



The Sheku Bayoh Public Inquiry

Witness Statement

Michael Tait

**Taken by [REDACTED] on MS Teams
on Wednesday 4 October 2023**

Witness details

1. My full name is Michael Tait. My date of birth is in 1975. My contact details are known to the Inquiry.
2. I have been asked if I have been passed any information about what this interview is going to cover by the Police Investigations and Review Commissioner (PIRC). No. I was contacted by [REDACTED], [REDACTED], just to give a heads-up that I was going to be contacted and if I was happy to be contacted by email etc.

Professional background

3. I completed a journalism degree at Napier, before I worked in local newspapers, Cumbernauld News. I worked for various national titles on a shifting basis, including The Scottish Sun, the Sunday Mail, Daily Mail.

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Moved from there to the Metro newspaper and from there moved to The Mail on Sunday newspaper as a political correspondent. Thereafter, moved from journalism into public relations to work for [REDACTED] at the Scottish Conservative Party as her director of comms. I moved from there, took a career break for six months or so and then joined the PIRC. After the PIRC I then worked for a company in Glasgow called 3x1 Group, which was a public relations agency company, and then moved from there to a company called Cavendish Advocacy, which is a London based PR and PA company, and then left Cavendish in in June to set up my own public relations company and go self-employed. I currently work as a self-employed freelance public relations consultant.

4. Until I worked at The Mail on Sunday, I was what you'd call a general news reporter, although when I was at the Metro I dipped in and out of the political side of things as and when required, and then when I joined The Mail on Sunday that's when I specialised in politics.

Role at PIRC

5. I was the head of communications at PIRC. I started around the first or second week in June 2015 and left around July 2021. I have been asked if I started on 4 June 2015 and left on 25 June 2021. That sounds about right, yes.
6. When I started there was two other members of staff on the comms team. I had management responsibilities for those two employees, and my general role was to be the first point of contact with the media. If a media query came in or any other media matters to deal with, then I was the first point of contact to assess the query and decide how best to deal with it. Other than that, I also had responsibility for what are called corporate communications, so that was your annual report, your business plan, strategic plan, things like that. Again, I had a responsibility to take those projects forward.

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7. The best way to describe it would be I was the project lead. I would be aware of when these things were due, so it took a lot of forward planning in terms of going round all the different people that I needed material from. I would quite often write a lot of the draft copy as well for senior staff to get signed off.

8. PIRC also had a website, so I would have editorial control for that in terms of what went on the website. We had internal comms to put out as well, so I was involved in formulating that for both investigations and the review side of the team.

9. Anything media-related to do with PIRC, I had a responsibility to deal with those queries and decide in conjunction with the relevant staff how to best deal with them, internal comms, corporate comms, general media strategy, and stakeholder relations with fellow justice organisations as well.

10. Over and above that there would be what I'd call strategic advice. Sometimes queries about information would come in, not quite from the media but things would emerge that I would regard as a potential media issue, so I would provide advice as to how to handle particular issues, whether that was doing nothing or doing something. Colleagues would know that, based on my experience before I came to PIRC, being an ex-journalist and having several years of PR experience, they were drawing on that and I was more than comfortable to provide that advice. I saw it as my job to give the best advice possible to ensure that we weren't doing or saying anything that could have a negative impact on whether it was this particular case or PIRC as an organisation.

11. In PR, you take the view that you give the best advice, but knowing that it might not always be taken, but I did feel that I had a voice as head of communications. I feel I was given a voice and I was listened to. You don't

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have a 100 per cent hit rate with these things but, generally, I was given an opportunity to provide my advice and comments when required.

Communications team

- 12. I reported to [REDACTED]. At the time, he was the director of corporate services.
- 13. [REDACTED] and Kay McKay reported to me. Kay McKay was a temporary member of staff. She was only there for a few weeks and then she left.
- 14. Before I started, they had a bit of a gap. There was no head of communications for a number of months, so they were really just trying to fill in the team until I arrived. Kay McKay had been brought in as a bit of extra cover. [REDACTED] would've been the main person at the time.
- 15. How it worked is that although you would be the main contact for the media for queries or whatever, you couldn't provide anything to the media until you'd consulted and had what I'd call sign-off or agreement from senior members of staff, including the Commissioner and heads of departments before you could give something out.

Relationships with colleagues

- 16. I came in at quite a busy time, and they made me feel welcome very quickly. I quickly immersed myself in the organisation. Notably, the investigation team, the senior staff there were very welcoming and supportive as well. It was a busy time and we all clearly knew that we had to work together closely.
- 17. I have been asked how I found working alongside the Commissioner. It was good. Our offices were very close to each other, so from my point of view, that was good because the way the media works, it's quite a fast, intense

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pace. For me, it can be quite busy and I needed to have that closeness, quick, healthy relationship with the Commissioner when I was dealing with these matters to know that she was close by and that we could talk over things.

18. I have been asked which senior staff I liaised with at PIRC during the investigation. John Mitchell and Irene Scullion were the two that I would deal with most of the time on this case. Again, good relationships with them. When I first started they were particularly welcoming and helpful, knowing that I'd just started in the middle of a very busy time. I would go up to see them almost daily, just to make sure I was abreast of what was happening and they made themselves accessible and helpful, knowing that I had quite a difficult job to do.

PIRC's approach to media strategy

19. I have been asked if, during the investigation following the death of Mr Bayoh, I felt that there was consensus between me and my colleagues in relation to media strategy. People talk about strategies sometimes in terms of four or five pages. The strategy in terms of this particular case, it was a very sensitive case at the time. My view was that we had to be very careful about what we did and said because of the high-profile nature of the case. There was a lot of coverage coming from what we'd maybe call both sides of the issue, and my view was that, as a public organisation and the main investigator team, we had to be really careful what we said and that we were not going to get involved in any war words publicly and that view was generally shared.

20. I can be quite clear that from the top down, there was a clear strategy that we had to be very cautious in what we said. If you ever had to put a statement together, you were pouring over every single word. Even one word wrong could give the wrong idea or create an issue. What I would stress as well is

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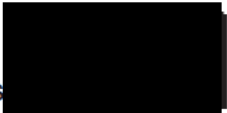
that, particularly in this case, in fact all cases which we were given direction by the Crown Office, we would have to get the words signed off by them as well. There was a two-stage signing-off process. As well as having the words signed off at PIRC's end, we also had to send stuff over to the Crown Office for them as well to make sure that we weren't seeing anything that was going to cause an issue for them.

21. There were maybe some times where there was a line which fell into the camp of more reputational for PIRC. It was more about PIRC's reputation than the actual case itself. In that case, we wouldn't have ran that past Crown Office because our view was that it was more to do with PIRC's reputation rather than affecting the case.

22. I have been asked if I was able to issue press releases myself, or if I required to obtain sign-off from other colleagues at PIRC. I always had to obtain sign-off. Generally, what would happen would be the query would come in, or something would happen where I would suggest that we maybe had to put something together proactively, and so I would draft what I think was the best thing to say in response to the particular query. That would then have to be signed off by senior staff in the investigation team and then normally it would then be the Commissioner who would have the final sign-off.

23. I can recall there were a few occasions where if the Commissioner was off or unavailable, either the Director of Operations, Head of Investigations, Head of Reviews or Head of Corporate services signed a statement for distribution. For the Sheku Bayoh case, I can only speak about the period when I was in post, my recollection was that every statement was signed off by the Commissioner.

24. It would normally go out as a spokesperson for the PIRC, and the PIRC being that unique entity of an organisation but, the PIRC is the Commissioner, then

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that statement's essentially going out in the Commissioner's name, so she had to be happy with it before it went out.

25. If PIRC got a new investigation, if we felt it was appropriate, we would let the media and the public know about it. That would be at the very early stages. Quite often, we wouldn't say anything else during the case unless we got a particular query which we thought it was appropriate to answer, and generally it would be not until the end of the case that we would then, almost a sign-off would be that, "The case is now finished and the report has been given to the Crown Office to look at." That happened very often when I was at PIRC, but occasionally you might have a witness appeal that you would look to ask the media for assistance.
26. It's quite procedural really. I can only think of a handful of occasions during my five/six years at PIRC that we actually even asked for a witness appeal. The only other example would be supporting families. Quite a few times, we did put out statements proactively on behalf of families but that's the limit of what we'd normally do, and to give the Crown their due, there was also very much a view that we didn't want to provide commentary of ongoing cases.
27. That was mainly to support the families who were maybe feeling that the media were pressurising them, and we would act as a buffer to try and get the media off their back, so to speak. In this particular case, the family liaison aspect was slightly different, so we didn't have that same relationship with that family.
28. I have been asked who would be responsible for the creation of a media strategy within PIRC, and whether that would be the communications team or the investigations team. It would be a collaboration. Generally, it was myself that took the lead and I would liaise with the relevant investigators. That could be, potentially, the lead investigator and family liaison. If it was a case where there was a death, family liaison would have a part to play as well. I

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was very conscious of having that initial discussion at the very beginning of a case to identify any issues that might be relevant from a media point of view. Over and above the standard, “We’ve got an investigation into X, Y and Z”. Is there a family element we need to be aware of? Do we need to do any family statements? Is there anything else that we need to be aware of? I would try and cover all that off at the beginning to make sure that, over and above the “standard line”, was there anything else that we needed to be aware of that we might have to provide a reactive line for?

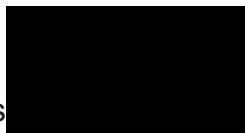
29. I have been asked what the distinction is between a proactive and a reactive media strategy. The best way to describe that would be that proactive would be that, if we decided that we wanted to go to media with something, we would put together words or a statement, and we would then proactively distribute that to the media.

30. Reactive would be we were maybe aware of an issue or something that might come up, and it was prudent to make sure you had what I would call a “reactive media line” ready just in case you were asked a question on something. That was to avoid a scenario of a seven o’clock call on a Friday night or a three o’clock call on a Sunday and the media wants something within an hour and you’re left blindsided. It’s about preparation and making sure that you had an appropriate signed off statement if required.

