



COMPLAINT AGAINST POLICE

Gillian M MacKENZIE

REPORT OF

INVESTIGATING OFFICER

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H A M P S H I R E C o n s t a b u l a r y

Witness Statement

Statement of: Mrs Gillian M MacKENZIE

Age if under 21: (if over 21 insert 'Over 21')

This statement (consisting of 10 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 27th day of April 1999

Signature: G MacKenzie

On the 26th September 1998, I received a copy of a letter dated 22nd September from the Portsmouth Health Care Trust. I telephoned my sister Mrs L F LACK of Code A for her reaction. She did not agree with various paragraphs of the letter, in particular that paragraph 7 and paragraph 8E and paragraph 4 were not true. These paragraphs refer to Doctor BARTON at the Gosport War Memorial Hospital. During that same conversation, she also mentioned the irregularities concerning my mother's death certificate, this was not only the certificate itself, which gave the cause of death as pneumonia, but also the behaviour of the Registrar when she registered the death.

My sister had not had sight of the certificate prior to it being shown to her at the Registrar's. She queried the cause immediately as being the sole cause of death, particularly as there had been no indication whatsoever of pneumonia. My sister has 40 years nursing experience with geriatric and terminally ill patients. I told my sister I would not let this matter rest and on Sunday 27th September I telephoned Gosport Police station.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

Prior to phoning the police, my sister had also told me that upon querying the cause of death with the Registrar she said words to the effect of "I did not hear that, if I did hear that, I would have to order a Post Mortem". My sister, being in an emotional state, burst into tears and said, "I do not want anything else to happen to mother". Referring back to my telephone call to Gosport Police Station, I spoke to

Code A I requested an appointment with an appropriate officer to make a report of unlawful killing in relation to my mother. I gave a good deal of detail to **Code A** His attitude gave me the impression that he thought I was emotional and he was clearly dismissive to my request. The officer did say that he would discuss the matter and he would ring me back.

Before the officer rang me back I rang him the following morning. I put it to him that I did not think he was taking the matter seriously and I would be quite happy to write up the case myself and send it to Sir John HODDINOTT. His response was, you can do what you like, and it was more or less said in those words. I should like to clarify that I am not absolutely certain this was **Code A**, but it is my belief it was. I told the officer that if that was his attitude, that is exactly what I would do.

The next contact I had was from my sister, who told me that **Code A** had been in contact with her and said he would like a statement from her. He mentioned it was his intention to have the interview filmed, as a film crew were in the process of following officers at work. She had apparently agreed, that she thought it rather strange. She did explain there was more to it than just a fall, which

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

was what the officer seemed to be believing my complaint was all about. Again this was an indication he had not taken the matter seriously. I advised my sister to cancel the interview which was done.

Code A seemed put out according to my sister, because he had actually made the arrangements for the film crew. It is my belief that he told them what the interview was to be about as he had discussed it with them.

I wish to complain that firstly if I have identified the correct officer, then he is responsible for breaching a confidence, as he had n authority to discuss the details of my complaint to him with a film crew.

Following this business with the film crew, later that same day I telephoned Gosport Police Station and asked to speak to a senior officer. Not long after Inspector PEARSON telephoned me.

Inspector PEARSON dealt with the matter quite properly and advised me that he would arrange for an officer who would deal with the matter to contact me. The following day I was contacted by

Code A who made an appointment for my sister and I to see him on the 2nd October at Gosport Police Station.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

The interview took place and we gave **Code A** only an outline of the case before he responded by saying he did not think the case was a matter for the police. He qualified that by saying we should contact the General Medical Council.

I then gave him more specific detail to show my belief was this was indeed a police case and his views were not pertinent. I supplied him with all of the relevant papers we had at the time and he photocopied them. This included copies of legislation, case law and extracts from Archbold's.

My sister also repeated her fears regarding the inaccuracy of the death certificate and the earlier comments of the Registrar. She also expressed her concern that she was in jeopardy by agreeing to what the Registrar had said, because she had seen a sign there about making a false statement. She told **Code A** however, that she wanted to now give that evidence about what the Registrar had said. She had been concerned that she could be fined £2,000 as the sign warned.

The meeting with **Code A** ended with him telling us he would further interview my sister when he would take a full statement from her regarding the death certificate and her reaction to the report from the Health Authorities, with particular reference to the statements made by Doctor BARTON which were untrue. Those are the two items already referred to in this statement.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

Code A

also told me I too would be interviewed to make a statement. To date these interviews have not taken place and neither of us has made a statement. This means that our evidence has never been submitted to the CPS within the files sent to them for advice.

Code A

's comments were that he would approach his supervisors with a view to obtaining permission to see the medical papers and he hoped that the doctor had not written up notes since our complaint was made to the Portsmouth Health Authority.

Code A

On the 30th October I received a telephone call from **Code A** which has been recorded on my answerphone. I still have that tape. He told me that he had completed his investigation and submitted the papers to the CPS. He told me his opinion was still this was not a police matter and we should refer it to the GMC. I later asked him if he had interviewed anybody prior to the submission of the papers. He told me he could not do that but he had a conversation with the Managing Nurse who he said was called Philip. By Managing Nurse, he is referring to the person who had been present during a lot of the time when my mother was being treated. **Code A** said Philip had made reference to whether the subject of medical intervention had been discussed as an option to my sister and I and he said it had. He said it had been said to us that medical intervention as per paragraph 8E of the report had been explained to us and we had agreed. I again emphatically deny this.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

My first complaint against [Code A], is that he ignored the fact that my sister and I had evidence that the version given by Doctor BARTON as per paragraph 8E was untrue. He failed to take that evidence from us and quite simply seems to have taken the word of Philip who was not even there during the one and only conversation with Doctor BARTON.

On the 30th October 1998, [Code A] advised me he had submitted an advice file to the CPS. I asked him what his file comprised of and who he had interviewed. He said he had not interviewed anybody but he had had a conversation with the nurse, Philip. I again emphatically denied the conversation referred to had taken place.

The above matter was the basis of my original complaint in a letter to the Hampshire Chief Constable on the 20th November 1998. I wrote amongst other things that "The case should be dealt with by officers with a degree of professionalism exceeding that of DI MORGAN and DC MADDISON".

It is also my understanding that [Code A] did not obtain the medical notes as promised and they too did not form part of the file sent to the CPS.

At the same time those things were happening, on the first submission, I also gathered papers concerning my mother's will. I had written up a case concerning my sister and my mother's will, this

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

outlined the fact that I alleged my sister had destroyed part of the will. In due course this file was sent to DI MORGAN to deal with.

I knew DI MORGAN had my case papers so I telephoned Gosport Police Station to talk to her. She was on leave at that time so I spoke to her later upon her return from leave. I told her that I was prepared to co-operate fully with the investigation and I made it clear that I intended to pursue the matter through the criminal courts, even though the accused was my sister.

DI MORGAN's reaction was not what I expected. She said she was appalled at this and did I realise this would split the family. She also told me she had already sent the file to the CPS and I am clear about this. I asked her why it had been sent as she surely could not have even read it as it was her first morning back. She told me she had joined it with the other case of unlawful killing as it was "Part and parcel of the same case".

I made it very clear to her that this was not the case. The two matters were entirely separate and I questioned her as to how she could have even read it. She also told me she thought the matter was probate, but my contention is that what my sister had done was against the criminal law and I told her so. I also told her there was good enough evidence on the file, including some from a retired police officer who knew something about the case and the destroyed part of the will. To this DI MORGAN told me she had, "more important things to deal with" and she had cases of rape to deal with. She said

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

she was not interested in cases of probate. She also said my allegation did not "put me in a very good light".

She further accused me of delaying things in so far as my mother's death was concerned. I think she said something like "I had not been very diligent". I pointed out to her that she was quite wrong and we had in fact started proceedings by complaining to the Portsmouth Health Authority before my mother had in fact even died and upon receipt of their report I immediately informed the police.

DI MORGAN also accused me of not being interested about what happened to my mother at the nursing home, which was quite improper of her because she knew nothing of the background to justify that comment.

I have to admit that I was annoyed with DI MORGAN's attitude and I recall pointing out to her that her duty was to uphold the law and my right as a citizen to go to the police and be dealt with properly.

In the case of DI MORGAN, I should like to formally complain about the way she spoke and dealt with me during this telephone call. I make this complaint in particular because I now know she is the Head of the CID at Gosport.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

In conclusion. I should like to clarify my complaints. For the reasons I have outlined in this statement, together with the written evidence I have already submitted, I believe the law has been broken by the hospital staff. I reported this to the police and it is my view that the investigation has been flawed.

[Code A] has not been thorough and has not taken the trouble to obtain all of the available evidence before submitting the case papers. Within this I include DI MORGAN. In addition to the earlier matter against her, it is my view she has failed to supervise this investigation in a manner which ensured it was dealt with thoroughly.

