

CHAPTER THIRTEEN

The End of the Investigation

Two Weeks Pass

- 13.1 Following his visit to the crematorium on 1st April 1998, Detective Inspector Smith did not take any further steps in connection with the investigation until 15th April. He had rest days on 4th, 11th and 12th April; the 10th was Good Friday, a public holiday. He was due to go on a week's holiday from the evening of Friday, 17th April. This was to be followed by a training course that would last a further week.
- 13.2 After two weeks of inactivity so far as the Shipman investigation was concerned, DI Smith suddenly sprang into action. On 15th, 16th and 17th April, there was a flurry of activity. By 17th April, the investigation had been closed. I have already said that I believe that, when he left Selbourne House on 1st April, DI Smith had concluded that Dr Reynolds' concerns were without foundation. It is hard to resist the inference that DI Smith decided to tie up the loose ends and close the investigation before leaving his desk for two weeks.

Detective Inspector Smith Meets the Massey Family

- 13.3 As I mentioned earlier, DI Smith believed that it was during, or just after, his visit to the crematorium that he came to the conclusion that he knew the name of the female undertaker who had been concerned about the deaths of Shipman's patients. On the morning of 15th April, he telephoned Masseys' premises and arranged to see Mrs Bambroffe, either later that day or possibly on the following day. There is no record of the appointment and members of the Massey family are not sure of the date of the visit. I think it highly likely that DI Smith visited on 15th April. The meeting took place at the Masseys' premises and was attended by Mr Massey and Mr Bambroffe, as well as DI Smith and Mrs Bambroffe.
- 13.4 DI Smith has given a number of accounts of this meeting. In his first written report of August 1998, he said that Mrs Bambroffe had told him that all she had done was to repeat the **'general chit-chat and gossip'** she had heard circulating about Shipman. In April 2000, Detective Superintendent Ellis reported that Mrs Bambroffe had told DI Smith that her expressions of concern were based on **'gossip, innuendo and ... coincidence'**. In his manuscript notes of his interview with DI Smith, Det Supt Ellis recorded that Mrs Bambroffe and Mr Massey had told him that they **'just laugh and joke about it'**. Mrs Bambroffe had, he said, maintained this stance despite being **'pushed'** by him. In his statement to the WPHA, DI Smith said that Mrs Bambroffe provided no substantial information; it appeared that her concerns were based on gossip. He repeated this assertion in his first Inquiry statement.
- 13.5 However, when DI Smith came to give oral evidence, he conceded that part of what he had said to Det Supt Ellis had been 'incorrect'. He accepted that Mrs Bambroffe had never said that her concerns were based on gossip or were ever the subject of jokes. His account was that, after confirming that she was indeed the undertaker who had expressed concerns to Dr Reynolds, she had listened to his account of Dr Reynolds' concerns and

what he had done to investigate them. He said that he was trying to reassure Mrs Bambroffe that she had not been disregarded. He had asked her if there was anything else she wanted to add but she had volunteered nothing. He did not ask her to elaborate upon her concerns, despite the fact that all he had at that time was a third-hand (or possibly fourth-hand) account of those concerns. He said that Mr Massey 'became more prominent' in the conversation and that he, not Mrs Bambroffe, referred to the part played by rumour and speculation. DI Smith agreed that he did not ask Mrs Bambroffe for first-hand information about the circumstances of the deaths she had attended. Nor did he ask to see the firm's records relating to the deaths of Shipman's patients. In short, it appeared from his own account in oral evidence that his purpose had been to impart information rather than receive it.

