

Witness Name: Stephen Heath

Statement No: WITN0633001

Exhibits: **WITN0633002-16**

Dated: 10 April 2019

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF Stephen Heath

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 11 February 2019.

I, Stephen Heath, will say as follows: -

Section 1. Introduction

1. My name is Stephen Heath. My date of birth is GRO-C1953 and my address is known to the Inquiry. I intend to speak about a scoping report I wrote in 2003 regarding the supply of commercial blood products to haemophiliacs in Scotland.
2. I confirm that I have chosen not to be legally represented at this point and that I was happy for the Inquiry team to initially assist me with my statement.

Section 2. Report

3. Between 2000-2005 I was a Detective Superintendent attached to Strathclyde Police CID. At that time I was an experienced Senior Investigating Officer (SIO) with a CID background in every rank. My duties included the investigation, management, and, on occasions, review of series and serious crime, terrorism, training delivery and portfolio work. Although I was a Headquarters CID resource, I was placed within a geographical Police division (then U Division Ayrshire) to oversee the strategic direction of CID work. At any one time I could be overseeing several major investigations in various areas of legacy Strathclyde Police.
4. The Police Service is a disciplined organisation with a clear management structure and reporting lines. It is relevant to state that my direct line management were based in Force Headquarters (FHQ) in Glasgow. I was answerable to the Deputy and Head of Strathclyde CID whose ranks respectively were Superintendent and Detective Chief Superintendent. Having been asked and on recollection I cannot remember if John Malcolm or Ruairaidh Nicolson was Head of CID at the relevant time. Above them was the Assistant Chief Constable Crime (ACC) who was, I believe also, the Association of Chief Police Officers Scotland (ACPO(S) lead for crime related matters. I have been asked and do recall that at the relevant time this was Graeme Pearson. A part of their role was to decide on whether to commence criminal investigations and to allocate resources and SIO's to those investigations. There were, I think, a total of 5 Area Detective Superintendents, and, although we were each located in a geographical area, we could be allocated investigations and other matters out with our own area. Due to the volume of serious crime any one of us could be overseeing several investigations at one time, within and out with our own geographical area.

5. Consequently, there was a formula of resource allocation known as the A, B, C model, each category of which would be allocated specific resources. "A" was the most serious and, not exclusively, could include a child murder, a series of armed robberies, murder by shooting, or crime related matters of extreme public and community concern. A category A investigation would normally be led by a Detective Superintendent and resourced by local CID officers, FHQ serious crime squad detectives, a Home Office Linked Major Enquiry system (HOLMES), an Intelligence Cell with analysts, Family Liaison Officers and any other required specialist resources. The decision to launch an investigation, categorise it, allocate an SIO and resources would invariably be made by either the ACC Crime, Head of CID and Deputy, or a combination of all three. It was not my role to make these decisions and within this disciplined structure I would be allocated investigations, invariably of Category A.
6. As a Senior Detective in a disciplined organisation I would always endeavour to follow the chain of command and keep the Deputy and Head of CID up to date with any matters I was overseeing. This could be in verbal or written reports and on an almost daily basis. I would seldom report or be asked to report directly to the ACC Crime. Additionally, as a person, whilst I may have held my own views on matters and be known for expressing them openly and verbally in meetings and discussions, submitted reports would be written in a formal manner accompanied by a verbal briefing which would include any opinion I may have formed, based on experience. It is relevant to note that reports and briefing papers were written in a specific style, invariably in the third party and were focussed, based on evidence and fact.
7. In Scotland evidence relies on corroboration, 2 sources of evidence, or more, to prove a fact. Major investigation work is not undertaken by one person. It is teamwork combining various specialisms and expertise. I would liken the SIO role to the conductor of an orchestra. He or she knows the various instruments but may not be an expert in them all. E.g. ballistics, DNA, forensic examinations, crime scene management. The

SIO must ensure the various roles are combined within a specific investigative strategy and direction and that all are working to maximum effect. In such an investigation, detectives would work in pairs, never alone and if seizing items as productions (exhibits) there would always be an audit trail and corroboration of that seizure. This would also apply to the noting of a witness statement. As an aside, of my own accord, I was always a note taker, and would note anything I felt relevant, daily, in my own police notebook, sometimes in detail. This was my own, and colleagues, approach to an element of personal corroboration.

