



Independent investigation  
summary and learning report

# Operation Begna

A report summarising the IOPC investigation into the prior contact between Devon and Cornwall Police and Jake Davison, who committed the mass shooting in Plymouth on 12 August 2021

**This summary report reflects the evidence that we obtained during our investigation. We will also be considering any new evidence that came to light during the inquest, to determine whether any further actions need to be taken by the IOPC.**

## > Introduction

Jake Davison was born on 21 August 1998. As a child, he was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and Autism Spectrum Disorder (ASD),<sup>1</sup> and attended a school for children with social, emotional, or developmental difficulties who require additional support in education.

His school records indicate that he was fascinated by firearms and violence, and as a teenager he was reported to the police twice for assaulting two teachers and a fellow pupil. Both incidents were resolved informally by the school.

After leaving school he was named as a possible suspect in another alleged assault, in June 2016, but Devon and Cornwall Police concluded that there was insufficient evidence to support further action.

Mr Davison applied for a shotgun certificate on 12 July 2017. The application was processed by a Firearms Enquiry Officer (FEO)<sup>2</sup> and subsequently approved by a Firearms Licensing Supervisor (FLS)<sup>3</sup> in the Devon and Cornwall Police Firearms and Explosives Licensing Unit (FELU). A certificate was issued to him on 22 January 2018.

On 31 March 2018, Mr Davison purchased a pump action shotgun. This was later identified as the weapon used in the August 2021 shootings.

On 16 September 2020, he assaulted a teenaged boy and girl in a local skate park. The boy was knocked unconscious during the attack, and sustained a head injury which required stitches.

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<sup>1</sup> ADHD and ASD are neurodevelopmental disorders. People with ADHD may have difficulty concentrating, and/or exhibit hyperactive and impulsive behaviour. People with ASD may have an impaired ability to communicate, interact with others or think flexibly (sometimes referred to as the 'triad of impairments'). They may also have sensory issues, intense interests or areas of focus, and/or exhibit repetitive or restrictive behaviour.

<sup>2</sup> FEOs are responsible for conducting case reviews and undertaking enquiries in order to establish whether certificates should be issued. The FEO in this case retired from Devon and Cornwall Police in 2021.

<sup>3</sup> FEOs report directly to an FLS, who in turn reports to the FELU Manager.

Mr Davison was interviewed as a voluntary attender,<sup>4</sup> and explained that he had attacked the children because one of their friends had insulted him.

Mr Davison was not charged with any offence, but was instead dealt with via the Pathfinder scheme, which is a voluntary deferred charge/deferred caution intervention programme intended to reduce the likelihood of reoffending.

On 30 November 2020, Mr Davison's Pathfinder Keyworker notified the FELU that Mr Davison had committed a violent offence, and had autism and anger management issues. He queried whether this information affected Mr Davison's eligibility to hold a shotgun certificate.

On 7 December 2020, the FELU seized Mr Davison's shotgun and certificate. They returned both to him on 9 July 2021, following a case review by the same FEO who processed Mr Davison's application in July 2017.

At 6.09pm on 12 August 2021, Devon and Cornwall Police received the first of several calls alerting them to a series of shootings in Plymouth. Mr Davison shot and killed five people that day, and wounded two others before turning the gun on himself at 6.23pm. He died at the scene.

The five people who died were Maxine Davison (Mr Davison's mother); Lee Martyn and his three-year-old daughter, Sophie; Stephen Washington; and Kate Shepherd. The two people injured were Michelle Parker and her son, Ben Parsonage.

## > **Our investigation**

The IOPC began an independent investigation on 13 August 2021 following a mandatory referral from Devon and Cornwall Police.

Our investigation was completed in March 2022 after which we submitted a full investigation report together with our findings to Devon and Cornwall Police and the Coroner. The documents included our views on whether any of the individuals whose conduct we investigated had a case to answer for misconduct or gross misconduct. We also made a series of recommendations to help improve current firearms licensing arrangements both at a force and national level.

This summary report reflects the evidence that we obtained during our investigation.

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<sup>4</sup> This means that he was not arrested, and was free to leave at any time, but was interviewed under police caution and informed of his rights and entitlements in the same way as if he had been arrested.

We will also be considering any new evidence that came to light during the inquest to determine whether any further actions need to be taken by the IOPC.

## > **Investigation terms of reference**

Our terms of reference were to investigate Mr Davison's possession of a shotgun and shotgun certificate, specifically:

- a) What steps Devon and Cornwall Police took to ascertain that Mr Davison could be permitted to possess a shotgun without danger to the public safety or the peace on receiving his initial application in 2017.
- b) Whether the decision to grant a certificate was reasonable in all the circumstances, took account of all relevant information available to the police at the time, and was compliant with the law, local and national policy, guidance and procedures.
- c) Why the FELU was not immediately made aware when Mr Davison was identified as a suspect in respect of the September 2020 assaults.
- d) The December 2020 decision to confiscate Mr Davison's certificate and shotgun, and whether this decision and the subsequent confiscation were timely.
- e) Why Mr Davison was deemed eligible for the Pathfinder scheme by the police Evidence Review Officer (ERO)<sup>5</sup> and whether this decision was appropriate in the circumstances.
- f) How robust the Pathfinder scheme was and any part it played in assuring Devon and Cornwall Police that Mr Davison could be permitted to safely possess a shotgun.
- g) What steps Devon and Cornwall Police took to ascertain that Mr Davison could be permitted to possess a shotgun without danger to the public safety or to the peace post-confiscation.
- h) Whether the decision to return Mr Davison's shotgun in July 2021 was reasonable, took account of all relevant information available to the police at the time, and was compliant with the law, local and national policy, guidance and procedures.

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<sup>5</sup> An ERO (also known as a Gatekeeper) reviews police investigations in order to determine whether they meet the criteria to be referred to the CPS.

- i) What information was available on social media/open sources about Mr Davison's concerning behaviour/ideology and whether Devon and Cornwall Police ought reasonably to have checked these sources prior to returning his certificate and shotgun.
- j) What steps were taken to secure information from Mr Davison's GP and any other medical or mental health services he may have engaged with prior to the initial grant of his certificate in 2018, and prior to his shotgun being returned in July 2021.<sup>6</sup>
- k) Whether Devon and Cornwall Police firearms licensing processes in place throughout the relevant period were compliant with the law and consistent with national guidance and best practice.

## > **Relevant policies, procedures, reviews and legislation**

### **Reports by other bodies**

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Our investigation considered a 2015 report by Her Majesty's Inspectorate of Constabulary (HMIC<sup>7</sup>) titled '*Targeting the Risk*', and a report issued later the same year by the Law Commission, titled '*Firearms Law – Reforms to Address Pressing Problems*'.

We also considered a peer review of the Devon and Cornwall and Dorset Alliance FELUs, undertaken by Durham Constabulary following the mass shooting.

### **Firearms licensing legislation**

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Our investigation considered the following legislation:

- Sections 2, 21, 26(B)2, 27(1)a, 28(1) and 30 of the Firearms Act 1968.
- The Firearms Rules 1998 (particularly Schedule 2, part 1, which contains the shotgun certificate application form).

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<sup>6</sup> In this summary report, this point is addressed in conjunction with points a, b and g.

<sup>7</sup> Now HMICFRS, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services

- The Explosives Regulations 2014.

## **Guidance**

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Our investigation considered the Home Office Guide on Firearms Licensing Law (henceforth referred to as the Home Office Guide), April 2016<sup>8</sup>, and the College of Policing Authorised Professional Practice (APP) on Firearms Licensing.

Our investigation also considered the National Police Chiefs' Council (NPCC) gravity matrix for charging and out of court disposals, and the Devon and Cornwall Police firearms licensing risk matrix.<sup>9</sup>

## **Statutory guidance on firearms licensing**

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This statutory guidance came into force on 1 November 2021, and police forces are legally required to have regard to it when making firearms licensing decisions.

Among other things, from 1 November 2021, a certificate will only be issued once a registered doctor has confirmed whether the applicant has any relevant medical history, including mental health issues, neurological conditions or substance abuse.

The guidance also states that additional, non-routine checks should take place if these are considered necessary to fully assess an applicant's suitability. These may include (but are not limited to) checks with other health professionals, social services, probation services or multi-agency groups; social media checks; interviews with individuals other than the applicant and their referee(s); background checks on partners or others who have unsupervised access to the applicant's address; and - where there is an indication of domestic abuse – a confidential interview with the applicant's current partner or a family member.

