

MANAGEMENT POLICY FILE

Date of Crime/Incident: 3 May 2015

*Crime/Incident: Death in Police Custody


*Victim/Complainer: Sheku Ahmed Tejan Bayoh
(31), b 30/9/1983

Senior Investigating Officer: DSI William Little

Deputy Investigating Officer: SI John McSparran

Office Manager: DSI Ian MacIntyre

Uniform Administration Manager: Inv. Laura White

Productions Officer(s): Inv. Garry Sinclair


*Other Relevant Staff: Senior Investigator John McSparran
Incident Scene Management: Inv. John Ferguson
Family Liaison: Inv. Alistair Lewis, Inv. John Clerk

House to House Enquiries: Yes No

Officer in Charge: DSI Brian Dodd

Date Enquiry Commenced: 3 May 2015

Date Enquiry Concluded:

*Delete where appropriate:

DECISION

Description of Investigation.

About 0720/0730 hours on Sunday 3 May 2015, Sheku Ahmed Tejan Bayoh, aged 31, born 30/9/1983 in Sierra Leone, H/A 20 Arran Crescent, Kirkcaldy was arrested/detained by officers of Police Scotland in Hayfield Road near to Hendry Road, Kirkcaldy.

On being detained/arrested, Sheku Bayoh struggled with police officers who physically restrained him. Officers used CS/PAVA spray during the arrest and used police batons against the deceased.

Sheku Bayoh was taken to the ground by police officers where he was handcuffed to the rear and had leg restraints applied.

Mr. Bayoh lost consciousness and appeared to suffer cardiac arrest. CPR was administered by police officers and an ambulance summoned. On arrival Mr Bayoh was placed in the ambulance and CPR continued. He was taken to Kirkcaldy Victoria Hospital where he died. Life was pronounced extinct at 0904 hours.

Officer Making Entry:
John McSparran's signature



Officer Making Decision:

John McSparran's
signature

Signature

Date and Time: 5/5/15.

contd.

DECISION

Description of Investigation - contd.

Police Scotland secured the incident scene and appointed a SIO Det Supt Peet Campbell. Incident scene protocols to recover evidence and undertake forensic scene examination were put in place. Ch. Supt Gary McEwan, Div. Comm, 1 Division was appointed the PS Incident Manager.

Police Scotland notified the Scottish Fatalities Investigation Unit (SFUI) of COPPS and notified them of the death. Mr. David Green, Head of SFUI

REASON instructed that PIRC would investigate the death with Police Scotland investigating the incidents leading up to the death.

About 0935 hours, Sunday 3 May 2015 Mr. Green contacted the on-call PIRC DSI Keith Harrower and instructed PIRC to investigate the death as per above.

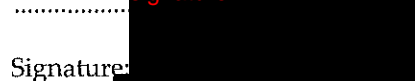
PIRC staff were called out and attended Kirkcaldy where they met with Police Scotland staff, including their SIO Det Supt Campbell. Joint forensic and incident scene strategies were agreed and overseen by PIRC investigators.

Officer Making Entry:
John McSparran's signature



Officer Making Decision:

John McSparran's
signature



Signature:

Date and Time:

5/5/15

DECISION Description of Investigation - contd.

PIRC Investigators Ferguson and Taylor dealt with the hospital scene and arranged the transport of the deceased to the city mortuary, Edinburgh.

PIRC Investigators Sindair and Rhodes dealt with the incident scene at Hayfield Road and productions seized at Kirkcaldy Police office including officer's clothing, PAVA Spray, police batons.

A Post Mortem examination was arranged for Monday 4 May 2015 at the Mortuary, Edinburgh.

REASON

PIRC FLO's Alistair Lewis and John Clavin were appointed.

About 2210 hours 3 May 2015 PIRC investigators met with the deceased family and provided an overview of the role of the PIRC.

281 Harrows requested statements from officers involved as witnesses to the incident. Status of the officers is that of witnesses at this stage! This position supported by Mr Green at this stage.

Officer Making Entry:
John McSporrans signature

Officer Making Decision:

John McSporrans
signature

Signature

Date: 05/05/15

Date at

DECISION

Establish a PIRC Major Enquiry to investigate the death of Sheku Bayoh with appropriate major investigation roles and strategies.

REASON

Undertake a comprehensive and thorough investigation into the death following police contact / arrest of Sheku Bayoh to capture and collect all available evidence and submit to COPAS.

Officer Making Entry:
John McSparran's signature



Officer Making Decision:
John McSparran's signature



Date and Time: 5/5/15.

DECISION

Major Investigation - roles and responsibilities:

Lead Investigator - DSI William Little.

Oversight: Senior Investigator John McSparran

Productions: Garry Sinclair, William Davidson

Incident Office Management: DSI Ian Macdunn, Laverwhite

Scene Management: John Ferguson, Stuart Taylor

Family Liaison officers: Alistair Lewis, John Clerk

CCTV Recovery: [REDACTED]

H/H Coordinator & Investigator Teams: DSI Brian Dodd

REASON

Allocation of roles and responsibilities to co-ordinate effective investigation.

Officer Making Entry:
 John McSparran's signature
 [REDACTED]

Officer Making Entry: John McSparran's signature
 [REDACTED]

Signature: [REDACTED]

Date and Time: 5/5/12

DECISION

Forensic Strategy - attached.

Implement a forensic Strategy to identify, recover and examine all relevant material pertinent to the investigation.

REASON

Identification, recovery and forensic examination of any items which may have a bearing on the investigation in order to assist in the determination of the facts and circumstances.

Officer Making Entry:

John McSparran's signature



Officer Making Decision:

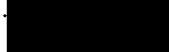
John McSparran's signature



Signature

Date and Time:.....

Date: 06/05/15



Operation Quoich - Forensic Strategy

Policy:

Implement a forensic strategy to identify, recover and examine all relevant material pertinent to the investigation.

Reason:

Identification, recovery and forensic examination of any items which may have a bearing on the investigation in order to assist in the determination of the facts and circumstances.

Strategy:

PIRC will recover, either from Police Scotland or by their own investigations, all material evidence pertinent to the investigation into the death of Sheku Bayoh. This will include:

- post mortem evidence, including samples taken from the deceased;
- arrangements for toxicological and neurological examination of samples taken;
- examination of the knife found at the scene for DNA, fingerprints and other evidence;
- comparison of the knife with knives from the home of the deceased to identify whether they appear a matching set;
- photographic and other digital media which show the scene, the post mortem, injuries to police officers or other relevant photographic evidence;
- Public or private space CCTV images;
- physical items discovered at the locus of the arrest, home of the deceased or other relevant places linked to the investigation;
- recovery of mobile telephones which may hold evidence relevant to the investigation;
- the seizure from Police Scotland of all documents, articles or other evidence obtained by them in the early stages of the investigation;
- examination of vehicles which may have been damaged during the overall incident and the examination of paint and other samples;
- analysis and/or comparison of all drugs or other pills/ medicines seized during the investigation;
- examination of officers clothing, radios etc. for blood, footmarks, and other relevant evidence;
- relevant expert material in respect of use of CS/Pava spray, positional asphyxia, etc. as directed by the Pathologist;
- any other direction issued by COPFS.

Any material seized will be lodged as productions, its point of origin, transfer and further examination recorded within PIRC Major Incident Property Registers by dedicated production officers. All items seized will be stored securely.

DECISION

CCTV & Digital Evidence Strategy

Implement a CCTV and Digital Evidence strategy to identify public and private space CCTV and capture any material which may have a bearing on the investigation. Recover evidence from mobile phones or other electronic devices which may have a similar bearing. Seize CCTV from Keshcuddy later office

REASON

Recovery of evidence to assist determining the facts of the incident.

Officer Making Entry
John McSporran's signature

John McSporran's signature
Date: 07/05/2015
Date and Time

DECISION

Major Incident Room

Establish a Major Incident Room within PIRC utilising the CHUE2 operations system, and appropriately staffed, to manage all aspects of the investigation.

REASON

Effective Incident Management.

Officer Making Entry:
John McSparran's signature

Officer Making Decision:
John McSparran's signature

Date: 07/05/2015

Date and Time:

DECISION

Family Liaison.

Two Family Liaison officers (FLOs) appointed to provide information and support to the family of the deceased.

FLO strategy and recording of contacts will be documented in the separate FLO strategy logs.

FLOs Alistair Lewis and John Clerk appointed.

REASON

Provide appropriate support to the family of the deceased, acting as a single point of contact for the receipt and provision of information to/from PIRC.

Officer Making Entry:
John McSporrans signature

John McSporrans signature

Date/07/05/2015
Date and Time

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MANAGEMENT POLICY FILE

DECISION NO: 8

DECISION

Productions

All productions seized by PIRC to be entered
in MT production registers and managed by
dedicated production officers.

Arrange transfer of relevant production
seized by Police Scotland to PIRC.

REASON

Management of Productions

Officer Making Entry:
John McSporran's signature

John McSporran's signature

Date: 07/05/2015

Date and Time:

DECISION

Post Mortem Examination.

PM Undertaken at Edinburgh City Mortuary
at 1300 hours on Monday 4 May 2015.

In attendance:

Pathologists: Kerry Ann Steaver, Ralph Bouhaidar

PIRC: John Ferguson, Scene Manager

Police Scotland: DC Peter Grady

Also in attendance: DC Peter Gilzean, SI Ricky Casey,
DSI Billy Little, Inv. Stuart Taylor, DCI Keith Hardie
PF Bernie Ablett. SPA - Derek Carroll - Photography
a Coroner Exam.

REASON

Examination of the body of the deceased to
establish a cause of death.

Body identification undertaken by John Ferguson
and DC Peter Grady. Additionally fingerprints of
deceased taken and identified by SCSO.

No engagement by the family at that time
who declined to attend the PM.

Cause of death after initial PM - Unascertained

Further tests to be undertaken & toxicology &
neurological samples to be examined.

Officer Making Entry:

John McSparran's signature

Officer Making Decision:

John McSparran's signature

Date and Time: 7/5/15

DECISION

House to House Enquiries.

H/H strategy by PIRC to identify any persons living at the incident locus who may have witnessed the incident.

Comment: Police Scotland also initiated a H/H strategy which was partially completed before responsibility passed to PIRC. All material from PS transferred to PIRC

REASON

Identify witnesses and obtain their evidence.

H/H Parameters outlined as any dwelling which overlooked incident or immediate vicinity.

Officer Making Entry
John McSporrans signature

Officer Making Decision
John McSporrans signature

Date: 07/05/2015

Date and

Narrative

DECISION

On 5 May 2015, Mr Stephen McGowan, COPPS directed that all aspects of the investigation including pre-existing linked incidents would now be investigated by PIRC.

Police Scotland notified accordingly and instructed to cease any investigative actions not already in progress and to arrange the transfer of their aspect of the investigation to date to PIRC.

REASON

Wholly independent investigation into all the circumstances of the death of Shabir Bhanji.

See attached letter from Stephen McGowan, COPPS

John McSparran's signature

John McSparran's signature

Date:
07/05/2015

Date and Time:

Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA

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Mr Stephen McGowan,
Procurator Fiscal, Major Crime & Fatalities Investigation

Ms Irene Scullion
Head of Investigations
Police Independent Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
Hamilton
ML3 0QA

Tel: [REDACTED]
RNID Typetalk prefix: [REDACTED]

Fax: [REDACTED]
Legal Post Ref: [REDACTED]

Your ref:
Our ref: SMCG/GS

5 May 2015

Dear Ms Scullion

DEATH OF SHEKU AHMED TEJAN BAYOH (DOB 30/9/83) Kirkcaldy, 3 May 2015

In terms of Section 33A of the Police Public Order and Criminal Justice (Scotland) Act 2006 I write to formally confirm the request made on 3 May 2015 that you carry out an investigation in relation to the circumstances surrounding the death of Sheku Ahmed Tejan Bayoh.

There are 2 areas which require investigation. These are:

- (1) The circumstances leading up to the incident, namely Mr Bayoh's movements late on Saturday 2 May and during the early hours of Sunday 3 May, prior the contact with police, including his attendance at a house at Craigmount, Kirkcaldy, and events following his attendance there.
- (2) The incident in which the police became involved with Mr Bayoh shortly after 7am on 3 May.

I understand that the PIRC investigation thus far has concentrated on the incident with police on Sunday morning but given the importance of looking at the incident as a whole and the initial findings of the autopsy it is important to consider all of these matters together.

I will forward a copy of this letter to the Deputy Chief Constables Neil Richardson and Iain Livingstone of Police Scotland for their respective interest to advise them of the parameters of the investigation.

My colleague Les Brown, Head of the Criminal Allegations Against the Police Division will be the Senior Fiscal with oversight of this case and will bring in such assistance from COPFS as required.

I am happy to discuss any of the foregoing and would be grateful if you could confirm receipt of this letter.

Yours sincerely



Stephen McGowan
Procurator Fiscal
Major Crime & Fatalities Investigation

DECISION Narrative.

From witness statements. On the evening of Saturday 2 May 2015, the deceased and his friend Zahid Saeed, ^{arranged to} ~~went~~ to the house of their friend ^{John} Martin Dick at [REDACTED] Dick/Macleod home address

Within the house were: the deceased, Saeed, Dick and his partner Kirsty McLeod. They arrived at about 0400 hours on Sunday 3 May 2015.

The deceased consumed alcohol and may have consumed controlled drugs. Dick, McLeod and Saeed divide the deceased becoming paranoid and aggressive. The deceased left the house about 0600 hours followed by Saeed. The deceased appears to have walked home with Saeed driving to that address at [REDACTED]

[REDACTED] Collette Bell's home address Kirkcaldy. The deceased appears to have assaulted Saeed near this location. The deceased may have taken a knife from his home then walked onto Gramond Gardens, Templehall Avenue, Herdroy Road, then Hayfield Road. Several members of the public observed the deceased walking along the road carrying a knife and telephoned Police. Police officers were sent to the call. At some point the deceased may have struck a vehicle or vehicles with the knife.

Officer John McSporrans signature [REDACTED]

Officer Making Decision John McSporrans signature [REDACTED]

Date: 07/05/2015 [REDACTED]

Date and Time [REDACTED]

DECISION

H/H Strategy

PIRC will under take H/H enquiry at the following locations

- > Arran Cres, [redacted]
- > Cramond Gardens, [redacted]
- > Templehall Ave, [redacted]
- > Hendry Road from jnc with Templehall to jnc with Hayfield
- > Hayfield Road from jnc with Hendry to jnc with Poplar Cres.
- [redacted]
- > Poplar Crescent, [redacted]

REASON

Identify any witnesses who may have seen deceased from when he left his house to point of engagement with police.

The above locations overlook the route taken by the deceased.

Officer Making Entry:
John McSporran's signature
[redacted]

John McSporran's signature
[redacted]

Date: 07/05/2015

Date and Time: [redacted]

DECISION

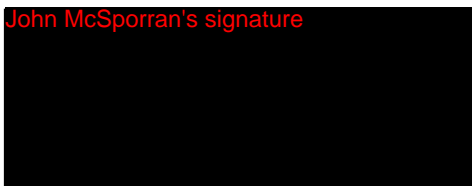
Review of Police Scotland H/H Strategy.

In light of information regarding route taken by deceased and that PIRC have taken over all aspects of the investigation from Police Scotland, their H/H strategy has been reviewed and amended. PIRC will now undertake this function within the parameters identified in Decision 13.

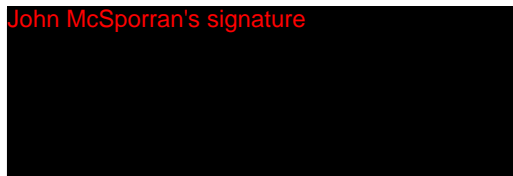
REASON

Review of strategy and alignment to PIRC parameters in light of available information.

John McSporrans signature



John McSporrans signature



Date and Time:.....

7/5/15

DECISION

Media Strategy

PIRC will produce a media strategy to inform the public and media outlets of their role in undertaking an independent investigation on the instructions of COPPS.

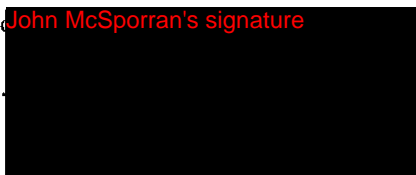
The media strategy will also encompass appeals for information and utilise social networks.

PIRC Media Staff to lead & advise on media strategy.

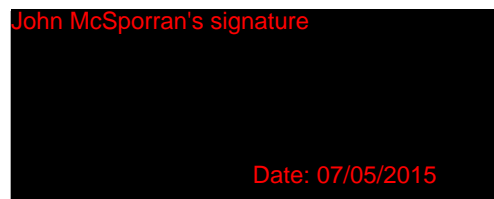
REASON

Public Information & reassurance, allow media appeals to maximise potential witnesses to the incident.

Officer John McSporrans signature

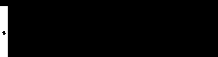


John McSporrans signature



Date: 07/05/2015

Date and Time:.....



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MANAGEMENT POLICY FILE

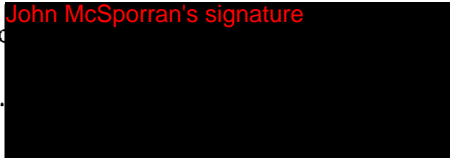
DECISION NO: 16

DECISION

Notification of Sierra Leone High Commission
of the death of one of its citizens.
See attached letter.

