

# Operation Orava

Investigation into whether Mr Ablewhite's possession of ammunition was in accordance with the terms of his shotgun certificate

> Independent investigation report

## > Investigation information

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Investigation name:	Op Orava
IOPC reference:	2019/128375
IOPC office:	Canary Wharf
Lead investigator:	Sabrina Castagno
Case supervisor:	Chris Lovatt
Director General delegate (decision maker):	Sal Naseem
Status of report	Final
Date finalised	12/02/20

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## > Introduction

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### > The purpose of this report

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1. I was appointed by the IOPC to carry out an independent investigation into whether ammunition found at Mr Ablewhite's address was in accordance with the terms of his shotgun certificate.
2. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Sal Naseem, Regional Director.
3. In this report, I will provide an accurate summary of the evidence and attach or refer to any relevant documents. I will also provide sufficient information to enable the decision maker to:
  - set out their opinion on whether any person under investigation may have committed a criminal offence
  - decide whether they should refer any matter to the Crown Prosecution Service (CPS)
4. Where article 2 or 3 of the European Convention on Human Rights (ECHR) is engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

## > The investigation

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### > Terms of reference

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5. Sal Naseem approved the terms of reference for this investigation on 16 December 2019. The terms of reference are:
6. To investigate a potential criminal offence in relation to:
  - a) *Whether Mr Ablewhite's possession of ammunition was in accordance with the terms of his shotgun certificate.*

## > Criminal offences under investigation

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7. The criminal offences considered in this investigation were:
- Section 1(1)(b) of the *Firearms Act 1968*  
(1) Subject to any exemption under this Act, it is an offence for a person—...  
  
(b) ...to have in his possession, or to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

## > Summary and analysis of the evidence

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8. In order for the decision maker to reach their opinion on whether any individual under investigation may have committed a criminal offence, I have presented a summary and analysis of the evidence. I will not make any determinations about these matters.
9. During this investigation, evidence was gathered. I have summarised that which I think is relevant and answers the terms of reference for my investigation.
10. On 7 November 2019, a search<sup>1</sup> was carried out by Cambridgeshire Constabulary police officers at the address of Mr Jason Ablewhite.
11. During the search, a “*small box containing various size spent and live ammunition*” was seized from a locked cabinet in one of the rooms.
12. Mr Ablewhite was a shotgun certificate holder authorised to possess shotguns. His certificate was valid from 12 December 2016 to 11 December 2021. [REDACTED]
13. The ammunition was examined and classified by a forensic scientist specialising in the forensic examination of firearms. In summary, the findings were:
14. Item REF/01 contains four bulletted cartridges, as follows:
- (a) One .44” Magnum
  - (b) One .38” Special

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<sup>1</sup> The search was authorised in relation to another investigation concerning the former PCC Jason Ablewhite.

(c) One .45" Auto

(d) One .22" Long Rifle

15. These four bulletted cartridges constitute 'ammunition' as defined in Section 57(2) of the *Firearms Act 1968* and are subject to the requirements of Section 1 of this Act (a firearm certificate is required for their possession).
16. The bulletted cartridges are not listed on Mr Ablewhite's shotgun certificate and are not suitable for use in the three 12 bore shotguns listed on his certificate.
17. In a criminal interview with the IOPC on 31 January 2020, Mr Ablewhite explained he had a shotgun certificate since the age of 15. Between 1990 and 1993, he regularly attended [REDACTED] Gun Club with [REDACTED] where they shot clay pigeons and skeet with a shotgun. They would then go to the pistol range in the evening and use calibre .22, .38, .45 Magnum and 9 millimetre ammunition on a regular basis to shoot targets.
18. According to Mr Ablewhite, it was not uncommon that ammunition and unspent cartridges would be left in the shooting vest he wore. It was also not unusual to take ammunition home. Usually when he got home, he would put the ammunition to the side to take back the next week [REDACTED]  
[REDACTED]
19. Mr Ablewhite confirmed he would have bought and paid for the ammunition in the early 1990's and that they would have been bought at the counter. When asked if he could evidence this, Mr Ablewhite said "no, we would have been paying cash over the counter".
20. When leaving the range, Mr Ablewhite explained they never did checks for ammunition and that is was not common practice for him to check himself either.
21. When asked whether he was required to present his shotgun certificate when buying ammunition at the range, Mr Ablewhite replied "no". He explained that "*...in the early nineties... the actual pistols and... ammunition... didn't have the same legislation and... I suspect the same robustness that it... would have now...*". Furthermore, according to Mr Ablewhite, on the range premises, an additional certificate was not required to shoot pistols or to handle their ammunition.
22. Mr Ablewhite confirmed that no other person in his household held a shotgun or firearms certificate.
23. According to Mr Ablewhite he did not realise that he had live ammunition at his address and that if he had come across them, he would have immediately handed them to the force armoury or nearest police station.

## > Next steps

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24. The decision maker is now required to decide if there is an indication that a criminal offence may have been committed by the relevant office holder under investigation. They will record these conclusions on a separate document.
25. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.
26. The decision maker should consider the criminal offences that were considered during the investigation, which have been listed in paragraph 7 but is not restricted to these offences.

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## > Appendix 1: The role of the IOPC

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The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

### > The investigation

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At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the Crown Prosecution Service (CPS) and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation also passes through a series of reviews and quality checks.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation. However, any such advice will usually be considered to be confidential.

### > Investigation reports

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Once the investigator has gathered the evidence, they must prepare a report. The report should summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

### > Criminal proceedings

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## [OFFICIAL]

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS, if the decision maker considers it appropriate. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

### > Publishing the report

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After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other proceedings will not be prejudiced by publication, and that none of the exceptions set out in regulation 33 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 apply (e.g. where disclosure may prejudice the welfare or safety of any third party), the IOPC will publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.