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Code A

28th August 2002

Attorney-General
Legal Secretariat of the Law Officers
9 Buckingham Gate
London
SW1

Dear Sir,

Gladys M Richards
and others dec'd
Gosport Memorial Hospital
1998-2001

In the interests of Law and "Justice seen to be done" I wish to bring to your attention alleged 'incompetence' by the Hampshire Constabulary concerning several deaths over a period 1998 to 2001. In all cases the same two wards, particular nursing staff and two doctors are involved.

In 1998 (October 2) I reported an alleged case of unlawful killing of my mother Mrs. G.M. Richards to the Gosport CID. This report was not made under the stress of bereavement but based on Lord MacKay's ruling for gross negligence manslaughter (Adomoko 1995). At that time I had not seen my mother's medical file but my sister- a nurse of 40 years experience and myself had been eye witnesses. On 30 October 1998 I was informed the investigations were complete and in the opinion of the Police officer there was no case to answer but papers were being sent to the Hampshire CPS. No interviews, statements, sight of the medical file, had been undertaken. After complaining to the Chief Constable Sir John Hoddinott a further investigation was carried out with the knowledge of a member of the Professional Standards Department Hampshire Constabulary HQ.

In February 1999 I was informed again that there was no case to answer - still no investigations, statements etc had taken place.

In April 1999 a formal statement of complaint against Police officers was taken by the Professional Standards Department. This complaint was 'sat on' for over 2 years and action was only taken after I had gone over the head of the Chief Constable to the PCA. This authority upheld all my complaints regarding investigative failures of the first 'two investigations'.

In October 1999 my mothers file was handed to DCI Ray Burt who completed an investigation in November 2000 and papers were sent to the CPS, London in January 2001 (Mr Paul Close). The opinion came back in July 2001 'insufficient evidence'. Expert medical opinion had been obtained by the Police and I understand the Police backed a prosecution.

In the meantime due to publicity in The Portsmouth News in April 2001 regarding the PCA's ruling, 11 other families had approached the Police with the same type of concerns. It appears that they were told no investigations would take place until the outcome of my case was known. Hampshire Constabulary seems to be unaware that "Each case is unique and must be considered on its own facts and merits".

Prior to the CPS ruling July 2001 the matter had been put in the hands of a Det.Supt. John James – DCI Ray Burt being transferred to Police HQ from January 2001 and retired in January 2002 – although still working in a civilian capacity at Police HQ.

The same scenario has been re-enacted – the families have not been interviewed, no statements have been taken- no investigations carried out.

In February 2002, Det.Supt. James stated he was not going to carry out investigations. He confirmed it was his personal decision. At least 7 formal complaints have been made to Police HQ regarding this decision.

The Commission for Health Improvement carried out a 9 month survey into the care of the elderly at Gosport War Memorial Hospital. The report was published on 3 July 2002. It upholds all the points I made to the Police originally – rehabilitation patients were given inappropriate drugs used for palliative care patients- no distinction was made. Drugs were written up in anticipation etc. It is a damning report including statements concerning the Clinical Assistant (the doctor of 25 years experience) 36 people approached the commission.

As a result of publicity in the local press, BBC TV etc more families have come forward – some in contact with the Police since 2001 and some more recently.

The Deputy Chief Constable who is responsible for the Professional Standards Department is obviously still backing the incompetence of his force and in particular the actions of Det.Supt. James. Four files from 1998 only were forwarded to the GMC in February 2002 together with expert medical opinions. The GMC are deliberating on what action to take. The GMC has stated it cannot refer cases to the CPS however serious. They have no details of the other cases 1998-2001.

As you will see from the enclosures I would allege a total cover up is being carried out. There have been no further investigations- there is no further evidence from families to be collected and if a proper investigation was carried out the number of families would now exceed 11.

I fail to understand how the CPS can come back with anything more than 'insufficient evidence' once more if it depends on a report only from Hampshire Constabulary.

This is no longer a case of one elderly lady – the same 'policy' was adopted by the Doctor for several rehabilitation cases. The 'intent' was clearly stated in my mother's medical file "Frail demented lady. Not obviously in pain. I am happy for the nursing staff to confirm death"- with a write up of palliative care drugs Diamorphine being prominent. Two letters were on file on admission to Gosport War Memorial Hospital – one from the Geriatric Consultant Portsmouth Healthcare Trust and one from MOD Royal Haslar Hospital. Both indicated recovery from hip operation – walking with zimmer – pain free – fully weight bearing to be rehabilitated for 4 weeks prior to daughters finding suitable nursing home.

'Lack of resources' by the Police is not a good enough excuse to allow a doctor to continue practising – with further deaths without bringing these cases before a Judge and jury for the law to be upheld and justice seen to be done whatever the verdict. I would appreciate your personal attention to this matter.

Yours faithfully

Gillian M. MacKenzie

Copies

Director of Public Prosecutions
Paul Close CPS
Rt. Hon. D. Blunkett Home Office
Chief Constable Hampshire Paul Kernaghan
Police Complaints Authority Duncan Geer
Rt. Hon Tony Blair P.M.
Rt. Hon A Milburn M.P.
I Duncan Smith M.P.
N. Waterson M.P. Eastbourne