REASON

Legal requirement

Officer  John McSparran's signature

 John McSparran's signature

Date and Time: 8/5/15.

Sierra Leone High Commission
41 Eagle Street
Holborn
London
WX1R 4TL

8 May 2015

Dear Sir

**Death of Sierra Leone national
Sheku Ahmed Tejan Bayoh (d.o.b. 30/9/1983)
Passport number [REDACTED]**

We wish to notify you of the death of the above named national in Scotland on 3/5/2015 shortly after he had been detained by the police following an incident.

We are the independent body, the Police Investigations and Review Commissioner, responsible for investigating serious incidents involving police bodies operating in Scotland. We have been instructed by the Crown Office and Procurator Fiscal Service (COPFS) to investigate the circumstances of the death. As you will be aware, COPFS is the legal body in Scotland that is responsible for examining all sudden and unexplained deaths.

We telephoned your office on 4/5/15 to inform you of the death. As your office was closed for the public holiday we telephoned again on 5/5/15 when we were advised that we would need to provide cause of death and reasons for detention before your office would be able to take any details. We were unable to provide this at that time as, while we had informed the family's solicitor (their nominated representative) of the post-mortem results, our requested meeting with the family was not scheduled until 6/5/15. When this had happened we e-mailed your general contact e-mail address informing you of this and asking for a specific e-mail address to which we could submit the information we had.

We appreciate that, given the volume of contacts you receive, you may not have been in a position to respond to this by today. This letter therefore provides you with the name, date of birth and passport number of the deceased. I can also inform you that the post-mortem held on 4/5/15 concluded that cause of death was unascertained pending further examination. I am also able to inform you that the police were responding to an incident following calls from members of the public. At this stage of the

investigation, it is not possible to provide further information. At the conclusion of the investigation we will submit a full report to COPFS.

I would appreciate if you could acknowledge receipt of this letter and advise of any other formalities you might wish to be carried out.

Yours sincerely

Irene Scullion
Head of Investigations

DECISION

Obtain Medical History of deceased.
> obtain O.P. medical records.
> obtain information from the family of the deceased as any medical conditions from childhood, time in Sierra Leone or England that may not be recorded in O.P. records.

REASON

- ① For provision to Pathologist
- ② Establish any underlying health issues of the deceased.
- ③ Background Information & history of deceased.

John McSparran's signature

John McSparran's signature

Date and Time: 9/5/15

DECISION

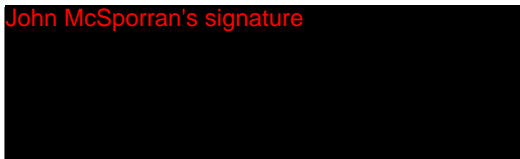
Letter of Notification to Deputy Chief Constable
(Designated Deputy) of PIRC investigation
and requirement to submit statements, documents
and other material,

letter attached. Sent to Police Scotland on 5 May 2015.

REASON

Requirements of independent investigator.

John McSporrans signature



John McSporrans signature



Date and Time: 9/5/15.

Kate Frame
Police Investigations & Review Commissioner
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
Freephone: [REDACTED] f: [REDACTED] e: enquiries@pirc.gsi.gov.uk

www.pirc.scotland.gov.uk

Mr Neil Richardson
Deputy Chief Constable
Police Scotland
Police Headquarters
[REDACTED]
[REDACTED]

pirc

Police Investigations &
Review Commissioner

cc: DCI Keith Hardie, SPOC

5 May 2015

Dear Mr Richardson,

**DEATH IN POLICE CUSTODY, KIRKCALDY
SHEKU AHMED TEJAN BAYOH - BORN: 30/09/1983**

On 3 May 2015, Sheku Bayoh died within Kirkcaldy Victoria Hospital. Shortly before his death Mr Bayoh had been arrested by police officers in Hayfield Road, Kirkcaldy. Police Scotland notified Mr David Green, Head of the Scottish Fatalities Investigations Unit of COPFS of the death who instructed that, in terms of Section 33(a) of the Police Public Order and Criminal Justice (Scotland) Act 2006, the Police Investigation & Review Commissioner (PIRC) conduct an investigation into the circumstances of Mr Bayoh's arrest and death.

Later that day, Keith Harrower, Deputy Senior Investigator with PIRC, had contact with Detective Superintendent Patrick Campbell who provided a briefing of the police investigation and actions undertaken until that juncture, and agreed a number of actions to be undertaken by both PIRC investigators and officers from Police Scotland.

On 4 May 2015, I appointed William Little, Deputy Senior Investigator, as the lead investigator for this incident, and a meeting was held between DSI Little and Det Supt Campbell where a handover was agreed to enable my investigators to conduct an independent investigation within the parameters initially set by COPFS.

On 5 May 2015, Mr Stephen McGowan, Deputy Head of Major Crime & Fatalities Investigation, COPFS, instructed that I expand the parameters of my investigations to include:

(1) the circumstances leading up to the incident, namely Mr Bayoh's movements late on Saturday 2 May and during the early hours of Sunday 3 May, prior the contact with police, including his attendance at a house at Craigmount, Kirkcaldy, and events following his attendance there.

(2) the incident in which the police became involved with Mr Bayoh shortly after 7am on 3 May.

In order to progress the investigation and in accordance with Regulation 5 of the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specific Weapons) Regulations 2013, I will be obliged if you will cause to be submitted DSI Little the undernoted documents, productions and other information as soon as possible. In this regard, please note that the regulations state that documents, records or any other information must be provided in a form acceptable to the Commissioner. I therefore require that you provide documents in MS Word format, audio material in Wav format and that all video material supplied should be able to be viewed and played in Windows Media files. Original hard copy statements for all witnesses will also be required.

1. A certified copy of the death report submitted by Police Scotland to COPFS.
2. Certified copies of all Command and Control Records (STORM) records relating to the incident involving the now deceased that occurred on 2 or 3 May 2015.
3. Original signed statements, and MS Word copies thereof, from every police officer and member of police staff, including ACR staff, and statements from Scottish Police Authority staff, who were involved in the incident, and any police officers or member of police staff who undertook any subsequent actions in respect of this investigation. This should include any police officer or member of police staff who seized any productions.
4. A statement from Chief Superintendent Garry McEwan regarding his actions in respect of this incident, including his interaction with the deceased family.
5. Operational statements from the officers involved in the arrest of Mr Bayoh.
6. Details of the police officer injured during the incident and any medical records held by Police Scotland in respect of those injuries.
7. Any statements taken by Police Scotland from members of the public. Where Police Scotland have not taken statements but are aware of the identity of any such witnesses, please provide their details.
8. Statements taken from any medical and ambulance staff.
9. Certified copies of recordings of all telephone calls made to the Police Scotland ACR / Contact Centre in respect of this or related incidents and copies of any 999 calls.
10. Certified copies of recordings of all Airwave Radio Traffic related to the incident(s) and index of content to show file numbers/dates/times of recordings and identification of police officers and police staff.
11. Original public space CCTV material seized by Police Scotland which may have captured the now deceased and police officers' actions on 2 and 3 May 2015.
12. Certified copies of all records held or accessed by Police Scotland in respect of the deceased on any police system, including the Scottish and English Intelligence Databases, CHS/ SCRO records and Vulnerable Person Database entries.
13. A full list of all productions seized during the course of the police investigation along with a certified copy of the relevant Scene Entry Log's and Scene Management Log's, including locations held. Further arrangements will then be made for the handover off relevant productions seized by Police Scotland.

14. Certified copies of any images obtained by Police Scotland from mobile phones or other electronic devices used by members of the public and police officers which recorded in still photograph or video parts of this incident.
15. Certified copies of the Police Scotland HOLMES witness list and action log.
16. Certified copies of any Police Scotland strategies prepared in respect of this incident, including the forensic, house to house, CCTV strategies, etc.
17. Certified copy of the Police Scotland Use of Force Standard Operating Procedure.
18. Certified copies of the minutes from all meetings including that of the Gold Strategy meetings pertaining to this incident.
19. Certified copies of the PAVA / CS Spray records for the officers involved in the arrest
20. Certified copy of the current Community Impact Assessment.
21. As Police Scotland have expertise in the monitoring of social networks and have directed staff to monitor such networks for relevant material in respect of this incident, I will be obliged if you can ask your staff to continue to undertake this function, supplying such material to PIRC investigators.

Detective Superintendent Campbell has intimated that Detective Chief Inspector Keith Hardie will perform the role of single point of contact (SPOC) with PIRC. If this is not suitable I would be obliged if you could advise me of the details of the new SPOC.

Police Scotland may consider or be aware of other documents or records, etc. which are connected to this incident and which have not been initially specified above. In this respect, I will be obliged if you can identify any such documents and provide certified copies thereof.

Where possible all documents should initially be transmitted electronically to the following secure email address: [REDACTED] and thereafter supplied as productions appropriately labelled and certified, where applicable.

Once hard copy material is available please notify my staff who will arrange its collection.

William Little can be contacted on the number above or by email on [REDACTED]

Should you have any queries in respect of this matter please do not hesitate to contact me.

Yours sincerely,

Kate Frame
Police Investigations & Review Commissioner

DECISION

Lead Investigator & PIRC SI to meet with family, family lawyer Mr Aaron Anwar & PIRC FIO's to explain role of PIRC and answer any questions or concerns the family & their lawyer may have regarding the investigation.

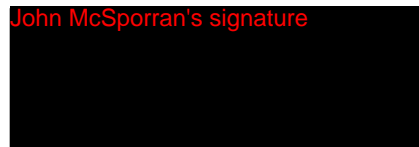
REASON

- ① Family liaison per MI strategy
- ② Address any family concerns & questions over the role of PIRC, how the investigation will progress and directions to PIRC by COPPS regarding the investigation
- ③ Provide explanation and information on progress of the enquiry.

John McSparran's signature



John McSparran's signature



Signature

Date and Time:

9/5/15

DECISION

Community Impact & Tensions

Community impact is being examined by Police Scotland who will have responsibility for dealing with any issues arising.

PIRC will direct any information which may have a bearing on community impact or tensions to PS.

REASON

Minimise community impact, reduce tensions prevent potential for disorder or other actions which may have a harmful effect on the community.

John McSporran's signature

John McSporran signature

Date and Time: 9/5/15

DECISION

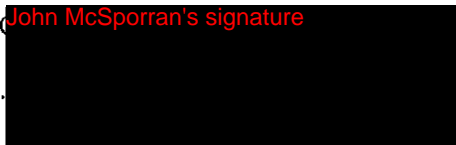
Cultural & Religious Issues.

PIRC FLO's will establish the religion and sect of the deceased and any cultural issues, seeking support where necessary from Scot Gov lay advisors in order to provide appropriate support, advice and assistance to family of deceased. Although not directed by WPS at this stage, take cognisance of any issue of race if they emerge.

REASON

Provide appropriate support taking cognisance of cultural & religious issues. Address family concerns in a supportive & sympathetic manner.

John McSporrans signature



John McSporrans signature



Date and Time: 9/5/15.

DECISION

Notification to Police Scotland to approach the 9 officers involved in arrest and request statements from them.

If they decline obtain reason for not providing statements.

Status of officers remains that of witnesses.

REASON

Progress investigation & obtain detailed account of arrest.

PIAC requested statements via PS SPOC on 5, 6 & 7 May 2015.

John McSporrans signature

John McSporrans signature

Date and Time: 9/5/15.

DECISION

Police Post Incident Management (PIM) processes.

PS implemented PIM processes to support 9 officers involved in arrest, appointing a dedicated PIM (CI Conrad Trickett).

Obtain PIM log, statements from PIM & supporting personnel regarding actions in respect of managing arrested officers, warnings of conferring/collusion.

REASON

Investigative requirement to establish how officers were managed post arrest, advice & support, warnings given re conferring/collusion, decision regarding PIM basic facts, officers initial accounts, seizure of clothing, batons, handcuffs, CS/PAVA. Decisions regarding provision of detained accounts. Establish who interacted with officers and why. Interviews of PIM & Deputy PIM.

John McSporran's signature

Off
John McSporran's signature
Sig

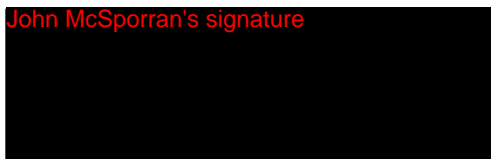
Date and Time: 9/5/15.

DECISION

Hospital management.
 Establish dedicated team to obtain all
 statements from hospital staff & recovery of
 medical records. Establish if CCTV available
 at hospital, examine and recover relevant
 material.

REASON

Continuity of investigation & seizure of
 evidence.

John McSporran's signature


Offi
 John McSporran's signature


Sign
 Date and Time: 9/5/15

DECISION

Scene Re-visit 10 May 2015

PIRC Investigators to re-visit scene one week after event at the time it occurred (0630 to 0800) to trace any witnesses to event.

Assistance from PS Traffic officer from adjacent area to stop cars.

REASON

Trace witnesses to event & obtain additional evidence & information.

John McSparran's signature

John McSparran's signature

Date and Time: 9/5/15.

DECISION

officers refuse to give statements.

Notification from PS that the 9 officers have refused, at this time, to give statements following advice from their lawyer

Date 7 May 2015.

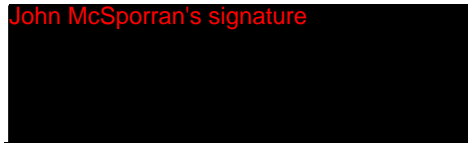
REASON

/

John McSporrans signature



John McSporrans signature



9/5/15.

DECISION

Prioritisation of Actions

Each day PIRG Enquiry managers will undertake examination & prioritisation of all actions to be undertaken in the enquiry to ensure resources are directed appropriately and priorities addressed. A log of ^{daily} meetings will be kept by the enquiry office staff detailing updates & actions if necessary.

REASON

Ensure efficient management of resources and focus on enquiry priorities

Officer Making Decision: John McSparran's signature

Officer Making Decision: John McSparran's signature

Signature: [Redacted]

Date and Time: Date: 09/05/2015

DECISION

Forensic Strategy Meeting.

Meeting held with relevant forensic specialists to prioritise the examination of items seized for forensic examination.

See attached.

REASON

Prioritise the examination of productions. Discuss with pathologists material evidence and other information required by them to assist establishing a cause of death.

Off: John McSporrans signature [Redacted]

Office: John McSporrans signature [Redacted]

Signature: [Redacted] Date: 13/05/2015 [Redacted]
Date and Time: [Redacted]

Forensic Strategy Meeting

1440 hours on Tuesday 12 May 2015
SPA - Howdenhall, Edinburgh

(MINUTES)

1. Present:

PIRC Senior Investigator John McSporran (Chair)
PIRC Deputy Senior Investigator William Little
PIRC Investigator Garry Sinclair (Productions)
PIRC Investigator John Ferguson (Scene Management)
PIRC T/Investigator Stuart Taylor (Scene Management) (minutes)
COPFS Les Brown – Head of Criminal Allegations Against Police Division
SPA James Orr – Business and Performance Relationship Manager
SPA Detective Inspector Jim Duggan - Forensic Gateway Manager
SPA Gordon Young - Senior Scene Examiner
SPA Gail McKay - Chemistry
SPA Maggie MacPhee - Biology
SPA Judith Archbold - Mark Enhancement Lab
Police Inspector Darren Faulds (Road Policing - Collision Investigation)
Pathologist Dr Keryanne Shearer
Pathology Trainee Gillian Wilson

2. Welcome / Purpose

SI John McSporran opened the meeting and thanked everyone for attending. He outlined that the purpose of meeting was to discuss and agree the prioritisation of the forensic examination of productions seized during the PIRC investigation into the death in police custody of Sheku Ahmed Tejan BAYOH on Sunday 3 May 2015.

3. Introductions

Persons present introduced themselves and gave a brief overview of their roles and responsibilities.

4. Overview

SI McSporran provided an overview of the PIRC investigation into the death of Sheku Bayoh, a Crown Office directed investigation, and the progress of the investigation to date.

Les Brown, COPFS, spoke briefly about the role of COPFS in respect of the investigation of deaths and the tasking of PIRC to undertake an independent investigation and report their findings to COPFS.

Dr Keryanne Shearer, Pathologist, gave an update on the initial result of the post mortem examination (cause of death unascertained) and further tests and examinations being undertaken to determine a cause of death.

5. Forensic Examination priorities

The meeting then progressed to discuss the prioritisation of the forensic examination of those items seized as productions during the investigation and the following actions were agreed.

1. Toxicology and Neurology results to continue to be fast-tracked to allow Dr Keryanne Shearer (Pathologist) to be able to provide full result of Post Mortem examination and Cause of Death, if ascertainable, as quickly as possible. To assist this PIRC to have **Prod 168 - Blood Samples x 4** submitted to laboratory at Glasgow University as quickly as possible with Dr Shearer to contact the laboratory regarding tests to be carried out.

PIRC to provide scientific research papers to Dr Shearer regarding the effects of CS/PAVA spray. PIRC to prepare and submit a package to Dr Shearer with: GP medical records, Hospital medical records, statements from hospital staff, statements from witnesses to the deceased behaviour and actions in the lead up to his arrest and witnesses to the arrest, CCTV compilation and photographs.

