

Assistant Solicitor to the Inquiry

[REDACTED]

[REDACTED]



Mr Brian Dodd

By email only: [REDACTED]

9 January 2024

Dear Mr Dodd

Rule 8 Request

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

As you may be aware we have liaised with the Police Investigations and Review Commissioner ('PIRC') to arrange the provision of your Inquiry statement. PIRC has confirmed to the Inquiry your preference for your statement to be prepared under the 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 26 January 2024**. Please provide your written statement by email to [REDACTED]. If you feel further time to complete your written statement would be beneficial, please contact the Inquiry to agree a revised deadline.

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](#).

Annex A to this letter sets out the areas to be covered in your written statement. Annex B contains a copy of the Inquiry's Terms of Reference. The Inquiry will shortly be in a position to share a Connect workspace containing a copy of the documents referred to in Annex A. The documents provided via the Connect workspace remain subject to the Inquiry's general [restriction order](#) and may not be shared by you with any other person.

You may wish to take independent legal advice in relation to the contents of this letter and the questions contained within Annex A prior to providing your written statement. Should you decide to take independent legal advice prior to providing your written statement, and you wish

to share the documents provided to you via the Connect workspace with your solicitor in order to do so, please contact the Inquiry's legal team in advance by email at [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 that is not relevant to your evidence will be redacted prior to disclosure.

Every effort has been made to ensure this request is as comprehensive as possible, however the Inquiry may issue an additional request under Rule 8 to you if it is considered that there is further evidence from you that would assist the Inquiry. Providing more detailed answers at this stage should reduce the possibility that the Inquiry will require a further Rule 8 statement from you.

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. You may be asked to attend a hearing to give oral evidence to the Inquiry. I will contact you in the coming weeks to confirm this.

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 A

AREAS FOR WITNESS STATEMENT

MR BRIAN DODD

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.

These questions will focus on your role at the Police Investigations and Review Commissioner (PIRC) and your involvement in PIRC's investigation following the death of Mr Bayoh.

Your professional background and experience

1. Please provide a summary of your professional career including the job titles, dates held and a short summary of your duties. Please include details as to any further or higher education you have undertaken.
2. Please expand on any professional experience you consider relevant to your role within PIRC. This could include previous employment or training.
3. Prior to 3 May 2015, what, if any, contact had you had with the following Police Scotland officers: Craig Walker, Alan Paton, Nicole Short, Ashley Tomlinson, Alan Smith, Kayleigh Good, Daniel Gibson, James McDonough and Scott Maxwell?
4. Prior to 3 May 2015, had you had any contact with the Police Scotland officers you encountered in the course of the PIRC investigation? Please include detail as to how and when you met them, and your relationship as at May 2015.
5. As at 3 May 2015, was there any policy or guidance for PIRC staff who were acquainted with a Police Scotland officer that they encountered in their role, or who was the subject of a PIRC investigation? If so, please can you identify the policy or guidance in question.
6. Has PIRC ever investigated police officers with whom you were acquainted? What process would be followed if you had a personal or professional relationship with an officer investigated by PIRC?

The Police Investigations and Review Commissioner

7. What was your position at PIRC on 3 May 2015? What were your duties and responsibilities in this position?
8. Did you line manage or supervise any employees? If so, please provide their names and roles. Please provide details as to how you supervised these employees – i.e., did you have periodic one-to-one conversations, if so, were notes taken? Did you conduct yearly reviews? Did your role in this investigation involve supervising the work of any PIRC staff members? If so, who and how did you carry out that supervision?
9. Who was your line manager or supervisor? Please provide details as to how you were supervised by them. Did you have an annual appraisal? If so, were notes taken?
10. Between May 2015 - August 2016, do you feel that there was adequate resourcing for PIRC to comply with its statutory obligations in terms of:

- (a) Funding;
- (b) Staffing numbers;
- (c) Training opportunities; and
- (d) Expertise of staff.

If not, why not?

11. In what ways do you regard the role of a police officer and the role of a PIRC investigator to be similar or different? Do you feel that your background as a police officer has any advantages or disadvantages for your work at PIRC? If so, please provide full details.
12. In 2015-2016 PIRC had various staff members who had previously held roles within the police. Do you feel that PIRC as an organisation was impacted positively or negatively by staff having held roles within the police? Please explain why you hold this view.
13. As a police officer, you achieved the rank of detective inspector (PIRC-04204). When involved in a PIRC investigation, you may be required to liaise with and direct police officers of a rank senior to that which you achieved. What impact, if any, does this have on your ability to participate in a PIRC investigation and provide direction to officers from Police Scotland?
14. Your PIRC application form (PIRC-04204), at page 4, identifies that, in one of your roles as a police officer, you were involved in directing a national operation targeting South-east Asian Organised Crime Groups. In what way, if at all, did the ethnicity of members of these organised crime groups impact on your approach to this operation? In what way, if at all, is it necessary to take account of the ethnicity of persons who are the subject of police investigations more generally? As a police officer, what training did you have in relation to investigations where the subjects of those investigations were from ethnic minorities? What skills and learning, if any, did you take from this into your role at PIRC?
15. Your second PIRC statement (PIRC-00345) identifies that you held the position of deputy senior investigator at PIRC from 25 February 2013, prior to PIRC being formally established on 1 April 2013. What were your duties and responsibilities during this period? How many staff did PIRC have during this period? How prepared was PIRC to fulfil its statutory functions as at 1 April 2013? Please provide full details of any areas in which you consider PIRC was unprepared to fulfil its statutory functions at that time.
16. Prior to 3 May 2015, what experience, if any, did you have of PIRC investigations of deaths in police custody, or deaths following police contact? In what ways were these investigations similar or different to the investigation following the incident involving Mr Bayoh on 3 May 2015?

