

Solicitor to the Inquiry

[REDACTED]

E:

[REDACTED]



Ms Collette Paterson
Crown Office and Procurator Fiscal Service

By email only:

[REDACTED]

22 April 2024

Dear Ms Paterson

RULE 8 REQUEST

I am writing on behalf of the Chair to the Sheku Bayoh Public Inquiry (“the Inquiry”).

The Crown Office and Procurator Fiscal Service (“COPFS”) have written to us to confirm your preference for your statement to be prepared under Rule 8 procedure.

Under Section 21(2)(a) of the Inquiries Act 2005 the Chair may, by notice, require a person to provide evidence in the form of a written statement. Rule 8 of The Inquiries (Scotland) Rules 2007, provides that the Inquiry may send a written request to any person for a written statement of evidence. I hereby request you provide a written statement to the Inquiry by **5pm on 7 May 2024**.

It is a criminal offence to fail to comply with this request without reasonable excuse. I refer you to Section 35(1) of the Inquiries Act 2005.

The Annex to this letter sets out the areas to be covered in your written statement. The documents for you to read referred to in the Annex will be available on our online database “Objective Connect”. A link for you to access this system will be emailed to you separately.

Please provide your written statement by email to legal@shekubayohinquiry.scot.

Section 22(1)(a) of the Inquiries Act 2005 states that a person may not be required, under section 21, to give, produce or provide any evidence or document if you could

not be required to do so if the proceedings of the Inquiry were civil proceedings in a court. If you are of the view that Section 22 applies to your evidence please advise the Inquiry of this and the reasons why you believe Section 22 applies.

Your statement may be disclosed to the Core Participants in the Inquiry and may be published on the Inquiry's website. Any personal information not relevant to your evidence will be redacted prior to disclosure.

The Inquiry may issue a further Rule 8 request or Section 21 notice to you at a later date if further evidence is required.

The written statement will form part of the evidence of the Inquiry. For that reason it is important that it is in your own words. In addition, you may be asked to attend a hearing to give oral evidence to the Inquiry. The Inquiry will contact you in future to confirm.

You may wish to take legal advice in relation to this letter and at any stage of the Inquiry's proceedings. I would also draw your attention to the [Protocol for Core Participants](#), which sets out the criteria to apply to be designated as one of the Inquiry's Core Participants.

If you have any questions regarding this letter or the content of your written statement please contact the legal team by email at legal@shekubayohinquiry.scot.

Yours sincerely



Solicitor to the Sheku Bayoh Inquiry

ANNEX

COPFS POST INCIDENT MANAGEMENT & RACE

AREAS FOR WITNESS STATEMENT

MS COLLETTE PATERSON

Please provide your **full name, date of birth, personal or business address.**

Please provide as much detail as you can in relation to each of the following questions. Please mark on your statement the number of which paragraph of questions you are answering.

If you refer to any document in preparing your statement, please provide a brief description of the document and which page you have referred to.

Your role

1. What is your current role in COPFS, and if applicable, your role during the post incident management and investigation into the death of Mr Sheku Bayoh (“the Investigation”)? How long have you been in your current role? What are your duties and responsibilities in this position?

Training

2. Please explain the current COPFS training policy and strategy in relation to the following matters:
 - (i) equality, diversity and inclusion insofar as relating to race;
 - (ii) investigating race as a factor in a crime;
 - (iii) instructing and conducting post mortem examinations;
 - (iv) instruction of expert witnesses;
 - (v) investigation of deaths in custody;
 - (vi) instruction and liaison with PIRC; and
 - (vii) the role and involvement of the Victims’ Information & Advice service in deaths cases.

So far as you are aware, has the training policy and strategy changed since 2015.

3. Please confirm if attendance at training provided is mandatory if all, or some specific parts of the training, is mandatory for all staff within COPFS. If attendance is mandatory, please can confirm since when this has been the case? Please can you explain how training needs for staff are identified?

4. What, if any, steps are taken to seek training, guidance or expertise in relation to race from outside COPFS?
5. What, if any, aspects of training strategy and policy have changed in light of lessons learned following the conclusion of the COPFS investigation into the death of Sheku Bayoh?
6. What steps are taken to monitor the effectiveness of training? Are staff given an opportunity to provide feedback on the training provided and make suggestions for further training?

Race and Statistics

7. So far as you were aware, do COPFS routinely consider the role of race when dealing with a death in custody or death during or following police contact of a person who was not white?
8. Is there currently a Diversity Strategy Group and Equality Advisory Group in place at COPFS? If not, is there an equivalent group and what was the reason for the change? What is their current role and remit? Who is the Chair of this group or groups? What is the membership of this group or groups?
9. What is COPFS' current policy and strategy in relation to monitoring and reviewing recruitment and retention of black and minority ethnic members of staff? So far as you are aware, do COPFS carry out any "outreach" work to encourage recruitment of more staff from black and minority ethnic groups?
10. What is COPFS' current policy and strategy in relation to the collection and analysis of data in relation to race? Please include reference to race data in the investigation and prosecution of crime, investigation of deaths and in relation to COPFS recruitment and retention of staff.
11. What conclusions have been drawn in relation to the data collected on race referred to in question 10? What steps have been taken by COPFS in response to these conclusions?
12. By what measure would COPFS, as an organisation, determine if training provided and policies and practices introduced to achieve outcomes in relation to race had been successful? If it is not possible to point towards any statistical data, please explain how a successful outcome would have been observed within the organisation?
13. Is there a strategy in place to ensure that across the numerous and distinct parts of the organisation there is consistent or uniform implementation of the various training courses, practices and procedures which have been designed to achieve COPFS' objectives in relation to race? If there is no strategy in place for this, please can you explain what other measures have been put in place by the organisation as a whole to monitor this. If it is the responsibility of teams within each area to deliver training and implement practices and

procedures locally, is there any centralised oversight function which monitors the success of these local teams?

Equality Conference

14. Please can you describe the COPFS equality conference? What are the objectives of the conference? What is the format of the conference? Who attends? Is attendance a mandatory requirement for all staff within COPFS or is attendance purely voluntary? Is there an opportunity to provide feedback on the conference and how does that feedback inform future conferences?

Conclusion

15. Please state the following in the final paragraph of your statement:-

“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.”

16. Please sign and date your statement.