

**OPERATION QUOICH
POLICY LOG**

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 McSporran

Office Manager: DSI Ian MacIntyre

Uniform Administration Manager: [REDACTED]

Productions Officer(s): Inv Garry Sinclair
[REDACTED]

*Other Relevant Staff: Senior Investigator: John McSporran
Incident Scene Management: Inv John Ferguson
Family Liaison: Inv Alistair Lewis, Inv John Clerkin

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 NO	DECISION	REASON	OFFICER MAKING DECISION	DATE
1	<p>Description of Investigation.</p> <p>About 0720/0730 hours on Sunday 3 May 2015, Sheku Ahmed Tejan Bayoh, aged 31, born 30/9/1983 in Sierra Leone, H/A <small>Collette Bell's address</small> [REDACTED] Kirkcaldy was arrested/detained by officers of Police Scotland in Hayfield Road near to Hendry Road, Kirkcaldy.</p> <p>On being detained/arrested, Sheku Bayoh struggled with police officers who physically restrained him. Officers used CS/PAVA spray during the arrested and used police batons against the deceased.</p> <p>Sheku Bayoh was taken to the ground by police officers where he was handcuffed to the rear and had leg restraints applied.</p> <p>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</p>		John McSporran	5 May 2015

	<p>died. Life was pronounced extinct at 0904 hours.</p> <p>Police Scotland secured the incident scene and appointed a SIO Det Supt Pat Campbell. Incident scene protocols to recover evidence and undertake forensic scene examination were put in place. Ch Supt Gary McEwan, Div Comm, P Division was appointed the PS Incident Manager.</p> <p>Police Scotland notified the Scottish Fatalities Investigations Unit (SFIU) of COPFS and notified them of the death. Mr David Green, Head of SFIU instructed that PIRC would investigate the death with Police Scotland investigating the incidents leading up to the death.</p> <p>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.</p> <p>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.</p>			
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	<p>PIRC Investigators Ferguson and Taylor dealt with the hospital scene and arranged the transport of the deceased to the city mortuary, Edinburgh. PIRC Investigators Sinclair and Rhodes dealt with the incident scene at Hayfield Road and productions seized at Kirkcaldy Police Office including officers clothing, PAVA Spray, police batons.</p> <p>A Post Mortem examination was arranged for Monday 4 May 2015 at the Mortuary, Edinburgh.</p> <p>PIRC FLOs Alistair Lewis and John Clerkin were appointed.</p> <p>About 2210 hours 3 May 2015 PIRC investigators met with the deceased family and provided an overview of the role of the PIRC.</p> <p>DSI Harrower 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.</p>			
2	<p>Establish a PIRC Major Enquiry to investigate the death of Sheku Bayoh with appropriate major investigation roles and strategies.</p>	<p>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 COPFS.</p>	John McSporran	5 May 2015

3	<p>Major Investigation – Roles and Responsibilities:</p> <p>Lead Investigator – DSI William Little Oversight: Senior Investigator John McSporran Productions: Garry Sinclair, William Davidson Incident Office Management: DSI Ian MacIntyre, ██████████ Scene Management: John Ferguson, ██████████ Family Liaison Officers: Alistair Lewis, John Clerkin CCTV Recovery: ██████████ H/H Co-ordinator & Investigation Teams: DSI Brian Dodd</p>	Allocation of roles and responsibilities to co-ordinate effective investigation.	John McSporran	5 May 2015
4	<p>Forensic Strategy</p> <p>Implement a Forensic Strategy to identify, recover and examine all relevant material pertinent to the investigation.</p>	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.	John McSporran	6 May 2015
5	<p>CCTV & Digital Evidence Strategy</p> <p>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</p>	Recovery of evidence to assist determining the facts of the incident.	John McSporran	7 May 2015

	mobile phones or other electronic devices which may have a similar bearing. Seize CCTV from Kirkcaldy Police Office.			
6	<p>Major Incident Room</p> <p>Establish a Major Incident Room within PIRC utilising the CLUE2 Operations system, and appropriate staffed, to manage all aspects of the investigation.</p>	Effective incident management	John McSporran	7 May 2015
7	<p>Family Liaison</p> <p>Two Family Liaison Officers (FLOs) appointed to provide information and support the family of the deceased. FLO strategy and recording of contacts will be documented in the separate FLO strategy logs.</p> <p>FLOs Alistair Lewis and John Clerkin appointed.</p>	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.	John McSporran	7 May 2015
8	<p>Productions</p> <p>All productions seized by PIRC to be entered in MI production register and managed by dedicated productions officers. Arrange transfer of relevant productions seized by Police Scotland to PIRC.</p>	Management of productions.	John McSporran	7 May 2015