8. Inquiry representatives have asked me about the use and storage of notebooks. It is relevant to note that police notebooks are serial numbered and dated on the front with when they started and finished. A new one was not issued until a used one was returned and signed for. As a Detective Superintendent my notebooks were issued and stored by the CID clerk at FHQ. I have known my notebooks to be a valuable source of retrospective information of what was said and done on any working day, particularly when memory has faded with the passage of time.
9. Finally, it is important to explain the way in which matters investigated are then reported to the Crown (Prosecution for Scotland) for consideration of a prosecution. The Police do not decide whether matters are prosecuted. The SIO's role is to provide a factual, evidential report usually accompanied by a verbal briefing in serious cases, either when the report is electronically delivered or handed over. In Scotland these matters are then reviewed by locally based Procurator Fiscals (PF) acting for the Crown, who are lawyers. Basically their role is to consider a sufficiency of evidence to proceed to Trial. In more serious cases, Pleas of the Crown, e.g. Murder, Rape and attempts thereat, matters are forwarded by the local Fiscal to Crown Office, who further review and are ultimately responsible for deciding what will be prosecuted in the High Court. A PF or Crown Office might, on occasions, instruct the Police to undertake further enquiries. Again, within a disciplined service, in the normal course of matters, at my rank, I would be reporting locally to a Procurator Fiscal

in the area the crime occurred. I would not go directly to Crown Office unless instructed to do so.

10. The events I now speak about are over sixteen years ago. I have since retired and commenced further employment and projects NOT RELEVANT

NOT RELEVANT

NOT RELEVANT

11. I have done my best to accurately recall from memory the circumstances of my scoping exercise. In the latter parts of this statement I have relied on correspondence shown to me Tuesday 26 February 2019 and subsequently left with me by investigators from the Infected Blood Inquiry. I feel it is relevant to state, referring to my previous comments regarding corroboration, that I was interviewed by the Lead and Deputy Lead Investigator of the Inquiry who were accompanied by a paralegal. I was shown several documents some of which I had never seen before and some which I had not seen for 16 years. As a retired SIO I understood the need for this and the professionalism with which they approached matters. They initially allowed me the opportunity to try and recall from memory the circumstances surrounding the scoping exercise before showing me the documents. I now detail my recollection without recourse to documents.

12. In the SIO role I have described and, in 2003, with the volume of different pieces of work with which I dealt, I only recall what I would describe as distinctive matters. My notebooks from the time would have helped but I understand from the Inquiry team they cannot be located. It is relevant to note that from 2005 to 2006, when I eventually retired, I was seconded to central service at the Scottish Police College as Head of Crime Management Training for Scotland. I recall that on departure I left my notebooks and papers, related to several investigations and other matters I had overseen, with Force HQ administration. Having now read the

papers left with me by the Inquiry I believe they have been submitted to the Inquiry from that source. I do not know where my notebooks are, but they may have been legitimately destroyed by Police Scotland due to passage of time.

13. Regarding the scoping study I recalled that in 2003 I was allocated this matter either by the then Head of CID or ACC Crime, personally. I recall that I was instructed to deal with this matter alone, discreetly and within what I recall were initially tight timescales. I have absolutely no doubt I asked for additional resources but received none. At the very least I would have expected to have been allocated a corroborating detective of rank and an analyst to undertake research and evidentially presentable charting of that research.
14. I recall undertaking my own research, meeting with members of the Haemophilia Society and being signposted by them to various sources and people who had relevant circumstances to relate. I recall dealing directly with Crown Office during this exercise, but I would not have gone directly to them. I must have been directed to interact with them but cannot recall by whom. I recall meeting with haemophiliacs at their homes and noting their recall of events. I recall contact with someone in New Zealand who had received a transfusion in Scotland and contracted serious illness. I recall reading that France, and I believe Ireland, had undertaken criminal prosecutions regarding the supply of blood products to haemophiliacs.
15. I should also add, that as a Strathclyde detective, I was travelling out with my Force area, across Scotland, clearly with a national remit to undertake this work. I recall people I met in the Perth area of Scotland and the Borders either giving me documents or sending me research papers and feeling very uncomfortable by the fact that during all of this I had no corroboration and was now the "face" of the Scottish Police Service to people and organisations I interacted with, and later the media. I do not doubt that despite me undoubtedly explaining I was not undertaking an investigation but a scoping exercise, they perceived that this was the