## **Devon and Cornwall Police firearms licensing policy**

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The firearms licensing policy in place at that time stated that responsibility for firearms licensing rested with the Chief Constable, but was delegated to the Head of Alliance Operations, the FELU

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<sup>8</sup> Following the publication of statutory guidance on firearms licensing in November 2021, a revised version of this Home Office Guide was issued in December 2021.

<sup>9</sup> This matrix allocates scores for various individual risk factors, which are then used to calculate an overall rating. A score of 12 or above would be considered high risk.

Manager, the Deputy Chief Constable, Assistant Chief Constables, and Chief Superintendents and Superintendents for Operations.

It stated that all firearms licensing matters would be dealt with in accordance with the Firearms Acts, the Home Office Guide, the Firearms Security Handbook,<sup>10</sup> and the College of Policing APP for Firearms Licensing.

It stated that firearms licensing legislation was not prescriptive, and that the Chief Constable would make decisions relating to firearms licensing matters by assessing each case on its merits and particular circumstances.

It stated that Devon and Cornwall Police would review and assess all situations where certificate holders came to the attention of the police and, where their behaviour or offences indicated a concern for public safety and/or for the peace, revocation of their certificate(s) would be considered.

It stated that officers should check whether an individual was a certificate holder on the Police National Computer (PNC) and, if they came into contact with a certificate holder whom they believed to be suffering from mental health issues, or who had been involved in any incident of violence, drug or alcohol abuse, or any other incident of a nature where public safety is considered to be at risk, should seize that person's firearm(s), ammunition and certificate.

It stated that officers should pay particular attention to incidents involving domestic violence or abuse, regardless of whether firearms were involved.

It stated that in such cases, an incident report should be emailed to the FELU.

It stated that Devon and Cornwall Police used the National Firearms Licensing Management System (NFLMS) for the management of firearms and explosive licensing information.

## **Devon and Cornwall Police guidance for officers on dealing with certificate holders who have come to the attention of the police**

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This guidance stated:

*'Where there has been an incident of violence, drug or alcohol abuse or any other incident of a nature where public safety is considered to be at risk, officers should ensure that they seize the firearm, the certificate and any ammunition. The offence committed does not need to involve the use or threatened use of any firearm by the certificate holder.'*

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<sup>10</sup> This handbook provides advice and guidance on the secure storage of firearms.

It stated that such incidents included domestic incidents, offences relating to violence, alcohol or drug abuse, suicidal tendencies, mental health issues, other medical reasons, or any other concerns for public safety or for the peace, including intelligence that could be verified. It stated that, if there was any concern for safety whatsoever, including self-harm, then officers must seize all firearms and certificates possessed or stored at the location.

## > Analysis of the evidence

### **What steps Devon and Cornwall Police took in 2017 to ascertain that Mr Davison could be permitted to possess a shotgun without danger to the public safety or the peace**

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Under the Firearms Act 1968, a shotgun certificate shall be issued if:

- The applicant has never been sentenced to a prison term of three or more years; and has not been sentenced to a prison term of more than three months or been subject to a secure training order or detention and training order within the last five years.
- The application is supported by a referee of good character who has known the applicant personally for at least two years; and
- The Chief Constable (or a person authorised to act on their behalf) is satisfied that the applicant has a good reason for acquiring a shotgun, and would not pose a danger to public safety or to the peace.

The Home Office Guide that was in place at that time<sup>11</sup> set out the minimum checks that should be conducted in order to ascertain that an applicant would not pose a danger to public safety or to the peace.

It stated that the police should contact the named referee either by telephone, email or in person, depending on the level of risk, and should interview the applicant at home and check their security arrangements.

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<sup>11</sup> As outlined previously, a revised version of the Home Office Guide was issued in December 2021, supplemented by statutory guidance.



It stated that, if the applicant has declared a mental or nervous disorder, their GP should be asked in writing to provide factual details about the condition.

It stated that background checks should be conducted on local and national systems and, if there is any indication of domestic abuse, consideration should be given to interviewing family, friends or associates of the applicant.

In this case, Mr Davison had no prior convictions or cautions. In his application form, he disclosed that he had '*Asperger's/Autism*'.

The reason he gave for wanting a shotgun was that he had a keen interest in sporting guns and target shooting, and wished to take up the hobby of clay shooting. This would fall into the category of '*sporting or competition purposes*', which the Act states is one acceptable reason for having a shotgun.

He named one of his former teachers<sup>12</sup> as a referee.

The FEO who dealt with the application completed a detailed report (known as a Form 51) of the enquiries he had undertaken.

He recorded in the Form 51 that he had contacted Mr Davison's former teacher by phone, and had discussed Mr Davison's behaviour and attitude at school, his interest in guns (which she regarded as a '*healthy focus*'), and his '*very positive*' relationship with his mother. She did not express any concerns about the application. When spoken to by the IOPC, she confirmed that the summary of the call in the FEO's report was accurate.

The FEO also researched Mr Davison on PNC, UNIFI (a police intelligence and crime recording system) and STORM,<sup>13</sup> and conducted background checks on his mother and uncle.<sup>14</sup> He included the outcome of these checks in his Form 51, but did not undertake any further enquiries in relation to the two violent incidents that occurred when Mr Davison was in school, nor in relation to the alleged assault in 2016.

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<sup>12</sup> In her statement to the IOPC, this teacher stated that she had no contact with Mr Davison between 2014 (when he left school), and asking her to be his referee in 2017. She said that she visited him and his mother at home, at which time he seemed fit and healthy, and told her that he was working as an apprentice scaffolder. She stated that his mother was fully supportive of the application.

<sup>13</sup> STORM (System for Tasking and Operational Resource Management) is used to log calls and incidents, allocate the appropriate level of response, and manage live incidents.

<sup>14</sup> In the Form 51, the FEO recorded that Mr Davison's uncle had shot clays with him in the past, and had offered to store the gun at his house until Mr Davison had passed his driving test. It is not clear whether this arrangement was honoured initially, but the evidence indicates that at some stage, Mr Davison started keeping the gun at his house instead.

A letter was sent to Mr Davison's GP on 13 July 2017, requesting factual details of his medical history. His GP responded declining to provide this information, on the grounds that it was not within his expertise to provide an opinion on behavioural and personality disorders.<sup>15</sup> No further medical checks were undertaken.

On 11 October 2017 the FEO visited Mr Davison at home, interviewed him and checked his security arrangements.

In his Form 51, he provided information about Mr Davison's demeanour, living arrangements, physical and mental health, lifestyle, current occupation and future career plans, and security arrangements.

While there was no requirement in law for the FEO to test or verify the reason Mr Davison gave for wanting a shotgun, he nonetheless recorded following the home visit that Mr Davison said he had joined the British Association for Shooting and Conservation (BASC), had previously shot clays, and had received lessons at Newnham Park shooting ground.

He also recorded in his Form 51 that Mr Davison had said he had visited his GP in order to discuss the application. He recorded that Mr Davison had said his GP was '*fully supportive*' and had no concerns.<sup>16</sup>

While some witnesses stated after the 2021 shootings that Mr Davison was abusive towards his mother, our investigation did not identify any recorded domestic incidents between Mr Davison and his mother within the records held by the police.<sup>17</sup> As such, we took the view that there would have been no procedural requirement for the FEO to interview any of Mr Davison's acquaintances or family members. Nonetheless, he recorded in his Form 51 that he had spoken to Mr Davison's mother and uncle, who supported the application.

He recorded in the Form 51 that he had considered the firearms licensing risk matrix, and considered the threat to the public or to the peace to be '*very low*'.

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<sup>15</sup> Online guidance issued by the British Medical Association (BMA) states that this is one of several acceptable responses to a letter from the police seeking an opinion on a firearms certificate application.

<sup>16</sup> The IOPC obtained Mr Davison's GP records. An entry dated 23 July 2017 reads, '*Seen in GP's surgery... explained that I do not feel able to decide about fitness to hold shotgun licence. On balance I think he is but I do not feel it should be my decision.*'

<sup>17</sup> In his account to the IOPC, Mr Davison's father stated that he warned Devon and Cornwall Police that Mr Davison had a volatile relationship with his mother and a lack of empathy, concern for or understanding of other people. We attempted to locate a record of this call, without success. Devon and Cornwall Police confirmed that, if Mr Davison's father had called Charles Cross Police Station directly, then his call would not have been automatically logged.

With regard to this risk assessment: the firearms licensing risk matrix does not specify that offences committed by minors and/or in the non-recent past should be scored any differently. Therefore, based on the information that was known to Devon and Cornwall Police at that time, Mr Davison should have been graded as high risk due to the school assaults.

The guidance in place at that time stated that high risk applications should either be refused, or referred to a Chief Officer (or someone authorised to make decisions on their behalf).

