

CHAPTER ELEVEN

Detective Inspector Smith's Knowledge of the Death of Miss Ada Warburton

The Question to be Determined

- 11.1 In Chapters Three and Five, I referred to the issue of when Detective Inspector Smith first found out about the death of Miss Ada Warburton. It will be recalled that DI Smith had denied the suggestion, put to him by Leading Counsel to the Inquiry, that Dr Reynolds told him about that death during their meeting on 24th March 1998, in the context of a discussion about bodies that were available for autopsy.
- 11.2 Until shortly before he gave oral evidence to the Inquiry, DI Smith had always said that he had received from the register office a total of 19 copy death certificates on two separate occasions; that number would not include the certificate relating to Miss Warburton. Miss Warburton's name appeared twice in DI Smith's daybook: see Appendix A. It first appears on the page on which he set out the information which he had gathered in the early stages of his investigation. It then appears in the list of names compiled by DI Smith at the Dukinfield crematorium. The question therefore arose as to the source from which DI Smith had obtained Miss Warburton's name.
- 11.3 DI Smith offered no answer to this question until shortly before he gave evidence. In a statement signed on 27th May 2002, the day on which he began his oral evidence, he alleged that he had learned of Miss Warburton's death by receiving her copy death certificate from Mr Loader on the morning of 26th March 1998. He then said, for the first time, that he recalled receiving 20 copy death certificates (including hers) on that one occasion. DI Smith's explanation for his recent change of evidence was that the hearing of evidence given at the Inquiry had jogged his memory. He had recently been able to think afresh about past events and this had resulted in a genuine change of recollection.

The Evidence

- 11.4 I have already said in Chapter Three that the evidence suggesting that DI Smith learned of Miss Warburton's death from Dr Reynolds is strong. Miss Warburton's name appears on the page of his daybook that contains information he acquired in the early stages of his investigation. Also, it appears that, on 30th March, Dr Reynolds told Dr Gough of the MDU that it was intended to proceed with an autopsy on the body of the patient she had identified. Dr Reynolds must have gathered that impression from somewhere and I concluded that she had probably gathered it from DI Smith. This suggests that there must have been a discussion about bodies (or at least one body) available for autopsy. In addition, Miss Warburton's name and details appear on the note written by Dr Reynolds, which I have previously referred to and which I believe she had with her when she saw DI Smith. It is likely that she would have mentioned to him the information contained in the note.
- 11.5 I have mentioned that, shortly after he received the bundle of copy death certificates from Mr Loader, DI Smith created a spreadsheet containing the names of the deceased

patients of which he was aware. The first available version of that spreadsheet (and the only one which came into existence during the first police investigation) is at Appendix B. Miss Warburton's name is not included. The list of names, which is in chronological order by date of death, ends with Mrs Lily Higgins, who died before Miss Warburton. DI Smith could not explain why, if he had received her copy death certificate from Mr Loader, he did not insert Miss Warburton's name in the chart with all the others.

- 11.6 Miss Warburton's name did not appear on the list of names that DI Smith gave to Mrs Parkinson on 26th March. Since the list was compiled by reference to the copy death certificates which he had in his possession on that day, the most likely explanation for the omission is that he did not have Miss Warburton's certificate, because Mr Loader had not provided it. DI Smith has recently suggested that Miss Warburton's name was omitted from Mrs Parkinson's list because it was decided between him, Mrs Parkinson and Dr Bradshaw that there was no point in including Miss Warburton's name; she had died so recently that her medical records would not be available for some time. I reject that explanation for several reasons. First, Mrs Parkinson said that she could not recall any such conversation. Second, the explanation makes no sense, as the name of Mrs Higgins, who died only three days before Miss Warburton, was included on the list. In any event, there is no reason to suppose that medical records came back to the Health Authority in strictly chronological order of death and Mrs Parkinson told the Inquiry that she was not herself familiar with the procedures for the return of medical records. Thus, it is unlikely that she would have proffered any view about the probable length of any delay in obtaining the records. Finally, DI Smith could not possibly have known, on 26th March, how long his investigation was likely to last; a decision to put Miss Warburton's name on the list, with a view to her records being obtained when available, would have made sense; a decision not to put her name on the list would not. In my view, it is far more likely that, on 26th March, DI Smith did not have Miss Warburton's copy death certificate and had forgotten that he had been told about her death on the previous day and had noted it in his daybook.
- 11.7 So far, all the evidence suggests that DI Smith did not learn of Miss Warburton's death by receiving the copy death certificate from Mr Loader. What about the possibility that he first learned of it from Mr Gurney on 1st April? Miss Warburton's name does appear on the list of 20 names that DI Smith made in his daybook while at the crematorium on 1st April. But that only shows that he knew of it by that date; it does not show that he learned of it for the first time on that date. His own evidence and that of Mr Gurney was that there was no general trawl through the register to find deaths for which Shipman had signed Forms B. DI Smith had asked only about deaths of which he was already aware. Had there been a trawl, Miss Warburton's name would have been found, but so also would the other Shipman deaths of which he remained ignorant throughout his investigation. So, if DI Smith did indeed learn of Miss Warburton's death at the crematorium, it appears that her death (but not all the other 'missing' deaths) must have been mentioned while he was there. If Miss Warburton's name were first mentioned by Mr Gurney because he had noticed it in the register and if it were new to DI Smith, one might have expected DI Smith to ask whether there were other names of which he was not aware. One might also have expected him to add Miss Warburton's name to his spreadsheet on his return to the police station. He did not do so, although he did insert other information that he had obtained from Mr Gurney.

