

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office, CAMERONIAN HOUSE, 3/5
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26 April 2017

Dear Professor Eddleston

INVESTIGATION OF DEATH OF SHEKU BAYOH

I refer to the above and to our previous correspondence by email.

The Crown Office and Procurator Fiscal Service (COPFS) are currently investigating the circumstances surrounding the death of Mr Bayoh which occurred on the morning of the 3rd of May 2015 shortly after he had been apprehended and restrained by officers of the Police Service of Scotland.

Evidence suggests that, during the restraint of Mr Bayoh, he lost consciousness, shortly after which he went into respiratory and then cardiac arrest and was eventually pronounced dead at hospital having been conveyed there by ambulance.

A Post Mortem of Mr Bayoh was carried out on the 4th of May 2015 which identified a number of injuries to his body, none of which were significant enough to have caused his death. The cause of death was therefore recorded at that time as "*Unascertained (pending further investigation)*".

Toxicological investigations revealed the presence of alcohol, MDMA and Alpha-PVP within Mr Bayoh's blood. The cause of death was then amended to "*Sudden death in a man intoxicated by MDMA (ecstasy) and alpha-PVP, whilst being restrained*".

Following direction from the Lord Advocate, PIRC sought opinion from a number of medical experts, potential contributory factors and on the use of force and restraint by police.

As part of our investigations, COPFS are seeking to ascertain the behavioural impact of the drugs taken by Mr Bayoh. You will see from statements provided that a number of witnesses speak to Mr Bayoh acting in an aggressive manner in the period leading up to his apprehension and restraint by police officers.

Given your experience, the Crown wish to instruct you to provide a general opinion on the individual and any synergistic effects of MDMA and alpha-PVP on the brain. In particular the Crown are seeking to establish what effect the levels and combination of these two drugs may have had on the deceased's mood, cognitive ability and behaviour.

I have enclosed an encrypted pen-drive containing the relevant information and medical expert reports obtained by PIRC.

Please email me on receipt of this letter and I will provide you with the password to the pen-drive. As I am sure you will appreciate, this material is being made available to you on a confidential basis and should not be shared with any third party.

If you have any queries please do not hesitate to email me or telephone me on [REDACTED].

Your assistance in this matter is very much appreciated.

Yours sincerely

Alasdair MacLeod
Senior Procurator Fiscal Depute

Enc.

- 1 Copy of Redacted Witness Statements
- 2 Copy of Redacted Police Statements
- 3 Copy of A & E Notes
- 4 Expert Witness Package
 - 4.1 Briefing Paper
 - 4.2 Post Mortem Examination Report dated 18/6/15
 - 4.2.1 Drug Control Independent Analysis Report
 - 4.2.2 Neuropathy Report- Brain Examination
 - 4.3 Certified Disc of CCTV and Video Footage
 - 4.4 Certified Disc of Post Mortem and other photographs of deceased
- 5 Drug Control Centre Independent Analysis Report
- 6 Copy of Deceased GP Medical Notes
- 7 Use Of Force Police Scotland Standard Operating Procedure
- 8 Expert Witness Reports
 - 8.1 Steven B Karch 10 September 2015
 - 8.2 Jason Payne-James 24 September 2015
 - 8.3 Professor Mary N Sheppard
 - 8.4 Dr Anthony Bleetman 12 May 2016
 - 8.5 Dr Maurice Lipsedge 18 January 2016
 - 8.6 Dr John Parkes 22 January 2016
 - 8.7 Dr Elizabeth Soilleux 14 February 2016
 - 8.8 Professor J. Crane- undated

