



HAMPSHIRE Constabulary

Witness Statement

Statement of: Mrs Gillian M MacKENZIE

Age if under 21: (if over 21 insert 'Over 21')

This statement (consisting of 10 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 27th day of April 1999

Signature: G MacKenzie

On the 26th September 1998, I received a copy of a letter dated 22nd September from the Portsmouth Health Care Trust. I telephoned my sister Mrs L F LACK of Code A for her reaction. She did not agree with various paragraphs of the letter, in particular that paragraph 7 and paragraph 8E and paragraph 4 were not true. These paragraphs refer to Doctor BARTON at the Gosport War Memorial Hospital. During that same conversation, she also mentioned the irregularities concerning my mother's death certificate, this was not only the certificate itself, which gave the cause of death as pneumonia, but also the behaviour of the Registrar when she registered the death.

My sister had not had sight of the certificate prior to it being shown to her at the Registrar's. She queried the cause immediately as being the sole cause of death, particularly as there had been no indication whatsoever of pneumonia. My sister has 40 years nursing experience with geriatric and terminally ill patients. I told my sister I would not let this matter rest and on Sunday 27th September I telephoned Gosport Police station.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

Prior to phoning the police, my sister had also told me that upon querying the cause of death with the Registrar she said words to the effect of "I did not hear that, if I did hear that, I would have to order a Post Mortem". My sister, being in an emotional state, burst into tears and said, "I do not want anything else to happen to mother". Referring back to my telephone call to Gosport Police Station, I spoke to

Code A

I requested an appointment with an appropriate officer to make a report of unlawful killing in relation to my mother. I gave a good deal of detail to **Code A**. His attitude gave me the impression that he thought I was emotional and he was clearly dismissive to my request. The officer did say that he would discuss the matter and he would ring me back.

Before the officer rang me back I rang him the following morning. I put it to him that I did not think he was taking the matter seriously and I would be quite happy to write up the case myself and send it to Sir John HODDINOTT. His response was, you can do what you like, and it was more or less said in those words. I should like to clarify that I am not absolutely certain this was **Code A**, but it is my belief it was. I told the officer that if that was his attitude, that is exactly what I would do.

The next contact I had was from my sister, who told me that **Code A** had been in contact with her and said he would like a statement from her. He mentioned it was his intention to have the interview filmed, as a film crew were in the process of following officers at work. She had apparently agreed, that she thought it rather strange. She did explain there was more to it than just a fall, which



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

was what the officer seemed to be believing my complaint was all about. Again this was an indication he had not taken the matter seriously. I advised my sister to cancel the interview which was done.

Code A seemed put out according to my sister, because he had actually made the arrangements for the film crew. It is my belief that he told them what the interview was to be about as he had discussed it with them.

I wish to complain that firstly if I have identified the correct officer, then he is responsible for breaching a confidence, as he had no authority to discuss the details of my complaint to him with a film crew.

Following this business with the film crew, later that same day I telephoned Gosport Police Station and asked to speak to a senior officer. Not long after Inspector PEARSON telephoned me.

Inspector PEARSON dealt with the matter quite properly and advised me that he would arrange for an officer who would deal with the matter to contact me. The following day I was contacted by

Code A who made an appointment for my sister and I to see him on the 2nd October at Gosport Police Station.

Signed: G MacKenzie

Signature witnessed by: P L Fuge



Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

The interview took place and we gave **Code A** only an outline of the case before he responded by saying he did not think the case was a matter for the police. He qualified that by saying we should contact the General Medical Council.

I then gave him more specific detail to show my belief was this was indeed a police case and his views were not pertinent. I supplied him with all of the relevant papers we had at the time and he photocopied them. This included copies of legislation, case law and extracts from Archbold's.

My sister also repeated her fears regarding the inaccuracy of the death certificate and the earlier comments of the Registrar. She also expressed her concern that she was in jeopardy by agreeing to what the Registrar had said, because she had seen a sign there about making a false statement. She told **Code A** however, that she wanted to now give that evidence about what the Registrar had said. She had been concerned that she could be fined £2,000 as the sign warned.

The meeting with **Code A** ended with him telling us he would further interview my sister when he would take a full statement from her regarding the death certificate and her reaction to the report from the Health Authorities, with particular reference to the statements made by Doctor BARTON which were untrue. Those are the two items already referred to in this statement.

Signed: G MacKenzie

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Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

Code A also told me I too would be interviewed to make a statement. To date these interviews have not taken place and neither of us has made a statement. This means that our evidence has never been submitted to the CPS within the files sent to them for advice.

Code A's comments were that he would approach his supervisors with a view to obtaining permission to see the medical papers and he hoped that the doctor had not written up notes since our complaint was made to the Portsmouth Health Authority.