On-call system

31. There was a bit of an on-call system when I arrived. It was a bit ad hoc. I quickly saw I needed to strengthen that on-call system. We had this case, which was the biggest case that PIRC had ever dealt with at that time, and quickly after that we then had what I would call the M9 case the following month, in July, and then quickly after that the cases just seemed to be coming thick and fast. The media enquiries were quite incessant at the time and quite

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often they were coming out of hours and at weekends. I actually proactively said to the organisation that we needed to strengthen our on-call thing.

- 32. From what I can recall, it was really just that potentially the odd call out of hours might get picked up, but there wasn't really a formal system in place. It would've been [REDACTED] and then prior to her the previous head of media, so I'm not quite sure how they operated things, but I think it might have just been that they did the odd call during the week or at weekends but it was pretty much ad hoc. It wasn't really a formal 24/7 system.

- 33. We then moved to a 24/7 on-call system which was out of hours during the week and then weekends. It's pretty much to mirror what the investigation team had. They had an on-call system as well, and after I immersed myself in after a few months or so, I quickly established with investigations that we needed to mirror each other, so that if we're dealing with a particular incident, even if it's the weekends, then they had to have that media support. Because the other justice organisations at the time, Police Scotland, Crown Office, had similar, so again, I thought, "Well, we had to mirror that as well to be professional." That recommendation was taken on board and we moved to that. We then had a bit of a rota system amongst the media staff, although it was pretty much myself, as the Head of Communications, that did most of it.

- 34. I have been asked if I was ever called as part of this on-call system. It happened quite a lot, yes. It was mainly phone calls, and occasional emails, that I dealt with at home. There was only one time, I recall, I had to actually come out to the PIRC offices on a Sunday, but that was for the M9 case.

Public perception of PIRC

- 35. What I felt was when the Sheku Bayoh case came into the public consciousness, it was almost like, up until that point, PIRC had been under

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the radar to a certain extent. In this case, most people then became aware of this organisation called PIRC for the first time.

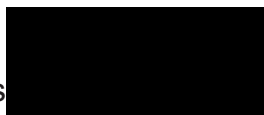
- 36. When I started in June, almost for the first maybe six months even to a year, there was a lot of explaining to do to media of who we were and what we did and what powers we had, and quite often when we put out media releases or anything to the media, we would put in a note in the editor's section which explained who PIRC were. I was very conscious that there was a bit of a gap there in terms of people understanding what we did. Especially because this case was so prominent and it was getting so much coverage, I was very conscious that we didn't want any misunderstandings getting created about what PIRC could and couldn't do.

- 37. There would be frustrations sometimes because there was a lot of media reporting on this case and sometimes you would come across inaccuracies about what PIRC could and couldn't do in terms of their powers and responsibilities. Quite often I would be trying to correct things with journalists in the media if they got something really, really wrong because that would then create a public perception which was not quite right sometimes. When you're dealing with such a high-profile case, we still want to make sure that the reporting is as accurate as possible.

- 38. I have been asked if there is greater awareness and understanding of PIRC's role now. Absolutely. I think the best way I could describe that is that towards the end of my time at PIRC, the media certainly had got round their head that PIRC were here, what they did, etc. For the first couple of years when I was there, it was a big, big deal whenever PIRC got involved in something the media got quite excited about it. But then that settled down after a few years.

- 39. During my time there, we also launched a new website, and one of the particular things that I was very conscious of was making sure that website

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explained, in a better way than the previous website, what PIRC were and what we did. So that was another thing, I think, that helped.

- 40. In terms of the media's perception, I think sometimes they thought that PIRC had more powers than we actually had. There were issues to do with could we arrest someone and could we do certain things. There was just a wee bit of misunderstanding there with the media.
- 41. We would be called a police watchdog as well. That was what we were branded, but you also had the SPA who were getting called a police watchdog, and then you had the HMICS as well.
- 42. We were just trying to cut through that with the media to make it clear where we sat and also just the fact that, in this case and a lot of the cases we got, we were acting on behalf of the Crown Office as well. That was quite a hard concept for a lot of the media to understand that, yes, we were an independent public sector agency funded by the Scottish Government, but we had that relationship with the Crown Office.
- 43. There was actually a bit of a perception that, because we were called the Police Investigations & Review Commissioner, because we heard that word "police" at the beginning, I think there was a little bit of perception that we were linked with the police in some way. There was a lot of explaining to show that we had absolutely no connection at all with the police, we were a completely independent organisation.
- 44. I think that potentially this was a bit of an issue. I think, if you were a member of the public at the time, you would just see the word "police" in our name and assume that we were potentially linked in some way to Police Scotland. I was acutely aware of that. When I was dealing with journalists and also when we were revising the website, I was really, really driven to try and make it clear that we were independent and a separate organisation.

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45. I have been asked if I felt that the PIRC was sufficiently independent from the police. Yes, I did. You had the Commissioner who was former Crown Office, so she was at the top of the organisation. In the investigation side of things, you had the ex-police there, and then in the review side of things, you had a former lawyer, and then they had [REDACTED] who was head of corporate, so in terms of the senior management team, there was a good balance there.
46. Some people maybe say, "Well, okay, the head of investigations was former police," but John Mitchell was very good at what he did and he had a huge amount of experience and was very skilled at what he did. The independence side of things, for me, was there, and what we did was fair, impartial and independent.
47. I have been asked if the "opinion piece" for the Sunday Mail dated 25 July 2015 (PIRC-03925, page 27) was intended to boost public awareness of the PIRC. I do recall that quite clearly, actually. Sunday Mail – very big, prominent publication, probably the biggest Sunday newspaper at the time – they'd taken a particular interest in the case. They approached us to provide what I would call an opinion commentary piece to go in that weekend's paper. We decided it was a really good opportunity to explain a bit more about who the PIRC were, what we could do, and just try and get something over to the readers of Sunday Mail and potentially beyond that. So I was involved in pulling that together with the Commissioner.
48. It was more in general terms about explaining who PIRC were and what we did. There was that aspect of things. That's where we would engage with the media. That Sunday Mail's a good example, but you went beyond just providing a standard statement. We had to provide a whole commentary piece, so that would be a good example where you would touch on cases. It's just trying to use prominent cases which were in the media at the time to try and explain how PIRC fits into the whole justice sector.

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Relationships with police officers

- 49. I have been asked if I was acquainted with any of the police officers involved in the incident involving Mr Bayoh, or the subsequent Police Scotland investigation. No, I have never spoken to any of them.

- 50. I have been asked if there was a system at PIRC for reporting an acquaintance with a police officer who was the subject of a PIRC investigation. I don't recall.

Initial involvement in the investigation

- 51. ██████ would have brought me up to speed in terms of where she was with it and then after that it was a case of meeting John Mitchell and Irene and speaking to the Commissioner, Kate Frame. Then, at that point, they were having regular briefings about the case, so I would go along to some of them.

- 52. I have been asked if, upon starting my role, I was informed of the priorities PIRC had, and the challenges that had been encountered, in terms of media liaison during the initial part of the investigation. I was brought up to speed by ██████ and Kay on the issues dealt with to date and separately by John Mitchell and Irene. I was already aware of a lot of the coverage that had appeared in the media. It was a case of getting to grips with what our media lines were. We'd given out various media lines prior to me starting, so it was me getting my head round what we'd said previously, what was our standard response to some of the issues that had already come up, and then just knowing that, going forward, what we could use in terms of media lines.

- 53. With these situations, whether it's this case or any case, it's always about consistency of language. "What have we said before? Okay, right, is that still our position? Is it not?", and then you would quite often repeat the same

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language as before or maybe change the odd bit of language, but generally you would have a base going forward. That was how I approached it.

54. In terms of the family, I know there was a bit of an issue there in the sense that the normal family liaison process would be that we would liaise with the family and then there would be an ongoing liaison with that, but that didn't really happen in this case because the lawyer for the family quickly established himself as the go-between between ourselves and the family. We didn't really have much of a direct link from that point of view.

55. I have been asked if I recall having any involvement in an investigation of the media reporting on 3 May 2015 that an officer had been stabbed during the incident involving Mr Bayoh. No, I don't.

56. I have been asked in what circumstances a journalist would disclose his or her source for a story. No circumstances. Certainly as far as I'm concerned, it's a journalistic privilege that if somebody is going to trust you with giving you a source quote or source information, then you would never give that person's name up.

57. I have been asked if a journalist would be willing to disclose general details about the source of a story, for example that the information came from a police source or from an eyewitness. Putting myself back into the shoes of a journalist, I would say no.

Relationship with Crown Office and Police Scotland

58. I have been asked if Crown Office were in charge of media strategy for this investigation. No, I wouldn't describe it like that. It was more of a partnership in the sense that enquiries or issues would come into ourselves, we would decide, from our point of view, how best to handle that, but we were very conscious that there was a system in place that, if we wanted to go out and

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say something about the case at the time, we just had to, as a belt and braces, double-check with Crown comms that they were comfortable about what we were saying.

- 59. I did quickly build up good relationships from a comms-to-comms point of view with Police Scotland, the Crown Office, SPA, etc. That comes with the territory. It was very clear from the beginning, certainly when I started with police comms, that because we were carrying out an independent investigation, that police comms couldn't really say anything. There was an understanding that any queries that came in about the case would get put onto ourselves to deal with. It wasn't seen as appropriate for Police Scotland to be dealing with most of these queries because of the nature of the case.

- 60. Quite often it was an email or a phone call where we'd get told, "We're pushing this onto you guys", so that was fine because that's what was expected. There would be queries they would have dealt with which, again, would potentially have fallen into that reputational side of things. There would be times that they felt they maybe had to deal with something because it fell into that category, but generally it was to do with the actual case itself and they had to be quite careful as to how they handled things.

- 61. I have been asked if I was content with the way Crown Office and Police Scotland handled media liaison during the investigation. There was regular conversations just to go over relevant matters, so, yes, as far as I was concerned, it was good relations with both organisations.

