

**NOTES OF MEETING HELD AT ALVERBANK COUNTRY HOUSE HOTEL  
ALVERSTOKE, GOSPORT – 2.30 pm – 23 FEBRUARY 2006**

Present: **Emily Yeats** Daughter of Complainant  
**Miss Yeats** Daughter of Complainant  
**Rebecca Marsh** Commissioner, IPCC  
**Code A** Senior Casework Manager, IPCC  
PA, IPCC

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RM introduced herself as Commissioner with responsibility for Hampshire.

RM explained the purpose of the meeting, the role of the IPCC in this case, to inform the complainant of what is happening and where they are in providing a conclusion, to explain the options for new complaints and to listen to any information, view, representation and comments or concerns.

RM explained that this case was a misconduct review case under the Police Act 1996, originally handled by the PCA. The PCA's responsibility under the Police Act on misconduct review cases was to consider the recommendations on discipline made by the police force, based on an investigation the force had conducted themselves. It is unusual for the PCA to see the investigation detail prior to receiving the full file and the recommendations from the force. This PCA role is now undertaken by the IPCC in relation to Police Act 1996 misconduct review cases. RM explained IPCC current powers.

RM explained that there was no power to become engaged in criminal investigation or prosecution under the Police Act 1996 rules. She also explained that discipline is based on breach of the Code of Conduct, as distinct from issues around competence or mistake.

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RM acknowledged that the complainant would be unhappy with the outcome of the complaint and expressed her understanding of this. She also acknowledged that this had been compounded by the IPCC performance on the timeliness of the decision and communication with the complainant.

RM explained that any new complaints would be dealt with separately and offered the opportunity to use IPCC as a route for raising new matters. She distinguished between what would be Police Act 1996 complaints and what would come under the Police Reform Act 2002.

RM then invited response.

EY said the IPCC decision was negated by the fact that John James is no longer employed.

It was RM explained that the IPCC is required to make a decision in order to close the case. The fact that he is no longer there does not change that -the force be recommended operational advice.

EY replied she was told that provided this information 4 years ago. She had never heard of that term before. Therefore Sshe was not surprised to receive the letter with its content in June. She was told roughly around December 2002. John James had denied things he said to three other people, as well as to them.

Code A explained — It was further explained in relation to the complaint against John James, there were other complainants and most of them agreed that no statements were taken from the relatives and that there was an element of medical evidence to be produced, which never was. The investigation into their complaints against Hampshire had been reviewed and looked into a few times. When the investigation was complete and the file submitted to the PCA, they looked at the evidence and looked at the recommendation the force had made to see if it was proportionate. It may well be that Operational Advice was all that could be done, but this was before the investigation took place. She has access to all of the regional investigation files and the various reviews and re-investigations of the complaint. These reviews and investigations have come up with some recommendations for Operational Advice.

Regarding their complaint against John James Code A said she understood statements were never taken about what he did.

EY said she has never given a statement to Hampshire Police about anything at all. They sent Code A round. Her mother signed something with him but we have not.

Code A said she understood her mother made the original complaint and Code A knows there is a lot of documentation there so she will have a look at the file and find what is there.

EY said John James met with all three of them. Code A said it was not worth taking statements at the time.

It was explained that, because the complaints were considered under the old legislation, the IPCC were limited in the way they could deal with them. Evidence of an intent to lie versus a mistake would be necessary.

EY asked if a superintendent with years of experience in the force would make a mistake in telling them they would have access to medical reports?

Code A asked if he said he could get the records for them.

EY replied that he told her mother he would get the name of the person who could give her access to the files. This whole thing has been a complete farce from day one. She expressed the distress this situation has placed on her family and especially her mother, who was too ill to attend this meeting. They could not prove he acted with intent. This was someone who was promoted to Superintendent midway through the complaint. She asked how much this was costing her as a

taxpayer? She wanted to know whether the IPCC knew that he was retiring when the letter was sent out in the summer.

The Code A response was that ~~she responded by saying she neither~~ Code A nor RM could not speak for what anyone did and did not know at the time. ~~She could see Comments could be seen~~ comments on file regarding the retirement, but they could not answer on behalf of any individual as to what those individualsthey knew.

It was further explained that RM said the file came into London and was dealt with in London. There had been quite legitimate complaints made about the handling of that. The IPCC had publicly apologised. Questions had been raised about who knew what when and a complaint has been made about that. ~~This is being looked into.~~

~~She continued that now she has~~ It was made clear that now that the Cardiff office had taken over the file, therefore, they were focusing on the case and on going forward. They had not got involved in the issue about who knew what when. ~~When the answers are found, a response will be made.~~

Since they picked up the file and realised no-one had been told anything since the provisional decision letter, they made their apology for this.

~~Their responsibility for the case is not to look into its handling. Other people will ask those questions of the manager and the organisation.~~

~~EY said 4 years of stress and distress. Her mother was unable to sit in this room.~~

RM said one of the reasons for this meeting was because they had had a dreadful experience all the way through this process and they had not had a better experience when it reached the IPCC. She wanted to tell them what was happening on the existing case and also speak to them about other issues arising. The process on the case was that the IPCC had all the information they could gather from the force and other information brought in by complainants. ~~When~~ Code A goes away and does the final review now she could take all of that into account and they could take a decision. One of their restrictions under the Police Act is that they could not make disclosure of other people's documents. ~~Everything belongs to someone else, it is for them only to disclose their paper.~~

~~EY replied that that man sat in their house and said 'It is not like it is murder'. She asked if RM would want to hear that.~~ All they wanted was for their allegations to be taken seriously.

~~RM asked if they were involved in the new investigation going on?~~

EY replied that the force would not let them in. They were saying there was no proof, they could not prove in any case the file was inadequate. ~~What do she do?~~ The police could not prove it and couldn't place them in a category to take it further.

