

Assistant Solicitor to the Inquiry

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[REDACTED]



Mr Robert Martin
Crown Office and Procurator Fiscal Service

By email only:

[REDACTED]

9 May 2024

Dear Mr Martin

RULE 8 REQUEST

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

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 30 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.

Please provide your written statement by email to [REDACTED]

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.

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.

I remind you of the Chair's [Restriction Order](#). This Rule 8 request letter and your response thereto is Restricted Material as defined in the Order.

If you have any questions regarding this letter or the content of your written statement please contact the legal team by email at [REDACTED]

Yours sincerely

[REDACTED]
Assistant Solicitor to the Inquiry

ANNEX

HEARING ON RACE

AREAS FOR WITNESS STATEMENT

MR ROBERT MARTIN

Please provide your **full name** and **date of birth**.

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

Roles and responsibilities

1. Please explain your current role in COPFS, including a summary of your responsibilities.
2. Please explain your role(s) in any COPFS Steering Groups, including a summary of your responsibilities.
3. Please explain your role in COPFS in May 2015.

Equality and diversity training in 2015

4. With reference to the undernoted list of training materials provided, what equality, diversity and inclusion (EDI) training relating to race was provided at COPFS throughout 2015?
5. With reference to the undernoted list of training materials provided, what EDI training relating to race was provided at COPFS from 2016 to 2018?
6. Which grades and roles within COPFS was EDI training relating to race made available for? What was the reasoning behind this?
7. Was EDI training relating to race available for the Lord Advocate? Do you recall delivering any EDI training relating to race to any Lord Advocate?
8. How was EDI training relating to race delivered?
9. How was EDI training relating to race assessed?
10. Were any external organisations or speakers involved in preparing training materials and/or delivering training relating to race?

11. Aside from Jermaine Lee, which is covered specifically in questions below, were any other examples of case studies used in relation to race issues in training from 2015-2018?

Valuing Diversity: Raising Awareness

12. What input did you have on what training materials were associated with the “Valuing Diversity: Raising Awareness” course? Insofar as you had input, what was the rationale for including each of the sections in the training materials relating to race?
13. In the “Valuing Diversity Training Guide” (COPFS-05932) at page 8 it refers to the students seeing or hearing words or expressions that they might object to and requesting that they raise any objections at the time rather than letting it linger and spoil their learning experience. Do you recall any objections being made by any students? Please explain what was objected to and how it was dealt with.
14. In the “Valuing Diversity Training Guide” (COPFS-05932) at page 8 it refers a contract. Please explain this contract and how it facilitates discussion and reflection on matters of race.
15. In “Valuing Diversity: Raising Awareness” (COPFS-05770) at slide 8, what training was intended to be delivered in relation to “Ethnocentrism”?
16. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 11 and the “Jermaine Lee Handout” (COPFS-05778), what training was intended to be delivered in this case study?
17. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 16, what training was intended to be delivered in the “Dealing with Difference Exercise”?
18. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 16, what training was intended to be delivered in relation to “Handout 2 – Stereotyping”? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute? What stereotypes were discussed in this training?
19. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 19, what training was intended to be delivered in relation to “Handout 2 – Stereotyping”? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute? What stereotypes were discussed in this training?
20. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 20 under “Handout 3 – Allport’s Ladder of Prejudice”, the following is stated in relation to “Antilocution”: *“It is commonly seen as harmless by the majority. Antilocution itself may not be harmful, but it sets the stage for more severe outlets for prejudice.”* Please explain this specific aspect of the training

further. To what extent was this training delivered with reference to the work of a Procurator Fiscal Depute?

Valuing and Managing Difference

21. What was your role, if any, in the decision to change the course in relation to EDI training? Insofar as you were aware, what was the basis for changing the course?
22. What input did you have on the training materials associated with the “Valuing and Managing Difference” course? Insofar as you had input, what was the rationale for including each of the sections in the training materials relating to race?
23. In the “Valuing and Managing Difference” trainer guide (COPFS-05788) at pages 12 and 13 under “*Equality v Diversity*”, the following is stated:

Ask:

- *What are some of the myths around Equality & Diversity?*

Example Answers:

- *Equality is about treating everyone the same*
- *Diversity means doing everything that suits everyone’s needs/beliefs/religion etc*

Please explain this aspect of the introduction further. What was the trainer to explain in response to these example answers?

24. In the “Valuing and Managing Difference” trainer guide (COPFS-05788) at pages 50 and 51 and “Handout - Jermaine Lee” (COPFS-05796), what training was intended to be delivered in this case study?
25. In the “Valuing and Managing Difference” trainer guide (COPFS-05788) at pages 59 to 78, what training was intended to be delivered? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute?
26. 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.”
27. Please sign and date your statement.

List of documents provided

Valuing Diversity: Raising Awareness

COPFS-05932 2010 07 Valuing Diversity Trainer Guide.v4
COPFS-05770 Valuing Diversity Raising Awareness
COPFS-05771 2009 Historical Background
COPFS-05772 2009 Background to Nil by Mouth
COPFS-05773 2009 Aims & Learning Outcomes
COPFS-05774 2009 Raising Awareness Delegate Workbook
COPFS-05775 2009 Raising Awareness Delegate workbook - 2
COPFS-05776 2009 Diversity Evaluation Form
COPFS-05777 2009 Harassment Scenario
COPFS-05778 2009 Jermaine Lee Handout
COPFS-05779 2009 Who am I - 1
COPFS-05780 2009 Who am I - 2
COPFS-05781 2009 Dealing with Difference
COPFS-05782 2009 Workplace Banter
COPFS-05783 Challenging Sectarianism
COPFS-05784 COPFS LGBT Slides
COPFS-05785 COPFS Daniel Slides
COPFS-05786 COPFS Bill Gray slides
COPFS-05787 Summary of COPFS statistics

Valuing and Managing Difference

COPFS-05788 Valuing and Managing Difference
COPFS-05789 2015 Culture Quiz Answers
COPFS-05790 2015 Case Studies
COPFS-05791 BBC News Article
COPFS-05792 2015 Allports Ladder of Prejudice
COPFS-05793 2015 ACAS guidelines
COPFS-05794 2015 Statements
COPFS-05795 2015 Rosenthal & Jacobson Reference
COPFS-05796 2015 Handout - Jermaine Lee
COPFS-05797 2015 Diversity Wheel Example
COPFS-05798 2015 Diversity Wheel Blank
COPFS-05799 2015 Challenging Behaviours Facts
COPFS-05800 2015 Valuing Diversity Raising Awareness