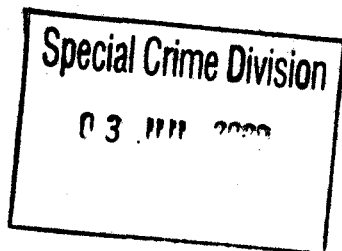


Mr Paul Close  
Special Crime Division  
CPS HQ  
50 Ludgate Hill  
London EC4



**Hampshire Constabulary**  
Chief Constable Alex Marshall

Serious Crime Review Team  
c/o Park Gate Police Station  
Bridge Road  
Park Gate  
Southampton  
SO31 7HN

# Code A

June 22, 2009

Dear Mr Close,

## Operation Rochester

I acknowledge receipt of your letter dated the 8<sup>th</sup> June which I received on the 15<sup>th</sup> June. I responded by email the same day to let you have my early views and promised to reply more formally in due course.

In December 2006 the Crown reached a decision that there was insufficient evidence to support a prosecution in respect of any case for any criminal offence. On the 18th December that year Hampshire Constabulary announced that there would consequently be no further investigation into the standard of care provided to patients at Gosport war Memorial Hospital.

To that end no further investigative work has been conducted. Hampshire officers have supported the subsequent Coroners inquests and have also made material available to the regulatory bodies for their enquiries.

The Crown has never shared the written advice provided by Mr Perry QC in respect of each case so we have never been able to identify whether we could have addressed any investigative concerns? Your verbal assurances were that the matter had been fully investigated.

The two central "experts" for Operation Rochester, Wilcox and Black did provide oral evidence at the recent inquests as did Dr Barton. The nature of the letters from the next of kin refers to this evidence. I attach a breakdown of the decision of the jury in relation to each of the ten inquests for your information.

I am satisfied that the evidence provided under oath by various witnesses did not identify any new lines of enquiry that would necessitate further investigation by Hampshire Constabulary.



**Hampshire Constabulary**  
**Chief Constable Alex Marshall**

That being said I believe it is a decision for the Crown as to whether the evidence given under oath by the witnesses changes the position as to whether there is now sufficient evidence to proceed with a criminal prosecution.

The only potential new evidence arises from the witnesses at the inquests. I will obtain transcripts of the evidence given under oath and forward them to you for consideration.

The Crown already has copies of all the evidence in respect of each individual investigation together with an over arching generic case file. These were submitted in individual case files during the course of 2005 & 2006. There is nothing further to add.

I note the comments in relation to the "Baker" report. This was a confidential report prepared by Professor Richard Baker at the request of the Chief Medical Officer Sir Liam Donaldson. The report has never been published in the public domain and remains embargoed by the CMO.

This report formed part of the generic case file submitted to you on the 23<sup>rd</sup> August 2005 and was further discussed during a meeting with yourself and Counsel on 28<sup>th</sup> September 2005.

On a separate note, the Fitness to Practice Hearing regarding Dr Barton and the General Medical Council commenced on June 6<sup>th</sup>. This hearing is scheduled to conclude at the end of August. A number of witnesses including Dr Barton are to give evidence under oath. It is possible therefore that post this hearing family members may write to you again asking you to consider these accounts.

With this in mind I will seek transcripts of this hearing as and when it is available. This material will then be available for you to consider in a similar fashion to that from the inquests.

I will forward the transcripts of the inquests as soon as I have them.

Yours Sincerely

**Code A**

Dave Grocott  
 Detective Inspector  
 Operation Rochester