2. Knife recovered at Hayfield Road (locus of detention) **Prod 184 - Knife** is to be:

Photographed by SOCO prior to any testing
Examined for presence of paint
Examined for presence of DNA
Examined for presence of Fingerprints

This production is also to be examined to establish whether it is a match to/similar to **Prod 216 - Knife 1, Prod 217 - Knife 2** and **Prod 218 - Knife 3**, which were seized from the deceased's home address shortly after the incident. The above mentioned productions to be submitted by PIRC to SPA at Gartcosh as quickly as possible.

3. Drugs/pills/medication found within deceased's home address to be submitted to SPA Drug Unit at Gartcosh.

Following productions to be photographed by SOCO prior to examination.

Prod 215 - 16 Loose Tablets to be processed as main priority. Other drugs to be examined include:

Prod 209 - Bottle of 56 Tablets Labelled Creatine
Prod 210 - Bottle of 33 Tablets Labelled Herbal VY For Men
Prod 211 - Bottle of 48 Tablets Labelled Rhodiola
Prod 212 - Bottle of 38 Tablets Labelled Testosterone Booster
Prod 213 - Box of 27 Tablets Labelled Omeprazole
Prod 214 - Box of 7 Tablets Labelled Omeprazole

4. PC Nicole Short's body armour to be examined for possible footprint. Any footprint found to be compared with deceased's footwear which was seized at Victoria Royal Infirmary, Kirkcaldy at the time of the recovery of the body. Relevant productions are:

Prod 051 - Vest JM019 - PC 1014 Nicole Short
Prod 166 - GAY016 - Right Boot
Prod 167 - GAY017 - Left Boot

Above productions to be photographed by SOCO prior to examination.

5. Paint samples taken from white SEAT Toledo motor vehicle (registration [REDACTED]) to be compared against any paint identified/recovered from knife found at Hayfield Road (locus of detention). Relevant productions are:

Prod 184 - Knife
Prod 233 - Paint Sample 1 (from AM2)
Prod 234 - Paint Sample 2 (from AM3)

6. SPA Biologist Maggie MacPhee requested that PIRC provide her with **Prod 140 - Blood for DNA - Bayoh** for the purposes of testing for deceased's DNA profile for future comparisons.

Maggie MacPhee also asked that PIRC retain productions:

Prod 133 - Nasal Swab Wet and Dry - Bayoh
Prod 134 - Mouth Swab Wet and Dry - Bayoh
Prod 135 - Mouth Swab - Bayoh
Prod 136 - Right Face Swabs Wet and Dry - Bayoh
Prod 137 - Left Face Swabs Wet and Dry - Bayoh

within a freezer for potential future examination.

7. Les Brown COPFS requested that **Prod 008 - AM008 - Personal Radio PC 040523 Craig Walker (Bloodstained)** is submitted to SPA Biology department for examination to establish if the blood on the radio can be identified as *contact* or *spray* in nature. DNA profile will also be required.
8. Discussion took place regarding the potential for Road Policing Laser equipped 360 capture of the scene and scene reconstruction. This was placed on hold at present.
9. It was agreed that SPA Business and Performance Relationship Manager James Orr would coordinate all productions submitted to SPA with regards to determining the sequence of the various examinations to be carried out. SPA will also facilitate the transfer of productions to any laboratories outwith Gartcosh as required.
10. SI McSparran gave an overview of PIRC intentions in respect of examination of mobile telephones seized. These items will be examined separately.

6. Conclusion

SI McSparran concluded by summarising the agreed forensic examination priorities and thanked everyone for attending the meeting.

DECISION

Phone seizure and examination.

All mobile telephones that may hold evidence relevant to the enquiry to be seized and forensically examined for the period 2/3 May 2015.

If a member of the public has their phone seized PIRC will provide the same model at PIRC expense.

REASON

- > Recover evidence relevant to the investigation.
- > Time parameters set so as to limit collateral intrusion.
- > Minimise impact on witnesses.

John McSparran's signature

John McSparran's signature

Date and Time: 13/5/15.

DECISION

Require 9 officers personal details from PS

In light of refusal by officers to give statements at this stage, their personal details to be obtained.

Officer PSD Records to be obtained.

Email sent by SI McSparran to [redacted] on 13/5/15.

REASON

Treat officers the same as any other witnesses. They will have statements taken from them, at an appropriate stage, should their status remain as that of witnesses.

PSD Records will be examined to determine existing or outstanding complaints or investigations against the officers.

Off [redacted] John McSparran's signature

Off [redacted] John McSparran's signature

Sig [redacted]

Date and Time: 13/5/15.

DECISION

Seize officer notebooks.

The police notebooks of the 9 officers involved in the arrest will be seized and examined for any matter recorded by them in relation to the incident.

REASON

Obtain as much information as possible to progress enquiry in absence of statements by officers regarding their actions.

Officer

John McSporrans signature

John McSporrans signature

Date and Time: 13/5/15.

DECISION

Progress interviews of relatives of deceased to obtain background & medical information which may assist to establish a cause of death. This will be undertaken by PIRC FLOs via family solicitor Mr Anwar.

REASON

Obtain relevant background and medical information to assist to establish a cause of death.

Of  John McSporran's signature

Off  John McSporran's signature

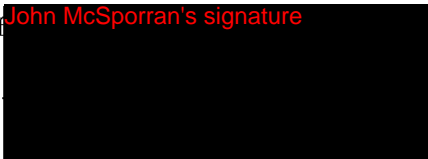
Sig
Date and Time: 13/8/15

DECISION

Obtain precise details of all PS communication with family of deceased.

REASON

Family say PS provided various different accounts to them regarding the death. Establish who provided info to family, what that info was, who authorised it and where it is recorded. May assist enquiry to establish what occurred at point of arrest.

Of  John McSporrans signature

Offi  John McSporrans signature
Sigr

Date and Time: 18/5/15.

DECISION

Narrative.

It is clear that COTFS are providing information to Mr Anwar, the family solicitor, regarding the investigation, post mortem & other findings. PIRC are unsighted on some of these matters and this can undermine & compromise our dealings with the deceased family.

Director of Investigation has discussed this matter with Les Brown, COTFS, and requested that he ensure PIRC are apprised of all such communications

REASON

to ensure our investigation and relationships with family does not suffer detrimental impact.

Off

John McSporrans signature

John McSporrans signature

[Redacted signature area]

Date and Time:

17/5/15.

DECISION

Narrative

Informed by Les Brown, COTPS & Mr Anwar that the family are not requesting a second PM examination by pathologist engaged by family.

REASON

Off  John McSporrans signature

 John McSporrans signature

Date and Time: 8/5/15

609888

MANAGEMENT POLICY FILE

DECISION NO: 36

DECISION

Wrote to Swra Leone High Commission
requesting assistance to establish if there
are any medical records held in country
regarding deceased.

Letter attached. Sent 27/5/15.

REASON

Assist pathologist with medical background
to deceased.

Of  John McSporrans signature

Office  John McSporrans signature
Sign 
Date and Time: 25/5/15.

Sierra Leone High Commission
41 Eagle Street
Holborn
London
WX1R 4TL

27 May 2015

Dear Sir

Death of Sierra Leone citizen

**Sheku Ahmed Tejan Bayoh, born 30 September 1983 in [REDACTED]
Passport number [REDACTED]**

On 8 May 2015, the Head of Investigations for PIRC notified you of the death of one of your citizens, Mr Sheku Ahmed Tejan Bayoh on 3 May 2015 in Kirkcaldy, Scotland, following his arrest by police.

PIRC has been instructed by the Scottish Crown Office and Procurator Fiscal Service, who are responsible for the investigation of all sudden deaths in Scotland, to conduct an independent investigation into the circumstances of the death.

Following an initial post mortem examination of Mr Bayoh, the cause of death cannot be ascertained and further medical tests are being undertaken to establish a cause. As part of these investigations the medical history of Mr Bayoh will be examined to determine whether he had any underlying health problems which may or could have contributed to his death.

In order to progress this aspect of the investigation I would be grateful for the assistance of the Sierra Leone High Commission to establish if there are any medical records held in Sierra Leone regarding Mr Bayoh.

From information provided to PIRC by Mr Bayoh's family, Mr Bayoh resided in [REDACTED] and left Sierra Leone aged 12 in 1995, during the civil war, to reside with relatives in London. He returned to Sierra Leone on several occasions between 1995 and 1997, before returning to the United Kingdom where he has resided ever since.

I enclose a copy of our letter of 8 May 2015 and I would appreciate any assistance or direction the High Commission could provide in respect of this matter. Should you require any further information that may assist you in this request then please do not hesitate to contact me.

Yours sincerely

William Little
Deputy Senior Investigator

DECISION

Narrative

Text message received by FLO Alistair Lewis on 27/5/15 from Ade Johnston, brother-in-law of deceased.

See attached

PIRC will not respond via text or email but will provide relevant updates via FLO's to Mr Anwar & family.

We will not be placing investigative matters in the public domain in case it compromises

REASON

the investigation. PIRC understands family's frustration regarding progress in light of 9 officers refusal to provide statements and will seek meeting with Mr Anwar & family & DSI/SI to provide our position.

Offic

John McSporrans signature



Of

John McSporrans signature



Sig

Date and Time:

27/5/15

McSporran J (John)

From: Lewis A (Alistair)
Sent: 27 May 2015 14:40
To: Little W (William); McSporran J (John)
Cc: MacIntyre I (Ian); White L (Laura)
Subject: Text Message from Ade Johnson

Text message received from Ade Johnson – 0701hrs 27/05/2015 (Typed as per text message)

' Hi Alister. Please speak to Aamer in regards to speaking to Sheku's mum.

Please can you give us an update on how many police officers PIRC has interviewed as of today 27th May 2015?

Can you also clarify if any of the officers has been suspended as of today 27th May 2015?

Can you give us feedback on the number of police officers that were in contact with Sheku on the 3rd May 2015 before he died not after?

Can you also clarify were police Scotland first got contact with Sheku. Was it at his house or at Hayfield Road, Kirkcaldy?

Can you clarify if Sheku's gold phone is with police Scotland and if so how did they get it?

Can you clarify if police scotland officers involved are cooperating with PIRC fully as of 27th May 2015?

Has PIRC spoken to any staff at A+E Victoria Hospital and the ambulance service?

Has PIRC obtained the videos from A+E, ambulance service and Kirkcaldy police station?

The family will like the investigation to focus on what happen on the 3rd May 2015 between the hours 7.00am and 8.00am. When Sheku came into contact with police Scotland officers from Kirkcaldy police station.

The investigation should not be about Sheku's character or family or lifestyle. Please reply to this text via text reply or email shekubayohrip@gmail.com

We believe PIRC should have the answers to these questions and it should not take more than 2 hours for you to reply.

Thanks Alistair for your cooperation.

PIRC RESPONSE 0928hrs 27/05/2015

Hi Ade. It would not be appropriate to respond by txt or generic email. We understand about Sheku's mum. We will leave it just now. I will speak soon. Alistair.

Alistair Lewis | Investigator
Police Investigations & Review Commissioner

Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA

t: [REDACTED] m: [REDACTED] e: [REDACTED]

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save paper – do you really need to print this email?

DECISION

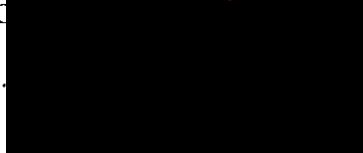
All PS Airwave radio communications regarding the incident to be recovered, examined and transcribed.

All recordings of 999 & 101 calls to be similarly recovered, examined & transcribed

REASON

Provide evidence of events a sequence in which they occurred

John McSporrans signature

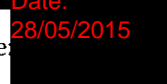


John McSporrans signature



Date:
28/05/2015

Date and Time



DECISION

Obtain training records of all officers involved in incident & examine for current qualifications, in use of force, CS & PAVA & officer safety techniques. Examine for first aid training.

Obtain PS policy on use of force, Restraint, CS & PAVA.

REASON

Determine training of officers in use of force & first aid. Compare events against training and policy to ensure alignment. If necessary obtain expert opinion on the amount of force, use of CS & PAVA and restraint used to determine whether it was proportionate & necessary.

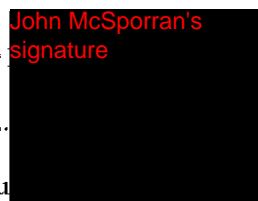
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John McSporrans signature



Officer

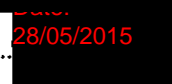
John McSporrans signature



Signature

Date and Time:

28/05/2015



DECISION

Instruction from COPFS to factor into investigation concerns raised by family & their solicitor. See attached letter.

These will form part of the investigation & action raised accordingly.

REASON

COPFS instruction.

John McSparran's signature

John McSparran's signature

Date and Time: 29/5/15.

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Ms Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Enquiries: 0844 561 3000
(from landlines) and
01389 739557 (from mobiles)
Legal Post -
[REDACTED]

Your ref:
Our ref: LAB/CI
Date: 18 May 2015

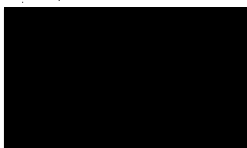
Dear Ms Frame

CRIMINAL ALLEGATION AGAINST POLICE DEATH OF SHEKU BAYOH

As you and your team of Investigators are no doubt aware, the Lord Advocate met with the family of Sheku Bayoh on 14 May 2015. During the meeting, the family, and their legal representative highlighted concerns that the family had in relation to the circumstances of the death and the actions of Police Scotland Officers, particularly in relation to the immediate aftermath of the death. I have received a letter from Solicitors highlighting a number of issues, and requesting information. I have summarised these in the attached document and I would be grateful if you would factor these in to the ongoing investigation and revert to me with the information requested, particularly in relation to the provision of documentation.

Please do not hesitate to contact me if you require clarification on any point raised.

Yours sincerely



L A BROWN
Head of Criminal Allegations Against Police Division

Enc

A request that Solicitors for the family be provided with Crime Scene Management Protocols in the event of deaths in custody and also Protocols relating to the use of restraints, CS spray, batons and positional asphyxiation for the Police Service of Scotland.

A request that Solicitors for the family be provided with the information given to those conducting the post mortem examination and in particular the briefing paper prepared by SIO Pat Campbell. Solicitors for the family have requested that the PIRC investigation should cover the contents of the information contained within the briefing paper prepared by the SIO and in particular why he did not advise PIRC of the following:

- CS Spray having been used by Officers at the incident
- The use of batons by multiple Officers
- In addition the Pathologists are not told that a minimum of 9 Officers are involved in the struggle with Mr Bayoh
- No information is provided to the Consultants to advise of the fact that the knife was not used on anybody and that nobody was stabbed
- The Report claims that a large knife was being carried it appears to be based on a Report rather than fact
- The contents of the background circumstances regarding whether the hand cuffs or leg restraints were removed
- What further information was provided to Pathologists

The Solicitors have also expressed concern in relation to whether initial statements by Officers involved in the incident and notebooks of those Officers have not been seized by PIRC.

They have also made a request that all CCTV footage from Kirkcaldy Police Office both inside and outside is seized as this may show if there is any conferring between Officers following the death and may also show which Officers left in the cars to respond to the incident.

Solicitors for the family have also requested progress reports on the following enquiries which I understand are already underway in which they are seeking to pass on to the Pathologist instructed by the family:

- Solicitors have requested a detailed narrative of events immediately preceding the death to be provided including what they have termed the briefing paper provided to PIRC
- Enquiries into the past medical history of the deceased to be fully looked into particularly any known familial or personal blood conditions associated with blood haemoglobin abnormalities - haemoglobinopathies such as sickle cell disease and thalassaemia and any past respiratory problems such as asthma. Solicitors have also requested copies of his medical notes which I understand you are in possession of
- The testing of tablets recovered from the deceased or his home address
- Reference to the act of resuscitation on the deceased and an enquiry as to how good this resuscitation was on site and whether it was carried out expeditiously and by qualified persons.
- Whether anything was removed from inside the mouth of the deceased when he was being resuscitated and observing that there was evidence of recent damage to his mouth, lips and gums and enquiring as to how this occurred.
- Evidence of a terminal physical struggle shown by abrasions of his face and the collection of several lacerations to his lips and inside his gums and mouth – querying whether this could have been caused by airway insertion against clenched teeth and requesting confirmation of this

609893

MANAGEMENT POLICY FILE

DECISION NO: 41

DECISION

Crown instruction (attached)
Examine compliance with Police Scotland
Standard Operating Procedures by officer
involved in incident.

REASON

COFFS instruction

Office  John McSporrans signature

Office  John McSporrans signature

Signature:
Date and Time: 2/6/15

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Enquiries: 0844 561 3000
(from landlines) and
01389 739557 (from mobiles)
Legal Post -
[REDACTED]

Your ref:
Our ref: LAB/JMCK
Date: 1 June 2015

Dear Madam

DEATH OF SHEKU BAYOH

At the recent meeting with the Lord Advocate, the solicitor acting for the family of Mr Bayoh requested sight of relevant standard operating procedures for the Police Service of Scotland in relation to incidents of this type. I am aware that a significant amount of material in this regard was delivered to the Crown recently by PIRC investigators.

I have advised the solicitor that I consider that requests for disclosure of this material in its entirety is premature, standing that the PIRC investigation is continuing and your report on the circumstances has still to be submitted. John Mitchell is aware of the situation, but I would be grateful if you would confirm that the PIRC investigation will examine compliance with standard operating procedures in relation to the death of Mr Bayoh and specifically address this in the report to the Crown.

