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HAMPSHIRE CONSTABULARY

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Our Ref. Op Rochester

Robert Dryborough – Smith /RS
Crown Prosecution Service
50 Ludgate Hill
London
EC4M 7EX

03 November 2003

Dear Robert,

Re Operation Rochester – Meeting of 7th October 2003

Further to our meeting on the above date, please find enclosed a copy of the minutes taken by my colleague, DS Owen Kenny. I am away now for 12 days. Should you need to discuss anything in relation to our meeting or indeed any aspect of Operation Rochester, please do not hesitate to contact DS Kenny.

Yours sincerely

Code A

Nigel Niven
Detective Inspector
Operation Rochester

Paul Close

The notes seem OK as far as I can recall. For the file.

Code A

4/10

Operation ROCHESTER

Meeting with CPS Tuesday 7th October 2003

Present:

CPS: Robert Dryborough – Smith (RDS)
Paul Close (PC)

Police: Steve Watts (SW)
Nigel Niven (NN)
Owen Kenny (OK)

SW - Outlined purpose of meeting i.e. to update CPS regarding situation, where we are, what we've done and where we are going.

NN - Summarised the case/investigation to date. He reminded the CPS as to previous meeting and the agreed strategy in gathering together a team of experts. Again as a reminder - he stressing that the purpose of the investigation is to establish if an offence has been committed and if so by whom. He referred to the police decision to employ Matthew Lohn (ML) of Field Fisher Waterhouse (FFW) and briefly outlined his terms of reference i.e. refining work, quality assurance, assisting to identify experts.

RDS - Asked how big is the group of potential offenders.

NN - Explained that it appears predominantly Jane BARTON but other people may be associated within the same treatment.

SW - Stated that there may be peripheral people to consider.

RDS - Asked that due to the time taken and envisaged - why are we not concentrating on highly (concern) cases first, why not prioritise?.

SW – Explained the strategy and stressed the importance of telling the families one way or the other asap. He explained that the next stage is to look at highly likely cases.

RDS - Asked in respect of the FFW lawyer – what aspect is he advising?.

SW - Stated ML's particular skill in medico – legal issues. He is both medically and legally qualified. He will advise on areas of evidence gathering.

RDS – Commented that ML is not a prosecution lawyer the Police are going outside for advice rather than to the CPS.

NN - reiterated the role of ML in assisting the police in the investigation phase – not the prosecution. That will always be a matter for the CPS. For example, that he will advise on the interview process. He explained the role of ML and FWW within the NCOF and within the MOU and MIM structure

RDS - Agreed that he can see the benefit of formulating questions and asked if possible for CPS to be copied in on advice from ML e.g. Causation – to see what he's saying. He expressed concern that ML will give advice which will later be conflicting with CPS advice.

NN - Stated that we wish to quality assure all information we deal with. We will be more than happy to consider this. When specific issues arise, it might prove useful for the police to ask both CPS and ML for advice to secure the maximum perspective.

SW - Stated that ML is here to provide guidance on the investigation. At the end of the day a file will be submitted to CPS and we will stand by your conclusion.

RDS - Stated that CPS would like to be kept up to speed with legal advice from ML.

PC - Asked if Professor Robert Forrest (RF) is being instructed.

SW - Explained the role of RF.

PC - Stated that he thought RF would provide heavy weight evidence.

NN - Explained role of expert witnesses, including RF which was process agreed upon with themselves at our meeting at Ludgate Hill in December 2002. He explained again the filtering system.

SW - Explained the next process of analysing ~~hirer~~ higher order cases by a new team of experts in isolation rather that holistic.

PC - Asked if the medical team had stated that the cases of concern are prima facia Manslaughter.

SW and NN - Answered No and both gave further explanations of the role of the medical team.

PC - Asked will the Police Officers be the same or will we get a new team.

NN - No

RDS - Asked if we had used causation as a heading.

SW - Explained the matrix system being used by the medical team.

RDS - Stated that if you can't prove causation to criminal standard you're lost anyway.

NN - Discussed causation and the investigation process. The police purpose is to gather the facts – we are not seeking any particular outcome.

PC - Stated we've got to go on to 3c & 3d and potentially 3e.

SW - Stated that there are examples of cases of clear concern i.e. entered hospital with expectation to leave in a few days and died.

PC - Asked what is there connecting cases for example - Dr BARTON, is she common?.

SW - Stated that Dr BARTON is common in connecting cases.

PC - Were any of them expecting to die in hospital.

NN – I general terms – some were expected to die. Some were not.There were cases where there was no explanation on notes to suggest any other cause of death.

RDS - No PM's.

SW - None.

NN – For the avoidance of any doubt – In respect of FFW – they are there to assist us investigate. The decision making process has and will always rest with yourselves. We do not seek to substitute the CPS. The results of the experts is in it's infancy and should only be viewed as a filtering process as had been explained.

RDS - One other question – Has CHI conducted a further review.

SW - Explained the CMO's instruction to CHI not to conduct review until completion of Police enquiry.

SW - Explained the current situation regarding the GMC. Dr BARTON is no longer allowed to prescribed opiates.

Owen J. Kenny