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Date: 13 October, 2005

Dear Brian

Deepcut Investigation: Devon and Cornwall Constabulary Review Report

Further to your letter dated 6 October 2005 and recent conversations, regarding the review commissioned by your force, into the re-investigation (by Surrey Police) of the deaths of four soldiers at Deepcut Barracks. I have had time to consider the issues you raise for comment, from my position as ACPO Lead on the Homicide Working Group (HWG).

Secondly, you have asked for my views as to whether the HWG would consider that a differing approach can be taken between a homicide and an unexplained death.

And lastly, I have been invited to comment upon the views raised by the Operation STANZA team with regard to perceived 'bias' which the authors of the report consider may affect the mind of an investigator. In particular you ask for my views as to whether the assertions made by the Operation STANZA team are 'relevant to or suitable for', national guidance.

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HOMICIDE AND UNEXPLAINED DEATH INVESTIGATIONS

'Does the HWG consider that different approaches are necessary as between a homicide investigation and an unexplained death investigation? Is the HWG considering issuing further guidance to forces on the investigation and management of unexplained death inquiries or is the HWG working on such advice?'

There is no simple answer to this very reasonable question. Individual forces develop their own policy to sudden and unexplained deaths. Their approach varies markedly.

A short while ago, following a conversation, ironically with Peter FAHY, I presented my concerns about these variations to Ian Humphrys at the NCPE I asked that this piece of work be logged and supported as future learning required by the service.

I am unsure whether this has since been developed but I will push for it to be included within the Doctrine of Investigation.

INFERENCE OF 'BIAS' AND NATIONAL GUIDANCE

'The Operation STANZA Review Report draws attention to various forms of 'bias' which the authors suggest may wittingly or unwittingly affect the mind of the investigator. Surrey Police wishes to draw these views to your attention, (as ACPO Lead on the Homicide Working Group) so that you may consider whether they are relevant to or suitable for, national guidance....'

My observation would be that this issue relating to 'bias' as described in the document is a very 'academic' view. It may have some research relevancy in support of its rational, but it is a very subjective area. Views such as this are not a great help to police officers investigating major crime and homicide unless it can be shown to be accurate. I do not consider it relevant to or suitable for national guidance at this time.

GENERAL COMMENTS

Having commented upon the specifics of the issues you rightly raise, I am bound to express concern's which, I have about the terms of reference (TOR) and the review document in its entirety.

I would say that these concerns run to the issues which, you may consider pertinent in applying the public interest test.

Mindset

The terms of reference (TOR) set in respect of the 'mindset issue' have initiated a broad and subjective response from the review team, indeed they confirm the subjectivity of their conclusions and the difficulty they had in responding to this TOR (Ch 1 Page 2 and point 2.13.3). Much of the response appears ambiguous and open to further interpretation.

This TOR is focused upon an attempt to interpret the thinking and objectivity of key individuals in the re-investigation process. The review team set out their interpretation of this TOR (3.2. 1) where they determine that the implicit question is 'whether the Surrey Police re-investigations were biased towards a particular hypothesis'.

Their responses are sometimes based upon the nuances of minutes, file entries and other documentation (coupled with the responses of the key investigators and witnesses) commenting on events some years before and often out of the context in which they where made.

Having read the document I have particular concerns around the focus of the review team on the term 'different', with reference to the description of the re-investigations.

This theme persists throughout the response to the first TOR, it is used to indicate a perception that this idea of the re-investigations being 'different', in some way indicated a mindset which limited the focus of such officers investigations and their use of the Murder Investigation Manual (MIM).

Further to this is the criticism that the officers should have used the 'Think Murder' pretext from the MIM as their guiding principal until they could disprove murder as an hypothesis (Ch 5 Page 37 Para 2 onwards).

In fairness to the re-investigators, it would be my consideration (based on the content of the review document) that the circumstances were 'different' and that in this instance the officers could well have been correct in adopting the approach that they were endeavouring to establish how these individuals died (see comments D/C/Supt BOXALL Ch 4 Page 21).

The re-investigation team was dealing with circumstances, which had occurred some years previously and had already been investigated to some degree.

No clear evidence existed to support the view that one or more of the deaths were murders, indeed a deal of evidence pointed to suicide or accident.

The review supports the contention that the officers involved in the re-investigation remained open minded throughout and did not seek to validate a particular hypothesis.

There seems little evidence to support the assertion that the perception by key investigators that this investigation was 'different' materially affected the conduct of the investigation, despite the fact that this assertion is given such heavy weighting in the body of the report.

This subjectivity and individual interpretation by the review in relation to 'mindset' could have been avoided had Devon and Cornwall been asked to base the 'mindset' TOR around the 'Planned Method of Investigation' as per MIM. This would then direct a review of:

- *SIO Policy & priorities*
- *Forensic strategy*
- *Other investigative strategies*
- *Direction to specialist and experts*
- *Briefings and debriefings*
- *Resourcing*
- *Actions*
- *Witness statements*
- *Exhibit schedules*
- *Officers reports*
- *Media releases & media reports*

Review Timeliness

Whilst I appreciate that the review team had a wealth of documentation and evidence to evaluate as well as the re-interview of key parties to the investigation.

I am concerned that it took fully 2 years to carry out the review.

Many complex homicide investigations are reviewed within a month of commencement.

Given the TOR set for the review team it is perhaps understandable that the expectation of a month was unrealistic, however, 2 years seems disproportionately long set against the size of the task and the content of the resulting review report.

This raises concerns regarding:

- *The service of the 'Public Interest' which, would demand reviews are conducted with efficiency and expeditiously*
- *The effect upon officers mentioned in the review*
- *The potential family and media interpretation of such a 'delayed' review and subsequent non-disclosure (should that option be taken)*
- *The validity and accuracy of review interviews on 'mindset issues' where recollection thought processes may be dulled by the passage of time*

Concluding general Comments

Taken together the ambiguity of the 'mindset' TOR, the subjectivity of the response and the implications of the time taken to formulate the review report, cast doubt on whether this document

meets the needs of the public interest.

You rightly identified in your letter, that this was a complex inquiry and review. I offer my written comments as ACPO Lead on the Homicide Working Group and look forward to the opportunity to discuss the issues raised upon our next meeting.

If in the mean time I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, consisting of the initials 'T. J.' followed by a stylized, cursive name that appears to be 'Curran'.

Deputy Chief Constable