

Review of the Independent Investigation into Derbyshire Constabulary contact with Rachael and Auden Slack, and Andrew Cairns, prior to their deaths

Independent Investigation Review
Final Report

IPCC Reference: 2010/010331

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Introduction

1. On 2 June 2010, Rachael Slack, her two year old son Auden Slack and her ex-partner, Andrew Cairns were found at Rachael and Auden Slack's address, 1 Well Yard, Belper, in Derbyshire, all having sustained fatal stab wounds.
2. The subsequent police investigation established that Rachael and Auden Slack had been stabbed to death by Andrew Cairns, and he had killed himself.
3. That same day the IPCC received a referral from Derbyshire Constabulary, having identified a number of instances of police contact with both Rachael and Auden Slack, and Andrew Cairns, in the days leading up to their deaths. The IPCC launched an independent investigation, with Matthew Ridley as lead investigator, based at the Coalville IPCC Office, with two deputy senior investigators documented as being involved, Mairi Spiby and Neil Lester, and Amerdeep Somal appointed as the Commissioner.
4. The IPCC produced the investigation final report in September 2010, which was provided to the bereaved families, the force and the coroner. The final report investigation findings summarised were that there were no indications any officers had breached the standards of professional behaviour, no indications of poor performance and that Derbyshire Constabulary officers acted correctly in their police contact with Rachael and Auden Slack, and Andrew Cairns.
5. The IPCC report highlighted two areas in relation to the police actions. The report noted that PC Penny Fisher had been incorrect in attempting to issue a harassment warning to Andrew Cairns following a report to police made by Rachael Slack that he had made threats towards her, had been bombarding her with telephone calls and that she feared for the safety of herself and Auden Slack. The report also noted that the force did not refer a potential child protection issue to the local health care trust in relation to

- Auden Slack following a report of a domestic incident by Rachael Slack.
6. In response to the report, Derbyshire Constabulary acknowledged both failings and outlined positive actions they had taken to address the areas for development.
 7. Her Majesty's Coroner for Derbyshire, Dr Robert Hunter, held the inquest into the deaths of Rachael and Auden Slack, and Andrew Cairns in mid 2013. The inquest was held before a jury. The findings of the inquest concluded that Derbyshire Constabulary failings contributed more than minimally to the deaths.
 8. The IPCC independent investigation has been subject to review in light of the findings at inquest.

Terms of reference for review

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9. The terms of reference were to undertake a review of the independent investigation into the deaths of Rachael and Auden Slack, in light of the inquest findings that police failings more than minimally contributed to the deaths, by:
 - a) Reviewing the set-up and structure of the investigation and any limitations of the evidence gathering process.
 - b) Examining the underlying evidence gathered during the course of the investigation in order to comment on the accuracy of the summary of the evidence in the original report.
 - c) Reviewing the material gained during the inquest process to assess how this impacts on the findings of the original investigation.
 - d) Reassessing the conclusions of the original report in light of all available evidence.
 - e) Identifying what steps the force has taken to help mitigate the likelihood of these circumstances arising again.

- f) Identifying any learning for the IPCC arising out of this review.

These terms of reference were approved by Commissioner Derrick Campbell on 5 December 2013.

Methodology for review

- D4
10. The methodology for the review of the independent investigation was to utilise the used and unused material gathered during the original IPCC investigation. Used material refers to material deemed to be of evidential value and on which a report is based, and unused material refers to all other material gathered or generated during the investigation but deemed not of evidential value. The review was also to utilise all the material provided by the coroner during the inquest proceedings, the HMIC Report on Derbyshire Constabulary's approach to tackling domestic abuse and to liaise with Derbyshire Constabulary regarding the current domestic violence policy and procedures.
 11. The intention was not to approach any officers concerned to provide further accounts as the review was not a re-investigation.
 12. The review was to assess the evidence against the inquest verdict and the recommendations subsequently made by the coroner.

Background

13. The background information in this section was based on material gathered during the IPCC independent investigation and material provided by the coroner.
- D14 14. Rachael Slack and Andrew Cairns were ex-partners, having met and commenced a relationship whilst both working in Spain.
15. Rachael Slack returned to the United Kingdom (UK) in 2007, settling back in her original home area of Derbyshire, and Andrew Cairns followed her.
16. Andrew Cairns was documented as having experienced mental health

17. problems prior to returning to the UK and, once back in the UK, his condition was noted to be worsening and resulted in admissions to local Mental Health units, as well as the provision of out-patient services. Andrew Cairns' engagement with out-patient services was inconsistent and declined over time.
18. On 15 July 2008, their son Auden Slack was born.
19. Rachael Slack and Andrew Cairns' relationship ended in 2008, shortly after Auden Slack's birth.
20. Rachael Slack took steps to ensure contact was maintained to encourage Andrew Cairns' involvement in Auden Slack's life. Rachael Slack would allow Andrew Cairns to have access to Auden Slack, but not on his own as she did not trust Andrew Cairns to be alone with him.
21. Rachael Slack was documented as remaining supportive of Andrew Cairns, assisting him with household tasks, such as dropping off shopping, and accompanying him to hospital appointments.
- D9 22. In January 2010, Rachael Slack rekindled her relationship with Robert Barlow, whom she had originally had a brief relationship with whilst in her teens. At this time, Rachael and Auden Slack lived at 1 Well Yard, Holbrook, Belper. Andrew Cairns lived alone at 14 Belle Vue Avenue, Marehay, approximately four miles away.
- D14 23. By May 2010, Rachael Slack discovered she was pregnant with Robert Barlow's child, and she had informed Andrew Cairns of her relationship with Robert Barlow and her pregnancy. Rachael Slack reported that Andrew Cairns was open about his disapproval and disgust regarding her new relationship and that she was expecting a baby. She described him as increasingly manipulative and controlling.

Chronological summary of events

24. The chronological summary of events in this section was based on material gathered during the IPCC independent investigation and material

provided by the coroner.

Wednesday 26 May 2010

- D9
D14
25. On Wednesday 26 May 2010, Rachael and Auden Slack spent the day with Andrew Cairns. Rachael Slack ended the day by driving Andrew Cairns to his home address, but on arrival, Andrew Cairns had refused to get out of the car.
- D9
26. Around 5.00pm that day, Rachael Slack drove to Ripley Police Station, where she reported the matter at the station enquiry office. Rachael Slack reported to the police that she believed that the previous night Andrew Cairns had slept rough down by a stream, having written a suicide note as he felt life was no longer worth living and that Andrew Cairns had expressed concerns regarding her new relationship and believed that this would prevent him from having contact with his son. PCs James Shaw and Lee Sadler were deployed to the incident, and attended the station to speak with Rachael Slack. The officers then went out to the car and on speaking to Andrew Cairns, became concerned for his mental state when he refused to get out of the vehicle, broke down and asserted that he was suicidal, but then got out of the car and attempted to walk away from them.
- D9
27. PCs Shaw and Sadler detained Andrew Cairns under Section 136 of the Mental Health Act, and took him to the Radbourne Unit for assessment. The officers spoke with Dr Saladi Sudhakar and Anthony Edwards, explaining what Rachael Slack had reported to them and what had occurred at Ripley Police Station. Dr Sudhakar and Mr Edwards completed an assessment of Andrew Cairns but deemed that he had not reported feeling suicidal, had not reported an intention to harm others and so was not detainable under the Mental Health Act. They reassured the officers that the assessment would be reported to Andrew Cairns' GP and Social Services.
28. Around 6.40pm that evening, PCs Shaw and Sadler took Andrew Cairns to his home address and later telephoned Rachael Slack to update her on what had happened. The police incident log was subsequently closed

once the officers had added the result of the incident.

Thursday 27 May 2010

- D9
D14
29. Around 10.30am on Thursday 27 May 2010, Rachael and Auden Slack were at home when she received a telephone call from Andrew Cairns. In a statement later provided to the police, Rachael Slack reported that he became insulting and she had eventually put the telephone down on him.
- D9
30. Around 11.15am that morning, Rachael Slack received another telephone call from Andrew Cairns stating he was outside her home and requesting she let him in. Rachael Slack let Andrew Cairns in and he informed her that the police had been trying to contact her. Andrew Cairns remained downstairs with Auden Slack, and Rachael Slack went upstairs.
- D9
31. Around 11.35am that day, Rachael Slack rang Derbyshire Constabulary due to Andrew Cairns' claim, and spoke to call handler Carly Dakin. Rachael Slack enquired if the police had been trying to contact her, quoting the incident log number from the previous day and was informed that this was not the case. Rachael Slack advised Carly Dakin that Andrew Cairns was at her home, was manipulative, and that she was "dead worried" as a result of the incident the previous day. She reported that Andrew Cairns was claiming the police said he needed to see Auden Slack that day and that she felt "violated" that he had just turned up at her home. Rachael Slack became upset during the call and informed Carly Dakin that Andrew Cairns was not respecting anything she said and that she did not know what to do. Rachael Slack confirmed he was not being violent and that she did not want the police to attend but would call back if she needed assistance. Carly Dakin re-opened the incident log from the previous day, recorded the details of the call on the incident log in brief, noted that Rachael Slack had declined assistance but sounded upset, and the incident log was subsequently re-closed.
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32. In her statement, Rachael Slack described spending a tense day with Andrew Cairns and Auden Slack. Around 2.15pm that day, Rachael Slack drove Andrew Cairns and her son to drop lunch off to Robert Barlow while

he was working. Robert Barlow later provided a statement to the criminal investigation and described that she seemed preoccupied during that meeting.

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D14

33. Around 3.20pm that day, they went out to Denby Park, where Andrew Cairns played with his son. Whilst at the park, Andrew Cairns tried to encourage Rachael Slack to join in, and when she declined, Andrew Cairns became abusive and threatening, calling her a “fucking bitch” and threatening that she didn’t know what he was capable of, that he would kill her and take Auden Slack. Rachael Slack became upset and Andrew Cairns decided he wanted to go home.

34. Around 4.30pm that day, Rachael Slack took Auden Slack and Andrew Cairns to collect Robert Barlow from work before dropping Andrew Cairns off. Once Andrew Cairns was out of the car, Rachael Slack told Robert Barlow what had happened at the park.

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D14

35. Around 5.10pm that day, Robert Barlow, and Rachael and Auden Slack went to Ripley Police Station to report the incident that afternoon in Denby Park. The previous incident log was re-opened and the details of their attendance were recorded on the incident log.

36. Around 7.20pm that evening, PC Penny Fisher attended the enquiry office at Ripley Police Station, where she spoke with Rachael Slack and Robert Barlow. PC Fisher obtained the details of the incident and outlined to Rachael Slack and Robert Barlow the options of arrest or a harassment warning. Rachael Slack opted for the latter and endorsed PC Fisher’s notebook to that effect. PC Fisher sought advice from PS Muggleton, who instructed she complete checks on the Police National Computer (PNC), the force information and intelligence systems and with the Radbourne Unit, prior to taking this course of action. PC Fisher was informed by a control room operator that Andrew Cairns had no previous convictions. Later PNC checks revealed that Andrew Cairns had previous convictions for deception and shoplifting and the reason for the incorrect results of the check were never established at inquest. PC Fisher found he was not

known on the force databases and was advised by the Radbourne Unit that they could find no record of his attendance the previous day.

