

DRAFT LETTER

Mr John O'Hara QC
The Inquiry into Hyponatraemia-Related Deaths
3rd Floor
20 Adelaide Street
BELFAST
BT2 8GB

26 July 2005

Dear Mr O'Hara

Following on from your meeting with Detective Superintendent Steele and Detective Sergeant Cross of 21 July 2005 I write to you with regard to your Public Inquiry into the circumstances of the deaths of Raychel Ferguson and Adam Strain.

As you are now aware it is the intention of police to conduct investigations into the deaths of these children. Should evidence of a criminal offence be forthcoming, directions will be sought from the Director of Public Prosecutions as regards the bringing of criminal charges.

With these facts in mind and following police consultations with the Department of Public Prosecutions I should like to request that your Inquiry defers investigating the circumstances surrounding the deaths of Raychel Ferguson and Adam Strain until such time as the police investigation has been completed. I fear that if your Inquiry goes ahead it may compromise the police investigation in a number of ways.

- Witnesses may make statements to the Inquiry which differ materially from what they tell police.
- Material relevant to the cases received by the Inquiry and put on your Website could taint the evidence of witnesses and others.
- It is likely that a number of people will be interviewed by police after caution in accordance with the Police and Criminal Evidence (Northern Ireland) Order 1989. It would be unfair on them to have to address the same issues without the protection of the caution. They may for example feel a professional obligation to answer questions from your Inquiry, which they would not wish to respond to after caution, knowing that a criminal prosecution may result.

As you are no doubt aware it is also possible that many of the people from whom you wish to receive evidence may be reluctant to make submissions to your Inquiry knowing that a police investigation is ongoing.

I will endeavour to ensure that these investigations are brought to an early conclusion, however, due to the complex issues involved and the requirement for the provision of expert evidence, it is unlikely that police investigations will be complete before the end of 2005.

It is my intention that police will maintain a close liaison throughout with the Director of Public Prosecutions in the hope that expeditious directions will be forthcoming. This is a matter however over which police have no control and there will undoubtedly be a large quantity of material in the police files.

Yours