I should also like to make reference to the separate issue of the will. I am aware that the officers submitted the case papers to the Force Solicitor and it has been his decision that this is a civil and not a criminal matter. I disagree with that decision and maintain this is a criminal matter. I should like to be assured that all of the evidence I supplied Gosport Police was submitted to the lawyer to enable his decision. If that is the case then I realise I can take it no further, however, I wish to give notice that it will form part of an overall report I intend to pursue with the Home Secretary.

Signed: G MacKenzie

Signature witnessed by: P L Fuge

s. 85. Ak.
Insp /c.w. to
Contract writer for
irregularity of complaint
obtain papers from
G.

Code A

Code A

Code A

NY(4D)

20 November 1998

Sir John Hoddinott CBE QPM MA(Cantab) FRSA
The Chief Constable
Police Headquarters
West Hill
Romsey Road
Winchester
Hants
SO22 5DB

Dear Sir

I refer to the letter of 29 October 1998 which I received from your Staff Officer, Mr Bechelet, in which he told me that my complaints regarding irregularities in the administration of my late mother's estate, Mrs G M Richards, would be forwarded to the Head of the CID at Gosport to be dealt with.

During the afternoon of Thursday, 5 November 1998 I spoke to DI Morgan of Gosport on the telephone when my intention was to tell her that I would co-operate fully with the police in the investigation of my complaints regarding the mal-administration of my late mother's Will by my sister, Mrs L Lack. Unfortunately, because of DI Morgan's attitude from the outset of our conversation, and her personal remarks without foundation, I was left with the impression that my complaint would not be dealt with as efficiently as I, a member of the public, was reasonably entitled to expect.

She told me in no uncertain terms that I had been dilatory in making the complaint; that the complaint put me in a bad light; that in her opinion my complaint was a civil matter; that she had already passed the papers to the CPS. She went on to say that the question of Wills came very low in her priorities and that rape occupied a higher priority.

As I had taken the trouble to point out in my letter to you the particular offence I believe to have been committed by my sister, Mrs Lack, that is the offence contrary to section 20(1) of the 1968 Theft Act, I was at a loss to understand DI Morgan's reasoning that my complaint was a civil matter. Furthermore, I found it extraordinary that she had already passed the file to the CPS when my complaint had only come to her notice hours before I spoke to her on the telephone. She could not, therefore, have interviewed or caused to be interviewed anyone in connection with the matter.

All in all, I found DI Morgan's conduct aggressive, uncivil and unprofessional in the extreme. I was absolutely appalled by what appeared to me to be her

breath-taking arrogance and I now wish to make the following formal complaints against her:-

~ discreditable conduct contrary to regulation 1 of the Police (Discipline) Regulations 1985 in that her behaviour was reasonably likely to bring discredit on your force or the police in general.

~ neglect of duty contrary to regulation 4 where a member of the police force without good and sufficient cause neglects or fails to attend to or carry out with due promptitude and diligence anything which is his duty as a member of a police force to attend to or carry out.

~ abuse of authority contrary to regulation 8 sub-regulation (c) which offence is committed when a member of the police force treats any person with whom he is brought into contact in the execution of his duty in an uncivil manner.

neglect
I also wish to make a similar complaint against **Code A**, also of Gosport, who has not properly investigated the matter I placed before him regarding my mother's death.

I will make myself available for full details of my complaints to be taken from me by either officers of the Complaints & Discipline Department of the Sussex Police force, or by your own force.

I would suggest to you that in view of DI Morgan's senior and supervisory rank, this is not a matter that may appropriately be dealt with by way of informal resolution.

I now ask that the complaints regarding the maladministration of my late mother's estate, and the circumstances of her death, be properly investigated by officers with a degree of efficiency and professionalism exceeding that of detective inspector Morgan and detective constable Maddison.

Clearly professionalism appears so far lacking in this matter because, knowing an enquiry by the Social Services is under way, **Code A** appears not to have consulted them. I find this particularly extraordinary, bearing in mind your interest in the A.C.P.O. Committee dealing with kindred matters.

Yours faithfully

Code A

G M MacKenzie (Mrs)



HAMPSHIRE Constabulary

From: **Head of Department
Complaints and Discipline**

West Hill, Winchester
Hampshire, SO22 5DB

Your Ref:

Telephone: 01962 841500

Telex: 47361 HANPOL

Our Ref: D1/HMS/YLF/P.418/98

Fax: 01962 871204

DX: 132262, Winchester 7

10th December 1998

Mrs G Mackenzie

Code A

Dear Madam

I am in receipt of the complaint you recently made concerning the conduct of members of this Force.

I enclose herewith an informative leaflet explaining the police complaints procedure. I am arranging for a member of this department to contact you and obtain a full statement of complaint. They will shortly be in contact with you.

Yours faithfully

Code A

11
D G BASSON
Chief Superintendent
Head of Complaints and Discipline

Enc

copy 2



Complaint No: P.418/98

H A M P S H I R E C o n s t a b u l a r y

Complaint Against Police

Complainant's Name and Address

Mrs Gillian M MACKENZIE

2
E
E
E
E
Code A

Complainant's Agent (if applicable)

Date, Time, Place and by Whom Complaint Received

On 24.11.98 at 0830 hours at Chief Constable's Office

Name(s), Rank(s), No(s), Division(s) and Station(s) of Officer(s) to whom complaint made

DI 7228 MORGAN - 'GG' Gosport
Code A 'GG' Gosport

Date, Time and Place of Occurrence

On 05.11.98 and during investigation by officers at Gosport CID

Nature of Complaint(s)

The complainant alleges that the Detective Inspector failed to deal properly with a report of irregularities in the administration of her late Mother's estate. Furthermore, the Detective Inspector's attitude was deemed aggressive, uncivil and unprofessional. It is also alleged that the Detective Constable failed to properly investigate matters relating to the complainant's Mother's death.

Sub-judice NO

Appointed Officer Investigating Officer

Final Report Required by

Referred to PCA NO Date:

Supervised by PCA

Copy to Superintendent 'G'

HAMPSHIRE CONSTABULARY
HEADQUARTERS
10 DEC 1998
COMPLAINTS & DISCIPLINE
OFFICE MANAGER

Code A

Date Stamp



Headquarters

Date: 13th January 1999

To: D **Code A** - 'GG' Gosport

A complaint by Gillian M MacKENZIE of **Code A**
Code A has been made against you as follows.

The complainant has alleged culpability by staff at Haslar Hospital in relation to the death of her mother whilst a patient there.

She states you have been tasked with the investigation and that for reasons she has not yet specified, you have not properly carried out that investigation.

You are not obliged to say anything concerning the matter but you may, if you wish, make a written or oral statement to the Investigating Officer - Superintendent LOCKWOOD or to the Head of Department, Complaints and Discipline. Any criminal allegation identified will be investigated within the provisions of the Police and Criminal Evidence Act 1984. Any statement made may be used in any subsequent disciplinary proceedings.

You have the right to consult a 'friend' (any police officer within England and Wales), or seek the advice of your staff association at the earliest opportunity. This form is served on you in accordance with Regulation 7 Police (Discipline) Regulations. It does not necessarily imply that disciplinary proceedings will be taken but it is served to safeguard your interest.

I served a true copy of the above Notice on **Code A**

at *Gosport.*

on *3. 2. 99*

Code A

Signed
Chief Superintendent/Inspector

Headquarters

Date: 12th May 1999

To **Code A** - 'GG' Gosport

A complaint by Gillian M MacKENZIE of **Code A**
Code A has been made against you as follows:

Further to the Form AD16 served upon you on the 2nd February 1999, the following notice is served for clarification.

The complainant has alleged culpability by staff at Haslar Hospital in relation to the death of her mother whilst a patient there. She states your investigation into this matter has been flawed and you failed to secure all of the evidence available before submitting the file to the Crown Prosecution Service.

Additionally, she complains you breached confidentiality by allegedly telling a film crew, who had been invited to attend an interview with the complainants Sister, the facts of the case .

You are not obliged to say anything concerning the matter but you may, if you wish, make a written or oral statement to the Investigating Officer - Superintendent LOCKWOOD or to the Head of Department, Complaints and Discipline. Any criminal allegation identified will be investigated within the provisions of the Police Act 1996. Any statement made may be used in any subsequent misconduct proceedings.

You have the right to consult a 'friend' (any police officer within England and Wales), or seek the advice of your staff association at the earliest opportunity. This form is served on you in accordance with Regulation 9 of The Police (Conduct) Regulations 1999. It does not necessarily imply that misconduct proceedings will be taken but it is served to safeguard your interest.

I served a true copy of the above Notice on **Code A**

at *PMO*

on *18/5 1999*

Signed **Code A**
Chief/S



Headquarters

Date: 13th January 1999

To: DI 7228 MORGAN - 'GG' Gosport

A complaint by Gillian M MacKENZIE of **Code A** has been made against you as follows:

The complainant has spoken with you by telephone regarding theft allegations she has made against her sister.