- 11.8 The other possibility, put to him by Leading Counsel to the Inquiry, was that DI Smith had asked Mr Gurney about Miss Warburton because, while using his daybook at the crematorium, he had noticed her name on an earlier page (where, Leading Counsel suggested, it had been since the meeting with Dr Reynolds). DI Smith denied this suggestion. His explanation for the presence of Miss Warburton's name on the earlier page of his daybook was that he had noted it there, together with the name of Mrs Higgins and their funeral directors, while at the crematorium. He had done so, because he was thinking of contacting the funeral directors to ask for details of those two deaths.
- 11.9 I find that explanation implausible. First, it is difficult to see why DI Smith should have gone back to an earlier page of the daybook from that which he was using at the crematorium. Second, he did not in fact go on to make any further enquiries of the funeral directors and, by 1st April, the date of his visit to the crematorium, it is plain, as I shall explain later, that his investigation was virtually at an end. Third, the notes on the earlier page of his daybook record that both Miss Warburton and Mrs Higgins died of a **'stroke'**. That was not information available from the crematorium. Unless DI Smith had been told by someone of the cause of death, he would have had to get that information from the copy death certificates. Both certificates gave the cause of death as **'cerebrovascular accident'**. It is likely that, if DI Smith had obtained the information from the certificates, he would have noted the cause of death as 'cerebrovascular accident' in each case. Indeed, I do not think he knew that the term 'cerebrovascular accident' had the same meaning as 'stroke'. I reject DI Smith's explanation and think that Counsel's suggestion is far more likely.

Conclusion

- 11.10 All the evidence suggests that DI Smith first learned about the death of Miss Warburton in conversation with Dr Reynolds. That is my conclusion. That being so, it is my view that DI Smith ought to have investigated with the Coroner the possibility of an autopsy of her body, as well as that of Mrs Higgins. I cannot be certain that Mr Pollard would have agreed to that course, although I think it likely that he would. Nor can I be certain that Mr Pollard would have directed that toxicological tests should be performed. A routine coroner's autopsy might well have uncovered the presence of some natural disease that could account for Miss Warburton's death. However, if Mr Pollard had spoken to Dr Reynolds before ordering an autopsy, it seems likely that she would have expressed her belief that, if Shipman were killing his patients, he was doing it by giving them a drug of some sort. If DI Smith had had a full conversation with Mr Pollard, he should have passed on Dr Reynolds' view about the likely means of killing. On balance, I think it likely that Mr Pollard would have ordered an autopsy with toxicology and that morphine would have been detected in Miss Warburton's body. If a similar examination had been carried out on the body of Mrs Higgins, morphine would have been found there too.
- 11.11 It remains to consider whether DI Smith was acting in good faith when giving evidence about the circumstances in which he first learned of the death of Miss Warburton. I have already drawn attention to the possibility that he denied receiving the information from Dr Reynolds because he wished to avoid criticism for failing to arrange an autopsy. I must also consider why he changed his account shortly before giving evidence.

- 11.12 The report of Detective Chief Superintendent Stelfox, of the GMP, who undertook a review of the March 1998 police investigation between 23rd April and 15th May 2002, raised the question of how the names of Mrs Higgins and Miss Warburton came to be written on the page of DI Smith's daybook on which he had recorded information obtained in the early stages of his investigation. DCS Stelfox also pointed out that, if, whilst at the crematorium, DI Smith learned of additional deaths over and above those of which he was already aware, this new information should have alerted him to the possibility that his bundle of copy death certificates was incomplete. DCS Stelfox further pointed out that these were issues which were likely to be raised at the Inquiry. DCS Stelfox's report became available on 15th May, very shortly before DI Smith claimed that he had received Miss Warburton's copy death certificate from Mr Loader with the others, making 20 certificates in all.
- 11.13 It appears to me that there must be a connection between the completion of DCS Stelfox's report on 15th May and the change in DI Smith's account, communicated to the Inquiry in a statement signed on 27th May. It seems likely that, when DI Smith realised that he would have to explain the source of his information about the death of Miss Warburton, he sought to do so by claiming that he remembered that he had received 20 certificates from Mr Loader, including Miss Warburton's.
- 11.14 I have given careful consideration to the question of whether or not this change of tack was the result of a genuine process of recollection and deduction. It is natural that DI Smith should wish to avoid criticism. If the production of evidence by the Inquiry, including DCS Stelfox's report, enabled DI Smith genuinely to remember or work out what had happened, he would be right to put forward those fresh thoughts and recollections and I would not criticise him for changing his evidence. I regret to say, however, on considering the matter in the light of all the evidence, that I have been driven to the conclusion that DI Smith changed his evidence without any honest belief in its accuracy. I do not accept that his memory has been jogged or refreshed by the production of evidence. I think it far more likely that he changed it when he realised that he had to produce an explanation which, if accepted, would account for his knowing of Miss Warburton's death.