



R.I.E

Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

DCU REF NO

HEADQUARTERS REF NO

DCU/Department C2, SERIOUS CRIME

Sector/Station/Branch MIT, GOUGH

Date 16 December 2006

SUBJECT **R v Taylor - death of Adam Strain. Police ref 61,901**

TO: DInspector Nicholl, CARE Maydown

Please see the attached documents.

In the recently submitted file reference was made to the tests of the Siemens Patient Monitor supervised by Dr Gibson and performed by Messrs Wilson and McLaughlin. They were able to confirm that the decline suffered by Adam was not the responsibility of defective equipment but were unable to confirm that the equipment which they tested was actually the equipment used during Adam's operation.

I then wrote to the RVH on 10 April 2006 (letter attached) and asked for further enquiries to be conducted. I have received the attached reply which confirms that the equipment tested was not that used in Adam's operation. This should therefore be borne in mind when considering the evidence of Dr Gibson. I do not believe that this has any impact on the likelihood of securing a conviction if a prosecution ensued.

For onward transmission to the PPS.

A handwritten signature in black ink, appearing to read 'W R Cross'.

WILLIAM R CROSS
DETECTIVE SERGEANT, MIT
Ext [REDACTED]

10 April 2006

Dr A P Walby FRCS Ed
Associate Medical Director
Litigation Management Office
Royal Victoria Hospital
4th Floor
Bostock House
Grosvenor Road
BELFAST
BT12 6BA

Dear Dr Walby

RE ADAM STRAIN, DIED NOVEMBER 1995

On 6 April I interviewed Mr Brian McLaughlin, Medical Technical Officer 5, in the presence of Mr Gary Daly, Solicitor. I discussed with Mr McLaughlin the contents of a report for which he was partly responsible, though has not signed (pages 059-068-157-160).

It is necessary that police establish as far as possible that the Siemens Monitor which was inspected on 2 December 1995 was the monitor which was used in the operation on Adam Strain on 27 November 1995. I am advised that such monitors are not easily moved and it is reasonable to assume that the inspected monitor is the relevant item. However, Mr Wilson and Mr McLaughlin, who examined the equipment, have stated on the first page of their report that the monitor they inspected was a "loan monitor" since the monitor which may usually have been installed was "currently out for repair".

Can I therefore ask if it is possible to establish:

1. If records were kept in relation to removal of the Siemens Monitor for repair?
2. If such records were kept, can a copy be made available to police?

Fermanagh District Command Unit

48 Queen Street, ENNISKILLEN, BT74 7JR Web: www.psni.police.uk

Tel: [REDACTED] Fax: [REDACTED] E-mail: fermanagh@psni.police.uk
AS - PSNI Billy.Cross [REDACTED] 094-210-997

3. If you can confirm to police the firm, and its contact details, which repaired the Siemens Monitor.
4. Since the report of Messrs Wilson and McLaughlin omits the serial number, if it is possible to confirm from records the serial numbers of all the Siemens Monitors in use at the RBHSC and if possible the serial numbers believed to relate to the relevant machines.

I am aware these enquiries impinge on your time and regret that, but feel our investigation must establish these facts if at all possible.

Yours sincerely

WILLIAM R CROSS
D/SERGEANT

Litigation Management Office, 4th Floor, Bostock House, RVH -- Tel: [REDACTED]

Our Ref: A.49/04/33/AS/PSNI

27 November 2006

D/S William R Cross
PSNI
Fermanagh DCU
48 Queen Street
ENNISKILLEN
BT74 4JR

Dear D/S Cross

Re: Adam Strain (deceased)

I apologise it has taken so long to obtain all the information necessary to reply to your letter of 10th April 2006, and in answer to your questions:

1. The records in relation to removal of the Siemens Monitor for repair were kept.
2. Copies of the two records are enclosed.
3. The firm who repaired the Siemens monitor is as recorded on the Medical Service Reports, although the Technical Services Department of the Children's Hospital advise that Siemens Medical no longer exists as a company in Northern Ireland.
4. The Serial number of the loan monitor tested by Messrs Wilson & McLaughlin on 2.12.95 is unknown by this hospital, and because the monitors can be moved between theatres we do not know which one of the three monitors was used for Adam's operation on 27.11.95. A monitor was removed for repair on 29.11.95 and only returned to service on 6.12.95. It appears to have been left on test in the Department from 1.12.95 until 6.12.95. You will see from the Theatre Log copies sent to you on 8.5.06 that there were many operations carried out in the two operating theatres after Adam Strain's operation on 27.11.95 and 28.11.95 before the monitor was reported faulty on 29.11.95. It seems likely that the monitor was used many times after Adam Strain's operation before it failed.

