

Leading article: Eddie Gilfoyle

New documents show police made serious errors at the scene

Time and again evidence has emerged to question the safety of Eddie Gilfoyle's conviction, in 1993, for murdering his wife. More than once, *The Times* has requested the release of documents, the existence of which was wrongly denied by Merseyside Police.

The Crown Prosecution Service has just released a sheaf of police notes that reveal how the Merseyside force lost crucial evidence on the day that Mr Gilfoyle's pregnant wife Paula was found hanged. Forensic evidence could easily have been destroyed as ladders beside the body were moved, the corpse was cut down and the noose was incinerated. No photographs were taken at the scene.

These serious and material errors were caused by Merseyside Police's policy of prioritising the Coroner's Office at the scene of sudden deaths, rather than leaving the job to the qualified CID team.

Despite the discovery of a suicide note in Mrs Gilfoyle's handwriting, the prosecution persuaded a jury that it had been dictated by Mr Gilfoyle and forced upon his wife. Mrs Gilfoyle's diary, in which she confessed to a previous suicide attempt, was kept undisclosed by the police while Mr Gilfoyle was serving 18 years in prison.

Supporters of Mr Gilfoyle, whose conviction hangs over him and whose case is now being considered by the Criminal Cases Review Commission, have always maintained that police error was instrumental in his faulty conviction.

The latest documents show that mistakes were indeed made and that the blame can be squarely laid with the police. It is hard to see what else is needed for the case to be referred, as Mr Gilfoyle's lawyers are asking, to the Court of Appeal.

Hidden police notes reveal doubts over Eddie Gilfoyle's murder conviction

Police notes which have been hidden for 20 years and challenge the safety of Eddie Gilfoyle's conviction for murdering his wife have just been released by the Crown Prosecution Service.

The documents disclose how a force's policy failings led to vital evidence being lost on the day that the pregnant Paula Gilfoyle was found hanged in the couple's garage.

Lawyers for Gilfoyle, who spent 18 years in jail protesting his innocence and is still a convicted murderer, are calling for the case to be referred to the Court of Appeal as soon as possible.

The newly revealed documents include notes requested by *The Times* under the Freedom of Information Act but which Merseyside Police falsely claimed had never existed.

They cast doubt on whether Gilfoyle, a hospital orderly from Upton, had a fair trial.

Mrs Gilfoyle left a suicide note in her own handwriting in 1992 but prosecutors persuaded a jury that her husband had dictated it before luring her into the garage and stringing her up. The case has been blighted by evidence being hidden and false information being given by officials, even to Parliament. The Attorney General, Dominic Grieve, QC, apologised when a wrong answer was given about the case to the House of Commons.

Matt Foot, Gilfoyle's solicitor, said: "It has taken 20 years for the prosecution to provide this striking information which explains the serious negligent failings at the scene in a completely different light. It shows a chain of command of which we were previously completely unaware enforcing a local policy that didn't apply to the rest of the county and helped to lead to the very serious failings at the scene.

"The police knew that senior officers could be held responsible for the failures at the death scene and this potentially compromised the investigation so as to put pressure to secure a guilty conviction - the jury should have been aware of this.

"This was an accident waiting to happen, and to keep that quiet all these years is a disgrace. I asked for this material specifically at the highest level three years ago and was told it wasn't relevant."

The latest disclosure comes at a sensitive time. An independent police force is investigating how Mrs Gilfoyle's diary, which revealed that she had previously attempted suicide, was kept hidden by police.

The newly disclosed evidence relates to an internal review carried out by the force into failings at the death scene.

A senior Merseyside officer concluded that forensic evidence was potentially destroyed when Mrs Gilfoyle's body was discovered and a coroner's officer was called to the scene. Ladders beside the body were moved, the corpse was cut down before the CID arrived, no photographs were taken and the noose was incinerated.

During the trial, police tried to plug these gaps in evidence with a video reconstruction. The review was kept secret by police, even from the prosecution, until after Gilfoyle's trial. Its findings were eventually disclosed to the defence before one of Gilfoyle's unsuccessful appeals.

In 2009, Gilfoyle's lawyers wrote to the office of Chief Constable Bernard Hogan-Howe, now head of Scotland Yard, asking for these background documents. The issue was referred to the Crown Prosecution Service which said there was "nothing ... which requires disclosure".

The disclosed papers show that the blunders were allowed to happen under an official police policy on the Wirral.

In this area, all suicides and suspicious deaths were attended by the coroner's officer, a functionary who in other areas plays an administrative role.

It now emerges that on the Wirral, senior Merseyside police officers insisted that this official should be called out to deal with all sudden deaths. This meant the unprepared coroner's officer, rather than the specialists from the CID, took charge of a sensitive potential crime scene.

After Mrs Gilfoyle's death, Merseyside Police headquarters quickly spotted this flaw. Its internal review advised it had been wrong for the coroner's officer to make crucial decisions about the investigation before the arrival of the CID. This was "not in line with the procedure" laid down in the force manual.