I am grateful to you for your assistance in this matter.

Yours faithfully

[REDACTED]

L A BROWN
Head of Criminal Allegations Against Police Division

DECISION

9 Police officers involved in incident have agreed to give statements & be interviewed by PIRC as witnesses to the events.

The interviews will take place at the SPC for those officers able to attend and at:

- ① PS Convalescent Home Archers Road for PC Short
- ② Homes of those officers who could not attend.

PIRC Investigators will fully research all aspects of investigation to date to ensure they are effectively equipped to conduct interviews.

REASON

Obtain statements of the officers involved in the incident to determine their actions and those of the deceased to inform investigation.

Off 



Date and Time: 2/6/15


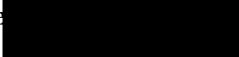
DECISION

Enhance CCTV and other video/photographic evidence seized during investigation by engaging services of specialist forensic company - Infotech engaged.

REASON

Attempt to clear up / clarify video / CCTV to allow determination of the actions of police, the deceased and other witnesses to assist the investigation determine accurately what occurred.

Office  John McSparran's signature

Office  John McSparran's signature
Signature Date: 03/06/2015
Date and Time 

DECISION

SPA Forensics to undertake DNA profiling of items seized to show interaction between deceased & officers.

REASON

Provide proof of contact between officers and deceased.

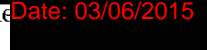
John McSporran's signature



John McSporran's signature



Date and Time Date: 03/06/2015



DECISION

Correspondence.

Maintain a record (electronic) of all correspondence in the investigation, broken down into COPPS, Mr Anwar, Police Scotland, Pol Fed, etc. Create categories as required.

REASON

Voluminous correspondence from interested parties inc. COPPS instruction, necessitates maintaining record of all such matters. Create file in Op Avoich folder & keep all correspondence

Officer

John McSporrans signature

Officer Making Decision:

John McSporrans signature

Signature

Date and Time:

DECISION

Obtain position of Police Scotland regarding their memos about 'Subject' officers providing statements which has been cited as the reason for officers not giving statements in this investigation.

REASON

Obtain evidence or indication as to reason officers refused to give statements.

Office

John McSporran's signature

John McSporran's signature

Date: 07/06/2012

Date and Time

DECISION

12/6/15. - Letter (attached) from COPFS instructing that PIRC investigate:

- ① Allegations by the family of the deceased that they were provided with misleading or erroneous information concerning the death (by PS) and a concern as to why they were provided with that info.
- ② Concerns that the initial PS investigations and attempts to secure evidence were not thorough meaning that crucial evidence was lost to the inquiry
- ③ There was inappropriate confering between police officers.

REASON

COPFS instruction.

Officer

John McSporran's signature

Officer M

John McSporran's signature

Signature

Date and Time:

12/6/15.

Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA



Mr Stephen McGowan, Procurator Fiscal
Major Crime & Fatalities Investigation

Kate Frame
Police Investigations & Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
Hamilton
ML3 0QA

Tel: [REDACTED]
RNID Typetalk prefix: [REDACTED]

Fax: [REDACTED]
Legal Post: [REDACTED]

Your ref: [REDACTED]
Our ref: [REDACTED]

BY EMAIL

12 June 2015

Dear Commissioner

DEATH OF SHEKU AHMED TEJAN BAYOH (Date of Birth: 30.9.83) Kirkcaldy 3 May 2015

I refer to my letter of 5 May 2015 requesting that you carry out an investigation in relation to the circumstances surrounding the death of Sheku Ahmed Tejan Bayoh in terms of Section 33A of the Police Public Order and Criminal Justice (Scotland) Act 2006.

In that letter I directed attention to two specific areas which required investigation. Since then, I have been made aware of a number of concerns expressed by the deceased's family in relation to events that occurred after the initial involvement of police officers.

I am aware that Director of Investigations John Mitchell has been in discussions with Les Brown COPFS Lead in relation to these matters.

The concerns expressed by the family of the deceased as I understand it relate to the following broad areas

- Allegations by the family that they were provided with misleading and erroneous information concerning the death of Mr Bayoh to family members and a concern as to why they were provided with that information.
- Concerns that the initial police investigations and attempts to secure evidence were not thorough meaning that crucial evidence was lost to the inquiry
- There was inappropriate conferring between police officers

If there were evidence to confirm these concerns that may indicate the commission of the criminal offence by a police officer where the conduct amounts to a criminal neglect of duty or possibly an attempt to pervert the course of justice. As a result I am content that these should be investigated.

I have been made aware of correspondence received by the Director of Investigations from PWB Law Solicitors dated 10 June 2015 relating to a statement from a representative of the Scottish Police Federation which had been sought by PIRC. I consider the question of whether such a statement is sought is an operational matter for the PIRC in relation to its conduct of the investigation and I am content for you to progress this as you see fit.

It would be helpful if you could give an indication as to likely timescales for the submission of your final report.

I will forward a copy of this letter of DCCs Neil Richardson and Ian Livingstone of Police Scotland for their respective interest.

I am happy to discuss any of the foregoing and would be grateful if you could confirm receipt of this letter.

Yours sincerely



Stephen McGowan
Procurator Fiscal
Major Crime & Fatalities Investigation

DECISION

Per the instruction from COPFS (see last entry).
 Actions will be raised to investigate
 these matters:

① Obtain all info supplied by PS to family and
 statements from officers involved in providing
 that info in order to determine whether the
 family concerns are supported by the evidence
 and report to COPFS.

② Examine all aspects of the PS investigation
 into the incidents and evidence gathering
 and report to COPFS providing an evidence
 and factual basis for opinion on the
 thoroughness of the PS investigation.

③ Inquire into any confering between the
 principal officers, including all advice given to
 them by SP, P, management or other parties
 to allow a determination on inappropriate
 confering and report to COPFS accordingly.

Reason - Undertake enquiry as directed by COPFS
 and report.

Officer M

John McSparran's signature

John McSparran's signature

Date and Time:

12/6/15

DECISION

Obtain any intelligence from PS regarding threat to officers from terrorist attack (UK Threat level) and any specific intelligence in the fire area that officers would be attacked.

REASON

In their statements, the principal officers make reference to threat of terrorist attack, citing the Lee Rigby incident, some also make reference to information circulating in Kirkcaldy Police office that a female police officer would be attacked. Ascertain the specifics of the information provided to officers to allow examination of their approach to the deceased being potentially affected by such information.

Officer M

John McSporran's signature

Officer Mak

John McSporran's signature

Signature:...

Date and Time:..

MANAGEMENT POLICY FILE

DECISION NO: 51

DECISION

Undertake research on alpha-PVP.

REASON

alpha-PVP is relatively unheard of in Scotland and its use/abuse is unknown as is its effects. Undertake research to inform the investigation.

Officer 

Officer M 
Signature

Date and Time: 19/6/18

DECISION

Obtain and examine airwave Automatic Resource Location (ARL) data and compare against officer account of events.

REASON

Provide independent corroboration of officer and vehicle movements prior to, at the time of and following the incident.

Officer

John McSporran's signature

Officer M

John McSporran's signature

Signature

Date and Time:

19/0/15

DECISION

Arrange & interview senior police officers who managed & directed the early stages of the PS investigation, inc.

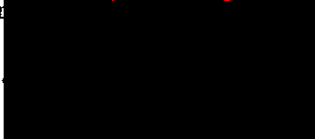
- Ch Supt Garry McEwan, Div Comm, Liff
- Ch Insp Nicola Shephard, LAC, Keshcaldy
- Det Supt Patrick Campbell, S10
- Obtain S10 Policy Files

REASON

Obtain comprehensive understanding of the PS management of the incident & incident response including dealings with the family of the deceased.

Officer

John McSporryan's signature



Officer Mak

John McSporryan's signature



Signature:.....

Date and Time:..... 19/6/15.....

MANAGEMENT POLICY FILE

DECISION NO: 54.

DECISION

Meeting with Mr. Anwar, solicitor for family of deceased.
See attached note of meeting.

REASON

Update Mr Anwar on progress of PIRC investigation. This is sole point of contact with family of deceased.

Office **John McSporrans signature**

Officer Mak **John McSporrans signature**

Signature:.....

Date and Time:..... 23/6/15

background in respect of illegal drug consumption.

- There was general discussion on the progress of the investigation, including that PIRC had still to interview a number of senior officers. Mr Anwar was asked whether the family wished another meetings with PIRC and he said he would get back to me or the FLO's if this was the case.

John McSparran, SI

DECISION

PIRC to identify Medical Experts who can provide opinion on cause of death including effects of drugs, restraint, medical & drug misuse history of deceased, and present their CV's to COLPS so that they can select experts whose opinion can be sought.

REASON

Attempt to establish exact cause of death.

Officer  John McSparran's signature

Officer  John McSparran's signature

Signature

Date and Time: 23/6/15

MANAGEMENT POLICY FILE

DECISION NO: 56

DECISION

Correspondence (Email) from Mr Anwar seeking answers to various points raised and highlighting issues for investigation or examination.
Forwarded to COPPS for advice & instruction on 29/6/15.

REASON

Development of investigation.

Officer

John McSparran's signature

Officer

John McSparran's signature

Signature

Date and Time:

24/6/15

McSporran J (John)

From: McSporran J (John)
Sent: 25 June 2015 11:26
To: MacIntyre I (Ian); White L (Laura)
Subject: FW: Sheku Bayoh - Death in Police Custody

Importance: High

For info and recording.

John McSporran | Senior Investigator

Police Investigations & Review Commissioner (PIRC)
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
email: [redacted] www.pirc.scotland.gov.uk
Tel: [redacted] Mob: [redacted]
Independent and effective investigations and reviews

From: Office [mailto:office@aameranwar.com]
Sent: 24 June 2015 16:30
To: McSporran J (John)
Subject: Sheku Bayoh - Death in Police Custody
Importance: High

Dear John

PIRC-DEATH OF SHEKU BAYOH

I met with the family yesterday and advised them of our meeting yesterday.

The family have requested the following details:-

- i) What distance was the 'knife' found from where Sheku Bayoh lost consciousness.
- ii) Kirkcaldy Police conducted door to door inquiries and spoke to potential witnesses. Have the background of witnesses been checked, the family's concern being of any undue pressure being brought to bear on witnesses who give statements.
- iii) On the last occasion the family asked about the witness who saw what happened from his window and whether he was upstairs or downstairs.
- iv) Are PIRC able to shed light on why Chief Superintendent Gary MacEwan advised the family that Sheku had a knife in his hand and tried to attack the police woman with it, hence why spray was used on him? Clearly this contradicts the police officers who advise you that there was no knife in Mr Bayoh's hand when they arrive.
- v) At what point did the Police know it was Sheku Bayoh who was in their custody?
- vi) Why were PIRC requiring the password from those managing the CCTV for the Gallacher Pub, as this is required for editing?
- vii) When can the family see all the CCTV?
- viii) [redacted]

[REDACTED]

- ix) In terms of the aftermath of the incident I note in correspondence from Lindsey Miller on behalf of the Lord Advocate that *'PIRC will as part of their investigations examine and report on the procedures that were followed after Mr Bayoh was taken to hospital. PIRC have been asked to include their findings in the report to the Crown.'* Accordingly can you advise if you will examine and report on procedures that were followed by Kirkcaldy Police in relation to the various allegations made by Zahid Saeed of his treatment by CID including assault and abuse at the police station. Of course we would assume that this material should be visible on the station CCTV that you advised had been retrieved.
- x) Can you advise if you will examine and report on procedures that were followed by Kirkcaldy Police on the various allegations of threats and abusive treatment made by the friends of Sheku Bayoh. We are concerned that they have advised that PIRC did not appear interested in considering these matters.
- xi) The family are none the wiser as to what was said and what attempts were made to de-escalate the situation or what happened to provoke a response from the police other than an officer being punched.
- xii) Could you confirm the expertise of Professor Flanagan in relation to positional asphyxiation and restraint techniques and provide details of papers he has published.

We appreciate that he has expertise in toxicology but we had already raised concerns with yourselves and the Lord Advocate if it appears to the family that you are only interested in pursuing one line of inquiry. Despite what you say we are unable to find any papers he has published in relation to his expertise in restraint and positional asphyxiation.

As stated on previous occasions in deaths in custody, there will always be the additional difficulty of separating any potential contribution of restraint measures from the underlying pathology. For example, was death due to the police restraint methods, or to positional asphyxia, or from excited delirium syndrome/ABD or from the interplay of all these factors? The causes of these deaths can be seen to be multifactorial; focussing on biophysiological causation alone ignores the narrative of each individual death and the complex factors leading up to the death- hence our concerns.

I look forward to hearing from you

Kind Regards

Aamer

Aamer Anwar & Co
Solicitors
63 Carlton Place
Glasgow
G5 9TW

T 0141 429 7090

F 0141 429 7025

E www.glasgow-lawyer.com

For all general enquiries and appointments please contact office@aameranwar.com



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DECISION

Instruction from COPFS re investigation
(see attached email)

Item 3 is an instruction to investigate Zohed
Saeed's allegation (made by Mr Anwar) of
criminal conduct by police officers when
dealing with Lem.

- Raise actions & investigate - Interview
officers. Interview Saeed - He has never
previously made these allegations and obtain
his statement as to what he says happened.

REASON

COPFS Instruction.

Officer

John McSporrans
signature

Officer

John McSporrans signature

Signature

Date and Time:

3/7/15

McSporran J (John)

From: McSporran J (John)
Sent: 03 July 2015 08:24
To: MacIntyre I (Ian); White L (Laura); Scullion I (Irene)
Subject: FW: Sheku Bayoh

Iain / Laura

Given item 3 below, please record email as a Crown instruction to investigate, raise action and allocate to Brian Dodd / Ross Stewart.

John

John McSporran | Senior Investigator
Police Investigations & Review Commissioner (PIRC)
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
email: [REDACTED], www.pirc.scotland.gov.uk
Tel: [REDACTED], Mob: [REDACTED]
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-----Original Message-----

From: Brown, Les (Head of CAAP-D) Les Brown's email address
Sent: 02 July 2015 16:11
To: McSporran J (John)
Subject: Sheku Bayoh

Dear John

Thank you for forwarding the email dated 24 June 2015 from Aamer Anwar.

Standing that the majority of points raised by Mr Anwar were raised at a meeting between the family of Mr Bayoh and PIRC investigators, the Crown consider that the extent of information disclosed by PIRC at this stage is an operational one to be taken by the Commissioner. That decision will no doubt be informed by the processes that have been applied by PIRC in relation to previous investigations, and by the practices followed by the Police in updating the family prior to a report being submitted to the Procurator Fiscal.

As you are aware Mr Anwar has raised four issues directly with the Crown.

i) In relation to the request to view CCTV footage I am content that this is an operational decision for PIRC that can be responded to in accordance with your usual practice

ii) [REDACTED]

iii) In respect of the allegation concerning Mr Saeed as this appears to include an allegation of criminal conduct this should form part of the investigations by PIRC.

iv) I can confirm that the Crown will take responsibility for instruction of appropriate experts in relation to positional asphyxiation. We will however take account of any proposals that you make in this regard.

I will advise Mr Anwar that I have responded directly to you

Regards

Les

DECISION

Provision of material to Mr Anwar for onward provision to medical experts acting on behalf of family. PIRC correspondence with COPFS raising concerns about release of material identifying witnesses and containing personal data.

PIRC will not release material but provide material to COPFS.

REASON

Protection of personal data of witnesses

Office

John McSparran's signature



Office

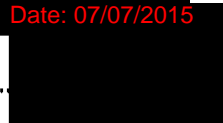
John McSparran's signature



Signature

Date: 07/07/2015

Date and Time:.....



DECISION


Provide Expert Witness packages.


Include - Relevant redacted Police & Civilian statements


- Pathology reports, inc neurology & toxicology
- CCTV & still images.
- GP medical notes
- Hospital Records
- Briefing paper outlining circumstances
- Letter of Instruction.

REASON

To obtain expert medical opinion on cause of death and for potential contributory causes.

Officer's signature 

Officer's name  Date: 07/07/2015

Signature: 

Date and Time:

DECISION

Narrative: Correspondence received from Pamela Paton, wife of PC Alan Paton, raising concerns about the length of time that the investigation is taking, that PC Paton and other officers have been slandered in the media and raising concerns that the identification of her husband & others has increased the risk to him, Mrs Paton and their children.

Decision: PS to be informed a concern from Mrs Paton passed to them for appropriate action.

REASON

Safety of PC Paton, other officers and their families.

Any info received by PIRC including concerns raised by officers or their families will be forwarded to Police Scotland for action thereon.

