

# Nicola Last

**Executive summary in respect of the Independent Police  
Complaints Commission investigation following the death of  
Nicola Last after contact with HM Revenue & Customs**

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This report deals with the circumstances of HM Revenue & Customs' contact with Nicola Jayne LAST on 15 September 2006 at Terminal 3, London Heathrow Airport. The report also considers intelligence passed by South Wales Police to HM Revenue & Customs in respect of Nicola LAST and her travelling companion.

### **Summary of events**

Nicola LAST and Mr D travelled from London Heathrow Airport, on 7 September 2006 to Port of Spain, Trinidad and Tobago.

South Wales Police received and passed intelligence to HM Revenue & Customs which indicated that both Nicola LAST and Mr D had travelled to Trinidad and would each return with a quantity of cocaine.

At 1030 a.m. on Friday, 15 September 2006, Nicola LAST and Mr D were identified and stopped by officers of HM Revenue & Customs (HMRC) on their arrival at Terminal 3, London Heathrow Airport. Nicola LAST and Mr D were questioned in respect of their foreign travel and both had their baggage searched, of which nothing of interest was found.

Nicola LAST and Mr D were then strip searched, to determine if they were carrying drugs which proved negative.

To establish if they had swallowed or secreted drugs internally they were then asked to consent to an X-ray to which both agreed. X-rays were carried out and images taken. Nicola LAST's and Mr D's X-ray images were deemed to be negative by reviewing staff.

Due to nothing else being found to suggest any drug trafficking, they were both released at 1105 a.m. and seen to leave Terminal 3, London Heathrow Airport. They then returned to Barry, South Wales by National Express Coach.

Later that day, Nicola LAST saw her son, Joshua at their home. Nicola LAST told Joshua that she had had a good time abroad but did not tell him that she had been to Trinidad and Tobago. At approximately 7.00 p.m., Nicola LAST left her home to spend the evening with friends.

At approximately 1.00 a.m. on Saturday 16 September 2006, whilst still at her friends' house, Nicola LAST appeared unsteady on her feet and complained to them of feeling dizzy. She decided to stay at her friends' house, however, at approximately 1.30 a.m. Nicola LAST was seen to be fitting and foaming at the mouth. An ambulance was called, paramedics subsequently attended and she was taken to Llandough Hospital, Cardiff.

At approximately 4.40 a.m., after becoming stable, Nicola LAST was spoken to by a Senior House Officer regarding her condition. She was described as being quite lucid. The Senior House Officer again spoke to Nicola LAST several hours later at approximately 8.00 a.m. This time she was described as being confused and agitated. During both conversations, Nicola LAST failed to mention that she had swallowed controlled drugs but stated that she had been on holiday to Spain. She also made mention that she had been drinking heavily and had been trying, on her return to control her drinking.

At approximately 8.25 a.m., Nicola LAST became unconscious and did not have a pulse. CPR was commenced and she was then transferred to the Intensive Care Unit (ICU). Here in the ICU, Nicola LAST was stabilised before going for a CT scan to her head.

At this point the hospital received information from an unknown male caller who stated that Nicola LAST had swallowed a quantity of cocaine. South Wales Police also received similar information and this was immediately relayed to the hospital. Following the CT scan, further examinations were carried out, including both X-ray and CT scan of her abdominal area but these also failed to identify the presence of any drugs. An ultra-sound of Nicola LAST's abdomen then took place and was determined as abnormal. A subsequent CT scan of the abdominal area identified suspicious packages as well as internal bleeding and emergency surgery followed.

During this surgery a total of 34 packages of drugs were recovered from Nicola LAST's stomach along with 18 part-packages.

Nicola LAST's condition continued to deteriorate and she died at 6.40 a.m. on Sunday 17 September 2006.

Subsequent analysis of the contents of the intact packages identified it to be cocaine with an approximate total weight of 340 grams and a purity of 65%. The street value of these drugs was estimated to be £52,269.

#### Post-mortem

On 20 September 2006, a Home Office special forensic post-mortem was carried out on Nicola LAST. This took place at the University Hospital in Cardiff and was performed by Dr Stephen LEADBETTER. During the post-mortem Dr LEADBETTER recovered the remains of another package and

a possible part-package from Nicola LAST's stomach.

No injuries were recorded and the post-mortem failed to identify the cause of death. Samples were taken to enable toxicology and histology tests to be performed.

The samples taken from Nicola LAST were subject to analysis by the Forensic Science Service (FSS) who concluded that she had ingested a very large dose of cocaine prior to her death and that death from cocaine poisoning remained almost certain.

### **South Wales Police investigation into the death of Nicola Last**

South Wales Police are responsible for investigating the death of Nicola Last and potential drug trafficking activities of Nicola LAST and Mr D and this report is not in relation to their investigation. Their report will be subject of examination as part of either a criminal trial or through the Inquest process.