Training

17. What training did you have for your position at PIRC? Please include details in relation to any training undertaken at the beginning of your employment with PIRC, at the beginning of your then-role (if different) and any training undertaken during this role.
18. How do you record the training that you received as a PIRC investigator? Is the training that you have completed in your role at PIRC covered in full within the training records received by the Inquiry (PIRC-04577)?
19. When you commenced your role at PIRC, to what extent was reliance placed on the training that you had previously received as a police officer?

20. In 2015, how was it identified that investigators and staff required, or would benefit from, training? Was it necessary for investigators and staff to request training, or were training needs identified by line managers and other senior members of staff at PIRC? Who was responsible for ensuring that PIRC's investigators were sufficiently well trained?
21. Did you feel adequately trained to carry out your role at PIRC? Please explain why, or why not. What, if any, additional training would have assisted you in your involvement in the investigation?
22. Is there any process within PIRC to assess "lessons learned" from investigations? If so, what does this process entail? Did any "lessons learned" exercise take place following the investigation following the death of Mr Bayoh? If so, what did this involve? If not, why did this not take place? Do you think PIRC would have benefited from such a "lessons learned" exercise following that investigation?

Your involvement with the PIRC investigation

Monday 4 May 2015

23. Your first PIRC statement (PIRC-00344), at page 1, identifies that you were briefed by DSI William Little in relation to the incident involving Mr Bayoh on this day. Do you remember what was said? If so, please provide details.
24. Was DSI William Little put in charge of the investigation at this briefing? If not at this briefing, do you know when this was formally confirmed? Why was DSI Little put in charge of the investigation at this stage? At what point was SI John McSporran put in charge of the investigation alongside DSI Little?
25. Beyond the briefing that you received from DSI Little, what, if any, further handover or information did you receive from the investigators who were involved in the investigation on 3 May 2015? Were you content with the amount of information that was provided to you in relation to the investigation at the outset? If not, why not?
26. A briefing note was prepared for PIRC's Director of Investigations in relation to the events of 3 May 2015 (PIRC-03694). Did you have sight of this briefing paper as part of the handover you received on 4 May 2015?
27. The briefing paper (PIRC-03694), at page 2, states:

It was reported that as the officers drove into Hayfield Road they saw the now deceased coming towards them as the vehicles came to a halt. They could clearly see he was in possession of a knife and was making his way towards them.

Would you regard this account of events as accurate? Was it your understanding on 4 May 2015 that Mr Bayoh was in possession of a knife when he came into contact with the police officers at Hayfield Road? If so, what, if any, impact did this understanding of events have on your approach to the investigation?

28. What, if any, hypotheses did PIRC have in relation to the incident on 4 May 2015? On 4 May 2015, did you give consideration to whether race could be a factor in the incident? If so, in what way? If not, why not?
29. At this stage, what was your understanding of the legislative basis upon which PIRC were instructed to investigate the incident by the Crown Office and Procurator Fiscal Service (COPFS)? Was your understanding that the investigation was instructed under section

33A(b)(i) or section 33A(b)(ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006? Were you aware of the legislative basis upon which PIRC were instructed to investigate changing during the investigation? If so, how did the legislative basis for the investigation change? What difference, if any, does the legislative basis upon which PIRC are instructed to investigate by COPFS make to a PIRC investigation?

30. What was your understanding of the scope of PIRC's investigation at the point the briefing was held on 4 May 2015? Did your understanding of the scope of PIRC's investigation change over the course of the day on 4 May 2015? Based on your understanding of events at this time, were you content with the scope of the investigation instructed by COPFS? Did your views about the scope of PIRC's investigation, and the appropriateness of the division of responsibilities between PIRC and Police Scotland, change over the course of the day on 4 May? If so, in what way?
31. At this stage, what was your understanding of the status of the officers involved in Mr Bayoh's arrest? Were they witnesses or suspects? How did you come to be aware the officers' status on 4 May?
32. What are the circumstances in which a person is treated as a suspect by PIRC? Do you consider that it is PIRC's responsibility to decide whether to categorise a person as a witness or a suspect during an investigation? What is the significance of treating a person as a suspect?
33. An extract from DS Patrick Campbell's evidence to the Inquiry (day 49, page 73, line 5) is as follows:

A. I think -- sorry, I think the problem with the PIRC deployment at that stage, other than the resources, is that over the course of 24, 36 hours they changed the lead investigator. So Keith had --

Q. What issues did that cause?

A. Just obvious challenges, the fact is you're bringing someone on fresh into the investigation when you've been there for 12, 13 hours at that stage, you know what I mean, before that ... before Billy Little's appointed around that. So again, there was challenges with the fact that the change of a senior investigator from PIRC at such an early stage of a critical investigation would undoubtedly cause challenges.