Officer

John McSparran's signature

Officer

John McSparran's signature

Signature

Date and Time: 23/7/15

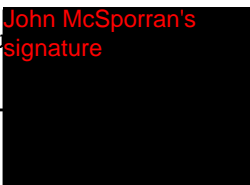
MANAGEMENT POLICY FILE

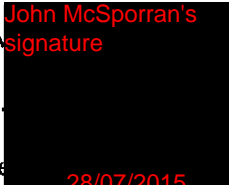
DECISION NO: 61


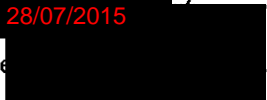
DECISION

Update from Mr Anwar seeking details on
progress of PIRC investigation.
See attached

REASON

Office  signature

Officer  signature

Signature 
Date and Time  28/07/2015

McSporran J (John)

From: Lewis A (Alistair)
Sent: 28 July 2015 13:45
To: MacIntyre I (Ian)
Subject: FW: Update- SHEKU BAYOH

FYI and Clue 2

AI

Alistair Lewis | Investigator
Police Investigations & Review Commissioner

Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
t: [REDACTED] m: [REDACTED] e: [REDACTED]

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From: Amer Anwar [REDACTED]
Sent: 28 July 2015 13:28
To: Lewis A (Alistair)
Cc: McSporran J (John); Office
Subject: RE: Update- SHEKU BAYOH

Dear Alastair

Thank you for your email.

You may appreciate by now the family are highly dissatisfied at the manner in which the PIRC investigation has progressed to date. I believe it may be best to arrange a further meeting with yourselves to address the concerns they have.

- i) There are serious concerns that we ourselves would wish to raise with you with regards to the apparent leading nature of questions and failure to robustly challenge officers on their accounts and contradictions. These concerns were raised by myself and Deborah Coles at a meeting last Friday with Lindsey Miller and Les Brown.
- ii) Had these matters been addressed then one would not have expected to the ajor contradictions and inconsistencies to be present in the expert's briefing pack. These summaries provided have been assessed by very senior counsel who believe PIRC's approach to be highly unsatisfactory.
- iii) It may be best for PIRC to provide an update and to audit all the various questions that were asked from PIRC over 12 weeks, because to date these have been responded to in a very piecemeal fashion.

- iv) Furthermore extremely disturbing information has come to light with regards to Alan Paton. I am in the process of preparing a full detailed letter to John in relation to this and other matters.
- v) On a number of occasions a meeting has been requested with Kate Frame but the family and ourselves have not had the courtesy of a response to this request following her return from leave. If it is the case that Ms Frame is unwilling to meet us and the Bayoh family then please advise.
- vi) One matter raised by the family is that why did John say in the first few weeks that he had not viewed or accessed CCTV, is it that CCTV footage has his name and the date of 7th May 2015 on it.
- vii) I am in the process of instructing our own expert to enhance the CCTV, but can you advise whether this is the complete CCTV before we provide the DVD to them, albeit I suspect they will wish to enhance the original footage. If you have received enhanced footage then our experts will need to enhance that as the version you provide of 7th May 2015 is useless for the exercise in its present version.
- viii) In the meantime could you explain why it is that the Date stamp is missing from the final version which is taken from the pub footage? Can you also advise why the footage of Sheku at the locus with the time stamp is curtailed before the police arrive?
- ix) Can you advise whether the footage obtained via mobile phone of Mr Bayoh once restrained on the ground is complete and whether there is more or other footage available.
- x) John stated in his email of the 7th July – *“Crown has indicated that they will instruct appropriate experts in this investigation. We are examining all potential impacting factors and I agree with your observation on the need to identify a range of experts in the field.”*- Can you please provide an update as to whom is identified.

I will however in a separate email also refer to various matters outlined above as well as others in full.

Kind Regards

Aamer

From: Alistair Lewis' email address [REDACTED]
Sent: 28 July 2015 11:28
To: Aamer Anwar
Subject: Update

Good morning Aamer

I am now back from annual leave. For your information John McSporrان is currently working on the report for the COPFS.

Regards

Alistair

Alistair Lewis | Investigator
Police Investigations & Review Commissioner

Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
t: [REDACTED] m: [REDACTED] e: *Alistair Lewis' email address* [REDACTED]

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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MANAGEMENT POLICY FILE

DECISION NO: 62

DECISION

Narrative: Instruction of Experts

Following presentation of CV's to COPPS, they have instructed PIRC to engage the services of Dr Jason Payne James and Dr Steven Korch to provide expert opinion in cause of death

REASON

Officer [Redacted Signature]

Officer Making Decision: [Redacted Signature]

Signature: [Redacted Signature]

Date and Time: 29/7/15

MANAGEMENT POLICY FILE

DECISION NO: 63

DECISION

Contact H&E and apprise them of case and whether they would wish to examine the circumstances at this time.

REASON

Potential for health & safety implications in the PS approach to arrest and restraint.

Officer [Redacted Signature]

Officer Making I [Redacted Signature]

Signature:

Date and Time: 29/7/15

DECISION

COPPS Instruction - Investigate all the circumstances set out in the attached letter from Mr Anwar to COPPS.

In this regard the inquiry will now progress the following main lines of enquiry and actions will be raised accordingly.

① Race - examine whether race/racism/judicialised racism within the file area of Police Scotland and in the approach of individual officers played any part in or impacted in how officers dealt with Sheku Bayoh.

REASON

② In pursuance of the last, examine the PSD records of officers involved in incident for racist or discriminatory behaviour & report accordingly.

③ Examine the PSD history of PC Alan Paton and historic incidents. [REDACTED]

④ Undertake an audit of Police Scotland IT systems operational in life - CHS, PNC, SID, Crimefile - to determine if the 9 officers or any officers unlawfully accessed the data of the persons named in the attached letter.

contd.

Office signature

[REDACTED]

John McSparran's signature

[REDACTED]

Date and Time: 25/8/15

MANAGEMENT POLICY FILE

DECISION NO: 64 contd.

DECISION

⑤ Correspond with Mr. Anwar setting out Scottish position, in law, regarding conspiracy/collusion, resignation, compulsion about providing statements, IPCC position contrasted with PIRC/Scottish system, etc.

REASON

Instruction from COPPS.

Officer

John McSporrans signature

John McSporrans signature

[Redacted signature area]

Date and Time: 25/8/15

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
CaIRD Park
HAMILTON
ML3 0QA

Enquiries: 0844 561 3000
(from landlines) and
01389 739557 (from mobiles)
Legal Post -

Your ref:
Our ref: LAB/CM
Date: 24/08/2015

Dear Ms Frame

In terms of Section 33A of the Police, Public Order and Criminal Justice (Scotland) Act 2006, I write to ask you to carry out an investigation in relation to the circumstances in relation to attached correspondence from Aamer Anwar.

I have written today to the Deputy Chief Constable Neil Richardson of Police Scotland to advise him that I have instructed you to take forward the investigation into this case and I have asked him to facilitate a handover of the investigation to you.

I am happy to discuss any of the foregoing and would be grateful if you could confirm receipt of this letter.

Yours sincerely


L A BROWN
Head of Criminal Allegations Against Police Division

Enc



AAMER ANWAR & CO
SOLICITORS & NOTARIES

Our ref: AA/AS

31st July 2015

Mr Stephen House QPM
Chief Constable
Police Headquarters Scotland
PO Box 21184
Aloa
FK10 9DB

Also by email to [REDACTED]

Dear Sirs

Re: Death of Sheku Bayoh in Police Custody

We refer to the above and act on behalf of the Sheku Bayoh family.

We appreciate that the matter has been referred to the PIRC for investigation however the Bayoh family have asked me to raise a number of concerns which they believe are relevant to Police Scotland as they contain allegations of criminality which would require urgent investigation by Police Scotland.

1)

[REDACTED]

[REDACTED]

2)

[REDACTED]

[REDACTED]

3)

[REDACTED]



4)

[REDACTED]

[REDACTED]

- 5) Can you confirm whether police officers can resign or retire without the consent of the Chief Constable, during an investigation into gross misconduct or after such an investigation has concluded that the officer has a case to answer for gross misconduct?

Many police officers resign or retire whilst subject to an investigation for gross misconduct or when required to attend a misconduct hearing, resulting in the investigation not being pursued or the hearing not concluding.

This can be damaging to trust and confidence in policing. It is important that officers who commit gross misconduct are brought to justice through the police disciplinary system.

Police forces often see the resignations of officers subject to disciplinary proceedings as a success due to the money saved, and the fact that the officer is out of the force. They are therefore unlikely to stop officers resigning without government intervention.

We understand that a statutory instrument was introduced in England and Wales to prevent officers from resigning or retiring without the authority of a chief officer or the authority.

Can you advise whether this would be a necessary step in Scotland to improve confidence in the police complaints and disciplinary systems and in policing integrity more broadly by ensuring that police misconduct is punished effectively; and to ensure that there is no perception amongst the public that police officers are able to escape justice through resignation or retirement.

- 6) It was also alleged by the family that PC Alan Paton and his colleagues regularly access the police data bases and other Crime file systems to check up on the personal data of individuals without the consent of the data controller namely the Chief Constable, without there being a 'policing purpose'.

To do so would be a clear breach of the Data Protection Act 1988 and officers would be subject to criminal proceedings.

Can you advise whether an audit has been carried out in terms of PC Paton along with the ten other officers from the incident or any other colleagues in accessing such systems and viewing personal data relating to any of the civilians connected to this case including the deceased?

The individual's names whose personal data may have been accessed is:-

Collette Glennor Bell [REDACTED] (1988),
Lorraine Bell,

Aminata Bayoh ([REDACTED] 1949),
Zahid Saeed,
Kadijatu Johnson ([REDACTED] 1977),
Kosana Bayoh ([REDACTED] 1975),
Adeyomi Johnson ([REDACTED] 1977),
Adama Jalloh ([REDACTED] 1980),
Mohammed Amer Anwar ([REDACTED] 1967)
Martyn Dick,
Kirsty Macleod,
Jamie Hume,
[REDACTED]

Albeit there may be many others whose details may have been accessed in relation to this investigation but whose details we are unaware of.

- 7) We would submit that such an audit should be carried out for Alan Paton, [REDACTED] and other officers for access to personal data as the Bayoh family are seriously concerned with regards to the serious allegations made to them.
- 8) The audit would of course be a simple process, as in order to access the police network and Crime file data base, the user has to enter their shoulder number (sometimes referred to as a user name or user number for IT purposes) and a password which should only be known by that individual.

When logging onto the network and logging onto the data base, a footprint of the user's access is logged which through audits shows specific times, dates, locations and usage.

- i. A persons list on the Crime file for instances would bring up a list of all the persons involved and their status in the immediate aftermath of the death of Sheku Bayoh enquiry.
 - ii. With regards to witnesses, suspects, complainers, accused persons; the persons list shows their surname, forname, sex and date of birth. The civilian witness page shows these details as well as home address, business address, ethnicity, nationality, occupation, telephone numbers, driver number, CHS2 and PNC numbers (if applicable) and their nominal history.
- 9) Can you advise if and when PIRC were present at Kirkealdy Police Office and whether their investigating officers shared accounts in the presence of Police Scotland senior management, the Police Federation and/or Pifa Police Officers.
- 10) In England the case of Saunders¹¹⁾ prohibits conferring between officers, albeit in that case following police shootings.

This is essential to protecting the integrity and honesty of officer accounts following all deaths in custody and to prevent corruption of the evidence gathering stage.

Can you advise as to what guidance or mechanisms exist on the ground in Scotland to ensure such protection?

We appreciate that the Police Scotland at this present time is under a great deal of pressure but we hope that the above matters can be resolved in some way to the satisfaction of the family.

We look forward

Yours Sincerely

Aamer Anwar
Aamer Anwar

³³ R (on the application of Sounders) v IPCC [2008] EWHC 2372 (Admin), 10 October 2008
<https://www.bailii.org/ew/cases/ewhc/admin/2008/2372.html>

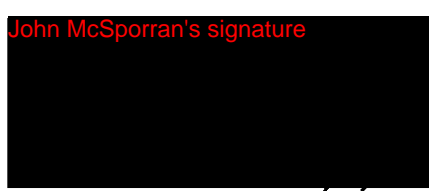
DECISION

Commissioner to meet with family of Sheku Bayoh and their solicitor Mr Anwar to provide update on PIRC investigation and answer any concerns family may have about conduct/progress of investigation.

REASON

Concern expressed by Mr Anwar about progress of investigation and points raised in letters to COPPS and PIRC.

Office:  John McSparran's signature

 John McSparran's signature

Date and Time: 28/8/15

DECISION

Instructions from COLFS - See attached letter.
Additional investigation & request for information.

- ① Detailed analysis of accounts given by all officers and civilian witnesses in relation to restraint from beginning to end.
- ② Obtain expert opinion on ① by a person who is qualified to comment on restraint techniques employed and whether they were in accord with training.
- ③ Obtain expert opinion on use of CS/PANA.
- ④ Obtain expert opinion on effects of drugs found in Mr. Bagoh's system and its use, prevalence and effects in a UK context.
- ⑤ Establish what info was provided to each officer prior to arrival at incident via Airwave.
- ⑥ Obtain SPA Pharmacist comment on tablets seized.

REASON

See attached

Office signature



Office signature



Date and Time:

3/9/15

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Enquiries:
01389 739557
Legal Post -

Your ref:
Our ref: [REDACTED]

Date: 2 September 2015

Dear Commissioner

DEATH OF SHEKU BAYOH

As you are aware, the Lord Advocate met with the family of Sheku Bayoh and their Solicitor at Crown Office on 26 August 2015. The meeting provided the Lord Advocate with an opportunity to update the family on the progress of the investigation and to respond to a number of issues that were highlighted by the family. The Lord Advocate confirmed that PIRC would be instructed to carry out investigations in respect of a number of matters in order that a properly informed decision be taken by the Crown as to the most appropriate way to proceed.

The following matters require further investigation in this regard

- A detailed analysis should be prepared covering the accounts given by all officers and civilian witnesses in relation to the restraint process from beginning to end. That analysis should compare and contrast firstly the evidence between the officers themselves highlighting and attempting to resolve any inconsistencies and that process should thereafter be repeated for the civilian witnesses. This should generate a full account of what actually happened from the arrival of the officers until the removal of Mr Bayoh to hospital.
- That account must thereafter be analysed and commented upon by an independent expert who is qualified to comment on restraint techniques that were employed. That person should be asked to provide an opinion as to

whether the techniques were in accordance with the training provided to the officers and whether those techniques were authorised and recognised and further more whether the use of them was reasonable and proportionate in the circumstances. In particular the expert should be asked to comment on the apparent decision not to remove the handcuffs and leg restraints from Mr Bayoh after he became unresponsive.

- An independent expert should be instructed to comment upon the circumstances of the deployment of CS and PAVA sprays including an examination of the guidelines and an opinion provided on their use and appropriateness of deployment. There should be a similar process followed so that an opinion is obtained from a suitable expert on the drawing and use of batons during the process of restraint. All of these witnesses should be provided with the evidence gathered from witnesses, including the civilian witnesses. It is particularly important that these experts are given the opportunity to comment upon all of the accounts given with the various witnesses. For example the witness Ashley Wise has indicated that she saw the deceased held on the ground by about 6 police officers for approximately 5 minutes with the officers crossing over him from both sides covering most of his body. She also states that it looked like one of the officers using a baton on the deceased's upper chest towards his throat to hold him down. She has described the deceased struggling with the officers and screaming and shouting for the officers to get off him. It is important that this account and all of the other accounts given by the witnesses are made available to these expert witnesses so that they are aware of all of the evidence that is available in relation to the restraint process.
- Independent evidence should be obtained to comment on the guidance for deployment of CS and PAVA sprays and in particular any guidance on the importance of monitoring the condition of a person upon whom such sprays have been deployed and an opinion on whether there is evidence of an appropriate level of monitoring of Mr Bayoh's condition after deployment of the sprays and restraint measures.
- A toxicology expert should be instructed who can comment upon the effects and prevalence of the drugs found in Mr Bayoh's body in particular Alpha PVP and its use, prevalence and effects with a UK context.
- It will be essential to establish precisely what information was conveyed and received to each individual officer in relation to the incident prior to their attendance. For the avoidance of doubt, this information is entirely separate from evidence that is now available in relation to Mr Bayoh's actions from various civilian witnesses and their respective accounts. The focus of this enquiry should be upon the precise nature of the information that was conveyed

- to the officers, primarily by way of police airwaves communications so that it can be established what each officers state of knowledge was on their attendance. In respect of the transcripts themselves that have been provided with the report, can you advise whether you can hear what is being said where the hashtags appear at various points.
- In respect of the various tablets seized, can you instruct a Pharmacist to comment on what these are and what these are commonly used for.
- I require sight of the terms of your instructions to the pathologists who have been approached to provide expert evidence on the cause and mechanism of death. I note that at page 54 of your report that there is confirmation that Mr Bayoh was handcuffed to the front and had leg restraints applied on his arrival at hospital. I require confirmation that all of the pathologists instructed have been advised of this fact and have been asked to comment upon the significance of this evidence and in particular whether such restraint could have contributed to any positional asphyxiation given the fact that these restraints continued to be applied after he became unresponsive and following resuscitation attempts. In respect of the pathologist, I require confirmation that each has been asked to comment upon the fracture to Mr Bayoh's rib that was detected and asked to comment upon the most likely mechanism as to how this injury was sustained.
- I would be grateful for an update on the forensic work instructed regarding comparison of the knife recovered with marks that were subsequently examined on one of the vehicles.
- I have corresponded previously in relation to potential involvement of the Health and Safety Executive in the investigation of this incident. I understand that John McSparran was going to facilitate a meeting with Health and Safety Executive officials in order to discuss the evidence that is available to date, in particular in relation to the restrain techniques employed. Whilst the Crown has no power to instruct the Health and Safety Executive to undertake an investigation, I wish the executive to be put in possession of all of the information that may be relevant to their decision as to whether or not to become involved. Some of the work instructed above will be relevant to this consideration, in particular the opinions to be obtained on the restraint techniques and deployment of sprays. In addition, the executive will no doubt wish to consider the opinions of the pathologists in respect of the continued application of handcuffs and leg restraints following upon the deceased becoming unresponsive. It may be of assistance for the Crown to be in attendance with HSE, possibly with input from Health and Safety Division.
- Previous correspondence instructed PIRC to examine whether there is any evidence of an unauthorised access to and interrogation of the information systems of the Police Service of Scotland, and if so, whether this could constitute

a breach of data protection legislation. This investigation should be carried out as expeditiously as possible. In particular, the family believe that Constable Alan Paton had a history of accessing police systems inappropriately on a regular basis.