Media strategy within the Bayoh investigation

- 62. I have been asked if PIRC's media strategy remained consistent during the investigation following the incident involving Mr Bayoh. It maybe changed a little bit, a few months in, where, reputationally, there was a lot of criticism of the organisation, so on occasion we were a little bit more proactive. We

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maybe tried to provide a bit more information to the media in terms of who we were and what we did. I was very conscious that there was a bit of a gap in knowledge there. That really changed with the level of coverage at the time, really. We were assessing how we were getting perceived in the media, the potential criticism and the issues that were going.

- 63. I have been asked from whom PIRC were receiving criticism. It was mainly from the lawyer for the family, Aamer Anwar.

- 64. I have been asked if there were strands of the investigation in which I was particularly interested from a media perspective. There were parts of the investigation where there was a lot of talk about what actually happened in terms of on the day. One thing was the issue over interviewing the officers, and that became a bit of an issue. That was something I wanted to be kept apprised of. I suppose there were actually two parts to it: because it was a media issue, but also because of the intricacies of it in terms of our powers. I wanted to make sure I understood what powers we had and what we were able to do.

- 65. I have been asked if I monitored press coverage during the investigation. We had a press monitoring company, so we would receive daily press cuttings.

- 66. I have been asked if PIRC monitored social media in relation to PIRC's investigations, or the Bayoh investigation specifically. Occasionally, we would come across something, but certainly the media team didn't have the capacity to do any regular, full-time monitoring. What would often happen would be, for example, we had our own Twitter account – or X as it's now called – and as you know how Twitter works, you would maybe get a notification or a comment, so things would pop up. You would get notified with something which might have been to do with the case, and you would flag it up to whoever, whether it was the investigations team or the Commissioner, just to make sure they're aware.

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Officers' statements

67. I have been referred to a statement issued by SPF on 2 June 2015, which included the following text (SPF-00019):

The officers involved have never refused to provide statements. It was agreed at the outset with PIRC that they would revert to us when they wanted statements and when they were clear on the basis that statements were to be given. PIRC emailed me this morning at 10:46am asking for our assistance to organise interviews and we answered at 11:29am confirming we would be pleased to assist. Those are the facts."

68. I have been asked if I recall this press release. No, I don't.

69. I have been referred to statement issued to the media by PIRC on 4 June 2015 (PIRC-03925, pages 31 – 32):

The PIRC has been leading on the investigation into the death in custody of Sheku Bayoh and since the hours following his death on Sunday 3 May 2015 has made several attempts to secure statements from the arresting officers. Those officers have now agreed to provide statements to the PIRC and now that PIRC is in the process of gathering the material, it will be considered along with the information already gathered throughout the course of the investigation to date.

70. I have been asked if I have any recollection of this statement. I can't say 100 per cent certain, but I'm pretty sure I would have been involved in that. I think, knowing me, I would have wanted to. Even though it was my first day, I think I would have seen it as important to be getting involved in that from the off.

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- 71. I'm pretty sure we got media enquiries on the back of that statement. We had to take a view to either respond to the media enquiries, or do we say, "No comment"? My view was always trying to avoid doing no comment because I think from any organisation it looks like you can't be bothered or you've got something to hide. So, generally, my view was that we always knew it was better to say something to try and put forward your case.

- 72. What we were trying to do with our statement was to give, I suppose, what our understanding and our position was on this particular issue to do with the officers giving statements. I know what we were trying to achieve was to say, "Well, from PIRC's point of view, as of this time when we put that statement out, this is what our understanding of the situation was in regard to the interviewing of the officers." We were just trying to present what we regarded as the position at the time.

- 73. I have been asked if I have a view in relation to the accuracy and appropriateness of the comments made by [REDACTED]. Hard to comment on the accuracy of it, because I was just in the door but, just to reiterate what I said before, we were taking the view that we had to be really careful about what we were saying. That statement went into a lot of detail. It didn't sit easy with me.

- 74. Although I could understand from a PR point of view what they were trying to achieve, it was a live investigation at the time and in any investigation you have to be very careful about what you might say that appears to be suggesting it's factual when it's at such an early stage.

- 75. I have been asked what impact the release of this information as "factual" would potentially have on a PIRC investigation. It was two aspects. It was both the PIRC and whatever the Crown Office wanted to do. It was being very, very conscious of not prejudicing any future proceedings. It was not

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saying anything that could impact on either our investigation or anything that the Crown Office potentially might do further down the line.

- 76. I have been asked if I, or colleagues at PIRC, had any concerns about how the release of this statement might impact on Mr Bayoh's family. I can't recall.
- 77. I have been asked if I recall any comments being made by SPF in response to PIRC's press release. I don't know if the investigation team had any dealings with them, but certainly I didn't have anything. There was no follow-up with myself.
- 78. I have been asked if I had any further dealings with SPF during the investigation. No. I certainly know there were other occasions where they put out other statements to the media, and it almost felt like they were doing their own investigation to an extent, which was almost running parallel with what we were doing, so it wasn't helpful.
- 79. I recall a few times where similar things would emerge into the media and we would get subsequent queries on it and have to provide a response. We were trying to very much avoid any running commentary on the investigation but, there was occasions where because of what the media were coming to us with, we had to provide some kind of response to make sure that the media were getting the right end of the stick and they were clear on what our role was and what we were trying to achieve as part of the investigation.
- 80. I have been asked what my overall view was in relation to SPF's engagement with the media during the Bayoh investigation. It wasn't helpful. I could understand their motivation. They were trying to represent their members, but it did feel like there was that extra level of commentary and getting into the ins and outs of what, for us, was a live investigation, which didn't help us to do our job.

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81. I have been asked if I consider that SPF's liaison with the media was appropriate. It's hard to answer that, because they might have regarded it as they were doing the best for their members. I just didn't think it was helpful.

PIRC lines to the media

82. I have been asked about the document entitled "*previous lines up until 11.05.17*" (PIRC-03925). It was myself that set that up. I was very conscious that we didn't lose sight of the consistency of our language. It was about being able to see what we said previously and make sure we were being consistent with language but, also, the other aspect of it was to make sure that if, for example, I was sick or on holiday or something, then the rest of the comms team were aware of what I maybe said two weeks ago on something.

83. I have been asked if this document contains all of PIRC's media lines from 4 May 2015 to 11 May 2017. As far as I'm aware, pretty much everything, yes. It's pretty much a comprehensive compilation of everything that we put out to media.

84. I have been asked what is meant by a "hold line". That's just the same as a reactive line. It's just different terminology. It's effectively a line sitting there to be used if potentially asked a question.

85. I have been asked if I would ever provide information to journalists off the record. Yes, that was done. Probably two kinds of information. One would be general background about PIRC, who we are, what we do. Or it might be where the journalist would be asking you something. If I was going to say something off the record, I'd have to get permission from senior staff to do this, but if the journalist was suggesting something which was factually wrong it was prudent to gently point out to the journalist that they are maybe on the wrong path. It was just to try and avoid misreporting.

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- 86. It's a difficult line to tread. There is a skill in it in terms of not revealing something about a case. It is just a gentle, almost between the lines to the journalist to say, "Look, you're not quite on the right path here," and it's just directing them away from something which they're going to get really, really wrong. I think most journalists appreciate that, because the last thing they want to do is get something wrong and become embarrassed about it. From our point of view, you don't want them printing something which then might get picked up by other media and these things then can sometimes snowball.

- 87. Most times journalists were receptive to it and would take the advice, so generally it was successful. Not 100 per cent, but most of the time it was.

- 88. I have been asked if I would ever have any concerns about an off-the-record comment being misrepresented or misconstrued, leading to inaccurate reporting. Potentially. There's always that chance that that can happen, but therein lies the skill of knowing how to do that kind of briefing. It's very much being very careful in your language.

- 89. Beyond journalists, I have been asked if I would ever have conversations with other organisations that were "off the record". No, you would have a good relationship with other comms. You sometimes would have just a general chat about a particular aspect or case, so you had to have that chat just to go over a query or something else and whether it was the Crown Office to say, "Well, look, we've got a media line. Can you sign this off?" You would have to make them aware of what the query was from the journalist so they had an understanding of why you were saying what you were saying.

- 90. I have been asked why some media lines are attributed to a "spokesman" and some lines are attributed to the Commissioner, Kate Frame. I think there'd just be maybe one or two small occasions where it was felt the quote was better coming from a spokesman, i.e. not in the Commissioner's name, just depending on what the query was. It could be merely no more than we

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had to do something really quickly and the only person available maybe was John Mitchell, for example. Kate might have been in a meeting or something like that, so sometimes you just had to adapt, but generally the rule was that it would go out in the Commissioner's name but was the odd occasion where we would just put someone else's name because it was maybe for speed or availability.

- 91. In this case because it was a significant case, we felt it was appropriate that most stuff did have to go out in her name and, to be fair to her, she knew she had responsibility. She was the main person, the Commissioner, so it was appropriate for it to be in the Commissioner's name because of the nature of the case.

Morning briefings

- 92. I have been referred to PIRC's morning briefing minutes, which refer to me providing an "update on media" on 12 June 2015 (PIRC-04156, page 51). I have been asked if I would have attended every morning briefing after I started on 4 June 2015. I probably attended most of them. It was an early morning briefing and that was really just a daily update on the case. I tried to make as many as I could to give my input in terms of anything that appeared in the media, in the cuttings that morning that we needed to know about and anything I felt that was maybe a concern or needed to be addressed.
- 93. Generally, how it would happen is that it would be led on by the investigation team and, eventually, I would have my opportunity to provide something. Sometimes there would be nothing to say, or sometimes I would provide an input and, obviously, that morning I have provided some kind of input.
- 94. It was the entire team that were being addressed, so there were opportunities to address the team about other things. There might have been other

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relevant cases, but that was the big, big case that was taking up a lot of time and resources at the time, so the main emphasis was on that.

