

Witness Name: John Kavanagh

Statement No.: WITN3832001

Exhibits: Nil

Dated: 22 / 12 / 2021

## INFECTED BLOOD INQUIRY

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### WRITTEN STATEMENT OF JOHN KAVANAGH

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 18 May 2021.

I, John Kavanagh, will say as follows: -

#### Section 1: Introduction & Professional History

1. My name is John Kavanagh and my date of birth is GRO-C 1964. My address is GRO-C Edinburgh.
2. I began working with Lothian and Borders Police on 6 October, 1986. Throughout my thirty years in the police I served within the city of Edinburgh. I started, like everyone else in the service, as a police constable in uniform, performing beat and mobile duties around an area of Edinburgh. In 1991 I was transferred to the Criminal Investigation Department, (CID), within 'C' Division, which covered the West side of Edinburgh. My duties consisted of making enquiries into all sorts of crimes, from dishonesties to violence and sexual offences. I was also placed on several major enquiries, predominantly murder investigations. In 2000 I was transferred to 'Operation Magpie', which was a group of detectives, overseen by a Detective Inspector, tasked with identifying and arresting those responsible for domestic housebreakings in Edinburgh,

where it was seen that there was a high volume of this crime over a prolonged period of time.

3. In 2003 I was promoted to police sergeant in uniform, again working on the west side of Edinburgh. I supervised a large team of officers, dealing with all areas of police work, from violence, dishonesties, anti-social behaviour, road traffic offences, etc. The more serious crimes would be passed to the CID for investigation. I transferred back into the CID in 2007 as a Detective Sergeant, based at Craigmillar Police Station, covering the south and east of the city. I supervised a small team of officers, who dealt with similar crimes to what I had whilst working as a Detective Constable. In 2010, I was given the role of Detective Sergeant within the South & East Housebreaking Team. I oversaw a number of officers tasked with investigating this crime as well as identifying and arresting those responsible.
4. In 2012 I was promoted to Detective Inspector within the CID and based in both the south & east as well as the north of Edinburgh. My role was to oversee and manage various teams of detective officers, who dealt with all serious crime in those areas, with the exception of sexual crimes. There was a specialist unit, who dealt with this type of crime exclusively. In 2013 Lothian & Borders Police became part of Police Scotland. I was initially tasked with the role of Detective Inspector covering the west of the city, however again due to the surge in domestic housebreakings within Edinburgh, and indeed all over Scotland, I was given the role of Detective Inspector in the newly formed housebreaking team covering the entire city. This entailed overseeing and managing a large team of officers, both uniformed and plain clothed, in the investigation of housebreakings. In 2015, I was the Detective Inspector covering the north and west of Edinburgh, in a similar role to what I'd held previously in other areas. On 5 October, 2016, I retired from the police service.
5. On 9 January, 2017 until present day, I have been working as a self-employed investigator within the Scottish Child Abuse Inquiry. My role is to attend various locations around the UK and interview and/or note statements from

survivors of abuse as well as those involved in the running of establishments, who were responsible for the care of children, and also alleged abusers.

6. I can confirm that I have not provided any evidence or been involved in any other inquiries, investigations, criminal or civil litigation in relation to HIV and or Hepatitis C infections in blood and blood products.

## **Section 2: Allegations against Professor Ludlam**

7. As a Detective Sergeant within the South & East CID, based at Craigmillar Police Station, I had no involvement in any background work prior to the commissioning of enquiries into allegations made by Mr [GRO-A] and Mr [GRO-A] against Professor Ludlam, alleging that he had knowingly infected them with contaminated blood products.
8. I can confirm I was passed the enquiry from Detective Inspector Gordon. My role was as enquiry officer and initially to take full statements covering the circumstances of the allegation made by Mr [GRO-A] and Mr [GRO-A] and report my findings to Detective Inspector Linda Little, who was the head of the South & East CID at that time.
9. As stated, the remit of my role in the 2008 – 2009 investigation was to initially take full statements from both complainers. I was not allocated any resources to assist me, however from memory I did take along a member of my team from that time, Detective Constable Keith Watson, to the initial meeting with Mr [GRO-A]. Detective Constable Watson did not take any statement or have any further involvement in the enquiry. I did not have any autonomy as a decision maker in the enquiry, this lay with DCI Little, although we did discuss what enquiries would be completed and in what order.
10. As well as taking full statements from both Mr [GRO-A] and Mr [GRO-A], which were both written and recorded, I also interviewed a Mr John Tucker, at the time a Consultant Haematologist at Borders General Hospital. Mr Tucker was mentioned by Mr [GRO-A] as having information in relation to the earlier practices

of Professor Ludlam. Mr Tucker gave in depth knowledge of the practices used in the early 1980's in the use of Factor VIII by haemophiliacs and the treatment they received.

