

Assistant Solicitor to the Inquiry

E:

T:

**SHEKU
BAYOH
INQUIRY**

Ms Fiona Carnan
Crown Office and Procurator Fiscal Service

By email only: [REDACTED]

29 August 2023

Dear Ms Carnan

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 2 October 2023**.

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 [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 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.

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]

ANNEX

COPFS PIM

AREAS FOR WITNESS STATEMENT

MS FIONA CARNAN

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.

The Crown Precognition has not been shared with you and your involvement in the drafting of the Crown Precognition may be requested at a later date.

Role and experience

1. What were your grade and position in COPFS during your involvement in the (Crown directed) PIRC investigation into the death of Sheku Bayoh ("the Investigation") and subsequent COPFS Precognition process ("the Precognition")? How long had you been in this position prior to the date you became involved? What were your duties and responsibilities in this position?
2. When did you first become involved in the Investigation? What were the circumstances in which you became involved?
3. What do you understand to be COPFS' role in the investigation of sudden, suspicious, accidental and unexpected deaths in Scotland as of the date you became involved? What do you understand COPFS' duties and responsibilities to be in this regard?
4. Prior to the date you became involved, what experience did you have in investigations of deaths in police custody, or deaths during or following police contact? Please provide details and the outcome of the cases. Was race a factor to consider in any of these cases?
5. Prior to your involvement, what experience did you have in relation to family liaison in deaths cases? Was race a factor to consider in family liaison in any of these cases? If so, please provide examples.

PIRC

6. What experience did you have in dealing with PIRC prior to the date you became involved?
7. What was your understanding of PIRC's role?
8. In your understanding, was PIRC being directed to investigate Mr Bayoh's death under Section 33A(b)(i) or (ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006? What are the differences, if any, in COPFS' dealings with PIRC between investigations carried out under part (i) compared to (ii) of this section?
9. Were you aware if any further instruction was given to PIRC in the course of your involvement in their Investigation? If so, when and why did this occur?
10. What is your understanding of COPFS' role in relation to a PIRC investigation carried out under Section 33A(b) of the 2006 Act? For example, do PIRC have autonomy or do they require the authority of COPFS before taking certain steps? Do COPFS direct the work to be carried out by PIRC as part of their investigation? Do COPFS supervise the PIRC investigation? If not, to what extent do COPFS influence the direction of the PIRC investigation?
11. How are decisions and instructions communicated to PIRC? Please explain your involvement in this during the Investigation.
12. How would you normally go about answering PIRC's questions and providing advice? What, if any, involvement did you have in assisting PIRC with their questions and providing advice? If you had no personal involvement, who did?
13. In your view, were PIRC's instructions sufficient for them to investigate and report on all relevant matters to COPFS? If not, what could have been done differently and why?
14. Please read the email to Mr Les Brown dated 22 February 2018, your draft reply¹ and the response from Mr Brown to Mr Taylor of PIRC on 27 February 2018.² What did you understand to be the legal basis for downloading and examining data other than video clips from 3 May 2015 (in respect of which Ms Wyse had given her express consent)? Did you discuss this with Mr Brown? What was your understanding of what Mr Brown was advising PIRC?

Family liaison

15. What is your understanding of COPFS' role in liaison with the deceased's family in deaths cases? How does COPFS' role interact with the role of Police Scotland and PIRC in family liaison?

¹ COPFS-02772

² PIRC-02587

16. What, if any, duties or responsibilities do COPFS have to the deceased's family during the course of a PIRC investigation? What duties or responsibilities do COPFS have to the deceased's family during the Precognition process? How were these duties or responsibilities fulfilled? Was there a handover of family liaison from PIRC to COPFS?
17. What involvement, if any, did you have in family liaison? [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. Insofar as not covered above, did you have any dealings with the Lord Advocate during the course of your involvement in the Investigation and Precognition? Did you have any involvement in meetings between the Lord Advocate and Mr Bayoh's family? If so, which meetings did you attend? Who was present? What was your recollection of these meetings? What was the outcome of these meetings and what was your understanding of what the Lord Advocate, and COPFS, had undertaken to do?
21. In your notebook⁶ at page 37 you list a series of letters from Mr Anwar dated 27 May, 3, 17 June and 31 July 2015. These letters were sent to COPFS at an early stage in the Investigation, prior to your involvement; what was the

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

⁶ COPFS-05220

purpose in reviewing these? To what extent did the Investigation address the issues summarised in your notebook?

