

FAO - Mr John O'Hara
Chairman
The Inquiry into Hyponatraemia Related Deaths in Northern Ireland.

Dear Sir,

I write to clarify some issues which have arisen in the oral evidence to the Inquiry regarding aspects of the Police investigation into the death of Adam Strain.

1. I wish to explain the general procedure used by Police in obtaining witness statements from staff employed at the Royal Group of Hospitals. All interviews were conducted by Detective Sergeant Cross and/or Detective Constable Monaghan. Detective Sergeant Cross informed Litigation Management of those whom Police wished to interview as witnesses. In due course Litigation Management informed him of a date and time when the witness could be interviewed. Police attended the offices of Litigation Management and spoke to the witness there in the presence of Mr Gary Daly, solicitor. The interview did not take place until the witness and solicitor confirmed that no further consultation was required. It was fundamental to this interview that Police ensured the witness knew why Police were there before proceeding to record any evidence in statement form.

Where a witness had already made a statement to the Inquiry, Police arrived with this statement typed onto a Police witness statement form. This procedure had been discussed with and agreed by Mr Daly, solicitor. It therefore remained for police to ask questions on matters not covered in the statement to the Inquiry, and the evidence obtained in this manner was handwritten by Police at the end of the transcribed Inquiry statement. The evidence recorded by Police was read back to the witness and discussed as required. The witness usually declined to sign the statement at this point, requiring first to consider its content. A photocopy of this statement was therefore made by Litigation Management and retained by the witness. Police in due course were informed by Litigation Management that a witness was now in a position to sign their statement and an appointment was made to meet again at Litigation Management when the witness signed the original.

In some cases the signing of the original statements was delayed as witnesses were not easily contacted and in two instances with nurses, the original statements were never signed as an appointment could not be made. These statements were sent to the Public Prosecution Service unsigned, with a note to that effect.

2. I wish to respond to statements made by Mr Stephen Brown in his oral evidence to the Inquiry on Tuesday 1 May 2012. Police contact with Mr Brown was as follows:
 - a. Mr Brown was interviewed by Detective Sergeant Cross and Detective Constable Monaghan at 1030 hours on 9 August 2006 in an office at Litigation Management, Royal Group of Hospitals. I

cannot state with certainty that a solicitor was present as no note was made to that effect but the interviewing officers have no recollection of any interview at Litigation Management at which Mr Daly was not present.

- b. For this interview it had not been possible to prepare in advance by transcribing an Inquiry statement on Police statement paper. Therefore the complete interview was recorded in a handwritten statement by Detective Constable Monaghan.
- c. At the conclusion of the interview Mr Brown declined to sign this statement and he was left with a photocopy which will have been blank on the lines for signature.
- d. On 4 September 2006 Mr Brown met Police at Litigation Management as they were already there to interview Nurse Sharratt and he signed the statement which he had made on 9 August 2006. He did not request any amendments to be made.
- e. Police are therefore in possession of a signed statement from Mr Brown. It would appear that in the weeks between the interview and the signing of this statement it was photocopied in an unsigned form and set aside for the Inquiry. I apologise for the failure to replace this with a signed statement.
- f. Detective Sergeant Cross is clear that he clarified to Mr Brown at the outset of the interview why Police were present. The content of his signed statement confirms that he knew why Police were speaking to him. Therefore I do not accept there was any failure by Police to clarify this and cannot understand why Mr Brown said at page 95, line 6 **'So I had no idea why I was talking to a police sergeant.'**
- g. Mr Brown appears to refer to the product of the Police interview on 9 August 2006 as **'a handwritten scribbled report of a conversation'** (page 144 line 23). As outlined above, Police are convinced that Mr Brown was fully aware that he was being asked for evidence as a witness in a police investigation into the death of Adam Strain. Police do not accept there was any possibility that Mr Brown could have misunderstood and thought he was merely having a conversation.

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