Moreover, while the evidence indicates that the minimum checks specified in the Home Office Guide were undertaken, Devon and Cornwall Police were not in possession of additional information from a variety of sources which may have had a bearing on the decision to grant Mr Davison's application.

In particular, records showed that Mr Davison's school had long-standing concerns about his sexualised behaviour, his intense interest in violence and firearms, and the apparent pleasure he derived from seeing others in pain or distress. These concerns led to him being referred to Child and Adolescent Mental Health Services (CAMHS) in 2011, and the school requested a re-referral in 2013, although this request was rejected.

While Mr Davison's GP did not raise any concerns about the shotgun certificate application, he had access to potentially relevant information, including a copy of a Common Assessment Framework (CAF) form completed by Mr Davison's school in March 2011, a Children's Day Programme assessment report, a letter from the Neurodevelopmental Pathway<sup>18</sup> Clinical Team to Mr Davison's school dated 23 May 2013, and (potentially) Livewell Southwest<sup>19</sup> records, all of which referenced Mr Davison's behavioural issues and obsession with firearms.

Finally, in 2016, Careers South West (CSW) Group<sup>20</sup> sought advice from Prevent<sup>21</sup> after Mr Davison's mother raised concerns about his growing isolation and links with other gun enthusiasts. However, they did not identify Mr Davison by name or provide any identifying details; and Prevent ultimately decided not to refer this matter to Devon and Cornwall Police, as Mr Davison had shown no intent to cause harm, and there was no evidence that he was being exploited.

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<sup>18</sup> The Neurodevelopmental Pathway is a specialist service for the assessment of neurodevelopmental conditions such as ASD and ADHD.

<sup>19</sup> Livewell Southwest is a not-for-profit organisation which provides integrated health and social care services, including social work, community mental health services, and services for children, young people and people with learning disabilities.

<sup>20</sup> CSW Group is a not-for-profit organisation which provides various services designed to encourage, enable or assist young people in effectively participating in education or training.

<sup>21</sup> Prevent is a government-led, multi-agency programme which aims to stop vulnerable people being radicalised or encouraged to commit criminal acts.

In his account to the IOPC, the FEO explained that he had never received any formal training in how to perform his role. He stated that a more experienced colleague trained and mentored him initially, in an unofficial capacity (this was confirmed by the colleague in question, and by the FLS to whom the FEO reported). He stated that he did the same for his colleague's replacement after she left.

He further stated that he did not have a first-line supervisor when he first joined the department, and initially the FELU Manager acted as their supervisor, manager and *"all-encompassing boss... all our work went through the admin office, ultimately to her"*.

He stated that he had received no training on autism, but had researched it in the course of dealing with Mr Davison's application.

He stated that Mr Davison's former teacher did not mention his violent outbursts while at school. He stated that the school was a recognised investigative body in relation to this type of incident, and had already imposed sanctions, and it was decided at the time that further police action would not be appropriate. He stated that, as the offences were relatively minor and committed at such a young age, they did not cause him any undue concern and he would not have been expected to contact the school to discuss them.

He stated that no suspect was formally identified in the 2016 assault, and Mr Davison was not interviewed at the time. He stated that he believed he would have had no legal grounds to question Mr Davison about it, given that the interview was not being tape recorded and Mr Davison had no solicitor.

He stated that it was very common for GPs to decline to comment on an application,<sup>22</sup> so the response from Mr Davison's GP did not give him any particular cause for concern.

He stated that he did not conduct any follow-up enquiries with the GP because he *"didn't want to be influenced by anybody in a positive or negative way... I wanted to have him in front of me and to see what I'd got... If I had a guy that wasn't looking at me, was a bit nervous or I felt didn't really understand the importance of, of how he must behave being a, er, being a certificate holder, then I, then I would've gone further"*.

He stated that Mr Davison appeared honest and trustworthy, and he had no concerns following the home visit, so did not consider it necessary to conduct any further enquiries with his GP.

He acknowledged that the application should have been treated as high risk due to the school assaults. However, he stated that the firearms risk matrix was *"a guide for starters... once you've*

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<sup>22</sup> The FELU Manager and FLS corroborated this aspect of his account.

*got that score, you say, you ask yourself... what the mitigating factors were. There were several there. One is [he committed the assaults] when he was twelve and thirteen and there's been a long period of time... and they were relatively minor offences, otherwise they wouldn't have been dealt with by apology letters so the, there was massive mitigations there. So you know, I had no hesitation in, in, in giving it a, a low risk assessment... there's nothing on PNC... No cautions, nothing... that's really an important part of it".*

He stated that he had never actually been taught how to use the firearms risk matrix. He stated that it just *"appeared on my desk, and I've looked at it and gone... OK, so this is what we use as a guide. And it is, it is a guide and, and it can always be mitigated or go up or down, yeah... I'm sure somewhere there it mentions mitigation<sup>23</sup>... you must always look at mitigating factors, if there are any there, or anything that takes it back up... It has to be a sliding scale"*.

He stated that the vast majority of certificate holders were law-abiding people, who wanted a firearm for a legitimate reason, *"so... if you spent time doubting th- things that they say, particularly to do with medical, then you'd never get anything done... It's a case of, majority of [the] time you accept what they say"*.

He stated that he was happy with the information he had gathered from Mr Davison and his mother, but in light of Mr Davison's autism, he decided to submit a Form 51 alongside the usual application paperwork.

He stated that he took this precautionary step because he had never dealt with a case in which autism was a factor, and his role was simply to make recommendations, so he wanted to ensure the application was quality assured by a supervisor or manager.

It should be noted that the peer review undertaken by Durham Constabulary found that FEOs in Devon and Cornwall Police appeared to have a generally poor understanding of (or unduly high tolerance for) risk; coupled with *'a general cultural approach of giving the benefit of doubt or ruling in favour of the certificate holder or applicant... [and] a complacent approach to identified issues'*.

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<sup>23</sup> Mitigation is mentioned once in the risk matrix. Specifically, the matrix states that on renewal of a certificate, medium or high risk applicants should be downgraded to low if there have been no further incidents during the lifetime of the current certificate. However, the Home Office Guide stated that, when assessing the overall risk posed by an applicant, the police should take into account how recent any incidents are, and whether they should be treated as an isolated incident or part of an ongoing pattern.

The review found numerous examples of ‘*questionable*’ decisions, including other high risk cases which in their view had been wrongly assessed as low risk by FEOs.

Finally, the review concluded that FEO training at the relevant time was inadequate, and that the mentoring system carried inherent limitations and risk, and ‘*could lead to a general culture of “group think”, with a layering of ingrained working practices*’.

Moreover, while the Home Office Guide specified the minimum level of checks that should be conducted when assessing an application, it was not prescriptive regarding the action that should be taken in less straightforward cases (for example, where there is some history of violent behaviour,<sup>24</sup> or where the applicant discloses a relevant medical condition).

This is understandable, because every case is different, and the appropriate response will depend on the nature and level of the risk that is identified. However, the Guide was ambiguous as to whether *any* further enquiries were expected to take place where certain additional risk factors may be present.

For example, the Guide stated that even a series of criminal convictions may not be sufficient grounds to reject an application if they are ‘*well in the past*’.

Similarly, it stated that even where the applicant has disclosed a relevant medical condition, a GP does not necessarily need to provide further details before a certificate can be issued. It did not offer any clarity as to when it *would* be proportionate to seek further medical information; so, even in this case, where Mr Davison’s medical condition impacted on his behaviour and development to the extent that he was deemed unable to cope in a mainstream school, there was a level of ambiguity as to whether further enquiries should reasonably have been undertaken.

## Outcomes

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During the investigation, we notified the FEO in writing that he was being investigated for potential gross misconduct. At the end of the investigation, the IOPC determined that the FEO had no case to answer for misconduct or gross misconduct in respect of the allegation that he failed to correctly risk assess Mr Davison’s shotgun certificate application, and failed to ensure that he was fit to possess a shotgun.

This decision took into account the following factors:

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<sup>24</sup> With the exception of cases where there is any indication of domestic abuse, in which case the guidance sets out clearly what additional enquiries should be undertaken.