- I require confirmation from the Commissioner that issues of race and whether there is any evidence of racial motivation is a primary focus in the PIRC investigation. The investigation should examine whether there is any evidence that any of the officers involved has expressed any racist views or opinions in the past. In particular, Kadi Johnstone indicated that officers from within the Fife area had been investigated for texting racial slogans and that one of the officers was referred to him. The family have enquired as to whether any of those officers apparently involved in that enquiry were in the group of officers engaged with Mr Bayoh. Kadi Johnstone indicated that Gary McEwan had knowledge of the incident.

Associated with this aspect of the enquiry, I have already been in correspondence with you regarding the investigations that have been instructed in relation to allegations of previous [REDACTED] conduct by Constable Alan Paton. The family of Mr Bayoh believe that he has been involved in a number of [REDACTED] incidents including [REDACTED] that he has a history of racism.

- The family once again raised the question of whether there was evidence of officers inappropriately conferring prior to the provision of statements to PIRC. Please advise whether social media sites that may be linked to any officers involved have been considered for examination in this regard.

I understand that Constable Paton continues to refuse to provide his weight to investigators. I understand that investigators were approaching Police Scotland to request their assistance in obtaining this information. Please advise of the progress in relation to this.

You will be aware that the family of the deceased have expressed reservations regarding the expert pathologist who have been approached to provide an opinion. It may be that others will require to be approached in this regard and this issue will require ongoing discussion.

I appreciate that a considerable amount of work still requires to be undertaken in relation to this matter. However, you will no doubt agree that the investigation requires to be as thorough as possible and that concerns expressed by the family of the deceased have to be addressed. The Lord Advocate has indicated that it is his intention to meet with the family again towards the end of October and accordingly an update on the progress of these enquiries will be required prior to that meeting.

I am grateful to you for your assistance.

Yours sincerely

L A BROWN
Head of Criminal Allegations Against the Police Division

MANAGEMENT POLICY FILE

DECISION NO: 67

DECISION

Informative: HSE content for PIRC to continue & complete investigation including obtaining expert medical opinion, before they would examine matter to determine a need for HSE engagement.

REASON

Officer  John McSporran's signature

Officer  John McSporran's signature

Date and Time: 3/9/15

MANAGEMENT POLICY FILE

DECISION NO: 68

DECISION

Correspond with Mr Anwar providing information on progress of investigation and covering points raised in his meeting with PIRC on 3 September 2015.

See attached letter.

REASON

Provide update to family and Mr Anwar answering issues raised by them with PIRC.

Office  John McSporran's signature

Officer  John McSporran's signature

Signature

Date and Time: 10/9/15.

Kate Frame
Police Investigations & Review Commissioner
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA
Freephone: 0808 178 5577 f: 01698 542901 e: enquiries@pirc.gsi.gov.uk

www.pirc.scotland.gov.uk



Police Investigations &
Review Commissioner

Mr Aamer Anwar
Aamer Anwar & Co
Solicitors & Notaries
Carlton Buildings
Ground Floor
63 Carlton Place
Glasgow
G5 9TW

10 September

Dear Mr Anwar

Death of Sheku Bayoh

I would like to take this opportunity to thank you and Sheku Bayoh's family for attending the meeting at Hamilton on 3 September 2015. I feel that the meeting, which allowed the family to articulate their concerns, was constructive. I hope that by explaining my role as the Police Investigations & Review Commissioner and in outlining the experience I have gained over many years of working in the Criminal Justice system, the family can take confidence in the fact that I am completely committed to delivering an investigation that is thorough, independent, impartial and focussed on delivering the truth behind the circumstances that led to Sheku Bayoh's death.

I recognise the tragic circumstances in which Sheku Bayoh died and appreciate the family's loss has been compounded by the inconclusive post mortem findings. I am only too aware of the devastation your clients must feel as a result of his death and I wish to reassure them of my personal and my team's commitment as stated above.

I was pleased to provide the family with an update at our meeting, both on the work that has been undertaken and is currently being progressed, as well as having the opportunity to listen to their concerns.

I have carefully considered the points raised during the meeting and I will address the matters that I identified as being of the greatest concern to the family.

Firstly, I note that they suggested that the powers available to PIRC had either not been utilised or were lacking.

In particular, the family appear to be concerned that the police officers who engaged with Sheku Bayoh in Hayfield Road, were not detained immediately and interviewed.

As you will be aware, dependent on the circumstances of any case, a police officer may have the legal status of a witness or a suspect. If they are considered to be a witness, they may have the same rights as any civilian and therefore cannot be compelled to provide a statement. If on the other hand, they are considered to be a suspect, they may be detained for the purposes of giving a statement but cannot be compelled to speak or incriminate themselves.

For someone to be considered a suspect, you will appreciate that in terms of Section 14 of the Criminal Procedure (Scotland) Act 1995, there has to be a reasonable suspicion that they have committed a crime.

In this particular case, as you know, as it has not been possible (to date) to establish a precise cause of death, it has not so far been possible, in a legal context, to establish that a crime has been committed. Accordingly, the police officers could not be detained as suspects in terms of the Criminal Procedure (Scotland) Act.

In these circumstances and in compliance with Scottish Criminal Law, the police officers have been considered meantime as witnesses. As you will know, there is nothing in law which compels a witness to provide evidence to investigators (be they police officers or PIRC investigators) and I am sure you will recognise the importance of my investigators acting within the law, so that any evidence obtained by them, may be admissible in the event of any future proceedings.

In advance of interviewing the police officers as witnesses, it might be helpful for the family to know that my investigators secured numerous civilian witness statements and productions, arranged forensic examinations and reviewed CCTV footage and police radio recordings whereby they were in possession of valuable information from an independent perspective in advance of conducting their interviews with the police officers. This assisted them in being able to question the officers about pertinent points and I was interested to hear you feedback from your Police Federation sources that the police officers themselves considered their interviews by the PIRC investigators to be robust.

You will recall that we also discussed which are available under Scottish Criminal Law for example to seize police officer's phones and we explained to the family with your assistance, the criteria that would require to be met, either by police officers or by PIRC investigators, before warrants for those seizure of such items could be obtained.

I therefore remain unsighted on what powers and privileges of a constable, you and the family consider that my investigators have not used or are

lacking. I would be pleased if you could let me know which relevant powers it is felt that my investigators have not appropriately used in this case.

Secondly, I was genuinely surprised to hear the family's concern that PIRC had either met or consulted the Police Federation in relation to our investigation. I can confirm that contact with the Police Federation has been restricted to seeking evidence or information from them, for example, operational statements, weight of police officers etc. and that they have not been invited to offer any opinion or influence on the direction of our investigation. In particular, I detected a concern from the family that the Police Federation has played a role in the selection of expert witnesses and can categorically assure both you and the family that that is not the case.

As I explained, we independently identified a number of expert witnesses, who it was thought, might be able to provide a clearer picture of the cause of death. That pool of witnesses was then submitted to the Lord Advocate for consideration and he selected two of those witnesses, who he then commissioned me to instruct. I know that you and the family raised your concerns about one of those witnesses with the Lord Advocate when you met with him and both he and I fully recognise that it is important that any experts engaged in this case have to be objective and must retain the confidence of the family.

Accordingly, in the spirit of impartiality, I invited you and the family to identify additional expert witnesses who you/they considered would be best placed to provide an opinion on the cause of Sheku Bayoh's death. I am keen to receive details of your nominated experts at your earliest convenience in order that I can share their details with the Lord Advocate and take instruction on commissioning whoever he deems appropriate.

Thirdly, it was also clear from the comments made at the meeting that you and the family have concerns that the identification and commissioning of the expert witnesses was based on a single hypothesis by my investigators. I undertook to provide you with details of what both of the experts were asked to consider and can advise you that they have been asked to consider and provide their expert opinion on:-

- (a) the physiological effect of the drugs detected in the toxicology sample, individually or in combination, on Sheku Bayoh in the circumstances of his arrest
- (b) the physiological effect of the CS/PAVA spray, individually or in combination, on Sheku Bayoh in the circumstances of his arrest
- (c) the physiological effect of the physical restraint of Sheku Bayoh in the circumstances of his arrest
- (d) the physiological effect of (a) (b) and (c) on Sheku Bayoh in combination in the circumstances of his arrest

The initial instruction to expert witnesses (see (c) above) asked that they consider and provide their expert opinion on 'the physiological effect of the physical restraint of Sheku Bayoh in the circumstances of his arrest'. The narrative provided to the experts described the restraint techniques used.

Following the concerns that you and the family raised with the Lord Advocate further specific instruction has now been given to the experts asking that they consider and provide their expert opinion on :-

- (e) The significance of the effect of Sheku Bayoh being handcuffed to the front and leg restraints applied and whether such restraint could have contributed to any positional asphyxiation, given the fact the restraints continued to be applied following the deceased becoming unresponsive and subsequently during and following resuscitation attempts.
- (f) The fracture to Sheku Bayoh's rib as outlined in page 9 and 15 of the post mortem report and the most likely mechanism as to how this injury was sustained.

I trust that you and the family can see from the range of factors considered, that the expert witnesses have not been instructed on the basis of one single hypothesis and more particularly that excited delirium was not raised as a particular consideration.

You also mentioned that you await Dr Nat Cary's findings and I invited you to share those with me once they are available, so that in turn, they too can be submitted to the Lord Advocate to provide him with a comprehensive picture of the best available expertise. I look forward to hearing from you in this regard.

In the course of the meeting, I acknowledged that the Lord Advocate has advised that you and the family can view the relevant video footage and, following consultation with the Lord Advocate, I extended the offer to you and the family to listen to the relevant audio recordings of the calls that were made to the police on the morning of 3 May 2015. I would be pleased if you could let me know whether you and the family wish to avail yourself of that opportunity, so that I may make the necessary arrangements.

Finally, I noted that the family raised concerns regarding the lack of response to certain queries raised by them and in particular sought information as to whether police officers had viewed the CCTV footage captured from Gallaghers Public House. I undertook to provide you with a response to that query. I can now advise you that following identification of the existence of that footage, a civilian technician employed by Police Scotland, attended at the Public House and seized the entire system's hard drive. In order to establish whether or not the hard drive contained relevant footage, the technician secured the system password and examined the contents. I am advised that no police officer or other member of Police Scotland viewed the CCTV footage and can confirm that

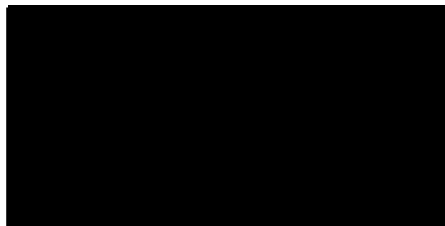
my investigators seized the entire system hard drive from Police Scotland. It was then delivered to an accredited technical specialist, to allow for work to be undertaken with a view to providing clearer footage. I can confirm that PIRC has retained the system hard drive.

At our meeting, we also discussed the role of the Family Liaison Officers and I again extended my invitation to the family to communicate with them so that any queries, issues or concerns can be addressed as quickly as possible. I appreciate that you indicated that you would prefer all communication to be progressed through yourself and it is in this regard that I forward this letter to you and request that it be copied to the family members.

I am keen that the family are able to openly and honestly communicate and engage with us so that they may achieve a better understanding of the process and progress of the investigation. To this end, I suggested that it would be beneficial for us all to meet again and I am able to offer a further meeting on Thursday 15 October at 10am. Please confirm that this is suitable to you and the family. In the interim, it is vitally important that any concerns that arise, are notified immediately to your dedicated Family Liaison representative, Mr Alistair Lewis, who will bring them to my attention.

I look forward to hearing from you in relation to the matters raised above and once again, thank you for your constructive engagement.

Yours sincerely,



Kate Frame
Police Investigations & Review Commissioner

MANAGEMENT POLICY FILE

DECISION NO: 89,

DECISION

Narrative: Letb attached from PBW Law, Prof Peter Water, acting on behalf of 9 officers outlining their (PBW Law's) investigation.

Note - no action taken.

