a Reverse Osman warning was given after intelligence in relation to David indicated he was attempting to access a firearm after a dispute with fellow prisoner.
- 14.32 In 2011 David separates from former partner (2) after she ended the relationship. David was suspected of entering her flat, stealing possessions and throwing paint over her possessions, walls, and floor. Outcome recorded as No Further Action following Crown Prosecution Advice.
- 14.33 In 2012 former partner (1) initially reported to police that David has threatened to throw acid in her face. On speaking to her she stated to police this was not the case, although he had previously made threats of this nature in the past. She stated she had heard third hand information that David has been watching her and is going to contact her re an outstanding debt she owes to him. Partner (1) stated she did not know this to be true and had believed the third party. She would not provide police with details of this person.
- 14.34 In 2012 former partner (2) reports to police that she has been receiving Blackberry messages from David whom she is no longer in a relationship with. The messages date from the beginning of the month and become quite abusive. Former partner (2) has found these very distressing and was made aware that offender had been at her home address looking for her (she was at a friend's). Former partner (2) was worried regarding David's behaviour and feeling distressed and alarmed about receiving the messages. She was advised to change her Blackberry pin so he could not contact her. David was warned under the harassment act not to contact his former partner (2).
- 14.35 In 2012 a report was made to police of criminal damage and domestic abuse and summarised in the police Individual Management Review as follows, "David and former partner (2) separated at the start of 2012, but offender has remained in contact. One message is said to read "ignoring me is the worst thing you could do". Offender has previously been suspected of breaking into former partner (2) home address and setting fire to her possessions which he stole. He is also suspected of setting fire to her wheelie bin and gluing the lock of her home address twice. David was arrested in relation to this offence however due to lack of evidence he was NFA'd by police".
- 14.36 In 2013 David was remanded in custody in Scotland for offences that occurred within their area. Whilst on remand David was charged by Northumbria Police with 12 offences including possession with intent to supply and a firearm offence. He remained in custody and was convicted of those offences in May 2014, receiving a 10-year prison sentence.

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<sup>17</sup> Osman/threat to life warnings are issued if police have intelligence of a real and immediate threat to the life of an individual.

14.37 In October 2013 Probation records indicated that a MARAC<sup>18</sup> meeting had been held which indicated that David was seen as a serious risk to a partner or ex-partner.

## 15. Friend, employer, and wider community contributions

15.1 The Review chair was given access by Northumbria Police to a range of statements collected during the homicide investigation from friends, employers and neighbours who knew Rachel and, in some cases, both Rachel and David whilst they were in a relationship. These statements provided a valuable insight, and the chair decided that further contact was not required. The panel were unable to contact David's aunt and did not approach a friend of the perpetrator due to police advice in relation to safeguarding concerns.

15.2 Rachel had a close friend at the premises where she stabled her horse. He described her as very thoughtful and a good friend whom he had known for many years. The friend had met and seen David with Rachel on a few occasions at the stables and was aware he was her boyfriend. He described Rachel and David's relationship as unpredictable, "They would argue and then David would go missing, he wouldn't ring her or speak to her for a week".

15.3 Neighbours described Rachel as friendly and approachable however in the 12 months she lived in their community contact had been limited due to COVID lockdowns and restrictions.

15.4 The same neighbours described David as being friendly, working away for periods of time and doing lots of DIY at the couple's home. Interaction was again limited however the couple were described as "normal" and observed or heard nothing out of the ordinary. One witness helped David carry a sofa into the home though indicated they would not speak much other than hello or similar acknowledgement.

15.5 "I would speak to Rachel and David on occasions, they were pleasant. Rachel was an anxious type and more reserved than David, whereas David was hyper. He was always working doing DIY. He would work a lot in the house, knocking the breast wall out and many other projects. He was always helpful if we needed anything".

15.6 Rachel's employer described Rachel presenting as, "an intelligent and highly professional woman who had a genuine passion and flair for teaching". He also described her as friendly, popular with staff and pupils, but private in terms of her life outside of the school.

15.7 A work colleague indicated that, "Rachel and I got on very well. I was aware she had a boyfriend who she referred to as 'David'.

"I recall a time not long after Rachel had started at the school, when she was not herself and appeared quiet. When I questioned whether she was okay, she informed me that she had split from David, however the following day, she seemed happy again and told me that they were back together."

The colleague further described that Rachel had confided that she and David would occasionally split up and he would leave for a few weeks at a time. Rachel also referred to the

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<sup>18</sup> A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs), probation and other specialists from the statutory and voluntary sectors. Source: Safelives.org.uk

fact, “David had a bad temper and how she had to tread carefully around him”, however, Rachel also indicated that “he would cook for her or buy her flowers “to make up””.

- 15.8 In addition, discussion with the prison manager highlighted that Rachel was a friendly, well known, and a popular member of staff with both employees and inmates at the prison.

## **16. Chronology part 1 – May 2014 – November 2018**

- 16.1 The DHR scoping had identified that Rachel had either virtually no, or only limited routine contact with agencies.
- 16.2 Northumbria police had only one recorded interaction in 2012 which related to contact with police from staff at the prison where Rachel was employed, who had reported that an ex-inmate was sending letters to Rachel. They were causing her some distress (this individual was not linked to David in any way). The issue was concluded with a warning to the subject under the harassment act about contact with Rachel. No further incidents were reported, and police had no further contact with Rachel until the homicide.
- 16.3 Health record review in relation to Rachel indicated only routine health contacts and as such following scoping and consideration of the Trial agreed facts document, it was deemed not relevant to produce Individual Management Reviews in this regard. David had no recorded contact with health services since 2012.
- 16.4 In April 2014 David was recorded at prison as unsuitable for RESOLVE<sup>19</sup> due to his low OGRS<sup>20</sup>
- 16.5 In May 2014 David was on remand and undergoing trial at Newcastle Crown Court. His prison risk assessments reflect domestic violence and OASys<sup>21</sup> as “high”. He was found guilty of a range of offences including drug supply and firearms offences and sentenced to 10 years.
- 16.6 At the point of sentence he was allocated to the Community Rehabilitation Company to manage his sentence rather than Probation based on Risk of Serious Harm assessment (RoSH). There was a second assessment the same month leading to the same conclusion.
- 16.7 On 1<sup>st</sup> June 2014 the Governments Transforming Rehabilitation Reforms came into force and Probation and Community Rehabilitation Companies formed.

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<sup>19</sup> RESOLVE is an accredited programme designed and delivered by Her Majesty’s Prison and Probation Service (HMPPS). The programme is a cognitive-behavioural therapy-informed offending behaviour programme which aims to improve outcomes related to violence in adult males who are of a medium risk of reoffending. Source: Ministry of Justice

<sup>20</sup> The Offender Group Reconviction Scale (OGRS) is a predictor of re-offending based only on static risks – age, gender and criminal history. It allows probation, prison and youth justice staff to produce predictions for individual offenders even when the use of dynamic risk assessment tools (e.g. The Offender Assessment System (OASys) or Asset) is not possible. Source Ministry of Justice Research Summary 7/09

<sup>21</sup> The Offender Assessment System (OASys) is a risk and assessment tool designed to help prison and probation manage offenders.



- 16.8 In June 2014 he is initially categorised as category B<sup>22</sup> and allocated to Frankland prison and initially met his sentence supervising officer from the prison probation department.
- 16.9 In September 2014 his OGRS<sup>23</sup> probability of reoffending was classed at medium.
- 16.10 In November 2014 there is prison intelligence recorded that David was, “regularly getting drugs through visits”.
- 16.11 In January 2015 David’s case was transferred to another Offender Manager at the Community Rehabilitation Company.
- 16.12 In March 2015 David was allocated to HMP Frankland. There was a recorded disagreement in the risk assessment at this point with Frankland staff assessing David as high risk and Community Rehabilitation Company staff assessing him as medium risk. The outcome was to be classed as medium.
- 16.13 In April and May 2015 the shared prison and probation management system records note that David should remain flagged as a domestic violence perpetrator.
- 16.14 In September 2015 the Prisons and Probation Ombudsman upheld a complaint from David in “relation to the timing of his recategorization review and other issues”. The Ombudsman concluded, “I am satisfied that the timings of Mr David’s reviews have not been conducted in line with the PSI, and that Mr David was not afforded any opportunity to make meaningful representations against the decision”.
- 16.15 In September 2015 a Sentence plan review and sentence planning meeting took place at HMP Frankland. The Offender Manager from Community Rehabilitation Company did not attend either meeting. Case discussion records indicated that the Community Rehabilitation Company Offender Manager and their supervision agreed that Risk of Serious Harm should remain at Medium. The sentence planning meeting notes based on the prison assessment however had recorded and assessed David as High. The differences were to be explored at a meeting, but this was cancelled, not rearranged, and the outcome remained as medium.
- 16.16 In December 2015 an OASys assessment was completed. David was assessed as Children: Low, Public: Medium, Known adult: Low, Staff: Low.
- 16.17 In July 2016 his prison core record indicated that he was eligible for release in 2018 and a referral to RESOLVE would be “submitted following this board to address previous violent behaviour and to assist in risk reduction”.
- 16.18 In September 2016 David was informed that he is unsuitable for the RESOLVE programme and that he would be recategorized to C<sup>24</sup> and transfer to HMP Northumberland. Prison record

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<sup>22</sup> CATEGORY B (Adult Men): Offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison.

<sup>23</sup> The Offender Group Reconviction Scale (OGRS) is a predictor of re-offending based only on static risks – age, gender, and criminal history. It allows probation, prison and youth justice staff to produce predictions for individual offenders even when the use of dynamic risk assessment tools (e.g., The Offender Assessment System (OASys) or Asset) is not possible. Source Ministry of Justice Research Summary 7/09

<sup>24</sup> CATEGORY C (Adult Men): Offenders who are assessed as requiring standard closed conditions, and do not need additional security.

David's sentence plan at this time with his RoSH (or risk of serious harm in the community) classed as following; children LOW, public HIGH, to known adult HIGH, to staff LOW, to prisoners LOW.