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37. At 10.30pm that night, PC Fisher and PC John Lewis attended Andrew Cairns' address but, on arrival, Andrew Cairns refused to accept the harassment warning or to sign to confirm he had received it. Consequently, the officers arrested Andrew Cairns on suspicion of making threats to kill. The officers then took Andrew Cairns to Ripley Custody Suite.
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38. Around 10.45pm, PS Sally Turner accepted Andrew Cairns into custody and completed a risk assessment, during which Andrew Cairns disclosed being prescribed medication for depression, admitted receiving weekly counselling, admitted his assessment at the Radbourne Unit the previous day, but denied any self-injurious or suicidal thoughts or behaviour. PS Turner decided that Andrew Cairns required an assessment by the mental health team to determine his fitness for detention and interview. Nurse Karen Nizzer made checks with the Crisis Team and was advised of the result of the assessment the previous day, that Andrew Cairns was deemed at low risk of self-harm and suicide and was due to see his GP the next day.
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39. That night, PCs Fisher and Lewis attended Rachael Slack's address, where PC Fisher obtained a statement from Rachael Slack regarding Andrew Cairns' actions that morning, the threats he issued at the park and adding that during that evening, prior to his arrest, Andrew Cairns had been bombarding her with telephone calls. A statement was not obtained from Robert Barlow and Rachael Slack's mobile phone was not seized. PC Lewis later submitted an electronic domestic abuse form with details provided by PC Fisher, which assessed the risk of harm posed by Andrew Cairns to Rachael and Auden Slack as high. She was not advised of this by the officers. The inquest identified the form did not record that Auden Slack had been present at the time of the incident and that Andrew Cairns did not have any previous convictions.

Friday 28 May 2010

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40. Around 12.45am that morning, Dr Spicer completed an assessment of Andrew Cairns, having been verbally briefed by Nurse Nizzer. Andrew Cairns again denied any self-injurious or suicidal intentions, and Dr Spicer deemed him fit for detention and interview but recommended he have an appropriate adult. Andrew Cairns remained in custody overnight, being checked by custody staff approximately every 30 minutes.
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41. Around 10.10am that morning, Andrew Cairns was given his prescribed medication and remained in custody awaiting interview.
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42. Around 12.45pm, Andrew Cairns was interviewed by DC Neil Sanders, accompanied by an appointed appropriate adult, and advised by legal representative, Roger Blackburn. During the interview, Andrew Cairns denied issuing threats to kill Rachael Slack and take Auden Slack, and offered a detailed account of the events of the day, which included significantly more detail and places they had been together with Auden Slack, before and after the trip to the park, as well as planned meetings in the future, than had been included in Rachael Slack's statement. Following the interview, DC Sanders discussed the case with the custody sergeant then on duty at the custody suite, PS Toby Fawcett-Greaves. They identified that due to the discrepancies between Andrew Cairns' account and the statement from Rachael Slack, several other lines of enquiry would need to be explored, including telecommunications evidence, further evidence from Rachael Slack, and further evidence from PCs Fisher and Lewis regarding their rationale for arrest. Given these evidential deficits, DC Sanders and PS Fawcett-Greaves assessed that there was insufficient evidence to charge Andrew Cairns and deny him bail, and insufficient time remaining of his 24 hours in custody to gather that further evidence. The officers decided that Andrew Cairns would need to be granted police bail with conditions. DC Sanders contacted Rachael Slack to provide her with an update, inform her of Andrew Cairns' release on bail and the conditions imposed.

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43. At 2.50pm, Andrew Cairns was released from custody with the conditions that he not make any contact with Rachael Slack other than through a solicitor regarding child access. He had spent 16 hours and 44 minutes in custody. A pre-release risk assessment was completed by PS Fawcett-Greaves and Andrew Cairns again denied any self-injurious or suicidal intentions, and he was deemed fit for release.
- D14
44. On release, he advised DC Sanders that he had property to collect from Rachael Slack's address and needed a lift home, so DC Sanders organised transport with himself and a uniformed officer. He re-contacted Rachael Slack regarding the property. Rachael Slack offered to drop it off at Andrew Cairns' home address, which DC Sanders interpreted as indicating Rachael Slack did not fear Andrew Cairns. DC Sanders advised against this and later reported that she had suggested that Robert Barlow could drop it off instead. DC Sanders did not advise Rachael Slack that she and Auden Slack had been assessed as at high risk of harm from Andrew Cairns. When DC Sanders spoke to Rachael Slack about her feelings of safety, he later reported that she had told him she felt safe in her own home, so no security or safeguarding measures were offered to her.
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45. DC Sanders and the uniformed officer transported Andrew Cairns to his home and, on returning to the station, DC Sanders updated the crime report with what had happened.
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D14
46. Around 5.30pm that day, Rachael Slack drove Robert Barlow to Andrew Cairns' address, where Robert Barlow met briefly with Andrew Cairns and handed him the property he wanted. Rachael Slack and Robert Barlow then left.
- D9
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47. Later that afternoon, Andrew Cairns paid a visit to his elderly neighbours, Phyllis Bodycote and her partner. During the course of his visit, Andrew Cairns had caused Phyllis Bodycote concern as he had seemed upset and had made comments about obtaining access to Auden Slack and that he felt like going round to Rachael Slack's address and "grabbing the lad."

Once Andrew Cairns had left their address, Phyllis Bodycote contacted her helpline service via an intercom and on their advice, around 7.05pm that night, she called Derbyshire Constabulary outlining what had happened and mentioning the comments made. The call handler created a new incident log and officers were deployed to attend to complete a 'safe and well' check on Andrew Cairns at his home address.

- D9
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48. Around 9.20pm that night, PS Muggleton and PC Lewis attended the address but found it all in darkness and received no answer at the door. PC Lewis recalled being involved in Andrew Cairns' arrest the previous evening and attending Rachael Slack's home address with PC Fisher to obtain her statement. PC Lewis telephoned Rachael Slack to check on her and Auden Slack's welfare, and to ascertain if Andrew Cairns was at her home. He reported that she stated he was not there and that he advised her to call the police if he attended or made contact. Rachael Slack was not advised that the risk assessment he completed the previous evening had been deemed high and was not advised of Andrew Cairns' comments to Phyllis Bodycote. No officers attended Rachael Slack's home and no officers searched the vicinity of her home to check whether Andrew Cairns was there. The incident log was passed to officers working the nightshift to re-attend Andrew Cairns' address later that night.

Saturday 29 May 2010

- D9
D14
49. Around 1.45am that morning, PS Sarah Smith and PC Daniel Newcombe re-attended Andrew Cairns' address, found the address again in darkness, but on knocking at the door were able to obtain an answer. Andrew Cairns allowed the officers entry to the address and spoke with the officers. The officers later reported that he asserted he suffered from depression, was missing his son but did not have any intention to harm himself. The officers checked the address and reported later that they saw no evidence of any preparations to harm himself. They offered to take him to the Radbourne Unit but he declined and so they left Andrew Cairns' address considering that the welfare check required had been completed. He was

not spoken to regarding his comments that he felt like going to Rachael Slack's home and "grabbing" their son.

- D9 50. Robert Barlow later reported believing Rachael Slack received telephone calls from Andrew Cairns following his release on bail. There are entries in Rachael Slack's diary for the following days which simply record a number and 'missed call' with no further details. However, during this review, it has seemed probable the notes refer to calls from Andrew Cairns.

Sunday 30 May 2010 to Tuesday 1 June 2010

- D9 51. Based on telecommunications data, Andrew Cairns' mobile telephone number was used to place two calls to Rachael Slack's mobile telephone number on Sunday 30 May 2010. His number was used to place two calls to her number on Monday 31 May 2010. Andrew Cairns' mobile telephone number was used to place two calls to Rachael Slack's mobile telephone number on Tuesday 1 June 2010. None of these calls were answered. There is no evidence to suggest any were reported to Derbyshire Constabulary.
- D9 52. Rachael Slack also noted in her diary "I call Andrew" in the section related to Tuesday 1 June 2010, although the notes do not describe the call in any more detail, such as whether he answered or what was discussed. Rachael Slack's mobile telephone number was not used to place a call to Andrew Cairns' mobile telephone on that day.

Wednesday 2 June 2010

- D9
D14 53. Around 9.00am that morning, Andrew Cairns attended his GP's surgery at Ivy Grove, Ripley, for a pre-arranged appointment, where he was later described as having seemed agitated.
54. Rachael and Auden Slack were at home that morning.
55. Prior to 11.00am, it was later ascertained that Andrew Cairns had caught a bus, hitched a lift and walked a short distance to complete the journey

from Ripley to Holbrook.

- D9 56. Around 11.00am that morning, Norma Way, a neighbour of Rachael
D14 Slack's, made a call to Derbyshire Constabulary to report a disturbance at
Rachael Slack's home.
57. Around 11.15am that day, officers attended, forced entry and found
Rachael and Auden Slack, and Andrew Cairns with serious stab wounds.
Rachael Slack and Andrew Cairns were both pronounced dead at the
scene. Auden Slack was rushed to hospital but was also pronounced
dead later that day.
- D14 58. Derbyshire Constabulary launched an investigation into the deaths, and
through this, they established that Andrew Cairns had caused the deaths
of Auden and Rachael Slack, and caused his own death. The force
eliminated the involvement of anyone else.
- D9 59. It was later reported at inquest that Derbyshire Constabulary requested
Greater Manchester Police (GMP) deploy an experienced detective from
their force to pass the death message to the sister of Andrew Cairns, on
behalf of Derbyshire Constabulary as she lived in the Manchester area. It
was reported that GMP passed the death message by telephone instead.

IPCC Independent Investigation in 2010

Referral

- D8 60. At 3.50pm on 2 June 2010, the IPCC received a mandatory referral from
Derbyshire Constabulary in relation to the incident that day, as a death or
serious injury matter.
- D8 61. The IPCC conducted an assessment of the referral and made the decision
to launch an independent investigation. The assessment documentation
outlined that the investigation would need to ascertain whether the
relevant force policies and procedures were adhered to and whether any
omissions or departures from them resulted in failings to protect Rachael

Slack and/or arrest Andrew Cairns.

62. The assessment documentation also identified the call placed to Derbyshire Constabulary around 11.35am on Friday 27 May 2010 as an area for close examination in relation to adherence to force policy, should that policy indicate that proactive steps to tackle domestic violence incidents were required of officers and staff.
63. The recommendation advised that the investigation would need to examine the contact Derbyshire Constabulary had with all parties involved in the case.

Terms of Reference for the Independent Investigation

- D14
64. The terms of reference for the independent investigation were approved by Commissioner Amerdeep Somal, and outlined that the investigation would focus on:
 - a) The circumstances which led to Andrew Cairns being released on police bail on 28 May 2010
 - b) The police actions in relation to support and protection for Rachael and Auden Slack
 - c) The risk assessment of Rachael and Auden Slack
 - d) The assessment of police actions compared with force policies
 - e) Consideration if any officers or police staff may have committed any disciplinary or criminal offences
 - f) Any organisational learning or highlighted best practice for the force or the police service.
 65. ***The terms of reference clearly concentrate on the police contact related to Rachael Slack's report to police on the evening of 27 May 2010 and Andrew Cairns' subsequent arrest on suspicion of threats to kill. However, the recommendation made when the investigation was declared as independent was for the examination of police contact with all parties. This contact began on 26 May 2010 with***

Rachael and Auden Slack attending at Ripley Police Station with Andrew Cairns in their car, Andrew Cairns' subsequent detention and later release and Rachael Slack's distressed call on the morning of 27 May 2010. However, the report provided only a brief overview of this period, in a context-setting manner. The contact also continued after his release with the concern for welfare report from Phyllis Bodycote on the evening of 28 May 2010, telephone contact with Rachael Slack, and contact with Andrew Cairns in the early hours of 29 May 2010. Similarly, the report briefly described these events, but not in any significant detail. In this sense, the terms of reference appear too narrow and appear to have been inadequate, in not widening the parameters of the investigation to thoroughly examine the police contact in its full context.

