

EXCLUSIVE: Officers who restrained tragic father in street 'did not break law

SHEKU DEATH: POLICE CLEARED

POLICE officers who forcibly restrained a suspect in one of the most controversial cases in recent Scottish history will not face prosecution over his death.

Sheku Bayoh – who was originally from Sierra Leone but had lived in Scotland since childhood – died in 2015 after being pinned to the ground by police following reports that he was

By **Katherine Sutherland**

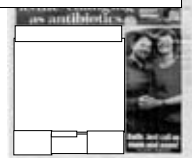
seen acting erratically in the street and carrying a knife.

His death sparked complaints of police brutality and racism – and also prompted an official investigation into whether undue force was used to restrain the 31-year-old. Now, according to a well-placed source within the

justice system, the country's chief prosecutor has decided the officers should not face any criminal charges.

The Scottish Mail on Sunday understands the Lord Advocate believes the evidence does not support a prosecution against the officers who restrained Mr Bayoh. His decision is said to be based on two main

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Key witnesses help clear police

factors: firstly, the statements of multiple witnesses who confirmed the police acted proportionately; and secondly, forensic evidence that Mr Bayoh's death was caused by the high levels of illegal drugs found in his system.

The move will be welcomed by the police – who will see it as a massive vindication of their actions – as Mr Bayoh's death is one of a number of high-profile cases where the force has faced criticism.

But the decision not to prosecute the officers involved is certain to spark a furious reaction from Mr Bayoh's family.

The source said: 'The decision has not yet been formalised, but the Lord Advocate is now confident there will be no criminal proceedings against the police officers involved.'

The Crown Office yesterday refused to confirm the decision not to prosecute, but officials said they would soon be giving an update on the case to Mr Bayoh's relatives.

A Crown Office spokesman said: 'We are meeting the family in the near future to update them and it would not be appropriate to comment further at this time.'

Mr Bayoh was a trainee gas engineer who had arrived in Scotland at the age of 11. He lived in Kirkcaldy, Fife, with his partner Collette Bell, who was 26 at the time, and their baby son Isaac.

Just after 7am on the morning of Sunday May 3, 2015, police responded to reports of a man – later identified as Mr Bayoh – acting

erratically in the street and carrying a knife.

A number of officers, believed to be using CS spray and police batons, brought him to the ground, applying both handcuffs and leg restraints.

Minutes later, Mr Bayoh lost consciousness, with officers radioing for an ambulance.

An attempt was made to revive him using CPR but by the time Mr Bayoh arrived at the town's Victoria Hospital he was dead.

A post-mortem examination noted that the cause of death was inconclusive, pending further investigation.

It revealed that Mr Bayoh had suffered nearly 30 injuries on his head, chest, lower legs and left arm.

A toxicology report later said that the drug ecstasy had been found in Mr Bayoh's system, as well as traces of the psycho-stimulant A-PVP, sometimes called Flakka.

According to reports, a knife had been recovered near to where he was detained.

Mr Bayoh's family alleged he died of 'positional asphyxia' and that he had been unable to breathe because of the pressure being applied by police officers pinning him to the ground.

The family also made a number of claims of mistreatment and incompetence by the police. They said they were given five different versions of the events which led to Mr Bayoh's death, including one version where Mr Bayoh was simply found on the pavement by a mem-

ber of the public.

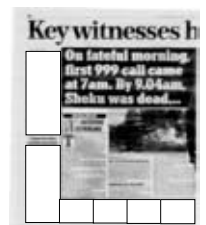
They claimed it was ten hours before Miss Bell was informed that he had died. It was alleged also that police tried to repatriate Mr Bayoh's body to Sierra Leone without her knowledge. In the aftermath, the case was referred to the Police Investigations and Review Commissioner (Pirc), the official watchdog group that scrutinises the actions of the police and investigates claims of criminality by officers.

In August 2015, Pirc submitted a report to the Lord Advocate. A further report containing evidence from expert witnesses was submitted in August 2016. The decision by the Lord Advocate that the officers should not be prosecuted does not mean, however, that the police will necessarily escape criticism.

Because Mr Bayoh died in police custody, a Fatal Accident Inquiry will be held, which will aim to discover if there are lessons to be learned from the circumstances surrounding the death.

In April this year, Mr Bayoh's family announced they had mounted a £1.8million civil action lawsuit against the police. They had already launched their own investigation, enlisting forensic pathologists and human rights lawyer Aamer Anwar.

Throughout the investigations, the Scottish Police Federation (SPF) police union has represented eight officers who were involved. None was suspended, although two went





on paid leave following the incident, both of them said to be severely traumatised.

Last night, a spokesman for the SPF declined to comment ahead of any official announcement by the Crown.

But sources within the union said that the news was 'not a surprise' and added: 'We have always been confident that the officers involved responded proportionately and appropriately.'

Police Scotland has faced criticism over a number of high-profile cases in recent years, including the M9 death crash where a member of the public reported a car veering off a motorway – but the vehicle was not found for three days, which led to the death of the passenger Lamara Bell. The force was also criticised over the death of Andrew Bow, whose body was found in his flat after police took 24 hours to respond to a call of concern for his welfare.

In May this year, three years after

Mr Bayoh's death, the inquiry into his death was branded a 'national disgrace'.

His sister, Kadi Johnson, said her 'patience has been exhausted' after waiting so long for the Lord Advocate to decide whether or not to prosecute the officers involved.

'We the family have kept an open mind and had faith in the justice system but waiting for three years with no answers has been soul-destroying,' she said.

'We the family want an end to this. We want to grieve. Our patience has been exhausted. Our trust failed. We have run out of answers for our children about their uncle. His children are getting older and asking about their father.'

Mr Bayoh's partner, Collette Bell, said: 'We have always said that if Sheku broke the law then the police had a right to act.'

'They did not have the right to perform the role of judge, jury and executioner.'

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