She alleges that in your dealings with her, you were aggressive, uncivil and unprofessional and that you mislead her regarding the submission of papers to the Crown Prosecution Service.

You are not obliged to say anything concerning the matter but you may, if you wish, make a written or oral statement to the Investigating Officer - Superintendent LOCKWOOD or to the Head of Department, Complaints and Discipline. Any criminal allegation identified will be investigated within the provisions of the Police and Criminal Evidence Act 1984. Any statement made may be used in any subsequent disciplinary proceedings.

You have the right to consult a 'friend' (any police officer within England and Wales), or seek the advice of your staff association at the earliest opportunity. This form is served on you in accordance with Regulation 7 Police (Discipline) Regulations. It does not necessarily imply that disciplinary proceedings will be taken but it is served to safeguard your interest.

I served a true copy of the above Notice on Detective Inspector MORGAN
at Gosport Police Station
on 2.2.99

Sign: **Code A**
Chief/Superintendent/Inspector



Headquarters

Date: 12th May 1999

To: DI 7228 MORGAN - 'GG' Gosport

A complaint by Gillian M MacKENZIE of Code A Code A as been made against you as follows:

Further to the Form AD16 served upon you on the 2nd February 1999, the complainant now also alleges the following:

Code A was tasked by you to investigate the complainant's allegation that her mother had been unlawfully killed by hospital staff. She states his investigation was flawed and he failed to secure all of the evidence available before submitting the file to the Crown Prosecution Service.

The complainant alleges you failed to supervise the investigation in a manner which ensured it was dealt with thoroughly

You are not obliged to say anything concerning the matter but you may, if you wish, make a written or oral statement to the Investigating Officer - Superintendent LOCKWOOD or to the Head of Department, Complaints and Discipline. Any criminal allegation identified will be investigated within the provisions of the Police Act 1996. Any statement made may be used in any subsequent misconduct proceedings.

You have the right to consult a 'friend' (any police officer within England and Wales), or seek the advice of your staff association at the earliest opportunity. This form is served on you in accordance with Regulation 9 of The Police (Conduct) Regulations 1999. It does not necessarily imply that misconduct proceedings will be taken but it is served to safeguard your interest.

I served a true copy of the above Notice on Det. Insp. Morgan
at Gosport Police Station
on 17th May 1999

Signed

Code A

ORIGINAL
RECEIVED

Code A



HAMPSHIRE CONSTABULARY

G.31

Station : . Division : HQ
 Department : C4 Date : 16 August 1999

Subject : Complaint by Mrs. McKENZIE regarding investigations into the death of her mother, Gladys Mable Richards

1. Terms of Reference

Review the investigation undertaken by officers from Gosport CID and report to the Head of Complaints and Discipline in respect of the quality and conduct of the investigation.

2.0 Circumstances of the death of Mrs. Richards

- 2.1 Gladys Mable Richards, aged 91 years, died at Gosport Memorial Hospital on the 21st August, 1998.
- 2.2 The cause of death was recorded as bronchopneumonia and a death certificate, dated 24th August 1998, was issued. No post mortem was carried out and Mrs. Richards was cremated prior to any police involvement.
- 2.3 For four years preceding her death Mrs. Richards had been resident in a nursing home in Lee on Solent, she suffered with senile dementia.
- 2.4 Mrs. Richards has two daughters, a Mrs. McKenzie, the complainant, and Mrs. Lack, a nurse.
- 2.5 At 1330 hours on the 29th July, 1998 at the nursing home Mrs. Richards fell over and was injured and at 2030 hours that day she was admitted to Haslar Hospital with a fractured femur, this was operated on on the following day
- 2.6 On the 11th August she was moved to the Gosport Memorial Hospital where again, on the 13th August, she fell over and appeared to be suffering with great pain. On the 14th August she was readmitted to Haslar where, under an epidural, her leg was manipulated and she was admitted to an orthopaedic ward.
- 2.7 On the 17th August, 1998 Mrs Richards was again returned to the Memorial Hospital, again appeared to be in great pain and what appeared to be a displaced hip was straightened by a nurse assisted by Mrs. Lack.
- 2.8 On the morning of the 18th August 1998 the daughters were informed that Mrs. Richards had a large haematoma at the site of her operation and after discussion pain relief was administered by a syringe driver.



- 2.9 Both Mrs. McKenzie and Mrs. Lack stayed with their mother at the hospital from the 19th August until she died on the 21st August, 1998.
- 2.10 On the 27th September 1998 Mrs. McKenzie contacted Gosport Police Station by telephone and complained that her mother had been unlawfully killed.
- 2.11 The essence of her complaint was that whilst receiving pain killing treatment by way of syringe driver between the 19th and 21st August 1998 she was not drip fed by intravenous drip thereby depriving her of any nourishment.
- 3.0 **The Investigation carried out by officers from Gosport CID**
- 3.1 The enquiries into Mrs. McKenzie's allegations appear to have been exclusively carried out by D [Code A] under the direction of Detective Inspector Morgan.
- 3.2 By the 5th October 1998 D [Code A] son had carried out sufficient initial enquiries to enable him to compile a G31 report outlining the sequence of events from her fall of the 29th July, 1998 to her death on the 21st of August.
- 3.3 This was submitted at this time in a file together with a copy death certificate and a copy of detailed notes made by Mrs. Lack of her observations and criticisms of the case of her mother during the critical period and some correspondence through Detective Inspector Morgan to Acting Detective Superintendent Lane who minuted and returned the file on the 16th October 1998 with instructions that an independent medical opinion should be obtained and the file submitted to the CPS for advice.
- 3.4 A statement then appears to have been obtained from a Barbara Davis, SRN, a Macmillan cancer relief nurse, giving a very brief opinion on the care of terminally ill patients per se and the papers were submitted to Portsmouth CPS on the 2nd November, 1998.
- 3.5 The papers were then returned by Mr. Wheeler, Prosecution Team Leader, Portsmouth CPS with an advice dated the 24th November, 1998. The advice given was that the papers as constituted contained insufficient evidence to afford a realistic prospect of a conviction for manslaughter or any other offence, however, Mr. Wheeler did comment that the omission to drip feed the patient between the 19th and 21st August if, when investigated and if backed by medical opinion that suggested recklessness and neglect, then the position could be reconsidered.
- 3.6 On the 17th December, 1998 D [Code A] wrote to Mrs. McKenzie notifying her of the advice and that an application was being made to Portsmouth Health Care Trust to obtain release of the relevant hospital notes. The letter also stated that he was unable to interview any of the staff "as they would need to be interviewed under caution and on tape".
- 3.7 A report was then obtained dated the 22nd December, 1998 from a Doctor A. Lord, a consultant geriatrician with responsibility for the relevant wards in Gosport Memorial



Hospital, his report was compiled from examination of the medical, psychiatric and nursing notes and other documentation together with discussions with relevant staff in the hospital.

- 3.8 Dr. Lord had not attended at any time to Mrs. Richards and had had no contact with her daughters.
- 3.9 Doctor Lord's view was that the lack of intravenous fluids for the four days that Mrs. Richards was on a syringe driver did not significantly alter the outcome.
- 3.10 This report together with the papers was resubmitted to CPS on the 1st February, 1999.
- 3.11 The file was received back from Mr. Wheeler on the 17th March 1999 with the advice:
 "In the light of all the material provided I do not consider there is evidence to justify a prosecution of the medial staff involved in the case of Mrs. Richards for manslaughter or any other criminal offence."
- 3.12 Mrs. McKenzie was informed of this result by a letter from Detective Inspector Morgan the same day.

4.0 **Comment on the Investigation**

- 4.1 There were, of course, fundamental problems in investigating the complaint in the normal sense as an unlawful killing given the fact that the body had been cremated before the complaint was received.
- 4.2 It was readily apparent though on receipt of the initial complaint on the 27th September, 1998 that this was to be a fairly contentious enquiry and that the investigators would need clear directions and support from CID supervisors.
- 4.3 I believe that the seriousness of the allegations warranted, on receipt, overall responsibility for the investigation being taken by the Detective Inspector as Senior Investigating Officer, the use of a Policy Book to record the decision making processes and the use of a simple action based paper system to administer the enquiries
- 4.4 Statements should have been obtained at an early stage from both Mrs. McKenzie and Mrs. Lack outlining their allegations and concerns.
- 4.5 Mrs. Lack's detailed notes should have been produced correctly with a proper explanation on how, when and where the notes were compiled.
- 4.6 Early efforts should have been made to secure and produce the relevant hospital notes. It is not clear if these have ever been in police possession
- 4.7 Opinion should then have been obtained from an independent medical expert preferably in addition to the report obtained from Dr. Lord who has strong connections to Gosport Memorial Hospital.