In respect of Mr D, he was interviewed under caution following Nicola LAST's death. He confirmed that he travelled to Trinidad and Tobago with Nicola LAST. He claimed that on the last night before returning home she went off with a friend and that he did not see her again until some hours later. He denied any knowledge of importing drugs but admitted to using both cannabis and cocaine whilst away and on his return to the UK.

### **The IPCC investigation**

Terms of reference

The IPCC Commissioner, Gary Garland set terms of reference to investigate HMRC's contact with Nicola LAST on 15 September 2006, prior to her death on 17 September 2006 with specific reference to the following:

1. To investigate the actions and conduct of HMRC officers following the interception, questioning, search and subsequent X-ray's of Nicola LAST and her travelling companion Mr D. This will also consider any relevant intelligence available.
2. To investigate the actions of South Wales Police in relation to the dissemination of intelligence in relation to Nicola LAST and Mr D to HMRC. To consider in the circumstances if such dissemination was proportionate and complete.
3. To examine the actions and conduct of officers of HMRC against HMRC procedures and policies especially in respect of the treatment of persons suspected of drug trafficking by way of internal bodily concealments, and consider whether any disciplinary offences are disclosed.

4. Consideration of any training, supervisory, management or policy issues arising from the investigation of HMRC contact.

#### Investigation Plan

In order to satisfy the terms of reference appropriate investigation strategies were set in order to identify all relevant and required information from both HMRC and South Wales Police. Both agencies complied with requests for assistance and fully assisted with the investigation process. In particular material relating to the following key areas was specifically obtained.

##### South Wales Police

- Information/intelligence held and passed to HMRC.
- Policies and procedures relating to information/ intelligence handling and dissemination.
- Full details and accounts from appropriate staff.
- Copies of material gathered in the South Wales Police criminal investigation.

##### HM Revenue & Customs

- Information/intelligence held along with appropriate policies and procedures relating to information/ intelligence handling and dissemination.
- Details and accounts from appropriate staff relating to HMRC identification of Nicola LAST and Mr D, subsequent interception of Nicola LAST & Mr D and actions including search of baggage, person and X-rays.
- Access to appropriate HMRC policies and procedures relating to stop and search of passengers, including passengers suspected of importing drugs internally, training and health and safety requirements.
- Full details of training and of service of HMRC staff that had contact with Nicola LAST.

#### **IPCC Investigation findings**

With regards to the agreed terms of reference, this investigation focused on the contact that officers of HMRC had with Nicola LAST and Mr D and the intelligence passed by South Wales Police to HMRC.

The procedures and policies in place to deal with passengers such as Nicola LAST and Mr D i.e. those suspected of smuggling drugs internally, were also reviewed against the actions actually taken by officers of HMRC both on and prior to 15 September 2006. In addition, HMRC's response to the intelligence was considered alongside the use of any intelligence

already held.

In addition this investigation also considered and reviewed the dissemination of intelligence from South Wales Police to HMRC and whether such dissemination was proportionate and complete.

As part of this investigation, all recorded and retained intelligence and information held by South Wales Police in respect of both Nicola LAST and Mr D was identified. This involved carrying out searches of all relevant databases and intelligence systems to ensure that all material had been captured. As part of this action and where appropriate material was checked in accordance with South Wales Police intelligence handling, management policies and procedures. Material identified as relevant was then viewed in order to ascertain whether more information or intelligence could have been passed to HMRC to assist in their response to Nicola LAST and Mr D.

#### South Wales Police

On receipt of the intelligence, it is felt that South Wales Police reacted swiftly and appropriately in order to deal with a potential importation of drugs. The intelligence was developed and disseminated to the appropriate authority (HMRC) in good time and in accordance with force policy. It was also presented in a nationally-agreed format.

In respect of the importation of cocaine that took place through London Heathrow Airport on 15 September 2006 involving Nicola LAST and allegedly Mr D, this investigation identified that no other specific information or intelligence was in existence other than that passed to HMRC.

#### HM Revenue & Customs

In respect of the intelligence received from South Wales Police, the handling and onward dissemination by both the HMRC receiving unit and by staff at London Heathrow Airport were examined. It is felt that the information was dealt with appropriately and in accordance with agreed policies and procedures. As with South Wales Police, HMRC also had information in their possession which, had they carried out further checks, would have revealed to them that Mr D was subject to Home Office licence conditions.

As a result of the intelligence an operational decision was made to intercept Nicola LAST and Mr D on their return to Heathrow Airport on Friday 15 September 2006.

