

EAST LONDON INQUESTS

**QUESTIONNAIRE FOR JURY DETERMINATIONS
IN THE INQUEST CONCERNING THE DEATH OF
DANIEL WHITWORTH**

Notes for the jury

1. This questionnaire has been prepared by the Coroner after receiving submissions from Interested Persons. By answering the questions, you will give your determinations on the key factual issues in the case. All are intended to address the central question: by what means and in what circumstances did Daniel Whitworth come by his death?
2. After the inquests, a completed copy of this questionnaire will form part of the Record of Inquest for Daniel Whitworth.
3. For **Question 1** you are asked if you agree with a brief statement or whether you wish to amend it. If you choose to amend the form of words at Question 1 in the box where you are given the option to do so, please follow these directions when writing your amendments:
 - a. Your text should be directed to answering the questions of how, when and where the death occurred. You should not make any statement or comment which does not assist in answering those questions.
 - b. In resolving factual issues, you should give your answers in accordance with the “balance of probabilities”; what is more likely than not.
 - c. You should try to be brief and to the point.
 - d. If you wish to write more than the space in the box permits, you may continue on a separate sheet. At the top of the sheet, you should write the number of the question and the words “Answer Continued”.
 - e. You should not say anything to the effect that a breach of civil law has been committed or that any named person has committed a crime. Because of this legal rule, when writing any explanations, you should avoid using words and phrases such as “negligence / negligent”, “breach of duty”, “duty of care”, “careless”, “reckless”, “liability”, “guilt / guilty”, “crime / criminal”, “illegal / unlawful”. This rule does not prevent you confirming in question 1 that the deceased was unlawfully killed: the proposed form of words in that question avoids naming the person responsible.

4. For **Questions 3 and 4** you are asked for a “yes” or “no” answer, and you are then given the option to explain further in a box. You are not obliged to fill in the box. Considerations and issues are then listed which you may want to consider, although you should feel free to give your own answers (provided that you follow the legal directions in these Notes and the Coroner’s summing-up).
5. For some of the questions, you are first asked whether there was some error, omission or circumstance that probably caused or contributed to the death. You may only say that something probably contributed to the death if you consider that it made a more than minimal contribution.
6. You are then asked whether the same thing may have caused or contributed to the death. If answering such a question, you will need to consider whether there is a realistic possibility that an error, omission or circumstance as described caused or contributed to the death.
7. When considering whether some error or omission or circumstance either probably, or may have, caused or contributed to the death you may consider those errors, omissions or circumstances either singly or in combination.
8. You should only give an answer to a question if all of you agree upon the answer. If you find yourselves unable to agree on an answer to one question, you may move on to the next and return to the question later. If a time comes when the Coroner can accept any answer on which you are not all agreed, you will be told.
9. In resolving factual issues, you should give your answers in accordance with the “balance of probabilities”; what is more likely than not. (However please note that if you are deciding whether something may have caused or contributed to the death, you should consider whether there is a realistic possibility that it did so (see note above).)

10. If you choose to give further explanation in any of the boxes for Questions 3 or 4 where you are given the option to do so, please follow these directions when writing your responses:
- a. Your responses should all be directed to answering the question by what means and in what circumstances the death occurred. You should not make any statement or comment which does not assist in answering that question.
 - b. It might help you at each stage to consider the cause(s) of the death; any errors or omissions which contributed to the death; and any other factors which are relevant to the circumstances of the death.
 - c. You should try to be brief and to the point.
 - d. If you wish to write more than the space in the box permits, you may continue on a separate sheet. At the top of the sheet, you should write the number of the question and the words “Answer Continued”.
 - e. You should not make any comment on any circumstance, act, omission or event unless there is at least a realistic possibility that it caused or contributed to the death.
 - f. You should not say anything to the effect that a breach of civil law has been committed or that any named person has committed a crime. Because of this legal rule, when writing any explanations, you should avoid using words and phrases such as “negligence / negligent”, “breach of duty”, “duty of care”, “careless”, “reckless”, “liability”, “guilt / guilty”, “crime / criminal”, “illegal / unlawful”. This rule does not prevent you confirming in question 2 that the deceased was unlawfully killed: the proposed form of words in that question avoids naming the person responsible.
 - g. You may use ordinary and non-technical words which express factual judgments. So, you may say that errors or mistakes were made and you may use words such as “failure”, “missed opportunity”, “inappropriate”, “inadequate”, “unsuitable”, “unsatisfactory”, “insufficient”, “omit / omission”, “unacceptable” or “lacking”. Equally, you may indicate in your answer if you consider that particular errors or

mistakes were not made. You may add adjectives, such as “serious” or “important”, to indicate the strength of your findings.