<p>9</p>	<p>Post Mortem Examination</p> <p>PM undertaken at Edinburgh City Mortuary at 1300 hours on Monday 4 May 2015.</p> <p>In attendance:</p> <p>Pathologists: Kerry Ann Shearer, Ralph Bouhaidar PIRC: John Ferguson, Scene Manager Police Scotland: DC Peter Grady</p> <p>Also in attendance: DC Peter Gilzean, SI Ricky Casey, DSI Billy Little, Inv Stuart Taylor, DCI Keith Hardie, PF Bernie Ablett.</p> <p>SPA – Derek Carroll – Photography and Quasar Exam.</p>	<p>Examination of the body of the deceased to establish a cause of death.</p> <p>Body identification undertaken by John Ferguson and DC Peter Grady. Additionally fingerprints of deceased taken and identified by SCRO.</p> <p>Non engagement by the family at that time who declined to attend the PM.</p> <p>Cause of death after initial PM – Unascertained. Further tests to be undertaken and toxicology and neurological samples to be examined.</p>	<p>John McSporran</p>	<p>7 May 2015</p>
<p>10</p>	<p>House to House Enquiries</p> <p>H/H strategy by PIRC to identify any persons living at the incident locus who may have witnessed the incident.</p> <p>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.</p>	<p>Identify witnesses and obtain their evidence.</p> <p>H/H parameters outlined as any dwelling which overlooked incident or immediate vicinity.</p>	<p>John McSporran</p>	<p>7 May 2015</p>

11	<p>Narrative</p> <p>On 5 May 2015, Mr Stephen McGowan, COPFS directed that all aspects of the investigation including preceding linked incidents would now be investigated by PIRC.</p> <p>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.</p>	Wholly independent investigation into all the circumstances of the death of Sheku Bayoh.	John McSporrان	7 May 2015
12	<p>Narrative</p> <p>From witness statements. On the evening of Saturday 2 May 2015, the deceased and his friend Zahid Saeed arranged to go to the house of their friend Martin Dick at 109 Craigmount, Kirkcaldy. Within the house were; the deceased, Saeed, Dick and his partner Kirsty McLeod. They arrived at 0400 hours on Sunday 3 May 2015.</p> <p>The deceased consumed alcohol and may have consumed controlled drugs. Dick, McLeod and Saeed describe the deceased as becoming paranoid and aggressive. The deceased left the house about 0600 hours followed by Saeed.</p>		John McSporrان	7 May 2015

	<p>The deceased appears to have walked home with Saeed driving to the address at 20 Arran Crescent, Kirkcaldy. The deceased appears to have assaulted Saeed near this location. The deceased may have taken a knife from his home then walked onto Cramond Gardens, Templehall Avenue, Hendry 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.</p>			
13	<p>H/H Strategy</p> <p>PIRC will undertake H/H enquiry of the following locations:</p> <ul style="list-style-type: none"> - Arran Cres, Nos [REDACTED] - Cramond Gardens, [REDACTED] - Templehall Ave, [REDACTED] - Hendry Road from jnc with Templehall to jnc with [REDACTED] Hayfield - Hayfield Road from jnc with Hendry to jnc with Poplar Cres, [REDACTED] - Poplar Crescent, [REDACTED] 	<p>Identify any witnesses who may have seen deceased from when he left his house to point of engagement with police.</p> <p>The above locations overlook the route taken by the deceased.</p>	John McSporrان	7 May 2015
14	<p>Review of Police Scotland H/H Strategy</p> <p>In light of information regarding route taken by deceased and that PIRC have</p>	<p>Review of strategy and alignment to PIRC parameters in light of available information.</p>	John McSporrان	7 May 2015