Do you agree with DS Campbell that the handover of responsibility for the investigation to DSI Little caused "challenges"? If so, what were these challenges and what did PIRC do to mitigate them? If not, why not?

34. On 4 May 2015, what role were you assigned within the investigation team? What does this role involve? Why were you assigned this role in this investigation? How many times had you carried out this role prior to 3 May 2015? Had you performed this role in a death in custody investigation prior to the incident involving Mr Bayoh?

House-to-house enquiries

35. The minutes from PIRC's morning briefing on 4 May 2015 (PIRC-04156, page 1), state:

DSI Dodd to co-ordinate the house-to-house enquiry teams.

What does this role involve? What is the purpose of carrying out house-to-house enquiries? Why were you assigned this role in this investigation? How many times had

you carried out this role prior to 3 May 2015? Had you performed this role in a death in custody investigation prior to the incident involving Mr Bayoh?

36. How did you progress the house-to-house enquiries in this investigation? What direction did you provide to colleagues at PIRC in relation to the house-to-house enquiries? Were the house-to-house enquiries carried out using PIRC's "House-to-House Enquiries Street Form" (PIRC-04448)? Were completed versions of the house-to-house forms retained by PIRC? If not, why not?
37. What involvement did you have in creating PIRC's house-to-house strategy? Was PIRC's house-to-house strategy based on the strategy created by Police Scotland (PS01296)? What input, if any, did PIRC provide in relation to the creation of the house-to-house strategy? Is it standard practice for PIRC's investigative strategies to be based on those created by Police Scotland? If so, what are the benefits of this approach? If not, why was this approach adopted in this investigation?
38. In 2015, did PIRC require to comply with any guidance, policy or standard operating procedure (SOP) when carrying out house-to-house enquiries? If so, please can you identify the guidance, policy or SOP in question.
39. What meetings or discussions did you have with Police Scotland in relation to the completion of house-to-house enquiries? With whom did you meet or discuss matters? What was discussed?
40. Within a statement provided to PIRC (PIRC-00215), at page 4, DS Patrick Campbell states that he provided you with a "brief" in relation to house-to-house enquiries. What information did you receive from DS Campbell as part of this briefing? Were you content with the briefing you received from DS Campbell? If not, why not? Was PIRC or Police Scotland in charge of carrying out house-to-house enquiries in the days following the incident involving Mr Bayoh?
41. Within PC Richard McMurdo's operational statement (PIRC-00272), at page 3, he states, with reference to his involvement in the investigation on 4 May 2015:

Later that morning, I was instructed not to commence with the house-to-house enquiry until I had met with members of the Police Investigations and Review Commissioner team. About 1500 hours that day, I met with them and they informed me that they would deal with zones 1, 2, 6 and 7 but that I was now able to commence my enquiry for all the other zones.

Within DCI Keith Hardie's operational statement (PS00667), at page 2, he states:

On Tuesday 5th May 2015 I met with the Lead Senior Investigator William Little where the previously agreed terms of reference were discussed. At this meeting it was agreed that all outstanding actions would be progressed by the PIRC and that statements previously obtained by officers from Police Scotland would be handed to the PIRC. It was further agreed that the PIRC would complete the house to house inquiries at all dwellings which provided a line of sight to the Police contact and that officers from Police Scotland would complete the peripheral house to house inquiries. This was detailed in the house to house strategy document.

Upon what basis were house-to-house enquiries split between PIRC and Police Scotland? Why did PIRC choose to take responsibility for zones 1, 2, 6 and 7 on 4 May 2015, as documented within PC McMurdo's statement? Why did Police Scotland take responsibility for some zones noted within the house-to-house strategy that covered Hayfield Road

(PS01296, zones 4 and 5)? What change, if any, was there to this division of responsibility on 5 May 2015?

42. Within PC Richard McMurdo's operational statement (PIRC-00272), at page 4, he states:

About 1500 hours on Wednesday 6th May 2015, I again met with members of the Police Investigations and Review Commissioner team where it was agreed that I would now stop the house-to-house enquiry, as they would now assume control. It was also agreed that I would examine and collate the forms that had been completed by Police Service of Scotland officers so far and then make them available for examination by them.

