



SCOTTISH POLICE FEDERATION

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

Ref : CS/SF/

5 June 2015

By email to: [REDACTED]

Dear Kate

Death of Sheku Bayoh

I refer to the above and to the press comment issued at 16:09 yesterday. In particular I refer to the comment that the PIRC “has made several attempts to secure statements from the arresting officers”.

Further to that you will be aware that Mr Aamer Anwar, solicitor for the family of Mr Bayoh has publicly stated “PIRC told us from day one, that the nine police officers had refused to speak to them or even provide statements since the 3rd May”

Peter Watson, the solicitor acting for the officers has shared with me his email communications in respect of this and the following is apparent.

On the 7th May and following receipt of information that the officers involved were to be compelled to give statements an email was sent to Detective Chief Inspector Hardie in which clarification of the status of the officer’s question is sought.

That email is copied to John Mitchell.

I am advised Mr Mitchell subsequently confirmed by telephone that no statements could be compelled and that the status of the officers was fundamental. I am also advised Mr Mitchell himself advised that the status of the officers couldn’t be confirmed until such time as the post mortem had been carried out and that he would clarify with Mr Watson when the position would be clarified.

I am also aware that in a number of subsequent telephone conversations Mr Mitchell commented that in his opinion the officers were always (likely) to be considered witnesses but no written confirmation to this effect was received.

At 10:46 on the 2nd June Mr Watson received an email from Mr Mitchell seeking his assistance and confirming the officers named were witnesses.

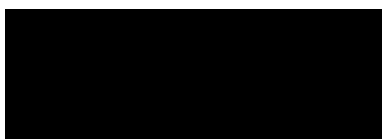
Mr Watson replied at 11:30 thanking him for the clarification as to the status and asking for confirmation that any interviews would not be under caution. Mr Mitchell replied at 11:53 confirming that the interviews would not be conducted under caution.

It is clear to me that there was no purpose in Mr Mitchell emailing Mr Watson on 2 June to clarify the status of officers other than he understood fully that this was a matter that he had agreed to clarify. It is also clear to me that Mr Mitchell knew and understood why the status of the officers (whether suspect, witness or accused) was of such importance. These officers used force and someone died, it is obvious to all the question of disproportionate use of force was likely to be an issue.

I would therefore be obliged and as a matter of extreme urgency if you could clarify;

1. How many "attempts" were made to note statements from the arresting officers?
2. The time, date and nature of these attempts?
3. Whether the "attempts" were made through the officers legal representatives?
4. Whether Mr Anwar is correct in his statement that "PIRC told us from day one, that the nine police officers had refused to speak to them or even provide statements since the 3rd May"
5. If this is correct, the basis upon which PIRC has made this statement?
6. What was the objective of the PIRC in issuing its press statement with the words "has made several attempts to secure statements from the arresting officers" at 16:09 yesterday?

Yours sincerely



Calum Steele
General Secretary