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HAMPSHIRE CONSTABULARY

MEMORANDUM

From:	Deputy Chief Constable	To:	ACC 'TO' ✓
Ext. No.	3204	Copy:	Chief Superintendent D. Stevens Chief Superintendent D. Clacher Supt. P. Stickler
Our Ref:	IR/DCC/hjs	Date:	23 July, 2002
Your Ref:			

Final Report into Complaints Against Detective Superintendent John James following an Enquiry into events at Gosport War Memorial Hospital

In furtherance to the briefing given to us by Chief Superintendent Dan Clacher at Netley Training School on Friday, 19th July, 2002, I ask that the following actions now take place as a consequence of his recommendations.

These are listed as follows:

1. To consider the service of additional, or more detailed, Regulation 9 Forms to be served on Chief Superintendent John James. ACC 'TO' to consider and action after CPS have reviewed all the evidence.
2. That an early assessment is made as to whether the Police Authority should be informed of the detail of this complaint and if supervising officers were responsible for directing the conduct of the enquiry. DCC to progress on return from annual leave.
3. That an SIO is appointed from outside the Force to fully investigate Professional Standards issues raised on the Case to Answer Sheet. Not at this stage.
4. That an outside Force be invited to review the handling and decision making processes in the Richards' Case. Not at this stage.
5. That the PCA be informed and consulted about the nature of these complaints. Not at this stage.

I have taken a significant amount of time considering these recommendations. Chief Superintendent Clacher's report is a detailed review of the formal complaint made against Detective Superintendent John James but it is not a review of the evidence which he obtained in addition to the Richards' Case, nor is it a review of the Richards' Case itself.

There is one critical aspect which the enquiry does reveal. In our meetings with ACC 'SO', Mr. Smith, and Detective Chief Superintendent S. Watts, it was clear that they were of the view that the additional evidence which had been gathered by Detective Superintendent James had been subject of analysis by the Crown Prosecution Service. It would now appear that this was not the case and that Detective Superintendent James came to the conclusion that following Treasury Counsel's advice on the Richards' Case, which allegedly stated that unless there was a proven link between the use of syringe drivers to administer Diamorphine in such a way as to cause the unlawful death of any

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individual, no criminal action would be taken. These points are clearly covered in Chief Superintendent Clacher's report, paragraph 5.3 through to 5.6. It would appear that the four similar cases selected by DS Code A for investigation did not, in Detective Superintendent James' mind, differ in substance from the previous case submitted to Treasury Counsel and it was for that reason that they were not submitted to the Crown Prosecution Service.

FOR ACTION BY SUPERINTENDENT P. STICKLER

With the benefit of hindsight, I am of the view that this judgement needs to be immediately rectified. I would like, therefore, all of the evidence gathered during the investigation by Detective Superintendent James to now be collected together in an appropriate advice bundle along with the report by Chief Superintendent D. Clacher and the statements which he has obtained from relatives and to be forwarded to the Crown Prosecution Service so that we can be reassured as to whether or not a criminal case ought to be brought on behalf of the Crown. At this time, I am not asking for additional statements to be obtained from any person. The reason for this, having given it some time for thought, is that we are not appointing Superintendent Stickler as a new SIO. If the Crown Prosecution Service indicate, as a result of reading the evidence submitted, that they require further actions to take place, then it will be necessary for the Force to appoint a new SIO and to appropriately staff the office of the latter so as to fulfil all of our obligations.

I understand that Superintendent Stickler will not be able to commence his work until September. I hope that the above is sufficient for us to formulate appropriate terms of reference. I do not see that they are complicated and would ask that these be designed so that I may review them on my return from annual leave which commences today.

FOR ACTION BY CHIEF SUPERINTENDENT STEVENS

With regard to the correspondence that we have received concerning Professor Livesley, it would be appropriate for us to obtain a statement from him at the earliest opportunity. I note that he is making allegations of corruption by a senior officer in the Constabulary who he allegedly describes as trying to protect staff who have done things wrong. He also makes reference to an honest officer who is acting as a mole. My suggestion would be that this statement could be obtained by Inspector Wise and Mr. Hoggood who both have knowledge of this particular enquiry and therefore would be able to ask the right kind of questions of the Professor.

FOR ACTION BY DCC

I have corresponded with Mr. Roger Daw, the Chief Crown Prosecutor on 23rd July, 2002 and have also taken the opportunity of discussing this matter with him. He requires some time to ascertain whether this is a matter which can be dealt with locally or if it will need to be routed via the DPP. Until this is clear, I do not intend to write to the key bereaved families identified by Chief Superintendent Clacher or the four additional names which he has supplied to PSD in his email dated 22nd July, 2002. I have prepared a media statement although there should be no requirement for this until the matter is referred.

I hope that this is sufficient for the key actions to now progress.

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I.R. Readhead
Deputy Chief Constable