



Operation ROCHESTER.

Case-file submission dates/ Contact CPS 2005/6.

Confidential.

ACCSO WATTS.

Sir,

As directed the following is a summary of contact with CPS 2005/2006 and details when cases were submitted to CPS in respect of OP ROCHESTER.

It may be helpful to include an extract of my letter to Family Group members of 28<sup>th</sup> July 2006 to highlight the complexities of this case.

*'I write at this time to inform you that the police investigation into deaths at Gosport War Memorial hospital during the 1990's is essentially complete. I confirm that all remaining cases classified by the team of clinical experts as of 'most concern' in terms of the care afforded and cause of death have been submitted to the CPS.*

*In addition a significant amount of supporting material and documentary exhibits continue to be reviewed by the Crown Prosecution Service who I meet with Treasury counsel next week Wednesday 2nd August 2006*

*To date in excess of 800 witness statements have been taken principally from family members, healthcare staff and expert witnesses.*

*Approaching 4,000 documents have been evidenced, reviewed and considered by the investigation team and 1700 nominal records created, a 'nominal' containing information in respect of people connected to the investigation.*

*Our Geriatric and Palliative care experts alone have spent the best part of two years reviewing the mountain of documentation to produce their incredibly detailed evidential expert reports and subsequent findings.*

*Operation ROCHESTER presents as an investigation into some of the most complex and challenging problems in geriatric medicine. Importantly all significant representations previously made by family members have been included for consideration by the CPS.*

*In support of case papers prepared by the Operation ROCHESTER team I have compiled individual case comprehensive summaries distilling the key issues to assist in providing focus for examining counsel. This has entailed my reading in detail each and every witness statement pertaining to every case.*

*Operation ROCHESTER has been one of the most demanding highly resourced investigations ever undertaken by the Constabulary. I am entirely content that this fulsome investigation has led to the position that the CPS have all available material to properly consider whether or not there is a sufficiency of evidence to launch criminal proceedings.*

*The ongoing continued interests of the General Medical Council and Nursing and Midwifery Council and remain, a significant proportion of the original body of complaints having been*

*passed to them for their attention. I have also continued to update the Chief Medical Officer, the Coroner and the Strategic Health Authority.*

*Whilst I appreciate the frustrations that this investigation has been lengthy I am afraid that this situation has been inevitable given the volume of work, the complexity of issues to be considered by our experts and the detailed investigation processes put in place to ensure that no stone has been left unturned. I am confident that the investigation has been both expeditious and diligent when reviewed against all the circumstances.*

*I am satisfied that the Primary Care Trust and staff have and continue to co-operate fully with the police investigation despite considerable disruption to their day to day routine, this has been a substantial piece of work requiring many thousands of hours of police and healthcare staff time.*

*I would like to take this opportunity to reassure you that I have not disbanded the investigation team, I will consider ongoing resource requirements in the light of the CPS decision which I will ensure is communicated to you on an individual family basis as soon as we are able.*

*Once the decision as to criminal prosecution or otherwise has been made, then further 'interests' in terms of GMC, NMC and Coroner involvement may be resolved, again I will keep you updated as to these matters.*

*Finally may I thank you for your continued patience under difficult circumstances.*

24.12.2004. Case-file submitted Elsie DEVINE.

13.05.2005. Letter SIO Det Supt WILLIAMS to Paul CLOSE CPS casework lawyer. General update and notification of file formatting and imminent delivery of case-files in respect of Leslie PITTOCK and Elsie LAVENDER. Enclose SIO summaries in respect of those two cases. To date 465 statements taken and 68 of the 92 cases reported released from criminal investigation. Request appointment of counsel.

18.05.2005. Submit case-files of Elsie LAVENDER and Leslie PITTOCK.

27.05.2005. CPS put OP ROCHESTER case-files out to Counsel David PERRY.

02.08.2005. Letter SIO Det Supt WILLIAMS to Paul CLOSE CPS requesting update from letter of 13.05.05. Update re schedules of interviews with Dr BARTON expected to complete November 2005. Request for view from CPS re disclosure stance to GMC. Make formal request for a copy of counsels advice to CPS.

15.08.2005. E mail request to Mr CLOSE for discussion re previous requests not responded to.

23.08.2005. Delivery of OP ROCHESTER generic issues statements and exhibits to CPS.

28.09.2005. SIO meets with Counsel David PERRY and CPS to discuss issues around the first three cases submitted. Counsel will decide on the outcome when he has reviewed all ten cases.

17.11.2005. Submit case-files Ruby LAKE and Arthur CUNNINGHAM.

March – May 2006. Conduct further detailed caution interviews with Dr BARTON.

07.06.2006. Further update letter SIO to CPS supplying SIO summary of all relevant medical evidence in respect of all final ten cases. Inform CPS that consultant Dr REID also to be interviewed. Request meeting with Counsel to discuss, provisional dates supplied.

14.06.2006. Submit case-files Robert WILSON and Enid SPURGIN.

26.06.2006. Submit case-file Geoffrey PACKMAN.

06.07.2006 Note to CPS to the effect that whilst cases of SERVICE and GREGORY to follow, CPS have the strongest cases of PACKMAN, SPURGIN, WILSON, PITTOCK LAVENDER and LAKE. Chase meeting with Counsel.

19.07.2006. Meeting agreed with Counsel for 02.08.2006.

27.07.2006. Submit case-files Helena SERVICE and Sheila GREGORY.

02.08.2006. ACCSO WATTS and D/Supt WILLIAMS meet with Counsel David PERRY and CPS.

Counsel Mr PERRY's preliminary advice 5 cases, insufficient evidence to support manslaughter. To paraphrase:-

Devine - Problem re the issue of terminal phase..Doubtful levels of drugs negligent.

Pittock - Doubtful terminal decline. Cannot prove life shortened .Doubtful gross negligence.

Lavender - Dr Black comments drugs shortened in life minor fashion and patient had reached terminal phase, complex and challenging geriatric circumstances.

Cunningham - Dr BLACK raised causation problem, a divergence of expert opinion over whether drugs excessive.

Lake - Disagreement over appropriate treatment. No causation/gross negligence.

Spurgin/Wilson and Packman remain under review.

However difficulties being:-

Age and associated morbidity.

Suffering complex medical conditions.

Debate over excessive/appropriateness of drugs, particularly in palliation.

Reasonable body of medical opinion issues.

Difficulties in proving criminal negligence.

Disagreement among commissioned experts... they equivocally contradict..take care not to cherry pick witnesses..

Causation issues.

Difficult to prosecute doctors/stigmatisation.

Accepts discussion around these cases and factor into final decision.

Will need outcome of Reid Interviews.

Medical experts inevitably dilute their evidence in the witness box.

Experts left in a state of agnosticism.

Representations made by ACCSO WATTS, DI GROCOTT and Det Supt WILLIAMS

Counsel would like key issues highlighted in writing.

+ REID issues and I/V's once completed.

Will defer decision when have reviewed all representations by police, and have reviewed GREGORY and SERVICE (to do)

Being realistic Counsels advice not likely to be ready until the end of September (latest), when the same parties will meet to discuss further.

D.M.WILLIAMS

Det Supt 7227.

Senior Investigating Officer.

15<sup>th</sup> August 2006.