Code A said from the IPCC point of view, looking at a criminal investigation it does come down to what evidence could successfully support a prosecution and on which the CPS could make a case.

EY responded that medical staff had said things to them which were not documented in the files. She hoped there was enough evidence in somebody else's case for these people to be prosecuted. John James should have discussed this with them and taken statements. Two medical staff had expressed serious cause for concern about the level of drugs and level of care their grandmother had received. He had decided not to take it further due to lack of resources and not to take it further to avoid distressing other families not involved.

RM asked what contact had they had with the officers since April 2004?

EY said a letter regarding categorisation, many calls asking why statements had not been taken.

Code A asked if they had been told their grandmother's case was not being pursued.

It was pointed out that some people were making fresh complaints.

EY said last year, her mother said she could not do it any longer.

It was explained to them that complaints under the Police Reform Act would look at conduct of officers during 2004. They could still make new complaints but they would be under the old Police Act. The IPCC could not investigate as their powers would not engage. However, if something came to light now and it was something that had not been complained about previously but related to pre-2004, but was of a criminal nature, just because he had retired, it did not mean the IPCC could not pursue this.

EY asked if they could complain about how Hampshire Constabulary were handling this whole mess. She explained she had a problem with the force's decision because she did not think they had looked at the whole picture.

Code A replied if there was something they were not happy with then they could complain and the IPCC could look at it. Code A wanted to establish when EY had been given the decision. However, if they had already been told you they would not investigate this case.....

EY said she had a problem with that decision because she did not think they had looked at the whole picture.

Code A asked when they had been given that decision.

EY replied she was unsure but believed it was after 2004.

It was suggested she look into that if they wanted the IPCC to informally or formally look at the specific outcomes of the communication they had had with the force since 2004. If they wanted to make a complaint that the force had failed to investigate or failed to record and she felt that their final decision was wrong, the IPCC could look at that and how it had been dealt with.

It was pointed out there may be a difficulty with making a general complaint against the force's decision-making as opposed to complaints about specific officers. This was due to the fact that Direction and Control issues fall outside the police complaints system. ~~There is a thing about Direction and Control that is outside the police complaints system.~~ There is a system which captures these types of complaints and they are required to respond to the complainants, but it doesn't come into IPCC remit... The IPCC has to decide if it is an organisational failure.

~~Code A~~ explained that if they had been told by the police officer that he had decided not to investigate further because there was not enough evidence, if they then complained, that would be a complaint about him. If they complained about the whole force, that would be a Direction and Control matter.

EY said she needed to check her records to see when the complaint was made. She felt they were fighting a losing battle... This was a foreign thing to them... She is a highly educated person... The police say 'we can't tell you things - confidentiality etc.' They have been waiting a year.

EY was asked if they had had any contact from the CPS.

EY replied that she had approached them a couple of years ago but they said there was nothing they could do as the files had not been received. She tried the Attorney General, but did not know where to go next.

~~Code A~~ said whatever happened to John James would have had no impact on whether or not the death of their grandmother was investigated... The IPCC has a lot of information she has seen, which they had not seen, but she could not disclose because the IPCC are legally bound not to... If they could, it would explain a lot of things to them... Legally they could not give it to you, which went back to John James.

EY said he had enough experience to know he could not promise to give us access to medical reports.

It was agreed that notes would be made of some of the issues ~~they had raised there raised during the meeting,~~ which would be taken into account in order to inform the recommendations for the final decision letters... She explained they were meeting someone else that day and then another meeting on 13 March. Then IPCC would have all the information they can realistically gather. If they wanted to make any additional complaints going forward, the IPCC would facilitate this process.

It was suggested that there has been was some press interest in their meeting and as a result, the IPCC had said she would not ~~wouldn't~~ make any comment until they had spoken to everybody. It was important they told the complainants what the situation was and what they could do for them. RM appreciated this was very distressing and frustrating for them. If they had any questions on taking anything forward, they should talk to ~~Code A~~.

~~Code A~~ added if they were unsure, they could call her and she would try to guide ~~you~~ the complainants... She was sorry there was no better result for them from this meeting.

EY said they had a copy of the medical records from the police which was taken from the hospital, but the most crucial page was missing, after the medical experts had seen it. How could they make a decision? Why should they give up, knowing something has happened that was not right? They were not all wrong.

Code A said she hoped the new investigation going on currently found something.

EY asked what there was in this country for forces who were acting as Hampshire were at that moment. She said that Peter Viggers MP had said she and her family were hysterical and they should let the good people at the hospital get on with their jobs. They could not prove that there was someone in that force who was personally stopping them getting to the truth. The first complaint was made in 1998 and people continued to die. They should look at how they were responding to this. That was how it felt to them, as families.

RM said with the IPCC's new powers they were able to look at those issues and say whether or not forces were acting as they would expect them to. They had to have the starting point, which was most difficult.

~~EY asked how they get evidence. It was like fighting a losing battle.~~

Code A ~~said that, up until now it was just that everything was conspiring against them. Because of changes in legislation that had not helped. All the other things had added to the stress for them.~~

EY said all she wanted was for the relevant person to be punished if it were found something did happen, she would not want ~~...I did not want it to happen again.~~

RM explained the Commission's ~~their~~ remit was only over the performance of the police. They could not investigate the Health Authority ~~or anything.~~

~~EY said they needed to know the right investigation took place.~~

~~RM asked them to have a look at what you had and the dates. In the meantime, the final decision letter on the existing complaint would be written to them. If they thought of anything else in the meantime, would they please call~~ Code A

EY asked to be sure the correspondence goes to her.

Meeting ended