At what point did Police Scotland cease to have an involvement in carrying out house-to-house enquiries? Who took the decision that Police Scotland would cease to be involved? What involvement, if any, did you have in making this decision? Why was this decision taken on 6 May 2015? What consideration, if any, was given to ceasing Police Scotland's involvement in house-to-house enquiries on 5 May 2015, when PIRC's terms of reference were expanded to include the events leading up to Mr Bayoh's arrival at Hayfield Road?

43. To what extent did PIRC rely on Police Scotland when completing house-to-house enquiries during this investigation? Is it standard practice for PIRC to carry out house-to-house enquiries in conjunction with Police Scotland during a PIRC investigation following a death in police custody or death following police contact? If so, what are the benefits of this approach? If not, why was this approach adopted in this investigation?

44. During a PIRC investigation following a death in custody or death following police contact, is it possible for PIRC to carry out house-to-house enquiries without the assistance of Police Scotland? If not, why not?

45. What impact, if any, does the continued involvement of Police Scotland in carrying out house-to-house enquiries following a death in custody or death following police contact have on PIRC's actual or perceived independence?

46. Was PIRC sufficiently independent from Police Scotland? How was this independence ensured?

5 May 2015

47. You were present when Investigator Kareen Pattenden obtained a statement from Kevin Nelson (PIRC-00019). When a statement is taken "in the presence of" a PIRC investigator, what is that investigator's role within the interview? May that investigator ask questions of the witness? If so, did you ask any questions of Mr Nelson within this interview and what lines of questioning did you seek to explore with Mr Nelson?

48. At the point that a statement was obtained from Mr Nelson on 5 May 2015, were you aware that Mr Bayoh had allegedly stomped or stamped on PC Nicole Short? As an eyewitness to Mr Bayoh striking PC Short, what consideration, if any, was given to asking Mr Nelson questions about the alleged stomp?

49. What steps, if any, were taken by PIRC to assess Mr Nelson's lines of sight from his home address at Hayfield Road?

50. During the investigation, how did you gain an understanding of the lines of questioning to be explored with particular witnesses? With whom did you discuss proposed lines of

questioning prior to obtaining statements from witnesses? What preparation did you carry out prior to obtaining statements from witnesses?

51. Having obtained a statement, what process was followed to ensure that material information contained within the statement was shared with other members of the investigations team and incorporated into the lines of questioning to be explored with other witnesses? How were statements checked to ensure that all relevant lines of questioning had been explored with a witness?

6 May 2015

52. On this day, you took a statement from Kirsty Macleod (PIRC-00052). On 8 May 2015, you took a statement from her partner, Martyn Dick (PIRC-00031). Ms Macleod and Mr Dick do not appear to have been asked whether they provided consent to Police Scotland's seizure of their property on 3 May 2015. What consideration, if any, was given to asking questions of Ms Macleod and Mr Dick at this stage of the investigation to clarify the legal basis upon which their property was seized by Police Scotland? What consideration, if any, did PIRC give to obtaining statements from the officers that seized Ms Macleod and Mr Dick's property to clarify the legal basis upon which it was seized?

53. The minutes from PIRC's morning briefing on 6 May 2015 (PIRC-04156, page 3), state:

DSI Little confirmed that initial statements had been received from Police Scotland. Actions to re-interview these officers allocated to DSI Dodd to coordinate.

Did you decide that it was unnecessary to re-interview certain officers, with reliance instead placed on those officers' operational statements? If so, how did you decide which officers required to be re-interviewed by PIRC and which did not? Whose responsibility was it to decide which officers required to be re-interviewed by PIRC, following receipt of the officers' operational statements?

14 May 2015

54. You took a statement from Sean Mullen (PIRC-00120). You were also present when Investigator Ross Stewart took a statement from Danny Robinson (PIRC-00117). On 3 May 2015, Mr Mullen and Mr Robinson were travelling in a silver Vauxhall Astra which can be seen in the CCTV from Gallaghers Pub travelling down Hayfield Road before coming to a stop close to the roundabout around 07:20:32, shortly after the first police vehicle arrives at the scene (SBPI-00046). Mr Mullen and Mr Robinson's vehicle remains in the vicinity of Hayfield Road until it leaves the scene at around 07:22:06, around one minute after the restraint of Mr Bayoh commenced. Whilst Mr Mullen and Mr Robinson were present at the scene during the initial engagement between the police and Mr Bayoh, when PC Short was struck and Mr Bayoh was taken to the ground, and during part of the restraint of Mr Bayoh, their statements are relatively short, amounting to under a page and a half of substantive text for Mr Mullen and under two pages for Mr Robinson. Why were matters not explored in greater detail with these witnesses when they were eyewitnesses to significant aspects of the incident involving Mr Bayoh? Were there areas that you and Investigator Stewart were unable to cover in detail with these witnesses in their statements? If so, what were these areas and why could you not cover them in detail? What consideration, if any, was given to obtaining further statements from the witnesses to cover these areas?
55. What steps, if any, were taken to compare Mr Mullen and Mr Robinson's accounts with the CCTV from Gallaghers Pub? If no such comparison took place, why not?