- 4.8 This independent statement ideally should have contained best practice procedures in this sort of case together with a comparison of the treatment received by Mrs. Richards as recorded on her hospital notes commenting specifically on the lack of intravenous fluids during the period of syringe driver pain killing medication prior to her death.
- 4.9 In my view an interview should then have been arranged by appointment with Dr. Barton under caution where her response to the allegations should have been sought.
- 4.10 The papers should have then been submitted to the CPS for advice.
- 4.11 I do not think however that those enquiries would have altered the outcome or the decision of the CPS.

5. Conclusions

- 5.1 I have not spoken with either DI Morgan or Code A personally about the conduct of the enquiry but it is clear from the papers that the enquiries were pursued by DC Maddison with an "honesty of purpose" and that the papers were submitted by him and considered by DI Morgan in a reasonable time and that the complainant was kept abreast of progress.
- 5.2 Paragraphs 4.3-4.10 inclusive contain my view of how the investigation should have been conducted. However, failure to progress and administer the enquiries in this way would not in my view automatically suggest that discipline offences have occurred. It may be that Detective Inspector MORGAN had the required hands on management and overview necessary throughout the investigation and will justify the methods used. If she cannot it would seem that an error of judgement has been made and advice is necessary.
- 5.3 Hindsight is always an easy vehicle for criticism. However, in this case the allegation is one of "unlawful killing" and it deserved the professional approach that clear ownership by a Senior Investigating Officer and the utilisation of simple systems would have afforded. This would have ensured the integrity of the process and subsequent scrutiny.

Code A

A. Longman
A. LONGMAN

Detective Superintendent

E10

Re- late Gladys Richards - DOB 13/04/07

I am writing this in response to Lesley Humphrey's written request on 17th December 1998. I am the Consultant of Daedalus ward to which Mrs. Richards was admitted as a patient for NHS Continuing Care. She had been assessed at Haslar by Dr. Ian Reid who had also spoken to her 2 daughters. (Letter attached - Note 1). My wards rounds for the Continuing Care patients in Gosport are fortnightly on Mondays as I cover both Daedalus and Dryad wards. I was on Study leave on the 17th and 18th August 98. During her 2 short stays on Daedalus Ward (11/8 to 14/8 and 17/8 to 21/8) I did not attend to Mrs. Richards at all, nor did I have any contact with her daughters and hence the comments made are from what I have gathered from her medical, psychiatry and nursing notes, Sue Hutchings report, the sequence of events as documented by Mrs. Lesley Lack (Mrs. Richards' daughter) and from discussions with Philip Beed (Charge Nurse, Daedalus) and Dr. Jane Barton (Clinical Assistant). I have not had access to the Haslar records. The written complaint from Mrs. Lesley Lack, the documentation of the investigations and Sue Hutchings report of 11/9/98 were first made available to me on the 17th December 98.

In brief the sequence of events that affected Mrs. Gladys Richards

Code A

I have itemised my comments as follows:

1) Use of Diamorphine via a Syringe Driver

Code A

Code A

Code A

2) Decision not to start intravenous fluids.

Code A

3) What was agreed with Mrs. Lack and Mrs. McKenzie

Code A

Dr.A.Lord, Consultant Geriatrician
22/12/98



TAPE RECORDED INTERVIEW
of DC 2050 Richard Martin MADDISON
on 11th October 2000 at 1510 - 1546 hours

List of people present : Superintendent 7008 WHITING, Code A

Interview commenced with usual introductions. The Interviewing Officer explained that this was a discipline interview.

Code A was content for the interview to continue and was cautioned.

WHITING Prior to the interview just earlier on this afternoon, I served on you or allowed you to see a copy file of the advice file that was submitted to CPS in relation to your investigation, you might not use those terms to describe it but ...

Code A In fact the advice file isn't a complete file.

WHITING Yes.

Code A Missing from it are statements.

Continuation Sheet No: 2



Continuation of Tape Recorded Interview of: Code A

WHITING

Right.

Code A

And at least one of those statements is in fact from a registrar paediatrician I believe.

WHITING

Yes.

Code A

Not paediatrician, elderly, someone from the elderly ...

WHITING

Geriatric.

Code A

Geriatric side of things, elderly care.

WHITING

Yes and that's not in that copy file that you've seen.

Continuation Sheet No: 3



Continuation of Tape Recorded Interview of:

Code A

Code A

And also a statement that I took from a person who works for Macmillan.

WHITING

Right.

Code A

The Macmillan Nursing Service.

WHITING

Certainly. I take no issue that those statements were taken and exist and agree simply that they're not on the copy of that file that you've seen today.

Code A

Right.

WHITING

I also gave you sight of a copy of a statement from the complainant, Mrs MacKENZIE, which was dated the 27th of April 1999. Will you confirm that you've had sight of that statement?



Continuation of Tape Recorded Interview of

Code A

Code A

Yes.

WHITING

And also a transcript, a typed transcript of a BT Callminder Answerphone message purporting to be yourself leaving a message and the message purporting to have been left on the system on Friday October 30th 1998 at 2:52 pm. Do you confirm that you've had sight of the typed transcript of that message?

Code A

Yes.

WHITING

Thank you. Code A I just wonder if we could commence the interview just inviting you to outline your involvement in this investigation, how the investigation ran, basically an outline picture.

Code A

Right the first thing at the time I was working in the Gosport CID office as a Office Manager helping with the Sergeant and to help co-ordinate extensive enquiries. I believe that the message came by telephone from



Continuation of Tape Recorded Interview of:

Code A

Code A

Mrs MacKenzie asking to re-interview or to see someone about the death of her mother.

WHITING

Right.

Code A

I arranged to see her and I saw her with her mother, sorry with her sister in the Conference Room at Gosport Police Station. She talked for quite some time and I took notes on that. She produced to me an awful lot of documents and at the time I can remember considering that I didn't really know which way, from what she was telling me exactly what had happened and how to start to investigate it. I took all the notes from her which included contemporaneous notes made of what had happened to her mother over the days before she died. I state at this point that the mother, Mrs RICHARDS, had already been cremated and it was already some four to six weeks after the death, so it was not an early complaint about this matter at all.

WHITING

Yes indeed.



Continuation of Tape Recorded Interview of:

Code A

Code A

I then, after I think the, in fact I would imagine that the interview with the two of them probably went on for an hour or an hour and a half, which I think was quite plenty long enough and I asked them to leave the papers with me while I had a look at them and decided in what way we could investigate it. It was obvious right from the start that in fact if the death of Mrs RICHARDS had been caused by people, it had been caused by a number of people, a great number of people. It couldn't be pointed at one person and this goes from the initial injury of Mrs RICHARDS, which was caused at the home in Lee-on-Solent. She was then moved from there to Haslar Hospital where her joint was put back together, which I think at that time was a dislocated joint where she'd fallen over. This is going from memory.

WHITING

Yes.

Code A

She then went to Gosport War Memorial where there she broke her hip and went back to Haslar.



Continuation of Tape Recorded Interview of: DC 2050 Richard Martin MADDISON

WHITING

Yes.

Code A

She was then discharged from Haslar again and put into Gosport War Memorial and at some stage during that time she was in great pain so she was fitted with a driver.

WHITING

Yes.

Code A

Which was basically to relieve the pain.

WHITING

Syringe driver.

Code A

Syringe driver yes.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

The two women said that they then stayed with their mother for the next five days.

WHITING

Yes.

Code A

Until she died.

WHITING

Yes.

Code A

And then basically they are saying that it was neglect from the doctor which caused the death.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

And I think in fact you know just basing on those facts I considered that death was probably caused with all of those interventions that happened.

WHITING

Right.

Code A

There was no one point at which you can say that death was caused.

WHITING

Sure so it was from the interview, the discussions you had right at the outset, is it true to say you formed a view that the death was a result of a cumulative effect?

Code A

Yes.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

Also did the decisions to give the syringe driver and to use it with diamorphine I believe is a clinical matter and I said at that meeting that I believed that the matter should really have been progressed through the General Medical Council who, if they then thought things were wrong, would then come back to the police from their side of it.

WHITING

Yes.

Code A

I found out at that meeting that she had already approached first of all the hospital with her complaint and apparently that had for some reason stopped. She also already complained to the Hampshire County Council Inspectorate for Nursing Homes and you know I just wanted really to come away from what they'd been telling me to try and take an outside view of what exactly they were complaining about.



Continuation of Tape Recorded Interview

Code A

WHITING

Right. At what point **Code A** did you form a view that the General Medical Council should be involved in this issue in this matter?

Code A

On that day.

WHITING

Right at the very start?

Code A

Right at the very start. It was a clinical decision if a decision had been made to give the drugs it was a clinical decision. The other problem with what, and I'm not quite sure whether I picked this up on that day or afterwards, they kept on saying that they had never been told that their mother was being given a drug.

WHITING

Yes. You're referring to the advice file at the moment.