- h. If you are uncertain about what may be written, you may ask a question in writing to the Coroner during your deliberations.

Question 1: Basic facts of the death of Daniel Whitworth

Do you agree with the following statement which is intended to summarise the basic facts of the death of Daniel Whitworth?

“On 18 September 2014 Daniel Whitworth left work at approximately 3pm, telling a colleague that he was going to Barking. Daniel had arranged via an online gay dating website to meet a man in Barking.

*At some point after Daniel’s arrival in Barking and before the discovery of his body on Saturday 20 September 2014 the man that he met gave Daniel a dose or doses of Gamma-hydroxybutyrate (“GHB”). The GHB that he administered was sufficient to kill Daniel. He then took Daniel’s body to the graveyard of St Margaret’s Church, Abbey Green where he left him propped in a seated position, against the wall of the churchyard. The man left Daniel’s body right next to where he had, three weeks previously, left the body of another young man whom he had also killed through an overdose of GHB. The man wrote a fake suicide note purporting to be authored by Daniel and left it in Daniel’s left hand. The fake suicide note said that Daniel had taken the life of his friend (the young man whose body had been left in the graveyard three weeks previously) and that for this reason he, Daniel, had taken an overdose of GHB and sleeping pills. This note was completely untrue; the cause of Daniel’s death was the GHB given to him by the man whom he had met online. Daniel’s body was discovered by a local dog-walker at around 11:20 on the morning of Saturday 20 September 2014. A paramedic formally pronounced life extinct at 11:45 on 20 September 2014. Daniel died ~~at some point between arriving~~ at the man’s flat in Cooke Street, Barking on **Friday 19** September 2014, ~~and the discovery of his body on 20 September 2014, but it is not possible to be more exact than that as to the time of death.~~*

The man who killed Daniel had previously killed two other young men by giving them fatal doses of GHB (one of whom was the man whose body had been found in the graveyard three weeks before Daniel’s body was found), and he subsequently killed one other young man in the same way.”

In the box below, please either write that you confirm the statement above or state in what respects you would like it to be amended.

We agree the statement above to be true subject to the amendments.

Question 2: Determination on Unlawful Killing of Daniel Whitworth

Question	Answer
Are you satisfied that, on the balance of probabilities Daniel Whitworth was unlawfully killed?	Yes

Important Note:

The Coroner directs that you return an answer of “yes” in response to this question in the answer section, to reflect the primary conclusion that Daniel Whitworth was unlawfully killed.

This direction is given because the evidence clearly supports that primary conclusion, and because it is important that the Record of Inquest records that Daniel Whitworth was unlawfully killed.

Question 3: Borough investigation into Anthony Walgate’s death

<p>A. Did the fact that Borough officers did not conduct checks in relation to Stephen Port on the Police National Database, with the consequence that the officers were not aware of the incident at Barking Station on 4th June 2014 involving Port and X3, <u>probably</u> contribute to the death of Daniel Whitworth?</p> <p>Answer “yes” or “no” in the box opposite.</p> <p>Please review notes 5 and 7 on page 3 before answering this question.</p>	<p>Yes</p>
<p>B. Were there any omissions or failures in the investigation into Anthony Walgate’s death conducted by Borough officers that <u>may have</u> contributed to the death of Daniel Whitworth?</p> <p>Answer “yes” or “no” in the box opposite.</p> <p>Please review notes 6 and 7 on page 3 before answering this question.</p>	<p>Yes</p>

If you can give an explanation for your answer(s), please do so in the box overleaf. Below are listed considerations and issues that you may wish to bear in mind when answering Question 3B. There may be additional matters that you think relevant; it is a matter for you.

1. The fact that Borough officers did not conduct checks in relation to Stephen Port on the Police National Database, with the consequence that the officers were not aware of the incident at Barking Station on 4th June 2014 involving Port and X3.