22. What is your understanding of the role of COPFS' Victim Information and Advice service ("VIA") in family liaison in a death investigation? Were VIA involved in this case? Insofar as you are aware, what was the basis for VIA involvement or non-involvement with Mr Bayoh's family?

Ingathering of evidence and analysis

23. Prior to when you were involved in the Investigation, were you aware of Mr Bayoh's death from the media or word of mouth? If so, what was your understanding of the circumstances in which Mr Bayoh died?
24. After you first became involved in the Investigation, what description of the events leading up to and including Mr Bayoh's death was explained to you? When and how was this information provided to you? Who by?
25. Over the course of your involvement in the Investigation and Precognition, in what ways, if any, did your understanding of the circumstances of Mr Bayoh's death change from the information initially provided to you?
26. What, if any, consideration did you give to whether there were grounds for a Fatal Accident Inquiry ("FAI")? Did you consider that any FAI would have been mandatory in terms of s1(1)(a)(ii) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976? Please explain your reasoning. If you did not consider the criteria for a mandatory FAI were met, what consideration was given to a discretionary FAI in terms of s1(1)(b)? Was anything done in the Investigation to prepare for an FAI? Who took the decision not to hold a FAI?
27. Please explain your involvement, if any, in ingathering and analysing evidence in relation to the response officers' accounts, including reference to any contradictions you identified between the accounts and any impact on your assessment of the officers' credibility and reliability.⁷
28. Please explain your involvement, if any, in ingathering and analysing evidence in relation to Mr Kevin Nelson's account, including your understanding of his explanation that he did not see part of the engagement between Mr Bayoh. Was Mr Nelson asked to comment on the specifics of the details of the incident from the officers' statements in relation to a stamp by Mr Bayoh on PC Nicole Short?
29. Please explain your involvement, if any, in ingathering and analysing evidence in relation to the accounts of APS Scott Maxwell, PC Ashley Tomlinson and PC Craig Walker regarding the purported stamp on PC Nicole

⁷ Please include reference to the entries in your notebooks relating to the stamp on PC Short (COPFS-05220 at page 56; COPFS-05221 at page 35), the entry relating to PC Walker's statement at page 19 of your notebook (COPFS-05222) and the analysis document (COPFS-03674(a)).

Short by Mr Bayoh, including the extent to which relevant Airwave transmissions were considered.⁸

30. Please explain your involvement, if any, in ingathering and analysing evidence in relation to Ms Wyse's account and related information, including her mobile telephone data and in particular her text messages.⁹
31. Please explain your involvement, if any, in ingathering and analysing evidence in relation to PC Short's vest, including the instruction of forensic examination of the dark marks on it (both in terms of the shape of the mark and the composition; and a comparison with Mr Bayoh's boots).¹⁰
32. Please explain your involvement, if any, in ingathering and analysing evidence in relation to biological samples taken from Mr Bayoh's body, including toxicologist expert opinion.
33. Please explain your involvement, if any, in ingathering and analysing evidence in relation to any belongings seized from Ms Collette Bell, Mr Zahid Saeed, Mr Martyn Dick and Ms Kirsty MacLeod, including the legal basis for their retention.
34. Please explain your involvement, if any, in considering if any of the actions of police officers and civilian staff relating to searches of Mr Bayoh and Mr Aamer Anwar in police databases. What was your understanding of any benefit to the police investigation and legality of carrying out a police database search in respect of a legal representative of a deceased person's family and, separately, the justification in recording intelligence relating to Mr Anwar under a counterterrorism category.¹¹ How did COPFS take these matters forward, if at all?
35. Please explain your involvement, if any, in preparing and commissioning the multimedia presentation.
36. Please explain your involvement, if any, in ingathering and analysing statistical data relevant to the issues in the Investigation and Precognition.
37. Please explain your involvement, if any, in ingathering and analysing evidence in relation to training of the officers, including the relevance of this information to investigating any potential offences by Police Scotland.
38. Please explain your involvement, if any, in ingathering and analysing evidence in relation to the extent to which race was a factor in the actions of

⁸ Please include reference to the analysis document (COPFS-03674(a)).

