

From: Solicitor General [REDACTED]
To: Frank Mulholland [REDACTED]; [Thomson, Lesley \(Solicitor General\)](#)
Cc: [Lord Advocate](#); [Lesley Thomson](#) [REDACTED]; [PS/Lord Advocate](#); [PS/Solicitor General](#)
Subject: Fw: Immediate - Sheku Bayoh PIRC statement
Date: 30 August 2015 14:49:04

LA
Sol Gen

For info - PIRC statement just issued.

[REDACTED]
PS/Solicitor General
Law Officers Private Office
Tel No: [REDACTED]
Mobile No: [REDACTED]

----- Original Message -----

From: Campbell, Iain (CO Communications) [REDACTED]
Sent: Sunday, August 30, 2015 02:37 PM
To: Lord Advocate; PS/Lord Advocate [REDACTED]
Cc: _Media Relations [REDACTED]; McGowan, Stephen (PF, Major Crime & Fatalities Investigation) [REDACTED]; Brown, Les (Head of CAAP-D) [REDACTED]; Logue, John (Director of Serious Casework) [REDACTED]; PS/Solicitor General [REDACTED]; Murphy, Liam (Procurator Fiscal, North of Scotland) [REDACTED]; Solicitor General [REDACTED]
Subject: Re: Immediate - Sheku Bayoh PIRC statement

David,

For the information of the Lord Advocate.

I have just been informed by PIRC Comms that they had been instructed to issue the following by Kate Frame. It issued this afternoon just before they informed us about it.

The Police Investigations & Review Commissioner has issued a statement in relation to the ongoing investigation into the death of Sheku Bayoh on May 3 2015.

It comes ahead of a meeting between the Commissioner and the Bayoh family on Thursday.

Responding to claims reported today about the experts asked to further investigate the cause of death, Kate Frame, said:

“It is unfortunate that the family lawyer, Aamer Anwar, appears to have interpreted the fact that forensic pathology experts from outwith Scotland have been instructed, as a sign that the PIRC has focused its investigation on a particular cause of death for Sheku Bayoh.

“The Commissioner can reassure the family that in fact the opposite is true.

“As they and Aamer Anwar know, the post mortem conducted in Scotland did not reveal a conclusive cause of death.

“In order to assist the family in understanding what caused Sheku Bayoh’s death, the PIRC identified a number of expert forensic pathologists to the Crown Office.

“The Lord Advocate then selected and instructed the Commissioner to approach the chosen experts and seek their opinion on the cause of death.

“Both are entirely independent and Dr Payne-James has already said ‘an expert’s duty is to be completely independent, irrespective of who is instructing them’.

“Once the experts’ opinions are available they will be passed to the Crown Office and the PIRC would anticipate that, in accordance with standard practice in a serious case such as this, they will take the opportunity to precognosce them as witnesses along with other significant witnesses identified in the PIRC report.

“The Commissioner will reassure the deceased’s family at her meeting with them on Thursday that further lines of enquiry continue to be explored.

“She will be happy to receive any additional information they might have that would assist the investigation.”

Regards,
Iain

----- Original Message -----

From: Lord Advocate [REDACTED]
Sent: Saturday, August 29, 2015 05:00 PM
To: Campbell, Iain (CO Communications); PS/Lord Advocate
Cc: _Media Relations; McGowan, Stephen (PF, Major Crime & Fatalities Investigation); Brown, Les (Head of CAAP-D); Logue, John (Director of Serious Casework); PS/Solicitor General; Murphy, Liam (Procurator Fiscal, North of Scotland); Solicitor General
Subject: Re: Immediate - Sheku Bayoh PIRC statement

Iain,

Further to your email below the Lord Advocate has indicated that he would be content for PIRC to respond along the following line;

"PIRC take direction from the Crown on who should be instructed to carry out further expert work on establishing the cause of death. The Crown are considering the points made by the familys lawyer on the instruction of the bast experts to do this work and will issue direction to PIRC in due course."

David

----- Original Message -----

From: Campbell, Iain (CO Communications) [REDACTED]
Sent: Saturday, August 29, 2015 04:29 PM
To: PS/Lord Advocate [REDACTED]
Cc: _Media Relations [REDACTED]; McGowan, Stephen (PF, Major Crime & Fatalities Investigation) [REDACTED]; Brown, Les (Head of CAAP-D) [REDACTED]; Logue, John (Director of Serious Casework) [REDACTED]; PS/Solicitor General [REDACTED]; Murphy, Liam (Procurator Fiscal, North of Scotland) [REDACTED]; Lord Advocate; Solicitor General
Subject: Immediate - Sheku Bayoh PIRC statement

David,

PIRC have today come back on about this, having now received an inquiry from the Sunday Mail. They are looking for guidance by 6pm.

They state that the Sunday Mail have the names of two experts looking into cause of death, and are being briefed by Aamer Anwar that they have only been chosen by the PIRC due to the fact they will come up with the conclusion of excited delirium.