I have been asked who would lead the briefings. I can recall John Mitchell, Irene Scullion, John McSporrان and Billy Little all addressing the morning briefings. Struggling to remember who actually led on it.

95. I have been informed that the preceding day (11 June), John Mitchell is noted as having provided an update on press and TV coverage on 10 June, in which there was a *“lot of discussion surrounding PIRC powers”* (PIRC-04156, page 49). I have been asked what discussions there were within the public sphere about PIRC’s powers at that time. If I recall, there was a slight nuance between the powers that PIRC had at the time when directed by the Crown Office to carry out an investigation as opposed to the powers they had when they were directed by Police Scotland to carry out an investigation. So, in general terms, PIRC had the same powers of arrest as a police constable, but, from what I can recall in the regulations, there was a slight nuance depending on who asked you to do the investigation, particularly when it came to detaining someone and asking for a statement. My recollection was that if the investigation had been a police referral, PIRC would have had stronger powers for getting statements at an earlier point from the officers involved in the Sheku Bayoh incident.

96. I think there did seem to be a bit of a debate at the time about how much power did PIRC actually have to bring these officers in and make them give a statement. Because there was that whole toing and froing for several days before that actually happened. That was getting played out to an extent in the media, and it then became an issue about PIRC powers.

97. I have been asked what PIRC’s response was in relation to these discussions about PIRC’s powers. I wouldn’t say there was really a proactive approach because, again, it was balancing up between what was happening in the

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media but not get involved in that constant ongoing commentary. From my point of view, it was mainly when there was an opportunity to respond to something, we would constantly try and reiterate to journalists if they were dealing with that issue, this is what PIRC's powers were. We would use opportunities when they came up but it was not something that we proactively did because we were very conscious of not being the story.

98. I have been asked if PIRC staff considered PIRC's powers to be sufficient for the work they were carrying out. I don't know if it'd come up previously to this but this was the first high-profile example of this that maybe there was a bit of a feeling that it had to be looked at, that particular regulation. It was always seen as slightly a grey area.

99. I have been asked who would have taken responsibility for trying to address this issue. Ultimately, it would be the Commissioner, because as the head of the organisation, something like that would be at her level. Subsequent to that, several years down the line was the Dame Elish Angiolini review which looked into powers and everything else.

100. I have been referred to the minutes for a morning briefing on 15 June 2015 (PIRC-04156, page 54) which, within a media update that I provided, note:

Good response from the media over the weekend. Both on TV with the BBC and STV and in the papers over the weekend.

101. A "good response" would just be accurate reporting. It wouldn't be supportive or anything like that.

102. I have been referred to the minutes for a morning briefing on 18 June 2015 (PIRC-04156, page 59) which, within an update provided by Irene Scullion, note:

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Michael Tate [sic] very proactive. Attended Parliament yesterday and spoke to a number of MSPs in relation to many of the side issues of this investigations [sic].

103. I have been asked what the “side issues” were in relation to this investigation. A lot of MSPs, particularly justice spokespeople for the various parties didn’t appear to have a grasp of who PIRC were and what we did and powers and stuff like that; it was basically the background to PIRC and what we did and what we don’t do and the powers and everything else.

104. At the time it was the whole issue about arresting and getting statements and stuff like that, so it was about explaining to people what our actual powers were and what we could and couldn’t do. I think people needed to understand that before they could start commenting on particular cases. If I recall, there was various politicians that commented at the time. Some of the comments were not very helpful, because it looked like they didn’t have a full understanding of who PIRC were and what we did, so I think it was important to address that.

105. I think it was straying into the territory of ongoing commentary during a live investigation. It was frustrating because if it was the police or anyone else carrying out an investigation, it’s pretty rare you would see people wading in to comment. There was a frustration on our part that people didn’t seem to get the difference that we were doing a live investigation just like any other live investigation, but people seemed to almost forget that and were coming with comments.

106. I have been asked if the meetings I had with MSPs had a positive impact on the MSPs’ understanding of the PIRC and awareness of PIRC’s powers. From what I can recall, there were positive meetings but in terms of did it reduce, I can’t actually recall. I think any kind of engagement was good. I used to work in the Parliament when I was a reporter and working for [REDACTED]

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██████████, so I still had very good contacts through there in terms of good relationships with politicians, so I was making use of that.

107. I don't actually recall who I met with, but I imagine it would have been either justice spokespersons or people who had an interest in the case.

Family liaison

108. I didn't have many dealings with the family. My understanding is that our family liaison at the time didn't really have many dealings with the family either. It was not how we would normally do things. Contrast for me was when we had the M9 case the following month, I had several dealings with that family. The family liaison people regularly spoke and went to see the families involved in that, so there was a clear contrast there where we had a direct relationship whereas this case my understanding was that there wasn't really an opportunity to deal with the family because the lawyer for the family was the go-between.

109. I have been asked how I liaised with the family in the M9 case. I went out to see the family with the family liaison officers. I actually went to one of the families in their house just to give them a talk about how the media do things, things to look out for, how we could support them. It was giving them that comfort to know that there's somebody there to look out for them, to help them and support them, and act as a buffer because they were getting a lot of media attention.

110. Quite often, they would pass queries onto me to say, "Look, we can't deal with this. Can you help us out?". I made it clear that part of my role was to make sure that the media were acting appropriately towards the family. That was where I came in but I could see that the family liaison guys who were dealing with the family, they were in regular contact with the family whether it was actually seeing them face-to-face or whether it was phone calls.

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111. M9 is probably another good example where we did release statements on behalf of the family, but only with their agreement and their permission and we also did other supportive things for them as well. For example, at the funerals as well we provided media support there to handle the media, because obviously I imagine that's quite a difficult time for the family. There were quite a lot of examples over the years where we dealt with bereaved families. That was a particular interest I took in these cases, because I could see that families needed that support and help.

112. The only time I really had any dealings with the family were that they came to PIRC for a meeting. It was Mr Anwar and representatives of the family, and I was in that meeting. Other than that, I didn't have any direct dealings with Mr Anwar or the family.

113. I have been asked if I provided advice to other colleagues at PIRC who were in direct contact with Mr Anwar and Mr Bayoh's family. No, I don't recall doing that, no.

114. I have been asked what liaison I had with PIRC's family liaison officers in this investigation. I made a point of getting to know them well, for this case and others that might come up. While contact with the family was limited, they would keep me up-to-date as best as they could with anything that might be media-related.

115. I have been asked what my understanding of the tenor of the relationship between Mr Bayoh's family and the PIRC was during the investigation. Slightly cautious here because a lot has happened before I arrived. We were almost a month down the line. I know we had the initial dealings with the family, but then that changed quite quickly because of the dynamic change in terms of the family lawyer becoming involved. Then I think the relationship

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was as best as it could be, but because of that lack of direct contact with the family, it didn't really progress much beyond what we had at the beginning.

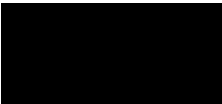
116. I have been asked if the fact that Mr Bayoh's family were legally represented had an impact on PIRC's relationship with the family. I wouldn't say so much that they were legally represented because every family is absolutely entitled to do that. It was more the inability for us to almost have that direct relationship with the family. Traditionally, you would be able to go out and see the family when you wanted to or phone them or contact them, but everything had to go through the family lawyer. It was a complete different dynamic as to the normal family liaison relationship between the family and our guys.

117. I have been asked if an offer was ever extended to the family for the communications team to provide advice in relation to media liaison. I don't recall doing that, no. When I arrived, it was almost exactly a month to when the incident happened. I quickly became aware of what the situation was. It was clear by that point that the family were doing their own thing to an extent, in the sense that Aamer Anwar was doing all the talking on behalf of the family. It wasn't even worth looking at, because it was pretty clear that the family made their position clear in the sense that they had a legal representative who was not just a legal representative but was also a spokesperson for the family as well.

118. I have been asked if I am familiar with PIRC's Family Liaison Policy (PIRC-04460). No.

119. I have been referred to PIRC's Family Liaison Policy (PIRC-04460) which states, at page 28:

FLOs should ensure they apprise themselves of media reporting of the case on a daily basis, through close liaison with the media officer, to

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ensure that they are prepared for potential questions that might be raised by families.

120. I have been asked if this was a process that was followed during the course of the Bayoh investigation. In general terms, it would just be through those briefings and regular conversations with members of the investigation team. You would just be having those daily discussions about what was in the media, what might come up, things they would flag up to you, or you might flag things up to them.

121. In normal circumstances, if the FLOs were in and out with the families on a regular basis then you would have had discussions normally to say, "Well, okay, if you see the family, can you maybe just mention"-- or they might come back to say, "We've just spoke to the family. Can you help with this type of thing?" but in this case, that didn't follow the normal pattern.

122. I have been referred to PIRC's Family Liaison Policy (PIRC-04460) which states, at page 17:

The FLO should actively discourage the family from issuing statements to the media that are independent of the investigation and could impact on the investigative process. To achieve this it is important for the family to be involved in a partnership approach with the SI together with the PIRC Media Officer and FLO to develop and agree the PIRC/family media strategy. This is particularly important when media appeals involve publishing a photograph or video and specific information regarding the victim or family."

123. I have been asked what impact the family's own liaison with the media had on PIRC's investigation. It wasn't ideal that we didn't have that relationship with the family because then we weren't aware of things that they might say to the media or whatever. Things would be appearing in the media, and we weren't

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aware of it. It could generate media interest, and we would get media calls on the back of that. So that wasn't ideal because, potentially, the aspects of the investigation or whatever could be mentioned.

124. It falls in that category of commentary during a case. I appreciate the family wanted to speak about lots of different issues and are quite entitled to do that, but we were trying to do an investigation as well. So, yes, it's never ideal when there's not that close relationship between ourselves and a particular family.

125. I think it could have been more measured. We were subject of particular criticism, and I think if you're trying to have a public perception that there's confidence in the body doing the investigation, then I think it doesn't help if it's been criticised or attacked in a certain way. I was fully aware of why certain comments were made at the time, but we were trying to do our job as quick as we could and get the investigation finished as quick as we could, but with the level of media commentary, that's not ideal. So, yes, it could have been better.