- At that time, there was a lack of local or national guidance on when it may be appropriate to seek further medical evidence in relation to certain conditions (particularly autism). This put police officers and staff in an unfair position, since they are not medically qualified, and would struggle to gauge when a particular medical condition is of such concern that further details are required - particularly when many GPs feel unqualified to comment on such matters.
- Mr Davison was never formally questioned about the 2016 assault. The official position seems to have been that he was never seriously considered as a suspect. The FEO had little choice but to accept this. However, the possibility that Mr Davison was involved, coupled with the known assaults in school, did raise questions about his propensity for violence. It would have been good practice in the circumstances for the FEO to have asked more probing questions of Mr Davison's former teacher, members of his family and Mr Davison himself about both the school assaults, and how his autism actually affected him, including what specific difficulties caused him to need additional support in school.
- Some aspects of the FEO's account to the IOPC suggest that this failure to ask certain relevant questions arose from an overreliance on gut instinct; and a tendency to take applicants and their family members at their word.
- In the FEO's mitigation, he clearly spent some time assessing the application (even if his efforts could have been better directed). For example, as well as interviewing both Mr Davison and his former teacher at length, he spoke to Mr Davison's mother and uncle even though there was no requirement to do so, and completed a detailed Form 51 in addition to the standard paperwork.
- He had been performing the FEO role for just over a year by this point, during which time he was effectively without a first-line supervisor. He had received no formal training on the FEO role, the firearms risk matrix or investigative interviewing, and had no Professionalising Investigations Programme (PIP) qualifications.
- The FEO's mentor also had no formal training on either the FEO or mentoring roles, and workloads were high (the FEO recalled walking into the office on his first shift to find her in tears due to the workload).
- The Durham Constabulary peer review also raised concerns about the inadequacy and pitfalls of the training provided to FEOs at that time, the lack of quality assurance of decisions, and their concerns regarding an apparent departmental culture of '*giving the*

*benefit of doubt or ruling in favour of the certificate holder or applicant... [and] complacent approach to identified issues, suggesting unacceptable risk is either unduly tolerated or that risk itself is misunderstood'.*

- The FLS who approved the application (who was more senior, knowledgeable and experienced than the FEO, and was responsible for quality assurance and setting standards within the department) did not raise any concerns about the sufficiency of the FEO's investigation or rationale, and was content to sign off the application on the basis of the evidence that had been obtained. The IOPC took the view that, as a relatively inexperienced member of the team, the FEO was entitled to rely upon his judgement.

In the circumstances, the IOPC took the view that in this instance, the identified shortcomings in the FEO's performance could be ascribed to a lack of training, knowledge, experience, supervisory support and adequate quality assurance processes, rather than insufficient diligence. Devon and Cornwall Police agreed with our determinations.

### **Whether the decision to grant a certificate was reasonable in all the circumstances, took account of all relevant information, and complied with the law, local and national policy, guidance and procedures**

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The Home Office Guide that was in place at that time stated that any relevant information about the applicant (including neurological conditions, although ASD is not specified), may be taken into account when deciding whether to grant a certificate.

It stated that other factors to be considered included evidence of aggressive or anti-social behaviour, or '*disturbing and unusual behaviour of a kind which gives rise to well-founded fears about the future misuse of firearms*'. It stated that a pattern of abuse should generally be regarded as more serious than a single incident, although isolated incidents should not be disregarded.

It stated that in each case, the police must analyse how recent the incident was and whether it was an isolated incident or part of an ongoing pattern; and should conduct an assessment of future risk, based on all the evidence.

It stated that, if there is any evidence of violence or medical unsuitability, then the application should be treated as high risk and assessed by a suitably senior officer or staff member, such as the FELU Manager (as a minimum).

However, Mr Davison's application was assessed as very low risk, and was approved by an FLS.



In his account to the IOPC, the FLS stated that most of his experience was gained through on-the-job training, although he had also received training on firearms licensing and the National Decision Model (NDM).<sup>25</sup>

He stated that it would not have been standard procedure to contact Mr Davison's school in relation to the assaults.

He stated that he believed the FEO had satisfactorily addressed Mr Davison's autism in his report, as the FEO had recorded that Mr Davison had visited his GP in order to discuss the application, and that his GP had been fully supportive and had no concerns.

He stated that it was not standard working practice at that time to make general follow up enquiries with GPs, and it was fairly common practice for GPs to issue a standard reply to the effect that they were not qualified to provide information.

He stated that Mr Davison's GP did not alert them to any specific concerns, and it *'would not have been practical to check all the applicant's statements made in respect of truthfulness regarding medical information... where a GP/GP Practice declined to engage in the process'*.

He stated that the available information appeared to justify the risk assessment.

## Outcomes

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During the investigation, we notified the FLS in writing that he was being investigated for potential gross misconduct. At the end of the investigation, the IOPC determined that the FLS had a case to answer for misconduct (but not gross misconduct) in respect of the allegation that he failed to ensure that Mr Davison's shotgun certificate application was correctly risk assessed; and failed to ensure that Mr Davison could be permitted to possess a shotgun without danger to public safety or the peace.

This decision took into account the following factors:

- The FLS failed to identify that, according to the firearms licensing risk matrix, Mr Davison's application should have been graded as high risk. Moreover, in his response to the IOPC, he reiterated his belief that the low risk assessment was justified.

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<sup>25</sup> Police officers and staff are encouraged to use the NDM when making and reviewing decisions, and structuring rationales. In short, the NDM states that all police decisions should take into account the known information and intelligence, threat and risk, applicable powers and policy, options and contingencies, and the Police Code of Ethics.

- He failed to identify that there were gaps in the information the FEO had obtained, specifically in relation to how Mr Davison's autism actually affected him (something which neither he nor the FEO were qualified to assess), and in relation to the school assaults. Without this information, we took the view that it was not possible to objectively assess whether Mr Davison could possess a shotgun without posing a danger to the public safety or the peace.
- The FLS role profile indicates that the FLS was responsible for quality assuring the application process, and for ensuring that FEOs complied with relevant policies and procedures. The role required him to have '*excellent*' knowledge of firearms legislation and force procedures, and he had received training in firearms licensing and the NDM.
- We considered whether the conduct met the threshold to be treated as gross misconduct. We were mindful that an ill-judged decision to grant a certificate always has the potential to result in serious harm; and in this case, there was a history of violent behaviour coupled with a relevant medical condition, about which very little was known. However, at that time there was not a great deal of other evidence to suggest that the adult Mr Davison posed any immediate threat. He had no convictions or cautions, and was in paid employment. While his GP patient did have access to potentially relevant information from other agencies dating back to Mr Davison's childhood, at that time Mr Davison had not raised any serious physical or mental health issues directly with his GP. His various interactions with the police suggest that he was able to present a convincing and personable façade when necessary, and if questioned about his conduct in school, he may well have exhibited the same remorse and seeming self-awareness that he did following the September 2020 assaults. While we cannot know exactly what factors ultimately led him to commit the shooting, there was evidence that his emotional and mental health deteriorated significantly in the years after the shotgun certificate was granted. The FLS had no knowledge of the subsequent suitability review (conducted in July 2021) which might have detected some of these issues.

This decision was not intended in any way to minimise the tragic impact of the events of 12 August 2021, and the grief and distress of those who have lost loved ones, or who themselves suffered injuries during the incident. However, based on the evidence outlined above, including the additional relevant context provided by the Durham Constabulary peer review, we took the view that many of the failings identified were a product of the systems, processes and departmental culture in place at the time.

Devon and Cornwall Police agreed with our determinations, and the FLS subsequently received a written warning in respect of these matters at a misconduct meeting arranged by the force.

## **The decision to confiscate Mr Davison's certificate and shotgun in December 2020, and whether this decision and the subsequent confiscation were timely (including why the September 2020 assaults were not brought to the attention of the FELU sooner)**

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The Home Office Guide that was in place at that time stated that forces must have appropriate measures in place to monitor any activity by certificate holders which comes to the attention of police, to enable continuous assessment of their suitability to possess firearms or shotguns.

It stressed that chief officers must act robustly, specifically in response to domestic incidents and violence, to avoid preventable harm.

The Devon and Cornwall Police Firearms Licensing Policy states that officers should check whether an individual is a certificate holder on PNC, and if they come into contact with a certificate holder whom they believe to be suffering from mental health issues, or who has been involved in any incident of violence, drug or alcohol abuse, or any other incident of a nature where public safety is considered to be at risk, they should seize that person's firearm(s), ammunition and certificate and submit an incident report to the FELU.

The peer review undertaken by Durham Constabulary highlighted that there was no automated system for flagging intelligence on certificate holders to the FELU; rather, the FELU was reliant on others being aware of the requirement to notify them, and remembering to do it. The review identified other cases where this had not happened.

In his response to the IOPC, the officer appointed to investigate the September 2020 assaults (known as the Officer in the Case, or OIC) explained that he accessed several police systems, including UNIFI and PNC, but could not recall seeing a firearms certificate marker. He stated that he may not have realised at the time that the letters 'FC' signified a firearms certificate.