- 16.19 Case discussion notes between the Offender Manager and their supervision again raised the differences in opinion on risk. Notes state "David received 10 years for supply cocaine<sup>25</sup>- is now being moved to a CAT C. Frankland Offender Supervisor has continued to refer him to MAPPA<sup>26</sup> and state he is High ROSH - despite this not being her responsibility and without evidence to support the assessment at this point- still Medium ROSH as per PSR".
- 16.20 In December 2016 David was moved to HMP Northumberland, where Rachel was employed. The prison is Category C, housing approximately 1400 male prisoners.
- 16.21 David continued to be a compliant prisoner and In May 2018 he was granted Category D<sup>27</sup> status giving the possibility of a further move to an open prison. David declined to move.
- 16.22 In May 2018 David's OASys was reviewed by the Offender Supervisor at the prison. The offender manager was not in attendance.
- 16.23 In September 2018 David's keyworker in HMP Northumberland noted that David refused to engage with the Resettlement team. A pre discharge form was sent to Community Rehabilitation Company, giving David's release address as Glasgow. In October the Company requested confirmation of the Scotland address and who lived there.
- 16.24 On November 30<sup>th</sup> 2018 he was released from HMP Northumberland to the supervision of Northumbria Community Rehabilitation Company. Standard licence conditions applied:
- Be of good behaviours and not behave in a way with undermines the purpose of the licence period
  - Not commit any offence
  - Keep in touch with the supervising office in accordance with the instructions given by the supervising officer
  - Receive visits from the supervising officer in accordance with instructions given by the supervising officer
  - Reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address
  - Not undertake work, or a particular kind of work, unless it is approved by the supervising officer in advance of any proposal to undertake work or a particular type of work
  - Not travel outside of the UK, Channel Islands, or Isle of Man except with the prior permission of the supervising officer or for the purposes of immigration deportation or removal.

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<sup>25</sup> The description of the sentence is inaccurate, and the Individual Management Review found no evidence of discussion between the Community Rehabilitation Company and prison over the differences in risk assessment.

<sup>26</sup> Multi-agency public protection arrangements to ensure the successful management of violent and sexual offenders. If David was accepted as a MAPPA subject then he would have transferred to Probation from the Community rehabilitation Company.

<sup>27</sup> CATEGORY D (Adult Men), and Open (Young Adults): Offenders who are either assessed as presenting a low risk or whose previously identified risk factors are now assessed as manageable in low security conditions.

## 17. Chronology part 2 – November 2018 – November 2020

- 17.1 On 30<sup>th</sup> November 2018 Police were notified that David was released from prison, “subject to standard licence conditions expiring 30/11/24. Address: to be confirmed and probation North Tyne are to be notified of any arrest or prosecution during the licence period”.
- 17.2 Upon release David attended the Community Rehabilitation Company office as instructed. His Offender Manager was not available, and another officer informed him that he can go to Glasgow. The address and David’s mobile were not checked and no appointment with the Glasgow Criminal Justice Social Work Department<sup>28</sup> was made.
- 17.3 David claimed Universal Credit online in early December. He gave a care of address of North Shields Jobcentre<sup>29</sup>. He wrote in the online journal that is available to claimants to communicate with staff, ‘I CURRENTLY DO NOT HAVE AN ADDRESS. I WAS RELEASED FROM PRISON ON NOVEMBER 30<sup>TH</sup>. I DO NOT HAVE A BANK ACCOUNT. I AM USING MY SONS. I DO NOT HAVE ANY IDENTIFICATION EXCEPT A NOTIFICATION OF DISCHARGE FROM PRISON AND A PRISON LICENCE. I have a licence I was given when leaving prisons. This says that any employment has to be approved by a probation officer. I will bring this to my commitments meeting’.
- 17.4 A week later David attended a meeting at North Shields jobcentre. His 1<sup>st</sup> commitments were agreed, and an advance issued. Department for Work and Pensions records indicated David, “stated he had just been released from HMP and currently trying to sort housing, expects to move to Wallsend in next few weeks”.
- 17.5 In January 2019 Rachel left the house she shared with her separated husband and rented a property. David moved in with her<sup>30</sup>.
- 17.6 There was no attempted Community Rehabilitation Company contact with David until his Offender Manager returned to work on January 15<sup>th</sup>, 2019, and realised that he had not been seen. The Offender manager telephoned Glasgow Social Work Department to request a home visit and supervision but received a phone call back to say they could not visit as the address was incorrect. Following this, supervision were informed, and in the following weeks until February 5<sup>th</sup> 2 letters were sent to David requesting contact and then a formal warning letter if contact was not made. The letters were sent to both the address that was incorrect and the speculative address and there was no contact from David as requested. Police were contacted on 22<sup>nd</sup> February and advised that no intelligence or arrests of David had occurred since release and that a phone call to last landline recorded for David was tried without success.
- 17.7 In late January 2019 the Department for Work and Pensions had summarised a number of barriers to David gaining employment noting that he had been released after 5 years in November 2018 and had not met his offender manager and that he stated that police held his ID meaning he could not open a library account to access computers though he would use the jobcentre to facilitate that as he was doing a distance learning course. The Department of Work and Pensions noted that the offender manager had no contact details for David and rang the offender managers office twice and left messages however the calls had not been returned.

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<sup>28</sup> David would remain the responsibility of the CRC however if an offender resides in Scotland then CRC can work with the relevant locality Scottish Social Work Department to support appointments and visits.

<sup>29</sup> this is standard practice where a customer tells DWP that they have no fixed abode.

<sup>30</sup> Established at trial as an agreed fact

- 17.8 On 22<sup>nd</sup> February 2019 the Community Rehabilitation Company recorded that David's licence Offender Assessment had been completed by his Offender Manager. Records also indicated that the spousal assault risk assessment had not been completed by a previous offender manager. In the following days Community Rehabilitation Company decided to initiate recall of David to prison for non-contact and breach of his licence conditions. This was approved on 27<sup>th</sup> February 2019.
- 17.9 On 1<sup>st</sup> March 2019 Northumbria Police were notified by the offender management team that David was now living in the Police Scotland area in Glasgow. Northumbria Community Rehabilitation Company had not had contact with David since he attended their office on 30/11/18. The notification highlighted that enquiry had not been made with Community Rehabilitation Company to clarify their contact with Police Scotland. A wanted screen was created and updated 3 days later, details of the harm assessment of David as being "LOW", with a review date of 29/03/19.
- 17.10 On 20<sup>th</sup> March Community Rehabilitation Company received information from police that David had been mentioned during a meeting with Department for Work and Pensions who had given a local Wallsend address in the police area command for David.
- 17.11 On 29<sup>th</sup> March 2019 National Probation Service recorded unplanned contact from David when he had attended their office near the suggested local address and stated to a Probation officer that he had not had any recent contact with Probation, had been living in Scotland and had now returned to the North East. The records state that the officer checked the live information system and noted that David was subject to recall and had advised him to hand himself in to police. David had then stated he would go to the Community Rehabilitation Company office however did not do so. The same day the Community Rehabilitation Company Offender Manager received messages of telephone calls from David's solicitor. Records indicated that attempts to return the calls were made, however, the solicitor was not spoken to confirm the recall to prison until 20 days after this.
- 17.12 During March David attended 2 work search reviews at Wallsend Jobcentre for a work search review appointment. They advised he attend probation as he had not seen his probation officer since he left prison. They discussed DBS<sup>31</sup> checks and what to disclose on job applications and what jobs he could apply for. On the second occasion It was recorded that, "David advised he has visited probation and been told to go to the police station as he has been recalled".
- 17.13 On 2<sup>nd</sup> April 2019 David had messaged his work co-ordinator to say he had applied for a job and had been asked in reply what the current situation was with probation and police. David was recorded as replying, "she wont answer any calls from myself or my lawyer as of yet i have no knowledge as to whats happening she just dose not care so iv been advised to hold on until lawyer can speak to some one or her supervisor no ones been to my address no ones contacted me i have to wait but i will keep you updated". The Work Co-ordinator had responded and had asked David if he had gone to the police station as advised by probation and he replied he had been told not to do so yet.

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<sup>31</sup> The Disclosure and Barring Service is a government service which provides a way for employers to check criminal records to assess suitability for employment for example with children or vulnerable adults.

- 17.14 On the 8<sup>th</sup> of April David sent a further message to his work co-ordinator stating, "I have received a call from behaviour sports mentor job I applied for they asked if i had convictions I disclosed that I did but I'm desperately trying to turn my life around they want me to supply a DBS check that's upto date I'm currently applying for that now with help as soon as I hear more il let you know".
- 17.15 On 15<sup>th</sup> April 2019 the Police harm reduction inspector e mailed shift supervision with an update on wanted persons which included David and in the following days initiated an operation to locate 4 wanted persons including David. His address in Wallsend was visited on 5 occasions over 2 days and then again, a month later in May and no response was recorded.
- 17.16 On 16<sup>th</sup> May 2019 Police records indicated that wanted details had been updated and recorded that David was to remain low risk and the officer in charge was to complete 4 tasks to assist in the location of David.
- 17.17 On the 20<sup>th</sup> of June 2019 a Police Supervisor reviewed the wanted details and recorded and noted that actions were still to be completed, David was to remain low risk. The officer in charge was tasked to add some further specific checks.
- 17.18 Throughout this period there was evidence of the Offender manager at Community Rehabilitation Company and Police updating on David and the progress to recall him to prison.
- 17.19 On 12<sup>th</sup> of June 2019 David sent a message in his Department for Work and Pensions journal and stated that his solicitor had tried unsuccessfully to contact them regarding his position with offender management and requested that they e mail his solicitor.
- 17.20 Two days later David had attended Wallsend Jobcentre. They noted that David now had identification though his proposed window cleaning business had not happened and that he stated he was now on recall to prison though is liaising with his solicitor as he did not agree with that decision. The staff member had noted that David had not met with his offender manager and that they had tried to contact them on his behalf on several occasions with no response.
- 17.21 Four days later David wrote in his online Department for Work and Pensions journal, '[Work Co-ordinator] sorry to be a pain but lawyer says he's not received any email from you and asking me if you could ring him if possible as it's a nightmare trying to get a direct line to you. Also forgot to mention I received my national insurance number from dap thank you'. The Work Co-ordinator replies the following day stating she had spoken with Solicitor.
- 17.22 In August 2019 Department for Work and Pensions noted that a further work search review for David would be arranged and that he had now completed a digital course and has identification and a bank account. In addition, they had recorded that they had discussed support with a local project called Junction 42<sup>32</sup> to assist David however he had been reluctant to access this due to its partly religious ethos.
- 17.23 On the same day Community Rehabilitation Company wrote a response letter regarding David's complaint about his Offender Manager.
- 17.24 In October 2019 Rachel attended an interview for a job as teacher at a school.

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<sup>32</sup> Junction 42 is a charity that provides support in prisons and post release with employability and faith-based provision.

