

# PCA

POLICE COMPLAINTS AUTHORITY

10 Great George Street  
London SW1P 3AE

The independent body established by Act of Parliament to oversee  
complaints by members of the public against police officers.

Telephone 020-7273 6412

HAMPSHIRE CONSTABULARY

HEADQUARTERS

Mr P Kernaghan  
Deputy Chief Constable  
Hampshire Constabulary

16 MAR 2001

Your Reference D1/AW/SM/P.418/98

PROFESSIONAL STANDARDS

Our Reference COM 2001001173

Date

13 March 2001

Dear Mr Kernaghan

## COMPLAINT BY MRS G M MacKENZIE

Thank you for your memorandum of 13 February 2001. I have also noted the fax message from Supt Whiting sent on 28 February 2001.

The Authority has considered the papers and accepts that no formal action should be taken against the officers concerned. However, I note the recommendation that DI Morgan and DC Code A should receive operational advice and I agree with that recommendation. I have told Mrs MacKenzie that she will be hearing from you shortly.

Yours sincerely

**Code A**

Authority Member

ASD  
- be arrange with  
Supt. WHITING for  
Op. Advice to be  
delivered by him  
to DI MORGAN &  
Code A given

The unusual circ. of  
this case.  
Prepare the AD 19 B 5 plan.  
(old case) - Code A 16  
3.01

# PCA

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Fax 020-7273 6401

Mrs G M MacKenzie

**Code A***Your Reference**Our Reference* COM 2001001173*Date* 13 March 2001*Dear Mrs MacKenzie*

I am writing about the complaint you made in your letter of 20 November 1998 concerning officers of the Hampshire Constabulary. You have complained that DI Morgan was uncivil toward you in a telephone call when discussing the administration of your mother's will and neglected her duty by failing to respond to your allegations concerning the will. You also complain that **Code A** failed to adequately investigate your mother's death before submitting a file to the Crown Prosecution Service (CPS).

Hampshire Constabulary has carried out an investigation into your complaint based on your statement of 27 April 1999. The officers concerned have been interviewed and I have also examined relevant police records.

The investigation has concluded that both officers acted honestly and that none of their actions were motivated by anything other than a desire to deal with the case appropriately. However, the investigation has also identified failings that support the complaints that you have made.

The remarks made by DI Morgan during your telephone conversation with her are considered inappropriate and did not make any contribution to the matter under investigation. The officer who investigated your complaint considers that her remarks were likely to be misinterpreted and this, clearly, is what has happened. The investigation has also concluded that officers should have considered the independence of the medical evidence obtained as this was an aspect that may have been influential in the decision made by the CPS. Formal statements should have been taken from both you and your sister at an early stage and a copy of your sister's notes obtained. Similarly, relevant hospital and medical records should also have been obtained. All this information should have been provided to the CPS to inform their decision on the case. I can, however, confirm that the issues you raised with DC **Code A** 2 October 1998 were included in the file submitted to the CPS.

In examining any complaint before 1 April 1999, the Authority has to consider if the allegations can be proved beyond a reasonable doubt, the same standard as in criminal cases. The Deputy Chief Constable of Hampshire Constabulary has proposed that DI Morgan should receive operational advice concerning the comments she made about the arrest of your sister. This advice will also extend to the investigative failures that I have outlined above.

**Code A** is also to receive operational advice about the opinion he expressed that the General Medical Council might best deal with the matter. This comment was inappropriate. Advice is a form of police discipline, not unlike a verbal warning that is neither given or received lightly. I agree with the Deputy Chief Constable's recommendation and I am also reassured to learn that a new investigation into the circumstances of your mother's death has

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10/1/99  
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been instigated. Hampshire Police are concerned at the quality of service you received and I understand that they will be in touch with you shortly.

I am sending a copy of this letter to the force for their information.

*Yours sincerely*

**Code A**

**DUNCAN GEAR**  
**Authority Member**