	<p>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.</p>			
15	<p>Media Strategy</p> <p>PIRC will provide a media strategy to inform the public and media outlets of their role in undertaken an independent investigation on the instruction of COPFS.</p> <p>The media strategy will also encompass appeals for information and utilise social networks.</p> <p>PIRC media staff to lead and advise a media strategy.</p>	<p>Public information and reassurance. Allow media appeals to maximise potential witnesses to the incident.</p>	John McSporran	7 May 2015
16	<p>Notification of Sierra Leone High Commission of the death of one of its citizens.</p>	<p>Legal requirement</p>	John McSporran	8 May 2015
17	<p>Obtain medical history of deceased</p> <ul style="list-style-type: none"> - Obtain GP medical records - Obtain information from the family of the deceased on any medical conditions from childhood, time in Sierra Leone or England that may not be recorded in GP records. 	<ol style="list-style-type: none"> 1. For provision to Pathologist 2. Establish any underlying health issues of the deceased 3. Background information and history of deceased. 	John McSporran	9 May 2015

18	Letter of Notification to Deputy Chief Constable (Designated Depute) of PIRC investigation and requirement to submit statements, documents and other material.	Requirement of independent investigation.	John McSporrان	9 May 2015
19	Lead Investigator at PIRC SI to meet with family, family lawyer Mr Aamer Anwar and PIRC FLOs to explain role of PIRC and answer any questions or concerns the family and their lawyer may have regarding the investigation.	<ol style="list-style-type: none"> 1. Family liaison per MI strategy 2. Address any family concerns or questions over the role of PIRC, how the investigation will progress and directions to PIRC by COPFS regarding the investigation 3. Provide explanation and information on progress of the enquiry. 	John McSporrان	9 May 2015
20	<p>Community, Impact & Tensions</p> <p>Community impact is being examined by Police Scotland who will have responsibility for dealing with any issues arising.</p> <p>PIRC will direct any information which may have a bearing on community impact or tensions to PS.</p>	Minimise community impact, reduce tensions prevent potential for disorder or other actions which may have a harmful effect on the community.	John McSporrان	9 May 2015
21	<p>Cultural & Religious Issues</p> <p>PIRC FLOs will establish the religion and sect of the deceased and any cultural issues, seeking support where necessary from ScotGov lay advisors in order to provide appropriate support,</p>	Provide appropriate support taking cognisance of cultural and religious issues. Address family concerns in a supportive and sympathetic manner.	John McSporrان	9 May 2015

	advice and assistance to family of the deceased. Although not directed by COPFS at this stage, take cognisance of any issue of race if they emerge.			
22	<p>Notification to Police Scotland to approach the 9 officers involved in arrest and request statements from them.</p> <p>If they decline obtain reason for not providing statements.</p> <p>Status of officers remains that of witnesses.</p>	<p>Progress investigation and obtain detailed account of arrest.</p> <p>PIRC requested statements via PS SPOC on 5, 6 & 7 May 2015.</p>	John McSporran	9 May 2015
23	<p>Police Post Incident Management (PIM) Processes</p> <p>PS implemented PIM processes to support 9 officers involved in arrest, appointing a dedicated PIM (CI Conrad Trickett).</p> <p>Obtain PIM log, statements from PIM and supporting personnel regarding actions in respect of management arresting officers, warnings of conferring/collusion.</p>	<p>Investigative requirement to establish how officers were managed post arrest, advice and 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 detailed accounts. Establish who interacted with officers and why. Interview of PIM and Deputy PIM.</p>	John McSporran	9 May 2015
24	<p>Hospital Management</p> <p>Establish dedicated team to obtain all statements from hospital staff and</p>	<p>Continuity of investigation and seizure of evidence.</p>	John McSporran	9 May 2015


	recovery of medical records. Establish if CCTV available at hospital, examine and recover relevant material.			
25	<p>Scene Re-visit 10 May 2015</p> <p>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 outwith area to stop cars.</p>	Trace witnesses to event and obtain additional evidence and information.	John McSporran	9 May 2015
26	<p>Officers Refuse to Give Statements</p> <p>Notification from PS that the 9 officers have refused, at this time, to give statements following advice from their lawyer. Date 7 May 2015.</p>		John McSporran	9 May 2015
27	<p>Prioritisation of Actions</p> <p>Each day PIRC Enquiry Managers will undertake examination and 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 and actions if necessary.</p>	Ensure efficient management of resources and focus on enquiry priorities.	John McSporran	9 May 2015
28	Forensic Strategy Meeting	Prioritise the examination of productions. Discuss with Pathologies material, evidence and other information	John McSporran	13 May 2015

