

Capt. Mr. Paul Close. CPS. Hants

Code A

1st May 2002

Paul R. Kernaghan QPM, LL.B, M.A., DPM, MIPD
Chief Constable
Hampshire Constabulary
Wish Hill
Winchester
Hants

Dear Sir,

Following my telephone call approximately two weeks ago, I regret that I have been unable to confirm in writing due to hospitalisation.

I wish to make a formal, repeat formal complaint relating to Detective Superintendent John James, Major Crime Complex Fratton since he took responsibility for the investigation (CPS) regarding my mother Mrs Gladys Richards and other cases involving the Gosport War Memorial Hospital.

In late May 2001 the case was handed over to Det. Supt. John James by D.C.I. Ray Burt. Deliberations were awaited after 5 months from the C.P.S. I immediately contacted Det. Supt. James and suggested a meeting but he informed me he would keep me in the picture. He has never done so adequately by letter or telephone.

In June I had a visit from Det. Inspector Paul Clarke who had accompanied Det. Supt. James and Professor Livesly to an interview with David Parry, Treasury Counsel. Inspector Clarke was not confident that the case would get to Court and gave me some details of the interview. He made some comments on how the investigation had been handled from the outset. I reported them. A comment allegedly made by David Parry was ludicrous and I began to wonder how the case had been written up. (by CPS?)

From April 2001 when there was publicity concerning the P.C.A. upholding my complaints relating to C.I.D. Gosport, a journalist seemed to know more about what was going on than I did. Eventually I had a phone call from the journalist telling me I would hear the outcome of the CPS decision within an hour. I did – from Inspector Clarke from his mobile telephone on board the Portsmouth – Isle of Wight ferry on his way home – with full background noise. Det. Supt. James was making a Press Statement. You are probably aware my sister did not know the outcome until she read it in a newspaper.

I awaited contact from Det. Supt. James – nothing happened until I left a message with Paul Close CPS stating I wanted an official written outcome of the decision. In July I received a letter from Det. Supt. James. His communication skills have been abysmal throughout.

I had already been told that by June four files had been sent for expert medial opinion which probably would make my case stronger as they were similar to my mother's case. A Press Statement had been issued by May that 6 people had contacted the Police and they would be interviewed.

I am now aware that 14 people were in contact – none have been interviewed to date. Nobody has made a statement - gone through the medical files with the Police and no full investigations have been carried out. Det. Supt. James has emphatically stated that this has been due to his own personal decision and 'he is paid to make decisions'. The CPS are therefore unaware of the files selected or the other dubious deaths – the last one in September 2001 – the same medical and nursing staff involved – another rehabilitation case.

I notice from a recent Statement to the Press "reasons were given and all concerned were invited to attend meetings for discussions". As reported to Chief Supt. Stephens Professional Standards I was not allowed to attend as Det. Supt. James had "the strongest possible objection". I am aware that erroneous statements were made about my mother's case.

After the meeting Det., Supt. James did telephone me and stated he would circulate a list of names and addresses and would let us have sight of the independent expert medical opinions. This was followed by a letter a week later that we should apply to the Force Solicitor. I left a message for [Code A] on 1st March. He replied on the 6th March stating I would have to get a Court Order – the reason given was that the Medical Defence Union would not like me to see them. On which side of the fence is the Hampshire Constabulary sitting?

1. Det. Supt James has verbally stated to me in telephone conversations "These were all elderly patients who could have had a heart attack at any time". I could comment that like my mother at least some of them were nowhere near death on entering Gosport War Memorial Hospital for rehabilitation. They were all expected to come out. They were all dosed up with diamorphine on arrival irrespective of pain level. They were all dehydrated. They all died within a very short time. They were all victims of one type of negligence or another. My mother was fully weight-bearing, pain free and walking with a zimmer on arrival. The Doctor's write-up on arrival was "Not obviously in pain – I'm quite happy for nursing staff to confirm death" with a write-up of strong palliative care drugs.
2. "It is not my job to know the Law". Det. Supt. James seems to be totally unaware of Blackstone's Police Manual or the points of law relating to gross negligence manslaughter laid down in the Adomako case 1995 (criminal) and was not even clear on Civil law negligence and the points to prove.

3. "It is not my job to check the medical files". This comment resulted from my pointing out that the write-up for diamorphine for my mother 13th August 1998 and the timing of her death on the 21 August 1998 was written up on Mrs Alice Wilkie's file instead of Gladys Richards – Did Mrs Wilkie (another complaint not investigated) receive the wrong drug?

Det. Supt. James completely missed the point and asked if I was suggesting the Police had mixed up the files. Had he noticed the entries they are written up on the same page on Mrs Wilkie's file – it has nothing to do with getting pages mixed up.

When I commented that his investigations were on a par with C.I.D. Gosport and the Shipman case he stated that there was no comparison with Shipman as the Doctors at Gosport had not gained materially. I was referring to the competence of the investigation.

I now wonder what is Det. Supt. James job. Surely it includes a full investigation and good communication skills. Did he even query 50 patients in one year and 263 the following on one ward. How many rehabilitation patients actually left the wards rehabilitated? Had he bothered to see Mrs Reeves papers (which she has referred to the GMC direct) he would have been aware of this.

The same scenario has been enacted again as at Gosport C.I.D. and as you are the Chief Constable the buck stops at Police Headquarters. Somebody should have ensured the same mistakes were not made again regarding inadequate investigations or at least put us all fully in the picture. How did they choose the four files.

I regret to say that my acquaintance with some officers of the Hampshire Constabulary has lead me to have no confidence that justice will be seen to be done. I am 'beginning' to think that someone somewhere does not want these cases to come to Court – before a judge and jury for a myriad of reasons:- embarrassment to the Hampshire Constabulary, the CPS Hampshire who originally accepted an independent statement made by the 'Supervisor' of the Doctor concerned – the NHS and the Government with the high cost of an eventual enquiry as per Shipman perhaps. My concerns were made before Shipman came to light.

Poor communication – lack of diligence in investigation and behaviour not likely to improve confidence or good relations with the public – or at least with me – the foundation for my complaint.

I have omitted the starred paragraph to the copy letters listed below except for David Blunkett.

Yours faithfully

Code A

Gillian M MacKenzie

Copies:

RT Hon David Blunkett MP
Nigel Waterson MP Eastbourne
Peter Viggers MP Gosport
Duncan Geer PCA
Paul Close CPS London
David Parry Treasury Counsel