beginnings of a "criminal investigation". I did not doubt that all of this was providing an element of hope. In other words I recall being placed in a very difficult, delicate, and to my mind, unusual, situation. This is why I recall all of this without having seen any Inquiry documents.

16. I recall submitting a report to the Crown, I think personally, and if so, this would most certainly have been accompanied by a verbal briefing expressing my views. I would also have submitted it to, and briefed, my own Head of CID and, or, ACC Crime. I recall from memory my view that this merited a criminal investigation and that my report included evidence and reasoning which was likely to lead decision makers to come to that conclusion. I fully expected that the matter would come back to me to investigate as I had completed the scoping exercise and recently overseen a multi-agency health led investigation into a series of contaminated heroin deaths resulting in a Fatal Accident Inquiry.
17. I recall a feeling of surprise that this matter was not subject to a criminal investigation. This is in addition to a lasting feeling of empathy with the people I had met during this exercise. To explain, some of the people I had met and interacted with, in New Zealand particularly, had contracted serious illness, on the face of it from blood transfusions provided after there had been warnings about the dangers of their use. Despite knowing very little about haemophilia, or these circumstances, I put as much effort as I possibly could into compiling this scoping report which I recall as a comprehensive piece of work.
18. Having said this, I do understand that when making decisions, Crown Office, and others who make these decisions, take into consideration wider matters and detailed legal issues. I do not recall who told me that "Haemophilia" was not being pursued. As an SIO in a disciplined organisation I had completed the task I had been allocated with total commitment, submitted the report and undoubtedly expressed my personal view. It was not my role to decide whether an investigation should be undertaken. I also do not recall ever being contacted after

submitting the report to be instructed to undertake further enquiries or any positive, or indeed negative, comment on its contents.

19. This feeling, referred to at para 17, has remained with me. On 13 July 2017 I read in the media that a wide-ranging UK Public Inquiry was to be held into the supply of blood products to haemophiliacs. Despite valuing my privacy and an awareness that this matter would be subject to significant public attention, I searched online for an Inquiry public contact site to offer my assistance but found none. Thereafter I searched for the Scottish Haemophilia Society and contacted a Mr Dan Farthing who I did not know. I expected that he or the Society would be in direct contact with the Inquiry and, without specific detail, I indicated to him that I may be able to assist. I believe he conveyed this to members of the Inquiry Team.

Reference to documents provided by the Inquiry Team

20. I have indicated that members of the Inquiry Team spent much of Tuesday 26 February showing me documents and noting my statement. I found this to be somewhat overwhelming in terms of the amount of information to be digested and responded to particularly after 16 years. By previous arrangement we reconvened on Wednesday 27 February when they indicated they would bring my draft statement which I could read, adjust if needed, and sign. They made it clear it was my statement.
21. Overnight, as a result of matters discussed and shown to me, I began to recall more details of circumstances surrounding the scoping study. I sought to be as helpful as possible to the Inquiry and, as I was beginning to recall matters, requested time to fully consider my statement and amend if necessary. Inquiry investigators agreed this to be the best course of action and to provide more time. They also left related Inquiry documents with me which I had not expected. I found their actions to be professional and considerate throughout, all to obtain best evidence.

