

## CHAPTER FIVE

### The Next Steps in the Investigation

#### The First Progress Report

- 5.1 As I have said, Detective Inspector Smith made his first informal report to Chief Superintendent Sykes in the late afternoon of 24<sup>th</sup> March or the following morning. At some time on 25<sup>th</sup> March, CS Sykes telephoned Mr Pollard to tell him that DI Smith had seen Dr Reynolds. Mr Pollard's note does not record the time of this conversation but says only that DI Smith had found that Shipman was running an appeal for a scanner and that most of the deceased were **'making legacies'**. The police would **'therefore [in fact, a symbol meaning 'therefore'] pursue'** the investigation. This seems to imply that DI Smith would not have proceeded with his investigation had he not found out about the scanner appeal, which might appear to provide some sort of financial motive for Shipman killing his patients. However, CS Sykes said in evidence that the investigation was to proceed in any event and Mr Pollard accepted that his note did not give a true impression. I feel bound to infer that the only factor that CS Sykes mentioned to Mr Pollard was the scanner appeal and it seems likely that CS Sykes' interest in it was a reflection of the significance that DI Smith attached to the information. It appears that DI Smith may have been looking for a motive rather than gathering evidence. It is clear that there was no discussion during this conversation about the possibility of arranging an autopsy on the body of one or more of Shipman's recently deceased patients.

#### Detective Inspector Smith Collects the Certificates

- 5.2 In the late afternoon of 25<sup>th</sup> March or, more likely, on the morning of 26<sup>th</sup> March, DI Smith collected the bundle of copy death certificates from the register office. He then returned to Ashton police station and sorted the certificates into date order. At some stage (possibly immediately after his return but certainly within a day or two), he prepared his written list or chart of all the deaths of which he was aware. That written chart was later abandoned in favour of the computer spreadsheet: see Appendix B. The computer spreadsheet contains the names of 19 deceased patients, listed in order of the date of death. It does not contain the name of Miss Ada Warburton.
- 5.3 I have already mentioned DI Smith's conflicting accounts as to how many certificates he received from the register office at the time of his second visit. In August 1998, he said that he had been given 19 certificates on that day. To Detective Superintendent Ellis in April 2000, he said that he had received about 10 or 12 certificates on that occasion and, some days later, was given a few more, making 19 in all. In August 2000, he said he had collected 17 at his second visit and received two more later. He repeated that account in his first two Inquiry statements. These changes seemed to demonstrate nothing more than that DI Smith did not have a clear recollection of how many certificates he received and when. This is not surprising, as he made no contemporaneous record.
- 5.4 In his third Inquiry statement, however, signed on 27<sup>th</sup> May 2002, the day on which he began his oral evidence, DI Smith claimed for the first time that he had received

20 copy certificates, all on the same occasion. The exact number of certificates he received would not greatly matter, save that DI Smith's credibility is under scrutiny. If he received only 19 certificates, as his spreadsheet suggested, that of Miss Warburton would not have been among them. But, if he received 20 certificates rather than 19, he must have received hers. During his oral evidence, Leading Counsel to the Inquiry suggested to DI Smith that his claim to have received 20 certificates, rather than 19, was a recent invention, designed to explain how he had come to learn of the death of Miss Warburton. It will be recalled that DI Smith denied that Dr Reynolds had told him of this death at a time when her body had not yet been cremated. It was suggested by Counsel that DI Smith was anxious to persuade the Inquiry that he had not learned of the death from Dr Reynolds because he hoped to avoid the criticism that he had failed to take any steps to arrange an autopsy of her body.

- 5.5 I have already said that I have found that Dr Reynolds did tell DI Smith about Miss Warburton's death. However, as there is further relevant evidence to be reviewed, I shall defer the full explanation for that conclusion until Chapter Eleven. There is also further evidence to consider relating to the question of whether Mr Loader provided 19 or 20 copy certificates to DI Smith. My conclusion is that he provided 19 but I shall defer the full explanation for that conclusion until later.

## The Significance of the Number of Deaths

- 5.6 DI Smith claimed in oral evidence that, after receiving the copy death certificates, he thought that, as there were only 20 (or 19) deaths over the last six months, this 'brought down the average' death rate among Shipman's patients below that which Dr Reynolds had suggested for a three-month period. He said that he assumed that Mr Loader had given him all the relevant copy certificates. That was a reasonable assumption. He said that it did not strike him that there was any inconsistency between the number of copy certificates that Mr Loader had provided and the information from Dr Reynolds. This, he said, was because he did not know on which three-month period Dr Reynolds' figures were based.
- 5.7 I doubt that DI Smith noticed that the average death rate over the six-month period appeared to be lower than the rate described by Dr Reynolds. If he had, he would also have noticed the marked imbalance between the two periods: 16 deaths in one three-month period and only three or four in the other. If, as he assumed, Mr Loader had indeed provided all the certificates for the six-month period, the imbalance would be so marked that it would appear likely that Dr Reynolds had overstated the number of deaths in whatever period of three months she was using. Yet DI Smith did not think of returning to Dr Reynolds to ask her to check her figures or to allow him to see the records from which she had taken them.
- 5.8 DI Smith said that he could not remember his thought processes at this time but postulated that either he concluded that Dr Reynolds' figures were overstated (and did nothing about it) or he thought that both Dr Reynolds' figures and those from the register office were right.