66. ***The terms of reference, in focusing on the report from Rachael Slack and subsequent arrest of Andrew Cairns, effectively preclude the closer examination of the earlier call from Rachael Slack, which the assessment had already indicated could have been an area of concern, as well as the later call resulting in the 'safe and well' check on Andrew Cairns, which the inquest also highlighted as falling short of being effectively handled by the force with the urgency and thoroughness it deserved.***

Independent Investigation Structure and Resourcing

67. The archived investigator workbooks, policy file and a general overview of the investigation was examined to make an assessment of the structure and resourcing.
68. It would appear from the documentation that the investigation had minimal involvement of a supervisor for support, advice and oversight. Whilst the policy book, recording the key investigative decisions and rationales, does refer three times to deputy senior investigator decisions, there is no evidence that a deputy senior investigator reviewed the policy book, and in doing so, the investigative strategy and direction.

D1

69. ***Policy book entries should have been checked, reviewed and countersigned by supervisors throughout an IPCC investigation. This would have had the benefits of ensuring the investigation was adequately resourced, maintained independence, was thorough, implemented effective and appropriate strategies and afforded the investigator the necessary level of support and oversight to be confident that the decisions and rationales were in adherence to the core values and objectives of the IPCC.***
- D1 70. On 4 June 2010, the investigation was described as intending to be “focused”, and this was the deputy senior investigator rationale documented by the investigator for the investigation team being comprised of a lead investigator and an additional investigator. By 8 June 2010, the investigation team was reduced to one investigator, and the deputy senior investigator rationale documented by the investigator was due to the workloads of investigators and the number of independent investigations being conducted by the Coalville office at that time.
71. ***The investigation was of police contact on a number of occasions spanning some eight days, with three individuals, all of whom subsequently died. The resourcing of such an investigation in the early stages was unlikely to have been adequate with only a lead investigator and one other investigator, much less adequate just four days into the investigation with one investigator working alone under minimal supervision and with no peer supervision and assistance.***
- D1 72. The investigation was managed on a paper system maintained by the investigator, as opposed to utilising an IT recording and indexing system. The rationale for this was that the investigation was “focused” and would not have benefited from the IT management systems available.
73. ***The IPCC generally record investigations on either the HOLMES system or an excel spreadsheet known as Sandman. The main uses of HOLMES and Sandman are to assist with the organisation of an investigation and indexing, which may be less essential for a smaller***

or more focused investigation. However, another important value of using HOLMES or Sandman is creating electronic records regarding the receipt of communications, documents, actions, statements, meetings and briefings, as well as the electronic storage of material relevant to the investigation, and an audit trail for the investigation, increasing transparency and accountability of the organisation. The decision to run this investigation as a paper investigator-managed system meant that the review of the investigation was limited to examination of the material. There were minimal electronic records, time and date stamps, and minimal information available on the investigation strategy, progress and reasoning between the terms of reference, material gathered and report. This did not provide a clear record of the investigation in its entirety and could not allow it to be transparent and robust to scrutiny. The review can not be sure it had received all the relevant material gathered and, with a lack of the initial lead investigator's workbook, it was not possible to identify all the lines of enquiry explored, and all the actions raised and completed.

D1

74. The police family liaison officer (FLO) was not replaced by an IPCC family liaison manager (FLM), due to concerns it could upset the families.
75. *The replacement of the police FLO during an ongoing police investigation would be problematic and have the potential to overload recently bereaved relatives. However, the introduction of an IPCC FLM once the police investigation had concluded could have enhanced the quality of the service the families received, and would have increased the families' understanding of the role of the IPCC, the investigation progress, addressed their concerns as and when concerns were raised, and provided a more effective line of communication.*

D1

76. The police criminal investigation was given priority over the IPCC investigation, but a formal protocol was drawn up with the force to

effectively gather material required by the IPCC without interfering with the police investigation.

- D1
77. ***This was entirely appropriate whilst the criminal investigation was ongoing, but should have been subject to review once that was complete, and when the IPCC approach had the opportunity to be more intrusive in its investigative methods.***
78. The evidence from all relevant police witnesses in the police murder investigation was gathered by the IPCC by obtaining copies of their statements provided to the police investigation, as by 8 June 2010, the deputy senior investigator had assessed that there were no indications of criminality or misconduct on the part of any member of Derbyshire Constabulary. Copies of statements from non-police witnesses were obtained from the police murder investigation rather than IPCC staff obtaining further statements from them, to avoid duplicity. Further clarification and more detailed explanations from one key police witness were obtained by requesting further statements. Accounts from police witnesses relevant to the police contact prior to the incident on 2 June 2010 were obtained by the police witnesses providing their own statements, in order to enable their accounts in a timely manner.
79. ***The assessment that there were no indications of misconduct or criminality after just four days of the investigation was completed at an early stage in the investigation. Given material was still being provided by the force from their criminal investigation, this matter should have been kept under continual review.***
80. ***It is proportionate for the IPCC investigation to have obtained copies of statements from the criminal investigation, particularly in an investigation with such limited resources and to enable the IPCC to make initial assessments of the general circumstances of the police contact and police actions. However, the statements obtained for the criminal investigation were taken with the criminal investigation in mind, and covered those points relevant to that investigation. The***

evidence needed for the IPCC investigation would have the focus of police actions in relation to particulars of the circumstances, force policies and procedures, options available at the time considered or discounted, and rationales. In order to obtain this information, either further statements would have been required or statements obtained from those concerned taken by IPCC staff. Further statements provided to the IPCC would preclude probing, rely on the information witnesses are eager to provide and risk not obtaining the information they are reluctant to provide. These would also lack independence from the police, rather risk reliance on them, and render the investigation less robust to scrutiny. Statements from police witnesses and non-police witnesses taken by IPCC staff would have established that independence from the police.

Evidence Gathering Process

81. The archived policy book, report and material were examined to make an assessment of the evidence gathering process. Material gathered is divided into two types, used material referring to material deemed to be of evidential value and on which the report is based, and unused material referring to all other material gathered or generated during the investigation but deemed not of evidential value.
82. As already noted, all non-police witness statements gathered during the IPCC investigation were obtained by Derbyshire Constabulary officers with the exception of a report from a psychiatrist which was self-composed by the psychiatrist at the IPCC's request. All police witness statements gathered were provided by the officers and police staff themselves. The key police witness from whom further evidence was required did so in statements they provided themselves. Within the used and unused material, there are 17 statements in total related to the circumstances of police contact, and a further two related to explanations of adherence to force policy or procedures.
83. ***Whilst there is no 'hard and fast rule' regarding how many***

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statements would be included in an IPCC investigation and much depends on the circumstances surrounding the referral which has lead to the IPCC investigation, 17, from 11 witnesses, relating to police contact spanning eight days does appear to have been a small number. None of those police and non-police witnesses were to the police contact relating to when Andrew Cairns was detained under S136 of the Mental Health Act on 26 May 2010, or the concern for welfare call to the police and the “safe and well” check of Andrew Cairns from 28-29 May 2010, with the exception of Phyllis Bodycote. These should have been obtained to be able to examine the police contact, as was recommended at the initial referral assessment stage. The omission of these witnesses could have been a direct consequence of the terms of reference having steered the investigation towards only really considering the report made by Rachael Slack on the evening of 27 May 2010, and the arrest and release of Andrew Cairns on 27-28 May 2010.

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84. The force provided a copy of their policy in relation to domestic abuse incidents, the domestic abuse risk assessment form, Andrew Cairns’ custody record, transcript of interview, custody risk assessments, bail sheet, custody medical assessment form, transcript of the 999 call from 2 June 2010 and other domestic incident and harassment related internal force documents and officer aide material.
85. ***There is a wealth of material which could have assisted in ensuring the IPCC investigation was truly independent, thorough and intrusive. The narrow selection of the criminal investigation statements and force policy and procedure documents appeared to have a restricting effect on the investigation. The absence of independent material and material recorded by sources such as telecoms recordings, custody CCTV and witnesses peripheral to the key events missed the opportunity for the IPCC investigation to test the evidence presented by the force. This material could have***

allowed the investigation to ask all the relevant questions to enable a full assessment of the force and the matters under investigation.

This could have included:

- a) ***Incident log for 26 May 2010***
- b) ***Pocket notebooks of PC Sadler and PC Shaw***
- c) ***Witness evidence of Dr Sudhakar***
- d) ***Witness evidence of Anthony Edwards***
- e) ***Recording of call to Rachael Slack on 26 May 2010 by officer to update regarding detention of Andrew Cairns under S 136 MHA***
- f) ***Recording of call to police from Rachael Slack on 27 May 2010***
- g) ***Witness interview of PC Fisher***
- h) ***Witness interview of PC Shaw***
- i) ***Pocket notebooks of PC Fisher and PC Lewis***
- j) ***Incident log for 27 May 2010***
- k) ***Radio transmissions for incident on 27 May 2010***
- l) ***Custody suite CCTV for 27-28 May 2010***
- m) ***Original copy of Rachael Slack's statement***
- n) ***Audio recording of criminal interview of Andrew Cairns***
- o) ***Recording of call to Rachael on 28 May 2010 by DC Sanders***
- p) ***PNB and daybook of DC Sanders***
- q) ***999 call from Mrs Bodycote on 28 May 2010***
- r) ***Incident log for 28 May 2010***
- s) ***Radio transmissions for incident on 28 May 2010***
- t) ***Statements of officers involved in incident on 28 May 2010***
- u) ***Witness interview of PC Newcombe***

- v) ***Witness interview of PC Smith***
- w) ***PNBs of PC Smith and Newcombe***
- x) ***Force intelligence printouts for Rachael Slack, Auden Slack, Andrew Cairns and their home addresses***
- y) ***Audit of logs and intelligence systems related to Rachael Slack, Auden Slack, Andrew Cairns and their addresses***

86. ***This list is by no means exhaustive, but does offer some indication of further material which could have been available for the IPCC to obtain from the force, once the force's criminal investigation had been completed, and used to test the evidence and facilitate an accurate and thorough assessment of the force response to the incidents leading up to the deaths of Rachael and Auden Slack, and Andrew Cairns. This is not to say that all the material available would ultimately have been of evidential value to the IPCC investigation but the review of such material would be essential to make that determination.***

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87. One statement included within the unused material was from a senior officer from Derbyshire Constabulary who was asked by the IPCC investigator to review Derbyshire Constabulary's force policy and report on whether it was adhered to in relation to the police contact with Rachael and Auden Slack, and Andrew Cairns. The officer provided a statement reporting in the affirmative.