- 13.6 According to the Massey family, the discussion with DI Smith was fairly short and very general. It lasted only 10 to 15 minutes and was more of a chat than an interview. DI Smith asked whether Mrs Bambroffe was the female undertaker he was seeking and she confirmed that she was. The family said that he asked hardly any other questions and did not seek any information. His manner was reassuring and they were left with the feeling that the police had undertaken a thorough investigation. Nothing untoward had been discovered so far. The family was not told that the investigation was at an end although they got the impression that it was approaching its conclusion.
- 13.7 Mrs Bambroffe told the Inquiry that, if DI Smith had asked her to explain why she had been concerned about Shipman's patients, she would have been willing to do so. She would have said that, not only did it appear to her that there were a lot of deaths, but also that the circumstances were unusual. In her experience, it was unusual for an elderly person to die alone at home. Usually, a relative or friend was present, and the patient was in bed and appeared to have been ill. By contrast, Shipman's patients often seemed to die alone. Frequently, they were found dressed in day clothes, sitting up in a chair with no sign of illness. She and her husband had come to recognise features typical of the deaths of Shipman's patients. She was concerned also about Shipman's presence in the house at or about the time of the discovery of the death. She had sometimes wondered how he had gained access to the house. In her experience, elderly people were usually security conscious and it was often not possible to gain access when a body was lying dead. She had also noticed that there seemed to be quite a lot of unexpected deaths. Yet, instead of referring them to the coroner, as other doctors would, Shipman was always willing to certify the cause of death himself.
- 13.8 Mrs Bambroffe said that the firm held records of the funerals they had conducted and she would have been able to produce the records for all nine of the deaths of Shipman's patients which had been dealt with by Masseys and of which DI Smith was already aware. She would also have known that there were other deaths, not on his list, and would have been able to tell him about five more deaths during the preceding six months of which he was unaware. This would have alerted him to the fact that his bundle of copy death certificates was incomplete. Had DI Smith asked members of the Massey family what they could remember about individual deaths, they would have been able to provide some useful information about the circumstances in which the body was found, who was present and whether the family appeared to be shocked by the suddenness of the death. They

would also have been able to tell him that they knew of people who had given money to the scanner appeal.

- 13.9 It was common ground that, after confirming that he had found the right undertaker, the only question DI Smith asked was whether Mrs Bambroffe had anything to add. She said she had not. As he appeared to have received information from Dr Reynolds and as he had spoken so reassuringly to her, giving the impression that he was conducting a thorough investigation, I can well understand why she answered in that way.
- 13.10 Mrs Bambroffe said that at no time did she say that her concerns had been based on rumour, gossip or innuendo. I accept that she did not. However, when DI Smith told the family, as I think he probably did, that he had found no evidence to substantiate the concerns, I think it highly likely that Mr Massey repeated his view that the concerns were without foundation. DI Smith recalls that Mr Massey took a more dominant part in the conversation towards the end of the meeting. I think that is probably so. I think that, in the light of DI Smith's information and attitude, Mrs Bambroffe felt there was nothing more she could say.
- 13.11 It is clear that DI Smith did not take the opportunity offered by this meeting to advance his knowledge about the deaths of Shipman's patients. His method of recounting what he had done did not encourage the Massey family to volunteer what they knew. It is plain that this was not an evidence-gathering exercise. It is to his credit that he gave a truthful account in oral evidence. However, his earlier untruthful accounts, in which he stated that Mrs Bambroffe told him that her concerns had been based on gossip and innuendo and had been the subject of jokes within the family, do him great discredit.
- 13.12 It is common ground that no member of the Massey family informed DI Smith that Mr Massey had visited Shipman on 2nd April. They said that they had not thought to do so. I think they were embarrassed that Mr Massey had visited Shipman while an investigation was under way. I think they would have answered truthfully if asked about the visit but were probably relieved that they were not.
- 13.13 DI Smith says that, if he had learned that Mr Massey had visited Shipman and that Shipman might have become aware that he was being investigated, he would have considered seeking permission to abandon the need for confidentiality. I do not accept that evidence. DI Smith had already concluded that Dr Reynolds' concerns were without foundation. The discovery that Mr Massey had visited Shipman would not have affected that view.
- 13.14 DI Smith agreed that, at the end of this meeting, he had learned nothing new. He was no nearer an understanding of the comparative death rates. He had established that all but two of the deaths of which he knew involved female patients and that most of the deceased were elderly. He did not know which of the deceased, if any, had been found in their day clothes, as he had never asked. He did not understand the basis underlying the concerns of Dr Reynolds and the Bambroffes. Yet, he had already decided that there was no evidence to support Dr Reynolds' concerns.

Detective Inspector Smith Proposes to Close the Investigation

- 13.15 On or shortly before 16th April 1998, DI Smith discussed with Chief Superintendent Sykes his belief that there was no foundation in the concerns expressed by Dr Reynolds. It seems

to have been agreed that the matter should be closed. CS Sykes did not have a clear recollection of everything he was told about the investigation. However, he said that he did not have an in-depth discussion about the issues and the evidence. He remembered that DI Smith said that Dr Banks had found no evidence of criminality in the medical records. He had the impression that that marked the end point of the investigation. He could not recall what had been said about the visit to the Masseys, although he remembered DI Smith using the expression 'gossip and innuendo'. He could not remember whether those words were used in connection with the Masseys.

