The logo consists of the words "SHEKU", "BAYOH", and "INQUIRY" stacked vertically in a white, bold, sans-serif font, centered within a dark purple square.

The Sheku Bayoh Public Inquiry

Second Witness Statement

Dr Nat Cary

Taken by [REDACTED]

Via MS Teams

on Thursday 17th November 2022

Witness details

1. My full name is Nathaniel Cary. My contact details are known to the Inquiry.
2. I am a Consultant Forensic Pathologist. My qualifications are MA MD MB BS FRCPATH DMJ(Path) FFFLM.

Cause of Death Inquiry Statement

3. I have separately provided an Inquiry statement on the contents of my expert report¹ dated 23 October 2015, as instructed by Amer Anwar & Co Solicitors on behalf of the Bayoh family.

¹ COPFS-000196

Signature of witness...

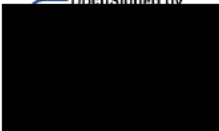
[REDACTED]

4. This statement will discuss the circumstances surrounding the production of my report, namely my involvement with the Police Investigations & Review Commissioner (PIRC).

Access to materials for production of report

5. I have been asked about the access I was given to materials from the pathologists previously instructed by the PIRC and the Crown Office and Procurator Fiscal Service (COPFS). I do recall initial difficulties, however this was ultimately resolved by having a conversation. It is not uncommon for independent experts to face these difficulties when dealing with organisations.
6. I have been asked about any difficulties I encountered in trying to gather statements and other materials to be used in the preparation of my report. This might have been the case, but again this is not uncommon when instructed as an independent expert in an ongoing investigation. As someone who specialises in death in custody cases, there have often been times where I have encountered difficulties in receiving information from third parties. In Coroners' inquests, there used to be no formal requirement to disclose reports to parties in advance of an expert giving evidence. My impression is that this process has improved.
7. There should always be a package made available to an expert instructed independently on behalf of the deceased's family at an early stage of an investigation or Inquiry. I have an overriding duty to the court and this should be respected by all involved. This excessive secrecy just because it's a death in custody case is completely inappropriate.
8. I can confirm that I received sufficient information from the PIRC and COPFS to produce my report.

Signature of witness

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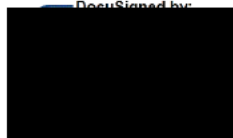
Engagement with PIRC Investigator

9. I have been asked about the comments that I had allegedly made to a PIRC investigator about my professional regard for the expertise of Dr Steven Karch. I have no recollection of making such comments to the PIRC. I am aware that Dr Karch has written several books within the specialism of toxicology, however I am not aware of his expertise within the area of cardiac pathology.
10. I am aware of the comments Dr Karch made to the Scottish media. I was absolutely appalled by Dr Karch's decision to make a statement. I would typically expect for an expert to be disbarred from the legal proceedings due to such unprofessionalism.

Chain of Evidence

11. I have been asked when tissue slides are sent to me for examination as part of a case, whether I would expect the courier to remain with the slides during my examination in order to preserve the chain of custody of the physical evidence. In my experience, slides would typically be left with me and the evidence would be trusted in my care.
12. You can re-establish the chain of custody because the slides are booked in under a unique accession number and they have certain features on them that makes them virtually tamper proof. The only risk would be if someone was totally corrupt, they could replace Mr Bayoh's heart slides with another person's tissue slides and claim that they were in fact Mr Bayoh's slides. I would expect to be trusted as an expert.
13. In older times, the slides would not be personally delivered to me, but rather would be sent via the post since the slides are only a thin section off a block and the blocks tend to remain at the institution where they were originated.

Signature of witness...



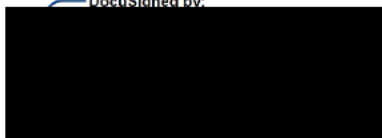
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14. My experience with some police forces is that they are particularly cautious of the preservation of the chain of evidence and so if someone wants to examine the slides, they will hand deliver them.

15. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

Date February 23, 2023 | 4:49 PM GMT

Signature of witness...



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