22. I now refer to documents left with me. On 17 April 2003 I submitted my report to the Crown Office Procurator Fiscal Service (COPFS), which will now be referred to, as my Exhibit **WITN063302**.
23. As I had recalled, my report was presented in a structured, logical, factual, manner in the way I would normally construct a police report to be considered by Crown and decision makers. It was entitled "Consideration of criminal proceedings in respect of the use of contaminated blood products", although I note that my initial remit was to "review circumstances and establish whether any crime may have been committed". I note there was a delay in commencing matters, undoubtedly due to me being allocated another prioritised serious matter. I cannot remember what that was, and my notebooks would contain such detail.
24. The report is referred to as a "review" although I refer to it from recollection as a "scoping study". I do not personally see any significance in the choice of these words as both, to me, mean roughly the same thing. It was most definitely not an "investigation" and I have described how that is resourced and progressed. The report indicates that "the views of the Crown Office were requested", although, as I have stated, I would not have directly approached Crown Office, particularly at Deputy Crown Agent level. I must have been directed to do so, but I do not recall by whom. I will comment more on this later in my statement. The fact that Crown Office were involved, and at a high level, with me reporting directly to them, may have resulted in the report heading "consideration of criminal proceedings".
25. As far as I am aware the role of Crown, as described, is to consider matters related to "proceedings". The role of CID senior management includes that of deciding whether to commence a criminal investigation. I may be partially incorrect as I have known Crown to request additional Police enquiries emanating from a submitted Police Report, or to instruct the reopening of an undetected major investigation.

26. I return to the structure of my report. It detailed, in order, the circumstances leading to the commencement of the scoping study followed by my linkage with officers from Wales who had undertaken a similar exercise. I had requested a copy of their "investigation" report. I note also that I met with Mr **GRO-A** who had written the original letter to ACPO(S) requesting that action be taken. I do not doubt that he and others signposted me to various people with knowledge of the subject and to individual cases which he felt were relevant.
27. I now refer to the last paragraph of page 1 of my report under the heading "Chronology/Background". This states: *"on 10 March the CPS Advice Document was received and following a telephone conversation with Mr W Gilchrist, Deputy Crown Agent (28.3.03) the report was forwarded to his office"*. I further refer to Exhibit **WITNO63303** being a letter to me dated 5 March 2003 from DCI S.J. Powell of Dyfed Powys Police. I had clearly spoken with him and his Det Chief Supt requesting documents relating to their "investigation".
28. In relation to the CPS Advice Document and para 2 of the DCI's letter, which I will not replicate in its entirety, he writes *"I should firstly say...* This suggests I had no knowledge of what he was about to say. He then writes that the Staff Officer of my ACC, Strathclyde Police, has been in direct contact with him and subsequently he (DCI Powell), has written to the CPS in London requesting a copy of their advice. The DCI has provided my address to the CPS who were forwarding a copy of the advice to me.
29. I was asked by Inquiry Investigators how I came to request a copy of the CPS advice report. When asked and before seeing DCI Powell's letter and digesting its content, I could not recall requesting a copy of any CPS report, reading its contents or forwarding it to Crown. It is now clear to me that I did not request it and that this request came directly from the office of the ACC Crime. The report was then sent onward to me, and I, or someone, forwarded this to Crown Office. Logically, and in retrospect, considering the reporting and decision-making structures I have detailed, and the differing roles and responsibilities of those structures, in my role

as an SIO, and for my purpose in this exercise, I would not necessarily have needed sight of this report.

30. I return to the structure of my report which I will not replicate in full in my statement as it is an Exhibit which can be read. I detail 2 areas where criminality "*may*" have occurred. "*May*" is a carefully chosen word as it was not my role to make such decisions. I was reporting to experienced, high level decision makers whose role it was to make that decision. It was my role to detail facts and circumstances which assisted them to decide whether there should be a criminal investigation or indeed criminal proceedings. I have explained this earlier in my statement. I do not doubt, having read all the documents left with me, recalling the difficult position which I had been placed in, and the levels at which I was directly interacting and submitting this report to, coupled with circumstances surrounding the obtaining of the CPS advice, that I was carefully considering its content and conclusions.
31. That said, the report continues by listing relevant studies and announcements by various bodies, worldwide, in a chronological order, of when warnings were circulated re the use of certain blood products. It also details at Page 7 countries around the world where criminal investigations had recently taken place, prosecutions and public inquiries instigated and, in some countries, where criminal convictions had occurred. On Page 8 I then examine the "defence" often raised by various bodies in terms of the benefits of providing commercially produced products outweighing the risk. This was accompanied by data and an attachment related to this "defence".
32. I continue by examining 4 Scottish cases which, in my view, indicate that people in Scotland contracted serious illness after having received blood products following the publication of some of the warnings. On one of the 4 cases I was unable to communicate directly with the relevant people.