56. What steps, if any, were taken by PIRC to assess Mr Mullen and Mr Robinson's lines of sight from their vehicle's positions in the vicinity of Hayfield Road?
57. Within his statement (PIRC-00120), at page 2, Mr Mullen speaks to returning to Hayfield Road after dropping Danny Robinson at his home. What consideration, if any, was given to asking Mr Mullen to identify his vehicle within the CCTV from Gallaghers to confirm when he returned to the scene?
58. At the point that statements were obtained from Mr Mullen and Mr Robinson on 14 May 2015, were you aware that Mr Bayoh had allegedly stomped or stamped on PC Nicole Short? As they were at the scene when Mr Bayoh struck PC Short, what consideration, if any, was given to asking Mr Mullen and Mr Robinson questions about the alleged stomp?

20 May 2015

59. Within a document covering the agreed parameters of the house-to-house enquiries, it is noted that house-to-house enquiries were completed on 20 May 2015 (PIRC-01709, pages 1 and 2). Was there any delay in completing these enquiries? If so, what was the reason for this delay and what impact, if any, did this delay have on PIRC's investigation?
60. Were you content that all house-to-house enquiries carried out by PIRC had been completed correctly and all relevant witnesses identified? If not, why not? How was this checked?
61. The document (PIRC-01709), at page 5, identifies that, beyond the properties noted as having been visited by PIRC, the "*Remainder of properties visited and resulted by Police Scotland*". What degree of oversight did you have over the house-to-house enquiries carried out by Police Scotland? Were you content that all house-to-house enquiries carried out by Police Scotland had been completed correctly and all relevant witnesses identified? If not, why not? How was this checked in 2015?

21 May 2015

62. The minutes from PIRC's morning briefings on 21 and 26 May 2015 (PIRC-04156, pages 21 and 25 respectively), state:

Mobile phone update provided by DSI Dodd:

Progressing through the download

...

Mobile Phone download update provided by DSI Dodd

Small 'thumb nail' photos have been identified from the officer's phone, which show the positioning of the knife.

Which mobile phone were you examining? Was this DC Derek Connell's mobile phone? What was the purpose of this examination? How did you go about examining the download from this mobile phone? What did you identify in the course of this examination?

63. Upon what legal basis was PIRC able to examine the download from this mobile phone? When relying on the consent of the owner to carry out an examination of a mobile phone, how does PIRC document the consent provided? How does PIRC ensure that the owner understands what they are permitting PIRC to do by providing their consent to the

examination of their mobile phone? How does PIRC ensure that the examination of a mobile phone does not go beyond the level of examination to which the owner has consented?

26 May 2015

64. You were present when Investigator Ross Stewart took a statement from Alan Finlayson, a paramedic involved in the response to the incident involving Mr Bayoh on 3 May 2015 (PIRC-00220). Within Mr Finlayson's Inquiry statement (SBPI-00007), at paragraph 110, he states:

In my PIRC interview things didn't start off very well. Technically we're not supposed to print off the PRF [Patient Report Form] because of data protection. Because David had done it PIRC were quite uppity with me. They said my colleague had done it so why couldn't I do it. I felt under duress. They'd come from Glasgow or wherever to come and see me and I'm saying to them I don't have the PRF and we're not supposed to have a copy of it. They were really quite snippy and quite arrogant about the whole thing. It really didn't start off well that meeting. There was a lot of bad feeling. I was under duress to provide evidence from a statement that technically I shouldn't even have had in my hand at that time. I don't think I was as helpful to them because of the way they spoke to me and what they were asking me to do. They should have went through appropriate channels to get the PRF. It should be recorded on secure channels.

How would you respond to Mr Finlayson's characterisation of his interview with PIRC and the approach taken by you and Investigator Stewart? Did Mr Finlayson express any unhappiness with the approach taken by you or Investigator Stewart during this interview? Were you subsequently made aware of any criticism of PIRC's approach during this interview? If so, what was the nature of this criticism and how were you made so aware? What did you do in response?

65. Within a statement obtained from Kirstin Mullan (PIRC-00178), it is noted that on 19 May 2015 you and Investigator Stewart obtained the Patient Report Form (PRF) relevant to the incident involving Mr Bayoh. Why was it necessary to request that Mr Finlayson print off the PRF during his interview on 26 May 2015 when the PRF was already held by PIRC?

27 May 2015

66. On 27 May and 25 June 2015, you were present when Investigator Stewart took statements from James Hume, a friend of Mr Bayoh (PIRC-00231 and PIRC-00232). Within Mr Hume's Inquiry statement (SBPI-00021), at paragraphs 54 – 57, he states:

54. They started asking when I'd last seen Shek and I told them I didn't see him on the weekend of his death, I saw him the week before. They asked if he was drinking, was he taking drugs, how much drugs did he take, how often did he take drugs and did he take steroids. A couple of times I said to the guy I'm not happy with this. They said they needed to build up a picture of the type of person Shek was. I said they were trying to build their own picture of how they wanted Shek to be. They were trying to lead the conversation and lead me on the type of person Shek was.