⁹ Please include, if relevant, reference to the note beginning "Stuart Taylor" at page 39 of your notebook (COPFS-05220), the entries on page 11 of your notebook (COPFS-05222) and the analysis document (COPFS-03674(a)).

¹⁰ Please include reference to the entries on page 35 of your notebook (COPFS-05221).

¹¹ Please include reference to the entries in your notebooks at pages 4 and 5 of COPFS-05221 and page 2 of COPFS-05222. See your email and attachments relating to a briefing to the Lord Advocate (COPFS-06068).

the police officers engaging Mr Bayoh, including your comment on the relevancy of this issue to the Investigation and Precognition.¹² Was race considered in relation to any offences to investigate? Was race considered as an aggravating factor in the offence?

39. Did you convey the analysis of all these areas to Crown Counsel? What was the response? Did you receive any advice or guidance from Crown Counsel and take further action accordingly?
40. In your notebook¹³ at page 14 a narrative is written with the heading "Ashley" at the top of the page. Does this note relate to a meeting with Ms Ashley Edwards QC? If not, what is the note relating to? Is this a note of what someone said to you or a briefing you were providing? At the bottom of the page the following note is written: "*Reflective strip - @ kidney level waistband.*" Is this a reference to PC Short's vest? What was discussed?
41. In your notebook¹⁴ at page 6 are entries under a heading "Correspondence Folders Review", at page 8 are entries under a heading "Review of Witness Table 17/7/18" and at page 9 are entries under a heading "Review of Prod Table 18/7/18". Can you recall if the correspondence folder review was carried out around the same time as the others? What was the purpose of these reviews?
42. In the review of productions in your notebook¹⁵ the following entry is written relating to a task to contact PIRC regarding the completing of use of CS forms:

*Pro 316 – Community Impact & Reassurance Group Tasking
Spreadsheet – Task 24 – re Supt Edmonston contacting Supt Gibson
in Training – to get his staff to contact PIRC, discuss circs, NEGATE
the need for local completion
Qu – Why is this action on this spreadsheet? Why was this done?
Protect officers / reputation of force?*

What is the relevancy of the completion of use of CS forms to the Investigation and Precognition? Were your questions ever addressed and the issue resolved? What difference, if any, would it have made to the Investigation and Precognition for the use of CS forms to have been completed?

43. In the review of productions in your notebook¹⁶ the following entry is written:

¹² Please include reference to the analysis document (COPFS-03674(a)).

¹³ COPFS-05220

¹⁴ COPFS-05221

¹⁵ COPFS-05221 at page 9; for context also see the Community Impact & Reassurance Group Tasking Spreadsheet at PIRC-01127 page 5.

¹⁶ COPFS-05221 at page 10; also for context see Inv Keith Harrowers' handwritten notes from the interview at COPFS-00093 and PC Walker's typed PIRC statement at PIRC-00264.

Pro 455 – Notes – handwritten – by Keith Harrower on 4/6/15 – taking stat from Craig Walker – although some same/similar to typewritten version this is by no means a full record of the interview. Notable gaps – no mention of hearing on radio re male hitting cars / under influence; stamping on N/S; hearing rib break...!!

What was notable about the gaps between the handwritten notes and the typed copy of the statement? What significance, if any, did you consider this to have? What actions did you take in order to address any concerns you may have had in relation to the “notable gaps”? Was this raised with Crown Counsel and what was discussed?

44. At page 34 of your notebook¹⁷ you have written: “*Lindsey Miller noted – so perhaps she has transcript? “Sheku took drugs, everyone knew that”.*” What is this regarding? Please explain this point further.
45. To what extent was race a factor in your analysis of the actions of the police officers? In your view, was this sufficient to inform Crown Counsel of the impact, if any, that Mr Bayoh’s race had on the actions of the police officers who engaged him?
46. Do you recall instances when the family and their legal representatives had proposed or suggested lines of enquiry or potential witnesses? Do you recall those being taken forward?

Learning from other investigations

47. Prior to and during your involvement in the Investigation and Precognition, what awareness did you have of investigations by the police and/or the CPS into race in England and Wales? What learning did you derive from these investigations? Did anything you learned from these investigations result in any change in approach to your involvement in this case compared with your involvement in prior investigations?
48. Insofar as not covered above, during your involvement in the Investigation and Precognition, to what extent did you consider the investigation into the death of Mr Sean Rigg in assessing the actions of the police officers?¹⁸ Prior to submission of the Precognition in May 2018, had you read the report of the Independent Review of the IPCC investigation into the death of Mr Rigg?¹⁹ If so, at the time you read it, what did you understand to be the issues and learning for the IPCC and CPS resulting from this Review? What did you understand to be the importance of race in issues raised? How did you apply any of these considerations and learning to your involvement in the Investigation and Precognition?