It now seems that the possibility that the technicians tested a different monitor to the one used on Adam Strain as Mr. McLaughlin had raised in his statement to you of 2.5.06 has proved correct as the normal one was removed after 27.11.95 and before 2.12.95. It probably will not have been pointed out to the technicians that the normal monitor was actually back in the Department between 1.12.95 and 6.12.95, but was under test and therefore not in the operating theatre for inspection.

Please advise if I can help further.

Yours sincerely

A P Walby

A P Walby FRCS Ed
Associate Medical Director

Enc.

SIEMENS

MEDICAL SERVICE REPORT

OFF CRT.

Call No. 160258		Engineer J. McKiernan		Customer Order No. 574926		Internal Order No./Contract No.	
Customer (Block Capitals) RBHSC				Dept/Room Theatres		System ID KEB 8706	
City/Town Belfast				Equipment Sirexst 1281			
Reported Fault						System Down? YES / NO	
Dim Display							
Work Carried Out (brief description)							
New CRT and Z-Board fitted							
Unit left on test							
Unit returned to dept.							
Date	DD/MM/YY	Arrival Time HH:MM		Depart Time HH:MM		TOW Code	
1	12/95					MC	
6	12/95					MC	
						Where applicable Travel time will be charged in addition for each site visit at the fixed rate.	
						Overtime will be charged for working time outside contractual hours.	
						Total No. of Reports	
Parts/Materials Used							
Item	Qty	Part No.		Description		Location	
1	1	8791865		Z-Board		JLST	
2	1	8861585		12" CRT.		JLST	
Further Action/Additional Materials Required							
Call No.							
Work completed and equipment left in working order <input checked="" type="checkbox"/>							
Additional work/materials required equipment left in working order <input checked="" type="checkbox"/>				EQUIPMENT UNSAFE AND REMOVED FROM SERVICE <input type="checkbox"/>			
The above work has been carried out satisfactorily and the times are correct as stated.							
Engineer Signature John McKiernan				Customer Name P. S. Lee			
Signature				Signature			

E 1562 - 1293

Siemens plc
Medical Engineering
Siemens House
Oldbury, BRACKNELL
Berkshire RG12 8FZ
Tel: XXXXXXXXXX
Fax: XXXXXXXXXX

AS - PSNI

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White - Customer
Green - Bracknell
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Pink - Regional Office

094-210-1000

Call No. 160258	Engineer J. McKIRGAN	Customer Order No. 574926	Internal Order No./Contract No.
Customer (Block Capitals) R B HSC		Dept/Room Theatres	System ID KEB 8706
City/Town Belfast		Equipment Sirecust 1281	
Reported Fault			System Down? YES / NO

Dim display

Work Carried Out (brief description)

Unit checked and fault traced to CRT + Z Board.

New CRT + Z Board ordered.

Unit removed - demo unit left in dept.

Date	DD/MM/YY	Arrival Time HH:MM	Depart Time HH:MM	TOW Code
29	11	95		MC

Where applicable Travel time will be charged in addition for each site visit at the fixed rate.

Overtime will be charged for working time outside contractual hours.

Total No. of Reports

Parts/Materials Used

Item	Qty	Part No.	Description	Location

Further Action/Additional Materials Required

Call No.

Work completed and equipment left in working order ☐

Additional work/materials required equipment left in working order ☐

EQUIPMENT UNSAFE AND REMOVED FROM SERVICE ☒

The above work has been carried out satisfactorily and the times are correct as stated.

John McKirgan

Engineer Signature

Customer Name

Signature

Siemens plc
Medical Engineering
Siemens House
Oldbury, BRACKNELL
Berkshire RG12 8FZ
Tel: XXXXXXXXXX
Fax: XXXXXXXXXX

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