- 17.25 In late October David wrote a message to his work co-ordinator in his Department for Work and Pensions online journal, "Dear [WC] iv bn busy creating multiple social media profiles for the courses and the serveys I need to get established so that I have evedence of interest av also trawled the internet for funding but nothing as of yet iv even been onto the prison to see if they can help from prisoners education trust but no joy there".
- 17.26 In November 2019 Rachel completed the purchase of her home and moved with David from the rented property to that address.
- 17.27 Later in November 2019 Police had attended to check David's Wallsend address on 3 occasions and recorded that there had been no response at front and rear of the property and that a neighbour had stated that he had not seen David for some weeks.
- 17.28 In January 2020 Rachel had commenced her new employment as a schoolteacher.
- 17.29 At around the same time a letter before claim<sup>33</sup> had been sent by David's legal representative to the Community Rehabilitation Company. This letter had set out the grounds for requesting that a Judicial Review of the Community Rehabilitation Company's refusal to request that David's recall to custody be undertaken.
- 17.30 In early 2020 (possibly February though not clear<sup>34</sup>) the Deputy Director of the prison became aware of a rumour that Rachel and David had been seen together in a village near the prison.
- 17.31 On the 19<sup>th</sup> March 2020 Department for Work and Pensions had sent David a message through his online account stating appointments were cancelled due to Covid and that he would be advised when his next appointment would be.
- 17.32 **UK Covid timeline** - On 23<sup>rd</sup> March 2020 the Prime Minister announced lockdown ordering people to stay at home.
- 17.33 David messaged Department for Work and Pensions in late April to say he was having trouble with WIFI.
- 17.34 During the first COVID lockdown period Rachel disclosed to her line manager that she was upset as her partner had packed his things and left her and he had just informed her whilst she was at work. She stated this had happened before and he usually stayed away for a couple of weeks.
- 17.35 **UK Covid timeline** – Government announced on 10th May 2020 that people who cannot work at home should return to work and on 1<sup>st</sup> June phased reopening of schools occurs.
- 17.36 Between May and November 2020 there was e mail contact for updates most months between the Community Rehabilitation Company and Police. These confirmed no change in David's status as Unlawfully at Large but elicit no further intelligence or information.
- 17.37 The work co-ordinator made 2 courtesy calls to David in June 2020. Both calls were unable to connect.
- 17.38 **UK Covid timeline** – 15th June 2020 – nonessential shops allowed to reopen.

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<sup>33</sup> A letter before claim is a letter putting a person on notice that court proceedings may be brought against them.

<sup>34</sup> The Deputy Director left the service in 2021 and was unable to interviewed as part of the review.

- 17.39 In August 2020<sup>35</sup>, Stephen was made aware by the Deputy Director at the prison, of the rumours of the sightings of Rachel and David. Stephen later telephoned Rachel to ask about the alleged relationship and she strongly denied this.
- 17.40 **UK Covid timeline** – 22<sup>nd</sup> September 2020 – new restrictions announced including working from home.
- 17.41 On 29<sup>th</sup> September 2020 Rachel sent a WhatsApp message to Stephen asking if she could meet to talk. They arranged to meet that day, but she had to cancel. He had asked what it was she wanted to talk about. She had sent a one-word reply “Money”. Stephen had indicated he would help her if he could, and they had made tentative arrangements to see each other the following week but they never met or spoke again.
- 17.42 On the 19<sup>th</sup> October 2020 a Police Inspector e mailed 2 officers regarding the arrest strategy requirement for David. An undated response from the original Officer in Charge indicated that the officer had moved to another Area Command, and they requested the case to be reallocated.
- 17.43 Two days later Police had attended David’s address and recorded that there was no response but male clothing could be seen behind the door and that all of the (upstairs) flat windows were open. Enquiries with a neighbour had indicated a male was living there.
- 17.44 The Police had returned to the flat on the following morning and recorded that the position was the same with no answer and the windows still open.
- 17.45 On 20<sup>th</sup> October David contacted DWP and asked to speak with his work co-ordinator. They responded by advising that his work co-ordinator had changed and asked him how they could help. David replied by asking for an advance as he was “struggling financially”. DWP replied stating a further budgeting advance could not be made until his current loan was repaid. On 12<sup>th</sup> November David reapplied for an advance and it was successful.
- 17.46 By 30<sup>th</sup> October 2020 David and Rachel had ended their relationship. She had confided in a friend, and he stated that he knew they had split up on occasion before, but Rachel had indicated, “this time it was different”.
- 17.47 Around this time a friend of Rachel indicated Rachel had confided that “David was being ‘arsey’ and nasty and had walked out, blaming her”. Rachel mentioned David was sending messages blackmailing her for £35,000. David had said in the messages he was ‘going to ruin her’.
- 17.48 Police investigation post homicide indicated Rachel’s bank balances had stood at just over £21,000 on 1<sup>st</sup> November 2020 and on that day, Rachel transferred £4,000 to David.
- 17.49 Monday 2<sup>nd</sup> November 2020 – Rachel rang her employer to say she shall not be in because her house suffered an attempted break in, and she was waiting for a locksmith. The colleague asked if it could be anything to do with her former partner and she responded that she did not think so as he had a key.

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<sup>35</sup> At draft report stage the prison service indicated that Stephen had been informed of the sightings of Rachel and David in the February, when they became aware of them, however Stephen indicated that he was not made aware until August. The August date is retained for report purposes as that was given under oath in court.

- 17.50 The same day she arrived at work at lunchtime and disclosed to her line manager why she had late. "I asked her what had happened and she told me that her house had been broken into. She said that she had been in bed and was woken by the sounds of banging, she ran downstairs and found the patio doors wide open, she was terrified and had rang the police<sup>36</sup>. She had to wait for an emergency locksmith which was the reason she was late. When I asked if Rachel believed it may have something to do with her ex-partner she replied "I wouldn't put it past him", "Rachel seemed in very low mood following this". On the same day Rachel transferred £4,000 from her ISA Account to her current account.
- 17.51 Rachel told a close friend about the burglary and that jewellery of hers had been taken and with his help she changed the locks at her home. The friend described the incident as follows, "David came home and ransacked her house and stole her jewellery. Rachel asked me to change the locks on the house. I took photos of the new locks and sent them to her to make sure they were the ones she was happy with. I found it odd that as soon as I had changed the locks Rachel received a text from David asking how he was meant to get in? I don't know how he knew I'd just done it as he wasn't there; it's as if he was spying on her."
- 17.52 In early November 2020 Rachel applied for a bank loan for £10,000 to be repaid over a 60-month period and the following day transferred a further £8,000 from her ISA account and savings account to her current account and then transferred £8,000 to David.
- 17.53 Two days later Rachel transferred £7,000 from her ISA and savings accounts into her current account and then transferred a further £4,000 from her current account to David.
- 17.54 **UK Covid Timeline** – 5<sup>th</sup> November 2020 – Government announced a second national lockdown in force.
- 17.55 Over the following days Rachel made 5 transfers totalling £21,000 to David and received a bank loan of £10,500.
- 17.56 During this period David makes several online purchases including a stainless steel "cylinder snapping bar"<sup>37</sup> for £89.89 and 2 covert vehicle tracking devices from UK online retailers costing £141.60 and £103.60.
- 17.57 Several days later David purchased 1000ml of ammonia and several tools from a DIY retailer before driving from Scotland to the north east.
- 17.58 The same day the friend sees Rachel at the stables where she kept her horse at 4pm. They chat generally.
- 17.59 At 20.53 hours a 999-phone call was made to police relating to a serious assault at Rachel's home address.

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<sup>36</sup> Northumbria police confirmed that no report of the burglary was made to them by Rachel.

<sup>37</sup> The device is typically used by locksmiths to break locks such as Euro cylinder locks which are commonly found in UK homes on patio doors.



## 18. Overview of information known

- 18.1 Rachel had worked in the prison service setting for 26 years. There were no recorded incidents of misconduct or inappropriate behaviour in that period. Rachel was well regarded by staff colleagues and her employers in that setting.
- 18.2 Rachel worked with David in her educational role, and it was alleged at trial that a clandestine relationship occurred but is not known to any staff or employer. Rachel left her employment in the prison setting in January 2020 to become a teacher.
- 18.3 Rachel amicably separated from her husband Stephen in 2018 and rented a property in the area before purchasing a house in November 2019.
- 18.4 David had a history of over 90 offences and 21 convictions over a 35-year period. He was 14 years old at first conviction and first imprisoned in 1988. In addition to those convictions, he had also previously been investigated and charged, but not convicted for life tariff offences such as attempted murder with a firearm. Further he had been arrested on numerous occasions for allegations of both threats and perpetration of serious violence. There was evidence that witnesses withdrew or refused to cooperate with criminal justice agencies.
- 18.5 Police and Probation Services held records of a range of alleged domestic abuse offences and harassment against former partners between 2007 and 2013. These included descriptions of stalking behaviours, threats, and damage to property of alleged victims. David was on remand or serving a sentence in prison between 2013 and 2018 so opportunity for perpetration of domestic abuse was limited.
- 18.6 David was convicted for 10 years including 5 years for intent to supply heroin and for 5 years to run consecutively for firearms offences in 2014.
- 18.7 David was initially assessed at medium risk and as such allocated for management to the Community Rehabilitation Company rather than National Probation Service (who manage serious offenders) to manage his sentence and moved through 3 prison establishments. Prior to his release he was categorised as a category d prisoner and eligible for move to open prison which he declined.
- 18.8 Upon his move to HMP Northumberland David had contact with Rachel in her educational role. They reportedly had a relationship though this was not known to the prison.
- 18.9 David was released from prison on 30<sup>th</sup> November 2018 on standard licence with no additional conditions.
- 18.10 David indicated he was moving to Scotland however gave a false address which was not checked by the Community Rehabilitation Company. He rented a flat in the North Tyneside area which he used to cultivate cannabis, visiting it frequently, but did not live there.
- 18.11 David moved in with Rachel and they lived in 2 locations in areas local to the prison, initially in a property Rachel rented, then in a house she purchased. David was known to occasionally leave the Northumberland area for work in Scotland and Leeds, staying with associates when he did so. David also rented an upstairs flat in the Wallsend area of North Tyneside. He did not live at the property though there was evidence (post homicide) that it had been used for

cannabis crop cultivation. Department for Work and Pensions had this address through his claim for benefits and shared this with police.

