

Mr Calum Steele
Scottish Police Federation
5 Woodside Place
Glasgow
G3 7QF

25 June 2015

Dear Mr Steele

Re: Death of Sheku Bayoh

Thank you for your letter of 5 June 2015 in which you seek clarification of a number of issues. I understand that immediately after emailing your letter, you contacted Mr Mitchell, my Director of Investigations, by telephone to discuss these matters.

I am aware that he was able to provide the clarification you sought. He did so and I also formally reply now to your letter as a matter of courtesy. I however take this opportunity to remind you that neither he nor I is answerable to the Scottish Police Federation.

I am concerned that you appear to query the accuracy of my press release, which indicated that PIRC Investigators had “made several attempts to secure statements from the arresting officers” and by implication, suggest that the contents of the press release were inaccurate.

So that you are left in no doubt about the “several attempts”, made by PIRC investigators to secure statements from the police officers involved, it may assist you if I provide a list of the specific attempts.

- The first attempt was made on 3 May 2015, when PIRC investigators requested operational statements from Police Scotland. In accordance with established procedures between PIRC and Police Scotland, this request was made in the first instance via Police Scotland’s initial investigating officer and subsequently through Police Scotland’s single point of contact, once one was appointed.
- The second attempt was made on 4 May 2015, when PIRC informed Police Scotland that the outcome of the post-mortem was inconclusive. At that time, PIRC Investigations staff advised Detective Superintendent Pat Campbell that the status of the officers was that of witnesses. Again operational statements were requested and none were provided.

- The third attempt was made on 5 May 2015. On that date, Professor Watson, the police officers' legal representative was contacted. He confirmed that he had advised officers to make "no comment" until full details of the post-mortem results were known.
- The fourth attempt was made on 6 May 2015, when PIRC Investigations staff again requested the provision of operational statements from DCI Hardie, Police Scotland. No statements were provided.
- The fifth attempt was made on 7 May 2015, when PIRC wrote to Police Scotland stating that notwithstanding Professor Watson's advice to the officers involved in the incident, we wished to confirm the individual position of each of the officers in relation to our request for statements. This correspondence also confirmed the status of the officers as witnesses to the event and I enclose a copy of that email for your information. In response, Police Scotland advised me that each of the officers had been contacted, their status clarified and that they had been asked if they were willing to provide a statement. In response, Police Scotland advised me that each of the officers did not wish to provide a statement at that time, following legal advice.
- On the sixth occasion, namely on 2 June 2015, Mr Mitchell e-mailed Professor Watson directly and again reiterated his request that PIRC Investigators interview the police officers involved. Again that email confirmed that the officers were to be interviewed as witnesses. I note that on this occasion, the officers agreed to be interviewed.

If any further confusion arises regarding our attempts to secure statements from the police officers involved, either from yourself, Professor Watson, or others, it may be beneficial for all concerned if I issue the above detailed breakdown of our "several attempts" to secure statements from the arresting officers.

I note from your letter that you query my objective in issuing a press statement. I trust that you now appreciate the inappropriateness of your question.

Finally, I note that you seek clarification as to whether Mr Anwar's statement is accurate in so far as he said "*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*". I can advise you that in accordance with the Family Liaison Standard Operating Procedures, PIRC investigators shared relevant information with the bereaved family's nominated representative Mr Anwar, however the comment highlighted above is not information which PIRC provided to Mr Anwar.

I trust that the above information clarifies matters for you but to ensure that no doubt remains, I consider it would be helpful for us to meet so that I can have reassurance around your understanding of these matters. I would therefore be obliged if you would contact my Personal Assistant, [REDACTED] on [REDACTED] to identify a mutually convenient date and time.

Yours sincerely

[REDACTED]

Kate Frame
Police Investigations & Review Commissioner