2. Whether or not Borough officers took appropriate / adequate steps to consider and/or record and/or follow up the Crime Report concerning the allegation made by X1 on 31st December 2012 that Stephen Port had forced him to take poppers and then had non-consensual anal sex with him.
3. Whether or not appropriate / adequate steps were taken by Borough officers to review the content of Port's second interview and to identify actions arising from it.
4. The fact that Borough officers did not contact Port's employers to check Port's shifts / attendance at work for the period around 19th June 2014.
5. The fact that Borough officers did not submit Port's laptop computer for download notwithstanding that the HAT Return dated 27th June 2014 had advised that this should be done.
6. Whether or not it was appropriate for ADI McCarthy to step back from the investigation following his initial involvement in late June 2014.
7. Whether or not any failures or shortcomings in the Borough investigations were the consequence of one or more of the following factors:
 - the Borough officers' lack of experience and / or their workload
 - lack of leadership / oversight
 - lack of officers in substantive ranks

We the Jury have indicated 'Yes' to part A and B under question 3. We would like to state we have appreciation for the evidence that has come forward regarding pressures the Borough officers were under at the time.

We do have agreement that the officers in all ranks within the department, be it, substantive, acting or temporary were under a heavy work load which led to certain mistakes in the investigation.

We have agreed that no one attached to the case had sufficient time to look at the investigation in depth, be it, down to operational requirements or planned leave, also insufficient leadership which allowed a complete breakdown of oversight of the investigation.

We the Jury have still decided despite the above factors there were failures which cannot be overlooked which ultimately allowed for missed opportunities which in turn allowed the male to continue his acts towards subsequent victims.

Question 4: SC&O1 involvement in the investigation into Anthony Walgate’s death

<p>A. Were there any omissions or failures in the involvement of SC&O1 officers in the investigation into Anthony Walgate’s death that <u>probably</u> contributed to the death of Daniel Whitworth?</p> <p>Answer “yes” or “no” in the box opposite.</p> <p>Please review notes 5 and 7 on page 3 before answering this question.</p>	<p>Yes</p>
<p>B. Were there any omissions or failures in the involvement of SC&O1 officers in the investigation into Anthony Walgate’s death that <u>may have</u> contributed to the death of Daniel Whitworth?</p> <p>Answer “yes” or “no” in the box opposite.</p> <p>Please review notes 6 and 7 on page 3 before answering this question.</p>	<p>Yes</p>

If you can give an explanation for your answer(s), please do so in the box overleaf. Below are listed considerations and issues that you may wish to bear in mind when answering Question 4. There may be additional matters that you think relevant; it is a matter for you.

1. Whether or not SC&O1 ought to have assumed primacy for the investigation into Anthony Walgate’s death at any point between the Borough officers’ representations on 26th June 2014 and around the end of June / early July?
2. Whether or not the detailed decision recorded in Superintendent Sweeney’s email of 27th June 2014 was properly implemented, including
 - a. whether or not the actions of the MIT inspector on 27th June 2014 amounted to an appropriate or adequate review of the enquiries already undertaken;

- b. whether officers from MIT 7 provided adequate or appropriate support in relation to interviewing Port on 27th June 2014, including evaluating and/or highlighting actions arising from the interview;
 - c. whether primacy was assessed again.
3. Whether or not, in light of the entry on the 27 June HAT Return that “*Intel being conducted by MIT 7 officers*”, MIT 7 ought to have provided the Borough officers with an intelligence profile on Stephen Port including the results of a PND check.

We the Jury have indicated 'Yes' to part A and B under question 4. We would like to state we have appreciation for the evidence that has come forward regarding the involvement of the MIT teams during the investigation into Anthony.

We have heard the involvement they had during the investigation, such as direct attendance on the 27th of June 2014 and then as stated, a supporting role in which they made highlights in the investigation and provided guidelines for the case to be carried further which we now know wasn't completed by them or the Borough at the time.

That being said, we feel that the MIT teams missed opportunities to take more ownership of the investigation and did not adhere to guidelines provided to allow nothing to be missed.

The information that came to light throughout the case be it, that of the growing evidence on the investigation or the contact which the Borough had with the superiors of the Major Investigation Teams stating they had insufficient capability to investigate the case that it indeed merited.

With the above accounted, we feel that the case required a dedicated MIT team to be assigned to the investigation so the case could be taken and investigated in a sufficient way which may have led to the earlier capture of the male responsible.