- 18.12 Rachel and David were polite with neighbours but did not have significant contact. They were new to the street and there were Covid restrictions including lockdown and social interaction restrictions throughout much of the period they lived there.
- 18.13 Only a couple of close friends of Rachel knew of the relationship and only limited details. Social interaction was at this time affected by Covid restriction and accounts demonstrated that generally Rachel did not disclose information about her private life.
- 18.14 Rachel continued to work at the prison throughout 2019 after David was released in late 2018 and did not inform her employer of the relationship with David. Prison received speculative reports of a possible relationship in 2020, after Rachel had left the prison to take up alternative employment. Following the relationship with Rachel ending on 30<sup>th</sup> October 2020 David lived with a friend in Scotland at an address unknown to Northumbria Police or Police Scotland.
- 18.15 Community Rehabilitation Company did not action David for formal recall to prison until March 2019 despite him not having contact with them and breaching his licence conditions almost immediately following his release in November 2018.
- 18.16 David was released on a standard prison release licence. No bespoke conditions were considered to address any domestic abuse risks to partners or former partners. As David was on standard licence, he was not subject to Integrated Offender Management which is a multi-agency approach to managing offenders and provides additional information sharing and management interventions if required to offenders who are at greatest risk of committing further harm or offending.
- 18.17 When the licence was revoked for his failure to attend supervised appointments this was reported to police as a standard prison recall and therefore subject to standard recall protocols at the time (arrest to be effected within 96 hours).
- 18.18 At this point Police carried out their own risk assessment using a localised assessment tool and considered David to be low risk.
- 18.19 Police focussed their efforts to recall David on a property Department for Work and Pensions reported he was renting in the Wallsend area of North Tyneside. There were significant periods of time with no active effort to recall David.
- 18.20 In 2019 David had several contacts with Department for Work and Pensions in relation to seeking training and employment and indicated possible job opportunities which did not materialise. His disengagement with the Community Rehabilitation Company and recall prevented this support being assisted by Community Rehabilitation Company.
- 18.21 Work colleagues were aware that the relationship has occasional breaks and Rachel occasionally indicated that the relationship could be difficult when David would leave. No disclosures of any physical abuse during the relationship were observed or disclosed.

- 18.22 The relationship ended in late October 2020 and David moved to Glasgow. He was aware that Rachel was in an unlawful relationship with a child, and subsequently blackmailed and threatened Rachel over this. Rachel paid David £29,000 over a period of weeks.
- 18.23 Within days of the relationship with David ending Rachel disclosed to work colleagues and a friend that she had been burgled and her house ransacked. The friend changed the locks and David messaged Rachel to ask how he will get into Rachel's house.
- 18.24 David then prepared for possible surveillance and an assault on Rachel and travelled to Rachel's home. He then committed serious assaults on Rachel and the child who is present before returning to Glasgow. Rachel does not recover from her injuries and dies in hospital in the following days. David was arrested the following week.
- 18.25 At the time of his arrest for the homicide David had spent 631 days unlawfully at large.

## 19. Analysis

- 19.1 The terms of reference and specific requests for the 3 agencies providing Individual Management Reviews and chronologies were fully addressed. Reports and chronologies were extensive, collectively running to many hundreds of pages. Rather than address all terms of reference individually, this section of the report summarises and considers relevant themes.

***Prison Individual Management Review terms of reference were all addressed. Key issues are summarised as follows.***

- 19.2 The prison and Rachel's employer, who were commissioned to provide educational provision at the prison, were unaware of any relationship between Rachel and David during the period she was employed he was a sentenced prisoner. Had any relationship been known of whilst both were in the prison setting then a range of actions to prevent contact and breaches of conduct by Rachel in respect of an inappropriate relationship would have been considered. These would include immediate removal of the staff member from that location and reporting to the Police to investigate criminal offences in relation to misconduct in a public office<sup>38</sup>. The prison service further confirmed that **all staff (both directly and indirectly employed) receive comprehensive training and on-going support regarding rules, expectations, safeguarding, relationships, conditioning and professional standards. There are dedicated points of contact with regards all safeguarding matters for staff to access at any time. In this case, the prison had no knowledge of any relationship existing with a prisoner whilst Rachel was employed at HMP Northumberland.**
- 19.3 The picture from David's release from prison late 2018 until late 2019 when Rachel was still employed at the prison remained the same in that there was no evidence that prison employers knew of the relationship. The prison Individual Management Review states, "A relationship between an ex-prisoner and an ex-member of staff is not in itself a concern nor is

<sup>38</sup> This is a common law offence, not defined in statute, but carrying a maximum sentence of life imprisonment.

it something that would prevent employment in a prison though this does require some action to be taken. Indeed, a staff member can, with appropriate safeguards, remain in the employ of HMPPS (and by proxy in this case Sodexo or Novus) in the prison as long as it is disclosed appropriately, and risk assessed”.

- 19.4 Upon Rachel leaving the employ of the prison educational service provider there is no legal or policy framework that prevents a former prison employee having a relationship with either a prisoner or former prisoner.
- 19.5 Accounts from prison staff emerged in early 2020 after Rachel has left her employment that she may be in a relationship with David. This still has some implication in that Rachel’s separated husband was also employed at the prison and any potential security risk should have been assessed. The intelligence is not formally recorded on any system and there was no evidence that a risk assessment in relation to Stephen took place<sup>39</sup>.
- 19.6 The prison report indicated that there were three strands of information that the Deputy Director may have been informed about:
- A physical education instructor from the prison had observed Rachel and David in a nearby village. On interview as part of the review he was clear that he had formed the impression that the subjects had not accidentally met and that they were in the village together.
  - A physical education instructor believed he had observed David walking Rachel’s dog.
  - That a member of staff was aware that Rachel and David were renting a property near the prison and were both named on the rent book.
- 19.7 In terms of what should have happened the prison report indicated that the policy position is complex in that there is no requirement for any of the staff who had information to have reported this information using formal recording methods (as neither Rachel nor David were at the prison at the time this information is understood to have come to light). Equally there was no requirement for either Rachel or David to disclose any relationship. David did not have any licence conditions at the time of release on licence to disclose his relationships.
- 19.8 Stephen is made aware of the allegations by the Deputy Director some months later in August 2020 and was described as “shocked” by the rumours. He later contacted<sup>40</sup> Rachel about this and she strongly denied the relationship.
- 19.9 The Individual Management Review indicates that the Director of the prison had later been made aware of some of the allegations, however, was unaware that David was unlawfully at large, and the report states, “There appears to be no formal mechanism for informing the prison that a discharged prisoner has been recalled. This is not an error of process or reporting – there is no formal requirement for the prison to be informed if a prisoner is unlawfully at large (Policy Framework – Recall, Review and Re-Release applies in this case)”.
- 19.10 In summary, based on the information of the relationship raised in February 2020 it appears that policy was largely followed, however, it is the view of this review that the incidents

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<sup>39</sup> The Deputy Director left the service prior in January 2021 and could not be interviewed as to their rationale on not completing a risk assessment.

<sup>40</sup> It should be noted that Stephen made this approach to Rachel as her separated husband rather than in a professional capacity, and he emphasised to the chair of this review that it would not have been appropriate for him to risk assess the situation regarding his employment at the prison, given his potential conflict of interest.

should have been formally recorded and the risk assessment in relation to Stephen should have been carried out and recorded. Whilst the prison may have been unaware of David's recall to prison, in hindsight, they would have been aware that he was on licence until 2024 and therefore formal recording of the intelligence including consideration of sharing with Community Rehabilitation Company and police would have been beneficial.

***Were agency policies followed in relation to David whilst in prison and whilst on licence in the community?***

***Did agency interventions and planning adequately take account of the threat of harm posed by David?***

- 19.11 David is risked assessed on many occasions prior to and from his sentence in 2014. The lack of a pre-sentence report at time of his 2014 conviction for 10 years and failure of the Community Rehabilitation Company to secure a copy on his records of the sentencing Judges comments, contribute to an ongoing lack of background information in respect of David's last conviction, and risks in relation to violence and potential for abusive personal relationships. Despite requests to the Court by Probation and Police as part of this review there appears to be no copy held of these. This oversight in not securing the transcript in 2014 impacts in that those comments cannot be taken into consideration in sentence planning and risk assessments. This is particularly relevant in relation to the maximum 5-year consecutive sentence for the firearm offences given in 2014. The review has been unable to determine accurately what this related to however the sentencing Judge in the homicide case in 2021 does refer to it as, "possession of a stun gun, i.e., a taser disguised as a mobile phone (2014)".
- 19.12 From sentence there is an underlying assumption that David was a convicted drug dealer rather than as a drug dealer and firearm offender.
- 19.13 In 2014 he is assessed as suitable for Community Rehabilitation Company rather than a National Probation Services management. This is partly due to a low risk of recidivism score which is based on an inadequate case allocation exercise which should have triggered a full Risk of Serious Harm analysis given risks to partners other known adults.
- 19.14 The assessment is carried out by a prison-based Offender Supervisor, however, the Probation Individual Management Review indicates that there were significant pressures on those units to complete assessments without access to all records or computer systems so that sentenced prisoners could move to training establishments, and that David's assessment was prepared without access to information from the National Probation Service file, prosecution papers, or the sentencing judge's comments.
- 19.15 The Probation report author noted the following:

*"The initial assessment was flawed for a number of reasons. The indicators of RoSH and the gaps in the information available to the author of the CAS<sup>41</sup> should have alerted a subsequent assessor to the need to gather and analyse information from different sources, including from prison and probation systems. This assessment did not include a full RoSH analysis, although information about previous relationships, including a non-molestation order, was noted. In interview the OS said that they assumed that because David had been assessed at court and the case had been allocated to the CRC, the risk classification was correct – namely that he was not*

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<sup>41</sup> Case Allocation System

*regarded as presenting a High RoSH. This is an assumption that was repeated throughout the case. The deficits in this assessment compounded those in the CAS”.*

19.16 The Individual Management Review author further stated;

*“From David’s sentence in May 2014 until February 2019 (after his release on licence) five OASys were completed. Inaccurate, incomplete, and out of date information was replicated between assessments and there was in the view of the Probation IMR author throughout, insufficient analysis. For the most part he was seen as a Medium RoSH to the public and a Low risk to children, staff, and known adult. Despite the information about his previous relationships and, from 2016 onwards, a reference to a current relationship, his risk to ‘known adult’ was not raised to Medium until February 2019, after his release. This was the first assessment completed by his Offender Manager. In general, there was a lack of analysis by those preparing the assessments, an unquestioning approach to previous assessments and an absence of professional curiosity. There was no clear assessment of the risks that David posed, particularly to partners and ex-partners”.*

19.17 The failure to risk assess and sentence plan correctly was further compounded by lack of contact throughout David’s sentence by the community based offender manager who did not attend any sentence planning review meetings at the prison during the sentence. The Community Rehabilitation Company Director indicated that at a minimum contact throughout the sentence should have been annually at a minimum.