	Meeting held with relevant forensic specialists to prioritise the examination of items seized for forensic examination.	required by them to assist establishing a cause of death.		
29	<p>Phone Seizure and Examination</p> <p>All mobile telephones that may hold evidence relevant to the enquiry to be seized and forensically examined for the period 2/3 May 2015.</p> <p>If a member of the public has their phone seized PIRC will provide the same model at PIRC expense.</p>	<ul style="list-style-type: none"> - Recover evidence relevant to the investigation - Time parameters set so as to limit collateral intrusion - Minimise impact on witnesses. 	John McSporran	13 May 2015
30	<p>Require 9 Officers Personal Details from PS</p> <p>In light of refusal by officers to give statements at this stage, their personal details to be obtained.</p> <p>Officer PSD records to be obtained.</p> <p>Email sent by SI McSporran to [REDACTED] on 13/5/15.</p>	<p>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.</p> <p>PSD records will be examined to determine existing or outstanding complaints or investigations against the officers.</p>	John McSporran	13 May 2015
31	<p>Seize Officers Notebooks</p> <p>The police notebooks of the 9 officers involved in the arrest will be seized and examined for any matters recorded by them in relation to the incident.</p>	Obtain as much information as possible to progress enquiry in absence of statements by officers regarding their actions.	John McSporran	13 May 2015

32	Progress interviews of relatives of deceased to obtain background and medical information which may assist to establish a cause of death. This will be undertaken by PIRC FLOs via family solicitor Mr Anwar.	Obtain relevant background and medical information to assist to establish a cause of death.	John McSporran	13 May 2015
33	Obtain precise details of all PS communication with family of deceased.	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.	John McSporran	15 May 2015
34	<p>Narrative</p> <p>It is clear that COPFS are providing information to Mr Anwar the family solicitor, regarding the investigation, post mortem and other findings. PIRC are unsighted on some of these matters and this can undermine and compromise our dealings with the deceased family.</p> <p>Director of Investigations has discussed this matter with Les Brown, COPFS and requested that he ensure PIRC are apprised of all such communications to ensure our investigation and relationship with family does not suffer detrimental impact.</p>		John McSporran	17 May 2015

35	<p>Narrative</p> <p>Informed by Les Brown, COPFS and Mr Anwar that the family are not requesting a second PM examination by pathologist engaged by family.</p>		John McSporran	15 May 2015
36	<p>Wrote to Sierra Leone High Commission requesting assistance to establish if there are any medical records held in country regarding deceased. Letter sent 27/5/15.</p>	<p>Assist pathologist with medical background to deceased.</p>	John McSporran	15 May 2015
37	<p>Narrative</p> <p>Text message received by FLO Alistair Lewis on 27/5/05 from Ade Johnston, brother-in-law of deceased.</p> <p>PIRC will not respond via text or email but will provide relevant updates via FLOs to Mr Anwar and family. We will not be placing investigative matters in the public domain in case it compromises 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 and family and DSI/SI to provide our position.</p>		John McSporran	27 May 2015
38	<p>All PS Airwave radio communications regarding the incident to be recovered, examined and transcribed.</p>	<p>Provide evidence of events and sequence in which they occurred.</p>	John McSporran	28 May 2015

	All recordings of 999 and 101 calls to be similarly recovered, examined and transcribed.			
39	<p>Obtain training records of all officers involved in incident and examine for current qualifications in use of force, CS & PAVA and officer safety techniques. Examine for first aid training.</p> <p>Obtain PS policy on use of force, restraint, CS & PAVA.</p>	Determine training of officers in use of force and 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 and necessary.	John McSporrان	28 May 2015
40	<p>Instruction from COPFS to factor into investigation concerns raised by family and their solicitor.</p> <p>These will form part of the investigation and actions raised accordingly.</p>	COPFS Instruction.	John McSporrان	29 May 2015
41	<p>Crown Instruction</p> <p>Examine compliance with Police Scotland Standard Operating Procedures by officers involved in incident.</p>	COPFS Instruction.	John McSporrان	2 June 2015
42	9 Police officers involved in incident have agreed to give statements and be interviewed by PIRC as witnesses to the events.	Obtain statements of the officers involved in the incident to determine their actions and those of the deceased to inform investigation.	John McSporrان	2 June 2015

