



Hampshire Constabulary
Major Incident Room
Fareham Police Station
Quay Street
Fareham
Hampshire
PO16 ONA.

Tel 02392 **Code A**

2nd August 2005.

Paul CLOSE
Crown Prosecution Service
Casework Directorate.
50 Ludgate Hill
LONDON,
EC4M 7EX.

Dear Mr CLOSE.

Operation ROCHESTER. An investigation into deaths at Gosport War Memorial Hospital.

I am writing to request an update from the CPS in respect of this investigation following my letter of the 13th May 2005.

The investigation team will shortly be submitting a further 3 cases (Lake Wilson and Cunningham) for consideration and a file of generic documents from healthcare staff expressing concerns in respect of the general care of patients at Gosport War Memorial Hospital between 1990 and 2000.

Our experts continue to work to a designated framework to ensure a consistency of evidential product in addition to the guidance helpfully supplied by Mr Robert Drybrough-Smith on 12th August 2004 highlighting the relevant law around homicide, the issue of causation and component hastening/accelerating of death, the de-minimis principle, and the issue of multi-factorial death.

Monthly interviews with the principle clinical assistant in this case Dr Jane BARTON continue being scheduled for completion in November 2005. The interview strategy involves incremental monthly disclosure of voluminous medical notes in respect of the following interview subject matter. To date Dr BARTON has supplied prepared responses to the disclosure.

It is anticipated that the challenge phase of these interviews will be completed once all initial responses have been received from Dr BARTON.

May I remind you that the GMC have indicated that they will be making application under Section 35a of the Medical Act 1983 for disclosure of material in relation to the 'DEVINE' case and refer you to my letter of response to the GMC of 28th April 2005 (previously supplied).

A view from the CPS in respect of the stance taken is sought.

I am grateful for the attention of **Code A** in terms of putting the papers out to counsel as requested.

I am informed that Mr CLOSE is in possession of Counsels advice which was due to be completed by the end of June.

My staff have made requests on my behalf to meet with Counsel to discuss issues arising from their review of the papers submitted to date, but no such meeting has been forthcoming.

I will make myself available between Tuesday 9th August and Thursday 18th August to discuss the case, please make every attempt to facilitate a meeting within these timescales with Counsel.

Finally I understand that Mr CLOSE has refused a request for advanced sight of Counsels advice prior to any meeting commenting that it is not CPS policy to release this material. Given the complex nature of the investigation and the continued investment of police staff and experts to investigate at significant cost to the public purse this position seems to me to be totally unwarranted.

The advice would serve to give an advanced current legal perspective of the investigation to date and would factor heavily into the ongoing investigative strategy.

May I ask that you reconsider the position in terms of disclosure of Counsels advice, if it is against existing policy please forward a copy of that policy and register that I wish to formally appeal the position.

David Williams
Detective Superintendent
Senior Investigating Officer.