Crown Prosecution Documents

33. Exhibit **WITN063304** refs, dated 16 October 2002. I have already referred to how these documents were obtained. Following a telephone conversation with Mr W Gilchrist, the Deputy Crown Agent (COPFS) on 28 March 2003, I, or someone, forwarded them to his office. The CPS documents provide a clear background to the supply and production of blood products and identified two areas where criminal charges might be pursued. These areas are:
- a. The continuous supply of blood products to haemophiliacs while being aware that such supply may lead to recipients being infected with HCV and or the AIDS virus.
 - b. Testing the blood of haemophiliacs for HCV and or AIDS virus infections without the knowledge or permission of patients and the subsequent failure to notify patients who tested positive for HCV and or AIDS.
34. These areas, where criminality may have occurred, are similar to those specified in my report.

'The Treatment of Haemophiliacs' "Advice"

35. Exhibit **WITN063305** refers to a document signed by Raymond Wildsmith (on 5 November 2002) and annotated by a 'Robert Dryborough-Smith. I do not recall this document, but it is clear from reading it why it was included with my report.
36. I suspect I included this document as it presents examples of criminal charges that could be brought against people who were involved in a deliberate decision to use infected blood products when it was known that there was a substantial risk that the use of those products could result in haemophiliacs being infected with HCV and or AIDS. Two examples of potential criminal charges are gross negligence manslaughter (in cases where infection lead to death) and misconduct.

37. I now refer to **Exhibit WITN063311**, my briefing paper to the ACC Crime dated 21 August 2003. I had not recalled this document but regard it as significant for various reasons which I will refer to here and in other parts of my statement. It indicates I submitted my report "directly" to Mr Bill Gilchrist Deputy Crown Agent. Although I do not recall our meeting or attending Crown Office the use of the word "directly" infers to me that I personally delivered the report to Mr Gilchrist. This also means I would have briefed him, personally, on its contents and my related views. I also note that the report was copied to the ACC Crime who I would also have briefed. I would have kept my Head of CID in the loop, but the Briefing Paper and the original report were clearly designated for the ACC Crime.
38. I have been asked by the Inquiry team why my report did not make a specific "recommendation" that the matter should be a criminal investigation. I feel I have already explained why, but to reiterate, the report, under the heading "Conclusion", indicates it is not intended as an evidential police report. Rather, it was a "scoping review" submitted to those whose role and remit was to determine whether a criminal inquiry should be commenced. It was not my decision to make. My view, as previously expressed, was that the report contained material which "prima facie" evidenced justification to commence a Criminal investigation. I have no doubt I would have expressed this verbally.
39. I had also indicated under the heading "Conclusion", that if this was to become a Major Investigation, the level was Category A with implications which would have to be taken into consideration. I had in the past undertaken investigations which for many reasons were not fully resourced. I wanted to ensure that those in the decision-making process were sighted, as this had the potential of being a significant investigation.
40. In summary, the conclusion of my report was that a criminal inquiry would have a series of implications for the Crown and Scottish Police Service. These were:

- a) There would need to be a clear remit in terms of reference to the Senior Investigating Officer.
- b) There would be considerable media and public interest
- c) A centrally located HOLMES incident room would need to be established.
- d) A large amount of staff would be required
- e) A lengthy international investigation would have to be conducted

40. I now refer to other documents shown to me by the Inquiry in the order that they were shown and subsequently listed in the Draft statement provided to me on 27 February 2019.

Section 6. Handwritten note by Stephen Heath – GRO-A

41. Exhibit **WITN0633006** refers to a handwritten synopsis of information I noted from GRO-A who was one of the people I interviewed for my report. As stated, I do not have my original notebooks, but I do remember spending time with him and that he provided relevant information for my report.