As well as the statement that was agreed yesterday, PIRC wish to provide them a few additional lines as background, not as a direct quote or source, to give a better context. Their suggested wording is as below:

The Sunday Mail understands the PIRC were asked to compile a list of experts in relation to carrying out further investigations into the cause of death of Sheku Bayoh. They were then presented to the Crown Office for consideration. The PIRC was then instructed on who they should appoint as the appropriate experts to go and carry out those investigations.

On discussion with Liam Murphy and Stephen McGowan, we consider that PIRC should issue only the line agreed yesterday, to the effect that this is an ongoing investigation and that it would be inappropriate to comment, and nothing further.

I would be grateful if this could be brought to the Lord Advocate's attention.

Regards,
Iain

Iain Campbell MCIPR
Communications Officer
Crown Office and Procurator Fiscal Service

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Direct Dial: [REDACTED] (Calls cost 7p per minute plus your phone company's access charge)

Email: [REDACTED]

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From: PS/Lord Advocate
Sent: 28 August 2015 17:11
To: Campbell, Iain (CO Communications); PS/Lord Advocate
Cc: _Media Relations; McGowan, Stephen (PF, Major Crime & Fatalities Investigation); Brown, Les (Head of CAAP-D); Logue, John (Director of Serious Casework); PS/Solicitor General
Subject: RE: Immediate - Sheku Bayoh PIRC statement

Iain,

Copy: As above

Sheku Bayoh PIRC statement

As discussed, I can confirm that the Lord Advocate is content with the amended response below.

Thanks

David

DAVID STEWART
PS/Lord Advocate

David Stewart | Private Secretary to the Lord Advocate | Crown Office | 25 Chambers Street | Edinburgh | EH1
1LA

From: Campbell, Iain (CO Communications)
Sent: 28 August 2015 16:23
To: PS/Lord Advocate
Cc: _Media Relations; McGowan, Stephen (PF, Major Crime & Fatalities Investigation); Brown, Les (Head of CAAP-D); Logue, John (Director of Serious Casework); PS/Solicitor General
Subject: RE: Immediate - Sheku Bayoh PIRC statement

David, Jo,

PIRC have come back to suggest the slight addition in bold below.

This seems fine to me but just wanted to confirm for the record.

"On 7 August 2015, the Commissioner delivered an interim report of the investigation's findings which are now being considered by the Lord Advocate.

"The Commissioner continues to work closely with the Lord Advocate to investigate complex lines of enquiry, including gathering further expert opinion in relation to the cause of death.

"It would be inappropriate to comment further at this time."

Regards,
Iain

Iain Campbell MCIPR
Communications Officer
Crown Office and Procurator Fiscal Service

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From: PS/Lord Advocate
Sent: 28 August 2015 15:15
To: Campbell, Iain (CO Communications)
Cc: _Media Relations; McGowan, Stephen (PF, Major Crime & Fatalities Investigation); Brown, Les (Head of CAAP-D); Logue, John (Director of Serious Casework); PS/Lord Advocate; PS/Solicitor General
Subject: RE: Immediate - Sheku Bayoh PIRC statement

Iain

The Lord Advocate has confirmed he agrees with line suggested by Les.

Jo

JOANNE FOLEY

Deputy Private Secretary to the Lord Advocate: Private Office: Crown Office: 25 Chambers Street, Edinburgh
EH1 1LA: Tel: [REDACTED] Fax: [REDACTED]

From: Campbell, Iain (CO Communications)
Sent: 28 August 2015 14:53
To: PS/Lord Advocate; PS/Solicitor General
Cc: _Media Relations; McGowan, Stephen (PF, Major Crime & Fatalities Investigation); Brown, Les (Head of CAAP-D); Logue, John (Director of Serious Casework)
Subject: Immediate - Sheku Bayoh PIRC statement

David,

PIRC line against enquiry

I have been contacted this afternoon by PIRC, who have asked for our views on a proposed line against enquiry.

They hope to issue this if they are asked about recent Crown instructions to investigate other matters in relation to the Sheku Bayoh death.

A spokesman for the PIRC said:

"The Commissioner recently received further direction from the Crown Office in relation to matters surrounding the death of Sheku Bayoh.

"Those investigations are now ongoing."

Our view is that if they issue the above, it will set an expectation of a blow-by-blow account of our individual instructions and correspondence as the investigation progresses.

On discussion with Les Brown, who is content, we intend suggesting to that they do not issue the response above, but hold instead to the latter section of their previous line, as below:

"On 7 August 2015, the Commissioner delivered an interim report of the investigation's findings which are now being considered by the Lord Advocate.

"The Commissioner continues to work closely with the Lord Advocate, including gathering further expert opinion in relation to the cause of death.

"It would be inappropriate to comment further at this time."

I would be grateful if this could be drawn to the attention of the Lord Advocate.

Regards,
Iain

Iain Campbell MCIPR
Communications Officer
Crown Office and Procurator Fiscal Service

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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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