11. I also made numerous attempts to interview a [GRO-D] who produced a documentary shown on BBC television in relation to the allegations made and who had allegedly made in depth investigations and spoke with a number of officials. I spoke with Ms [GRO-D], however despite numerous attempts she did not make herself available for interview.
12. Along with DCI Little, I met a number of senior health officials from the Scottish National Blood Transfusion Service, (SNBTS), some of whom had worked in the Edinburgh area since the early 1980's and who confirmed the information given by Mr Tucker. I cannot recall the names of these officials, but see from a memorandum I wrote on 16<sup>th</sup> October, 2009, that one of them was a Professor Forbes.
13. In May, 2009, I interviewed Professor Ludlam at the Edinburgh Royal Infirmary, (ERI), Haematology Unit, where he gave me access to the extensive files pertaining to Mr [GRO-A] and Mr [GRO-A]. During the interview Professor Ludlam went through the procedures used by his unit in the 1980's as well as going over, in detail, several meetings he held with a number of haemophiliacs from the Edinburgh area, who had been in his care. I also attended at the SNBTS, based at Ellen's Glen Road, Edinburgh, where I was informed of their record keeping procedures.
14. Having made all the above enquiries, I spoke with DCI Little and it was decided that there was no evidence of any criminal behaviour on the part of Professor Ludlam, or indeed any other person involved in the procedures carried out on haemophiliacs in the early 1980's. I sent a memorandum to the Edinburgh Procurator Fiscal at that time, Mr David Harvie, explaining the enquiries made and requesting any further instruction, if required. To memory Mr Harvie was satisfied with the enquiries carried out and did not require any further information.

15. On reading the memorandum I sent to the Area Procurator Fiscal, David Harvie, on 16<sup>th</sup> October, 2009, sent to me by yourself, I see that I did contact the MP, Mike Pringle, however I cannot recall this or the specifics of what was said by me or him. I am unsure if this communication was indeed by writing or in fact by telephone call. It was normal practice to send correspondence in writing, however as stated, I cannot recall.

### **Section 3: 2003 Enquiry conducted by Detective Superintendent Heath**

16. I did not have any involvement in the 2003 enquiry conducted by Detective Superintendent Heath into allegations raised by Haemophiliac Groups Forum in respect of the use of contaminated blood products in the treatment of haemophilia. I had no knowledge of this enquiry until I was made aware of it when given the enquiry in relation to the allegations made by Mr [GRO-A] and Mr [GRO-A]

17. As I had no knowledge of haemophilia, and those suffering from it, I researched the problems it caused people, almost exclusively males, and the treatment they received, how that changed over time and the illnesses/diseases haemophiliacs contracted due to their treatment. I researched Mr [GRO-A]'s allegations and the different routes he had taken to attempt to get 'justice'.

18. I was aware that Mr [GRO-A]'s case was considered by Detective Superintendent Heath, but not Mr [GRO-A], although both survivors were complaining about the same thing, occurring over the same period of time. I believe I did contact Detective Superintendent Heath, but I really can't be positive. I certainly can't recall any conversation I had with him.