Code A

Yes I'm referring to the advice file. They said that basically they said that they'd never been told that what it was was palliative care.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

And I understand palliative care is the giving of drugs to help relieve people in their last moments so as they don't have pain.

WHITING

Yes.

Code A

Its not to do with killing them.

WHITING

No.

Code A

It is in fact to relieve their pain.



Continuation of Tape Recorded Interview of: DC 2050 Richard Martin MADDISON

WHITING

Yes.

Code A

And to make their life more comfortable. Now when they said that they had not been told about that, when I read their comprehensive, no their contemporaneous notes.

WHITING

Yes.

Code A

Which they had made at the time I saw that they had put down the following which is on the last page. The outcome of the use of the syringe driver was explained to us fully. We agreed.

WHITING

Yes.

Code A

So by saying one thing that they had never been told about this I found it great difficulty in believing that what they were saying against the doctor could be proved.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes albeit that that statement in those contemporaneous notes doesn't detail what they were told would be the outcome. Do you agree?

Code A

No the outcome and the use of the syringe drug was explained to us.

WHITING

Yes.

Code A

No doctor is going to say that they are putting a syringe driver in to deliberately kill her.

WHITING

Right.

Code A

Or to deliberately keep her alive. They will explain that that is to make her life comfortable.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Although on its face you're taking it as an inference that a doctor would have explained what their outcome was, even though the notes don't detail what was explained to them yes. So in ...

Code A

On Tuesday the 18th we arrived on the ward and we were told that she had had a peaceful night. We were told that she had a massive haemotose causing pain at the op site and the plan of management was to use a syringe driver to ensure that she was pain free and she would not suffer when she was washed and moved and changed should she become incontinent.

WHITING

Yes.

Code A

It seems to me that there was an awful lot of explanation there.

WHITING

Yes.



Continuation of Tape Recorded Interview of:

Code A**Code A**

So I considered that these notes more valuable at the time of my investigation.

WHITING

Yes.

Code A

Because they were contemporaneous and had been made supposedly a month before than in fact taking a statement from either of the two sisters.

WHITING

Okay if we just come back to that particular point but at the outset you are aware that an issue of complaint is that you formed an early opinion that the matter should be dealt with by the General Medical Council?

Code A

Well yes.



Continuation of Tape Recorded Interview of:

Code A

WHITING

And I'm just exploring whether you considered that the whole matter should be dealt with by the General Medical Council or whether you felt that part of the matter should be dealt with by the General Medical Council?

Code A

I think the whole matter right from the word go from her breaking her leg, breaking her hip at the nursing home, right the way through ...

WHITING

Was a matter for the General Medical Council and not for the Police?

Code A

Yes, yes. The only bit that I started, not at that time I didn't come to this conclusion but a little later on I decided that the part that I had to look at.

WHITING

Yes.

Code A

Was in fact the part where she was given the drugs, i.e. the syringe driver.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

That at that point.

WHITING

Yes. And did you make that view in your discussions with Mrs MacKENZIE and with her sister.

Code A

I hadn't come to that conclusion at that time.

WHITING

You hadn't no okay. Do you recall at what point you came to that conclusion then?

Code A

No because in fact what they said was that they make great play on the fact that one of the sisters was a nurse.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Could I just ask what you're referring to at the moment?

Code A

I referring to a notebook which I took, notes taken at the time from the sisters.

WHITING

Fine. Thank you.

Code A

All right. There's a great long history here about dates and when she was discharged and whatever and that's in there. What they considered was that the death was caused by omission of a drip.

WHITING

Yes Sorry by omission?

Code A

Omission of a drip and therefore she was starved and that she had kidney failure.



Continuation of Tape Recorded Interview

Code A

WHITING

Yes.

Code A

And therefore the negligence to kill her was by omission of those things.

WHITING

Yes.

Code A

Now I decided that the best to try and find out whether or not that was the cause of her death although in fact the cause of death was put down as bronchial pneumonia.

WHITING

Yes.

Code A

But unfortunately without having a body I don't think we can prove that either way.



Continuation of Tape Recorded Interview of:

Code A

WHITING

No indeed.

Code A

But I do understand that that is the most common form of dying.

WHITING

But either way you were not in any position to challenge the content of that death certificate in the absence of a body?

Code A

No.

WHITING

Understood. Right.

Code A

The ...



Continuation of Tape Recorded Interview of: DC 2050 Richard Martin MADDISON

WHITING Sorry go on.

Code A

I'm now going on, this is after the two sisters had left.

WHITING Yes.

Code A

And I talked it through and wondered how to go about investigating this matter.

WHITING Yes.

Code A

I didn't want to go to the hospital because I didn't really know, one I couldn't get the hospital documents anyway.

WHITING Yeah.



Continuation of Tape Recorded Interview of:

Code A

Code A

I was unable to get hold of the documents so I decided to go to an outside body which had I considered expertise in palliative care.

WHITING

Yes.

Code A

And that was the Macmillan Nursing.

WHITING

Yes.

Code A

And I took a statement from a sister there.

WHITING

Yes.



Continuation of Tape Recorded Interview of: D Code A

Code A

Regarding the use of a shunt and also the use of or do they put drips up in people etc.

WHITING

Yes.

Code A

And I took the statement from them regarding that.

WHITING

Yes.

Code A

Which I considered in fact covered the points of this starvation and omission of fluids.

Code A

Right. So that had gained you an informed opinion about the medical treatment that was forthcoming at the Gosport War Memorial Hospital?



Continuation of Tape Recorded Interview of:

Code A

Code A

Yeah.

WHITING

Did you secure any of the hospital records from the Gosport War Memorial Hospital to confirm that that indeed was the course of action that had been taken in relation to Mrs RICHARDS?

Code A^N

Not at that time.

WHITING

And what was your reason for not securing that?

Code A

I had no rights to them.

WHITING

In the sense that those records would indicate that a particular course of action that you were investigating did or didn't take place, would they not have been relevant?



Continuation of Tape Recorded Interview of:

Code A

Code A

They may have been but I had no rights to them at all. I had no, at that stage, I had no ideas that a crime had taken place.

WHITING

Save for the initial allegation was that essentially a crime had taken place, a death had occurred through neglect?

Code A

But I didn't take those documents.

WHITING

No you received the allegation though but you decided not to take those statements, sorry those records, is that correct? There is an issue raised by Mrs MacKENZIE that you didn't take a statement, a formal statement from her or from her sister Mrs LACK?

Code A

Yes.



Continuation of Tape Recorded Interview

Code A

WHITING

Yes and I know you just touched on that previously. If you just explain why it was, I mean you accept you didn't take a statement, could you just explain to me why you didn't?

Code A

I considered the contemporaneous notes that they'd made at the time were a much better record of what had happened than my taking a statement and I think the majority of the statement, if I had taken one from her, would have been the fact that she was producing, they were being produced as evidence and in fact they were more direct evidence than a statement taken some six weeks afterwards.

WHITING

Yes.

Code A

At various stages when we had arranged to make a statement.

WHITING

Yes.



Continuation of Tape Recorded Interview of: Code A

Code A

She didn't turn up.

WHITING

Right.

Code A

And having looked through the file.

WHITING

Yes.

Code A

I see one of the times that she was to make a statement was, and I've made a note of it on here, I may be wrong but I have this is my recollection from that time, was that she was coming to, she lives in Eastbourne.

WHITING

Yes.



Continuation of Tape Recorded Interview of:

Code A

Code A

So it was difficult to, she did not wish me to interview or take a statement from her sister, Mrs LACK, without her being there.

WHITING

Right.

Code A

Who was the most obvious person because she lived in Gosport but, oh where's that gone, oh here we are. On the 4th of November Mrs MacKENZIE was going to attend Gosport Social Services regarding the problems with the nursing home and she was going to attend there on the 23rd of November. I think at that stage a statement was gong to be taken from her when she came to see us.

WHITING

Right. So in relation to the allegations that have been made to you initially you considered that what purported to be contemporaneous notes were going to be of more value than a subsequent statement?

Code A

Yes.



Continuation of Tape Recorded Interview of:

Code A

WHITING

There would eventually be an issue perhaps about a statement being formally made with the statutory declaration at its head.

Code A

Certainly.

WHITING

How would you have addressed that issue if it had become necessary?

Code A

I would have made that an exhibit. They would have been an exhibit ...

WHITING

Yes.

Code A

Certainly and I think that is much more pertinent than in fact turning it into the statement.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes. And so in relation to the allegation around the neglect leading to the death you had some contemporaneous notes that were presented to you as contemporaneous notes and therefore they would be best evidence when compared to a subsequent statement.

Code A

Certainly.

WHITING

Were issues additional to the death of Mrs RICHARDS raised, in particular I'm referring to issues surrounding the execution of her will, were those issues raised to you at all?

Code A

In fact it was a separate issue.

WHITING

Yes.



Continuation of Tape Recorded Interview of:

Code A**Code A**

She originally sent them to the Fraud Squad.