19.18 The Probation report indicated that the Community Rehabilitation Company staff, when interviewed, indicated that attendance at prison meetings was discouraged and their focus was on chaotic offenders in the community rather than prisoners with long sentences. Telephone input to such meetings is possible and is not unusual in high security prisons like HMP Frankland where prisoners can come from a wide geographical area. This option was not undertaken. As a prison in the high security estate, HMP Frankland did not have Community Rehabilitation Company staff located there. With no staff working from the prison and little involvement by the Community Rehabilitation Company Offender Manager, this left a significant gap in the links between prison and probation.

19.19 The Individual Management Review indicates that at the sentence planning meeting in 2015, David queried why he had been assessed by psychology as not suitable for the Resolve programme which is designed for men with convictions for violent offences. This decision was seemingly made based on low scores on the various assessment tools. It is recorded that David indicated that he had been ‘left on the shelf’. The Probation IMR author concluded,

*“With little work subsequently undertaken to address the factors identified in the assessment, his comments were not without foundation. As a determinate sentenced prisoner, David’s completion of programmes or sentence plan objectives would have had no impact on his release date. His comments, therefore, may suggest that at this point in time he would have been willing to engage in offence focused work designed to reduce the risk of reoffending. Had the offender manager been involved in the meeting they could have challenged the lack of access to programmes, particularly if they had had a clear understanding of David’s criminal history and risks. Offender Manager said that they had taken the prison’s view as read and thought that it was not for the Community Rehabilitation Company to dispute”.*

19.20 Following this meeting the Offender Manager disagreed with prison-based Offender Supervisor’s notes which record David as being of high Risk of Serious Harm. The Community Rehabilitation Company changed the risk and determined that David remained as medium Risk

of Serious Harm. The difference of opinion was not adequately explored, and it is understood that there was no formal process in place at that time for escalation for review. This was a missed opportunity and potentially could have led to David being allocated to Probation Service Management as well as giving him access to targeted offender rehabilitation programmes. The Offender Manager and Offender Supervisor did agree to undertake a joint meeting with David to clarify the situation, which the Individual Management Review author identified as good practice. However, due to sickness, this meeting did not take place and was not rescheduled.

- 19.21 The Probation IMR further records that in December 2015 an OASys review and full Risk of Serious Harm analysis is completed by the Offender Supervisor in prison. The Probation Individual Management Review author summarised as follows;

*“Risk to the public was assessed as medium, with risks to children, known adult and staff assessed as low. The nature of the risk to the public was seen as violence, loss of property and the impact of drug misuse on society. Despite the information about previous domestic abuse concerns, information about relationships was not linked to risk of harm. Given the fact that David was said to be in a current relationship, the potential risks to his current partner and ex-partners needed exploring.*

*As previously noted, a classification of High RoSH would have had a bearing on the management of the case. Even a classification of Medium RoSH to a known adult would have flagged the fact that this needed attention. Given the available information, the assessment of ‘Low’ risk to a known adult was not defensible”.*

- 19.22 This picture continued, *“In September 2016 a further sentence planning review took place at HMP Frankland, again without the involvement of the Offender Manager. This was another missed opportunity for the Offender Manager to drive the sentence plan and potentially negotiate access to offending behaviour programmes or other offending focused work. With two years still to serve, some focused work would have been appropriate. At this stage it would also have been timely for the Offender Manager to be involved in discussions about resettlement planning, including the aims of a planned move to a resettlement prison. Moreover, had attendance in person been possible, it would have given the Offender Manager the chance to meet with David and start to develop a relationship in preparation for release and supervision on licence”.*

- 19.23 *“Notes of the meeting recorded the risk of serious harm to the public and known adult as high. Once again there was a difference of opinion between the Offender Supervisor and Offender Manager about David’s assessed level of risk”.*

- 19.24 The Offender Manager consulted supervision about this difference of assessment of risk and both concluded it was a misunderstanding between a prison security classification and OASys risk classification terminology. It was a missed opportunity to review and reassess, but the outcome was a decision to transfer David to HMP Northumberland where he could prepare for release, and he transferred there in December 2016 on category d status (lowest risk). His completed OASys at this time recorded his risk of serious harm as Medium to the public and Low to known adult. This was despite previous domestic abuse concerns and the assessment records that there was no evidence of problems within his current relationship (despite no evidence of knowing who that relationship was with). The Probation Individual Management Review concluded that, *“This appears to have been taken on face value throughout the remainder of his sentence and is a significant failing”.*

- 19.25 In May 2018 an OASys review was completed by a prison-based Offender Supervisor. Again, the Risk of Serious Harm level of 'Low' to known adult was retained despite the assessment requiring link to relationship risks.
- 19.26 David was now 7 months from release and there was no evidence of focus on his resettlement and accommodation plans, or engagement of his Offender Manager with either prison staff or David.
- 19.27 David declined engagement with the resettlement team, however, he was required to discuss and agree an accommodation address to be released to. This had not taken place until the days before his release when an address in Scotland was given by David. This should have prompted an address check, liaison with Scottish Criminal Justice Social Work Services, and discussion with David about supervision arrangements on release however this did not occur. Reasons given to the review for shortfall in practice were given variously as workload, backlog of work and the sickness absence of the Offender Manager (who was temporarily covered by agency staff). They are, however, not complex tasks, critical to community supervision of the remainder of David's sentence and should have been prioritised. The address in Scotland given by David turns out (on eventual check about 6 weeks after David's release) to be false and creates a baseline of difficulty in contacting and subsequently recalling David over the following 2 years he is living in the community.
- 19.28 David was released and required to report to his Offender Manager in North Tyneside. He reportedly did so in the company of his aunt and was seen by duty staff due to the sickness absence of his Offender Manager and the temporary cover officer. The duty staff consulted a manager who checked the records and noted there were no additional licence conditions, no restrictions on David's address and no obvious current concern about domestic abuse. They concluded that there was nothing on file to prevent him from going to Glasgow and informed him that he can do so without checking his mobile number, his aunts contact details, making an appointment with Scottish Criminal Justice Social Work Services and without basic verification of the address using online mapping.
- 19.29 There was no follow up on these actions by the Community Rehabilitation Company until the Offender Manager returns to work on 15<sup>th</sup> January 2019 and finds they cannot contact David due to not having his current mobile phone number. They contact Scottish Criminal Justice Social Work Services who indicated that the address did not exist and they declined to attempt a visit to an alternative speculative address, until they have a confirmed address. At this point Management advise writing request to contact and warning of recall letters to David at the addresses, which occurs with no response. It was agreed to submit a request for Recall to prison on 27<sup>th</sup> February. David should have been recalled for breach of licence in relation to the address in December 2018.
- 19.30 From the point of notification to police that David was unlawfully at large there were no apparent further failures of policy from Community Rehabilitation Company relevant to this term of reference.

***What was the context in relation to prisoners on recall within the Force area at that time?***

- 19.31 On 1<sup>st</sup> March 2019 Northumbria police created a log in relation to a prison recall of David. He was created as "wanted" in relation to this recall the same day. In total there were 3 recalls (including David) on that day.



- 19.32 In addition to David being wanted on recall there were a total of 35 outstanding prison recalls throughout the Northumbria Force at the end of February 2019 and a further total of 37 outstanding recalls by the end of March 2019.
- 19.33 Data gathered from a week either side of David’s recall shows a total of 7 further individuals who were also wanted on prison recall. Within this 2-week period Northumbria police received a total of 10 prison recalls.
- 19.34 The number of recalls across a Force area that has Policing responsibility for 1.46 million residents does not seem excessive, and whilst the area command location that the searches for David focus on would be relatively busy for day to day policing incidents, there does not seem to be any reason why the efforts to check that address (albeit it was later known that David only attended the property to cultivate cannabis) could not have been more frequent over the period he was Unlawfully at Large. The Force policy expectations were for monthly updates, and this did not always occur and therefore there were several missed opportunities to check progress on the expected enquiries including those with Police Scotland.

<p><b><i>Assessment of risk by Police following the notification to recall of David</i></b></p>
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- 19.35 At the time David was created as wanted for the prison recall, a system was in place at Northern area command which involved scoring a person wanted for any offence as High, Medium, or Low based on a scoring matrix. The focus of this system was in relation to Domestic Violence (DV) offenders and domestic burglars as these were the priority areas for the area command at that time. Several scored areas were included in the matrix, including Domestic Violence offending risk level, violence used, potential to re-offend and others. There was also a field which allowed for professional judgment of the scoring officer, however this field was left blank in the case of David. The described system in place at that time was followed and David was scored as LOW risk.

The matrix was scored based on the following criteria:-

DV Medium (1)

DV High (2)

Violence used or threatened (1)

Vulnerable victim (1)

Potential for reoffending (1)

Signal crime (2)

Sex/traffic/slavery (1)

Wanted for 2 or more (1)

Stalking/Harassment (1)

Registered Sex Offender (1)

IOM (1)

Professional judgement comment

Professional judgement score

The score was then added together, the result of which would be:-

0/1- LOW, 2/3 – Medium, 4+ - High

- 19.36 The spreadsheet was completed in such a way that if the subject scores a 1 or 2 then the field is filled in with either a number 1 or 2, however if they don't score anything, the field is left blank. David was blank for all fields until the final score which is LOW.
- 19.37 An internal review by Northumbria Police identified that the assessment should have been medium though did not state which scores led to either 2 or 3.
- 19.38 The author considers that if a thorough review of antecedents and professional judgement had been applied (scoring for DV high, violence used or threatened, stalking/harassment and potential for reoffending) then perhaps the score should have been high (though there is no guidance on the scoring to indicate whether this would have been the outcome).
- 19.39 What difference in terms of the efforts to locate David if that had been the case is not referred to in the internal reports or Police Individual Management Review, however, it does seem that efforts to locate David were minimal in terms of location scope and frequency i.e., a single address in Wallsend.
- 19.40 The tasked enquiries with Police Scotland did not take place<sup>42</sup> and a plan by the Sergeant (in line with policy) to make enquiries with family, financial and other address checks etc. was never recorded as having been completed.