	<p>The interviews will take place at the SPC for those officers able to attend and at:</p> <p></p> <p>2 Home of those officers who could not attend.</p> <p>PIRC Investigators will fully research all aspects of investigation to date to ensure they are effectively equipped to conduct interviews.</p>			
43	<p>Enhance CCTV and other video/photographic evidence seized during investigation by engaging services of specialist forensic company – Infratech engaged.</p>	<p>Attempt to clean up/clarity video/CCTV to allow determination of the actions of police, the deceased and other witnesses to assist the investigation determine accurately what occurred.</p>	John McSporran	3 June 2015
44	<p>SPA Forensics to undertake DNA profiling of items seized to show interaction between deceased and officers.</p>	<p>Provide proof of contact between officers and deceased.</p>	John McSporran	3 June 2015
45	<p>Correspondence</p> <p>Maintain a record (electronic) of all correspondence in the investigation, broken down into COPFS, Mr Anwar, Police Scotland, Pol FED, etc. Create categories as required.</p>	<p>Volumous correspondence from interested parties inc COPFS instruction, necessitates maintaining record of all such matters. Create file in Op Quich folder to keep all correspondence.</p>	John McSporran	5 June 2015

46	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.	Obtain evidence or indication as to reason officers refused to give statements.	John McSporran	7 June 2012
47	<p>12/6/15 – Letter from COPFS instructing that PIRC investigate.</p> <p>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.</p> <p>2. Concerns that the initial PS investigations and attempts to secure evidence were not thorough meaning that crucial evidence was lost to the inquiry.</p> <p>3. There was inappropriate conferring between police officers.</p>	COPFS Instruction.	John McSporran	12 June 2015
48	<p>Per the instruction from COPFS (see last entry) actions will be raised to investigate these matters:</p> <p>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</p>	Undertake enquiry as directed by COPFS and report.	John McSporran	12 June 2015

	<p>are supported by the evidence and report to COPFS.</p> <p>2. Examine all aspects of the PS investigation into the incident and evidence gathering and report to COPFS providing an evidence and factual basis for opinion on the thoroughness of the PS investigation.</p> <p>3. Inquire into any conferring between the principal officers, including all advice given to them by SPF. PF management or other parties to allow a determination on inappropriate conferring and report to COPFS accordingly.</p>			
49	<p>Narrative: 18 June 2015 – find Post Mortem Report issued by Pathologists.</p> <p>Cause of Death: Sudden death in a man intoxicated by MDMA (Ecstasy) and Alpha-PVP, whilst being restrained.</p> <p>Pathologists: Dr Kerryanne Shearer Dr Ralph Bouhaidar</p>		John McSporran	19 June 2015
50	<p>Obtain any intelligence from PS regarding threat to officers from terrorist attack (UK Threat Level) and any specific intelligence in the Fife area that officers would be attacked.</p>	<p>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</p>	John McSporran	19 June 2015

		specifics of the information provided to officers to allow examination of their approach to the deceased being potentially affected by such information.		
51	Undertake research on Alpha-PVP	Alpha-PVP is relatively unheard of in Scotland and its use/abuse is unknown as is its effects. Undertake research to inform the investigation.	John McSporrان	19 June 2015
52	Obtain and examine airwave automatic resource location (ARL) data and compare against officer account of events.	Provide independent corroboration of officer and vehicle movements prior to, at the time of and following the incident.	John McSporrان	19 June 2015
53	<p>Arrange and interview senior police officers who managed and directed the early stages of the PS investigation inc.</p> <ul style="list-style-type: none"> - Ch Supt Gary McEwan, Div Comm, Fife - Ch Insp Nicola Shepherd, LAC, Kirkcaldy - Dt Supt Patrick Campbell SIO - Obtain SIO policy files 	Obtain comprehensive understanding of the PS management of the incident and incident response including dealings with the family of the deceased.	John McSporrان	19 June 2015
54	Meeting with Mr Anwar, Solicitor for family of deceased.	Update Mr Anwar on progress of PIRC investigation. His is sole point of contact with family of deceased.	John McSporrان	23 June 2015
55	PIRC to identify Medical Experts who can provide opinion on cause of death including effects of drugs, restraint, medical or drug misuse history of	Attempt to establish exact cause of death.	John McSporrان	23 June 2015

	deceased and present their CVs to COPFS so that they can select experts whose opinion can be sought.			
56	<p>Correspondence (email) from Mr Anwar seeking answers to various points raised and highlighting issues for investigation or examination.</p> <p>Forwarded to COPFS for advice and instruction on 29/6/15.</p>	Development of Investigation.	John McSporran	24 June 2015
57	<p>Instruction from COPFS re investigation</p> <p>Item 3 is an instruction to investigate Zahid Saeed's allegation (made by Mr Anwar) of criminal conduct by police officers when dealing with them.</p> <p>- Raise actions and investigate – Interview officers. Interview Saeed – he has never previously made these allegations and obtain his statement as to why he says happened.</p>	COPFS Instruction.	John McSporran	3 July 2015
58	<p>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.</p> <p>PIRC will not release material but provide material to COPFS.</p>	Protection of personal data of witnesses.	John McSporran	7 July 2015