55. They also wanted to know if he was aggressive and if he got involved in fights. I just felt really uncomfortable. It was definitely leading questions and it felt like accusatory rather than fact-finding. It was like they had a picture built up and they were just confirming what they already thought with me.

56. *They said to me they knew he took drugs. They asked where he got them from. They asked if Shek ever got drugs for me, or friends or other people. I didn't know why this was relevant. I think they were trying to get at the question "Did Shek sell drugs?"*

57. *After they left I was quite upset. It was like they were trying to smear his name. I answered their questions but I felt like I'd let him down, betrayed him a bit, because it was like I never got a chance to say what type of person Shek was. It built up a wee bit mistrust towards PIRC and the police just because of the way that went.*

How would you respond to Mr Hume's characterisation of his interview with PIRC and the approach taken by you and Investigator Stewart? Did Mr Hume express any unhappiness with the approach taken by you or Investigator Stewart during this interview? Were you subsequently made aware of any criticism of PIRC's approach during this interview? If so, what was the nature of this criticism and how were you made so aware? What did you do in response?

67. Within this or any other investigation, have you ever been made aware of any criticism of your approach to taking statements from witnesses? If so, what was the nature of that criticism? How were you made so aware? What was done in response to that criticism?

2 June 2015

68. You took a statement from DC Wayne Parker (PIRC-00024). Within his statement (PIRC-00024), at page 3, DC Parker refers to the seizure of Collette Bell's home at Arran Crescent. Was DC Parker asked within his interview to clarify the legal basis upon which this property was seized? What was your understanding of the legal basis upon which the property was seized?

69. Within his statement (PIRC-00024), at page 4, DC Parker refers to a statement being taken from Collette Bell shortly after she had been informed of Mr Bayoh's death. Was DC Parker asked within his interview why he chose to take a statement from Collette Bell at this time? Do you consider it appropriate for a statement to be taken from a family member of a deceased in these circumstances? If not, why not?

70. On 12 June 2015, the terms of reference for PIRC's investigation were expanded by COPFS (COPFS-04010(a)) to include:

Allegations by the family that they were provided with misleading and erroneous information concerning the death of Mr Bayoh to family members and a concern as to why they were provided with that information.

After PIRC's terms of reference were so expanded, what consideration, if any, was given to taking a further statement from DC Parker to further explore the information he and DC Mitchell passed to Mr Bayoh's family on 3 May 2015?

4 June 2015

71. You took a statement from PC Ashley Tomlinson (PIRC-00263). In the process of this statement being taken from PC Tomlinson, what, if any, contact did you have with your colleagues from PIRC who were taking statements from other officers on 4 June 2015 to allow the accounts received from the officers who attended Hayfield Road to be compared and contrasted for any gaps or inconsistencies? If you did have such contact with your colleagues, in what way did that influence the lines of questioning that were put to PC Tomlinson when taking his statement?

72. Was PC Tomlinson's statement obtained in line with PIRC's witness interview strategy (PIRC-04182)? If so, what involvement, if any, did you have in the preparation of the witness interview strategy? Was it standard practice for PIRC to obtain statements from witnesses using a document of this nature? Prior to PC Tomlinson's statement being taken, did you have any discussions with other PIRC staff in relation to the lines of questioning to be explored with PC Tomlinson and/or the other officers that attended Hayfield Road? If so, what was discussed?
73. There are no questions relating to the impact that Mr Bayoh's race may or may not have had on the officers' response to the incident. What consideration, if any, was given to including questions within the witness interview strategy in this regard?
74. The questions contained within the witness interview strategy (PIRC-04182) largely focus on the "what", "when", "who" and "where" of the circumstances of the incident. Only two questions ask the officers "why" certain actions were taken – why use of force and CS/PAVA forms were not completed and why there are no entries in the officers' notebooks in relation to the incident. When preparing to take the officers' statements, was consideration given by PIRC to asking the officers why they took certain decisions or chose particular tactical options in responding to the incident involving Mr Bayoh? If not, why not?
75. The Police Service of Scotland (Conduct) Regulations 2014, within Schedule 1, identify that as part of the Standards of Professional Behaviour with which officers require to comply:

Constables use force only to the extent that it is necessary, proportionate and reasonable in all the circumstances.

How important is understanding why officers took certain decisions or chose particular tactical options to a determination as to whether or not a use of force was necessary, proportionate and reasonable in all the circumstances?

76. Within PC Tomlinson's PIRC statement (PIRC-00263), at page 3, he states:

I struck him [Mr Bayoh] with my baton once to his head. It was to the left hand side to his head, diagonally from the back of the head to his jaw. He stopped stomping on Nicole at that point. I think I hit him again which was about 2 or 3 times in total to the head area. He turned around and took up a boxing sort of stance, with both fists clenched in at his chest. I thought he was going to attack me again so I struck him 2 or 3 times with my baton to his arms. At that time I thought he was trying to kill me now after killing Nicole.