He highlighted that the link to the firearms policy on the Devon and Cornwall Police intranet site did not work, and that the policy itself did not state where on PNC the marker would appear, nor what it looked like. He stated that this had also not been covered in any of the training he had received.

Force records showed that the OIC did attend a three-day training course on PNC in May 2014, which covered firearms certificates and the FC marker. However, it was not clear from the evidence whether this course also covered the requirement to notify the FELU of any incidents involving certificate holders.

On 30 November 2020 (four days after the decision was made to deal with the offence under the Pathfinder scheme), Mr Davison's Pathfinder Keyworker notified the FELU of the offence, and queried whether this, in conjunction with Mr Davison's autism and anger management issues, had any bearing on his suitability to hold a shotgun certificate.

On 7 December 2020, the same FEO who originally dealt with Mr Davison's application in 2017 attended his address and seized his shotgun and certificate.

## Outcomes

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During the investigation, we notified the OIC in writing that he was being investigated for potential gross misconduct. At the end of the investigation, the IOPC determined that the OIC had no case to answer for misconduct or gross misconduct in respect of the allegation that he failed to notify the FELU of Mr Davison's involvement in a violent offence, and/or failed to take any steps to seize his shotgun, certificate or ammunition.

This decision took into account the following factors:

- There was evidence that the OIC did research Mr Davison on UNIFI and PNC. While there was a flag on Mr Davison's address indicating that he held a certificate, there was no nominal marker on UNIFI identifying him as a shotgun or certificate holder.
- While the OIC was incorrect in his recollection that the FC marker was not covered in his training, this training took place over six years before the September 2020 assaults, and we saw no evidence of it being repeated or otherwise reinforced since. It was also not clear from the evidence whether this training covered the requirement to notify the FELU (it may have only covered the location of the PNC marker).
- The OIC stated that there was no guidance for officers on checking for FC markers, and that the link to the firearms policy on the force intranet was inactive, and the email address for the FELU in the associated guidance was out of date. He also highlighted a query by another officer on SharePoint, which suggested that other officers may not have been checking for an FC marker as a matter of course.
- The peer review by Durham Constabulary identified other instances where relevant information had not been passed to the FELU, suggesting that such information sharing was *'idiosyncratic rather than systematic'*.

- The above evidence suggests that this may have been a systemic, rather than an individual failing.
- It was clear from the evidence that the OIC had reflected on the incident at length and had learned from it.

Separate to the above considerations, we took the view that the tragic events of 12 August 2021 would not have been averted if Mr Davison's shotgun and certificate had been seized sooner, since they were later returned to him in any case.

In the circumstances, we concluded that it would be more proportionate to address these matters via a combination of individual and organisational learning. Devon and Cornwall Police agreed with our determinations.

## **Why Mr Davison was deemed eligible for the Pathfinder scheme, and whether this decision was appropriate in the circumstances**

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Because Mr Davison admitted to the September 2020 assaults, the only appropriate options available to Devon and Cornwall Police were an out of court disposal, or a CPS referral. The case file was passed to an ERO, whose role would have been to determine which option was more appropriate in the circumstances.

The incident was originally recorded as an offence of assault occasioning grievous bodily harm (GBH), which – according to the gravity matrix for charging and out of court disposals – would not be eligible for an out of court disposal.

However, the gravity matrix states that ERO decisions should be based on CPS charging standards, rather than on the Home Office crime recording standard. In other words, decisions will be based on the disposal offence (which reflects all of the available evidence and the facts that can be proved) rather than the offence that was recorded at the outset.

In this case, the ERO downgraded this offence to assault by beating on the grounds that the victim's injury required '*superficial stitches*'.

Nonetheless, if Mr Davison had been convicted of this offence, it may have informed the review of his continued suitability to hold a shotgun certificate. It is therefore relevant to explore whether the decision to refer Mr Davison to the Pathfinder scheme was reasonable and appropriate in the circumstances.

Offenders will be eligible to take part in the Pathfinder scheme if they are aged 18 or over, reside in Devon or Cornwall, have committed an eligible offence<sup>26</sup> in that area, have no recent offending history,<sup>27</sup> and admit to the offence and agree to participate in the scheme.

On 22 June 2020, a Devon and Cornwall Police ACC instructed all officers and staff to consider a deferred charge as the primary option in all eligible cases, in an effort to alleviate the backlog of cases that had built up due to the pandemic.

The OIC who investigated the September 2020 assaults explained that he initially prepared a file for review by the CPS, but the ERO ultimately decided that the matter should be dealt with via the Pathfinder scheme.

On 26 November 2020, the ERO recorded that she considered it appropriate for Mr Davison to be dealt with via Pathfinder for the following reasons:

- He had no previous convictions or cautions, and the disposal offence met the eligibility criteria;
- He had handed himself in, fully admitted the offence, acknowledged that his behaviour was wrong, and expressed remorse;
- He showed commitment to attending the interview *'by walking some distance to the police station as he was concerned the bus would make him late'*;
- His vulnerabilities were a further mitigating factor;
- The likely outcome was a conditional discharge, *'unless the courts take a harsh view that the victims were juveniles'*;
- She believed that the scheme would help Mr Davison to manage his behaviour, thus safeguarding the public; and
- The Pathfinder team had confirmed that they had capacity to take the case on.

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<sup>26</sup> Eligible offences include common assault, assault by beating and ABH, but not GBH.

<sup>27</sup> Specifically, an offender will not be eligible if they have a current community rehabilitation order, or are serving a court sentence or have been released from prison on licence, or are under investigation for a different offence, or are the subject of a Domestic Violence Prevention Notice or Order (or if they have previously been dealt with under the scheme).

In her account to the IOPC, the ERO stated that she had little recollection of the case beyond what she had recorded at the time. She stated that she considered assault by beating to be the most appropriate disposal offence, as she believed the points to prove were made out. She stated that she also took into account the fact that the victims were not known to the suspect, so the risk of further harm to them was low.

## **Outcomes**

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Following our investigation, we highlighted to Devon and Cornwall Police that the ERO appeared to have misapplied the CPS Charging Standard when she downgraded the offence to assault by beating.

The CPS Charging Standard states that a charge of assault by beating will be appropriate in cases involving grazes, scratches, minor bruising and/or superficial cuts; however, ABH may be more appropriate for cuts requiring stitches, injuries that cause the victim to lose consciousness, injuries requiring medical treatment; and/or in cases involving repeated assaults, punching (as opposed to pushing or slapping); or where the victim is vulnerable or intimidated according to the Youth Justice and Criminal Evidence Act 1999. In this case, all of these conditions were met.

We suggested that a supervisor bring the above matters to the ERO's attention, to enable her to reflect on her decision-making.

## **How robust the Pathfinder scheme was, and any part it played in assuring Devon and Cornwall Police that Mr Davison could be permitted to safely possess a shotgun**

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The Pathfinder scheme is designed to allow offenders to make amends, while simultaneously addressing any underlying needs or issues they may have, with a view to reducing the likelihood of future offending.

The IOPC obtained an account from the Acting Pathfinder Manager, who explained that the Pathfinder Keyworker will assess the offender and draw up a bespoke contract, which may (in addition to making reparations) include conditions intended to prevent future offending.

She stated that the Keyworker will monitor the offender's progress and compliance with the contract, and will usually meet with them at least three times, although during the pandemic contact was reduced to a minimum of two face-to-face meetings, supplemented by virtual or phone contact.

The evidence indicates that Mr Davison engaged with the process, and agreed to pay compensation to the victims and to complete courses on thinking skills and anger management.

Mr Davison provided positive feedback on the experience, saying that it had taught him to think about the consequences of his actions and had significantly reduced the risk of him reoffending.

Our investigation did not identify any evidence that Mr Davison displayed any attitudes or behaviour of concern while participating in the scheme, or otherwise gave any indication that he posed a heightened risk to the public.

Mr Davison's Pathfinder Keyworker subsequently informed the FEO via email that Mr Davison had engaged well with the scheme, and had completed his contract. He confirmed that he had no ongoing concerns.

In his account to the IOPC, the FEO stated that in light of Mr Davison's compliance with the Pathfinder scheme, and as the Pathfinder Keyworker had not raised any concerns, having completed all the relevant checks and collated all required information, he revised his risk assessment from medium to low. The next section will examine the FEO's case review in further detail.

## Outcomes

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Our investigation did not identify any concerns in relation to the Pathfinder Keyworker's conduct or performance.

### **What steps Devon and Cornwall Police took to ascertain that Mr Davison could be permitted to possess a shotgun without danger to the public safety or to the peace following the September 2020 assaults**

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The IOPC obtained an account from the Superintendent who was head of the Firearms, Dog and Drone departments and the Force Support Group in both Devon and Cornwall and Dorset Police.