88. ***In an IPCC independent investigation, it is inappropriate for a force to examine and assess their own actions and for the IPCC to accept their assertions. This is not independent, is passive acceptance of information provided by the force, and the IPCC should have undertaken this review in its entirety, thoroughly and intrusively, in order to establish the facts.***

Report Accuracy

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89. The IPCC report, used material, unused material and the material provided by the coroner and gathered during the inquest was examined to make an assessment of the accuracy of the IPCC report.
90. Overall, the report was able to present the background information and sequence of events leading up to the deaths of Rachael and Auden Slack, and Andrew Cairns. However, there were some inaccuracies in the finer details of the events. There is also a lack of sufficient detail for some of the events to allow a proper assessment of the police actions in response to these. The investigator's acceptance of these actions is indicated by the report's lack of critical analysis of the events and the police actions.
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91. The title of the report, referring to the trigger incident for the investigation as being the murder of Rachael Slack, was inaccurate. The title did not make reference to Auden Slack, nor did it make reference to Andrew Cairns. In omitting their names, the title of the report did not accurately set out what the investigation should have been examining, and potentially had a further narrowing effect on the evidence that was presented.
92. The title asserted that Rachael Slack's death was murder, in law there is a requirement to prove *actus rea* or guilty act, and *mens rea* or malicious intent. Andrew Cairns was documented as having mental health problems in the period leading up to the deaths, the events themselves appear to indicate that these problems were worsening. English Law determines that in cases where there is an 'abnormality of mind' such that it substantially impairs, the offence of manslaughter under diminished responsibility could be the case to answer for unlawful killing of another as opposed to murder. Andrew Cairns, due to his death, did not face trial. The offence of murder was never proven and it is impossible to speculate as to the outcome of criminal proceedings, should the circumstances have meant they would have taken place.
93. A more accurate description of the incident which led to the IPCC investigation would have been to factually describe the report as having

been into the police contact prior to the deaths of Rachael Slack, Auden Slack and Andrew Cairns.

- D14 94. The report noted that Rachael Slack and Andrew Cairns' relationship ended in 2009. Rachael Slack's statement to police on 27 May 2010 asserted that it ended shortly after Auden Slack's birth in 2008. It is not apparent how this error came to be included in the report as the true facts were available within the material available at the time of the report.
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D14 95. The report described that Dr Nitesh Painuly's report evidenced that the results of the assessment of Andrew Cairns by the Radbourne Unit on 26 May 2010 found he was not detainable under the Mental Health Act. This gave the impression that the assessment was conducted by Dr Painuly. It was clear from the domestic abuse risk assessment and referral form, as well as the original referral form to the IPCC completed by the force, that it was Anthony Edwards and Dr Saladi Sudhakar who completed the assessment and, as such, on this point, the IPCC report could have been seen as misleading.
- D9
D14 96. The report noted that Rachael Slack attended Ripley Police Station at 7.19pm on 27 May 2010 to make her complaint regarding what had occurred at Denby Park that day. This was actually the time that PC Penny Fisher attended to obtain the report from Rachael Slack. It was clear from the incident log opened on 26 May 2010 that Rachael and Auden Slack, and Robert Barlow had attended Ripley Police Station around 5.10pm on 27 May 2010 and been required to wait until 7.19pm to make the report to a police officer, when one was available. It is likely that this inaccuracy came to be included in the report due to the investigation not having examined the incident log and taken the officer's statement alone as the guide to the facts. However, the correct timings were contained on the original referral form completed by the force, and so it is not clear how this error came to be included in the report given the true facts were available within the material available at the time of the report.
- D14 97. The report noted that PC Fisher, on speaking to Rachael Slack at Ripley

Police Station, obtained a statement from her. It is clear in PC Fisher's statement dated 28 May 2010 that, at that stage, she made an entry in her pocket notebook which was signed by Rachael Slack, and not a full statement, as the intention was to issue a harassment warning to Andrew Cairns and not to arrest him for threats to kill. It is not apparent how this error came to be included in the report as the true facts were available within the material available at the time of the report.

D14 98. The report noted that PC Fisher re-visited Rachael Slack following the arrest of Andrew Cairns on suspicion of threats to kill, in order to obtain the details to complete a domestic violence risk assessment. Rachael Slack's statement was dated 27 May 2010 and initially, PC Fisher reported having only obtained a pocket notebook entry from Rachael Slack at Ripley Police Station. It seems likely that PC Fisher re-visited Rachael Slack that evening to obtain a statement of complaint for the threats to kill, as this was then required as evidence for the investigation and the grounds to justify the arrest of Andrew Cairns, as well as to be able to obtain the details to complete the risk assessment. It is not apparent how this error came to be included in the report given the true facts were available within the material available at the time of the report.

D14 99. The report presented that 'it was agreed' Robert Barlow would return Andrew Cairns' property which had been at Rachael Slack's address to Andrew Cairns at his home address following his release on police bail on 28 May 2010. "It was agreed" is an ambiguous description of the decision-making behind this potentially problematic option and does not adequately outline who made this suggestion, decision and why. In DC Neil Sanders' statement dated 10 June 2010, he asserted that Rachael Slack "said she would get her new partner to do it," which again is relatively vague. However, DC Sanders offered clarification on the matter in his statement dated 16 July 2010, asserting that this was Rachael Slack's suggestion. The report would have benefited from this clarification as the phrasing had the potential to raise more questions unnecessarily when the accurate unambiguous description would have avoided this and

was available within the material gathered by the time of the report.

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100. The report described the call of concern for welfare made by Phyllis Bodycote as having been in response to her concerns for Andrew Cairns due to him having visited her address on the evening of 28 May 2010. The report presented the circumstances as being that Andrew Cairns had attended in a distressed state, expressing fears that he would lose access to Auden Slack as a result of Rachael Slack having commenced a relationship with a new partner to whom she was pregnant and involved the police preventing him from having contact with her or going to her home. Phyllis Bodycote's statement dated 2 June 2010 is consistent with this description, however, through examination of the source document, specifically the police incident log created as a result of the call, the details recorded reveal that the Phyllis Bodycote also disclosed to police on that night that Andrew Cairns had asserted that he felt like going to Rachael Slack's home and "grabbing the lad." It is likely that this inaccuracy came to be included in the report due to the investigation not having examined the incident log and relying on the witness statement alone as the guide to the facts. In doing so, the IPCC investigation assessed the police response to a call relating to a concern for Andrew Cairns' welfare but it missed the opportunity to properly examine the information provided to the police in order to properly assess the police response, which was actually a call relating to concern for Andrew Cairns' welfare but also relating to concern for what he may do to prevent Rachael Slack and the police from stopping him having access to Auden Slack.
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101. The report noted that on the evening of 28 May 2010, whilst officers were trying to locate Andrew Cairns following Phyllis Bodycote's call, Rachael Slack was contacted but did not know Andrew Cairns' whereabouts. Whilst this is accurate, the report does not specify that contact was made by telephone and that no officers attended to check nor made a search of the area near to her home, and again would appear to have been an ambiguous description of events which did not aide the report in clearly

outlining the events and police actions.

- D14 102. The report stated that, following Phyllis Bodycote's call, "several attempts were made by police officers to contact Andrew Cairns during the evening," but that he did not answer any of these attempts. The IPCC investigation held the statements of Phyllis Bodycote and PS Smith relating to that particular incident. Examination of these statements does not provide any evidence of several attempts being made and so it is unclear from where this information was obtained. Further to this, examination of the incident log, which the IPCC investigation did not obtain, also provides no evidence of several attempts being made, and indicated that officers had attended Andrew Cairns address by 9.35pm on 28 May 2010, but received no answer at the door. It indicated that an officer had telephoned Rachael Slack by 9.45pm that night to try to locate Andrew Cairns via her and it indicated that by 2.20am on 29 May 2010, officers had again attended Andrew Cairns' address and managed to see him there "safe and well." Two visits to his address and one telephone call to his ex-partner would not be accurately described as "several attempts to contact Andrew Cairns," and it is not apparent how this error came to be included in the report.
103. ***Overall, whilst the report did provide an overview of the order of events leading to the deaths of Rachael and Auden Slack and Andrew Cairns, the report lacked the accuracy and finer details which should have been a key feature reflecting a thorough investigation, and this appears to have been most likely due to the investigation not having sought clarification and tested the details provided by witness accounts by having acquired and examined all of the independent and source evidence and non-police witness accounts available.***

Used and Unused Material

- D14 104. The material gathered during the IPCC investigation was assigned to either the used or unused schedule accordingly. As explained previously,

used material is material deemed to be of evidential value and on which the report is based, and unused material is all other material gathered or generated during the investigation but deemed not of evidential value.

105. All the used material, with the exception of IPCC documents and one statement from Dr Painuly which was self-composed at the request of the IPCC, was Derbyshire Constabulary documentation and statements provided by Derbyshire officers or taken by Derbyshire officers.
106. ***The policy decision for statements to be requested from police witnesses rather than taken by IPCC staff, and for non-police witness accounts to be obtained from the statements they had already provided to the criminal investigation conducted by Derbyshire Constabulary, meant that the IPCC investigation was entirely reliant on the evidence which the police had gathered and as such was guided by the police in terms of what was revealed through the accounts, and what was not explored, challenged and further probed. Whilst there is nothing to suggest that anything was intentionally omitted or concealed, this would have had the effect of allowing the police to be in control of what was disclosed and not allowing the IPCC investigation the independence which it should have sought in establishing the facts and testing the evidence provided.***
107. Of the statements within the used material for the IPCC investigation, only three were from non-police witnesses, one of those being Rachael Slack's statement from the 27 May 2014. In total there were only fourteen statements within the used material.
108. ***Again whilst there is no 'hard and fast' rule on the number of statements which may be of evidential value to an IPCC investigation, fourteen does seem a relatively small number, and reflects the narrow focus and general overview of events and police actions which the investigation examined.***
109. It is clear from the numbers assigned to the top statements during the police investigation (marked on the top right hand corner of some of the

statements), there were at least 65 witnesses of relevance to the police investigation.

110. ***Some of these will undoubtedly have been expert witnesses, medical staff and other witnesses to the incident on 2 June 2010 and the evidential examination that followed. However, it seems in stark contrast to the IPCC investigation. The IPCC investigation covered eight days and involving a number of incidents of police contact but only considered 11 witnesses' accounts to be of evidential value.***
111. Similarly, the supporting documents within the used material contained just 12 documents, three IPCC documents and nine Derbyshire Constabulary produced documents.
112. ***This seems quite a limited number of documents to have been identified as of relevance and evidential value to the IPCC investigation, particularly given the number of incidents of police contact and the amount of documentation which was likely to have been generated by the force as a result of those incidents of contact.***

Investigation Final Report Conclusions

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113. The IPCC report, used material, unused material, relevant National Policing Improvement Agency (NPIA), Derbyshire Constabulary and HMIC documents, the material provided by the coroner and the material gathered during the inquest was examined to make an assessment of the conclusions drawn by the independent investigation.
- D9
114. The report noted that Rachael Slack and Andrew Cairns had no history of domestic violence or abuse recorded with the police. However, based on a police incident log assigned by the IPCC investigation as unused material and amongst the material gathered by the coroner for inquest, the couple had come to the attention of Surrey Police and Derbyshire Constabulary in October 2008. This was as a result of a missing report which Andrew Cairns had made following a domestic incident at that time, following which Rachael Slack had left the Surrey area where they had

been staying to seek a break from Andrew Cairns. Based on the material gathered by the coroner for inquest, it was also clear that the couple had come to the attention of Derbyshire Constabulary in August 2009 as a result of a call of concern from neighbours of Andrew Cairns due to issues with his compliance with the medication programme prescribed for mental health problems. Whilst these incidents were a small number and not frequent, they did offer some indication that there were relationship issues and mental health issues at play, factors recognisable as potential risk elevators for domestic violence or abuse incidents.

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D14 115. The report noted that, following an assessment of the incident on 26 May 2010, during which Andrew Cairns was detained under the Mental Health Act, assessed by the Radbourne Unit and then taken by police to his home address, the police actions were correct. The inquest highlighted that the assessment conducted by Dr Saladi Sudhakar and Anthony Edwards was brief, not recorded in sufficient detail to allow review by third parties and based on Andrew Cairns' self-report of his mental state rather than also seeking further information from others around him. However, this in no way reflected on the police officers involved or their actions. Consequently, this conclusion would appear fair.