***Were any other options for perpetrator disruption available to your agency/agencies at any time during the period of this Review and if so were they used, or why were they not considered. Are disruption actions not available or were there barriers to using them?***

***To consider if the police enforcement actions to recall David were adequate and in line with policy.***

- 19.41 The first term of reference question was relevant to Community Rehabilitation Company, Probation, and Northumbria Police and the second to Police.
- 19.42 In late March 2019 shortly after his prison recall has commenced David attends unannounced at the National Probation Service Office in Wallsend. His records are checked by Probation staff and his Community Rehabilitation Company Offender Manager (located 4 miles away) is contacted. David is advised to hand himself in to Police and he leaves the premises. Whilst National Probation Service staff have no powers to detain, this was a missed opportunity to notify police that David is at the premises to facilitate his arrest and recall to prison.
- 19.43 Northumbria police provided the review with an analysis of police powers available to officers who are engaged in the task of locating a prisoner Unlawfully At Large<sup>43</sup>. These can include entry to a premises without a search warrant in certain circumstances, however the police Individual Management Review indicated that these were not considered by officers due to the assessment of David as standard recall and "low risk", and unless for example they were actively

<sup>42</sup> The Northumbria Police officer allocated with the task of locating David when Unlawfully At Large could not recall if they had contacted Police Scotland. Subsequent enquiry with Police Scotland following the homicide evidenced no computer record of such an enquiry being received.

<sup>43</sup> Section 17 of the Police and Criminal Evidence Act 1984 provides a power to enter a premises (without a warrant) to arrest persons unlawfully at large; however, there must be reasonable grounds for doing so. For example, if the subject was seen inside the address by an officer who was conducting the address check, or an officer saw the subject on the street and pursued him into the address, these scenarios could allow an officer to then use those powers. The low risk assessment of David does not preclude use of S17 powers and neither would a high risk assessment provide reasonable grounds in itself without further grounds being considered.

pursuing David into the Wallsend address, would not have met the required tests of proportionality, lawfulness, accountability, and necessity. For the same reasons the risk rating would have also not met the threshold for consideration of application to court for a search warrant.

- 19.44 Use of covert directed, or intrusive surveillance would similarly have not met the tests and thresholds required for authorisation<sup>44</sup> during this period, particularly as a range of outstanding actions had not been exhausted, including, contact by the officer in charge with Police Scotland. These tasks are referred to in records but not evidenced as completed and the policy in place at the time for monthly updating did not take place. The officer moves post and there is a failure to initially reallocate the responsibility demonstrating a lack of supervisory oversight of the task to recall David.
- 19.45 There were missed opportunities to continue to check the property on a regular basis despite records indicating signs of occupation such as clothes hanging up, neighbours reporting occasional sightings and observation that the flat windows were all open. Checks of vehicles and notes of observations on the later visits was good practice.
- 19.46 The options carried out were to visit the Wallsend address on 6 occasions in April and May 2019 then again in November 2019. The actions in this earlier period are proportionate and demonstrate consideration and planning around the address checks and the recorded plans to continue to gather further intelligence. The intelligence plan is unfortunately not actioned and there is then no recorded proactive police activity for 11 months until October 2020 when the property is visited again.
- 19.47 Contact with David's landlord and the local Council could have been explored by Police and presumably this would have taken place once the other identified actions not recorded as complete had been undertaken. The Chair contacted the local Council for the Wallsend address, and they held records in relation to David, indicating they had declined to rehouse David on release from prison on grounds of previous offending. They also held the landlord's agent details and tenancy agreement for the Wallsend property. The Chair contacted the landlord agent who declined to contribute to the review, so it is not known if references and contact details for those were supplied to the letting agent.
- 19.48 Following David's classification as standard recall and the police assessment of risk as low, the officer in charge role was delegated to a police constable. The police Individual Management Review did not indicate that officers were given any specific training regarding locating Unlawfully at Large prisoners. The lack of regular supervisory review expected by policy at the time prevented supervisory advice and oversight on tactics and actions that could be undertaken to locate David.

***Were service responses to the subject/s affected by the COVID19 pandemic (review each contact/response with current impact at that time)?***

- 19.49 No evidence considered for this review highlighted that the COVID pandemic in the UK during 2020/21 affected any agency response to David in respect of him being Unlawfully At Large. Police and Community Rehabilitation Company worked throughout the pandemic lockdown

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<sup>44</sup> Regulation of Investigatory Powers Act (2000)

periods, and whilst practical delivery changes in some cases were in place to ensure safety of staff, this did not affect the response to the efforts to locate David for recall.

- 19.50 Although not a specific question in the terms of reference, we can only speculate that the lockdowns from March 2020 may have limited some of David's potential for criminal activity and therefore coming to the attention of criminal justice agencies for further offences.
- 19.51 It is known that the relationship was on occasion characterised by David leaving and Rachel indicating she was upset to colleagues, but the extent of any abusive behaviour in the period between March and late October 2020 is not known.
- 19.52 Numerous studies in relation to Covid lockdown impacts have indicated an increase in domestic abuse and coercive control, barriers to reporting, reduced ability to leave abusers and seek assistance. More recently it is indicated that lockdown restrictions may show some correlation to a fall in homicides during the pandemic due to the reduction in opportunity for separation from abusers which can be a significant "trigger" in homicide<sup>45</sup>.

***Was information shared in a timely manner and to all appropriate partners during the period covered by this review?***

- 19.53 Police indicated that Community Rehabilitation Company did not give them a number for David until 7 months after his recall. Police in turn did not share information in relation to David's Recall to prison with Police Scotland, who could have indicated whether they had any knowledge of him being or living in their area.
- 19.54 David had regular online and occasional face to face contact with Department for Work and Pensions and his work co-ordinator and they share the Wallsend address with Police at an early stage when police enquire. Department for Work and Pensions and Police have regular liaison in Northumbria in relation to intelligence and information sharing across a wide range of matters, including serious and organised crime. This is good practice.
- 19.55 The Home Office Quality Assurance Panel raised that consideration of the unusual banking activity in the 11-day period that Rachel was transferring money between her accounts and David's may have flagged concerns. Transfers by Rachel to David over the 11-day period were made on 7 occasions totalling £29,000 with 6 of the transfers being of £5,000 or less and one was for £8,000.
- 19.56 The chair explored this with a financial crime lead at Northumbria Police who confirmed that banks often routinely report unusual banking transfer patterns via a "suspicious activity report" to the National Crime Agency, who review and pass them through to the relevant police force Financial Investigation Unit for intelligence or potential enquiry. The system is designed to identify potential financial exploitation of vulnerable individuals and there is no set threshold on amount transferred. The officer gave an example of unusual patterns of relatively small transfers, potentially associated with exploitation of vulnerable children and adults as part of "county lines" drug activity being flagged for investigation and safeguarding enquiries.

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<sup>45</sup> femicide census 2020, [www.femicidecensus.org](http://www.femicidecensus.org)

- 19.57 It was confirmed that in respect of Rachel and David's bank accounts the banks had not referred to the National Crime Agency a safeguarding alert, though did raise this with the homicide investigation team when they were making enquiries with them to locate David in the days post homicide prior to his arrest. Whilst this is a missed opportunity, the Panel has not been able to ascertain reasons this happened in the time given for resubmission of this report and for example we do not know if Rachel may have had conversations with her bank regarding giving an explanation of her banking activity.
- 19.58 As a recommendation the partnership will write to banks raising the importance of reporting unusual bank transfer activity and seek support of the Domestic Abuse Commissioner at national level in raising awareness of the importance of reporting to allow intervention in cases where financial abuse may be taking place.

### ***Domestic abuse and the intimate partner homicide timeline***

- 19.59 David had a history of violence and coercive control against women. We should note that coercive and controlling behaviour<sup>46</sup> was not recognised as a criminal offence in England and Wales until creation of a specific offence in the 2015<sup>47</sup> therefore his pre 2014 records and allegations of abuse of previous partners sit in a context where those actions could not be specifically recorded as such crimes. He had let it be known that he can track down the address of a previous partner which was designed to frighten and abuse his victim and the allegations of breaking into a former partners home to cover her possessions in paint carries far more connotation of threat and harm to the victim than the consideration of offences such as criminal damage or burglary may have suggested at the time.
- 19.60 Rachel, in her work in education at the prison would not have had access to David's offending records. He presents as a compliant prisoner, classed in his later part of his sentence as being category D held in a category C prison. She would be unlikely to be aware of the risks he potentially posed. We have little evidence in terms of the impact on Rachel in the short weeks after the relationship ended and David begins his campaign of blackmail. The escalation from separation to homicide can be short and research indicates a set of stages. Prevention of homicide can occur with intervention, however, in this case agencies were unaware of the relationship and the coercive control and abuse.
- 19.61 Professor Jane Monckton Smith's intimate partner homicide timeline<sup>48</sup> identifies eight steps that are present in almost all domestic related homicides. These are shown in the following table using information from this case:

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<sup>46</sup> Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

<sup>47</sup> Section 76, Serious Crime Act 2015

<sup>48</sup> Monckton Smith, J. (2020) Intimate Partner Femicide: Using Foucauldian Analysis to Track and Eight Stage Progression to Homicide Violence Against Women 8 476-494