WHITING

Yes.

M

Code A

They went to the Fraud Squad, they then came to the Detective Chief Superintendent here.

WHITING

Yes.

Code A

And then down to Gosport in fact because I knew they were on their way and were being delayed in the various departments I in fact chased up to find them and I in fact investigated it.

WHITING

Right.



Continuation of Tape Recorded Interview of:

Code A

Code A

I can tell you about it.

WHITING

No the aspect at this stage that I'm interested in is that that issue was investigated separately.

Code A

Separately.

WHITING

And that the taking of a statement which would have afforded an opportunity for Mrs MacKENZIE to introduce that allegation into the same statement would not have provided an opportunity that she otherwise hasn't had, i.e. the use by you of her contemporaneous notes did not exclude her from making a statement or an allegation in relation to the will because that matter was investigated anyway and was investigated subsequently.

Code A

They had come to court separately completely separate matters.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Okay.

Code A

They could not be put in together.

WHITING

Right. The further issue in relation to the investigation into Mrs RICHARDS' death is a suggestion that you didn't secure statements, sorry you didn't liaise with Social Services and any work they may have been doing in relation to previous care. Does that have any relevance to you now, do you have any explanation on work by other agencies?

Code A

Certainly I contacted them but my, as I say, my concern was the death.

WHITING

Yes.

Code A

It was how the death came about.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

And not what happened at the nursing home.

WHITING

Yes. So Social Services you are saying were involved with what occurred at the nursing homes.

Code A

Yeah.

WHITING

Which was linked only in times of a chain of events to what you were investigating but not part and parcel of what you were investigating.

Code A

As I saw it I had to isolate the person who had killed Mrs RICHARDS.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

And the chain of events led to it by her coming into hospital but the allegation was that she had been starved in hospital.

WHITING

Yes.

Code A

And that didn't have a Social Services aspect.

WHITING

There came a point where you were in a position to submit an advice file to the Crown Prosecution Service. At that point had you formed an opinion about the likely outcome of that advice?

Code A

The two aspects to the advice one is that had I, in which further direction I should go.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

And I hoped that would come from or had I or was there enough in fact to say that there was no case.

WHITING

Right.

Code A

So I submitted it first to my Sergeant.

WHITING

Yes.

Code A

Then to my Inspector.

WHITING

Yes.



Continuation of Tape Recorded Interview of

Code A

Code A

It then went to the Chief Superintendent and then to the Crown Prosecution Service.

WHITING

Yes.

Code A

Who came back and said that they would prefer they would like to have more medical opinion based on the notes from the hospital.

WHITING

Right.

Code A

We then sort a geriatrician who then examined the notes.

WHITING

Yes. The decision about who to speak to that geriatrician was not yours alone was it?



Continuation of Tape Recorded Interview of:

Code A

Code A

No.

WHITING

No, sorry.

Code A

And then he made another report regarding the what the doctor had done in the circumstances and it was then resubmitted to the CPS who said there was no case to carry on with.

WHITING

The first submission was in October of 1998 and the second submission was in March of 99, is that correct?

Code A

First one was the 30th of October 98.



Continuation of Tape Recorded Interview of:

Code A

WHITING

You left a message apparently on the BT Callminder service of Mrs MacKENZIE. As I refer to earlier you've seen the typed transcript. Would you agree that that was the content of the message that you left?

Code A

Probably.

WHITING

As with everyone when one does a call on an answerphone unless you've actually rehearsed it it is never perfectly how you like to say it.

WHITING

No.

Code A

But I think that is quite in the circumstances.

WHITING

Its that in that message you say but at the present time from my observations there is no reason for a criminal prosecution, which indicated to Mrs MacKENZIE I think that you'd formed an opinion about the likely outcome of the advice and the case. Would you agree or disagree?



Continuation of Tape Recorded Interview of:

Code A**Code A**

I'd agree.

WHITING

So you'd formed an opinion in October that it was unlikely to proceed criminally?

Code A

Yes.

WHITING

And you'd formed an opinion before that pretty much at the outset of the enquiry that the care aspects of this allegation were the remit perhaps of the General Medical Council?

Code A

Certainly.

WHITING

And you'd conveyed both of those opinions to Mrs MacKENZIE?



Continuation of Tape Recorded Interview of:

Code A

Code A

Yes.

WHITING

Could you just explain to me why you told Mrs MacKENZIE that?

Code A

In order that she had no I mean I could have easily gone the other way and said that I think there is going to be a criminal case.

WHITING

Or have said nothing at all pending the advice?

Code A

Fine if, I could have said nothing at all.

WHITING

Yes. So was there a reason why you said, why you gave you opinion particularly?



Continuation of Tape Recorded Interview of

Code A**Code A**

Its what I thought at the time.

WHITING

So it was in relation to what might otherwise have been her expectations?

Code A

Sorry?

WHITING

Well I'm just interested in why you would give your opinion ahead of the CPS advice, one of the reasons may be that you are trying to ensure she didn't have a particular expectation of that advice when you already had a view, an informed view, or did no such consideration come into it, you simply stated what you thought?

Code A

Its certainly a consideration that I didn't want her to believe that there was going to be a very large trial coming out of her allegation?



Continuation of Tape Recorded Interview

Code A

Code A

Yes.

WHITING

Okay. The other issue that I've touched on which is in relation to the will. I just wonder if you could outline your involvement in that particular investigation for me?

Code A

I was given, the papers came to the office.

WHITING

Yes.

Code A

As I say before via Fraud Squad and the Head of CID.

WHITING

Yes.

Code A

They were handed to me because they had the name MacKENZIE on it and I had the other file.

Continuation Sheet No: 45



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

I then looked at the papers, I had no ideas about wills. The best person within the Hampshire Constabulary for wills is the Force Solicitor.

WHITING

Yes.

Code A

I brought all the papers to him and one of the allegations about the will was the fact that a page was missing.

WHITING

Right.

Code A

He examined, there was only one page which gave four or five items which were to be handed to various people, members of the family. At the bottom of this page it was signed.



Continuation of Tape Recorded Interview of:

Code A

WHITING

Yes.

Code A

If there had been a second page, that first page would not have been signed.

WHITING

Yes.

Code A

So therefore there was no page missing.

WHITING

Right.

Code A

And that was it.

WHITING

Okay.



Continuation of Tape Recorded Interview of:

Code A

Code A

There was no fraud.

WHITING

And that was the end of that particular investigation.

Code A

Yes and this I explained.

WHITING

Thank you very much. Have you anything else that you wish to add in relation to this enquiry?

Code A

No.

WHITING

I'm going to serve on you a copy of form TR3 which explains the procedure in relation to the tapes themselves and I therefore conclude the interview now and by my watch the time is 1546 hours.



TAPE RECORDED INTERVIEW
of Detective Inspector 7228 Stephanie Jane MORGAN
on 6th November 2000 at 1550 - 1625 hours

List of people present : Superintendent WHITING, Detective Inspector MORGAN

Interview commenced with usual introductions. The Interviewing Officer explained that this was a discipline interview.

DI MORGAN was content for the interview to continue and was cautioned.

WHITING I'll just clarify that prior to this interview I served on you some papers by way of disclosure and that was a copy of the advice file in relation to this case.

MORGAN Yes.

WHITING That went to the CPS. A copy of a statement provided by Mrs Julia MacKENZIE, the complainant, that was dated the 27th day of April 1999.

MORGAN Yes that's correct.



Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN

WHITING And also the transcripts of some telephone messages in order to establish who the first caller was and just to establish for the benefit here that in fact the first caller is Mrs MacKENZIE's sister and not yourself.

MORGAN Yes that's correct.

WHITING Thanks very much. I'm just going to refer to the statement that Mrs MacKENZIE provided that you've got a copy of.

MORGAN Yes.

WHITING I just wondered if you could outline for me please DI MORGAN the allegation as you are aware of it and the process of investigation of that allegation.



Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN

MORGAN

Well I became aware of it when a file was submitted to me via Code B through his first line manager who was Detective Sergeant OLIVER which gave the bare bones of the complaint and as a result of the allegation I then sort advice simultaneously in effect from the Crown Prosecution Service by way of Mr Bob WHEELER and also from Detective Superintendent Mike LANE as to the way forward in relation to the way in which the investigation was conducted Richard MADDISON, who was a Detective Constable at the Gosport Police Station was the Investigating Officer and I in effect was his second line manager and the files in question, or the file in question was submitted via his first line manager to myself for all consideration.

WHITING

And could you just put that into some context please about the caseload that fell upon Gosport CID at that time?

MORGAN

Well Gosport has and still is the hardest working station in the county from the point of view that when you measure workloads per officer it is consistently the highest workload per officer. At that time there were ten Detective Constables dealing with an incredible workload. We had murder investigations ongoing. We had rape investigations ongoing and there was



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an allegation of blackmail, there were a series of robberies and I can only describe the situation as being extremely busy.