REASON

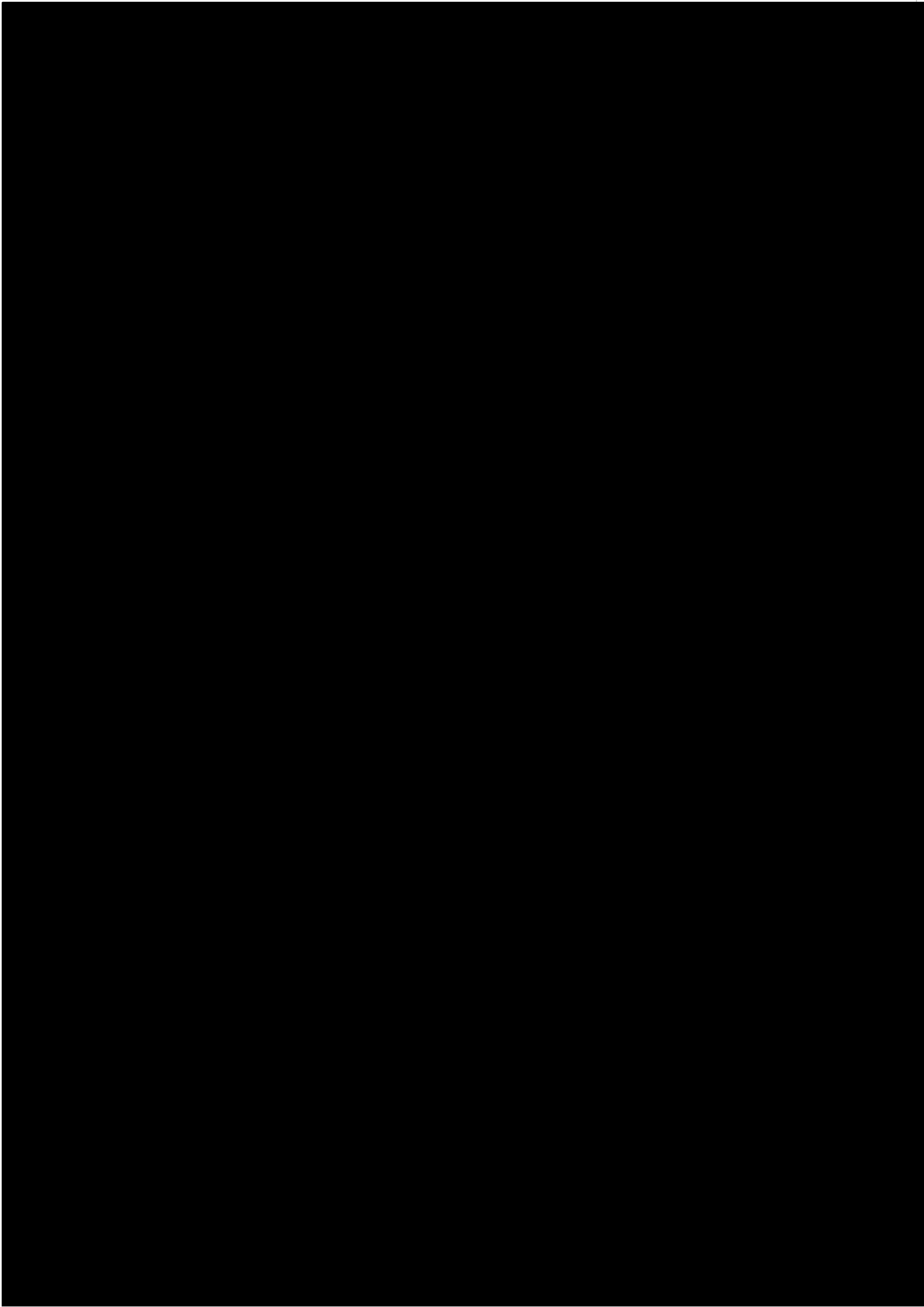
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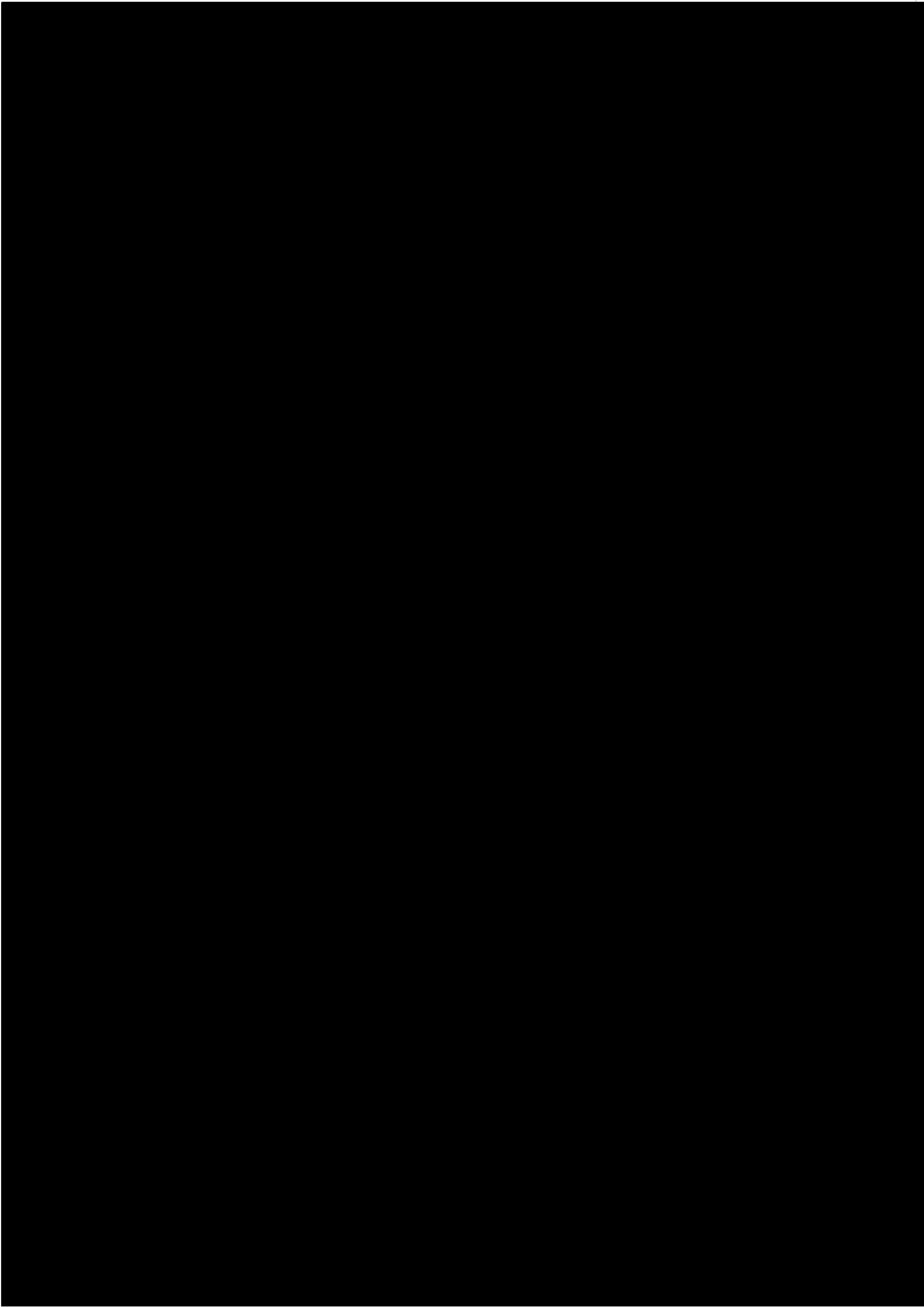
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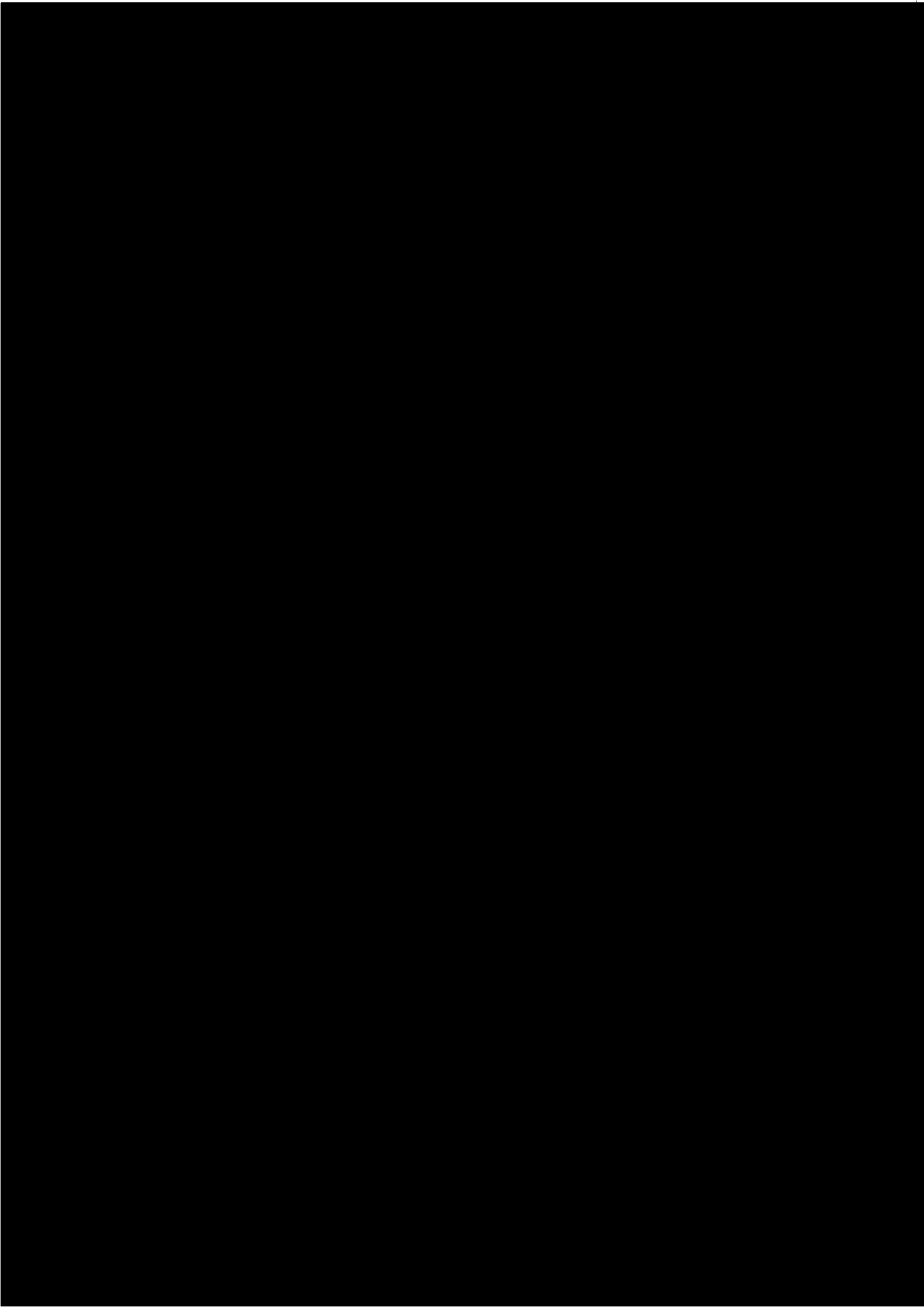
John McSporrans signature

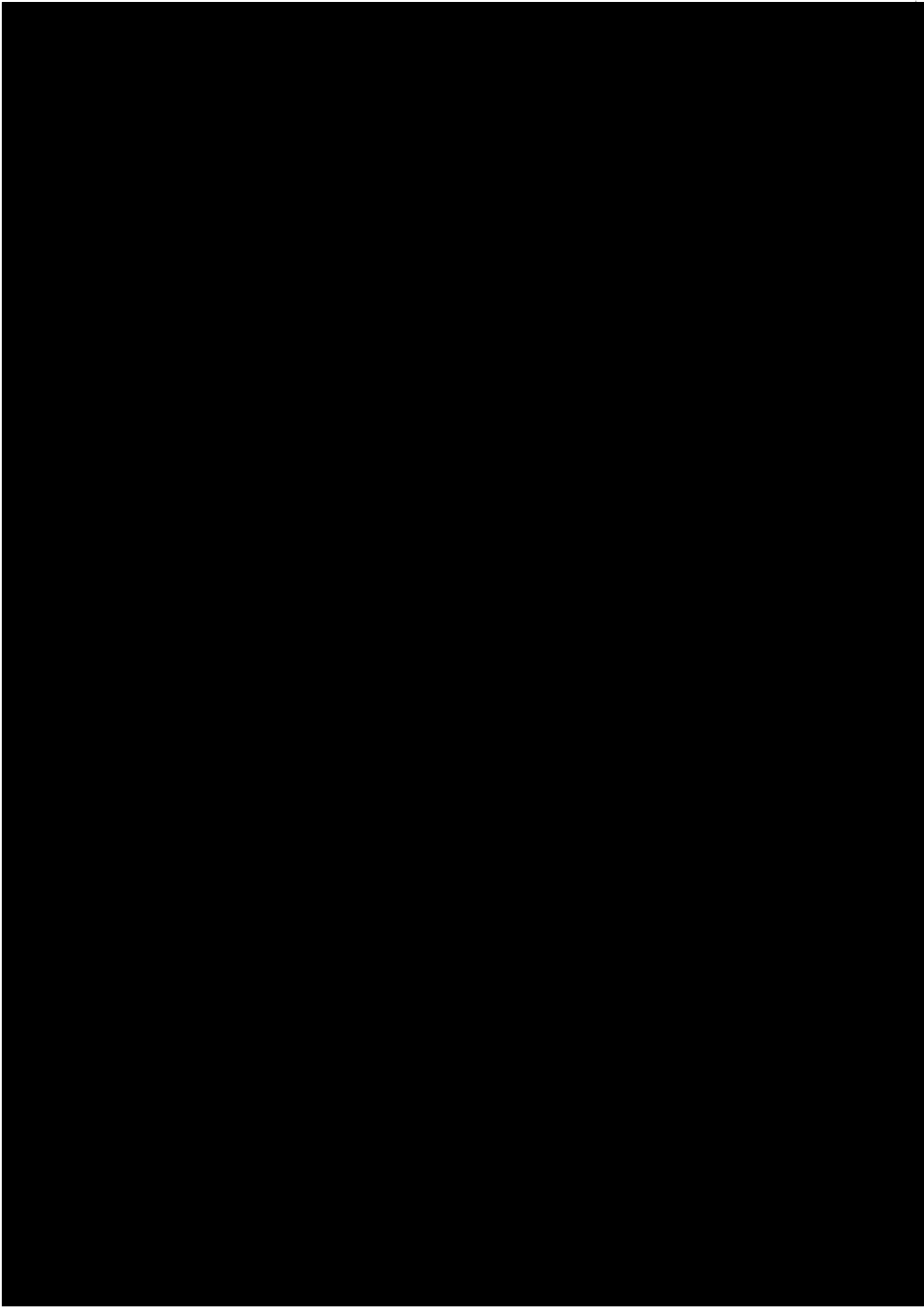
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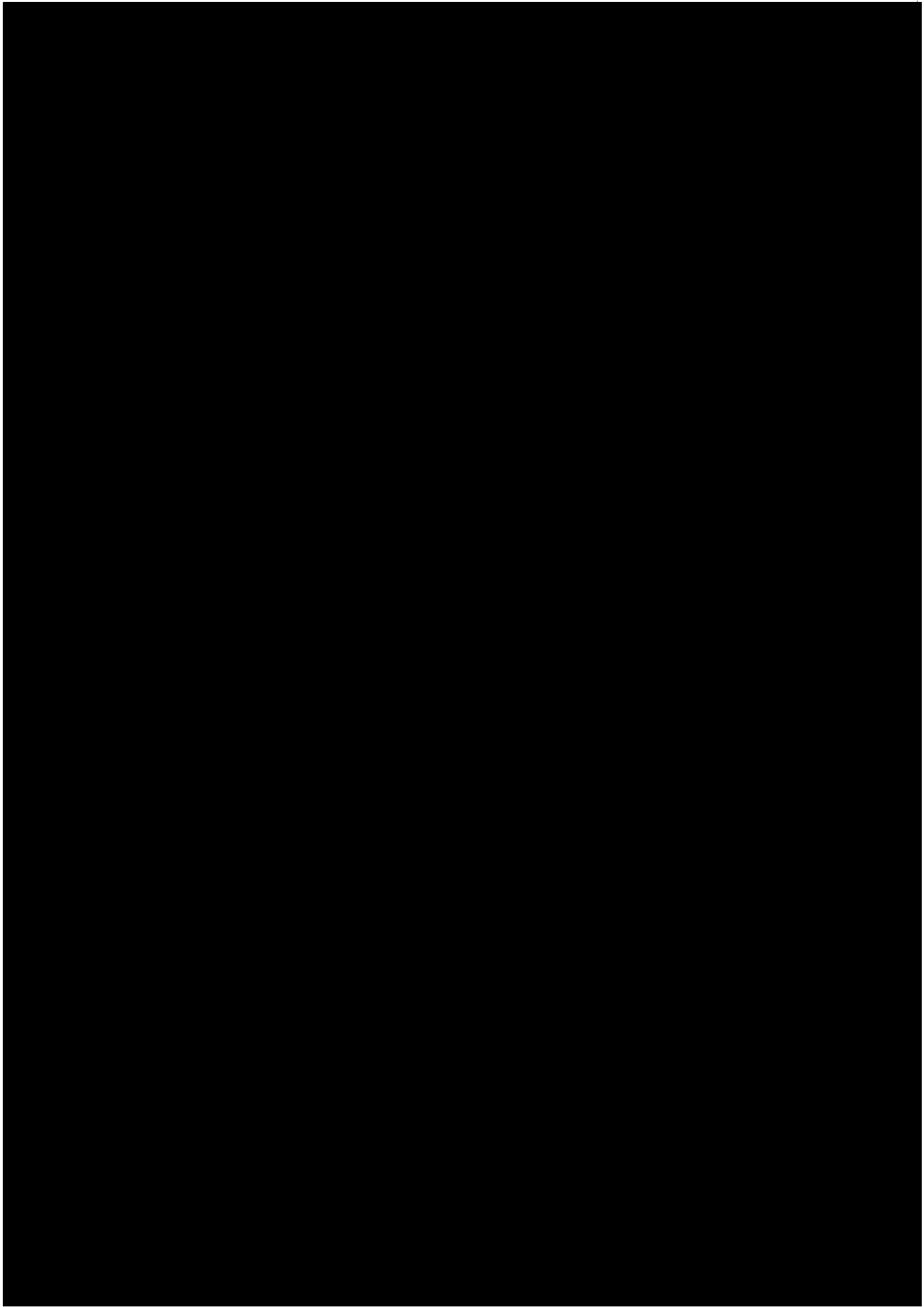
Date and Time: 4/9/15.