**INTER PERSONAL HOMICIDE TEMPORAL SEQUENCE**

**(ADAPTED FROM PROFESSOR JANE MONKTON-SMITH)**

<p><b>STAGE ONE: HISTORY OF PERPETRATOR: A HISTORY OF COERCIVE CONTROL, STALKING, INTIMATE PARTNER ABUSE OR VIOLENCE</b></p>	<p>David has a recorded history of coercive control, threats of violence, stalking and targeting of homes and property of previous partners.</p>
<p><b>STAGE TWO: EARLY RELATIONSHIP: A RELATIONSHIP THAT OFTEN BEGINS AND PROGRESSES RAPIDLY</b></p>	<p>David began a clandestine relationship with Rachel whilst he was an inmate at the prison where she was employed. Almost immediately following his release David moved in with Rachel who later left the prison service to become a teacher.</p>
<p><b>STAGE THREE: RELATIONSHIP: A RELATIONSHIP DOMINATED BY CONTROLLING TACTICS AND IPA</b></p>	<p>Rachel reported to colleagues at work that she is having relationship difficulties and that she is unhappy. Other accounts indicated that the couple on occasion separate temporarily from time to time in this period.</p>
<p><b>STAGE FOUR: TRIGGER: AN EVENT THAT SIGNIFICANTLY CHALLENGES CONTROL – THE MOST COMMON BEING SEPARATION</b></p>	<p>In October 2020 the relationship ended. David became aware of Rachel having an unlawful relationship with a child.</p>
<p><b>STAGE FIVE: ESCALATION: AN ESCALATION IN CONTROLLING TACTICS AND NEGATIVE THOUGHTS TO COUNTER THE CHALLENGE AND RESTORE CONTROL.</b></p>	<p>David began a campaign of blackmail taking all of Rachel’s savings, and she was forced to take a loan. She indicated to a friend that David had burgled her house and stolen jewellery and possessions. The burglary was not reported to police. David was now living 150 miles away and was almost immediately aware that the locks had been changed indicating potential covert surveillance/stalking. Of note is that some valuables were not taken in the burglary such as a laptop but a “hard drive” next to the TV was taken.</p>
<p><b>STAGE SIX: HOMICIDAL IDEATION: INCREASING MOVE TOWARDS SEEING HOMICIDE OR HOMICIDE/SUICIDE AS THE ANSWER TO RESOLVING THE ISSUES</b></p>	<p>Evidence was somewhat limited as David’s phone was not accessible to police after arrest and Rachel’s phone was not recovered after David took it from the scene of assault/homicide. It was known that despite evidence that David has taken all of Rachel’s savings he did not withdraw from his abuse and coercive control at this point.</p>
<p><b>STAGE SEVEN: PLANNING; PLANNING FOR THE HOMICIDE – CAN BE INTRICATE OR BROAD PLANS.</b></p>	<p>David purchased covert vehicle tracking devices, lock breaking tool, ammonia, and various DIY tools. Accounts after the homicide indicate that in the days before the homicide, he was asking people to hold the money taken from Rachel for him. A friend of David indicates that she felt that David’s behaviour and demeanour indicated to her that she would not see him again (as he says goodbye to her on the morning he leaves to travel from Scotland to the northeast to perpetrate the homicide).</p>
<p><b>STAGE EIGHT: HOMICIDE – CAN INVOLVE THE PARTNER OR OTHERS, AND THE PERPETRATOR.</b></p>	<p>David travelled 150 miles to Rachel’s house, parked his vehicle away from the property, and scoped the house out prior to committing the assaults/homicide.</p>

19.62 Dr Monkton-Smith identifies that the length of time between stages can vary but typically between stage four and stage eight it is between two to four weeks. In this case we see an escalation from separation to homicide of just 16 days. Intervention during this period can change the course of events, though in this case there was no opportunity to do so as agencies were not aware of the actions of David. There were high levels of exploitative coercive control and threat, stalking, dependency, and entrapment exhibited in these later stages over a relatively short period of time and David is investing significant time into these activities. David’s capability to stalk, threaten and commit harm was extremely high.

19.63 In the 2 weeks prior to the homicide there were suspicions that David may have had the property under surveillance following the friend changing the locks at Rachels house and David texting Rachel to say how would he now get in. There was no physical evidence found

as part of the police investigation to prove this was occurring at this stage though there was evidence that David was active in purchasing vehicle trackers in the days prior to the homicide.

- 19.64 There are a range of relatively inexpensive surveillance devices that can be readily purchased on the internet from UK based companies. These include small vehicle trackers, attached by magnet to a vehicle and operated via a phone application showing location. In addition, there are a range of covert cameras or audio recording devices costing under £200 (which can be reviewed by phone or computer remotely) which are disguised as normal household items such as smoke alarms, radios, clocks, plug adaptors, air fresheners, Bluetooth speakers and usb drives etc.
- 19.65 David's and Rachel's phones were either not recovered or able to be accessed following the homicide so it is not known whether David had placed phone surveillance software covertly onto Rachel's phone which would give a perpetrator access to copies of texts, social media and audio recordings of calls. Again, the cost is typically under £100 for an android application and once installed on the target phone it will continue to operate even if the victim was to change their sim card and number. Companies selling this software devices in the UK cannot now do so via PayPal due to their restriction on surveillance products however companies typically advertise and offer other forms of payment.
- 19.66 Rachel did not access advice services which typically give advice to victims in relation to phone security. Public awareness of the accessibility of surveillance options for stalkers is very low.
- 19.67 The use of information and communication technologies is increasingly receiving focus and whilst they can be an important safety tool for victims, they also provide perpetrators with the ability to coerce and control victims and remove geography from consideration and erode the notion of "safe distance"<sup>49</sup>.
- 19.68 Barriers to reporting can include fear of disclosure, concerns of further harm from the perpetrator and loss of control over what may happen next. This is compounded in Rachel's case with the practical implications of disclosure including the financial and professional impacts.
- 19.69 Rachel was isolated, her relationship with David had been kept away from those that knew her. Moving to a new neighbourhood and the social distancing rules as a consequence of Covid had potentially further facilitated this isolation acting as a barrier to intervention and support from her social and community networks.

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<sup>49</sup> The Use of Information and Communication Technologies to Coerce and Control in Domestic Violence and Following Separation. 2009. MS TAMMY HAND Lecturer, School of Social Work and Social Policy, University of South Australia  
DR DONNA CHUNG Associate Professor, Centre for Safety and Wellbeing, School of Health and Social Studies, University of Warwick, UK  
DR MARGARET PETERS Acting Dean of Research, Division of Education, Arts and Social Sciences, University of South Australia

- 19.70 Research<sup>50</sup> indicates that there are a range of barriers which can impact on a victims ability to disclose abuse and these can be categorised under the three categories of emotional, physical and organisational.
- 19.71 For Rachel emotional barriers such as fear, embarrassment or self-blame may have been factors. The extortion of her savings by David to avoid him reporting her unlawful relationship with the child was obviously significant as reporting of the abuse would have had consequences for Rachel in respect of facing criminal investigation and loss of her job.
- 19.72 In respect of physical barriers David's physical presence may have been less of a factor in the weeks after separation as he was out of Rachels home area, however his contacts and threats asking for money over the weeks prior to the fatal assault led to Rachel acceding to his demands through fear of consequence. David's contact frequency was not known due to the phones not being recovered, however, the transfers of money to David over a 11-day period following a burglary suggest an intensive period of coercion and stalking including him preparing and planning an assault when the money transfers were completed.
- 19.73 Accounts illustrated that Rachel only disclosed parts of this picture to one friend. The friend who changed her locks following the burglary was not aware of the risks of separation and did not know the background of David as an unlawfully at large prisoner with a violent history or the nature of Rachels unlawful relationship with a child. The school colleagues aware of the burglary were told that police were involved and may have presumed Rachel would have identified any risks to her from her ex-partner. The school did not have a domestic abuse policy in relation to staff and whilst welfare support was available a recommendation that schools look to adopt such policies with increased staff knowledge of risks and available support is a recommendation of this report.
- 19.74 Online or telephone safety advice locally or nationally was available, and Rachel could have remained anonymous without disclosing the full picture of her position, however we do not know what awareness she may have had in relation to that type of safety planning support. During the 14-day period prior to the assault Rachel was not in contact with any agencies where concerns or disclosure could have been made.

## 20. Conclusions

- 20.1 The relationship between Rachel and David was unknown to agencies except for indication of a possible relationship known to the prison service after both had left the prison setting.

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<sup>50</sup> Barriers and Facilitators of Disclosing Domestic Violence to the UK Health Service  
Rebecca L. Heron<sup>1,2,3</sup> & Maarten C. Eisma<sup>2</sup> & Kevin Browne<sup>3</sup>  
Journal of Family Violence (2022) 37:533–543  
<https://doi.org/10.1007/s10896-020-00236-3>



- 20.2 There were no prison policies breached in respect of the relationship once Rachel had left the service and David was released.
- 20.3 Intelligence of reported sightings of Rachel and David together by prison staff was reported but not recorded adequately. The prison did not know David was unlawfully at large. In hindsight the intelligence would have been important to share with David's Offender Manager.
- 20.4 The relationship between David and Rachel was not known or reported to Police or other agencies who could have initiated safeguarding of Rachel. No domestic abuse was disclosed or reported which may have triggered agency responses or multi agency safety planning. The pace of David's escalation from coercive abuse and stalking to serious violence following the separation is rapid and occurs over a 2-week period.
- 20.5 David had a significant criminal history. Research indicates that a history of previous criminal activity has been linked to an increased risk of perpetrating domestic abuse of perpetrating domestic abuse<sup>51</sup>. David had a significant history of abuse perpetrated towards previous partners. Whilst he had no allegation or conviction for physical assault in relation to his abuse of previous partners, his propensity for infrequent high levels of violence including to women whether partners or otherwise should have been considered. The required assessment of risk to partners or future partners had not been completed by offender management staff.
- 20.6 It is known that many victims of interpersonal domestic homicide do not experience physical violence prior to the homicide (but high levels of coercive control) and that can also a feature in homicides that feature what is termed as "overkill". The assault leading to the homicide and attempted homicide is characterised by a high level of sustained violence which has characteristics of "overkilling"<sup>52</sup>. His domestic abuse history should have had greater prominence in his records.
- 20.6 Rachel would not have been aware of the detail of David's offending history and would not have had access to his records in the role for the contracted education provider. Her friends knew very little of the relationship and would also have not known the risks David could pose.
- 20.7 Failure to risk assess David accurately throughout prison prevents him from benefitting from accredited programmes to address his violence and there are many missed opportunities to address this. Community Rehabilitation Company overruled prison staff who challenged the assessment outcomes as being too low however there was no exploration of why this had happened.
- 20.8 The Community Rehabilitation Company consistently failed to communicate, manage, and sentence plan David throughout his sentence and fail to plan for his release. There was a lack of professional curiosity and in some cases diligence to check records by their staff. Individual officers then made fundamental errors at David's time of release which made his recall difficult. He was an experienced criminal who could manipulate agencies and there was a naivety in the contact at his initial presentation on release. National Probation Service

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<sup>51</sup> Guedes, A., Bott, S., Garcia-Moreno, C., Colombini, M., 2016. Bridging the gaps: a global review of intersections of violence against women and violence against children. *Global Health Action*, 9(1) cited in The Governments Tackling Domestic Abuse Plan March 2022.

<sup>52</sup>The femicide census defines overkilling as "the use of excessive, gratuitous violence beyond that necessary to cause the victims death" and estimates this in their 2020 report as being evident in at least 45% of femicides.

compound this by a potential missed opportunity to call Police to have David arrested when he attended their offices.