19. I am afraid to say, through time, I cannot recall the details of Detective Superintendent Heath's enquiry.



#### **Section 4: Allegations against Professor Ludlam 2007-2008**

20. In 2009, I attended the Haematology Unit at the Edinburgh Royal Infirmary, where I met with Professor Ludlam. I believe I was accompanied by a Detective Constable from Craigmillar Police Station, however I can't be positive. It may have been DC Joyce Gunderson, but as stated, I am not sure.
21. The meeting with Professor Ludlam definitely wasn't recorded. I recall taking notes, but I'm not sure if this was by way of an official statement. Whether it was, or whether it was just detailed notes, these would have been retained in a file, along with other statements and documents. All files are archived and stored through time, however I do not know where this would be, and being retired for almost five years, I have no way of finding this out. Notes would have been taken in my police issue notebook, however again, I have no idea where this would be retained. I think they may be destroyed after a length of time, but I could not be sure of this.
22. No other police officers were assigned to assist me during the enquiry. I was a Detective Sergeant, who had supervision over a small team of Detective Constables. Although they weren't directly assigned to the enquiry, I did have their assistance from time to time. As there was no other officer assigned directly to the enquiry, I cannot recall who came with me to certain meetings and what they did at these meetings.
23. I can confirm that I never managed to secure a meeting with GRO-D I do believe she was being evasive and was reluctant to meet with me. I don't know why this would have been, obviously she wasn't under any investigation and was aware of what information I was requesting from her, however she stated she was rarely in the country, and if or when she was she never contacted me, even though I had repeatedly asked her to do this when she came over and that I would make the time to see her.
24. I really am afraid to say that having been retired from the police since October 2016 and not having any involvement in this enquiry since 2009, I really can't

recall a Dr Savage or Dr Savidge. This is also the case with the health professionals from the SNBTS. I simply can't recall names or who I noted statements, and as stated I don't know where these records would be kept.

25. I cannot recall who would who made the decision not to access further medical records or interview other patients. I reported to DCI Little, but I can't recall who would have made the decisions you are asking about. If memory serves me correctly, there weren't any other patients, who would have the same complaint as I believe Mr [GRO-A] and Mr [GRO-A] were the only survivors from the group of patients containing both gentlemen. As such, they were the only two complainants interviewed in relation to the allegations made against Professor Ludlam.

26. I cannot remember the names of any of the health officials I met during the course of the enquiry.

27. I can confirm that my subsequent report dated 16 October, 2009, submitted to David Harvie, Crown Office by way of memorandum constituted the culmination of this investigation.

28. I cannot recall any meeting DCI Little and myself had with Mike Pringle, MSP. He would have been contacted and informed of the result of the investigation, but I can't remember what form this took.

29. I cannot recall the specific direction/instruction/guidance/advice I was given and by whom, although I only remember speaking with DCI Little regarding the enquiry. As well as this I only recall having contact with David Harvie within the Procurator Fiscal's office.

30. Malcolm Graham took over from Ian Livingston as Detective Chief Superintendent for Edinburgh, and Amanda McGrath was the DCI in charge of Amethyst, which was a specialist department in Lothian and Borders Police, dealing with sexual and domestic crimes. The original request for the allegations to be investigated went to Amethyst. As such Malcolm Graham and

Amanda McGrath were copied into my email dated 16 October, 2009. They had no direct involvement/interest in the case.

31. I cannot recall whether the decision not to pursue a criminal investigation was based solely upon my research and findings. With interest from the Detective Chief Superintendent, regular meetings with DCI Little and direction sought from the Procurator Fiscal, I doubt whether this final decision would have been based on my findings alone, but I could not say for definite.
32. I don't believe I did receive further instruction regarding the medical records on this matter or any other instruction and to memory the email sent to David Harvie on 3 March, 2010 was the final communication.
33. I am not aware who made the decision not to access other relevant patient's medical records as part of the enquiry. This decision would have been made above me.
34. I had no involvement in the decision making process regarding the Crown's decision not to instigate a criminal investigation regarding Mr. **GRO-A** and Mr. **GRO-A**'s allegations against Professor Ludlam.

#### **Section 5: Request for documents**

35. I am no longer a serving police officer and haven't been for almost five years, as such I do not hold, have access to or able to gain access to any documents that may be of relevance to the Inquiry's Terms of Reference.
36. To memory Lothian and Borders Police's policy regarding notebooks/personal notes, etc and the recording and retention of them was that they were retained in a central office. They were all personally marked out to each individual officer and had to be returned after a certain amount of time after the officer requested a new notebook. I do not know where they are stored or if they are destroyed after a certain passage of time.



37. I did not personally retain any notes from the period in question – 2008/2009.

38. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed

GRO-C

Dated

22/12/2021.