¹⁷ COPFS-05222

¹⁸ For example, in your notebook (COPFS-05220 at page 9) you refer to “*CPS decision making re Rigg – what did they consider*”.

¹⁹ COPFS-02526(a)

49. Insofar as not covered above, to what extent did you consider the approach of the CPS in cases of deaths in custody or during or following contact with the police in which restraint was used? What were you interested in understanding or learning from the approach of CPS?

50. [REDACTED]

Forensic examination

51. What is your understanding of the role of COPFS in relation to SPA Forensics' involvement in the Investigation and Precognition? What is normal practice in involving PIRC in the instruction and findings of SPA Forensics?
52. Did you provide any instructions to SPA Forensics in relation to the incident in which Mr Bayoh died? Please provide full details and the rationale for these instructions. Did you seek any input from PIRC for these instructions? Did you notify PIRC of the terms of these instructions? Did you share SPA Forensics' findings with PIRC? Please confirm the basis for any departures from normal practice.
53. Please read the email chain involving you and Mr Stuart Taylor of PIRC on 13 February 2018 and attached Standard Forensic Instructions both dated 13 February 2018.²¹ On page 1 under "Accused/Deceased Name" the form first lists "Nicole Short". You then change this to "Deceased – Sheku Bayoh" following a request by PIRC's Mr Taylor and explained it was auto-populated by your system. Please confirm further details of how it was auto-populated by your system and, if known, why your system initially listed Nicole Short as the accused/deceased. What was your understanding of why Mr Taylor was concerned about the families' legal representatives and why did you make the change requested? Why did you forward this email chain to your colleagues at the end of the day? To what extent was circulating an email chain with PIRC normal practice for when you completed a task?
54. Were you involved in the direction of SPA Forensics relating to the forensic examination of PC Short's vest? Did you instruct fingerprint examination of the vest? If not, were you aware that the vest was to be examined for fingerprints? If so, what did you understand to be the reason for the fingerprint testing being carried out?
55. The Inquiry instructed a tread mark expert, Mr Paul Ryder. Mr Ryder in his report relating to the vest of PC Short explained:

28. ... *There was black staining to the plastic-coated aspects of the reflective strips and to the police badge on the rear of the vest. I understand that this staining was a result of treating these parts of the*

²⁰ [REDACTED]

²¹ COPFS-04332; COPFS-04332(a); PIRC-01964(a)

vest with a black powder suspension with a view to developing any fingerprints that might be present. As a consequence of this treatment being applied as a liquid and then having to be removed by a washing process, parts of the yellow fluorescent fabric adjacent to the treated areas have been stained black. This includes the part of the vest on which the dark deposits had been observed.

29. *From reference to the production PIRC-01176 provided to me it was observed that this staining from the fingerprint treatment had obscured parts of the dark staining that had originally been present on this vest.²²*

Were you aware that the fingerprint testing by SPA Forensics may hinder further forensic analysis being carried out on the vest? Was this a concern for you or, as far as you were aware, any of your colleagues?

Expert witnesses

56. What involvement, if any, did you have in the instruction of expert witnesses? Please include your involvement in the instruction of experts by both PIRC and COPFS separately. Please include your involvement in the following aspects of the instruction:
 - (i) the identification and choice of experts (including consideration of their qualifications, expertise and independence), and ensuring they had no conflict;
 - (ii) preparation of the letters of instruction, and
 - (iii) the information and documentation provided to experts to assist in framing their opinion.
57. In your letter of instruction to Mr Martin Graves²³ on page 6 you write: “*Given the information available to those first two police officers, please provide your comment on the profile of the now deceased...*” What is meant by the “profile” of the now deceased? How was this relevant to the reasonableness of the officers’ actions?
58. What involvement did you have, if any, in consulting with expert witnesses? What was the purpose and outcome of each of these consultations?²⁴
59. What, if any, analysis did you conduct in respect of the expert witness evidence? What was the outcome of this analysis? Was anything done in light of your analysis?
60. At the point the case was reported to Crown Counsel, were you satisfied with the quality and extent of the expert evidence available? Did you have concerns regarding any of the expert evidence? Did you make Crown Counsel aware of your views?