126. I have been asked if any attempt was made to discourage Aamer Anwar's liaison with the media. I was never involved in it. I'm not aware of anyone else in the organisation having that kind of chat.

Meeting with the Bayoh family on 3 September 2015

127. The only direct thing I had was when he came to visit our offices, and he then gave a statement to the media immediately after that meeting outside our offices to the media, which was not helpful because he had a pre-prepared statement which, as far as we were concerned, was not reflective of the meeting itself, so that was particularly frustrating.

128. We thought it was a very positive, constructive meeting with him and the family. That was not then reflected in the subsequent statement to the media, which

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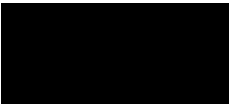


was to the TV cameras, which is very prominent, so then that appeared on the teatime news that night.

129. From my point of view the atmosphere during the meeting was overall positive considering the tensions that existed. A huge effort was made on our part to answer questions from the family members and their lawyer and provide reassurances that a thorough and independent investigation was being carried out as quickly as possible. There appeared to be some level of acceptance from some of the family members and Mr Anwar of the points being made. I can recall that some of the family, including Collette, were not receptive.

130. I'm very aware up until that point that it was a very high-profile case in the media. Having the family and the family lawyer at our building the first time and also the family lawyer was someone who's very prominent in media, so we were aware that on the back of this meeting there could be further media coverage. It was prudent for me to be there so that I had an understanding of what was said in that meeting; that if we had to potentially say anything after that meeting, then I was in a much better position to be able to advise in terms of how to handle any subsequent media queries on the back of that. It's much easier to be able to write these potential statements or media lines if you're actually in the meeting itself. You have a sense for it, so it made perfect sense, certainly from my point of view, for me to be there. If I'd been outside the room, it would have been harder to provide that advice if I hadn't actually been there.

131. At the time, the context of the meeting was that the family were meeting all the senior players involved. I think they met Nicola Sturgeon, if I recall. I'm pretty sure they met someone in the Scottish Government. I think they met the Chief Constable; potentially, at some point, Lord Advocate. We were on the list as well. There was a bit of a round of meetings, including ourselves.

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132. It was almost a meeting to update the families to where we were, reassure them that we were going as fast as we could and we were being as thorough and all the things you'd expect us to be doing. I recall it was two or three months after the incident itself, so it was almost an update to the family of where we were.
133. I have been asked if I spoke to the family or Mr Anwar during the meeting, or if I was there as an observer. Mainly as an observer.
134. There was this impasse between ourselves and the family in terms of not having that direct contact that we'd normally have, and I think we hoped that maybe we could try and deal with that as well. That was really the purpose of the meeting.
135. I have been asked if I recall what Mr Anwar said in his statement. I can't, no. It wasn't ideal for ourselves anyway, so that's why we felt that we had to then respond. It was actually myself that helped put together a statement and then read out the statement to the media not long after downstairs.
136. I have been asked if PIRC's media release dated 3 September 2015 (PIRC-03925, page 21 – 22) was PIRC's response to Aamer Anwar's statement following the meeting with the family. Yes. I'm pretty sure that's what it was.
137. It's a very unusual situation. Unfortunately, we were placed in a pretty difficult situation. The media received a very comprehensive statement about the investigation and PIRC in general, so there was an expectation from the media about what were we going to say in response. For public confidence, we couldn't have a situation where there was a vacuum and there was nothing coming from us. I think if you go down that route, you can create all sorts of perceptions about an organisation that they're not willing to engage or not being transparent or all these kind of things.

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Media liaison after the meeting with the Bayoh family

138. I have been referred to a number of press releases that were issued by PIRC in the weeks following the meeting with the family, some of which appear to be in response to comments made by Aamer Anwar (PIRC-03925). I have been asked what PIRC was trying to achieve in its liaison with the media in the weeks following the meeting with the family. As you can see there, the response was reactive. It was reacting to what was appearing in the press. The media were asking us to provide comment or respond to whatever it was, whether it was a letter or a comment or something from Mr Anwar. In an ideal world, we wouldn't have said anything during these two weeks. Unfortunately, the nature of the queries and the coverage; we felt we had to respond to try and reiterate where the investigation was, what we'd done to date and what we're trying to achieve. There was a lot of coverage at the time, especially in the Sunday Mail.

139. Regular details of what is happening or not happening in a case: it's not ideal. Where possible, you want to avoid that constant commentary, but we were put in a very difficult position where we felt that we had to address various points which were put out there and, for us, it was about protecting the integrity of the investigation, provide reassurances that what was being done was supposed to be done and done in the correct way and make sure that anything that was said that we felt was inaccurate.

140. We were very careful when we did put out stuff that it was very measured and it wasn't getting involved in any kind of tit-for-tat with anyone. It was not personal. It was very measured, and it was very much to do with the investigation and the reputation of the organisation.

141. I have been referred to a press release dated 18 September 2015 (PIRC-03925, pages 19 – 20), which includes the following paragraph:

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The Commissioner is keen that the family are able to openly and honestly communicate with her so that they may achieve a better understanding of the process and progress of the investigation.

142. I have been asked what PIRC was seeking to achieve through this statement. I think it's just what I've referred to before, and I can see this is September, so we're three or four months down the line. It was just trying to get that message across that "Part of our process during these investigations is we have our family liaison service, and it's there for you to use." We kept trying, on this point, to let the family know that we're doing an investigation but an important aspect of that was the family liaison side of things. We continually reiterated that to the family during that meeting at our offices in Hamilton, and prior to that and after that, to the family to continually get that message over to them. I think at that time they were mainly coming through Alistair Lewis, that constant message to them that "We're here for any questions. We're here to support you."

143. It was just reiterating that message, and we felt that it was important to get that into the public arena as well just from a confidence point of view in the organisation, that we were there for the family and we were keen to support them if they wanted our support. We can offer it and say that we'll be there for the families, but bottom line is it's up to the families whether they want to engage or not. You can't force any families to accept that, so it's making sure that offer is clear and then it's up to the families if they take that up.

144. I have been asked if the purpose of the offer to the family in the press release was as much for PIRC's public reputation as it was making that offer to the family. No, I wouldn't say it was equal in that. That form of words or sentiment had been made numerous times in the background, so the fact that we were putting that in a statement, from what I can recall, would be just to address things in the media which suggested otherwise. From our point of view, it wasn't just all about this case. We would provide family liaison to other families

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in other cases, so there was an important point to be made there that PIRC had a family liaison service, and no matter what case it was, when it involved in a bereaved family, we were there to support families. We felt it was important to make sure that that was crystal clear.

Media releases

145. I have been asked if, in 2015, it was PIRC's standard practice to notify families in advance before media releases were published. Yes. Normally, you would. For example, the M9 case, where we had to put statements out referring to the family, mentioning the family stuff. You would never want to be in a situation where you're putting something out and the media's reporting on it and then family are then contacting you to say, "Oh, thanks for"-- so you always want to make sure the family are given a courtesy heads up about what's coming out.

146. I have been asked if that would involve sharing the content of the press release so they would have sight of it in advance. On occasion. It depends what's going to be in the press release. If it was specifically mentioning the family in some way or if you're putting something out on behalf of the family. That's absolutely when they would have to sign off and agree to it. But normally it would just be a general, "Here's what's going to come out."

147. I have been asked if Mr Bayoh's family were generally informed in advance that PIRC were going to be issuing press releases. Not that I can recall, no. I can't speak for the month that I wasn't there. Thereafter, when I joined, I'm pretty sure we would have said to Mr Anwar and the family when the first report was finished, but I'm not 100 per cent sure on that. I think in general terms because the relationship wasn't really there with the family, we weren't putting stuff out, and so, no, the family wouldn't have been aware most of the time.

148. I have been asked if this approach of issuing press releases without the family's prior knowledge would potentially have had a negative impact on the

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family's perception of PIRC. The situation was that pretty much most of the time we were reacting to what was coming out from Mr Anwar and the family anyway. It wasn't really a surprise in the sense that we were really just responding to what they were already putting out. If it had been flipped on its head, where we were the proactive organisation, constantly putting stuff out and the family were left on the back foot, then I think that would have been a very valid point, but it was the other way around where we were, pretty much every case, reacting to what was coming out from Mr Anwar etc.

149. I have been referred to a statement that was issued by PIRC on 30 August 2015 (PIRC-03925, pages 23 – 24), responding to an article in the Sunday Mail. I have been referred to the following quotation within the statement, attributed to the Commissioner, Kate Frame:

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.

150. I have been asked what the purpose of this statement was. My recollection, the Sunday Mail published quite an extensive and detailed piece about a particular line of enquiry that we were looking at. There was a big debate at the time about what had potentially led to Mr Bayoh's death, so there was a lot of commentary about that in the media, and the Sunday Mail, from what I can recall, had potentially spoken to someone in the US. I can't remember the name of the person, but I think the person was one of the experts

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commissioned by the PIRC with guidance from the COPFS. There were various potential experts, and I think based on speaking to this person there was a suggested enquiry line that we were pursuing in this part of our investigation.

151. I've talked about integrity of investigation; you're trying to do an investigation and progress it to a point where you can provide a report as quick as you can, so to have that level of detail out and to have to address that is just really, unhelpful. We took the view that it was a really damaging piece in the media and to the extent that we had to come out with that kind of statement. That's why we reacted in that way.

152. I have been asked if PIRC felt it necessary to respond to Mr Anwar directly, as it refers to him by name. That was very much unusual. We're very, very, very conscious of not getting into a position where we're engaging with a specific person and trying to keep it on that organisational level, but this situation was unique in the sense that he was prominent in the coverage. It would have been quite hard to address those points without referencing him. It was not ideal and you never really want to be in a position where you're asked to refer to somebody direct like that, but this was a very unusual and unique situation that we were in, so that was felt the best way.

