



HAMPSHIRE CONSTABULARY

CONFIDENTIAL

Station : **Portsmouth**

Division : **KQ**

Department : **KQ Fratton**

Date : **09 May 2002**

Subject : **FORMAL COMPLAINT - MRS MARILYN JACKSON**

Addressee :

Deputy Chief Constable I Readhead

1. Background and Introduction

1.1 Following receipt of a letter of official complaint from Mrs Marilyn Jackson of **Code A** **Code A** – dated 11 April 2002 (Document 1), I was requested to call on the complainant to ascertain the full nature of her grievance against the Constabulary.

At 0900 on Tuesday 30th April, I went to the complainant's home address where I interviewed her and her two daughters, Mrs Lisa PAYNE and Ms Emily YEATS. I was handed a prepared statement (Document 2) and listened to their version of events surrounding the death of Mrs Alice WILKIE (82 Years) at the Gosport War Memorial Hospital (GWMH) on 21 August 1998.

I was made aware that a police investigation had been conducted by the Constabulary into allegations of potentially criminal conduct by some members of staff at the GWMH. I was also told that Superintendent JAMES was the SIO in the case of Mrs WILKIE and a number of other unspecified elderly patients.

1.2 It soon became apparent that their grievance was in two parts;

- A) The specific conduct of Detective Superintendent Jon JAMES, during and subsequent to the initial enquiry at the GWMH. And
- B) The policy and outcome of the initial enquiry at GWMH

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2. Synopsis of Complaint A

2.1 The CD1 attached outlines the broad basis for the complaint against Detective Superintendent JAMES, but the specific allegation refers to the four points outlined at page 7 of the CD1. In this extract from the CD1, they contend that Superintendent JAMES is guilty of a neglect of duty for the following reasons:

'Bearing in mind the serious nature of the allegations being made against the hospital, Mrs Jackson considers that the conduct of this enquiry has been woefully inadequate for the following reasons:

- a) No witness statements have ever been taken from a member of the family about any of the circumstances surrounding Mrs WILKIE's death. Moreover, no explicit statement has been taken which details the grave concerns of the family.*
- b) The lack of contact and level of communication has fallen well below what should be expected in a case involving the death of an individual.*
- c) Supt James' justification for not pursuing the case further is flawed and insensitive in particular the reference to a lack of police resources.*
- d) Suggesting that reports would be available, merely to withdraw the offer shortly afterwards, was unprofessional and inadequate.'*

3. Synopsis of Complaint B

3.1 The MG11 attached outlines the detail and original basis of the complaint that Mrs JACKSON and her family made to the police in April 2001. It details specific questions which, they contend, have never been answered adequately by the police or medical authorities. The statement specifically alleges that Diamorphine was applied in such a large dose that it was intended to hasten the death of Mrs WILKIE. The broad sweep of their grievance is that they have been

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deliberately kept in the dark and that their concerns have been ignored and trivialised. They gave the express opinion that a form of conspiracy was operating between the Constabulary and the Health Authorities. It was for these reasons, they argued that they felt forced to go to the media with their side of the story. At the conclusion of her MG11 Mrs JACKSON makes the following statement:

'- who authorised and prescribed the administration of the diamorphine? Why was it regarded as necessary and what assessment had been made to reach that conclusion? I regard this dose of diamorphine as being far too great for a woman such as my mother and I would like to know how much this contributed to her death.

In the absence of any other documentation - from some inadequate medical notes [obtained from the hospital by Mrs JACKSON], I have been left to conclude that the administering of the diamorphine was used deliberately to hasten the death of my mother. Whilst I have not had any further explanation, other than the cause of death being pneumonia and dementia (I had seen no physical symptoms for pneumonia) I can only conclude that this was a deliberate act by someone at the hospital.

Together with my family, I am requesting that someone provides some answers to the questions and issues raised in this statement. I am aware that very similar allegations surrounding patient care at the hospital have been made by people in a similar position to myself.'

4. Conduct of the Interview

4.1 On my arrival at Mrs JACKSON's home I was met with an air of suspicion, and, at first, mild hostility. As the interview progressed barriers began to break down, but the family continued to make it clear that they were, 'going to take this all the way.' I eventually felt the hostility dissipate, and as I recorded their complaint on the CD1 Mrs JACKSON in particular appeared relieved that her concerns would be reviewed by the Constabulary.