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D14 116. The report failed to draw any conclusions on call handler Carly Dakin's handling of the call made to Derbyshire Constabulary on the morning of 27 May 2010. The nature of the call was a lone woman ringing the police and expressing concerns regarding the manipulative and controlling behaviour of her ex-partner who had mental health problems, had attended her address unannounced, was ignoring anything she said, had issues over child contact and was causing her to become distressed. Despite Rachael Slack stating she did not want police to attend, this was clearly a domestic incident and the report did not critically assess the absence of a positive and proactive response from the force according to the force's policy. The report failed to outline that the force policy stated the call should have resulted in officers attending to check on Rachael and Auden Slack, assess the situation at the address to ascertain if any offences had

occurred, whether any were likely to occur, what risk was posed to Rachael and Auden Slack by Andrew Cairns and whether any further action was required, such as Andrew Cairns' removal or arrest. The report did not critically assess the call handling decision to record the call by adding an update to the incident log from 26 May 2010 rather than create a new incident log classified as a domestic incident for deployment of resources. It also failed to outline and assess that Carly Dakin noted on the incident log that Rachael Slack had declined assistance from police and this was accepted by a control room supervisor to close the incident log without any further police action.

117. ***This was not the correct police response according to the force's own domestic violence policy. The call from Rachael Slack on the morning of 27 May 2010 should have received critical assessment and potentially further investigation by the IPCC. The IPCC investigation and report failed in its acceptance of the manner in which the call was handled.***
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118. The report noted that the force's domestic violence policy was adhered to in relation to the officer action in response to the complaint made by Rachael Slack on the evening of 27 May 2010. The report outlined that a statement had been taken, options considered, that the attempt to issue a harassment warning had been incorrect, but that Andrew Cairns' subsequent arrest on suspicion of threats to kill was correct.
119. ***The report's representation of events is inaccurate. A statement was not initially taken and the attempt to issue a harassment warning was based on a pocket notebook entry made by PC Fisher and endorsed by Rachael Slack through a signature in the notebook.***
- D14
120. ***The force domestic violence policy stipulates that a 'comprehensive' statement should have been taken. However, the report did not assess whether the statement obtained later that evening by PC Fisher was sufficiently comprehensive. The report also failed to consider the impact of the statement on DC Sanders' decision to bail***

Andrew Cairns after he offered a significantly more detailed account on interview the following day, appearing to cast doubt on Rachael Slack's complaint.

121. ***The IPCC report did not assess if other investigative actions were available to PCs Fisher and Lewis and whether these could have improved the police handling of Rachael Slack's complaint. The report did not comment on whether the officers should have seized Rachael Slack's mobile telephone or attempted to obtain a statement from Robert Barlow, to offer Rachael Slack's complaint some corroborative evidence. The report did not assess if the investigative actions undertaken had impacted on DC Sanders and PS Fawcett-Greaves' later assessment of whether there was sufficient evidence to charge Andrew Cairns with a criminal offence on 28 May 2010 whilst he was still in custody and consider denying him bail. The inquest highlighted evidential failings, but attributed them to DC Sanders. The force's domestic violence policy was for all available evidence to be sought at the initial reporting stage. However, the IPCC report did not identify if there were deficiencies in the evidence gathering process or assess where opportunities to avoid these may have lay.***
122. ***The initial response, beyond the harassment warning, should have received critical assessment and potentially further investigation by the IPCC. The IPCC investigation and report failed in its acceptance of the manner in which the complaint was handled in relation to the initial evidence gathering stage.***
- D32
D35 123. ***The force has since introduced an officer 'toolkit' acting as an aide memoir for officers to support officers in ensuring all lines of enquiry are exhausted, all available evidence is identified and the initial response is thorough and maximises the effectiveness of initial officers' attendance.***
- D36 124. ***The force has also introduced an aide memoir checklist for***

supervisors to encourage supervisors of response officers to ensure that initial attending officers have completed all the required enquiries, gathered all the evidence available and given all domestic abuse investigations the best start possible to facilitate their efficient and effective progression by specialist domestic violence officers.

125. ***Both these developments are intended by the force to prevent the sorts of failings made in this case from being repeated in the future, and the review of all domestic abuse referrals by the force referral unit offers a further safeguarding measure to check that officers and supervisors are complying with the standards now expected by the force.***
126. The report noted that, following the domestic-related complaint made by Rachael Slack on the evening of 27 May 2010, the force failed to make the required referral to the Primary Care Trust, but added that this failure had not caused missed opportunities to prevent the deaths of Rachael and Auden Slack and Andrew Cairns. This conclusion, given the timescale of events, appears correct.
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D31 127. ***The force referral unit has since developed an improved referral assessment, review and evaluation process, which is designed to ensure all the appropriate referrals are made to partner agencies. This is intended by the force to prevent the sort of failing made in this case from being repeated in the future.***
- D14 128. The report described DC Sanders' interview of Andrew Cairns whilst he was in custody on 28 May 2010 as 'thorough'. Based on the material gathered by the IPCC investigation, it would appear this assessment was made from the transcript of the interview. It was highlighted at inquest that, on listening to the audio recording and with the benefit of hindsight, Andrew Cairns was possibly in control of the interview and used the deficits in the evidence held by DC Sanders to present Rachael Slack's account as inaccurate and himself as falsely accused. However, the interview did obtain a thorough account from Andrew Cairns, which was its

aim. The deficits in the original statement and absence of corroborative evidence hindered DC Sanders in his ability to challenge Andrew Cairns on his account and the inquest did benefit from hindsight. Consequently, these criticisms appear to have been unfair towards DC Sanders, and the report's description more accurate an assessment of the interview in the circumstances. That notwithstanding, the IPCC investigation would have undoubtedly benefited from also having obtained the audio recording of the interview in order to be more thorough and questioning of the evidence provided by the officers involved.

- D14 129. The report outlined the circumstances in which Andrew Cairns was released on police bail with conditions, noting that these were clearly explained to Andrew Cairns. The evidence gathered during the IPCC investigation supports this and, unfortunately, there did not appear to have been sufficient evidence for DC Sanders and PS Fawcett-Greaves to seek a charge or look to gather the required evidence to strengthen the case within the time they had left to keep Andrew Cairns in custody.
130. ***It would be possible to question why they did not consult the Crown Prosecution Service (CPS) on their advice regarding the possibility of charging Andrew Cairns at that stage. However, it is impossible to speculate on what the advice would have been.***
- D14 131. The report noted that personal safety and home security measures were not offered to Rachael and Auden Slack due to her having stated she felt safe in her own home. The report offers no further comment on this.
132. ***It was highlighted at inquest that PC Fisher, PC Lewis and DC Sanders were all aware that Rachael and Auden Slack had been assessed as at high risk but they did not explicitly inform Rachael Slack of this assessment. Neither the force policy nor the NPIA guidance stipulated that high risk victims be advised they had been assessed as high risk. The IPCC report did not identify that Rachael Slack was not told that she and Auden Slack had been assessed as being at high risk of harm from Andrew Cairns. The force policy***

stipulates that in cases assessed as high-risk, proper consideration should have been given to them receiving additional support in the areas of safety and security. DC Sanders interpreted Rachael Slack's willingness to drop off Andrew Cairns' property to him on 28 May 2010 as indicating she was not in fear of Andrew Cairns, and that Rachael Slack's response to his query regarding her feelings of safety in her own home indicated she did not have concerns for her own or Auden Slack's safety or the security of their home. The IPCC report did not consider whether Rachael Slack's assessment was an informed one, and whether there had been failures to ensure Rachael Slack was aware of the results of the risk assessment and to recognise the possible impact on her assessment and responses, had she been aware.

133. ***The IPCC report consequently fell short in its acceptance that the additional support was considered but its need dismissed on the basis of Rachael Slack's assessment that she felt safe, and that her assessment had been valid. This issue should have received critical assessment.***
- D14 134. The report noted that no Threat to Life Assessment was completed for Rachael and Auden Slack, explaining that this was due to no immediate and real risk of harm having been identified. Based on the circumstances, this conclusion would appear correct.
- D14 135. The report finally concluded that 'Derbyshire Constabulary responded promptly and correctly to Rachael Slack's complaint,' and that no issues of criminality or misconduct by any members of Derbyshire Constabulary had been identified during the investigation.
136. ***In light of this review and the issues highlighted already, this does not appear to have been a sound conclusion.***
- D8
D14 137. The final report was dated September 2010. The investigation was commenced following an incident on June 2010. The time period from referral to final report was less than four months.

138. ***Although there is no set minimum time period stipulated for an IPCC investigation, given the investigation was of police contact over an eight day period, involving a number of contacts, several officers and members of police staff, several non-police witnesses and numerous potential sources of independent evidence and documentary evidence, with just one IPCC investigator working on the investigation for the vast majority of the investigation, the report's production within less than four months does appear to have been relatively short and to have had the potential to have an impact on the quality of the investigation and subsequent report.***

Overall Assessment of the Independent Investigation and Report

139. ***The title of the investigation focused the investigation on Rachael Slack, a title which did not reflect that the investigation was of the police contact which also preceded the deaths of Auden Slack and Andrew Cairns.***
140. ***The terms of reference for the IPCC investigation did not reflect concerns raised during the assessment, did not cover a sufficiently wide time frame to encompass all the police contact prior to the incident on 2 June 2010, and caused the investigation to focus on particular events and elements of the police contact.***
141. ***The IPCC investigation appears to have been inadequately resourced given the seriousness of the incident leading to the force referral and the period of police contact to be examined. The resourcing was further reduced within days of the commencement of the investigation and would clearly have had a negative impact on the ability of the lead investigator to complete an investigation and report of a high quality.***
142. ***The IPCC investigation appears to have been inadequately supervised, a feature which was likely to have further compounded issues caused by under resourcing, have missed vital opportunities for advice, support and oversight being given to the lead***

investigator, has potentially left the lead investigator in a vulnerable position and impacted on the direction and quality of the investigation.

143. *The IPCC investigation did not introduce an IPCC family liaison manager, which missed opportunities to improve the service offered to the families and increase the ability of the families to become engaged with the IPCC and its investigation.*
144. *The IPCC investigation, due to the parallel police-lead criminal investigation, entirely relied on evidence gathered by the police for that criminal investigation. However, the IPCC investigation did not review this strategy, delay concluding the investigation and adopt a more intrusive and independent evidence gathering strategy once the criminal investigation had concluded. This appears to have lead to an overall acceptance of officer accounts and a failure to test their evidence or allow a more objective assessment of the police actions.*
145. *The evidence gathered for the criminal investigation was focused on the crimes being investigated and not the quality and nature of the police contact and so did not always include the details required to properly investigate the force actions. In order to obtain this, the IPCC would have had to obtain further accounts from relevant witnesses.*
146. *The IPCC investigation also failed to gather all the relevant evidence and appeared to rely on a small selection of key documents and statements, which clearly would have impeded its ability to be robust and well-founded in its conclusions.*
147. *The IPCC investigation was managed by the lead investigator using a paper filing system, which eliminated the possibility of all documents, emails, statements and key decision making to be recorded on a system would allow audit and risked the potential for such material to be lost over time.*
148. *The assessment regarding there being no indication of criminality or*

misconduct by any members of Derbyshire Constabulary would appear to have been made at such an early stage that the investigation had not yet had time to gather and examine sufficient material to make such an assessment. An early assessment carried the potential risk that the issue would not be re-visited in light of further material gathered, would have had the effect of influencing what further was requested or obtained, or would have influenced how further material was viewed and police actions assessed.