153. There was a frustration that if you compared what we were doing to a police investigation, it's almost unheard of to have this level of commentary and detail emerge during a live investigation and, yes, frustrating on our part that we had got to that stage, that this level of detail was coming out in that way. We didn't really have much choice but to respond because it reached that point where to leave that out in the public arena without addressing it potentially could affect the integrity of the investigation.

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Expert witnesses

154. I have been referred to a Sunday Mail article on 30 August 2015 (AAC-00380, pages 50 – 51), which contains a quotation from Dr Jason Payne-James and a reference to attempts being made to contact Dr Steven Karch. I have been asked if I had any liaison with expert witnesses during PIRC’s investigation to give them advice on how to liaise with the media. No. I wasn’t doing any kind of media for them. I never spoke to them. I didn’t have any dealings with them.

155. I have been referred to an article from 1 November 2015 in which Dr Karch was quoted within the Scottish Sun on Sunday as stating that he “*saw evidence of heart disease*” with reference to Mr Bayoh (AAC-00381, page 38). I have been asked if I had any contact with Dr Karch after the publication of this story. No.

156. I do recall the story because I remember, if I’m right, that Sunday Mail had their piece and The Sun had something not long after, I think.

157. I have been referred to a comment from PIRC at the end of the story which states: “*All lines of enquiry are being explored*” (AAC-00381, page 38). We must have been contacted by the journalist in question and then decided if (a) we were going to comment and (b) what we’re going to say. In this case we’ve decided to give a line out. They’ve quoted one sentence there. You quite often give a statement to a journalist, and they might use one paragraph out of the five you’ve given them.

158. I have been referred to the fact that Dr Karch is quoted in this article as saying he saw evidence of heart disease and that he was one of PIRC’s expert witnesses. I have been asked if any consideration was given by PIRC to apologising to the family following the publication of these comments. I don’t recall. It’s certainly not something I was involved in. Certainly, he was his own man, the expert, so from a comms point of view he wasn’t someone who I

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spoke to or had responsibility for in terms of what he did or didn't do with the media.

Parliamentary scrutiny

159. I have been referred to an email that Lorraine Davidson sent me at 10.59 on 16 September 2015 (COPFS-05343) attaching "...the PQ answers you were looking for." I have also been referred to the two attachments to this email (COPFS-05343(b) and COPFS-05343(a)). I have been asked to explain what Lorraine Davidson's role was. She would have been my equivalent at the Crown Office. PQ stands for parliamentary question.

160. I'm not 100 per cent sure, but my take on this would be that on the back of this case there would have been potentially parliamentary questions lodged by MSPs, so you can actually jump on the Parliament website; you can see all the parliamentary questions. I'm surmising that there have been questions asked by opposition MSPs or potentially those representing the SNP to the Scottish Government. I'm assuming there must have been a couple of PQs I was interested in and Lorraine made me aware of in relation to the case. I was just keen to get sight of to see if there was going to be anything I was going to have to deal with from a media point of view. Normally Crown would answer these things, but occasionally they would ask us to clarify something because you can see within that there are references to PIRC, so it would be standard practice for the comms sometimes just to check with each other. We would sometimes do that with the Crown Office as well, where if we were going to be saying something in a statement that mentions them, we would maybe want to double check something or let them know as a courtesy. That would be a common practice.

161. I have been asked if I recall this particular instance where the Lord Advocate responded to questions in parliament. I don't actually, no. That sounds to me like it was actually asked on the floor of the chamber. Sometimes you'll get

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PQs which are just asked in written form, and they get responded to in written form, but this has been on the floor of the chamber.

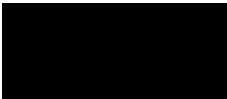
162. I have been referred to an email I sent at 1729 hours on 16 September 2015 to the Commissioner, Kate Frame, in which I shared a link to an article in the Daily Record that quoted the Lord Advocate promising a “*thorough, impartial and objective*” investigation (PIRC-04566). I have also been referred to the article that is linked to within the email. The subject line of the email reads “*A bit of freelancing from the LA.*” I have been asked if I recall this email. I don’t actually.

163. I have been asked what I meant by the Lord Advocate “freelancing”. Maybe he was saying something that we weren’t quite sighted on. I can’t for sure remember. The word “freelancing”; I think what was actually said was maybe something beyond what we were expecting in terms of our understanding of whatever he was going to say.

164. I have been asked if I have any view on the Lord Advocate and Crown Office’s public comments more generally. We were the lead organisation in terms of putting stuff out, so it was fairly rare. They normally didn’t say anything. We were left just to go on with it, so there were no issues really with them in terms of the way they conducted themselves.

165. I have been referred to a statement issued by Crown Office on 22 October 2015 (COPFS-00975), which included the following text: “*The Lord Advocate has today called for restraint from all parties in the provision and publication of information in respect of the death of Sheku Bayoh*”. I have been asked if I had any involvement in the release of this statement by Crown Office. I don’t recall being involved in that at all.

166. I have been asked if this statement had any impact on PIRC’s approach to the investigation and its liaison with the media. I don’t think so, no. We always

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took the view that we're trying not provide that ongoing commentary. There were times where we had to do it because we had no choice, but generally our position pretty much remained after that in terms of just trying to say as little as we can during the investigation unless there were situations where we felt we had to say something.


167. I can't remember if there was anything specific around about this time in October or just prior to that or even after that. There must have been from one of the sides or both potentially to lead to this. It was quite a prominent statement for the LA to give out. It's not the kind of thing the Crown Office would normally put out.

168. I would say there's still a lot of stuff after this. I still remember dealing with lots of different queries reactively rather than proactively after this. I don't know whether there was a bit of a lull after this, but certainly it was still very much a case that – at least for a good six months, maybe longer after this – I still dealt with it on a regular basis. I can give a really good example where I remember Mr Anwar coming out and calling for Kate Frame to resign. Take that as what you want as to how that squares with that statement.

169. I can't remember when that was, but it would've probably been the following year actually. I'm pretty sure that was subsequent to the statement, but there would have been other quite high-profile examples of media coverage after this of this particular case. So, unfortunately, the level of coverage did continue to be quite prominent for a while.

Liaison with Police Scotland

170. I have been asked what liaison I had with Police Scotland during the Bayoh investigation. My main contact was on a comms-to-comms level. This was probably the first time where PIRC took the lead from a media point of view because, up until that point, normally Police Scotland just handled whatever

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came in, but because of the nature and prominence of this case, it was appropriate that we took on. It was just on that level in terms of Police Scotland saying that, "We're referring this query onto you," or whatever. It was that kind of liaison.

171. I have been asked at what point PIRC takes over media liaison from Police Scotland following a death in custody. Usually, it would be after the beginning of the investigation. Depending on the nature of it, Police Scotland might give something out at the beginning from an operational point of view, but then thereafter, once the investigation was up and running and it was established that PIRC were doing it, it would be ourselves that would take on the lead, as in, handle any queries coming in relation to it because for any organisation being investigated, it's difficult for them to give a view or say anything when they're subject to that investigation.

172. I have been asked if I would have any concerns about Police Scotland issuing a statement following an incident and prior to PIRC being instructed by the Crown Office to investigate a death in custody. No, because quite often what would happen would be that an incident might happen on X date, and there could be a little bit of a gap between the incident happening and PIRC being instructed or investigating something, so sometimes there could be that slight window where the media maybe find out about something that's happened and Police Scotland give an operational statement saying, "Such and such has happened, and 26 year old woman's involved," etc., but PIRC are not involved at that initial stage. So, yes, we wouldn't have an issue with that because Police Scotland still have to do their job.

Repatriation of Mr Bayoh's body

173. I have been referred to a report that appeared in the Scottish Mail on Sunday on 25 October 2015 alleging that the police attempted to repatriate Mr

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Bayoh's body to Sierra Leone following his death (PS10004). I have been asked if I recall this report. I recall some of that, yes.


174. I have been referred to an email sent by Irene Scullion to John Mitchell on 29 October 2015 identifying that the story was "*completely false*" and that it "*may be prudent to make the media aware of the facts*" (PIRC-04024). I have been asked if I have any recollection about discussions within PIRC as to how to respond to the Scottish Mail on Sunday article on 25 October 2015. I think I remember speaking to the journalist on an off-the-record basis, and we felt at the time that we weren't in a position to really reply to it because it was involving Police Scotland. It wasn't PIRC, but what I tried to do my best with the journalists was to try and guide them in the right direction.

175. The view was taken that we didn't feel it was appropriate to provide comment for this one, and then, as an alternative, I tried to speak to the journalist to try and guide them down the right way, to try and give some context to the story.

BBC documentary

176. I have been referred to the document "*previous lines up until 11.05.17*" (PIRC-03925, pages 2 – 5), which indicates that on 25 October 2016 and 11 January 2017, information was provided to the BBC in response to queries raised around a programme to be broadcast in relation to the incident involving Mr Bayoh. I remember dealing with the journalist at the time, and then the journalist is providing us with a list of questions they were looking for responses to. I would have been involved in collating those responses in conjunction with the Commissioner and the investigation team.

177. I have been asked if the BBC documentary had any impact on PIRC's investigation. I didn't feel it was helpful, because, if I recall, one of the questions there was about how many former police officers we had and things like that, so there seemed to be an insinuation there that we weren't independent

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because we employed former police officers. There's a bit of a narrative there: how could we possibly carry out an independent, impartial investigation if we had former police officers employed at PIRC? Undermining, potentially, the investigation, undermining PIRC as an organisation. It wasn't a helpful line to go down. Just creating a situation from a point of view which, if we're trying to progress the investigation as timeously as we can, then this is all unhelpful stuff in the background, from our point of view.

178. I have been asked if I considered that PIRC was independent. Yes.

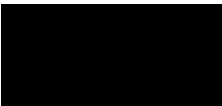
179. I have been referred to one of the responses to the BBC (PIRC-03925, page 4), which states that "*The PIRC currently has sufficient resources to meet the demands placed upon her.*" I have been asked if I believed that PIRC had sufficient resources to meet its statutory obligations whilst I was working there. As the years went on, the budget subsequently increased as PIRC became busier, so yes.