59	<p>Provide Expert Witness packages</p> <p>Include</p> <ul style="list-style-type: none"> - Relevant redacted Police and civilian statements - Pathology reports, inc neurology and toxicology - CCTV and still images - GP medical notes - Hospital records - Briefing paper outlining circumstances - Letter of instruction 	To obtain expert medical opinion on cause of death and/or potential contributory causes.	John McSporran	7 July 2015
60	<p>Narrative</p> <p>Correspondence received from [REDACTED], wife of PC Alan Paton, raising concerns about the length of time 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 and others has increased the risk to him, Mrs Paton [REDACTED]</p> <p>Decision: PS to be informed and concern from Mrs Paton passed to them for appropriate action.</p>	<p>Safety of PC Paton and other officers and their families.</p> <p>Any info received by PIRC including concerns raised by officers or their families will be forwarded to Police Scotland for action thereon.</p>	John McSporran	23 July 2015
61	Update from Mr Anwar seeking details on progress of PIRC investigation.		John McSporran	28 July 2015
62	Narrative: Instruction of Experts		John McSporran	29 July 2015

	<p>Following presentation of CVs to COPFS, they have instructed PIRC to engage the services of Dr John Payne James and Dr Steven Karch to provide expert opinion on cause of death.</p>			
63	<p>Contact HSE and apprise them of case and whether they would wish to examine the circumstances at this time.</p>	<p>Potential for health and safety implications in the PS approach to arrest and restraint.</p>	John McSporran	29 July 2015
64	<p>COPFS Instruction – investigate all the circumstances set out in the letter from Mr Anwar to COPFS.</p> <p>In this regard the inquiry will now progress the following main lines of enquiry and actions will be raised accordingly.</p> <ol style="list-style-type: none"> 1. Race – examine whether race/racism/institutional racism within the Fife area of Police Scotland and in the approach of individual officers played any part in or impacted on how officers dealt with Sheku Bayoh. 2. In pursuance of the last, examine the PSD records of officers involved in incident for racist or discriminating behaviour and report accordingly. 	<p>Instruction from COPFS.</p>	John McSporran	25 August 2015

	<p>3. Examine the PSD history of PC Alan Paton and historic incidents/allegations of assault.</p> <p>4. Undertake an audit of Police Scotland IT systems operational in Fife – CHS, PNC, SID, Crimefile – to determine if the 9 officers or any officers unlawfully accessed the data of the persons named in the letter.</p> <p>5. Correspond with Mr Anwar setting out Scottish position in law regarding conferring/collusion, resignation, compulsion about providing statements, IPCC position contrasted with PIRC/Scottish system, etc.</p>			
65	<p>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.</p>	<p>Concerns expressed by Mr Anwar about progress of investigation and points raised in letters to COPFS and PIRC.</p>	John McSporran	28 August 2015
66	<p>Instruction from COPFS</p> <p>Additional investigation and request for information</p> <p>1. Detailed analysis of accounts given by all officers and civilian witnesses in relation to restraint from beginning to end.</p>		John McSporran	3 September 2015

	<p>2. Obtain <u>expert opinion</u> on 1 by a person who is qualified to comment on restraint techniques employed and whether they were in accord with training.</p> <p>3. Obtain <u>expert opinion</u> on use of CS/PAVA.</p> <p>4. Obtain <u>expert opinion</u> on effects of drugs found in Mr Bayoh's system and its use, prevalence and effects in a UK context.</p> <p>5. Establish what info was provided to each officer prior to arrival at incident via airwave.</p> <p>6. Obtain SPA Pharmacist comment on tablets seized.</p>			
67	<p>Informative: HSE content for PIRC to continue and complete investigation including obtaining expert medical opinion, before they would examine matters to determine a need for HSE engagement.</p>		John McSporran	3 September 2015
68	<p>Correspond with Mr Anwar providing information on progress of investigation and covering points raised in his meeting with PIRC on 3 September 2015.</p>	<p>Provide update to family and Mr Anwar answering issues raised by them with PIRC.</p>	John McSporran	10 September 2015