Section 7. Handwritten note by Stephen Heath – GRO-A

42. Exhibit **WITN0633007** refers to a collection of documents given to me by GRO-A, one of the people I interviewed for my scoping report. It also contains handwritten notes which are, again, a brief synopsis of the main points that I took away from my interview with Mr GRO-A

43. I do not remember making the handwritten notes for either of the Exhibits **WITN063306-7** but I suspect there may be additional notes in my notebooks. As explained my notebooks would only be handed in when they were completed from beginning to end. It was not practice submitting notebooks for or with each piece of work.

Section 8. 'Haemophilia Action UK Hepatitis C Historical Overview

44. Exhibit **WITN063308** refers to a historical overview of the research and medical knowledge in relation to Hepatitis C by Carol Grayson. I do not remember receiving this article, but it is evident that I found it useful since it led me to [GRO-A] one of the people I interviewed for my report. He was a New Zealander whose circumstances indicated the international potential of this matter had it been designated a criminal inquiry.

Section 9. Police Documents re [GRO-A]

45. Exhibit **WITN063309** refers to a collection of Police documents related to [GRO-A] These documents consist of the following:

- a. An Association of Chief Police Officers in Scotland (ACPOS) Compliment slip that is annotated.
- b. An e-mail dated 13 April 2003 from [GRO-A] to Gary Ritchie Strathclyde Police
- c. A letter to me from [GRO-A] undated
- d. A letter to me dated 01 April 2003 from Carol Grayson
- e. A letter dated 29 January 2001 from [GRO-A] to a man with the first name [GRO-A]
- f. A letter dated 04 July 2000 to Ian from Carol Grayson and Peter Longstaff.
- g. Facsimile Message to Mr [GRO-A] senior from Stephen Heath dated 09 April 2003.

46. I do not remember receiving the documents from Exhibit **WITN063309** but I can confirm that the ACPOS Compliment slip was sent to me by Gary Ritchie who was a member of the Strathclyde Police at the time these documents would have been sent to me.

47. I can also confirm that the annotations on the fax, dated 09 April 2003, are in my handwriting and confirm that the research I conducted on [GRO-A] [GRO-A] were part of my scoping exercise. Specifically, I state: "All I am

doing just now is a brief overview of some Scottish related cases. If I am instructed to undertake a full investigation, I will examine matters in much greater depth”.

Section 10. Message from Carol Grayson to Stephen Heath

48. Exhibit **WITN063310** refers to a collection of documents that were faxed to me on 10 April 2003 by Carol Grayson who is a member of Haemophilia UK.

49. It is clear from reading the documents that Carol Grayson was communicating with me in relation to ingathering information for my scoping exercise.

Section 11. 'Briefing paper for Assistant Chief Constable (ACC) Crime'

50. I have already referred to this Exhibit **WITN063311** at paragraph 36. It refers to a briefing paper, dated 21 August 2003, which was sent directly to my ACC Crime. I do not doubt that this was sent following verbal discussion either with the ACC and or my Head of CID. It is also clear that I had contacted Crown Office personally for an update, but I do not recall with whom I had spoken. In the report I state in inverted commas that their response had been: *“The matter is under investigation”*. I would not have placed that sentence within inverted commas unless it had been said to me.

51. The report respectfully expresses my concern at the pressure it seems I was under, although cannot recall, from the media and various members of the Haemophilia Forum seeking an outcome from my report. I would not have submitted a briefing paper like this lightly or

indeed directly to the ACC Crime unless I had been placed under significant pressure which was impacting on my role. Under the heading "Options for Consideration" I asked that ACPOS write to the Deputy Crown Agent requesting that:

- a) The Crown organise a meeting with Haemophilia Forum members to update them on progress
- b) The Crown appoint a liaison person to interact with Forum members
- c) The Crown issue a media statement on the progress of their deliberations

52. Additionally, I indicate that *"such a course of action should in turn alleviate media speculation and Forum pressure currently focussed on the Police and clearly identify Crown Office as the decision makers in this matter"*

53. The briefing paper illustrates that as the "face" of the Police response to "haemophilia" I was clearly under significant pressure from people and groups with a vested interest in the outcome of the Crown decision and whose perception was that the matter rested with me. This would have been exacerbated by Exhibit **WITNO63315** Copy of BBC News report titled 'Police Report on tainted blood' Dated 23 April 2003 which identified me as submitting to the Crown a "Police report on tainted blood".