This, he thought, could have been the case if there had been a lot more deaths in one period of three months than the other.

- 5.9 Whatever his thought processes at the time, it is clear to me that DI Smith did not think carefully about the information he had received from Mr Loader when compared with that provided by Dr Reynolds. Either he did not notice any potential inconsistency at all or, if he did, he explained it to himself without giving it careful thought. This is consistent with his own admission that he did not regard the death rate as being of any particular importance. I am satisfied that he never understood its significance.
- 5.10 It follows that DI Smith did not realise that it would be necessary for him to investigate the validity of or basis for Dr Reynolds' concern about the death rate. I think he understood that she was concerned because the death rate was high; that was one of the things that had prompted her to make her report. But he thought that her real concern was that Shipman was killing his patients and that his task was to investigate these suspected murders. I think he believed that he should investigate them in the same way as he investigated other murders, i.e. by taking evidence from people who could speak directly of a killing of which they knew. Of course, he could not approach this investigation in that usual way. No crimes had been reported. He could not speak to the relatives to find out what they knew of Shipman's involvement in the deaths. He could not speak to members of Shipman's practice staff. He could not speak to funeral directors, save for the one known to have expressed concern.
- 5.11 DI Smith's view of what he should do was misconceived. He did not realise that he ought to find out whether the death rate among Shipman's patients was abnormally high and whether, if it was, it suggested unlawful conduct. I do not think he realised that it would be possible to find out what the usual death rate was and to compare it with that in Shipman's practice.
- 5.12 It is unfortunate that DI Smith did not appreciate the importance of the death rate. If he had done so, he would have realised that the number of copy death certificates he had received was not readily compatible with Dr Reynolds' information and he would have gone back to her to check the accuracy of her figures. Had he done so, he would have found that her records contained the names of deceased patients about whom he had not been told by the register office. He would immediately have realised that he was short of certificates. The register office's error would have been discovered. A second search would have been made and I have little doubt that more copy certificates would have been produced.
- 5.13 It is because DI Smith did not appreciate the importance of the number of deaths, or the comparative death rates of the two practices, that I have concluded that the error made by the register office staff had no significant effect on the outcome of the investigation. I think that DI Smith asked for the copy death certificates because the Coroner (or possibly someone else) had suggested that he should do so. It seemed a good place to start. But if Mr Loader had handed him 31 certificates, instead of 19 or 20, I am satisfied that it would not have made any real difference to DI Smith's approach to his task. I do not think he would have tried to find someone who could tell him whether the death rates were abnormal or worryingly high.

## The Death of Mrs Martha Marley

- 5.14 I mentioned earlier that DI Smith did not make any arrangement with Dr Reynolds about what was to happen in the event that Shipman made any further requests for a Form C to be signed. This omission was, in the event, of particular significance because, during the afternoon of 24<sup>th</sup> March (the day on which DI Smith met Dr Reynolds), Shipman killed again. At 6.45pm, Mrs Martha Marley was found dead. She was found sitting in her chair, wearing her day clothes and looking peaceful. Shipman certified that her death was due to old age. In fact, she had been well the day before. In other words, if enquiries had been made about this death, it might well have been recognised as an example of the type of death that had given rise to Mrs Bambroffe's concerns. [My decision about the death of Mrs Marley is in Volume Five of my First Report. I found that Shipman killed her.]
- 5.15 On 26<sup>th</sup> March, Dr Patel completed the Form C for Mrs Marley. He told the Inquiry that Shipman came across to the Brooke Practice Surgery with the medical notes and told him about the medical history while Dr Patel was looking at Form B. Shipman told him that Mrs Marley had declined steadily over the last year. She was 88 at the time of her death. According to the Form B, Shipman had last seen Mrs Marley 12 days before her death. The form showed that the body had been discovered, not by Shipman, but by Mrs Marley's daughter. The fact that she had died had been confirmed by paramedics. Dr Patel knew about Mrs Bambroffe's worries and realised that this death had some of the features that had given rise to her concerns. Mrs Marley was an elderly female who had been found dead sitting in a chair. Nevertheless, Dr Patel did not feel that he should refuse to sign the Form C. There was no medical reason to refuse, either in the history given or on the face of Form B. A refusal might have drawn Shipman's attention to the fact that he was under suspicion. Dr Patel understood that the doctors at the Brooke Practice were expected to continue to act in the usual way. He did not remember whether this was an instruction from DI Smith or something the partners had agreed between themselves. He believed that the police and Coroner would be informed of the death and would be able to make any enquiries they thought fit. So, Dr Patel went to see the body and then signed Form C.
- 5.16 I accept Dr Patel's explanation as truthful and reasonable. Dr Patel is not to be criticised for signing Mrs Marley's Form C. In fact, Dr Patel's assumption was erroneous; the Coroner and the police were not aware of the death of Mrs Marley. DI Smith remained unaware of this death throughout his investigation. Mrs Marley was cremated on 31<sup>st</sup> March.