The investigation found that the HMRC staff that intercepted and subsequently dealt with both Nicola LAST and Mr D were all considered to be appropriately trained and experienced in this line of work. In addition the

technical equipment used by HMRC staff during contact with both Nicola LAST and Mr D was found to be in good working order and was subject to regular servicing and maintenance.

When HMRC staff stopped Nicola LAST and Mr D they began to question them. Nicola LAST and Mr D were asked for and provided their passports and travel itineraries. Nicola LAST and Mr D stated that they had been away together for a one week holiday to Trinidad and had stayed in a hotel. Both confirmed that the baggage with them was their's and that they had packed the bags themselves and that no one had asked them to bring anything back. After being spoken to, the baggage belonging to both Nicola LAST and Mr D was searched.

Swabs were then taken of baggage, clothing and items in close contact with skin. These swabs were then tested in a machine in order to determine if Class A drugs (such as heroin and cocaine) were present. In the case of both Nicola LAST and Mr D none of the swabs taken were recorded as positive.

Following the search of their baggage, Nicola LAST and Mr D were advised of the officers' wish to search their person. Each was told what type of search was sought, in this case a strip search and the nature of the search. Both agreed to be searched. Both lead search officers then sought authority from a senior officer to carry out a strip search. Searches were authorised by an officer of appropriate rank after they were satisfied that reasonable grounds existed to believe that Nicola LAST and Mr D may be in possession of drugs.

The right of appeal against a strip search was explained to both Nicola LAST and Mr D and both are recorded as having had the required notice of explanation shown to them. This is indicated by their signatures in each of their respective search of person records.

Following the search of Nicola LAST, the searching officer asked her if she would consent to an X-ray examination so that she could be checked for packages concealed internally. The officer also explained to Nicola LAST the risks associated with concealing drugs inside her body. Nicola LAST agreed to be X-rayed.

HMRC are using low dose X-ray scanners at specific key locations around the country. "ConPass" body scanners are in use at London Heathrow Airport.

X-rays are used in assessing whether or not suspects are concealing drugs internally and to reduce the need for intimate searches and to minimise the length of time that travellers are kept in custody. The scanners subject an individual to a much-lower dose of radiation than a medical X-ray.

An X-ray image was taken of Nicola LAST's person. The image taken was reviewed by officers and in their opinion the image did not indicate the

presence of any packages within the abdominal area. An X-ray image was also taken of Mr D's person. No foreign bodies were identified as being present in the abdominal area.

As nothing had been found on either Nicola LAST or Mr D, nor was there anything to suggest that they had drugs concealed internally, both were finally released from Customs' controls at approximately 11.05 a.m.

It is felt that the actions of HMRC staff at London Heathrow Airport were appropriate and in accordance with their training and operational procedures. In addition there is no evidence to suggest any unlawful acts, neglect or misconduct and, therefore, neither criminal offences nor misconduct issues were identified following this investigation and review of HMRC contact with Nicola LAST and Mr D.

### **Recommendations**

As a result of this investigation we have made recommendations to HMRC in relation to the use of their X-ray equipment and the training that staff receive especially in the way that they both take and interpret X-ray images. This is based on the assumption that, when Nicola LAST passed through Customs' controls she was carrying the controlled drugs subsequently recovered from her, the officers examining her X-ray image did not detect them and the processes and systems in place also failed to detect the drugs.

HMRC have been asked to review their procedures when using low emission X-rays and in particular the two relevant recommendations are:

- When using the ConPass body scanner consideration is given by officers operating the machine to taking three X-ray images of the front, back and side of a passenger's abdominal area in order to provide a more accurate view of the area and allow a more informed decision to be taken as to whether suspect packages are present.
- That training given to officers using body scans to detect drugs smuggled internally is supplemented by regular professional input from a trained, clinical radiologist.

### **Conclusion**

This investigation was instigated by the death of Nicola LAST who died after swallowing packages of cocaine which then burst inside her. Nicola LAST and it is alleged, Mr D attempted to import cocaine from Trinidad and Tobago into the United Kingdom.

It is acknowledged that dealing with persons suspected of smuggling drugs internally is a difficult area of work with unique demands on both staff and resources. This investigation and review identified that both South Wales

Police and HMRC dealt with Nicola LAST and Mr D appropriately and professionally throughout.

There is no apparent evidence to suggest that Nicola LAST was forced to swallow these drugs nor was she acting under duress. It can only be assumed that she took them of her own free will and knowing the risks involved in so doing this. Clearly these risks were balanced against financial gain with tragic results.

In the course of her contact with HMRC, the ambulance service and subsequently with healthcare professionals in Llandough Hospital, Cardiff Nicola LAST had numerous opportunities to alert people as to the situation she was in, for reasons which we may never know she chose not to do so.

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**London & South East Region.**

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