54. I do not know from where that article was sourced but note that the Crown spokesperson responds by saying *"The Crown Office has received the Report from Strathclyde Police seeking instruction on whether there should be a full investigation into these matters and, if so, the extent of that investigation"*

Section 12. 'NHS Knew of lethal blood for nine years' and Blood risk for Haemophiliacs "covered up"

55. The Inquiry representatives have shown me this Exhibit **WITN063312** which refers to a copy of a newspaper article from 07 September 2003 and suggests that the NHS tried to cover up the risk to haemophiliacs having been given infected blood products. The article mentions me by name indicating my report was submitted and that I had received documents they are referring to. Apart from that I am unclear of the relevance of this document to me personally. On reading, it indicates that the information it contains is from open source material.

56. It is however an example of how much media and public attention was focused on the prospect of a criminal inquiry.

Section 13. 'Memo to Lothian Borders Police

57. The Inquiry representatives have shown me Exhibit **WITN0633013** dated 28th September 2009 which refers to a memorandum by DCI 3224, Little, to Detective Chief Superintendent Graham X Division Lothian Borders Police (legacy) FHQ. Amongst other things it discusses a complaint by [GRO-A] and a [GRO-A] about the lack of a public inquiry into infected blood products in Scotland. I have never seen this document and was retired from the Police and working abroad when it was written.

58. The [GRO-A] in the memorandum is most definitely the same person mentioned in my report, but I do not know who [GRO-A] is and I do not recall ever having met or spoken with him.

59. I note that in paragraph 2 page 1 my report is referred to as a "preliminary investigation". I have already described the nature of my report but can understand why the DCI might refer to it in those terms.

It would seem that the DCI had sight of my report as there are direct "lifts" from it and additional comment that *"Crown Office had instructed COPFS (Crown Office and Procurator Fiscal Service) to make further enquiries"*. I assume these "further enquiries" related to my report contents and this is news to me.

60. The report continues on Page 2 to indicate that the DCI had been in contact with Crown Office via a Nadya Stewart of the Operational Policy Unit, assumedly a unit within Crown Office. The report details further reference to my report and that a Detective Chief Superintendent Livingston (now Chief Constable Police Scotland) had instructed further enquiry into matters raised by Mr Pringle.

61. At paragraph 4 on page 2 the DCI's report states that a *"DS Kavanagh thereafter commenced research in to the previous very complex and comprehensive enquiry conducted by Detective Superintendent Heath"*. I find this complimentary rather than factual. I do not think it is appropriate for me to make further comment on the contents of the DCI's report of which I have no knowledge. I assume the Inquiry will interview DCI Little re the contents.

Section 14. Letter to [GRO-A] from W.A. Gilchrist

62. I have been shown Exhibit **WITN0633014** which refers to a letter to [GRO-A] from the Deputy Crown Agent Mr Gilchrist, dated 20 February 2004. In the letter it is clear that Ms [GRO-A] had been communicating with Mr Gilchrist in order to establish whether the Crown Office would be recommending a criminal investigation related to infected blood products.

63. Mr Gilchrist states, *"Crown Counsel have now given careful consideration to the matter. I have to inform you that Crown Counsel consider that there is insufficient evidence that any criminal offence has been committed and have instructed that further investigation would not be appropriate"*.

64. I have been asked by Inquiry representatives to comment on the contents of his letter. Whilst the words "*further investigation*" are used I can understand why, in a letter to a member of the public, the word "*investigation*" is used.

65. I also refer to another sentence in the letter which states: "*The Police sought instructions as to whether the matter should be subject to a criminal investigation*". This verifies that I was not the decision maker in terms of whether the matter should be investigated.