²² SBPI-00171 at page 9. Please note this report has not been shared with you.

²³ COPFS-00008

²⁴ See COPFS-01966; COPFS-01968; COPFS-02332

61. In your notebook²⁵ at page 2 you wrote: “*Neighbours tried to talk him down – people who knew him – he did not respond – could not*”. What are the circumstances of you making this note, for example is this information being told to you by someone or is this a note you are making by way of analysis of the evidence? Do you understand this to be an accurate reflection of the information available to you, including with reference to the terms of the statement of Mr Neil Morgan²⁶ at page 2 and the PIRC Report²⁷ summary of the neighbours’ evidence at page 28?
62. Please read your email to your colleagues in COPFS dated 29 May 2018 relating to Dr William Lawler’s attached letter.²⁸ You write: “*This seems to answer concerns about the trace of pulse noted by the paramedics.*” Please explain these concerns further and how Dr Lawler’s letter addressed them. Did your colleagues agree with you that the concerns were addressed?

The Health and Safety Executive (“HSE”)

63. Prior to your involvement in the Investigation and Precognition, what experience did you have in investigations involving HSE?
64. In what circumstances would COPFS normally invite the involvement of HSE or engage with HSE?
65. What involvement, if any, did you have in liaison with HSE? Why did COPFS request their involvement? What benefit would HSE have provided? Was consideration given to involving HSE? Was consideration given to any disparity in resources between HSE and PIRC insofar as it may impact on the investigation into the death of Mr Bayoh?
66. What was the outcome of COPFS’ liaison with HSE? How did this impact the Investigation and Precognition?

European Convention on Human Rights (“ECHR”)

67. During the Investigation and Precognition, were you involved in discussions in any form relating to COPFS’ obligations under Articles 2 and 14 of the ECHR in respect of Mr Bayoh and his family? If so, what was your understanding of these obligations and how, if at all, did this affect your approach to your work?²⁹

²⁵ COPFS-05221

²⁶ PIRC-00073

²⁷ PIRC-00002

²⁸ COPFS-02502; **COPFS-00083**

²⁹ Please include reference to the note including “AA letter 7/3/17... Article 2 – Enquiry” at page 41 of your notebook (COPFS-05220) and the Minute to Principal Crown Counsel dated 5 June 2020 (COPFS-00574(a)).

68. To what extent was Article 2 of the ECHR considered in respect of the duties of Police Scotland and PIRC?³⁰

Media engagement

69. Were you following the media reporting of the matter? To what extent, if any, was your involvement in the Investigation and Precognition influenced by what was reported in the media? Were you aware if any of your colleagues were influenced by what was reported in the media?
70. What involvement did you have, if any, in COPFS' media engagement? This may include discussing media lines with colleagues, liaison with the COPFS media department, direct contact with the media or providing information to colleagues dealing with the media.
71. To what extent, if any, did you rely upon Dr Karch's opinion in order to form conclusions of Mr Bayoh's cause of death? Please read the comments attributed to Dr Karch reported in the Sun newspaper on 1 November 2015.³¹ Were you aware of these comments during the course of your involvement in the Investigation? How were they brought to your attention? What impact did these comments have on your assessment of Dr Karch's status as an independent expert witness? Were Crown Counsel made aware of these comments and any concerns you or your colleagues may have had?
72. Were you aware of the Mail on Sunday newspaper article reporting the decision of COPFS not to prosecute any of the officers, prior to Mr Bayoh's family being informed? Were you aware of, and/or did you have any involvement in, any internal investigation within COPFS into the source of the information in the Mail on Sunday's article?
73. On page 2 of a Minute to Principal Crown Counsel dated 5 June 2020³² you state: "*10. What is of concern is that these inaccurate comments may influence the recollections of those witnesses who are not connected to the deceased but who witnessed the restraint by the police.*" Which inaccurate comments were you referring to? Please explain the issue further. Was this an issue in media reporting over the course of the Investigation and Precognition? What was done to address this issue?

Parallel investigation

74. Were you aware of an investigation into Mr Bayoh's death being carried out on behalf of the SPF by Mr John Sallens? Did you have any concerns about this? If so, what decisions and actions did you take to resolve the issue?