- 13.16 It appears that the decision to close the investigation was taken without any detailed discussion of the issues raised. DI Smith was not required to explain to CS Sykes how and why he had reached the conclusion that Dr Reynolds' belief that Shipman's death rate was very high was unfounded. He was not required to explain, for example, that he was satisfied that Dr Reynolds' figures were wrong or that, although the death rate might be high, there were good explanations for it. Nor was he required to explain what steps he had taken to find evidence of the common features. In short, CS Sykes delegated to DI Smith the decision to close the investigation. In this, he breached an important tenet of criminal investigation, which is that the supervising officer should make the decision to close an investigation. That decision should be independent of the advice of the officer who has conducted it. CS Sykes did not ask DI Smith to write a report, which would be the normal procedure upon the closure of any criminal investigation.

Detective Inspector Smith's Second Visit to Dr Reynolds

- 13.17 DI Smith tried to contact the Coroner on the morning of 16th April. He also telephoned Dr Reynolds' surgery and made an appointment to see her later that day.
- 13.18 In her statement, Dr Reynolds said that, when they met, DI Smith told her that he had been unable to find any evidence to confirm her suspicions. He said that Shipman was well loved by his patients. DI Smith had found no apparent motive, financial or otherwise, for Shipman to harm his patients. He said that he had investigated her concerns and that no further action would be taken at present.
- 13.19 DI Smith said that he explained the outcome of his enquiries to Dr Reynolds and told her that there was insufficient evidence to justify further investigations. He had found no evidence of criminality. He did not recall mentioning the lack of motive, although he agreed that it had been a consideration in his thinking. He believed that he told Dr Reynolds that he had had 20 sets of medical records examined. He said that he mentioned the possibility of conducting an autopsy in the future. He did not remember asking whether there had been any further deaths since he had last seen her. He said that he told her there was nothing further he could do at that time.
- 13.20 DI Smith said that he had the impression that Dr Reynolds was disappointed with what he told her and that she remained concerned. This impression is confirmed by Mr Reynolds and by the other doctors at the Brooke Practice. Mr Reynolds recalled that, after this second meeting with DI Smith, his wife told him that the emphasis appeared to be on the apparent absence of any motive for Shipman to kill his patients. She was concerned, not

with possible motive, but with the disparity between the death rates in her practice and that of Shipman. She had been disappointed not to have any explanation for that. She had also been surprised that DI Smith had not spoken to her partners.

- 13.21 I find that DI Smith did mention that Shipman did not appear to have any motive for harming his patients. I think it unlikely that he said that he had had 20 sets of medical records examined. If he did make that claim, it would have been inaccurate, as, at that time, he had had only 15 sets examined, and had not yet received the result on the 15th set. It is possible that he told Dr Reynolds that he had had 14 or 15 sets examined, in which case she might well have thought that these were 14 or 15 of the 16 deaths about which she had told the Coroner and which had occurred during the previous three months. Had DI Smith mentioned 20 deaths, said to have occurred over a period of six months, I think Dr Reynolds would have queried his figures. I am quite satisfied that DI Smith did not give any explanation for the disparity in death rates; he was plainly not in a position to do so. For reasons that I shall explain shortly, I do not accept that DI Smith told Dr Reynolds that it might be possible to arrange an autopsy if any further deaths were to occur.

Detective Inspector Smith Speaks to the Coroner

- 13.22 On the following day, Friday, 17th April, DI Smith telephoned the Coroner at 10.13am. Again, the call was brief and it seems likely that he left a message for Mr Pollard. Soon after 2pm, Mr Pollard telephoned DI Smith. Mr Pollard's note of the conversation records that DI Smith referred to a visit to Dr Reynolds and to the **'FP Cttee'**, by which he must have meant the Family Practitioner Committee of the WPHA. The note mentions that two sets of records had been **'questioned'**. This must have been a reference to the two sets of records that Dr Banks thought did not disclose sufficient information to allow a proper diagnosis of the cause of death. Mr Pollard recorded that there had been nothing that **'gave any indication of any criminal acts'**. The note says that DI Smith had seen the cremation records of 20 people and that, of those people, there was an approximately 70% to 30% split between cremation and burial. In fact, this was inaccurate, as the split was 85% to 15%. The note also says that the undertakers had been seen by the police. Most funerals had been done by Masseys of Hyde. DI Smith had **'seen Debbie @ the u/takers:'**. Finally, it is noted that:

'Dr S tries to get all his patients out of hospital. He works v. much like the old GP who will call in @ homes without appointment.

All is OK.'