180. I have been asked if concerns were ever raised about PIRC's level of resourcing. I wouldn't say at that point. Certainly further down the line PIRC seemed to be creating a situation where we were getting a lot of cases referred to us at the one time, so we were getting busier and busier. We did reach a point where there was questions, "Do we have to go to the Scottish Government for more resources?".

181. I have been asked if any concerns were raised about PIRC's level of resourcing during the Bayoh investigation. I wasn't aware of any discussions to that nature, no.

Decision not to prosecute

182. I have been asked if I recall the decision not to prosecute the officers involved in the incident being reported in the press. I'd forgotten about it until I read this

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document, but I'd seen the Mail on Sunday splash reporting about it, which brings back to me that it came as much as a surprise to me as a lot of other people when I read that story at the time.

183. I have been asked if the publication of the article by the Mail on Sunday on 23 September 2018 (PS18106) was the first time I became aware of the decision not to prosecute any of the officers involved in the incident. Yes.

184. I have been asked if, subsequent to the report in the Mail on Sunday, I had any involvement in investigating how the decision was leaked to the press prior to the decision being made public by the Crown Office. No. The only recollection I have is that when that kind of story appears, my first thought would always have been, "If we get a query from the media, what do we say?" So, there'd have been a general chat about, "How do we respond to this? Is it for us to respond? Is it for the Crown to respond?"

185. In terms of where the information came from, I don't recall. It was a surprise, but I don't recall a discussion, "Oh, how do we find where this has come from?" because it appeared to come from elsewhere.

186. I have been asked if I recall whether any of my colleagues at PIRC were aware of the decision not to prosecute the officers prior to the reporting in the media. I don't recall anyone being aware, so it did seem to come as a surprise to most people. Everyone I spoke to, certainly. I can't recall anyone who had prior knowledge of it.

187. I have been asked if I had any contact with the Bayoh family or their solicitor after this article was published. I certainly didn't, but I can't speak on behalf of any of my other colleagues.

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Investigation of intelligence files

188. I have been referred to an article within the Sunday Post on 25 August 2019 by Craig McDonald that referred to PIRC investigating intelligence held by Police Scotland in relation to the Bayoh family's solicitor, Aamer Anwar (AAC-00385, pages 13 - 15). I think I was aware that something was going on in the background in relation to this, and that something might appear at some point. You can see from the quote that we gave at the time (AAC-00385, page 15), we gave a very standard response, because it was really a matter for this other investigation as to why they were looking into this, really.

189. The only involvement I had was being given a bit of a heads up that this might be coming and that we might need a response. It was no more than that. In terms of where it came from; pretty certain it didn't come from ourselves, anyway.

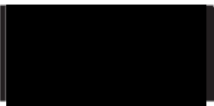
190. In terms of this particular instance, my recollection is I just gave Craig the statement, and that was it. I'm pretty sure it didn't go beyond that.

Record keeping

191. I have been asked if I ever prepared a statement outlining my involvement in the Bayoh investigation. I can't recall doing one, no.

192. I have been asked if I would ever provide a statement outlining my involvement in a particular investigation. No, I can't recall ever doing that. There was a clear line between the media side of things and the work the investigation team did. It was very much a supporting role from a media point of view.

193. I have been asked if I took any notes during the investigation. I'd maybe take the odd note. When I speak to journalists, potentially there'd be notes, or

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maybe during some of these briefings, maybe I'd have old pads, but nothing more than that. Just quite informal notes.

Media relations policy

194. I have been referred to PIRC's Media Relations Policy (PIRC-04578), which is dated May 2015. I have been asked if I recall referring to this document during the investigation. Yes, I do actually. This was done before I arrived, because you'll see there that the lady I referred to, she was the previous head and there was no head of comms for a number of months, and [REDACTED] pretty much had to deputise until I started.

195. It was a guide, really. In certain situations, you wanted to double check that you're following the right protocol, and there's quite a handy thing at the end in terms of how all the different organisations interact with each other, so for me just starting in the organisation, it was handy, initially, to get my head around how everyone interacted with each other, and, going forward, there was a guide to make sure that, depending on the situation that comes up, if I was needing any guidance or something, that was helpful.

196. I suppose I would have it with me and maybe refer to it for my own guidance, but it was more an informal looking at it, rather than it feeding it into anything beyond that.

197. I have been referred to page 4 of the Media Relations Policy (PIRC-04578), where it states:

If the query has wider "political" sensitivities, the Head of Communications will alert the Scottish Government Justice Comms team and advise on the approach and response proposed by the PIRC.

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[REDACTED]

198. I have been asked what “political” sensitivities these might be. Being a Scottish Government agency, we had a sponsor team, so we had two or three people within the justice sector at Scottish Government who we had regular liaison with. Depending on something we’re dealing with, maybe had a query from another politician, or it could be a reputational issue, we might think it’s prudent to let them know for their guidance, just in case their comms teams were to get a query about it, or it might be something that would maybe involve their minister, for example.

199. I have been asked if I recall any discussions with the Scottish Government Justice Communications team in relation to the Bayoh investigation. Maybe the Scottish Government were asked at one point, I think they might have had a parliamentary question to answer, so I think we had to provide a bit of background to help them answer that. That’s the only time I can really remember having to speak to them about the case.

200. It was always clear when we were dealing with the sponsor team that it was absolutely inappropriate to go into any level of detail regarding any of our cases. It was always very much a general level. It could be to do with the resources we’ve got, or how many ex-police officers we have in the organisation, it could be just that general information.

201. I have been referred to the Media Relations Policy (PIRC-04578) which refers, at page 4, to a “*media contact log*”. I have been asked if I recall there being a media contact log during the Bayoh investigation. I think, when I arrived it was more of a paper system. It was literally just exactly what it says on the tin, recording the name of the journalist, the name of the organisation, the nature of the query and how we responded. I think we then eventually moved onto an Excel spreadsheet of when we got a query in from a journalist. It was important just to have that record. From a resources point of view, it was important to basically have a record of how much time this and other cases were taking up on the team.

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202. I have been asked if I would record off-the-record comments provided to journalists. Sometimes. I recall the odd time that we'd maybe stick in, "Guidance provided to the journalist on X," just so that, if it was me, then my colleagues would be aware if they then spoke to the journalist subsequent to that, then they would know what's been said before.

203. I have been asked if the paper records I have described would have been retained by PIRC. I can't remember what happened to them. I think we did have a record retention policy. I can't remember what it was. It was one, two or three years, so I suspect those records probably, at some point, were shredded.

204. I think it was no more than like an A4 page, like a standard template of name, journalist, publication date and response. From what I can recall, it was just in a folder.

Crown Office, Police Scotland and PIRC joint protocol

205. I have been referred to a joint protocol entitled "*Working with the Media*", entered into by Crown Office, Police Scotland and PIRC in October 2014 (PS18478). I have been asked if I made use of this document during my time at PIRC. Yes, occasionally, but not often.

206. I have been referred to pages 5 – 6 of the joint protocol (PS18478), which outlines that, under the protocol's "key principles", to support the media Crown Office, Police Scotland and PIRC will "*hold briefings for high profile cases involving significant public interest and/or legal complexity.*" I have been asked what this sort of briefing would involve. It's a nice thing in theory, but I think that's maybe more from the Crown Office's point of view. Certainly, we never did anything like that.

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207. My understanding of that would be, you get a bunch of journalists in the room and you brief them on almost a Chatham House rules basis, just to make sure that they've got a bit of a background understanding of a particular case, but I certainly never did that with journalists within this context.

208. I have been asked if this approach would have been beneficial during the Bayoh investigation. From an ex-journalist/PR point of view, I'm quite supportive of trying to work with media constructively and be as transparent as you possibly can, but I have to be honest; I think in this particular case, even in hindsight, I think probably it wouldn't have made much difference. I think there was just too much public briefing on this. We were trying to navigate through a difficult period at the time, and trying to avoid this ongoing commentary, so I'm not sure whether that would have helped or not.

209. I have been referred to page 8 of the joint protocol (PS18478), where it states that following a death in custody:

The name of the deceased will only be released by the PIRC after the Family Liaison Officer has confirmed that the point of contact in the family has been informed that the information is to be made public.

210. I have been asked if this practice was followed by PIRC when issuing press releases. Yes, absolutely. Sometimes we were in situations where the family were getting chaps at the door from journalists and stuff like that and the name was already well out there, so there were times that to try and get the pressure off the family, we would just try and get something out there for them, but we'd only ever do that with the family's prior knowledge. We would never put anything out without the family first being consulted.

211. I have been asked if it was standard practice within a death in custody investigation to disclose the deceased's name. We normally would just talk about a 25-year-old man or a 30-year-old woman or something like that. It'd

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only be if the name was already out there or the family wanted us to put it out, so, generally, we would stick to that.

Training

212. The main training I really got was just managerial training. I recall going to Acas. That was mainly external. There was not really a lot of internal training. Well, certainly for me there wasn't.

213. Everyone's training really came through HR, so if you wanted a bit of training you had to make the case for it. Normally you had to go through HR to see if it was something that they could facilitate internally. If not, they would maybe suggest an external provider.

214. There'd maybe be the odd time I'd mention during my appraisals that I needed training. Then I was told to try and find it myself or speak to HR about it. I know certainly towards the end of my time at PIRC they did employ someone who took a bit of a training role on and who was a bit more proactive about it in terms of suggesting courses for people.

215. I have been asked who carried out my appraisals. I mentioned Barry and then they did a bit of a reorganisation at PIRC, so my line manager then became John Mitchell and then latterly, before I left, it was then [REDACTED] [REDACTED] He took over from John. I think John was head of investigations, then he became director of operations, I think. A CEO-type role, just below the Commissioner.

216. There was a bit of organised training that was done in conjunction with the Crown Office. There was a bit of organised training where we'd get sent along to that and, again, that was how to manage your staff and motivate them and all these kinds of things. That was something that was proactively done by the organisation.