During his interview, did you question PC Tomlinson as to why he considered the use of his baton as he describes to be an appropriate tactical option in the circumstances? If not, why not? Was consideration given to asking PC Tomlinson for the reason why he chose this tactical option subsequent to obtaining his statement? If not, why not?

77. The minutes from PIRC's morning briefing on 3 June 2015 (PIRC-04156, page 40), with reference to an update that DSI Little provided, state:

A generic interview plan has been completed by IO Sinclair. Everyone has to do their own individual reading for their specific officers to add to the generic plan.

What material did investigators require to read in addition to the witness interview strategy when preparing to interview the officers? What material did you read prior before PC Tomlinson's statement was obtained?

78. The minutes from PIRC's morning briefing on 3 June 2015 (PIRC-04156, page 40), identify that there would be a "*further meeting this afternoon to discuss tomorrow's interviews*". Did you have any discussions with other PIRC staff in relation to the lines of questioning to be explored with the officers? If so, what was discussed? With whom did you have those discussions?

79. A separate version of the witness interview strategy (PIRC-01260) contains notes in relation to the interview of PC Tomlinson. Who took these notes? What was the purpose of taking these notes? Were PIRC's investigators encouraged to add their own questions to the witness interview strategy prior to or during the interview? Were PIRC's investigators encouraged to ask "why" the officers took certain decisions or actions during the incident, despite questions in that regard not being explicitly set out within the witness interview strategy?

80. Within the annotated witness interview strategy (PIRC-01260), at page 12, handwritten notes state:

Told not to fill in notebook don't know who told me this.

Within PC Tomlinson's PIRC statement (PIRC-00263), at page 6, he states:

After the KFC I asked Amanda Given [sic] if I should fill in my notebook, she said not to and I asked her if I needed a solicitor and she said yes because by that time the man had died and we would need legal advice.

Whilst within the handwritten notes PC Tomlinson is noted as not being able to recall who told him not to fill in his notebook, his statement identifies that he was told not to fill in his notebook by PC Amanda Givan. How, and when, did PC Tomlinson come to recall that it was PC Givan who told him not to fill in his notebook?

81. Within the annotated witness interview strategy (PIRC-01260), at page 12, handwritten notes state:

Told statement would be later

Weren't told not to give statement

Within PC Tomlinson's PIRC statement (PIRC-00263), at page 6, he states, with reference to PC Givan:

She told us not to give statements to the police and if anyone approached us to ask for statements, we had to refuse and seek legal advice.

On page 7 of his statement (PIRC-00263), PC Tomlinson states:

The decision not to give a statement or fill in CS/Use of Force forms and notebook was an instruction from Amanda Given [sic].

Why do the handwritten notes from PC Tomlinson's statement state that the officers "weren't told not to give statement" when PC Tomlinson's typed statement identifies that the officers were told by PC Givan not to give statements? Did PC Tomlinson's evidence change over time in this regard? If so, at what point did his evidence change? What is PIRC's approach when witnesses change their evidence during, or after, an interview?

82. Within your notebook (PIRC-04193), at page 5, within an entry for 4 June 2015, you state:

PC Tomlinson re. handcuffs, Baton and CS Spray.

What does this entry relate to?

83. Within PC Tomlinson's PIRC statement (PIRC-00263), at page 3, he states:

He [Mr Bayoh] ran past me and I turned round right about 180 degrees to see him chasing Nicole [Short]. She was running across the road away from the bus stop. He caught up with her and punched the back of her head. She didn't have her police hat on and neither did I. She fell to ground face down when he punched her and she tried to protect her head and push herself up with her hands at the same time. I ran over to assist her, but before I got there, he stomped on her back with his foot with a great deal of force. He put his full bodyweight into the stomp and used his arms to gain leverage. After he did this she went back to the floor and never moved. I thought he had killed her. He stomped on her back again with the same force and she wasn't moving.

After obtaining PC Tomlinson's statement, what, if any, discussions did you have with other members of PIRC's investigations team in relation to the allegation that Mr Bayoh stomped on PC Nicole Short? What was discussed? With whom? What, if any, involvement did you have in relation to any subsequent investigation by PIRC in relation to the alleged stomp?

84. After obtaining PC Tomlinson's statement, what, if any, consideration was given to obtaining further statements from Kevin Nelson, Sean Mullen and Danny Robinson to ascertain if they had witnessed Mr Bayoh stomping or stamping on PC Short? If this was not considered, why not?

85. Within PC Tomlinson's PIRC statement (PIRC-00263), at page 6, he states:

We were all talking about what had happened and our main concern was the condition of Nicole. I wanted to go to the hospital to make sure she was ok.

After PC Tomlinson provided his statement, PIRC's terms of reference were expanded by COPFS to look at whether there was inappropriate conferring between police officers. What consideration, if any, was given to obtaining further statements from the officers that attended Hayfield Road to explore these areas with the officers? Why was it decided that further statements did not require to be obtained?

