


From **The Times**
February 20, 2009

Police finally accept the existence of witness papers

 **Dominic Kennedy, Investigations Editor**

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The police force that investigated Eddie Gilfoyle for murder has accepted for the first time that police did take notes of interviews with officers who attended the scene of his wife's hanging.

The notes were never shown to the jury in his trial for murder in 1993 and could prove vital to his defence.

Merseyside Police has previously denied that the notes existed and only formally changed its position after *The Times* faxed it copies of documents sent to the newspaper. *The Times* has now lodged a complaint with the Information Commissioner, who is responsible for ensuring that public bodies comply with their duties to disclose material held.

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Pat Gallan, Assistant Chief Constable of Merseyside, who had previously told the newspaper that "there are no notes", has begun an urgent search for them at force headquarters.

The admission opens the door for Gilfoyle to seek a fresh appeal against his conviction on the ground that the Crown failed to disclose notes of the interviews to the defence before trial. After Paula Gilfoyle's body was found hanged in her garage in June 1992, Merseyside Police ordered a swift internal inquiry into a string of blunders at the scene.

The police had initially treated the death as a tragic suicide. When they decided to open a murder investigation it was quickly obvious that vital evidence may have been lost.

All the officers who attended Mrs Gilfoyle's garage were interviewed for what became known as the "Humphreys inquiry", run by Detective Superintendent Ernest Humphreys.

He was scathing about shortcomings that showed that even basic points in the force's manual of general instruction were ignored.

He quoted the rulebook's warning: "There may be a good reason for treating a suspected suicide as murder, but there is no excuse for treating a suspected murder as suicide."

His inquiry was completed after Gilfoyle had been arrested for murder but before he was charged. As a result, all officers were issued with laminated cards reminding them what to do if they found a body.

The existence of the internal investigation was kept from Gilfoyle's defence. Records of interviews with officers who are potential witnesses in a murder trial should be retained and disclosed.

The internal inquiry only came to light when Gilfoyle's sisters and father called in the Police Complaints Authority to investigate Merseyside's handling of the case. By then, Gilfoyle was serving a life sentence.

Merseyside officers gave conflicting accounts to the authority about note-taking. One said that he could recall no notes being made; the other said that he made notes that were later destroyed.

When *The Times* last year used freedom of information (FOI) laws to ask for a copy of the notes, Merseyside Police said that they had information that "no such notes ever existed".

However, after being sent a copy of the papers seen by *The Times*, Ms Gallan stated that "paperwork [indicates] that notes taken at the time had not been retained. In the light of your information, I have instructed the FOI team to carry out further searches (you will appreciate the task is not a minor undertaking) and to advise me further as a matter of urgency."

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