



HAMPSHIRE Constabulary

Station: Headquarters

Division: 'OH'

Department: Professional Standards

Date: 20 July 2003

Subject: P.174/02- 'Gosport War Memorial Hospital enquiry'

Deputy Chief Constable,
Via Chief Superintendent Stevens.

Sir,

This report is submitted in response to the letter from the Police Complaints Authority dated 19th June 2003 concerning complaints relating to the Gosport War Memorial Hospital investigation.

Following Assistant Chief Constable Jacobs' investigation into the allegations made by members of the public into Chief Superintendents James' conduct of the 'Gosport War Memorial Hospital' investigation, a 'Regulation 9' notice was served upon C.Supt. (then Detective Superintendent) James on 22.05.02 by Chief Superintendent Clacher. On 25.11.02 a further 'Regulation 9' notice was served by Mr. Jacobs, outlining the allegations laid against him.

I was instructed to assist Assistant Chief Constable Jacobs in his interview of C. Supt. James, although I had not been a party to his investigation up to this point. I arranged the interview, but this did not take place as C.Supt James presented a lengthy statement to Mr. Jacobs, which negated the need for the interview to take place.

In seeking to answer the points raised in the PCA letter of 19th June 2003 I have spoken with Detective Chief Superintendent Watts, but not Mr. Jacobs who has transferred from the Hampshire Constabulary.

I am aware that Mr. Readhead has responded to the PCA with regard to the questions on page one of the letter decisions i) whether or not to appoint an SIO from an outside Force to investigate the PSD issues, or ii) to request an outside Force to review the criminal investigation into the deaths occurring at the Hospital.



You will be aware that the investigation into the Gosport War Memorial Hospital continues, and the current Investigating Officer, DI Niven, informs me that he does not believe that the medical reports referred to have not been provided to the families of the deceased by the Force. He is confirming this and will respond to me as soon as he can.

The statement submitted by C.Supt James is lengthy and he seeks to comprehensively answer the questions posed by the service of the Regulation 9 notices. In addition he explains the rationale for the decisions made in relation to the conduct of the enquiry. He is clear in his explanation of his decision not to continue his investigation. The investigation into the death of Mrs. Richards had been carried out, and case papers were submitted to the CPS. At a conference with CPS, Senior Treasury Counsel and Professor Livesley, the Professor's position as an expert witness was compromised. In the absence of sufficient other evidence the CPS decision made the decision that no criminal proceedings should be instituted. Professor Livesley's statement would always have to be disclosed to any defence lawyers as a document that undermined the prosecution case. C. Supt. James engaged other medical experts and when he received their reports he found that while they used differing language and that there was disagreement between them there was no direct cause or link identified between the regime of care offered and the death of the patients. C.Supt. James stated that in his judgement this fell short of the necessary connection articulated by Treasury counsel.

I have only briefly abstracted from C.Supt. James' statement but this forms a fundamental reason why the parameters of the investigation were not expanded. D.C. Watts has stated to me that it is his view that C. Supt James decision making was correct based upon the information that was available at that time.

I am not aware that D.C. Supt Watts has provided a report of his opinion as to these matters in issue raised by C. Supt Clacher, and I do not consider that I am able to comment on them.

C. Supt. James concludes his statement "I have not sought to address a whole range of issues which are identified in Chief Superintendent Clacher's report of 21st July 2003". The matters identified in the letter from the PCA are not specifically addressed by the Regulation 9 notice of 25.11.02, although might have been intended to be encompassed by the 'catchall'- "The



subsequent enquiries into the deaths of, were not conducted diligently or professionally and the investigation failed to take into account all of the evidence available”.

I have found that I am not in a position to answer the questions raised by the PCA, as I consider that the questions regarding C. Supt James’ judgement should only be commented upon by an experienced SIO of at least equal rank. I recommend that consideration be given to requesting D.C. Supt. Watts to provide comment.

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