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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  
4<sup>th</sup> 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](http://www.psni.police.uk)

Tel: [REDACTED] Fax: [REDACTED] E-mail: [fermanagh@psni.police.uk](mailto: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, 4<sup>th</sup> 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 10<sup>th</sup> 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.

OFF CRT

# SIEMENS

## MEDICAL SERVICE REPORT

Call No. 160258		Engineer J. McKEGAN		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	
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 <i>John McKegan</i>				Customer Name			
				Signature <i>P.S. Lee</i>			

E 1562 - 1253

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

DISTRIBUTION  
 White - Customer  
 Green - Bracknell  
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 Pink - Regional Office

AS - PSNI

094-210-1000

Call No. <b>160258</b>		Engineer <b>J. McKIRGAN</b>		Customer Order No. <b>574926</b>		Internal Order No./Contract No.	
Customer (Block Capitals) <b>R B HSC</b>				Dept/Room <b>Theatres</b>		System ID <b>YEB 8706</b>	
City/Town <b>Belfast</b>				Equipment <b>Sirevst 1281</b>			
Reported Fault						System Down? YES/NO	
<b>Dim display</b>							
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			
<b>29</b>	<b>11</b>	<b>95</b>		<b>MC</b>			
						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 <input type="checkbox"/>		Additional work/materials required equipment left in working order <input type="checkbox"/>		EQUIPMENT UNSAFE AND REMOVED FROM SERVICE <input checked="" type="checkbox"/>			
The above work has been carried out satisfactorily and the times are correct as stated.							
Engineer Signature <b>John McKirgan</b>				Customer Name		Signature <b>P. J. [Signature]</b>	

E 1562 1233

Siemens plc  
 Medical Engineering  
 Siemens House  
 Oldbury, BRACKNELL  
 Berkshire RG12 8FZ  
 Tel: [Redacted]  
 Fax: [Redacted]

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