This Superintendent stated that a case review following an alleged crime '*would require a full review of the recorded crime... together with the review of any new intelligence... Any parties involved in a crime would ordinarily be spoken to by the FEO... An FEO is required to use an enquiring and investigative mindset... the FEO needs to be satisfied that they have all information and intelligence that is proportionate and relevant to the case and available to them, prior to deciding on an outcome*'.



CCTV footage of the September 2020 assaults shows that Mr Davison had to climb a steep and high embankment in order to reach the group of teenagers. He first approached the boy who had insulted him (who ran away) and then punched the male victim approximately nine times to the face or head. He then reached out in an apparent attempt to grab another boy who had tried to intervene, and finally struck the female victim to the face with sufficient force to rock her head backwards.

The footage shows that the whole incident (from the insult to the assault against the female victim) lasted approximately 33 seconds. The male victim later stated that he had been knocked unconscious during the attack. He sustained swelling and bruising to the left side of his face, and a five centimetre cut above his left eye, which required stitches.

In interview, Mr Davison explained that he decided to attack the male victim because "*in my mind it was, like, guilty by association*", even though the victim had not done anything to provoke him. He confirmed that he left the scene without checking on the male victim or calling an ambulance.

In summary, the evidence indicates that this was a sustained, deliberate, forceful and essentially unprovoked attack (in the sense that Mr Davison knew the two victims had done nothing wrong), during which Mr Davison showed no concern for the welfare of the victims, either at the time or afterwards.

According to both the Home Office Guide and the firearms licensing risk matrix, Mr Davison should have been treated as high risk following this incident, and his certificate should either have been revoked, or considered by a Chief Officer (or someone authorised to make decisions on their behalf).

However, in his case review report dated 1 July 2021, the FEO assessed the risk to Mr Davison, his family and the public as low. He recorded his rationale as follows:

*'[Mr Davison] expressed regret at his actions and fully understood that as a certificate holder he must have a high degree of personal discipline and responsibility.*

*He fully understands that if he allows himself to be drawn into a similar situation then it is likely that his certificate may be revoked.*

*He found the Pathfinder scheme to be a positive experience and has taught him the importance of self-discipline...*

*I am happy that the situation was dealt with by referring [Mr Davison] to the Pathfinder scheme and that it has had a positive effect on [him].'*

He recommended that Mr Davison's shotgun and certificate be returned, along with a warning letter *'reinforcing the expectations of our certificate holders and with a likelihood of revocation should a similar incident occur'*.

In his account to the IOPC, the FEO stated that he believed the assaults had been fully investigated. He stated that he had no concerns about the decision to deal with the matter via Pathfinder, so saw no reason to seek further information from the OIC.

He stated that Mr Davison's mother was not present when he seized the shotgun, and the background checks he conducted did not identify any domestic issues. He stated that if there had been, he would certainly have spoken to her.

He stated that Mr Davison's GP had not raised any concerns since the certificate was issued,<sup>28</sup> so he did not consider it necessary to contact him. He added that Mr Davison told him he had not seen his GP for years.<sup>29</sup>

He explained that some time had passed since the assaults, *"and I felt that my role now was to move forward and speak and get in touch with the keyworker... rather than go backwards and speak to the OIC"*.

He stated that he did not feel the need to review the CCTV footage, because he was happy with the ERO's decision and rationale. He stated:

*"I just felt no need to do that, you know, and I, I don't think I'd have been expected to do that... what I'm expected to do is, is to familiarise myself with the investigation text... look at the [ERO's] decision... and the [ERO's] decision was, was very clear."*

He acknowledged that, when scored against the firearms risk matrix, the case would be high risk. However, he stated:

*"So the way I think about it is this: my starting point is high risk [due to the violent offence]. Has there any, been any mitigating factors to bring it down from high to medium? And there has been."*

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<sup>28</sup> Devon and Cornwall Police notified Mr Davison's GP surgery that Mr Davison had applied for a shotgun certificate, and asked them to place a firearms marker on his patient record. However, when spoken to by the IOPC, Mr Davison's GP explained that he decided not to add this marker until they had received confirmation that a certificate had been granted, to ensure that no potentially misleading information was included on Mr Davison's record. He stated that they were not informed at any point that the certificate had been granted.

<sup>29</sup> At the time the FEO spoke to Mr Davison (on 1 July 2021) this was technically true. However, GP records show that Mr Davison was growing increasingly concerned about his loss of libido, which he attributed to a six-to-eight week course of injectable steroids he had taken about a year ago, and contacted his GP to request blood tests days after speaking with the FEO.

*One: er, there's now been two and a half months since that offence to now. Two: he's not come into contact with the police for anything else since that time, and three, the biggest one: he's been in possession of his gun for all that period of time until now.<sup>30</sup> So I was happy to mitigate the high risk down to medium risk [when seizing the gun]... So when it came to my case review, my starting point then was medium risk, so I asked myself the questions: has there anything occurred to raise this back up to high risk? The answer's no. Has anything occurred to mitigate it from medium to low? Yes. What is it? He's completed his Pathfinder contract and I've received a positive email from, er, the Keyworker, saying that he's adhered to all his requirements, and the words from the Keyworker if I'm not mistaken, the last words were, "I have no concerns", so therefore that mitigates it down to low."*

Again, when this decision was made, Devon and Cornwall Police did not have access to information from a variety of sources which may have had a bearing on the decision not to revoke Mr Davison's certificate.

In particular, Mr Davison's GP would (if asked) have been able to access Livewell Southwest records, which showed that Mr Davison's mother had raised concerns in May 2021 about the deterioration of his mental health during lockdown, and his self-harm and body image issues.

Mr Davison's GP also became aware in July 2021 (this was after the FEO spoke with Mr Davison, but before he decided to return Mr Davison's firearms and certificate) that he had taken illegal steroids the year before, and had then self-medicated with Cabergoline<sup>31</sup> in an attempt to treat his raised prolactin<sup>32</sup> levels and consequent gynaecomastia (swelling of male breast tissue).

The Home Office Guide that was in place at that time stated that, if a certificate is granted, the police will ask the certificate holder's GP to place an encoded reminder on their patient record, so that the GP knows to notify the police if there are any concerns about the holder's medical fitness.

It stated that GPs have a duty to disclose information if they believe the patient may pose a risk of death or serious harm to themselves or others.

However, a Memorandum of Understanding drawn up between the British Medical Association (BMA), the NPCC and the Home Office in July 2019 acknowledged that the GP flagging

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<sup>30</sup> The peer review undertaken by Durham Constabulary noted that there appeared to be a perception among FEOs that risk was diminished if guns were not used during an incident, as this was cited as a factor in decisions '*numerous times, with no appreciation of how incidents escalate, nor case law*'.

<sup>31</sup> It is of note that Cabergoline withdrawal symptoms include anxiety, panic attacks, dysphoria, depression, agitation, irritability and suicidal ideation. It is not possible to say whether this was a contributory factor in the shooting, although it should be noted that Mr Davison tried unsuccessfully to obtain more Cabergoline from his GP ten days beforehand.

<sup>32</sup> Prolactin is a naturally occurring substance in the body which stimulates milk production in breast-feeding women.

mechanism is not a monitoring system, and *'neither is any assurance provided as to its effectiveness ... In the absence of a GP system adapted to provide the necessary push notifications, the flagging system cannot be relied upon as providing a dependable alert'*.

In this case, the GP surgery did not place a firearms marker on Mr Davison's patient record after Devon and Cornwall Police wrote to them on 13 July 2017, notifying them that he had applied for a certificate.

Mr Davison's GP stated that he considered doing so, but decided not to until they had received confirmation that a certificate had been granted, to ensure that no potentially misleading information was included on Mr Davison's record (i.e. in the event that the application was refused). He stated that they were not informed at any point that Mr Davison had been issued a shotgun certificate.

In addition to the above medical information, a number of family members and acquaintances may have been in a position to provide further relevant information about Mr Davison's mental state and increasingly concerning behaviour, including his online research into building guns and bombs, his abuse of steroids and prescription medication, his increasingly aggressive behaviour towards his mother, and his threats to shoot people who angered him (including his father, and the teenagers at the skate park).

## Outcomes

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The IOPC determined that, were he still serving, the FEO would have had a case to answer for misconduct (but not gross misconduct) in respect of the allegation that he failed to make adequate enquiries as part of his case review, and failed to correctly risk assess Mr Davison.

