

Crown Office and Procurator Fiscal Service

Procurator Fiscal's Office
10 Ballater Street, Glasgow G5 9PS



CRIMINAL ALLEGATIONS AGAINST POLICE DIVISION

John Mitchell
Director of Investigations
Police Investigations and Review Commissioner
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Enquiries:
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Your ref:
Our ref:
LAB/CM/CA15000454
Date: 13/01/2015

Dear Mr Mitchell

DEATH OF SHEKU AHMED TEJAN BAYOH

I am grateful to you for providing an update on the progress of the PIRC Investigation into the death of Sheku Bayoh it was received on 24 December 2015. I note that you anticipate that the final report may be delivered to the Crown at the end of January or the beginning of February this year subject to the completion outstanding enquiries.

I have read the comments made in respect of the allegation of racism in Fife division and note that some statistical analysis has been carried out but would question whether the figure "is indicative that institution racism played no part in the approach of the officers to Sheku Bayoh" as stated by John Mcsporrnan.

The importance of ensuring that issues of race are fully addressed as part of the PIRC investigations has been highlighted in our previous meetings. From a Crown perspective your investigation has to consider whether race had any influence in the way that the incident was dealt with as part of a wider consideration as well as whether there was any evidence of overt racism. Clearly the latter will be explored as part of your investigations relating to Constable Alan Paton. However, you will no doubt recollect the discussions at our last meeting with the Lord Advocate where your attention was drawn to the behaviour of a formal Fife officer, [REDACTED] who appears to have been responsible for distributing racist communications and offensive images. I would be grateful if you would confirm that your final report will address whether there is any indication that race influenced the approach taken by officers either individually or collectively in the response to the incident. This should include consideration of whether the incident was perceived as a terrorist threat. The allegations against [REDACTED] should also be addressed as part of the wider investigation into whether there is evidence of racist attitudes and behaviours within Fife Division.

Yours sincerely

LA Brown
Head of Criminal Allegations Against Police Division

