


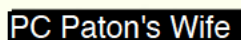
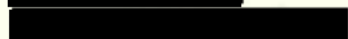


LORD ADVOCATE'S CHAMBERS  
25 CHAMBERS STREET  
EDINBURGH EH1 1LA



\*calls cost 7p a minute plus your phone company's charge

Alternative telephone number – 

 PC Paton's Wife  


14/10 October 2015

Dear Mrs Paton,

Thank you for your e mails of 9th and 13th October 2015.

Let me begin by making a number of general points. The investigation into the death of Sheku Bayoh is at the instance of the Lord Advocate who is statutorily responsible for the investigation of all deaths in Scotland. The investigation into the death is being conducted by PIRC who act on the directions and under the superintendence of the Lord Advocate. There are two decisions which will require to be taken by the Lord Advocate at the end of the investigation, namely whether a criminal prosecution should be raised and whether an Fatal Accident Inquiry should be held. In respect of the latter, as it is a death in custody a Fatal Accident Inquiry is mandatory.

The Lord Advocate is impartial and will take the decisions following a full and thorough investigation. This will also involve the Crown carrying out its own investigations following receipt of the PIRC report. The Crown has a long and proud history of conducting impartial investigations and this one will be no different. Please do not think that because the family of Sheku Bayoh are involved in the process that impartiality is compromised. This is not the case. By law the Human Rights act requires that families are involved in the process. They will not be involved in the decisions but have a legal right to be kept advised of progress. In an investigation of this nature it is important that the family have confidence in the process so that they can have confidence that the decisions taken are taken following a full and thorough investigation and that the family understand why the decisions were taken. The family are not being treated any differently than other families in similar circumstances.



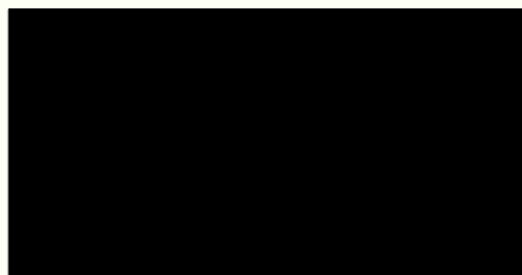


I am sure you will agree that all parties affected by this decision including the officers involved should have confidence that the decisions were taken following a full and thorough investigation with expert opinion from the most eminent experts available. Together with the investigative team we are working to ensure that this is the case.

I appreciate the amount of publicity that this case has generated and that this has been difficult for the persons affected. You should note that the Crown have not been responsible for the publicity and I have said little about the case other than to talk about the process. I have not and will not talk publicly about the evidence as to do so would be tantamount to prejudging the investigation before it is completed. I hope that at the end of the process you will have the answers you and all parties affected seek.

With regard to Mr Brown I can well understand how you feel following your conversation with him but you must appreciate that there is very little he can say without risking prejudice to the investigation. I am afraid that at this stage he will not be able to answer your questions. He did not mean you to feel that you had been dismissed. This was not his intention. What I can say is that the 'final findings' of the investigation will be led at an Inquiry at which the officers involved will be represented and all parties will have the opportunity to cross examine the witnesses and lead any evidence that they think fit. This will ensure a full and thorough inquiry will be held in public which will allow the media to report the evidence.

I understand that a documentary is due to be broadcast by the BBC on Thursday. I am sorry that the BBC are going ahead with this broadcast but there is nothing legally I can do to prevent it. I have made your concerns known to Police Scotland and I hope that they will be able to give you the reassurances you seek. What I can promise is that any allegations made in the broadcast will be thoroughly and impartially investigated and the facts, not assertions, presented at the inquiry.



**FRANK MULHOLLAND QC**



INVESTOR IN PEOPLE  
**The Scottish Government**