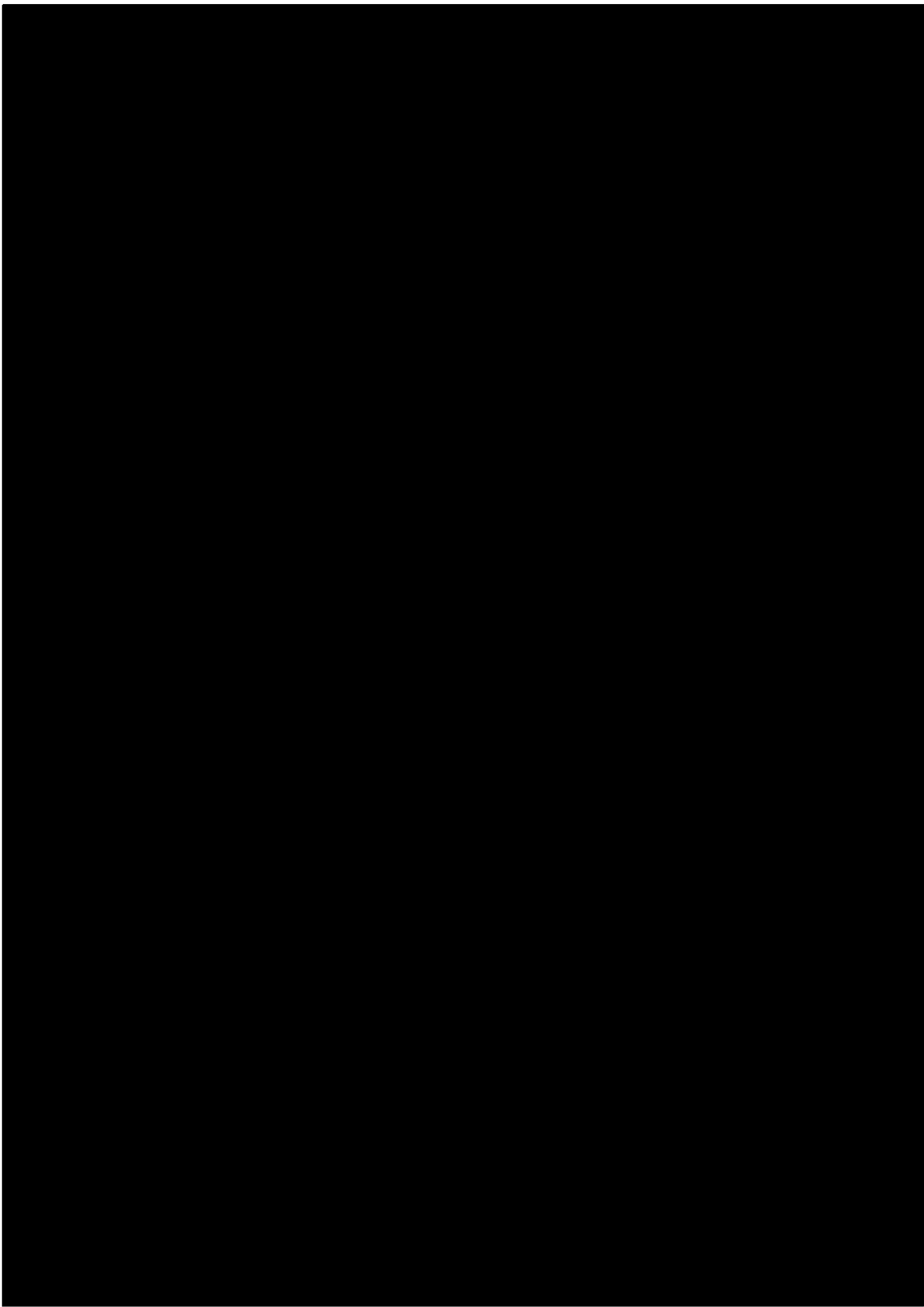


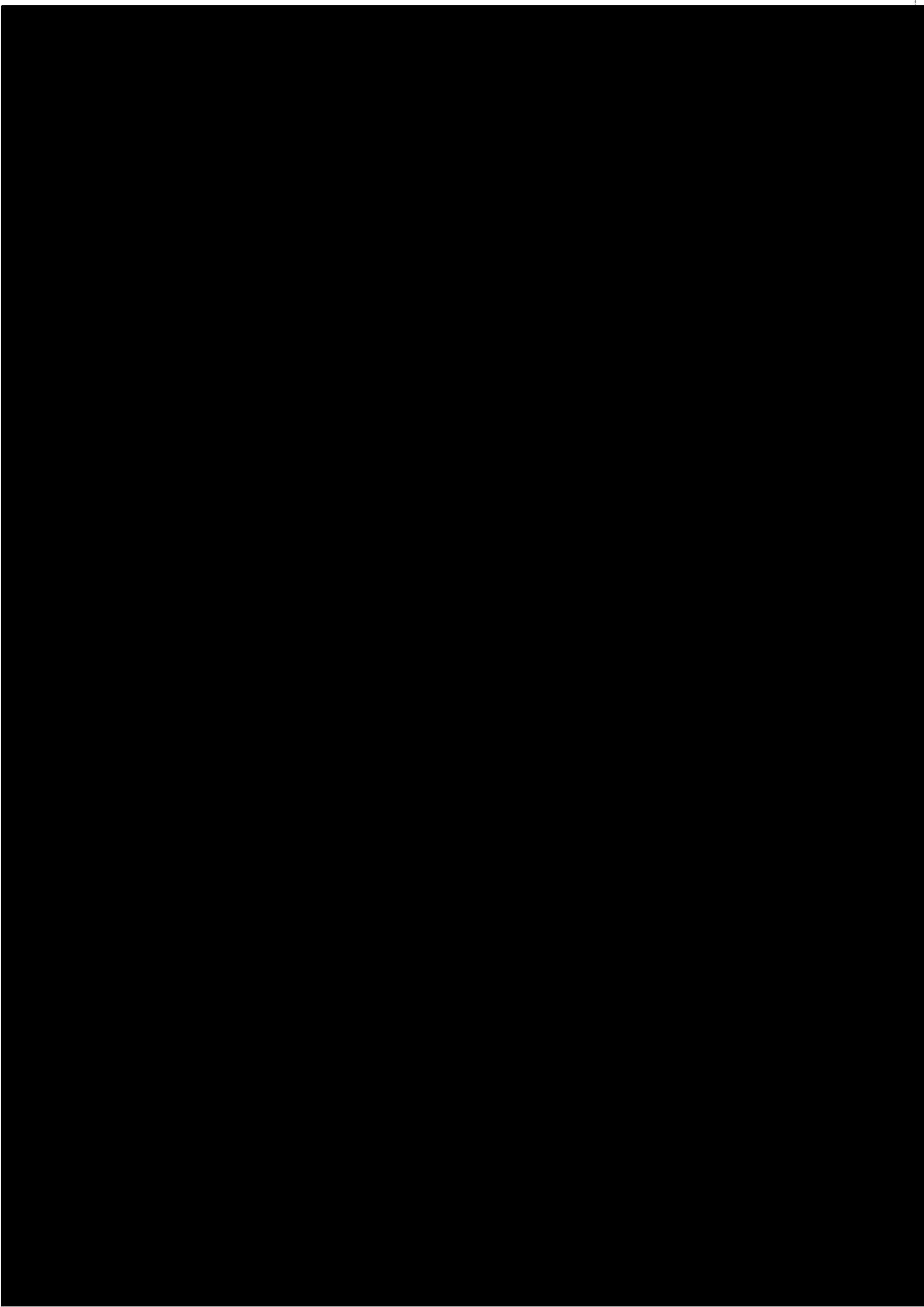












MANAGEMENT POLICY FILE

DECISION NO: 70

DECISION

COPFS Instruction: See attached letter.

Undertake investigation to determine whether the attendance of an ambulance was delayed due to PS communication errors.

REASON

Impact on treatment of Mr Bayah.

John McSporran's signature

Officer M John McSporran's signature

Signature

Date and Time: 6/10/15

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Enquiries: 0844 561 3000
(from landlines) and
01389 739557 (from mobiles)
Legal Post -

Your ref:
Our ref: LAB/CM
Date: 05/10/2015

Dear Ms Frame

DEATH OF SHEKU AHMED TEJAN BAYOH

I refer to the investigation into the circumstances of the death of the above named. Following consideration of the material submitted, the Crown require to instruct you to investigate the following circumstances.

To enquire into the circumstances of the despatch of an ambulance to attend at the locus and the information that was conveyed by the control centre. In particular to examine whether there was an error in communicating the correct location, and if so the effect this had on the arrival time of the ambulance and whether this could have had any effect on the survival chances of Sheku Bayoh.

I would be grateful if you could confirm receipt of this communication.

Yours sincerely

L A BROWN
Head of Criminal Allegations Against Police Division

DECISION

Following discussion between COPPS, PIRC, Mr. Ando & family of deceased, additional medical experts should be identified who can provide opinion on cause of death, police restraint and conduct.

REASON

Obtain additional expert opinion to inform investigation of cause of death and appropriateness of police conduct and actions.

Office  John McSparran's signature

Officer  John McSparran's signature

Signature

Date and Time: 7/10/15

DECISION


Instruction from COPFS: See attached letter provided on 10 Nov. although the instruction was given earlier on 13/10/15. Instruct the following experts to provide opinion.

- Prof. Jack Coare
- Dr Maurice Lipsedge
- Dr Anthony Bleetman
- Dr John Paton
- Dr Eliz. Soilleaux
- Prof Mary Sheppard.

REASON

Obtain expert opinion on cause of death, behavioural science aspects of the conduct of deceased.

Following meeting between PIRC & COPFS Lord Advocate on 13/10/15 at Comm office.

Officer 1 

Officer 

Date and Time: 16/10/15.

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

Kate Frame
Police Investigations and Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Enquiries:

[REDACTED]

Your ref:

Our ref:

LAB/JMCK/ [REDACTED]

Date: 10 November 2015

Dear Commissioner

DEATH OF SHEKU BAYOH

As you are no doubt aware the Lord Advocate met with the family of Sheku Bayoh and with Mr Aamer Anwar on Thursday 5 November 2015. The family were provided with a progress report on the investigations to date and there was also discussion regarding the instruction of experts as well as certain other aspects of the case.

In relation to the instruction of experts, the following should now be instructed to provide reports:-

- Dr Jack Crane
- Dr Maurice Lipsedge
- Dr Anthony Bleetman
- Dr John Parkes
- Dr Elizabeth Soilleux
- Professor Mary N Sheppard

In respect of Dr Lipsedge, he should be asked to comment upon any behavioural science aspects of the case including in particular reference to whether the actions of the officers are indicative to particular mind set indicating that the officers were behaving as a group rather than as individuals.

Separately, I note that the original Pathologists have requested sight of the reports prepared by Dr Karch and Dr Payne-James, and these can now be provided to the Pathologists for consideration and comment. I would be grateful if you would also clarify with the Pathologists whether any CAT scan and x-rays were conducted on the heart of the deceased Sheku Bayoh.

During the course of the meeting the family raised concerns in relation to the ongoing investigation involving relatives of the police officer Alan Paton. The Crown undertook to emphasise the sensitivity of this aspect of the investigation and would ask you to emphasise to investigators the importance/

importance of securing the co-operation of these witnesses. In relation to that aspect of the investigation, the family advised that they had received information to the effect that a neighbour of Constable Paton was harassed by him over a period of time and had to move house as a consequence. I would be grateful if you would ensure that this information is factored into your investigation and that you comment on whether there is any inference of criminality.

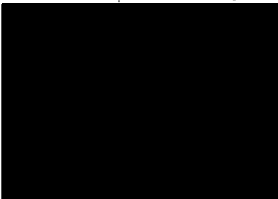
In relation to the enquiries carried out to date in relation to the list of names provided by Mr Anwar to ascertain whether there is evidence of breaches of the Data Protection Act, please ensure that the investigation covers any unauthorised or suspicious access by any officer or member of police staff and the investigation is not confined to those officers who were directly engaged with Mr Bayoh. This aspect requires to be covered to exclude the possibility of interrogation of systems by proxy ie that information was accessed by others at the request of those involved in the incident.

I understand that your team are examining the complaints history of all officers involved in the incident, I would be grateful for confirmation of this and also an update on progress to date in this regard.

Finally, in respect of the CCTV system at the Victoria Hospital, the family have asked what the source of the information was to the effect that the system was not working on the date concerned.

I am grateful to you for your assistance.

Yours faithfully



L A BROWN
Heads of Criminal Allegations Against Police Division

DECISION

Narrative: Opinion from Dr Jason Payne James ①
and Dr Steven Karch ②

① Summary: Death was not due to Excited Delirium Syndrome
Death was ① The drugs present in Mr Baych's system
may cause long term damage or heart irregularities
There is nothing specific to support heart abnormality
and it would be appropriate for a cardiac
pathologist to review heart.

② CS/PAVA played no part in death

③ Weight may have reduced capacity to breathe
REASON resulting in cardio-respiratory arrest.

④ The account provided (by witnesses) and the
presence of petechial haemorrhages would be consistent
with mechanical asphyxia.

⑤ In the absence of cardiac pathology it is
not possible to exclude the possibility of a
cardiac event.

② (Dr Karch) Mr Baych suffered from pre-existing heart
disease which could have been fatal in its own right.
Long term stimulants & steroid abuse when combined with
drugs were probable cause of heart failure.

Officer Making Decision:
John McSporrans
signature

Officer Making Decision:
John McSporrans
signature

Signature

Date and Time: 24/9/15

MANAGEMENT POLICY FILE

DECISION NO: 74


DECISION

COPPS Instruction: Family of Deceased & Mr. Anwar
to be allowed to see video of incident.
PIRC to arrange viewing at Crown Office.

REASON

COPPS Instruction.

Officer 

Officer 
Signature

Date and Time: 7/10/15

DECISION

Examine all aspects of PS PSD/CCU investigation into racial text messaging / picture sent by 3 officers in file (who were sacked) to determine whether they corresponded with any of the officers involved in the arrest of Shabir Baysal.

REASON

Expanded inquiry to determine whether racism played any part in the approach or background of the principal officers.

Officer: John McSparran's signature

Officer Making: John McSparran's signature

Signature:

Date and Time: 8/10/15

DECISION

Examine all aspects of the background of PC Max Paton following BBC News story alleging he had a history of [redacted] racism.

Allegations were made by PC Paton's brother in law, Barry Swan.

Interview Barry Swan & other family members to obtain any evidence or allegations.

See attached Media Article.

REASON

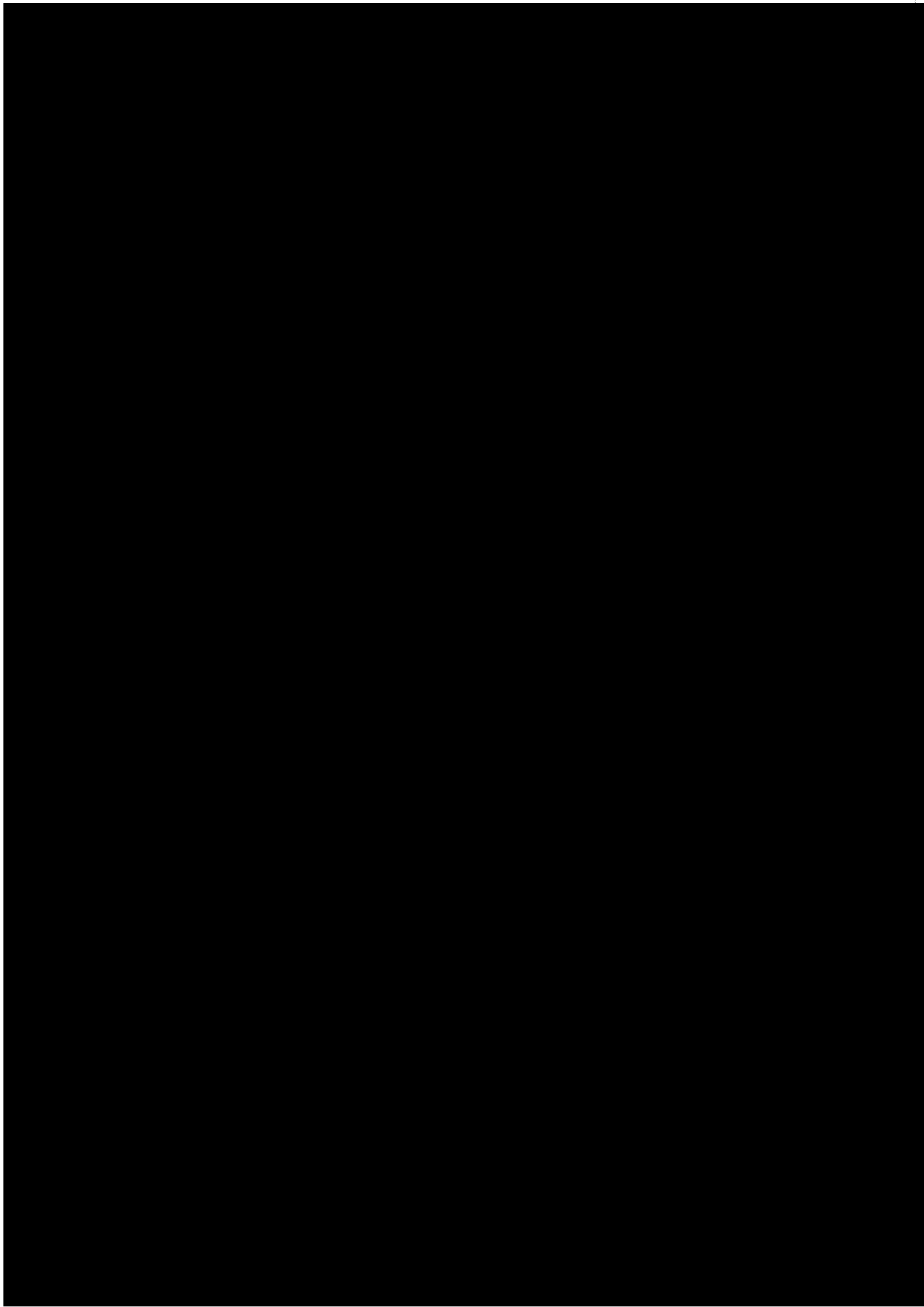
Determine whether PC Paton had a history of [redacted] racist behaviour which impacted on how he dealt with deceased

Officer **John McSporrans signature** [redacted]

Officer M **John McSporrans signature** [redacted]

Signature: [redacted]

Date and Time: 15/10/15



MANAGEMENT POLICY FILE

DECISION NO: 77

DECISION

Family of Deceased / Mr Arwar to be allowed
to listen to 999/101 calls and airwave
radio messages.

REASON

COPPS instruction. 9/10/15.

Officer  John McSporrans signature

Officer M  John McSporrans signature

Signature
Date and Time: 16/10/15.

609131

MANAGEMENT POLICY FILE

DECISION NO: 78.

DECISION

[Redacted Decision Content]

[Redacted Signature]

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REASON

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Office: John McSporrans signature
[Redacted Signature]

Officer McSporrans signature
[Redacted Signature]

Signature: [Redacted Signature]
Date and Time: 20/10/15


DECISION

Ability to manage correspondence:
 PIRC continues to keep track, where possible, of all correspondence in respect of the investigation and the authors of all outgoing PIRC correspondence should place a copy of letters, email and attachments into the appropriate folder in the Correspondence file of as Avovich. Similarly all incoming correspondence should be similarly filed. Where a hard copy letter, etc is received it should be scanned and filed as per this protocol.

REASON

Due to the significant volume of correspondence including telephone calls and other interactions in respect of the investigation failure to effectively record, minute and index material may lead to oversight of actions or a failure to raise actions and create the potential for matters to be missed or overlooked.

Officer  John McSporran's signature

Officer  John McSporran's signature

Signature: 

Date and Time: 20/10/15

MANAGEMENT POLICY FILE

DECISION NO:

DECISION

Conclusion of Policy file.

From this point forward all additional enquiries etc will be managed as actions within the inquiry. Correspondence will continue to be recorded and acted upon.

REASON

Officer Making Entry:

John McSporran's signature



Date and Time:

2/11/15