

From: [Logue, John \(Director of Serious Casework\)](#)
To: [PS/Lord Advocate](#)
Cc: [PS Crown Agent](#); [Dalrymple, Cat](#); [Green, David](#); [_Media Relations](#); [Davidson, Lorraine](#); [PS/Solicitor General](#); [McGowan, Stephen](#)
Subject: RE: Police incident update
Date: 05 May 2015 08:35:32
Attachments: [PIRC Briefing Document Death In Custody 3 May 2015.docx](#)

Jo

I enclose a briefing received from PIRC last night on the circumstances of the incident.

The key issue here is that COPFS has instructed PIRC to investigate the incident in terms of s.33A(b)(i) of the 2006 Act as "circumstances in which there is an indication that a person serving with the police may have committed an offence".

We have discussed and agreed with DCC Livingstone that PIRC will investigate under the direction of COPFS and Police Scotland will provide all information and assistance as required by the legislation and the relevant protocols.

We understand that the transition of the investigation to PIRC was completed yesterday and that PIRC FLOs have established contact with the deceased's family. After an initial difficult meeting, indications last night were that the family were beginning to engage with the FLOs and PIRC is confident that a relationship can be established.

The initial difficulties with the family focused on their concern that the information given to them by the police (that the deceased was acting strangely and was in possession of a knife) was out of character and concerns were expressed that the police were covering up the circumstances of his death. A member of the wider family has a long-standing relationship with the police in Fife through his equalities work.

There has been limited media reporting of the incident thus far. This morning's Herald carries more detail but in a fair manner, emphasising that PIRC is investigating the matter independently of the police.

At this stage, it seems clear that the police responded to a number of calls from members of the public which referred to the deceased being in possession of a knife. A knife was recovered at the locus and there may be video footage of part of the incident.

The post mortem was carried out yesterday and the cause of death is unascertained with further results, including toxicology, awaited.

We will provide the Law Officers with an update and a short formal note for Scottish Ministers, emphasising the role of PIRC under the direction of COPFS, once we have received this morning's update from PIRC.

Please let me know if the Lord Advocate requires any further information before Cabinet.

John T. Logue
Director of Serious Casework
Crown Office and Procurator Fiscal Service

Direct Line (UK only): [REDACTED]
Direct Line (international): [REDACTED]
Email: [John Logue](mailto:John.Logue@ps.gov.scot)

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

From: PS/Lord Advocate
Sent: 05 May 2015 08:09
To: Logue, John (Director of Serious Casework)
Cc: PS Crown Agent; Dalrymple, Catriona (Head of Policy); Green, David (Head of SFIU); _Media Relations; Davidson, Lorraine; PS/Lord Advocate; PS/Solicitor General
Subject: RE: Police incident update

Importance: High

John

Grateful for an immediate update on this incident. LA is attending Cabinet this morning and will leaving [REDACTED] at 9.30.

Many thanks,

Joanne

JOANNE FOLEY

Deputy Private Secretary to the Lord Advocate: Private Office: [REDACTED]
[REDACTED]: Tel: [REDACTED]: International Tel: [REDACTED] Fax: [REDACTED]

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

From: Logue, John (Director of Serious Casework)

Sent: 04 May 2015 11:24

To: Davidson, Lorraine; PS/Lord Advocate; PS/Solicitor General

Cc: PS Crown Agent; Dalrymple, Catriona (Head of Policy); Green, David (Head of SFIU); _Media Relations

Subject: Re: Police incident update

For all to note, I have placed a call to DCC Livingstone to discuss the case and am waiting for him to call me back. Will update after that.

John T. Logue

Director of Serious Casework

Crown Office and Procurator Fiscal Service

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

From: Davidson, Lorraine

Sent: Monday, May 04, 2015 11:22 AM

To: PS/Lord Advocate; PS/Solicitor General

Cc: PS Crown Agent; Dalrymple, Catriona (Head of Policy); Green, David (Head of SFIU); Logue, John (Director of Serious Casework); _Media Relations

Subject: Police incident update

PURPOSE: To update Law Officers on the Police incident in Kirkcaldy in which a man died in custody and potential media coverage of the incident.

PRIORITY: Immediate

BACKGROUND: The brother in law of the deceased is a lay adviser to Police Scotland on ethnic and diversity issues.

Police visited the family last night.

The deceased's brother in law told them the deceased was a gentle person who would never behaved in the manner described by police and would not have been carrying a knife.

The brother in law told Police Scotland FLOs his view is that police planted the knife on the deceased as an excuse for police brutality.

Police Scotland are concerned that the family will seek media attention for their views and they want to be in a position to defend themselves if that happens.

They have also asked if they can clarify basic facts to correct inaccurate reporting ie the place and time the incident took place.

The Daily Record is reporting it happened on Saturday night rather than Sunday morning.

Stephen has advised that PIRC can clarify the incident took place on Sunday morning not Saturday night.

However, he has further advised that the Police require to hold the line that PIRC are investigating to avoid piecemeal briefing while the facts are being established and to avoid the kind of contradictory briefings which took place between the IPCC and the Met after the shooting of Mark Duggan in London.

ACTION: To note the update.

Lorraine Davidson,
Head of Communications,
Crown Office and Procurator Fiscal Service
Media Relations team; [REDACTED]
Direct Dial: [REDACTED]
Mobile; [REDACTED]
Email: [Lorraine Davidson](mailto:Lorraine.Davidson@cps.gov.scot)