149. *The IPCC investigation's request for a member of Derbyshire Constabulary to complete the examination and assessment on whether their staff and officers had adhered to force policy and procedures, and then its acceptance of a positive appraisal by the respondent from the force was inappropriate and invalid as part of an independent investigation. This examination and assessment should have been conducted by IPCC staff.*
150. *The IPCC report, although able to provide a general overview of the events leading to the deaths of Rachael and Auden Slack and Andrew Cairns, lacked the required accuracy. These inaccuracies would appear to have been a consequence of human error, insufficient material gathered to independently establish the facts, heavy reliance on the police criminal investigation report, acceptance of officer and staff accounts without the seeking of the exact details from source documents and ultimately an inadequate internal quality assurance process.*
151. *The conclusions of the investigation demonstrated an inadequate level of critical analysis of police actions and a tendency to accept staff and officer accounts, rationales and a superficial assessment. The conclusions would appear to have missed several key areas which should have been highlighted as concerns and been subject to further investigation.*
152. *The report was subject to feedback from a senior investigator, as*

D25

part of the quality assurance process. A review of the feedback showed that, whilst some of the feedback was responded to in the way of amendments to the report, a number of the points highlighted were not addressed and echo points raised regarding the investigation and report during the course of this review. The lead investigator, his supervisor and the commissioner received the feedback and so the failure to address a number of the points highlighted again appears to demonstrate an inadequate level of supervision.

153. ***The force itself would appear to have been proactive in conducting its own internal review of the police contact and the police actions in response, as evidenced by a number of developments made by the force since in relation to support and monitoring strategies in the area of domestic abuse incidents. These go a significant way towards the force attempting to ensure similar failings are avoided.***

IPCC Current Investigative Practices and Reports

154. Terms of reference for investigations are set during a consultation process with the assigned commissioner which is recorded in an auditable system, for the purpose of clarity and transparency. The terms of reference are devised to provide the investigation with the correct focus and direction, are clear, unambiguous and describe the scope of the investigation, including time periods where appropriate. Similarly, the titles for reports are developed to encapsulate the nature of the investigation and the key individual or individuals concerned.
155. The resourcing for IPCC investigations is based on the requirements of the investigation as opposed to the capacity of the office to which it is assigned. This, operationally, means that investigations requiring a high level of staffing and resources, are accommodated by assistance pooled from across the organisation nationally in the initial stages and then scaled down when and as the fast-track actions have been completed accordingly, but with the opportunity to still utilise resources at later

stages, if required. Large or complex investigations are structured to include several investigators on the investigation team and for a deputy lead investigator to be appointed, if necessary. This affords IPCC investigations the ability to be resilient to staff absences without detriment to the investigations, to benefit from peer support and to be able to carry out its own independent investigation, gather its own evidence and to complete this work in a timely manner. Resourcing, throughout all investigations, is under constant review.

156. The supervision of IPCC investigations is intrusive, consistent and standardised with reviews completed at set times after the commencement of an investigation. This affords the lead investigator the opportunity to benefit from adequate support and guidance. The regular reviews are conducted with a view to ensuring the investigation plan is fit for purpose, the focus and direction is appropriate and any new or emerging issues are considered. Policy decisions are reviewed and assessed by supervisors, and remain under review to reflect the dynamic nature of the investigative process.
157. All IPCC investigations are managed using either the Sandman system or the HOLMES system, which are electronic systems for indexing, storing and accessing all material, documents and key correspondence generated during the course of an investigation. These systems allow searching and accessing by authorised IPCC staff, and provide a method to create an auditable record of the progress of an investigation, the timing and decision-making behind key stages.
158. Whilst there is still a reliance on the police to provide relevant material, the IPCC has developed a more robust approach to its investigative strategies. IPCC investigations no longer have a tendency to accept officer accounts and instead actively seek out opportunities to test those accounts through independent sources of evidence, such as CCTV, audio recordings, non-police witnesses, audits of force IT systems and examination of source documents which recorded events as and when

they were happening. IPCC investigations would not request members of the force under investigation to examine and assess their own force's performance and offer the IPCC their appraisal.

159. The assessment of whether there are any indications there may have been a breach of the Professional Standards of Behaviour is subject to constant review throughout IPCC investigations, and previous assessments that there are non indications are not used to guide the investigation, cut down the evidence sought or influence the thoroughness of the investigation.
160. Witness strategies are devised according to the significance of the witness' role and not according to resources. Statements taken by police from witnesses also of relevance to IPCC investigations are scrutinised to assess whether they meet the needs of the IPCC. Where they fall short, IPCC staff will obtain further statements. The IPCC witness policy is for all witnesses classified as significant, whether police or non-police, to be interviewed by IPCC staff and for the interviews to be either video or audio recorded. This would include police witnesses who had already provided their own self-composed statements. This approach enhances independence from the police, consistency in practices and consistency in standards across investigations and the organisation as a whole.
161. IPCC investigation reports are subjected to a rigorous internal quality assurance process, during which all evidence referred to in the report and used by the report to make its conclusions is checked by the Deputy Senior Investigator supervising the lead investigator. The facts, analysis and conclusions are scrutinised, with a view to assessing whether the investigation is able to meet the terms of reference or whether further investigation is required. Following this, reports are then passed to the Senior Investigator for the office, and the report is scrutinised again on its content, analysis and conclusions. It is only once reports have passed these stages of the process are they then passed to the commissioner for the investigation, who again checks the report for any areas they may

identify which need further work. The commissioner must approve the report before it can be finalised and recorded as having been completed. This internal quality assurance process is devised to ensure the investigation has been conducted correctly, had terms of reference fit for purpose, met those terms of reference, appropriately analysed the evidence and drew well-grounded conclusions, as well as has avoided inaccuracies and misrepresentations of the evidence.

Derbyshire Coroner's Court Inquest in 2013

162. HM Coroner Dr Robert Hunter presided over the inquest into the deaths of Rachael Slack, Auden Slack and Andrew Cairns. The inquest was held before a jury, commencing on 12 September 2013 and concluding on 22 October 2013, with the jury returning their verdicts.
- D9 163. The correspondence from HM Coroner Robert Hunter and his staff to the IPCC regarding exhibits, material and witnesses being considered for the inquest spanned from February 2013 to August 2013, a matter of weeks before the inquest resumed.
164. The proposed witness list in April 2013 contained 37 witnesses. Closer examination of this list showed that it included eight non-police witnesses, 12 police officers or members of police staff, 15 medical, mental health or social care related witnesses and two expert witnesses. The police witnesses related to police contact between 26 May 2010 and 2 June 2010, whilst the majority of the other witnesses related to knowledge of and contact with Rachael and Auden Slack, and Andrew Cairns over a longer period by other agencies and family members. This was in stark contrast to the used statement list detailed in the IPCC report, which appeared to identify only eight police witnesses and three non-police witness statements of relevance, providing just 14 statements between them. Whilst 11 of the medical, mental health or social care related witnesses were not in connection with police contact, this still leaves the total of 26 witnesses related to times of police contact and two related to

expert evidence.

165. The proposed exhibits list at that time contained 29 items, ranging from transcripts of calls made to the police, police incident logs and crime report documentation to medical forms, a report on CCTV analysis and telecommunications data. This too is in sharp contrast to the used material listed in the IPCC report which contained only 12 documents, with three of those generated by the IPCC itself. Whilst three items were medical forms and one was a page from Andrew Cairns' diary, the remainder were police generated documents and prints of police IT system pages from both Derbyshire Constabulary and Surrey Police, and related to several incidents of police contact between 2008 and 2010, and as such would be of relevance to an IPCC investigation.
- D9
D14 166. A comparison between the IPCC statement list and the coroner's witness list revealed a significant difference in the thoroughness of the charting of the days leading up to the incident on 2 June 2010. The coroner's lists of witness statements and witnesses being considered for the inquest included several police officers, police staff and non police witnesses, closely tracking the police contact during the period 26 May 2010 to 2 June 2010 which would have been relevant to the IPCC investigation but were not gathered during the investigation or included in the report.
167. The coroner's witness list omitted one witness identified by the IPCC, Carly Dakin, the member of police staff who took the call from Rachael Slack related to log reference 509 of 26 May 2010. However, the coroner's material intended to present the transcripts of the call recording to the Jury, as opposed to rely on a statement from the call handler, adding a further element of independence to his examination of the police contact with Rachael Slack in relation to that log.
168. In addition to the transcript of the call from Rachael Slack on 27 May 2010, the exhibits list provided by the coroner of material being considered for the inquest included several items, closely tracking the police contact during the period 26 May 2010 to 2 June 2010 which would have been

relevant to the IPCC investigation but were not listed in the report.

169. ***The inclusion of additional material and witnesses identified by the coroner, as part of the used material in the IPCC Investigation, would have allowed for independent and robust testing of witness testimony and ensured a full examination of the circumstances surrounding the police contact and information available to officers for informing decisions regarding what police action would have been most appropriate for Andrew Cairns, Rachael Slack and Auden Slack. This was not evident from the material the IPCC report listed as used material nor the statements, both of which showed gaps in the time period under investigation, lacked independence and did not consider sufficient sources to be able to properly test the material gathered by the IPCC investigation.***

D11

170. Dr Hunter had requested the jury consider seven questions in relation to whether the inquest had shown that there was a failing more likely than not, and if yes, whether that failing more than minimally contributed to the deaths of Rachael and Auden Slack, and Andrew Cairns. These were:

- a) Was there a failure by the constabulary to expressly warn Rachael Slack that she was assessed as at high risk of serious injury or homicide from Andrew Cairns?
- b) Was there a failure by the constabulary to expressly warn Rachael Slack that Auden Slack was assessed as at high risk of serious injury or homicide from Andrew Cairns?
- c) Was there a failure by the constabulary to discuss adequate steps to address the risk to her and Auden?
- d) Was there a failure by the constabulary to implement adequate steps to address the risk to her and Auden?
- e) Was there a failure by the constabulary to inform Rachael Slack of what Andrew Cairns told his neighbour, that he wanted to grab Auden?

- f) Was there a failure by the constabulary to update the risk assessment of Rachael Slack in light of what Andrew Cairns told his neighbour, that he wanted to grab Auden?
- g) Was there a failure by the constabulary to update the risk assessment of Auden Slack in light of what Andrew Cairns had told his neighbour that he wanted to grab Auden?

Findings at Inquest

- D11
- 171. The verdict was that Rachael Slack and Auden Slack were unlawfully killed, and that Andrew Cairns took his own life.
 - 172. The jury concluded that Rachael Slack's death was more than minimally contributed to by a failure by Derbyshire Constabulary to impress upon her that she was at high risk of serious injury or homicide from Andrew Cairns.
 - 173. The jury concluded that Auden Slack's death was more than minimally contributed to by a failure by Derbyshire Constabulary to impress upon Rachael Slack that he was at high risk of serious injury or homicide from Andrew Cairns.
 - 174. The jury concluded that Auden Slack's death was more than minimally contributed to by a failure by Derbyshire Constabulary to discuss with Rachael Slack adequate steps that could be taken to address the risk to him.

Recommendations of HM Coroner Dr Robert Hunter

- D13
D15
D16
- 175. The coroner raised a number of matters of concern which he considered had been revealed during the course of the inquest into the deaths of Rachael Slack, Auden Slack and Andrew Cairns, all of which, in his opinion required action be taken to prevent future deaths.