4.2 The overwhelming grievance was that no-one had recorded their observations about the treatment of Mrs WILKIE in any form of official statement and they contended that no enquiry could have been properly or thoroughly conducted without such statements. It became clear that if I did not take a statement from Mrs JACKSON then there would be very little faith in the force's ability to investigate the matter impartially and our integrity would be in question. [I did not take statements from Lisa PAYNE and Emily YEATS although they both considered that they had material to contribute]

4.3 Once all of the documentation had been completed and a good rapport had been established I broached the subject of 'informal resolution' of the official complaint against Jon JAMES. The suggestion was not welcomed and the more strident language I had been greeted with earlier returned. Ms Emily YEATS in particular regarded my mention of the 'informal resolution' as derisory and reiterated her belief that the Constabulary was incapable of resolving this matter as the failure to investigate properly was 'our fault'. She indicated that she wanted the case reviewed independently and her mother and sister agreed enthusiastically.

4.4 Despite my reassurances as to the impartiality and integrity of our approach to these matters, it was all too obvious that I had failed to convince them. Moreover, I was contacted the following day by Emily YEATS by telephone and had my own impartiality and integrity questioned because I worked in the same building as Superintendent JAMES. Although I explained I had no operational or supervisory function with regard to the MIR and its staff, I am not convinced that Ms YEATS was prepared to believe me.

5. Observations and Conclusions

5.1 It is clear that Mrs JACKSON and her family are convinced that staff at the GWMH deliberately applied Diamorphine in order to hasten the death of Mrs Alice WILKIE. No matter what any form of independent review may conclude, this family are unlikely to believe that their version of the facts do not constitute 'the truth'. They consider that 'the authorities' are working together to cover up a common and widely practised form of administrative euthanasia and the 'excuse' [their term] of a 'lack of manpower' and the need for 'public

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reassurance' merely reinforces their deeply embedded beliefs. They assert that the time taken to deliver the Constabulary's conclusions and the manner in which it was done compounds this view.

5.2 They have now clearly embarked upon a very personal crusade with the ultimate goal of exposing malpractice and perhaps eventually gaining some recompense. They principally blame the hospital for the initial cause of their grievance, but also regard every other agency involved in the process as being culpable and tainted. It is my suspicion that they are being coached and prompted, perhaps by a solicitor who is well versed in such disputes and I suspect that a civil case for damages, on the basis of causing unnecessary stress and suffering will be lodged against the force in the near future. I have no *direct* evidence to support this view, but previous experience in similar matters brings me to this conclusion.

5.3 The family are now acting in concert with other families who hold similar suspicions about practices at the GWMH. Although I have not seen any other complaints of a similar nature I am informed by the family that they will be forthcoming. They have all embarked upon a well orchestrated media campaign and they are intent on keeping the pressure up. *The News* in Portsmouth is a keen sponsor of the story and they continue to provide regular updates about the case. Ms Emily YEATS appears to be the most vociferous driver of the media campaign and I suspect that she will not stop campaigning about this matter until as she put it, 'someone's head roles for this'. She has written to various bodies, groups, Authorities and elected representatives with the intention of keeping the issues very much at the political forefront.

6. Recommendations

6.1 That the complaint against Superintendent JAMES be recorded under Section 69 of the Police Act and that regulation 9 forms be served upon him at the earliest possible stage.

6.2 That an Investigating Officer be appointed (possibly externally) and the allegations outlined in the complaint be brought to an early resolution

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6.3 That the PCA be informed and consulted about the nature of the complaint.

6.4 That the overall thrust of the matters alluded to in the MG11 of Mrs JACKSON, i.e. that the case was not satisfactorily conducted, be reviewed independently, perhaps by another force.

Addendum

The final paragraph of the prepared statement handed to me during my visit (Document 2) makes reference to a potential conflict of interests for Superintendent JAMES. This was not regarded as forming part of the official complaint, and therefore did not appear as part of the CD1 or MG11. Nevertheless, it may be a matter which an appointed Investigating Officer would wish to be appraised of.