This decision took into account the following factors:

- Mr Davison's expressions of remorse and his engagement with the Pathfinder process were certainly relevant. However, given that the whole object of the case review was to ascertain whether his certificate should be revoked because of the assaults, it was reasonable to expect the FEO to have also examined the evidence pertaining to the assaults.
- The CCTV footage in particular was significant, as it showed that the assault was not simply a knee-jerk reaction; rather, Mr Davison struggled up a high and steep embankment in order to reach the group, and punched the male victim (whom he knew to be entirely blameless) numerous times to the face while he was in a vulnerable seated position, posing no threat or resistance, and then left him unconscious on the ground. We

took the view that it was hard to argue, having seen this footage, that anyone who reacts in this way to such a trivial event can possess a gun without danger to the public or to the peace.

- As the FEO dealt with Mr Davison's application in 2017, he should have been aware that this was the third (at least) in a series of assaults, this time committed when Mr Davison was an adult. Clearly, this cast doubt on the FEO's original assessment that Mr Davison's violent behaviour in school had been resolved through a combination of informal action and greater maturity.
- According to both the firearms risk matrix and the Home Office Guide, the case should have been treated as high risk because Mr Davison had assaulted two people - in addition to the three people he assaulted while in school. Moreover, the two victims in this case were children, whereas he was an adult.
- We took the view that the FEO's approach to assessing risk was overly simplistic and focused on too narrow a time period, rather than considering the entire background and circumstances. He was too trusting, and heavily biased in favour of Mr Davison. This bias was particularly evident in his case review report, which devoted just two brief paragraphs to the assault (including two factual errors), and did not include any information about the nature/severity of the assault or the injuries, and did not mention that Mr Davison knew the victims had played no part in the verbal abuse. In comparison, seven paragraphs were devoted to Mr Davison's engagement with Pathfinder and expressions of remorse. The FEO appeared to believe that the Pathfinder scheme was capable of mitigating the risk back down to low, almost as though the assaults had not taken place. He did not appear to consider the possibility that Mr Davison may have curbed his behaviour and engaged with the scheme only because he wanted to avoid court and have his gun back, rather than because he had successfully reinvented himself in the space of a few months.
- It appears that the FEO failed to fully appreciate that the ERO was making a different decision to him, utilising a different gravity matrix, and taking into account different factors and risks. As far as the ERO was concerned, the foreseeable risks of a poor decision were all relatively low: the victims might complain, or Mr Davison might not comply with the Pathfinder scheme, or (at worst) he might lash out again if he found himself in a similar situation in future. As the tragic events of 12 August 2021 have shown, a poor decision by an FEO has the potential to result in a fatality.

- Overall, the FEO's case review and risk assessment were insufficiently rigorous, robust or objective, and were not proportionate to the degree of threat, risk and harm involved in allowing an unsafe person to possess a shotgun.
- To a degree, the mitigating factors outlined previously also apply here, and we saw no evidence which might support a finding that the FEO's alleged failings were malicious or knowingly negligent. It appears that he was simply poor at assessing risk, identifying areas of concern and appropriate lines of enquiry, and objectively assessing the facts. However, we took the view that no specialist knowledge or experience was required to recognise that the new assaults indicated that Mr Davison had a propensity for violence and was quick to anger. A common-sense approach to risk should have identified that this was not a low risk case. We took the view that these matters were so serious, and the decision-making so flawed and unreasonable, that even taking into account the mitigating factors, a reasonable tribunal could find misconduct.

Devon and Cornwall Police agreed with our determinations. However, because the FEO is no longer employed by Devon and Cornwall Police, no disciplinary proceedings could follow.

### **Whether the decision to return Mr Davison's shotgun in July 2021 was reasonable, took account of all relevant information available to the police at the time, and complied with the law, local and national policy, guidance and procedures**

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The Home Office Guide that was in place at that time stated that high risk cases, including cases where there is evidence of violence or medical unsuitability, and cases where a decision is made not to revoke a certificate following an incident during the certificate's lifetime, must be decided by the FELU Manager as a minimum.

This did not happen here. While the FEO was under the impression that his recommendation would be quality assured by a supervisor or manager, it was instead simply forwarded to the administrative team, who treated it as a decision.

As the FLS explained in his account to the IOPC, once an FEO was deemed competent to perform the role to the required standard, they would be authorised to submit low risk applications and renewals directly to the administrative team, who would then process them accordingly.

## Outcomes

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In essence, no 'decision' was made in this case, as the FEO was wrongly under the impression that he was only making a recommendation, which would be signed off by someone more senior.

The question of whether the FEO's recommendation was reasonable has been addressed in the preceding section. As such, there are no outcomes for this section.

### **What information was available on open sources about Mr Davison's concerning behaviour and ideology, and whether Devon and Cornwall Police ought reasonably to have checked these sources prior to returning his certificate and shotgun**

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There is evidence that Mr Davison posted prolifically on Reddit<sup>33</sup> (under an anonymised username) about incels and incel ideology. However, he did not express any wish to harm anyone, and often supported people who wished to distance themselves from the incel community.

He also discussed his poor mental health, disillusionment with life and relationships, and dislike of his mother on Reddit and YouTube.

In the weeks leading up to the shooting, he posted three videos on YouTube in which he voiced beliefs commonly held by the incel community (although he also stated that he did not '*clarify*' [sic] himself as an incel).

Again, he did not mention any intent to harm anyone else in these videos. It seems the closest he came was in a video filmed in April 2021, when he appeared to identify with incel spree killers. However, he did not post this video on YouTube and it is not clear whether he uploaded it elsewhere.

It is possible that Mr Davison may have started planning the shooting during his final days, as he searched online for information about anti-terror policing in the UK, incel serial killers, and instructions on reloading firearms. However, despite engaging in a fairly heated argument on Reddit days beforehand, he did not mention any plans or issue any direct threats online.

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<sup>33</sup> Reddit is a social networking and news site where users can post on a wide variety of forums dedicated to specific topics or themes.

While the statutory guidance on firearms licensing includes limited advice on conducting social media checks, the guidance and policies in place at the time of the shooting did not mention this as a possible line of enquiry.

## Outcomes

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While the information Mr Davison shared online is concerning in hindsight, he did not make any overt threats to harm anybody. The guidance in place at that time also did not stipulate that online checks should be conducted. In the circumstances, our investigation did not identify any individual misconduct or poor performance in relation to this aspect.

## Whether Devon and Cornwall Police firearms licensing processes in place at that time were compliant with the law and consistent with national guidance and best practice

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The College of Policing APP states that, when making any decisions about firearms licensing, police forces must ensure that *'the highest level of scrutiny and investigation is applied should any risks to public safety and/or any breaches of the Firearms Act 1968 be identified, especially those that are avoidable or foreseeable'*.

FELU role profiles indicate that, at the relevant time, Supervisors on the administrative team were responsible for reviewing and quality assuring applications, including all applications where concerns had been raised.

As outlined previously, prior to 12 August 2021, FEOs in Devon and Cornwall Police were authorised to make decisions on low risk cases.

Both the FELU Manager and the Superintendent who was head of the department at that time stated that the FLS would have been responsible for dip sampling and reviewing one in five low risk applications.

However, the FLS stated that he only dip-sampled renewal decisions. He stated that low risk applications would only be included in the sample if a staff member had processed fewer than four renewals in a given period.

As such, the evidence suggests that there may have been periods when large numbers of applications assessed as low risk were being dealt with by FEOs, without any quality assurance processes in place.



The peer review undertaken by Durham Constabulary found that the FELU prioritised managing backlogs over quality assurance, or identifying or managing risks. The review found '*numerous examples of questionable decisions*', and no evidence of any auditing or dip sampling of decisions at any level.

In particular, the review identified '*a general cultural approach of giving the benefit of doubt or ruling in favour of the certificate holder or applicant...[and] a complacent approach to identified issues, suggesting unacceptable risk is either unduly tolerated or that risk itself is misunderstood*'.

The review found numerous cases where risks were identified but not subsequently managed or mitigated; and decisions which failed to recognise the gravity of certain incidents or risks.

The review further noted that, while the words '*threat, harm and risk*' and '*NDM*' often featured in decisions, '*serious questions exist as to how well these terms are properly understood by staff, often with the ultimate outcome (e.g. the decision to grant, revoke or refuse) being flawed*'.

The review also found numerous examples of FEOs making decisions on cases which (according to the Home Office Guide) should have been treated as high risk, and reviewed by a senior delegate of the Chief Constable.

The College of Policing APP states that the Chief Constable is ultimately responsible for firearms licensing decisions, but in order to fulfil their responsibilities, they may appoint a senior officer or staff member to oversee the management of the FELU (although doing so '*does not remove or reduce the chief officer's ultimate responsibility and accountability for firearms licensing*').