Matters Directed to Home Secretary, ACPO and College of Policing

- D13
D15
- 176. A matter of concern was the police powers in relation to Section 47(3) of the Police and Criminal Evidence Act. This stemmed from evidence at the inquest revealing that in cases where an individual released on police bail

D16 breaches this bail and the police become aware of this breach, the police only have the power to arrest the individual for breach of bail and interview them regarding the breach, and must then release the individual on bail again. The coroner recommended consideration be given to extending the police powers in this area to better protect the public.

177. The absence of national training standards for police officers in domestic violence and public protection, and particularly for those working in public protection units, along with no formal assessment of competence and capability was a further matter of concern. The coroner recommended consideration be given to the development of national training standards for police in relation to domestic violence investigations, evidence gathering and public protection, and the development of a formal assessment of competency and capability in domestic violence for those working in public protection units.

Matters Directed to Home Secretary, ACPO, Mental Health Trust, Health Secretary and Derbyshire Constabulary

- D13
D15
D16 178. A matter of concern was a lack of voluntary information sharing between the Derbyshire Constabulary and Derbyshire mental health team, and information sharing only on request. The coroner recommended consideration be given to the development of a policy of mutual disclosure of information regarding mental health patients in cases of serious violent or sexual offences within between Derbyshire Constabulary and Derbyshire Healthcare Trust, and for consideration to be given to the development of a national policy between the police and health service.

Matters Directed to Home Secretary and Derbyshire Constabulary

- D13
D15
D16 179. A matter of concern was that Derbyshire Constabulary IT systems used to record information on incidents, people and crimes were not linked, the domestic violence officer did not make a contemporaneous note of his telephone call to Rachael Slack and what was discussed either in his daybook or electronically, and a number of officers and staff had

involvement with the police contacts with Rachael Slack and Andrew Cairns between 26 May 2010 and 2 June 2010 and some were aware of more information than others. The coroner recommended that consideration be given to the development of an electronic document detailing the victim, suspect, bail conditions, nature of the alleged offence, information provided to the victim regarding the bail conditions and actions required in the event of a breach of bail. The coroner also recommended that consideration be given to the inclusion of the investigation action plan, further enquiries and case progression on this electronic document, and for this to allow updates. In addition, he suggested the force consider a similar system in all cases of serious violence and sexual assault.

Response of Derbyshire Constabulary to the Inquest Findings

D16

180. Derbyshire Constabulary advised that a Harm Reduction Information Sharing Agreement was already in existence but was being reviewed to ensure Derbyshire Constabulary and partner agencies were sufficiently robust and the agreement was well understood.
181. Derbyshire Constabulary advised that although their IT systems were not directly linked, there was the facility to record critical register information and signpost members of the force to the crime system, where further information may be available. They also advised that, at a national level, there are discussions regarding the introduction of a new crime recording system with multi-functionality and the ability to link to the incident recording system, that the force would monitor these developments and would ensure issues faced in this case would be fed into those discussions. The force added that a solution was unlikely in the short to medium term.
182. Derbyshire Constabulary accepted that the case record keeping in this case had not been timely or comprehensive but asserted that the current crime recording system was the correct system to record such information and that all public protection unit staff had received a reminder regarding the need to maintain detailed and up-to-date records of ongoing

investigations, and supervisors have been instructed to provide more oversight. In addition, the force asserted that a project was already looking at broader issues in relation to the quality of all investigations.

183. Derbyshire Constabulary accepted that there had been a lack of information provided to Rachael Slack regarding her high risk domestic violence status and asserted that the force had since developed a risk management plan document, which was already in daily use with all high risk domestic violence victims, which outlines specifically the risk the victim faces, all protective measures for consideration and is signed by both the victim and investigating officer.
184. Derbyshire Constabulary stated that the force had provided considerable training and raised awareness in relation to domestic violence, the force now ensures all domestic violence officers are accredited detectives and the public protection unit are working with the training department to develop a specific domestic violence input for all staff.

HMIC 2013 Review

D17

185. The HMIC was commissioned to conduct an inspection of all Home Office funded forces in England and Wales. It was to consider the effectiveness of the police approach to domestic violence and abuse, focusing on the outcomes for victims, to consider whether risks to victims of domestic violence and abuse are adequately managed, to identify lessons learnt from how the police approach domestic violence and abuse, and to consider making any necessary recommendations in relation to these findings when considered alongside current practice.
186. HMIC identified four key areas for development of relevance to the IPCC investigation into the police contact with Rachael and Auden Slack, and Andrew Cairns, as a result of their examination of Derbyshire Constabulary. Within their review of these areas, they found both positive aspects of the force's practices as well as aspects requiring improvement.

187. It is worthy of note that the review by HMIC pre-dated some of the improvements introduced by the force as a result of their internal review.

Identifying Victims

188. HMIC found good systems and practices in control rooms to identify victims of domestic abuse and ensure an appropriate response, but call handlers had inconsistent knowledge and understanding of controlling and coercive behaviours as recognisable characteristics of domestic abuse; the force had no set list of questions for call handlers to facilitate this recognition in callers and incident, leaving this to the individual skills and knowledge of the call handlers.
189. They noted that supervisors with the control room undertook audits of calls including domestic abuse, listening to sample calls from each call handler and evaluating them, the results of which are then discussed with a view to learning and improvement.
190. HMIC found there were dedicated staff to complete checks on force systems, update attending officers to equip them with the relevant force intelligence and information to gain a proper picture of the victims and perpetrators prior to attendance at incidents, but these staff had limited capacity, particularly at times of high demand.
191. They noted the force had recognised the need to identify repeat victims and now ensure, where there was a continued risk to a victim or a likelihood of a repeat incident, a critical register marker was placed on the force database, which immediately notified call handlers to subsequent calls that a previous history exists, informing the risk assessment and guiding police action.
192. HMIC found attending officers were required to provide full updates on logs of the initial response officers and actions taken, which their supervisors then assessed using a checklist prior to the closure of domestic abuse incident logs, ensuring consistency in actions and standards; whilst logs remaining open were reviewed by an inspector, who

risk assessed and ensured all further required actions were completed prior to closure.

Keeping Victims Safe

193. HMIC noted training of staff in coercive and controlling, honour-based violence, stalking and harassment was on an ad hoc basis, without a coordinated force training plan or understanding of the force training needs.
194. They found that risk assessments were computer generated limiting the scope for officers to include professional judgement in the rating and officers were unaware of how the risk assessment would be rated prior to leaving the incident.

Management of Risk

195. HMIC noted there was a significant backlog in the risk assessments awaiting review of risk. They found that some standard rated risk assessments were already filed within the force target time of seven days for review and filed for no further action, precluding the review and provision of available and potentially necessary additional support services. HMIC also noted that the force threshold for referral to MARAC was 16 whilst other agencies threshold is 14, and the force introduction of a Domestic Abuse Perpetrator Scheme linked to Restorative Justice was repealed as unmanageable.

Organisational Effectiveness for Keeping People Safe

196. HMIC found there was an absence of post-release monitoring of medium and standard risk cases: no programme developed to monitor and tackle serial and repeat offenders; and officer knowledge of victims and offenders was as a result of their day-to-day work and not resulting from a co-ordinated force devised process.

Response of Derbyshire Constabulary to the HMIC Review

- D28
D29
D30
197. The force has now introduced the Domestic Abuse Stalking and Harassment (DASH) risk assessment, as per the practice in most forces, and a nationally recognised robust risk assessment tool, although this still requires scoring post-incident via entry of data on a computer system.
- D28
D29
D30
198. The force has now introduced a Domestic Violence Scrutiny Panel to review the quality of domestic abuse investigation. This should ensure assessment of officer work performance, force standards and standardisation of best practices through feedback to officers and their supervision via a formalised force devised system, rather than relying on individual supervisors' methods of monitoring incidents, investigations and officer performance.
- D28
D29
D30
199. The force has also introduced Domestic Abuse Units, which involve multi-agency working to ensure all services work collaboratively to offer assistance in the management of individual cases. However, this unit only deals with high risk cases, and the quality of the service offered was identified as dependent on the area of the victim's residence due to variations in officer understanding of the unit's role and tasking they delegate to the neighbourhood policing teams in different areas.
200. **Overall, it does appear that HMIC identified some areas of concern still apparent in the force's practices in 2012/2013 which were a feature in the police handling of the complaint made by Rachael Slack against her ex-partner, Andrew Cairns, and the investigation instigated prior to the murder of Rachael and Auden Slack, and the suicide of Andrew Cairns. However, a review of the force response to the inquest and HMIC's review indicates that these have largely been addressed or are in the process of being addressed through the development of improved force procedures, more robust monitoring and supervision and the provision of better training.**

Conclusions of the IPCC Review

Set-up, Structure and Evidence Gathering

201. **The review established that the terms of reference didn't reflect the recommendation made when the investigation was initially assessed by the IPCC and declared as an independent investigation. As a consequence, the terms of reference were inadequate and did not ensure that the investigation scrutinised all police contact and actions relevant to the extent required for thorough and robust critical analysis.**
202. **The review identified indications that the investigation was not adequately supervised, and also poorly resourced, with the minimal number of investigators utilised on the investigation team. This would have had a negative impact on the lead investigator's ability to be able to gather all the relevant material, obtain or take statements from all the relevant witnesses, examine the material gathered, complete a critical analysis of the events and police actions, and write a high quality report. The lack of resources is further evident in the decision not to appoint a family liaison manager, something which would have been beneficial to the investigation and the families, and appropriate in the circumstances.**
203. **Policy decisions did not appear to have been subject to review at later stages of the investigation, which risked missing opportunities to re-assess the investigation strategy, take a dynamic approach to the investigation as evidence was gathered and encourage input from supervisors.**
204. **These deficiencies left the lead investigator in a vulnerable position, unable to able to benefit from the required level of support, guidance and assistance to ensure the investigation strategy was appropriate and would produce an investigation which adhered to the core values and objective of the IPCC, and ensure the integrity and**

independence of the investigation, as well as, ultimately, ensure the quality of the report.

205. The review noted the decision by the lead investigator to manage the investigation on a paper system themselves did not provide a clear record of the investigation, investigative strategy, lines of enquiry, did not allow it to be robust to scrutiny, and did not allow a more in-depth assessment of the investigation process as a whole.
206. The evidence gathering approach in the initial stage, via the police whilst the criminal investigation was ongoing, was entirely appropriate. However, this strategy did not appear to have been reviewed. There did not seem to have been consideration given to the possibility of the investigation being kept 'live' until the police investigation was complete so that more independent and intrusive investigation methods could be employed. Instead, the investigation maintained this heavy reliance on the police, and in doing so, failed to achieve independence, showing an acceptance of police accounts without seeking corroboration from independent sources, other documentation or proactive gathering of further witness account and source documentation and material.
207. The reliance on the criminal investigation for the evidence was also not adequate due to this having focused on criminal matters. The IPCC investigation should have sought evidence focused on the precise circumstances of each police contact, in terms of the police assessments, the police records, options considered, rationales for selection from those options and ultimately the police actions. The material should have been all that available from the police, but also material obtained by IPCC staff and gathered from independent sources. This would have improved the quality of the investigation and allowed any conclusions reached to be founded on tested facts and better critical analysis.
208. The review noted that allowing the force to examine its own actions

against force policies and procedures and for the IPCC investigation to accept the force's own assessment was inappropriate, and was an examination and assessment which should have been completed by IPCC staff. This practice was not in line with the IPCC core values and practices, and significantly undermined the investigation's integrity and ability to present as an independent investigation.

