

Chelmsford Coroner's Court
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HM Senior Coroner for Essex

REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

*NOTE: This form is to be used **after** an inquest.*

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| REGULATION 28 REPORT TO PREVENT FUTURE DEATHS | |
| THIS REPORT IS BEING SENT TO: | |
| <p>The Ministry of Justice (Email) The Home Office, Theresa May MP Treasury Solicitors, [REDACTED] Mr James Brokenshire MP, Govn Minister Mr Keith Vaz MP, Secretary of Select Committee, Home Affairs</p> | |
| 1 | <p>CORONER</p> <p>I am Caroline Beasley-Murray, senior coroner, for the coroner area of Essex</p> |
| 2 | <p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p> |
| 3 | <p>INVESTIGATION and INQUEST</p> <p>On 22 December 2008, I opened an inquest touching upon the death of Maria Christina Stubbings. [REDACTED] was charged with her murder and, at Chelmsford Crown Court in November 2009, he pleaded guilty. I did not resume the inquest at that stage. I later acceded to the family's request to reopen the inquest on the basis that Article 2 ECHR was engaged and that the circumstances surrounding Mrs Stubbings' death had not yet been fully aired. The family submitted that they had so far had no opportunity to contribute to any investigation into the death. I concluded the inquest on 14 October 2014.</p> |
| 4 | <p>CIRCUMSTANCES OF THE DEATH</p> <p>[REDACTED] was deported from Germany to the UK early in 2008 after having served a life sentence for the murder of a girlfriend. He began a relationship with Maria Stubbings and in July 2008 he was arrested for an offence of sexual assault and common assault on her. He was remanded in custody until October 2008 when he pleaded guilty to the offence of common assault. He was released from custody immediately in the light of the time he had spent on remand. It was only in July 2008 that Essex Police became aware of [REDACTED] previous murder conviction. In July, Maria Stubbings was assessed by Essex Police as being at very high risk and a safety plan was put in place. In December 2008, [REDACTED] murdered Maria Stubbings, using the same modus operandi, namely strangulation, as in the murder in Germany.</p> |

CORONER'S CONCERNS

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances, it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows. –

Notwithstanding the changes that have occurred (i) enabling a Violent Offender Order to be made in relation to someone who has a conviction for murder (including murder abroad) in May 2014 and (ii) the EU Directive which requires EU member states to notify the UK of foreign convictions of UK Nationals, at the time of conviction (as opposed to later than this which occurred in the [REDACTED] case) and (iii) the electronic system now in place at the Central Authority – it seems that there are further opportunities that might be considered which would reduce the likelihood of another individual (with a murder conviction like [REDACTED] entering the UK without conditions and without any police force being made aware of that person's existence, until arrested for different offence.

I ask the Home Office/MoJ to give consideration to further steps that could be taken to address the issues, including those detailed below. In making the suggestions below it is recognised that the issues are complex.

- (i) The Central Authority needs to be notified now of all EU nationals currently serving a sentence for serious crimes such as murder in those countries. We understand the new notification system which obliges an EU state to notify at the time of conviction, it is not retrospective. Accordingly, there are likely to be a pool of older prisoners who are UK nationals, serving sentences in EU prisons, which the Central Authority is not yet aware of. Further consideration could be given to making a request of each country in order to identify who these individuals are and the offences for which they have been convicted;
- (ii) Consideration could be given to some form of "warning marker" which could be placed on an individual's passport which would alert the authorities to the entry of a UK national convicted of murder, back into the UK. Furthermore, it might be possible for the Immigration Rules to be amended to enable a passport officer to request details from that individual as to the address they are going to stay at in UK; details of any car to be used by them; details of relatives; people they intend to stay with etc. The police are aware from the evidence disclosed in the Inquest (notably pre-sentence reports on [REDACTED] that he was told by the German authorities upon his deportation that he would be met by Security Officers in the UK, who would ensure that he was given advice and keep an eye on him. It appears that this did not happen and he was free to enter the UK at Heathrow airport of 24th January, 2008 and met his father who was waiting for him;
- (iii) Consideration needs to be given to putting in place a mechanism which notifies local police that someone with a conviction like the murder conviction [REDACTED] has come to reside in their area.
- (iv) There could be an amendment to allow for a Notification Orders to be applied for. The principle response of the Home Office/MoJ was to amend the law to allow for the police to apply for the Violent Offender order (VOO). However, as you are aware such orders will only be granted if there is a risk that the individual is likely to commit one of more of the *specified offences* in Section 98(3) of the Criminal Justice and Immigration Act 2008. Those offences are 6 types of serious violent offences from Section 20 OAPA 1861 upwards to manslaughter.

It is doubtful that a VOO would have been granted in the case of [REDACTED] following the incident in July 2008, as he had only been convicted of the offence of common assault and the circumstances of the sexual offence left on file would not be relevant.

- (v) It may be possible for an amendment to be made to Schedule 3 of the

Sexual Offences Act 2003 to include a foreign conviction for murder. With the benefit of hindsight this would allow the police to have applied for a Notification Order against [REDACTED] as soon as they were aware of his existence. This would require him to comply with the notification requirements under section 83(5) of that Act requiring him to state his date of birth; national insurance number; home address and specify any address at which he stays on a periodic basis. It would be a useful mechanism to monitor an individual's movements when no licence conditions would apply.



6 ACTION SHOULD BE TAKEN

In my opinion action should be taken to prevent future deaths and I believe you and your organisation have the power to take such action.

7 YOUR RESPONSE

You are under a duty to respond to this report within 56 days of the date of this report, namely by 18 December 2014. I, the coroner, may extend the period.

Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.

8 COPIES and PUBLICATION

I have sent a copy of my report to the Chief Coroner and to the following Interested Persons –
Essex Police, Chief Constable, Mr S Kavanagh
Family Solicitors, Deighton Pierce Glynn Solicitors, [REDACTED]

I am also under a duty to send the Chief Coroner a copy of your response.

The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.

9 23 October 2014

Caroline Beasley-Murray
Caroline Beasley-Murray