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18 SEP 2002

PRIVATE AND CONFIDENTIAL

*Dear Miss Carby*

Questions for Deputy Chief Constable, I. Readhead at a meeting arranged with Miss Emily Yeats and other Families, at Fareham Police Station on Wednesday, 11th September, 2002.

In furtherance to the above meeting, I promised that I would write to you concerning the questions that you put to me. Under the circumstances, I also feel it is prudent for me to send a copy of this letter to all other relatives.

Q. 1. *In the evidential test used by Crown Prosecutors it states that, 'Crown Prosecutors must be satisfied that there is enough evidence to provide a realistic prospect of a conviction'.*

*So how do you justify your proposed course of action when:*

- (i) *No families have been interviewed. As an example, Mr. Mike Wilson received letters from four different officers over a period of 15 months advising him that an officer would come to interview him. Nobody ever came.*
- (ii) *No staff from the hospital have been interviewed.*
- (iii) *And with the exception of expert medical opinions on only four cases, no other investigation appears to have taken place?*

A.1.

- (i) *We have now interviewed all families or obtained evidence form members of staff who may have been involved with the treatment of those who died at*

the hospital. We submitted one specific case to the Crown Prosecution Services, which contained all of the appropriate evidence, including that of a medical expert. This was referred to Treasury Council who determined that there was not a clear causal link between the medication that was given at the hospital and the cause of death. We then decided to look at four other cases and obtained medical evidence and the views of two different professors of medicine concerning these. Our view is that they continue to fail to meet the causal test required by law but these cases were referred to the Crown Prosecution Service on Tuesday, 17<sup>th</sup> September, 2002.

- (ii) We have asked a number of specific questions of the Crown Prosecution & Service and, subject to their views, will at that time consider if we have to
- (iii) conduct any further interviews.

Q.2 *By following this proposed course of action are you 'cuffing' the investigation?*

A.2. This is a continuing investigation where we have shared the evidence gathered with a number of agencies, including the Commission for Health Improvement and the General Medical Council. We have been thanked by all these agencies for our commitment and assistance throughout.

Q.3. *What additional evidence do you actually have to send to the CPS in the absence of any further investigation?*

A.3. The additional evidence includes statements from medical experts, medical reports, an independent report by Chief Superintendent Dan Clacher, and the Commission for Health Improvement Report.

Q.4. *You say that the CHI report will form part of the information being sent to the CPS but this is not a report based on a criminal investigation but is a civil document already in the public domain. Why are you so reliant on the CHI report when it cannot be used as evidence in a criminal court?*

A.4. It is my view that subject to the advice from the Crown Prosecution Service, the CHI Report may be used in proceedings that might be commenced by other regulatory authorities.

Q.5. *Can you explain why the case of Gladys Richards has been used to guide your actions in other cases? Why hasn't each case been dealt with individually as stated in point 2.1 of the code for crown prosecutors?*

A.5. The Richards case has been used as a guide by the investigating officers and specifically the causal link, which is critical for any case to succeed in this area. It would not be appropriate for the Police to gather such evidence concerning a case where they knew that a prosecution would not be possible because of a fundamental flaw from the outset.

Q.6. *How were the four cases chosen for an expert medical opinion and why were they only cases from 1998 and why were palliative care cases included in these reports?*

A.6. The four cases were chosen by a Detective Sergeant who had been closely involved in investigating this matter.

Q.7. *Can you justify why when people made allegations regarding the unlawful killing of their relatives Hampshire Constabulary ignored them or advised them that no action will be taken?*

A.7. I am not of the view that the Hampshire Constabulary has ever ignored allegations made by relatives concerning alleged unlawful killing. We have taken cognisance of their views but these have to be put against the medical evidence, which to date, does not meet the legal standard to prove that a serious criminal offence has occurred.

Q.8. *How many more cases do you need before you consider this worthy of a full investigation?*

A.8. As I explained to you, it is not a matter of how many cases are reported to the Police but the presence of evidence sufficient to prove a causational link between the use of diamorphine and other drugs, and the cause of death. The Constabulary regards this as a continuing investigation.

Q.9. *If these deaths occurred in a private nursing home, would your actions be the same? As an example, we are sure you are aware by now of the Thames Valley Police investigation regarding the Long Care Homes, which was published in the Police Review of 1998.*

A.9. If this incident involved a private nursing home, the response of the Hampshire Constabulary would be just the same.

Q.10. *How is it that CHI were misled, and in turn the public, into thinking that two full investigations took place in November, 1998, and February, 1999, when the Police Complaints Authority upheld complaints regarding investigative failures? How can we be so sure that the CPS haven't been or will be misled in the same way?*

A.10. We have never misled the CHI, or the Crown Prosecution Service, in relation to our dealings with them. To do so would be a failure of our integrity and I am confident that at all times we have presented the appropriate matters for their consideration.

Q.11. *Why are you waiting for a response from the CPS before making a decision on the appropriateness of James' actions since when have the CPS been involved in disciplinary procedures against officers in the Force or is this a cover up of the alleged incompetence of one of your officers?*

A.11. The complaint made against Detective Superintendent (now Chief Superintendent) John James, is still being progressed. It is not a matter for the Crown Prosecution Service, however, part of the allegations made by some complainants is that Chief Superintendent John James had wrongly concluded that a criminal offence had occurred. We await the Crown Prosecution Service's advice as to their conclusions on the matter, which are clearly linked.

I promised that I would keep you updated with developments in this matter and you are probably aware that on Friday, 13<sup>th</sup> September, 2002, Sir Liam Donaldson, Chief Medical Officer, appointed Professor Richard Baker to undertake an audit on whether the trends and patterns of death at Gosport War Memorial Hospital were out of line with what would be expected. We have made it clear that we will work closely with Professor Baker and assist him in any way we can. I can also confirm that the evidential bundle was submitted on 17<sup>th</sup> September, 2002 to the Crown Prosecution Service and I anticipate that we will meet with them in the near future. Finally, we have appointed Detective Chief Superintendent Steven Watts as the new Senior Investigating Officer for this matter. He leads the CID Department in Hampshire and has

extensive experience of major crime investigations. I do hope that you found our meeting of use. You will note that I have marked this letter 'Private and Confidential'. I regard it as a record of the meeting that we had and its contents are not for distribution to others. Obviously, if I discover that the document has been released, I would have to consider how to communicate with you in the future. Can I also confirm that I am prepared to meet with you all again and would suggest the best time for this would be when I have received a response from the CPS but if you desire another earlier date, then I would be happy to arrange, as appropriate. Please let me know if I can be of any further assistance in the interim.

~~Yours sincerely,~~

**Code A**

I.R. Readhead  
Deputy Chief Constable