Devon and Cornwall Police Firearms Licensing Policy states that responsibility for firearms licensing is delegated to the Head of Alliance Operations, the FELU Manager, Deputy Chief Constable, Assistant Chief Constables, and Chief Superintendents and Superintendents for Operations.

However, the review undertaken by Durham Constabulary found that the FELU appeared to be operating '*largely within a vacuum of strategic leadership*'.

The review highlighted that, with the exception of the FELU Manager, only one other person in the department could name their current Superintendent; and that staff (including the Deputy Manager) reported that they had not received any direction, input, or visible leadership from anyone of Superintendent rank or above.

The FELU Manager herself could not recall when she last had a one-to-one meeting with her direct supervisor prior to the shootings, and stated that these meetings tended to consist of her updating her supervisor as to what was going on, with '*no probing or intrusive accountability*'.

She further stated that Operations Command Senior Management Team (SMT) meetings invariably ran over their allotted time and, when time was tight, firearms licensing was the first agenda item to be omitted. The Deputy Manager independently corroborated her account.

The College of Policing APP states that the Chief Constable, or a member of their team with delegated authority, should hold regular governance meetings to discuss and assess the overall performance of the FELU.

In her account to the IOPC, the FELU Manager referenced various daily, weekly and monthly meetings at which matters such as performance, workloads, training and risks were discussed.

However, the review by Durham Constabulary found that the weekly departmental meetings chaired by this Manager tended to focus on backlogs, resource gaps and process times, rather than on substantive risk assessment and management.

The FEO who assessed Mr Davison's initial application for a certificate and conducted his case review stated that departmental meetings took place '*every couple of months*', at which they would discuss matters such as changes in national policy. He stated that the FELU Manager would regularly emphasise the importance of the NDM, but that they would not discuss individual cases or points of learning at these meetings.

The College of Policing APP states that police forces should monitor certificate holders and ensure that all relevant incidents, information and intelligence are available for continuous assessment, using automated IT systems where possible.

In relation to this point, the review by Durham Constabulary found that Devon and Cornwall Police use UNIFI to monitor certificate holders, which staff felt was inferior to Niche (an alternative system used by Dorset Police). The review also raised concerns about the lack of any automated system for alerting the FELU to intelligence on certificate holders.

In this case, this led to a delay in the FELU becoming aware of the September 2020 assaults, and the review identified that this was not an isolated occurrence. The FELU Manager also told the review team that poor IT systems were her single biggest risk, and that she had flagged this to senior officers and recorded it on the risk register.

The College of Policing APP states that all staff involved in firearms licensing must be trained to understand and apply the NDM.

The FELU Manager, the head of Department and an Inspector who was seconded to the department to assist with the investigations and reviews following the August 2021 shootings all provided accounts of the training that is, was, and should be available to FEOs.

However, the FEO stated that he did not receive any training when he started his role in 2015, and that the majority of his learning had taken place '*on the job*'. This was confirmed by his mentor, and training records show that the only firearms-related training the FEO completed was a firearms safety course in March 2015.

Although the Designated Authority form signed by the Chief Constable on 21 March 2017 stated that FEOs were required to complete an interview skills course, it does not appear that the FEO ever completed this training, and he stated that he had received no training in investigative interviewing throughout his policing career.

The review undertaken by Durham Constabulary found that none of the 17 FEOs had completed all of the training and Continuing Professional Development (CPD) inputs listed in the FEO role profile, and two had received no training for the role at all beyond making weapons safe.

As outlined previously, the poor quality of the decisions, rationales and risk assessments in this case (and the many other cases identified by Durham Constabulary) may indicate that FEOs had not been receiving adequate training to enable them to perform the role effectively.

## **Outcomes**

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In September 2022, the IOPC began an investigation into Devon and Cornwall Police for potential breaches of health and safety legislation in the running of its Firearms and Explosives Licensing Unit prior to the mass shooting. This further, separate investigation follows consideration of the evidence gathered in the first investigation, including that outlined above, and specialist legal advice. Our criminal investigation is examining whether the Office of the Chief Constable of Devon and Cornwall Police, as corporation sole, may have committed any offences contrary to the Health and Safety at Work etc. Act 1974. The police force, the Police and Crime Commissioner, the Coroner and families were advised of our decision. Our investigation remains ongoing.

As stated previously, we will also be considering any new evidence that has come to light during the inquest to determine whether any further actions need to be taken by the IOPC.

## > Organisational Learning

### **IOPC power to issue learning recommendations**

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During IOPC investigations, we seek to identify and develop learning recommendations to improve policing practice and to avoid similar issues occurring in future; for example, through updating policies and procedures, further training, or changing ways of working.

Under the Police Reform Act 2002, the IOPC may issue two types of learning recommendations, either to the police or other national bodies.

**Section 10(1)(e) recommendations** can be made at any stage of the investigation, and the recipient is not required to provide a formal response to the IOPC.

**Paragraph 28A recommendations** must be made at the end of an IOPC investigation and the issue subject to learning must have come to light as a result of the investigation. The recipient is required to formally respond to the IOPC. Recommendations are published on the IOPC website, along with the response.

### **Identified organisational learning recommendations under Paragraph 28A of Schedule 3 to the Police Reform Act 2002**

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We have sent the following provisional recommendations to the Home Office and are consulting with them regarding these matters.

1. **The IOPC recommends that the Home Office amends the Statutory Guidance for Chief Officers of Police on Firearms Licensing to set out clearly when further checks (beyond the minimum) are expected to take place when assessing an application for a firearm or shotgun certificate. This could include cases where there has been any prior police involvement due to alleged violent behaviour by the applicant, and cases where a relevant medical condition has been disclosed.**
2. **The IOPC recommends that the Home Office adds Autism Spectrum Disorder (ASD) to the list of relevant medical conditions in the Statutory Guidance for Chief Officers of Police on Firearms Licensing.**

3. The IOPC recommends that legislation and national guidance are amended to remove any distinction between the processes and requirements in relation to shotgun and firearms certificate holders.
4. The IOPC recommends that the Statutory Guidance for Chief Officers of Police on Firearms Licensing is amended to include further requirements for suitable referees. Specifically, it is recommended that the guidance is changed to require that referees must have recent knowledge of the applicant (e.g., within the last 12 months), and reasonably in-depth knowledge of the applicant's character, circumstances, temperament, and overall fitness to be entrusted with a firearm.
5. The IOPC recommends that the Statutory Guidance on Firearms Licensing is amended to specify that, whenever a certificate holder is involved in a violent offence, other adults who live with the certificate holder should be questioned privately about their relationship with the certificate holder and any domestic issues or other concerns they may have, including any recent changes in the certificate holder's mental health or life circumstances.
6. The IOPC recommends that the Statutory Guidance on Firearms Licensing is amended to require that open-source research is conducted for all applications, with more intrusive checks for high risk applicants.

### **Organisational learning recommendations issued to Devon and Cornwall Police under Paragraph 28A of Schedule 3 to the Police Reform Act 2002**

In making recommendations to the force in 2022, the IOPC sought to avoid duplicating learning already raised by Durham Constabulary in their peer review. The IOPC therefore made five learning recommendations:

1. The IOPC recommends that Devon and Cornwall Police amends UNIFI to enable markers for both shotgun and firearms certificates to be added to individual nominals as well as to addresses.
2. The IOPC recommends that Devon and Cornwall Police puts in place measures to ensure it is able to monitor certificate holders to ensure that all relevant incidents, information and intelligence are available for continuous assessment of a person's suitability to possess firearms, in line with Authorised Professional Practice (APP) on Firearms Licensing.

- 3. The IOPC recommends that Devon and Cornwall Police dip samples and reviews a substantial proportion of licensing decisions made by Firearms Enquiry Officers (FEOs) prior to their individual completion of FEO role-specific training.**
- 4. The IOPC recommends that Devon and Cornwall Police issues a further communication to all force Evidence Review Officers (EROs), to the effect that decisions must be made on a case-by-case basis, giving full and appropriate consideration to all aggravating and mitigating factors. EROs should be reminded that a case involving a shotgun or firearm certificate holder may not be suitable for Pathfinder, even if the eligibility criteria are met.**
- 5. The IOPC recommends that Devon and Cornwall Police ensures that there is a clear and shared understanding of governance, structures and working practices in the Firearms and Explosives Licensing Unit (FELU).**

Devon and Cornwall Police responded confirming that all five recommendations had been implemented, or were in the process of being implemented. They further confirmed that they were taking steps to implement the recommendations made by Durham Constabulary following their peer review.

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