Accuracy of the Investigation Report

209. The review found that the report did provide an overview of the events leading to the deaths of Rachael and Auden Slack and Andrew Cairns, but lacked the accuracy which would have demonstrated a thorough investigation. This appeared due to human error and the failure to gather sufficient material and independent evidence to establish the facts, instead adopting an overall approach of accepting the police accounts from statements.

Inquest's Impact on the Original Findings

210. The inquest highlighted a number of areas of concern for Derbyshire Constabulary in relation to the police contact with Rachael and Auden Slack and Andrew Cairns which the investigation report had failed to identify. These included the handling of the call made by Rachael Slack to the force on the morning of 27 May 2010 and the failure of the force to take any action in relation to remarks from Andrew Cairns of wanting to take Auden Slack from Rachael Slack on 28 May 2010. This appears likely to be a direct result of the inquest having gathered significantly more material related to the police contact than the IPCC investigation, and the coroner having had the opportunity to probe and challenge officers on their actions in more detail than the investigation could using a review of their statements.
211. The inquest also highlighted the shortcomings in the police investigation to gather all the available evidence relating to the

complaint made by Rachael Slack whilst Andrew Cairns was in custody. Although the inquest levelled these shortcomings at the domestic violence officer who received handover of the criminal investigation the morning after Rachael Slack's complaint and Andrew Cairns' arrest, and this review identified that the shortcomings would more appropriately be levelled at the force's first response to the complaint, the IPCC investigation report failed to identify this issue.

212. **The inquest verdict highlighted the failure to relay the results of the risk assessment to Rachael Slack and the failure to adequately discuss a risk management plan with Rachael Slack as areas which contributed to the deaths. The failure to discuss risk management measures available with her was mentioned in the IPCC investigation report but was presented as accepted by the report and due to Rachael Slack having asserted she felt safe in her home. However, despite this area of risk assessment being included in the terms of reference, the matter of informing Rachael Slack was not reported on and not critically assessed with regards to whose responsibility it was to inform Rachael Slack and at what stage. Similarly, the impact that knowledge could and should have had on the force ensuring Rachael Slack engaged with discussion regarding risk management measures was not given any consideration. This was a significant failing in the IPCC investigation and report.**

Reassessment of the Conclusions

213. **A review of the conclusion that the force acted appropriately in detaining Andrew Cairns under Section 136 of the Mental Health Act would appear to have been correct.**
214. **The report described the distressed call made to the force by Rachael Slack on the morning of 27 May 2010. The report failed to critically assess the force's response and consider whether it complied with the requirements outlined by the force policy, to**

provide a positive and proactive response to what was clearly Rachael Slack reporting a domestic incident at her home involving her ex-partner, Andrew Cairns, whilst their young son was also present.

- 215. The report correctly identified that the attempt to issue Andrew Cairns with a harassment warning on the evening of 27 May 2010 was inappropriate.**
- 216. The report failed to consider whether the initial evidence gathering following Rachael Slack's complaint maximised evidential opportunities, or whether the statements submitted with the file were sufficient to support the complaint and the impact of this on ensuring the expeditious progress of the investigation, with a view to the charging of Andrew Cairns at the earliest opportunity.**
- 217. The report correctly noted that the force failed to make a referral to the Primary Care Trust in relation to Auden Slack following the report of a domestic incident at his home and correctly assessed that this had no causal effect on the events which followed.**
- 218. The report did not identify that Rachael Slack was not informed that she and Auden Slack were assessed as at high risk of harm from Andrew Cairns, and it failed to identify that risk management measures and a plan should have been presented to Rachael Slack. Both of these areas should have received a negative assessment in the conclusions of the report.**
- 219. The report correctly noted that a threat to life assessment was not appropriate in the circumstances.**
- 220. The final conclusion of the report asserted that no issues of criminality or misconduct by any member of Derbyshire Constabulary had been identified. Although the report failed to identify a number of shortcomings and failures in the police actions, this review has drawn the same conclusion regarding no indication of a case to answer for misconduct by officers and staff concerned.**

Legislation has since been revised to include poor performance as a finding which can now be considered by the IPCC, intended for use in circumstances where there has been a finding of no case to answer for misconduct.

The Salmon Process

221. Prior to the finalisation of this report and its submission for approval by the IPCC Commissioner, the former IPCC staff Matthew Ridley, Mairi Spilby and Neil Lester, and the former IPCC Commissioner Amerdeep Somal were contacted. The contact was to offer them an opportunity to read any criticism of the investigation and themselves in this report and to comment on or respond to those criticisms. This is in line with the well established principles of fairness when a report is to be published by a public body which contains criticism of individuals and is commonly known as the 'Salmon Process,' following a report on public inquiries chaired by Lord Justice Salmon in 1966.
222. A written response was received from Matthew Ridley.
223. With regards to this report's criticisms of the terms of reference, Matthew Ridley advised that he was guided by advice on the setting of the parameters of the terms of reference for the original investigation following discussions between himself, his supervision and the commissioner.
224. Matthew Ridley advised that, to his recollection, the decision to not record and manage the investigation using an electronic system was not his decision, and that decisions regarding the family liaison strategy, investigation strategy and evidence gathering methods were discussed with and agreed by his line managers. He stressed that all of his decisions had been made with the best intentions.
225. Matthew Ridley accepted the criticisms that the IPCC investigation in 2010 did not identify that Rachael Slack had not been told she was at high risk of domestic homicide and that it did not identify that Andrew Cairns had voiced a desire to Rachael Slack's home and take his son from her.

226. Matthew Ridley stated that his narrow selection of material gathered was due to him being instructed by supervisors not to interfere with the police investigation in any way.
227. Matthew Ridley stated that his acceptance of evidence gathered by the police was due to the belief that police evidence in such a high profile case would be accurate and could be relied upon, although he accepted this was not an unquestionable belief.
228. Matthew Ridley confirmed that the investigation was “totally under-resourced.”
229. Matthew Ridley also provided some context to working practices at the Coalville IPCC office at the time of the investigation which he considered impacted on the investigation. He asserted that management at the Coalville office routinely set ‘target dates’ for the completion of investigations, which were regularly reviewed and that pressure was exerted by management for investigators to complete investigations within their target dates. Matthew Ridley advised that this led to an emphasis on speed and timely investigations, and that this pressure and emphasis did not support investigators to conduct thorough investigations.
230. Neil Lester accepted the opportunity to read any criticisms in this report but provided no comments or responses after being provided with a draft copy of this report.
231. The IPCC has received no contact from Mairi Spilby or Amerdeep Somal regarding the opportunity to read and respond to any criticisms in this report.

Force Response

232. **The force responded to the IPCC report, the HMIC review and inquest proceedings, with a view to improving the force’s approach to dealing with domestic abuse incidents and the service offered to victims. In this sense, the force took a proactive approach and appears to have recognised there were areas for development in**

general as well as areas specifically highlighted by this case.

- 233. The force has developed and implemented an officer 'toolkit'. This should act to ensure a prompt and effective response, and should address the issue in this case where the handover package provided to the domestic violence officer was not sufficiently progressed to be able seek a charging decision following the interview of the detained person.**
- 234. The force has developed and implemented an aide memoir checklist for supervisors, which acts as a prompt to supervisors checking the attending officer's response to domestic abuse incidents and acts as a safeguarding measure to obvious deficits in evidence gathered, information provided to victims and appropriate risk assessment and management issues being addressed at the earliest opportunity.**
- 235. Similarly, the force has improved its referral assessment, review and evaluation process, to ensure signposting to victims and referrals to other partner agencies, as well as to ensure the monitoring of the force's performance, risk assessment have been completed to the required standard, feedback is given to individual officers and their supervisors, and best practice is disseminated throughout the force. This has also involved the introduction of a multi-agency unit to facilitate the provision of services to victims.**
- 236. The force has reviewed its harm reduction information sharing protocol with other agencies to ensure the force and partner agencies are utilising it appropriately.**
- 237. The force is monitoring developments at a national level regarding the introduction of a force IT system with multi-functionality to address issues of access and provision of all relevant information to operational officers.**
- 238. The force has issued reminders to staff and supervisors regarding the importance of timely and sufficiently detailed records of incidents, victims, suspects, ongoing investigations and bail**

conditions, and has a project working on improving the quality of investigations in general across the force.

239. The force has developed and implemented a risk management plan form for use with all domestic abuse victims, which records the risk level identified for each victim and the measures identified as appropriate, and requires the victim and investigating officer to sign it. This is designed to ensure all victims are expressly made aware of their risk of harm and of measures available to manage that risk.
240. The force has provided additional training to staff across the force regarding domestic abuse, as well as provided specific training to officers working in domestic violence units, all of which are now accredited detectives.
241. The force has adopted the nationally recognised DASH risk assessment, in line with the vast majority of other forces, as a robust and empirically developed risk assessment tool for use in domestic abuse cases.

Learning for the IPCC

242. A number of areas of learning for the IPCC were evident from the review of the IPCC investigation into the police contact with Rachael and Auden Slack and Andrew Cairns, and the subsequent investigation report.
243. The terms of reference should be agreed upon which are unambiguous, clear and outline the scope of an investigation, areas to be covered and time periods, if appropriate. Consideration should be given to the issues highlighted as areas of concern and recommendations made at the initial assessment stage, when a determination is being made regarding whether an investigation is to be independent.
244. The title of investigation reports should ensure they encapsulate the nature of the event or events under investigation and to include all

the primary persons involved.

- 245. Investigations should be resourced according to their complexity and scope, ensuring sufficient resources are allocated in the early stage to facilitate the completion of fast track actions and at later key stages when additional resources may be required. Resourcing should not be dependent upon the capacity of the office to which an investigation is allocated and, where possible, there should be consistency in the staff performing key roles.**
- 246. Investigations should be closely supervised, with constant involvement from supervisors throughout and reviews of the investigation strategy and policy decisions continuing at regular intervals, to ensure investigations are adequately resourced, maintaining direction, proportionate, independent and adhering to the core values of the IPCC.**
- 247. Independent investigations should be managed on auditable IT systems, with all material gathered recorded, along with the time and date obtained, as well as the source. Relevant policy decisions, investigation strategies, key internal communications and external communications should also be recorded to allow for retrospective examination and review.**
- 248. All available material relevant to the investigation should be gathered, including source documents, witness statements, force documentation, policy and procedure documents, as well as independent source material, such as audio recordings, visual evidence and supplementary material, to enhance the ability of the investigation to test accounts and evidence presented or provided by the force. However, this strategy would need to be mindful to proportionality, dependent upon the matters under investigation.**
- 249. All evaluations of evidence, police accounts, actions and circumstances should be completed by IPCC investigators.**
- 250. The investigation should incorporate critical assessment of**

circumstances, decision making, rationales, policies and procedures, as well as actions, rather than simple description and acceptance of events and outcomes.

- 251. All investigation reports should be subjected to a rigorous internal quality assurance process, during which the accuracy of the report is checked against the material gathered, the investigation is checked against the terms of reference and the critical analysis and findings are assessed to ensure they are able to demonstrate a thorough, independent and robust investigation.**
- 252. The more stringent implementation and development of improved IPCC practices, policy and procedures between 2010 and 2015 have already addressed the majority of these issues or have gone a significant way in addressing them.**

Judy Nicholson

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Date 13 February 2015

Corrina Kidd

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