On the 30th October I received a telephone call from **Code A** which has been recorded on my answerphone. I still have that tape. He told me that he had completed his investigation and submitted the papers to the CPS. He told me his opinion was still this was not a police matter and we should refer it to the GMC. I later asked him if he had interviewed anybody prior to the submission of the papers. He told me he could not do that but he had a conversation with the Managing Nurse who he said was called Philip. By Managing Nurse, he is referring to the person who had been present during a lot of the time when my mother was being treated. **Code A** said Philip had made reference to whether the subject of medical intervention had been discussed as an option to my sister and I and he said it had. He said it had been said to us that medical intervention as per paragraph 8E of the report had been explained to us and we had agreed. I again emphatically deny this.

Signed: G MacKenzie

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Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

My first complaint against **Code A** is that he ignored the fact that my sister and I had evidence that the version given by Doctor BARTON as per paragraph 8E was untrue. He failed to take that evidence from us and quite simply seems to have taken the word of Philip who was not even there during the one and only conversation with Doctor BARTON.

On the 30th October 1998, **Code A** advised me he had submitted an advice file to the CPS.

I asked him what his file comprised of and who he had interviewed. He said he had not interviewed anybody but he had had a conversation with the nurse, Philip. I again emphatically denied the conversation referred to had taken place.

The above matter was the basis of my original complaint in a letter to the Hampshire Chief Constable on the 20th November 1998. I wrote amongst other things that "The case should be dealt with by officers with a degree of professionalism exceeding that of DI MORGAN and **Code A**".

It is also my understanding that **Code A** did not obtain the medical notes as promised and they too did not form part of the file sent to the CPS.

At the same time those things were happening, on the first submission, I also gathered papers concerning my mother's will. I had written up a case concerning my sister and my mother's will, this

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Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

outlined the fact that I alleged my sister had destroyed part of the will. In due course this file was sent to DI MORGAN to deal with.

I knew DI MORGAN had my case papers so I telephoned Gosport Police Station to talk to her. She was on leave at that time so I spoke to her later upon her return from leave. I told her that I was prepared to co-operate fully with the investigation and I made it clear that I intended to pursue the matter through the criminal courts, even though the accused was my sister.

DI MORGAN's reaction was not what I expected. She said she was appalled at this and did I realise this would split the family. She also told me she had already sent the file to the CPS and I am clear about this. I asked her why it had been sent as she surely could not have even read it as it was her first morning back. She told me she had joined it with the other case of unlawful killing as it was "Part and parcel of the same case".

I made it very clear to her that this was not the case. The two matters were entirely separate and I questioned her as to how she could have even read it. She also told me she thought the matter was probate, but my contention is that what my sister had done was against the criminal law and I told her so. I also told her there was good enough evidence on the file, including some from a retired police officer who knew something about the case and the destroyed part of the will. To this DI MORGAN told me she had, "more important things to deal with" and she had cases of rape to deal with. She said

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Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

she was not interested in cases of probate. She also said my allegation did not "put me in a very good light".

She further accused me of delaying things in so far as my mother's death was concerned. I think she said something like "I had not been very diligent". I pointed out to her that she was quite wrong and we had in fact started proceedings by complaining to the Portsmouth Health Authority before my mother had in fact even died and upon receipt of their report I immediately informed the police.

DI MORGAN also accused me of not being interested about what happened to my mother at the nursing home, which was quite improper of her because she knew nothing of the background to justify that comment.

I have to admit that I was annoyed with DI MORGAN's attitude and I recall pointing out to her that her duty was to uphold the law and my right as a citizen to go to the police and be dealt with properly.

In the case of DI MORGAN, I should like to formally complain about the way she spoke and dealt with me during this telephone call. I make this complaint in particular because I now know she is the Head of the CID at Gosport.

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Witness Statement

Continuation of Statement of: Gillian M MacKENZIE

In conclusion, I should like to clarify my complaints. For the reasons I have outlined in this statement, together with the written evidence I have already submitted, I believe the law has been broken by the hospital staff. I reported this to the police and it is my view that the investigation has been flawed.

Code A has not been thorough and has not taken the trouble to obtain all of the available evidence before submitting the case papers. Within this I include DI MORGAN. In addition to the earlier matter against her, it is my view she has failed to supervise this investigation in a manner which ensured it was dealt with thoroughly.

I should also like to make reference to the separate issue of the will. I am aware that the officers submitted the case papers to the Force Solicitor and it has been his decision that this is a civil and not a criminal matter. I disagree with that decision and maintain this is a criminal matter. I should like to be assured that all of the evidence I supplied Gosport Police was submitted to the lawyer to enable his decision. If that is the case then I realise I can take it no further, however, I wish to give notice that it will form part of an overall report I intend to pursue with the Home Secretary.

Signed: G MacKenzie

Signature witnessed by: P L Fuge