WHITING

Who decided the extent of the investigative response to the allegation being made in relation to the death of Mrs RICHARDS by Mrs MacKENZIE?

MORGAN

Well Detective Superintendent LANE actually gave the advice. I mean I actually sent in ...

WHITING

Just to clarify you're referring to the minutes that are on the copy advice file?

MORGAN

Yes the file went through to Mr LANE on the 9th of October 98 and this was after a couple of minuted observations made by Richard MADDISON and Nigel OLIVER and I then wrote in a minute to Mr LANE. 'I concur with Detective Sergeant OLIVER's views in relation to these matters. This is seemingly an atrocious lack of care in relation to the deceased but I think there would be considerable difficulties improving that these and I quoted

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'careless acts' were directly responsible for her death. Obviously the allegations are extremely serious and not totally without foundation so I submit to you for advice in relation to the way forward.' He then replies on the 16th of October 1998. 'DI MORGAN. It seems to me that the only criminal issue is whether the treatment used by Doctor BARTON, i.e. a syringe driver without a drip, was appropriate or would constitute gross professional negligence leading to the death of the patient. The issue of whether we have a case of manslaughter here should rest with the CPS. But they could only make that decision given an expert medical opinion on the above procedure. Please explore the options and obtain an appropriate medical opinion and then submit to the CPS for advice. Please keep the family informed.' Now almost simultaneously to that we sent a similar file to the Crown Prosecution Service asking the same question what should be the way forward and that file came back also asking for an independent medical opinion as to the treatment of I think Gladys Mabel RICHARDS.

WHITING

That's right Mrs RICHARDS yes. Can I ask what steps you took then to keep the family informed?



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MORGAN

I wrote to Mrs MacKENZIE because she was the individual who was sort of representing the family views as I took them then and she was the one that was corresponding and conferring and seemed to very much be controlling the family response. Certainly an appointment had been made, for example, to see her sister. And at her instigation that meeting was cancelled. So, because of that, I corresponded with Mrs MacKENZIE and Mrs MacKENZIE alone. And I think copies of my letters are on the file.

WHITING

Yes. And in terms of obtaining an independent medical opinion?

MORGAN

Well I then sent the file straight through via Nigel OLIVER to Dick MADDISON and what I've said to Nigel OLIVER is, 'It will be necessary for Code B to obtain expert medical opinion as outlined by Detective Superintendent LANE. It will then be necessary to obtain an opinion from the Crown Prosecution Service.' And so that file duly travelled back to Code B in order to obtain independent medical opinion. And I believe that he obtained evidence from a geriatric consultant, a Mr LORD, and the file, having collected that evidence, was re-submitted to the Crown Prosecution for their decision.



Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN

WHITING Did you at any time clarify with DC MADDISON the independence of Mr LORD?

MORGAN I remember having a number of conversations with Code B but I certainly made it clear to him that the consultant in question should in no way have been involved in the treatment of Mrs RICHARDS and that is as far as I went, you know, that it had to be an independent consultant. But that was verbal conversations and I note here that I haven't actually written that in the minutes.

WHITING Would there have been any constraints from you, or anyone else that you are aware of, on Detective Constable MADDISON's freedom to select any apparently expert medical opinion?

MORGAN Absolutely none. I mean the Forensic Science Service was in its infancy at the time for example but that could have been one direction in which he went and certainly he would have known that cost in respect of that kind of



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enquiry wouldn't have been an issue. So certainly both he and I you know would have been happy to have gone wherever for an expert medical opinion but he went to a geriatric consultant and who better really to give a view of the medical treatment of Mrs RICHARDS.

WHITING

Have you subsequently become aware of any connection between Doctor LORD and the Gosport War Memorial Hospital or any of its staff?

MORGAN

Only very much later on.

WHITING

Yeah.

MORGAN

I now understand that Mr LORD was a Head of Department or something like that?

WHITING

Yes.



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MORGAN And although he had no direct involvement in the treatment of Mrs RICHARDS, I fully accept that he could not be perceived as wholly independent.

WHITING Sure.

MORGAN But that wasn't something that I questioned at the time.

WHITING Sure I understand. In any of your communication with Mrs MacKENZIE did you gain an impression at all that she was in any way dissatisfied with the extent or conduct of the investigation into the allegation that she'd made?

MORGAN The first I became aware of Mrs MacKENZIE's dissatisfaction was with the serving of the disciplinary notices.



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WHITING So fair to say then that up until that point in relation to the allegation relating to her mother's, Mrs RICHARDS' death she'd never expressed to you any concern or dissatisfaction with the conduct of the enquiry by DC MADDISON?

MORGAN No at no point did she make a complaint to me about DC MADDISON, his conduct or the way in which he was dealing with the case. You know, no such complaint was made to me.

WHITING Are you aware of how many times you may have formally reviewed

Code B work on that case?

MORGAN I remember with the first submission when we decided to send it through to Mr LANE and to the Crown Prosecution Service that I read through the very copious notes made by Mrs LACK.



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WHITING Yes.

MORGAN And I read through those very thoroughly and of course it was due to those notes that I formulated the view that indeed the treatment of Mrs RICHARDS at the nursing home and at the hands of 'the hospitals'.

WHITING Sure.

MORGAN Was very poor and it was because of my review of those very copious notes that I decided that we would need to take advice in order to seek a way forward. Because if we were going to investigate this to the fullest extent then that would have required staffing.

WHITING Yes.



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MORGAN And that was my primary reason for sending it to Mr LANE.

WHITING In the first instance?

MORGAN In the first instance. In the second instance having obtained the, what I believe to be, the independent medical report of Mr LORD, I read through that medical report and then I wrote to the Crown Prosecution Service a fairly detailed minute I suppose, it takes up an A4 side of paper, again really seeking a decision and then again it was sent off.

WHITING Right.

MORGAN You may well ask well why did we not obtain statements from Mrs LACK or Mrs MacKENZIE but my view at that time was that the notes that Mrs LACK had produced was so detailed with the chronology of what had actually occurred that that suffice by way of her evidence, if we were going to go further with it.



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WHITING

Yes.

MORGAN

Then obviously those notes would have to be converted into a statement form but I wasn't troubled at the time by those lack of statements because, as I say, I think there was a great quantity of detail in what Mrs LACK was saying and certainly sufficient for you to get a very good idea of exactly what happened in the final months of Mrs RICHARDS' life.

WHITING

Well I'll just clarify one point about that then. Was there a specific issue that you discussed with Detective Constable MADDISON?

MORGAN

Its been over two years.

WHITING

I appreciate the time.



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MORGAN And I genuinely can't recollect.

WHITING Okay.

MORGAN I wouldn't be surprised if we did have a conversation where I might have considered it because I look at the file now and I can see that there is a lack of statements from both family and from doctor and it might be that I took the decision not to take statements because we'd been given a specific steer by both the CPS and by Mr LANE and I wanted to keep to that steer as far as possible because of the staffing issues within the office.

WHITING Yes and I'll just build on that slightly. Also you've just mentioned no statements from doctors ...

MORGAN Well there was a reason for that as well.



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WHITING

Yes.

MORGAN

My view at the time was that if the treatment was grossly negligent and constituted some form of manslaughter then the doctors and all the medical team in question were suspects in a manslaughter enquiry. My feeling was that if we were going to go down that route that we would need to interview them formally under caution because the bottom line is, my feeling is that one individual in the treatment of Mrs RICHARDS, no one individual stood out as being wholly responsible, if you like, for her treatment. There was a large number of individuals involved in treatment over a number of months and my feeling was that if we were going to interview them we would have to interview them formally under caution.

WHITING

Right. And in relation to Mrs RICHARDS' medical notes there was no, was there a decision made not to secure those, not to seize those at an early stage?



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MORGAN I cannot recall having a discussion with Richard about that but I go back to what I was saying earlier, the reason why we submitted this file very early on to the Crown Prosecution and Mr LANE was because I was seeking a steer here in relation to the way forward and if it was felt that there was a case to answer and that a full investigation was necessary then we were looking at pulling out the stops and putting a great deal of staff into it and you know basically the advice came back basically, as I said, saying to limit the enquiry to that of a medical report.

WHITING And when that report had been obtained and submitted and you'd acted upon the advice from the first submission what then became of the investigation?

MORGAN Once the independent advice had been obtained, the file was put together for a second time, with Mrs LACK's notes and you know all the available correspondence and it was sent through to the Crown Prosecution Service where it was again reviewed by the same solicitor, Mr Bob WHEELER. And he wrote back quite clearly saying, 'Thank you for returning this advice file which I now return to you. In the light of all the material provided I do not consider there is evidence to justify a prosecution of the medical staff -



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plural - involved in the care of Mrs RICHARDS for manslaughter or any other criminal offence.' I mean obviously that's a much shorter note compared to his first note which asked for a report from a medical specialist.