- 13.23 When going through his note in evidence, Mr Pollard said that he was not told the reason why the doctor who had examined the medical records had **'questioned'** two cases and he did not ask. He thought he ought to have been told if, in fact, the reason these two cases had been questioned was because the doctor thought there was insufficient information to make a diagnosis of the cause of death so that the deaths should have been referred to the coroner.
- 13.24 Mr Pollard said that, when he was told that the cremation records showed a 70% to 30% split between cremation and burial, he thought that this meant that the cremation figures

which had initially been reported to him (16 in three months) had not included the burials, so that the total number of deaths must have been higher than Dr Reynolds had realised. Mr Pollard did not record the period over which the deaths had occurred. It appears that he never realised that DI Smith had been looking at the deaths over a six-month period rather than the three months considered by Dr Reynolds. Mr Pollard did not gain the impression that DI Smith attached importance to the cremation/burial split for any other reason than that it showed that the number of deaths was higher than had been thought.

- 13.25 Mr Pollard's overwhelming impression of the conversation was that DI Smith was telling him that he had carried out a full investigation, so far as confidentiality allowed, and was satisfied that there was nothing to justify further police involvement. DI Smith's explanation for the high number of deaths was that Shipman liked to keep his elderly patients out of hospital. Also, he was an old-fashioned doctor who called on his patients unannounced. The first explanation might account for a higher than usual number of deaths at home among his elderly patients. The second explanation would not account for a high death rate but might explain why Shipman was often present at or about the time of death. Mr Pollard told the Inquiry that he accepted the explanation as adequate because he relied entirely on the probity of the investigation conducted by DI Smith.
- 13.26 DI Smith made no notes of his conversation with Mr Pollard. However, he said that, over the telephone, he told Mr Pollard what he had done during the investigation. He had seen Mr Loader, Mr Gurney and the Health Authority. He said that he concluded that the concerns seemed to stem mainly from rumour and speculation. He had asked Dr Banks to analyse the medical records but he had found nothing untoward in the causes of death. DI Smith said that he took Mr Pollard through the list of the deceased, identifying the causes of death. He said that he did not go into detail about the individual cases. I am sure that is right; he could not possibly have done so. DI Smith thought that he had told Mr Pollard that there were some cases where the Health Authority doctor believed that the death should have been reported to the Coroner. Mr Pollard had no recollection of any such remark; nor did he note it. I do not think this was said; if it had been, Mr Pollard would have noted it.
- 13.27 DI Smith claimed that he told the Coroner that he had gone as far as he could in investigating the allegations on a confidential basis. He said he suggested that, if the matter were to proceed further, there were two possible courses of action. One was to have an autopsy carried out on the next patient of Shipman to die. The other was to speak to some of the relatives of those who had died, or of the next one to die, to see if they had any concerns about the death. DI Smith told the Inquiry that he was not advocating that these steps be taken, as they would entail moving away from a confidential investigation and he did not think this was justified. He was just suggesting possible options for the future if the Coroner were minded to continue the enquiry. However, he said that the Coroner did not take him up on either of these suggestions. In April 2000, DI Smith had told Det Supt Ellis that he had suggested the possibility of an autopsy in future but the Coroner had been opposed to the idea.
- 13.28 Mr Pollard said that he had no clear recollection of this conversation other than that which had been recorded in his note. He did not recall DI Smith saying that the concerns had

been based on rumour and speculation but he accepted that was possible. Mr Pollard had no recollection of DI Smith going through a list of deceased patients and telling him the causes of death. Nor did he remember any suggestion that there might be an autopsy in the future. He pointed out that such a suggestion would have been quite inconsistent with the general thrust of DI Smith's message, which was that there was nothing to be concerned about. I accept Mr Pollard's evidence on that. I am sure that DI Smith did not suggest a future autopsy, either to Mr Pollard or during his conversation the previous day with Dr Reynolds. Mr Pollard said that he had no recollection of DI Smith suggesting that relatives should be approached. Once again, he pointed out that such future action would be inappropriate if DI Smith had come to the conclusion that there was no cause for concern. I find that DI Smith made no such suggestion.

13.29 Mr Pollard said that he did not think deeply about the explanations that DI Smith had put forward. He said that the result of the enquiries did not come as a surprise to him; Dr Reynolds had always recognised the possibility that Shipman might be an exceptionally caring doctor. It did not occur to him to question whether the proffered explanations could satisfactorily account for the startling disparity in death rates. He did not think of asking whether Dr Reynolds was satisfied with the results and he did not contact her again. Nor did he make any enquiries about more recent deaths among Shipman's patients. In short, he accepted without question that the police enquiry had revealed nothing of concern and put the whole matter out of his mind.

13.30 The first police investigation was now at an end.