- 20.9 Together these factors militated towards an outcome of David being unlawfully at large for almost 2 years. Despite documented problems acknowledged nationally via Inspection throughout the Probation and Community Rehabilitation Company split from 2014 and the stated pressures on the local service, the management are complicit in these errors and responsibility should not lie solely with individual staff.
- 20.10 The period considered by this review mirrors almost to the day the 2014 Government policy of separating the Probation service into 2 distinct services, with Probation retaining higher risk offenders and creation of Community Rehabilitation Companies to manage lower risk offenders. This created a time of change in service delivery and in some cases standards. The evidence for this is summarised by the Chief Inspector of Probation Services as follows,
- “We carried out inspections during all six years of the Transforming Rehabilitation model, finding it to be fundamentally flawed. Squeezed budgets resulted in falling probation officer numbers, staff under relentless pressure and high caseloads. This inevitably resulted in poorer quality supervision, with over half of the cases we inspected in the private sector CRCs – between 2014 and 2021 – being unsatisfactory in some key aspect of quality”<sup>53</sup>.*
- 20.11 Whilst this review cannot apportion responsibility for all failings to the delivery model in place from 2014 (as evidence in this review highlights that individual decisions and actions of professionals did not follow expectations and policies in place at the time) it has resonance with the review evidence of failings and missed opportunities, and we can speculate that it possibly contributes to an ethos of Community Rehabilitation Company offenders simply being regarded as “low risk” when compared to National Probation Service cases.
- 20.12 David had a complaint upheld by the prison ombudsman about lack of sentence planning and contact with his Offender Manager. His comment of, “left on the shelf”, had some foundation and the decision to refer to an offender violence reduction programme after this was dismissed due again to assessment as “low risk”.
- 20.13 We know that offender risk is dynamic and can change quickly. David had been described as “compliant” in prison since remand in 2013 and subsequent sentence in 2014, however, his earlier serious violent offending and domestic abuse should have been a key consideration throughout his management and identified as a critical risk.
- 20.14 Whilst Probation and Community Rehabilitation Companies have been unified into a single service in 2021, it is perhaps not enough to expect that simply re-integrating two services will on its own reduce risk and it is hoped that the findings of this review and actions identified will lead to implementation of improvement and standards. This is a not insignificant task given the current (at time of writing) backlogs in the Criminal Justice System because of the Covid pandemic.
- 20.15 Upon recall to prison Northumbria Police used a local assessment tool and risk assessed David as “low”. Police consider this should have been medium and arguably this author considers whether that could have indicated high, though it is not known what information the officer completing that at the time had available to them or whether any perception of Community

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<sup>53</sup> Her Majesty’s Inspectorate of Probation Annual Report 2021

Rehabilitation Company rather than National Probation Service managing also subjectively influenced an outcome of “low”. The tool placed a higher scoring weighting onto local priorities of the time (such as burglary) than violence and contributed to the lower than required risk rating of David at that time.

- 20.16 Northumbria Police carried out appropriate checks on an address where David was reportedly living, though frequency was limited. A plan of related enquiries was also evident however not actioned, and this was a failing of basic practice. Individual officer and supervision should have ensured these basic enquiries were completed.
- 20.17 Given the standard recall and “incorrect” risk assessment as low, other options for example to enter the premises in Wallsend were not available to officers.
- 20.18 Recall to prison is a significant issue and, in this case, there was a range of failing and missed opportunity to manage David. We perhaps should also not underestimate that David was a longstanding criminal with a high capability of harm who seemingly could manipulate the “system” and presumably some individuals if he chose to. If the recall had been successful the circumstances of his breach of licence would certainly not have led to David remaining in prison until 2024, however, an opportunity to reassess risk and to add further conditions regarding residence, relationships, and activities would have been possible.

## 21. Lessons to be Learnt

- 21.1 Early learning was identified during this review process via a combination of internal agency reviews and the Further Serious Offence Review and learning and recommendations are already implemented or in the process of being implemented. They are summarised below and shown in the single agency action plan at Appendix 2.
- 21.2 Prison service did not make any recommendations though this review makes a recommendation in relation to recording and consideration of sharing intelligence.
- 21.3 The Probation Individual Management Review reflected the recommendations of the Serious Further Offence Review (SFO). Probation declined locally to share that Review Report with the DHR chair, however, did provide a comprehensive Individual Management Review. The Chair had hoped that release of the SFO review may have negated the requirement for a full Individual Management Review and that its sharing may have reduced the time to complete this review. A recommendation to the Home Office is made in reference to clarity on this in future iteration of DHR statutory guidance.
- 21.4 The SFO had several individual actions to address performance in respect of individual officers and it is not relevant to reproduce those here.
- 21.5 The SFO identified the following areas for improvements as follows:

### **Processes for transferring supervision to a different jurisdiction (specifically to Scotland).**

Staff in Northumbria Community Rehabilitation Company (and following the reorganisation in the North East region of the National Probation Service) should be familiar with the existing protocols for the transfer of supervision.

Managers in the organisations should work with the relevant organisations in Scotland to ensure that transfers are arranged promptly in appropriate cases.

**Provision of Crown Prosecution Service and court documents to Northumbria Community Rehabilitation Company (and following the reorganisation to the North East region of the National Probation Service).**

Probation organisations should receive copies of CPS documents and court papers, including the comments of the sentencing judge, in all cases where probation has a continuing responsibility for the individual.

Sentences should be accurately recorded on the case management systems.

**Protocol for dealing with contact with someone who is Unlawfully At Large.**

Probation staff should be aware what action to take if someone who is unlawfully at large makes contact with a probation office. This action has been escalated to the national service improvement group and we await an outcome.

- 21.6 Northumbria Police have completed several improvement actions in relation to managing the Unlawfully at Large population. Areas of improvement identified for Northumbria police are in relation to “Offenders at Large” or “wanted person” policies, and a review was undertaken following the homicide of Rachel.
- 21.7 Training packages for officers have been introduced in relation to risk management assessments when creating an offender at large to enhance a greater understanding of the whole risk associated to an individual.
- 21.8 The risk matrix used by Northern area command which placed emphasis on domestic violence and burglary offences is no longer used and on receipt of a standard prison recall notification, a response Inspector is required to use the THRIVE model to assess the risk posed by the offender. This is a subjective assessment which looks at the threat, harm and risk posed by the offender remaining at large, the investigative opportunities to locate and arrest the subject, the vulnerability of any potential victims (and the subject) and any engagement opportunities.
- 21.9 The Force lead for wanted persons, (a dedicated Superintendent) now has overall ownership of the wanted process (including prison recalls) and has introduced a process where all HIGH risk wanted persons and all prison recalls, regardless of risk, are highlighted on the Daily Management Meeting document at each area command and brought to the attention of the respective chair (a Superintendent or their actor). Activity to progress arrest enquiries is then coordinated by the chair based on priority. This means that if the same offender was highlighted over an extended period, then that the priority level would be raised. At any time, there are usually around 16 offenders wanted on prison recall (either standard or emergency) by Northumbria Police.
- 21.10 An Inspector in the Harm Reduction Unit at each area command retains overall ownership of standard prison recalls and ensures that activity to locate and arrest is checked and that prison recalls are added to a ‘Wanted database’ that they maintain. The Superintendent holds a bi-monthly meeting with the 3-area command harm reduction leads (Detective Chief Inspectors) where activity to arrest wanted persons (including prison recalls) is discussed.
- 21.11 In summary, the changes to governance that have been made in respect of the procedure around standard prison recalls since David’s arrest have significantly reduced the chance that a person could be wanted on a prison recall for as long as David was, and greatly increased the likelihood that the Daily Management Meeting chair would be made aware of the recall (within 24 hours) and that appropriate action could then be directed by them to have the

subject arrested within a reasonable time. The increased scrutiny provided by harm reduction Inspectors' ownership of prison recalls means that even if the response Inspector who is notified of the recall fails to add it to the Daily Management Meeting report, this would be picked up.

- 21.12 Opportunities to safeguard Rachel were limited with agencies not being aware of the relationship with David. There was however a colleague at the school where she taught that she discussed the burglary incident that occurred in the weeks prior to the homicide. The colleague had asked if she thought the burglary could be connected to David and she had responded that it was possible. This conversation also highlighted that Rachel indicated that she had reported the burglary to police which may have led to the assumption that the police were aware, and therefore not an issue for the school to consider further support. The incident however does highlight an opportunity for the employer to offer advice and support. Schools in the County have awareness of domestic abuse through Operation Encompass whereby police routinely inform schools of domestic abuse incidents where children are present at the address. The initiative then allows the school to monitor and support individual pupils as appropriate. That said schools do not have distinct domestic abuse policies in relation to providing support and guidance to management and staff who identify staff members who may be experiencing or at risk of domestic abuse. It would be an individual decision for each school to adopt such a policy, however the County Council educational safeguarding and strategic domestic abuse leads have indicated a willingness to assist schools in developing such an approach therefore a review recommendation has been made to progress this.

## 22. Review Recommendations - see Action Plan at Appendix 1

### Recommendation 1

That His Majesty's Prison and Probation Service annually audit a sample of risk assessments to provide assurance that where relevant domestic abuse flags are in place and reflected in risk assessment considerations.

### Recommendation 2

That Northumberland Prison ensures that all intelligence and allegations are formally recorded on official systems (including where the prisoner has left the establishment but remains on live licence). A clear decision should be recorded as to whether that intelligence needs to be shared with other agencies for crime prevention or safeguarding purposes.

### Recommendation 3

That Her Majesty's Prison and Probation Service ensure that probation staff should have clear guidance in relation to reporting to police the presence of unlawfully at large individuals on their premises.

### Recommendation 4

That the Safer Northumberland Partnership ensures that the findings of this review are disseminated to support local training and practice improvement.

### Recommendation 5

That the Safer Northumberland Partnership seek the support of the Domestic Abuse Commissioner to highlight to the UK banking industry the importance of reporting unusual banking activity which can be an indicator of domestic and financial abuse.

#### Recommendation 6

That the Northumberland County Council Domestic Abuse Policy to be made available to all schools and education settings, allowing them to either adopt the policy or to integrate the relevant elements into their staff wellbeing policy.

#### Recommendation 7

That the Home Secretary and Justice Minister duly consider the public's concerns in relation to serious crimes committed by prisoners unlawfully at large and maximise opportunities to prevent this before a finite period has elapsed. This is particularly important where previous convictions relate to either violence, domestic violence, or coercive control, and introduction of further legislation, national protocols and operational guidance should be considered.

#### Recommendation 8

That the Home Office in its forthcoming review of DHR statutory guidance gives consideration as to clarification in relation to the sharing of parallel review reports with DHR Chairs to reduce duplication and assist in expediting reviews.