

Witness Name: Raymond Dennis Wildsmith

Statement NO: WINT3950001

Exhibits: WITN3950XXX

Dated: 13th January 2023

INFECTED BLOOD ENQUIRY

WITNESS STATEMENT OF RAYMOND DENNIS WILDSMITH

I provide this statement in response to a request under Rule 9(1) and (2) of the Inquiry Rules 2006, dated 29th November 2022. In doing so, I take note of the assurance that any legal professional privilege is waived in relation to the matters covered by the statement

I, Raymond Dennis Wildsmith, will say as follows

SECTION 1: INTRODUCTION

1.1 My full name is Raymond Dennis Wildsmith. I was born on GRO-C 1944. My address is GRO-C Northamptonshire, GRO-C In addition to my qualification as a Solicitor of the Supreme Court. I hold three degrees: LLB from the University of London. and BA and MA from the Open University. I was admitted as a Solicitor in 1973. My initial employment was in local government, but I joined the newly created Crown Prosecution Service (CPS)

as a Crown Prosecutor in 1986. At first, I served in the Cambridgeshire/Lincolnshire Area of the Service, but I was later transferred, on promotion, to HQ Casework Directorate, I was employed in that capacity in November 2002 when I gave the advice that features in this statement. I retired from the CPS in January 2003.

1.2 As a Crown Prosecutor, I had two main duties. The first, applying the Code for Crown Prosecutors, was to review the evidence obtained by the Police in a criminal investigation, and decide whether there should be a prosecution. Under the Code, a prosecution would be authorised where the evidence was sufficient to provide a realistic prospect of conviction, and where a prosecution was considered to be in the public interest. My second duty was to advise the Police more generally on matters relating to the Criminal Law.

SECTION 2: EXPERIENCE RELATED EVIDENCE

2.1 In the Autumn of 2002, I was asked by the Police to advise on material that had been presented to them by or on behalf of victims who had suffered injuries or death as a result of infected blood being administered to them by the medical authorities. I cannot now recall which Police Force made this request. This material consisted principally of a statement of claim the victims had prepared in civil litigation being brought against those authorities, together with some associated correspondence. So far as I am aware, the Police had not then begun a criminal investigation. No witness statements, or properly produced exhibits, had been obtained by them, nor had any of the potential defendants been

interviewed under caution. I was not therefore in a position to make a prosecution decision in accordance with the Code. Recognising this, the Police asked me, pursuant to my advisory role, to advise on the evidence that would be required for a prosecution, the possible charges and the persons or bodies that might be seen as suspects.

2.2 I had not previously provided evidence to, or been involved in, any other inquiries, investigations, or criminal or civil litigation in relation to human immunodeficiency virus ("HIV"), and/or hepatitis B virus ("HBV") and/or hepatitis C virus ("HCV") infections, and/or variant Creutzfeldt-Jakob disease ("VCJD"), in blood and/or blood products. Nor, apart from the matters described in this statement, have I been involved in any such issues since then.

2.3 Having considered the material presented to me, I responded to the police request in an advice dated 5th November 2002. A copy of that advice has been produced to the Inquiry as POSC000002t. This was my only involvement in the matter. The advice accurately represents the matters I considered and the conclusions I reached following my review of the Police material. The purpose of this statement is to answer, so far as I can, questions arising from that advice that have been raised by the Inquiry and set out in their letter of 29th November 2022. I have already deal with questions 1 – 6. My comments on the other points are as follows:

Point 7: Approach to exercise

2.4 I consider the approach I took in giving my advice to be appropriate. No police investigation had then been undertaken. My advice was intended to assist the Police by outlining matters that would need to be covered if any investigation was to take place. I considered the material I had to be sufficient for that purpose. I was aware that the Force I was advising had received allegations of criminal conduct and that that Force had not yet commenced an investigation of those allegations. I do not know if any other Force was in a similar situation. To the best of my recollection, this was the only occasion on which I was asked to advise on the topic, either by the Police or by any other authority.

Point 8: No investigation then conducted

2.5 I was asked by the Police to advise in a particular situation, namely where a complaint had been made but no investigation commenced, and I gave my advice on that basis. I considered the material I had to be sufficient for that purpose. The conduct of an investigation at that stage would have created a different situation, which might have necessitated a review under the Code. That was not the purpose of the advice the Police were seeking.

Point 9: Nature of any investigation

2.6 With the reliance on expert medical evidence, problems of causation, and the involvement of large numbers of potential defendants, both corporate and individual, I concluded that an investigation would be an immense task. I took the

view that the conduct of any investigation would primarily be a matter for the Police and that the Police, ultimately the relevant Chief Constable (or his equivalent), would have to assess the practicality or viability of such an investigation I did however mention that other parties, for example the Crown Prosecution Service, might have an input in that decision at some stage. The latter aspect was reflected in paragraph 3.8.3 of the advice, in my comments about the public interest

Point 10: Negativity of Advice

2.7 My use of the word 'negative' in paragraph 4.1 of my advice was intended to represent the difficulties that any prosecution would face, as outlined in the advice. It represented the limitations of my role at that stage.

Point 11: Decision to investigate

2.8 My comment in paragraph 4.1, as to responsibility for the decision to conduct an investigation, represented what I then believed to be the distinction between the investigation of criminal offences (the responsibility of the Police) and their prosecution (a matter for the CPS), created by the Prosecution of Offences Act. Whilst the CPS could ask the Police to conduct an investigational, it was my understanding that it would have been open to the Police, technically at least, to decline to do so.

SECTION 4: POLICE INVESTIGATION IN SCOTLAND

3.1 To the best of my recollection I was not aware of, and certainly played no part in, any decision as to the conduct of an investigation concerning the use of infected blood in Scotland.

SECTION 6: OTHER ISSUES

4.1 I have already explained the material the Police provided for the purposes of my advice. I assume that this material, or copies of it, remains in the custody of the CPS. I cannot say if anything further was provided after my retirement in 2003

STATEMENT OF TRUTH

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

Signed

GRO-C

Raymond Dennis Wildsmith

Dated

..13.4.....JANU. 2023.

