

Dr Jason Payne-James

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

10 August 2015

Dear Sir,

**Death of Sheku Ahmed Tejan Bayoh  
Expert Witness Instruction**

In furtherance of the above subject and your recent telephone discussions with my Deputy Senior Investigator (DSI) Keith Harrower.

In terms of the Police and Fire Reform (Scotland) Act 2012, my responsibilities include undertaking independent investigation when directed to do so by the Lord Advocate,

- (a) into circumstances in when there is an indication that a police officer may have committed an offence and
- (b) into circumstances of any death, which involves a police officer which may result in a Fatal Accident Inquiry

I am currently investigating the death of Sheku Ahmed Tejan Bayoh, born 30/09/1983 of [REDACTED], who died on 3 May 2015 at the Victoria Hospital, Kirkcaldy, following his contact with officers of Police Scotland. This investigation is being directed by the Lord Advocate of Scotland. The Lord Advocate is the chief law officer in Scotland, a minister of the Scottish Government, and head of Crown Office and the Procurator Fiscal Service (COPFS), the independent public prosecution service for Scotland.

Following post mortem and toxicological analysis, the cause of death of Sheku Bayoh is provided as 'sudden death in a man intoxicated by MDMA and Alpha PVP, whilst being restrained'.

Evidence is available to show that the deceased previously used anabolic steroids and in the hours preceding his death had consumed alcohol and drugs. Evidence is also available to show that officers of Police Scotland

sprayed CS and PAVA at the deceased, hit him with batons and physically restrained him.

Please accept this letter as formal instruction for you to produce an expert witness report based on the information provided within the attached package. In this regard, expert witness opinion is sought from you on;

- (a) the physiological effect of the drugs detected in the toxicology sample, individually or in combination, on the deceased in the circumstances of his arrest.
- (b) the physiological effect of the CS/PAVA spray, individually or in combination, on the deceased in the circumstances of his arrest.
- (c) the physiological effect of the physical restraint of the deceased in the circumstances of his arrest.
- (d) the physiological effect of (a)(b) and (c) on the deceased in combination in the circumstances of his arrest.

Please let me know if you require any additional information to assist you in this regard.

As you will appreciate, the material provided in this connection is shared with you on a confidential basis and should not be disseminated further without prior consideration with me via DSI Harrower.

I am aware you have already received your company acceptance form duly completed and signed on behalf of PIRC.

I trust this will allow you to undertake the work as requested. However, should you have any queries please contact DSI Keith Harrower on telephone number [REDACTED] or email: [REDACTED]

Yours sincerely,

[REDACTED]

**Kate Frame**  
**Police Investigations & Review Commissioner**