³⁰ Please include reference to the entries at page 9 of your notebook (COPFS-05222).

³¹ See a copy of the Sun article under reference SBPI-00216.

³² COPFS-00574(a)

75. Were you aware of witness accounts that investigators provided them with information from other sources and made them feel uncomfortable?³³ If so, was anything done to address this?
76. Were you aware of a report of findings of the SPF's investigation being sent to PIRC? To what extent, if any, did this report affect the approach of COPFS in the Investigation?³⁴

Race

77. Do you have any experience of racism being a factor to investigate in an investigation relating to:
 - (i) a death in custody or death during or following police contact;
 - (ii) the actions of on-duty police officers.If so, please provide details of the year(s) you were involved, how race was a factor, how you investigated the race aspect and the outcome.
78. Insofar as not already covered, to what extent, if any, was Mr Bayoh's race a factor in any of your decisions and actions?
79. Prior to your involvement in the Investigation, in your experience, did 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? Has that position changed between the time you were involved in the Investigation and now?

Training

80. At the time of your involvement in the Investigation, what training had you completed that was relevant for your role in the Investigation and Precognition? Please provide details of the type of training and explain what you can recall from the session.
81. Insofar as not already covered, what training had you completed at the time of your involvement in the Investigation in relation to the below areas? Please provide details of the type of training and explain what you can recall.
 - (i) liaison and instruction of SPA Forensics;
 - (ii) instruction of and consulting with expert witnesses;
 - (iii) taking precognitions of witnesses;
 - (iv) reporting the case to Crown Counsel, including liaison with Crown Counsel and drafting the Crown Precognition;
 - (v) family liaison.

³³ For example, in Mr Mark Daly's statement to the Inquiry (SBPI-00119 at para 65) he recalls Mr Nelson telling him that investigators saying they were from the Police Federation entered his home and "*they start dripping poison in his ear about Bayoh*".

³⁴ [REDACTED]

82. Insofar as not already covered, what training had you completed by or during the time you were involved in the Investigation in relation to equality and diversity issues? Which aspects of this training, if any, were applicable to your role?
83. What guidance or reference materials in relation to race were you aware of being available to you in the time you were involved in the Investigation and Precognition? Over the course of your involvement, did you make use of any of these materials?
84. What, if any, training do you consider would have assisted you in your involvement in the Investigation and Precognition? This may be training you have carried out since, training you are aware of but have not completed or training that is not, as far as you're aware, provided by COPFS.

Records

85. Is there a requirement for you to take contemporaneous notes or any other record of your involvement in an investigation? Is there a requirement to retain them? Are there any forms that you must complete in the course of the Investigation for internal record-keeping?
86. What records did you keep in relation to the Investigation? Were these retained and archived? To what extent was your record-keeping consistent with normal practice? Please confirm the basis for any departures from normal practice.

Miscellaneous

87. In your experience, was this investigation lengthy? Was it unduly lengthy? What is the reason for the length of time required for the case to be reported to Crown Counsel? Could anything have been done differently to reduce the length of time from Mr Bayoh's death to reporting to Crown Counsel?
88. When did you become aware of the possibility that a public inquiry would be commissioned to examine Sheku Bayoh's death and the Investigation? Was anything done or not done in light of this? Was this a factor in relation to the issue of whether a FAI should take place?
89. Insofar as not already covered, to what extent was your involvement, decisions and actions in the Investigation and Precognition consistent with normal practice? If there were any deviations from normal practice, please explain your reasoning. In your view was race a factor in any departures from normal practice you have identified?
90. Insofar as not already covered, what significant difficulties or challenges did you encounter during your involvement in the Investigation? Would any changes to practice or procedure would have assisted you in overcoming these difficulties or challenges? To what extent were these difficulties or

challenges normal or expected in your role? To what extent was race a factor in these difficulties or challenges?

91. In what circumstances, if any, would COPFS share the findings of (i) a PIRC investigation and (ii) the Crown Precognition with Police Scotland? Do you consider any of your findings in the course of the Investigation, or the findings of PIRC, would be of assistance to Police Scotland if they were shared? Did you or, insofar as you're aware, any colleague share these findings with Police Scotland? Did anyone from Police Scotland or SPA request your findings for the purposes of considering disciplinary action?³⁵

92. 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."

93. Please sign and date your statement.