Newly disclosed notes of an internal interview with a Merseyside police officer detail how the Wirral differed from the rest of the county. "Coroner's officers go out to every fatal RTA, cot death, suicide susp[icious] death. Practice continues now," it states.

In another document, a senior officer instructs the control room to enforce this custom. "I do not wish to labour the point, but from complaints made to me it is evident that some members of Divisional Control Room staff either do not understand or ignore the policy," it says.

Two pages are missing from the disclosed bundle. The Criminal Cases Review Commission, which considers miscarriages of justice, is looking at Gilfoyle's case.

Merseyside Police said: "As this matter is subject to an ongoing external review by another police force, it would not be appropriate to comment on the release of these documents." The Crown Prosecution Service said: "There is an ongoing file review into this case by the Crown Prosecution Service as the case is currently with the Criminal Cases Review Commission. As the review progresses, new information has come to light from both the police material and CPS files. Any new information that has come to light has been passed promptly to Mr Gilfoyle's defence team in accordance with current disclosure practice. "As the case is with the Criminal Cases Review Commission, it would not be appropriate to comment on the significance of material that has been passed to the defence team."

How police blundered at the crime scene

Eddie Gilfoyle's supporters have long believed he was denied a fair trial because of police blunders in the garage where his wife died but only now can they see how the errors occurred.

Far from being due to the arrogance or incompetence of officers called to the scene, it emerges that a peculiar custom was being respected in this part of the world.

The role of "coroner's officer" is a quaint one and ill specified. The practice guide, *Jervis on Coroners*, says the job has "no statutory definition". The officer, it says, may visit the scene where the body lies or receive a report from the police attending.

In the case of Paula Gilfoyle, custom and practice made it likely that the coroner's officer, a policeman, would find himself in charge of the potential crime scene.

When Mrs Gilfoyle was reported missing from home on June 4, 1992, a constable was called by relatives to her house. The body was then found in the garage and the constable asked the control room to send CID and a scenes-of-crime officer.

However, the control room instead began by alerting the coroner's officer, who was first to arrive. He found Mrs Gilfoyle hanged with her feet resting on a stepladder.

After reading a suicide note, he quickly concluded she had taken her life. He cut her down "to preserve her dignity". No photographs were taken of the body. Then the CID, who had been called after him, arrived.

Mrs Gilfoyle's family and friends protested to police that she was looking forward to having a baby and would never have killed herself.

Police began investigating the hanging as a possible murder but the errors at the death scene were a problem in the case. Detective Superintendent Edward Humphreys was asked by the force to perform an internal review of the scene management and make "best practice" recommendations. He identified mistakes including:

- the incorrect prioritising of the call out by the Divisional Control Room staff;
- the coroner's officer making crucial decisions about the investigation and mode of death before the arrival of the CID;
- the decision of the coroner's officer with regards to photographic evidence of the body in situ.

Newly disclosed interview notes with a senior detective show that the Wirral was unlike the rest of Merseyside. In Liverpool, the coroner's office did "not go to scenes" unless specifically requested. The notes also show that the Wirral Coroner "does not want photos", indicating how risky it was to entrust crime scenes to his officer.

A senior policeman had just reinforced this custom by complaining in writing that control room staff on the Wirral were failing to call the coroner's officer to suspicious deaths. The blame for the loss of forensic evidence that Gilfoyle needed to defend himself from murder can now be seen to lie squarely with the Merseyside force.

Smell of cover-up gets stronger as new evidence comes to light

How long before somebody in Westminster begins to smell a rat about the growing cover-ups in the Eddie Gilfoyle case?

I first became suspicious when in 2008 I asked to see notes of interviews with police officers which were made as part of an internal force investigation into errors at the death scene. Merseyside Police responded: "There are no notes". By chance a pile of old documents was passed to me which included the notes. The notes provided a potential alibi for Gilfoyle.

Next, the then Solicitor General, Vera Baird, QC, gave the wrong answer to Parliament about when police had disclosed to prosecutors the internal report about the crime scene errors.

She had based her response on unreliable information from Merseyside Crown Prosecution Service. The CPS apologised to Mrs Baird. The Attorney General, Dominic Grieve, QC, apologised to the Commons.

Merseyside Police then acceded to a request from Gilfoyle's solicitor to see all the exhibits in the case. The defence was shown for the first time a box seized from the Gilfoyle home containing her diaries, which contained the devastating fact that she had previously tried to kill herself.

The Times contacted the CPS in February about errors in Mr Grieve's apology, including his claim that the defence had in 1995 received the complete 115 pages of evidence about the internal inquiry. In fact, the CPS had insisted on withholding most of them.

A few weeks ago the prosecution finally handed to the defence those pages including the damning new material about how Merseyside Police policy led to errors at the death scene. The most damaging evidence is contained in notes of more interviews with police officers: exactly the notes which Merseyside Police four years ago assured me had never existed.