WHITING

So would I be right in assuming from that that you took it that that CPS lawyer felt he had sufficient information in order to make that recommendation?

MORGAN

Well that is certainly how I read it. I mean you know we had fulfilled what he had requested in his first letter.

WHITING

Yes.

MORGAN

And he clearly felt that he had sufficient again through the very detailed copious notes made by Mrs LACK, etc., together with the report provided by Mr LORD to make a decision and I read that as a final decision if you like, and if there had been any doubt in my mind about what he actually meant or what was actually meant from that I would have been the first to be



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on the blower actually querying it and saying look do you feel we ought to be doing more.

WHITING

I understand. Can we just turn to some other issues that are fair more specific to do with the telephone conversations and similar and I'm going to refer to Mrs MacKENZIE's statement, and you might find it useful to look at the copy.

MORGAN

Yes.

WHITING

That you have there DI MORGAN. Page 7 of her statement.

MORGAN

Yes.

WHITING

Mrs MacKENZIE has raised an allegation in relation to her sister's behaviour in relation to the will of her late mother outlining some details including an allegation that her sister had destroyed part of the will.

**Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN**

MORGAN

Mmm hmm.

WHITING

And she says that, on page 7, she knew that you had the case papers so she telephoned Gosport to speak to you and she spoke to you on your return from leave. She said that she made it quite clear that she intended to pursue the matter through the criminal courts, even though the accused was her sister. She then says, 'DI MORGAN's reaction was not what I expected. She said she was appalled at this and did I realise this would split the family.'

MORGAN

Well that is not correct. I mean when I first picked up the phone and began speaking with Mrs MacKENZIE I believed that she was referring to the allegation of involuntary euthanasia or manslaughter in respect of her mum and therefore I was explaining to her that that file had actually gone to the Crown Prosecution Service following the obtaining of specialist medical opinion. She then began to tell me about the situation with her sister and the dispute over the will. So this was a separate matter which she then went into and explained what the problem was and I hadn't seen the father that

**Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN**

time and once that was actually clarified and I then listened to her as she went through the facts as she saw them. I certainly, at no time, said that I was appalled by what she was saying. You know that was a complete misrepresentation of what was said. What I did say is, you know, the bit about you know splitting up the family or not being able to resolve the issue within the family. That's quite true.

WHITING

Yes.

MORGAN

I mean I was saying that very clearly to her that I did feel that it was a matter of probate and that I did feel that it was a matter best resolved within the family and certainly at one point I did say to her 'Do you truly, Mrs MacKENZIE, want me to go out and arrest your sister on an allegation of theft?' And she said, "Yes I do, that is your duty." At that point I did say to her, "Well I find that very sad." I think the problem was I wasn't actually saying to her what she wanted to hear but at no time was I impolite, at no time was I aggressive and I certainly wasn't making these sorts of judgements about being appalled by what she was saying. I mean this is the first time I've had the opportunity to read this statement but it is a complete misrepresentation of the conversation.



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WHITING I think you've answered ...

MORGAN If you want me to go through the rest of it I'm quite happy to.

WHITING I'll just touch on a couple of other bits please.

MORGAN Yes.

WHITING I think you've answered in relation to the next part in that paragraph and the one that follows it which was about whether or not you could have read the file in relation to the allegations in relation to the will and you've explained there that there was something of a misunderstanding, she was talking about that file you were talking about the unlawful killing allegation file and you can follow that through into the next paragraph. We'll touch on that other file about the will in a moment just briefly.



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MORGAN What I will say there.

WHITING Yes.

MORGAN She's also said here, 'She told me she had joined it with the other case of unlawful killing as it was part and parcel of the same case.' That is absolutely untrue. I mean once she actually explained to me what this separate allegation was about.

WHITING Yes.

MORGAN It was clearly a separate matter.

WHITING Yes.



Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN

MORGAN I was never ever going to say oh well I've joined, I mean ...

WHITING Are they dealt with as separate files?

MORGAN Yes absolutely.

WHITING These two allegations?

MORGAN Yeah.

WHITING And you've touched on, on page eight at the top of page eight she goes on to say about not putting me in a very good light and I think you've touched upon the actual detail of your conversation there.



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MORGAN

Yes.

WHITING

The second paragraph, 'She further accused me of delaying things in so far as my mother's death was concerned.'

MORGAN

Absolutely not true. I mean why would I even say something that insensitive. I mean just to try and put things in some perspective by this time I had learnt that [Code B] was finding her a little difficult and I had also learnt about the interference of Mrs MacKENZIE and the appointment to see Mrs LACK to take a statement and the fact that she had stopped that and there were a number of reasons so you know if you like I was on my absolute best behaviour. You know I mean [Code B] had even said to me that he wouldn't be at all surprised if she was tape recording conversations. So I mean I'm a polite person anyway and I have never had need to loose my temper or become aggressive. But knowing that I was going to be on my extra best behaviour if you like and indeed I was. So I was quite careful about what I was saying but I was also quite clear and quite robust in what I was saying. I wasn't going to actually be dictated to and I was very clear to her that I felt this was a family matter and would be



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better resolved you know in a civil court or better still if she could sit down with her sister and resolve it that way because it was clear from what she was saying that the will favoured her sister and that she felt very upset and disgruntled by that. But I was in no way insensitive but at the same time I was very clear on what I meant.

WHITING

Is there anything that you might have said that Mrs MacKENZIE may have misconstrued as being along the lines of not being very diligent in reporting the matter to us or bringing the matter to police attention?

MORGAN

Absolutely not. I never ever said that, nor would I. I mean its just a complete misrepresentation. This bit going back to page 7.

WHITING

Yes.

MORGAN

At the very, very bottom where she said, 'DI MORGAN told me that she had more important things to deal with and she had cases of rape to deal with.' Part of that statement's true.

**Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN**

WHITING

Yes.

MORGAN

I was trying to explain to her how we prioritise work within the office and I was explaining you know really because we were dealing with cases like rape and murder at that time this was a matter that was quite low down in our list of priorities and I said but besides that this is really a matter for you to deal with as a family. You know, and this is how I was talking to her. I would never phrase it like we've got more important things to deal with. You know I just don't talk like that but I clearly just wasn't saying things to her that she wanted to hear. And I think as a result of that she's misrepresented the conversation.

WHITING

Further down on page 8 she relates that you allegedly accused her of not being interested about what had happened to her mother at the nursing home.



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MORGAN

Absolutely not. That is completely untrue. I mean it would have been grossly insensitive, if anything I would think she's probably put that there because that might be projecting her own guilt. I don't know. I'm just surmising there. But I certainly never said that and in fact you know the whole catalogue of the level of care that her mother went through you know my minute clearly says, you know, the atrocious lack of care in relation to the deceased. You know I was fully sympathetic to how her mum had been treated throughout her care. I was in agreement with her. I certainly wouldn't have said something like that.

WHITING

Okay. And finally just to clarify one point, the issue in relation to the will treated, as you said, under a separate file, was subject to separate advice elsewhere?

MORGAN

Well yes I mean our view was that that needed the attention of someone who had expertise in civil matters and therefore as a result of that it went through to Mr Mike WOODFORD who is the Force Solicitor and he came back very clear in what he had to say. He said that the will was complete. That basically it clearly favoured Mrs LACK and that it really was not a matter

**Continuation of Tape Recorded Interview of: Detective Inspector Stephanie Jane MORGAN**

for the police which I felt a little vindicated by because really that was my view as well.

WHITING

And in submitting a file to Mr WOODFORD, the Force Solicitor.

MORGAN.

Yeah.

WHITING

Did that file include the details not only of the will itself, the existence and the content of the will but did it include the details of what Mrs MacKENZIE was alleging her sister had done?

MORGAN

It was accompanied with a full report and in fact if I recollect things correctly I think R [Code B] N actually took the file up to speak to Mike WOODFORD in person in order to ensure that Mike had all the facts before he made a decision.



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WHITING

Yes. Okay. Thank you. That's covered all the points that I wanted to raise in this interview. Have you anything else that you wish to add in relation to the enquiry?

MORGAN

The only other thing I would say by way of observation is that today we live in a very different climate to the climate of 2 ½ years ago and I think we are now far more questioning of the treatment of patients in hospital and you know Harold SHIPMAN has come about. We've had headlines in the local newspaper, I've just cut one out now, its dated the 11th of May the year 2000 where a woman had woken up in Portsmouth, one of the Portsmouth hospitals to find that there was a notice on her medical notes saying do not resuscitate. And I think we have become more questioning now than we were then and you know that is certainly a lesson for me and a lesson perhaps for the Force in general but I acted completely in good faith. I did believe that we were investigating as fully as we had been instructed to do and I bear Mrs MacKENZIE and her family absolutely no malice and I hope that they manage to find some peace, I genuinely mean that. That's it.

WHITING

Thank you. The interview is now concluded and the time by my watch is 4:25 pm. I shall now turn the tapes off.