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How The Times uncovered the notes that 'didn't exist'

 **Dominic Kennedy: Behind the story**

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The innocuous-looking bundle of documents arrived on my desk at *The Times* a few months ago. Inside could be the key to a 15-year-old mystery.

When the Police Complaints Authority (PCA) looked into the Gilfoyle murder inquiry in 1994, investigators wanted to know what had happened to the notes of an internal review ordered into mistakes at the scene of Paula Gilfoyle's death. The two officers responsible for the inquiry gave the PCA contrasting accounts of what happened to the notes.

The PCA report states: "In a written statement to the Investigating Officer, Ch Supt Humphreys claims that no written statements were given and furthermore to the best of his recollection no notes were taken of the interviews with the officers.

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"DI McDiarmid, however, recalls in his statement that he took notes of the interviews with the witnesses. He then used those notes with Humphreys to assist in compiling the report. The notes were then destroyed."

As part of my investigation into the conviction of Eddie Gilfoyle, I wondered who had ordered the destruction of the notes and why. I never expected to find the actual handwritten records.

Under freedom of information, I asked Merseyside last March for a copy of the notes. Carl Dewhurst, a disclosure analyst, replied saying "information is held that indicates that no such notes ever existed".

I requested an internal review of this decision, pointing out that the PCA had been told that the notes did exist but had been destroyed.

Then, by chance, a contact sent me a pile of papers to peruse about the Gilfoyle case. They had been sitting in an old box for years. Among them were a set of notes of interviews with police officers, written by an unknown hand or hands.

The 20 pages of handwritten notes, numbered 54 to 73, appeared to cover interviews conducted on different dates in July 1992 between Mrs Gilfoyle's death and the completion of the internal inquiry report, of which I already had a copy.

There was only one thing that did not fit. While most of the notes were dated 1992, two pages, albeit in similar handwriting, appeared to postdate them by several years: Monday, July 20, 1996. Yet I had information from an official source that proves the notes predate 1996.

A quick check shows that Monday, July 20, 1996, never existed, but that July 20 fell on a Monday in 1992. It appears there had been a slip of the pen.

The evidence that these are the missing notes is overwhelming. These interviews are with the same officers who were questioned for the internal review. They describe the initial police response to the death, which was the subject of the review. Exact passages from the notes appear in the review's final report, some of them in speech marks.

So these were the notes that Merseyside had three times said did not exist. They included fresh detail about the state of mind of the police officers at the scene, the new fact that an estimate of the time of death had been given (which might have helped Gilfoyle with an alibi) and the lack of any suspicious circumstances.

What a precious resource that would have been for the defence at the trial. I awaited the result of the internal review. The Assistant Chief Constable, Patricia Gallan, wrote back saying: "There are no notes."