69	<p>Narrative</p> <p>Letter attached* from PBW Law, Prof Peter Watson, acting on behalf of 9 officers outlining their/PBW law's) investigation.</p> <p>Note – no action taken</p> <p><i>*Attachment can be found on PDF version of this document</i></p>	Recorded for information.	John McSporran	4 September 2015
70	<p>COPFS instruction</p> <p>Undertake investigation to determine whether the attendance of an ambulance was delayed due to PS communication errors.</p>	Impact on treatment of Mr Bayoh.	John McSporran	6 October 2015
71	<p>Following discussion between COPFS, PIRC, Mr Anwar and family of deceased, additional medical experts should be identified who can provide opinion on cause of death, police restraint and conduct.</p>	Obtain additional expert opinion to inform investigation of cause of death and appropriateness of police conduct and actions.	John McSporran	7 October 2015
72	<p>Instruction from COPFS: Letter provided on 10 November although the instruction was given earlier on 13/10/15.</p> <p>Instruct the following experts to provide opinion.</p> <p>- Prof Jack Crane</p>	<p>Obtain expert opinion on cause of death, behavioural science aspects of the conduct of deceased.</p> <p>Following meeting between PIRC and COPFS Lord Advocate on 13/10/15 at Crown Office.</p>	John McSporran	16 October 2015

	<ul style="list-style-type: none"> - Dr Maurice Lipsedge - Dr Anthony Bleetman - Dr John Pakes - Dr Eliz Spilleaux - Prof Mary Sheppard 			
73	<p>Narrative: Opinion from Dr Jason Payne James ① and Dr Steven Karch②</p> <p>① Summary: Death was not due to Excited Delirium Syndrome. Death was ① the drugs present in Mr Bayoh's system may cause long term damage or heart irregularities. There is nothing specific to support hearth abnormality and it would be appropriate for a cardiac pathologies to review heart.</p> <p>② CS/PAVA played no part in death.</p> <p>③ Weight may have reduced capacity to breathe resulting in cardo-respiratory arrest.</p> <p>④ The account provided (by witnesses) and the presence of petechial haemorrhages would be consistent with mechanical asphyxia.</p> <p>⑤ In the absence of cardiac pathology it is not possible to exclude the possibility of a cardiac arrest.</p>		John McSporran	24 September 2015

	<p>© (Dr Karch) Mr Bayoh suffered from pre-existing heart disease which could have been fatal in its own right. Long term stimulant and steroid abuse when combined with drugs were probable cause of heart failure.</p>			
74	<p>COPFS Instruction</p> <p>Family of deceased and Mr Anwar to be allowed to see video of incident. PIRC to arrange viewing at Crown Office.</p>	COPFS Instruction.	John McSporran	7 October 2015
75	<p>Examine all aspects of PS PSD/CCU investigation into racial text messaging/picture sent to by 3 officers in Fife (who were sacked) to determine whether they corresponded with any of the officers involved in the arrest of Shaku Bayoh.</p>	Expanded enquiry to determine whether racism played any part in the approach or background of the principal officers.	John McSporran	8 October 2015
76	<p>Examine all aspects of the background of PC Alan Paton following BBC News story alleging he had a history of violence and racism. Allegations were made by PC Paton's brother in law, Barry Swan.</p> <p>Interview Barry Swan and other family members to obtain any evidence or allegations.</p>	Determine whether PC Paton had a history of violence or racist behaviour which impacted on how he dealt with deceased.	John McSporran	15 October 2015

77	Family of deceased/Mr Anwar to be allowed to listen to 999/1010 calls and airwave radio messages.	COPFS Instruction 9/10/15.	John McSporran	16 October 2015
78	PIRC contacted by ^{Wife of PC Paton} [REDACTED] expressing concern over all aspects of the investigation/media stories/press releases etc [REDACTED] [REDACTED] Included as part of narrative.		John McSporran	20 October 2015
79	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 Op Quoch. 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.	Due to the significant volume of correspondence including telephone calls and other interactions in respect of the investigation failure to effectively record, minute, store 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.	John McSporran	20 October 2015
	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.		John McSporran	2 November 2015