66. I would conclude by saying that in discussions with Inquiry representatives there was mention of the Scottish Public Inquiry into Haemophilia known as the "Penrose Inquiry". My understanding is that this was commenced when I was working abroad.

Section 15. Summary

67. In January 2003 I was asked to conduct a scoping exercise regarding the supply of contaminated blood products to haemophiliac. I did not conduct a Criminal Investigation.

68. This statement and the exhibits attached thereto illustrate the results of my scoping exercise and how the Crown and public responded to the results of my report.

69. I have agreed to give this statement in order to clarify matters related to my scoping exercise. However, since this report was 16 years ago my recollection is not 100% certain. I have answered all the questions to the best of my ability and am grateful to have been given time and view of documents to assist as fully as I can.

70. I am happy to assist the Infected Blood Inquiry in any way I can. I am willing to attend the hearings and give evidence if requested, preferably not in Scotland.

NOT RELEVANT

Statement of Truth

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

Signed

GRO-C: Stephen Heath

Dated 10 APRIL 2019

Table of Exhibits

WITN063302 Refs	Refs - Scoping Report - 'Consideration of Criminal Proceedings in respect of the use of contaminated blood products' by Stephen Heath dated 17 April 2003.
WITN063303 Refs	Letter dated 5 March 2003 to Det Supt Heath from Heddlu Dyfed – Powys Police – Signed S J Powell. Detective Chief Inspector.
WITN063304 Refs	Documents handed to CPS on 16 October 2002.
WITN063305 Refs	Document re 'The Treatment of Haemophiliacs' "Advice" - Annotated 'Robert Dryborough-Smith For Information' - Dated 5 November 2002 Signed Raymond Wildsmith - Casework Directorate London Branch 3.
WITN063306 Refs	Handwritten notes by Stephen Heath – GRO-A
WITN063307 Refs	Handwritten notes by Stephen Heath – GRO-A Along with – Letter dated 14 March 2003 to Mr GRO-A from The Royal Infirmary of Edinburgh. Letter dated 17 September 1987 to Dr. Wenslev from C.A. Ludlam Consultant Haematologist re GRO-A HIV infection date. Letter to Messrs W.S. Lindays re Medical Report on GRO-A GRO-A dated 9 November 1987 – signed R.T. Wensley. Consultant Haematologist. Copy Medical notes. Letter dated 6 September 1988 re letter of support for Mr GRO-A to receive Special Diet Allowance.
WITN063308 Refs	Document titled 'Haemophilia Action UK Hepatitis C Historical Overview (Update) Copyright - Carol Grayson'
WITN063309 Refs	Copy Police Documents re GRO-A ACPOS Compliment slip Annotated – e-mail dated 13 April 2003 from e-mail address, GRO-A @ GRO-C to Gary Richie Strathclyde police from GRO-A Letter to Stephen Heath form GRO-A senior undated. Letter to Stephen Heath dated 01 April 2003 from Carol Grayson. Letter dated 29 January 2001 from GRO-A to Dear GRO-A Letter dated 04 July 2000 to GRO-A from Carol Grayson and Peter Longstaff. Facsimile Message to Mr GRO-A senior from Stephen Heath dated 09 April 2003.
WITN063310 Refs	Facsimile message to Stephen Heath from 'Jesmond Library Fax Service' from Carol Grayson dated Thurs 10 April 2003. 8 pages.
WITN063311 Refs	Document titled – 'Briefing paper for ACC Crime' dated 21 August 2003.
WITN063312 Refs	Copy of Newspaper articles dated 07 September 2003 title 'NHS Knew of lethal blood for nine years' and Blood risk for Haemophiliacs "covered up" Sunday Times 07 September

	2003.
WITN063313 Refs	Copy Memo - Lothian & Borders Police to: Det Ch Supt Graham X Div FHQ from DCI 3224 Little CID Hawick dated 28 September 2009.
WITN063314 Refs	Letter to Mr GRO-A from W.A.Gilchrist, Deputy Crown Agent, dated 20 February 2004.
WITN063315 Refs	Copy of BBC News report titled 'Police Report on tainted blood' Dated 23 April 2003.
NOT RELEVANT	