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217. I have been asked if I received any training in equalities and diversity, or unconscious bias, while I was at PIRC. I did, yes. If I recall, it was one of these training courses where you went online and you watched various videos and answered questions and things like that, so it was a couple of hours' worth online. It was unconscious bias as well.

218. I was there for, what, six years, I think. It was maybe after a couple of years or something like that, possibly, but that's a very, very vague estimate.

219. I have been asked if the online training was solely to cover issues relating to equalities and unconscious bias, or if it covered other subjects as well. I think that was the main purpose of it. It was various scenarios, and you were asked questions and things like that, so it was a bit of a quiz element to it really. You had to study the scenarios and then, based on the scenario or video, give your verdict. They were trying to get an idea of how you were viewing things, and I suppose it was also to point out to you misconceptions or other things that you might have, so it was to try and make you think a bit more about certain everyday situations that you might face.

220. I have been asked if the training in relation to unconscious bias covered different protected characteristics, or if it was solely in relation to race. I actually can't recall. I know race was an element of it, but beyond that I'm struggling to remember.

221. I have been asked if I found elements of the training to be relevant to my role. I wouldn't say it was hugely relevant. I suppose I seen it more as if you're customer facing. If you were dealing with someone in an interview situation or whatever else, it seemed more relevant.

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222. I have been asked if I recorded the training that I attended during my time at PIRC. I certainly didn't record anything like that down, but HR would, I'd assume, have a record.

223. I have been asked if there was any additional training that would have assisted with my involvement in the Bayoh investigation. I don't think so. No, as far as I was concerned, it was a very high-profile, complex investigation but like any situation when you're dealing with it from a comms point of view, it was about dealing with it in a professional, sensitive, impartial manner. I came at it from how I always would with these situations over the years from a PR point of view. Every situation that came up during that investigation, it was, "What's the scenario? How best do we deal with it?" and then thinking what the best professional response was. So, no, I can't think of any particular training which would have assisted with that.

224. I have been asked if I ever provided training to my investigator colleagues in relation to media liaison. No.

225. I have been asked if I feel my investigator colleagues would have benefited from media training. Yes, probably. It's almost like a potted guide to the media in terms of what you can expect from media issues that might cause problems, how to liaise with the media. Just to have that general understanding of the potential media issues that might come up, just so that when they're dealing with specific cases they can be aware of these factors just so that they are liaising with the comms team properly.

226. I have been asked if media queries did arise in the course of an investigation, whether investigators would have liaised with me, rather than proceeding independently. Yes, there was no doubt. It was clear to everyone that the minute anything came in, even half media related, that it would be directed towards ourselves, so that was clear that that was our responsibility, and it

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might be that we'd maybe go back to the investigation team for a bit of guidance but we would always start off the process.

Lessons learned

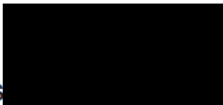
227. I have been asked if there was a process through which lessons learned from particular investigations were discussed. I can vaguely recall the investigation team would always have been analysing how investigations were being conducted from a learning point of view. It's not something the Comms Team were formally involved in. I had regular chats with my team on our media handling of both investigations and review cases.

228. I think from a multidiscipline point of view that would have been helpful, to always have a kind of after-the-event-type thing involving all relevant parts of the organisation to look at all aspects, including media handling and everything else. Yes, I think that would be useful.

Race

229. I have been asked to what extent Mr Bayoh's race was a factor in any of my decisions and actions in the investigation. To me, that didn't impact on any of my thinking at all.

230. I have been asked if I think that not giving consideration to Mr Bayoh's race could in any way have been an explanation for why a relationship could not be established with Mr Bayoh's family, due to the fact that Black people may have experienced differential treatment in the past on account of their race and that might, therefore, have merited an alternative approach to family liaison in this case. No. As mentioned earlier in my statement my belief was that we were not given the opportunity to properly engage with the family in the usual manner because of their legal representative.

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231. I have been asked if Mr Bayoh's race had any impact on the language I used in my communications with the media. No.

232. I have been asked if I routinely considered race in any way when managing PIRC's engagement with the media following a death in custody or following police contact. No. Over the years, I dealt with numerous deaths in custody and dealt with them all in the same way; I didn't diverge at all. Same kind of process; if there was an opportunity to support the family and liaise with them in whatever way appropriate and then just the usual line out at the beginning of the case and then a line at the end. There was a standard format and we pretty much stuck to that, so I certainly didn't do anything different in this case.

233. I have been asked if, since the Bayoh investigation, there have been any other PIRC investigations in which I have been involved where the deceased or the person involved was from an ethnic minority. I'm pretty sure that's the only case of that, whatever you want to say, ethnic or non-white or whatever. I think that's the only case that PIRC's had of that nature. It certainly was when I was there, anyway.

234. My recollection is that during my time at PIRC there was only one case involving a bereaved family of ethnic background, and that was the family of Sheku Bayoh. Unfortunately, the Comms Team did not have the opportunity to engage with the family of Sheku Bayoh.

235. I have been asked if I was concerned about how Mr Bayoh's race might be a factor within the public perception of the events that took place on 3 May 2015 and the subsequent PIRC investigation. I'll be honest, it wasn't in my consciousness. We've talked to Mr Anwar and he had numerous comments, and there was a clear avenue he was pursuing, which I was conscious of but certainly when I was doing my job, it didn't enter my consciousness in terms affecting my thinking or anything like that. I just treated it like any other case

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and in terms of the kind of language we used and everything else, it was the standard kind of PIRC language we'd use in any kind of media response.

236. I have been asked if I had any experience in my roles prior to joining the PIRC where the race of an individual was a factor in the reporting of a story or racism was the focus of one of my stories. No.

237. I have been asked if I have any observations about the media coverage of the investigation, in particular whether I feel that any of the media coverage was influenced by Mr Bayoh's race. It probably was to an extent. Yes, it probably was because I didn't have much experience of it when I joined but then, over the subsequent years, I dealt with several other deaths in custody. Some of them were quite contentious cases and quite potentially controversial and they never got the same level of coverage or scrutiny as this case. When you look back and you think of all the cases you dealt with subsequent to that, that one easily stands out as the one that received the most media coverage, a lot of which was very prominent.

238. In fact, even when I left PIRC, I was still dealing with the odd enquiry, and that was five, six years down the line, whereas a lot of the other cases, some of them were quite contentious and complex, but they never received the same level of coverage, so you can read into that what you will.

239. I have been asked if the level of coverage was a result of Mr Bayoh's race. I don't know if it was that. There's probably an element there. The lawyer for the family was very, very vocal in the media, so he kept things moving in that direction. I can't remember the case; it was in America. The George Floyd case, I think it was. There was trying to link with that and there were other cases, so it was linked in with other things and whatever, so it wasn't just seen as an incident on its own. There were links with other things as well, so it then became a bigger story.

Signature of Witness 

240. I have been asked if, within the reporting of the investigation or the incident involving Mr Bayoh, I ever noticed any language being used that I felt was influenced by Mr Bayoh's race. No. I never came across anything like that.

241. I have been asked if I was aware of there being any guidance documents or reference materials at PIRC to assist with an investigation of issues of race. No.

242. I have been asked if PIRC was sufficiently equipped to investigate issues of race relating to deaths in police custody in 2015 and the following years. Yes. As far as I could see the colleagues I worked with on this case carried out their duties fairly and independently and to the best of their ability. Senior figures such as the Commissioner and John Mitchell had huge experience in dealing with numerous complex investigations throughout their career. Experience and expertise which they applied to this case.

243. I have been asked if, following the Bayoh investigation, any policy or practice changed within PIRC in relation to equality and diversity. I can remember there might have been a revised or a new equality policy. There were always a lot of HR policies which were in place and which were always updated quite regularly. I do recall at some point there was an equality policy. I can't remember if it was a new policy or when it was revised. I'm trying to remember whether it was just for dealings between staff or if it was external. I actually can't remember what the basis for it was.

Reflections

244. Would I do anything differently? I don't know. Potentially, looking at some of the statements we put out, I suppose could we have maybe said less? But then again, we were in the middle of dealing with a lot of complex issues.

Signature of Witness 

245. I think, if I'm being honest, we did the very best we could at the time. We were dealing with a really unique, fast-moving situation, and certainly a situation a lot of us hadn't dealt with before, and I think we handled it – certainly, I think, from the media side of things – as best as we could. There was that really, really fine line between not trying to give out too much information so as to protect the investigation, but at the same time we were really, really conscious of the public perception that was building up in terms of our independence and also our ability to do things, and how independent we were and everything else, how to deal with that from a political point of view but, again, not get involved in a public slanging match.

246. All the different lines; it looks quite a lot, I suppose, over a period of time, but there were a lot of times where we were quite restrained in what we said. I think we did the best we could at the time, considering the situation we were in. I suppose the only thing, maybe the odd time, we could have said slightly less. There's always a couple of examples where the statements were quite long and whatever, so maybe could have been slightly shorter with some of that stuff. It's maybe that, looking at it back in hindsight. I think we're quite comfortable in terms of the way we handled things at the time.

The Inquiry

247. I have been asked if the announcement of the Inquiry had any impact on PIRC's communications strategy. No, not really. It happened just towards the end of my time there. From a comms point of view, we were then very conscious that there was an Inquiry coming up and we had to be careful with any language we used to respect the integrity of the Inquiry. So yes, certainly from a comms point of view we were very mindful of that: that we had to be very mindful of anything we said.

Signature of Witness



248. I've seen a little bit of it, mainly print coverage. I've seen the odd clip on the teatime news or whatever from it. I've taken a bit of an interest in it, but I've had quite a few other things on my plate.

249. I have been asked if the Inquiry proceedings or any associated media reporting has had an impact on my evidence or my recollection. No.

250. I have been asked if I have spoken to any ex-colleagues or any other potential witness in relation to the Inquiry, or in relation to the incident involving Mr Bayoh. No.

251. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

Signature of Witness



November 23, 2023 | 10:27 AM GMT
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