86. Within PC Tomlinson's PIRC statement (PIRC-00263), on page 7, he makes reference to John Sallens arranging to come to his house to take a statement on behalf of SPF. Were steps taken by PIRC to obtain this statement from PC Tomlinson? If not, why not?

87. Following a death in custody or a death following police contact, was it common for officers to be re-interviewed by PIRC after they had already been interviewed by PIRC? After PC Tomlinson's PIRC statement had been obtained (PIRC-00263), did you consider that there were any matters that required to be clarified with PC Tomlinson? If so, what were these matters?

88. Did PIRC compare and contrast the statements received from the officers that attended Hayfield Road to identify areas of consistency and inconsistency? What involvement, if any, did you have in this process?

89. What consideration, if any, was given to taking further statements from the officers to question inconsistencies between their respective accounts? Why were further statements not taken from the officers to clarify inconsistencies between different witnesses' accounts?
90. After PC Tomlinson provided his statement, PIRC's terms of reference were expanded by COPFS to investigate issues of race and conduct. What consideration, if any, was given to obtaining further statements from the officers that attended Hayfield Road to explore this area with the officers? Why was it decided that further statements did not require to be obtained? Whose responsibility was it to decide if further statements required to be obtained from any of PIRC's witnesses?
91. Had you dealt with a situation prior to May 2015 in which officers did not provide statements for several weeks after an incident? What was the outcome? Have you dealt with such a situation since May 2015? What was the outcome?

11 June 2015

92. On 11 June 2015, you were present when Investigator Stewart took a statement from DS Graeme Dursley (PIRC-00137). Within DS Dursley's statement, he speaks to the delivery of three death messages to members of Mr Bayoh's family on 3 May 2015. With reference to the death message provided to Collette Bell, DS Dursley states (PIRC-00137, page 2):

When Collette Bell was within Kirkcaldy Police Office, I spoke to DI Colin Robson, and whilst I did think it was Sheku Bayoh who was dead, at that time there was no formal identification so between me and Colin Robson we delegated Wayne Parker to tell Collette Bell, words to the effect that, "a black male had been found dead and we suspected that it may be her partner". We based this on the fact that there was a black male dead and that a gold coloured mobile phone was found at the locus. Collette Bell had previously that morning told DC Wayne Parker that Sheku had an unusual gold coloured mobile phone. The wording of the death message is not recorded anywhere in any format.

Mr Bayoh came into contact with police officers on Hayfield Road, before later being pronounced life extinct at 0904 hours in Victoria Hospital. What, if any, consideration was given to questioning DS Dursley further about DC Parker being delegated to tell Collette Bell: "*words to the effect that, 'a black male had been found dead...'*"? Did you consider that this form of words had the potential to be misleading? If so, what did you do in response to this?

93. PIRC's terms of reference were expanded on 12 June 2015 to cover allegations that the family were provided with misleading and erroneous information concerning Mr Bayoh's death (COPFS-04010(a)). After PIRC's terms of reference were so expanded, what consideration, if any, was given to taking an additional statement from DS Dursley to explore further his involvement in the provision of information to members of Mr Bayoh's family on 3 May 2015 and to consider his evidence alongside that of members of Mr Bayoh's family and the officers involved in delivery of the death messages?

22 June 2015

94. You were present when a statement was obtained from PC Amanda Givan (PIRC-00238). During her interview, was PC Givan specifically asked about the accounts provided by the officers – including PC Tomlinson, from whom you had obtained a statement – that she had told them not to give statements or to complete their notebooks? If not, why not?

95. Within her statement (PIRC-00238), at page 4, PC Givan states:

At no time did I say to her [Ch Insp Nicola Shepherd] or any other persons not to give a statement, other than the advice I gave to the officers.

What consideration, if any, was given to obtaining further statements from the officers, including PC Tomlinson, whose evidence conflicted with PC Givan's account in this regard?

96. Within your notebook (PIRC-04193), at page 5, within an entry for 22 June 2015, it is noted that you attended at the offices of Aamer Anwar. Why did you attend this meeting with Aamer Anwar? What, if anything, was discussed at this meeting beyond the matters contained within the note of meeting prepared by John McSporrán (PIRC-02487(a))? Were PIRC expecting members of Mr Bayoh's family to be in attendance at this meeting? If so, why did they not attend?

24 June 2015

97. On 24 June 2015, you took a statement from Chief Superintendent Garry McEwan (PIRC-00181). A PIRC action (PIRC-02938) refers to Chief Supt McEwan's operational statement (PS03136):

*Chief Supt McEwan refers to PIRC in his statement.
Adverse comments to be addressed.*

At the point that you took Chief Supt McEwan's PIRC statement, were you aware of PIRC considering comments made, or concerns expressed, within Chief Supt McEwan's operational statement? If so, to which "adverse comments" within Chief Supt McEwan's statement did this action refer?

98. The Action is marked as "complete" on 26 June 2015, two days after you obtained a statement from Chief Supt McEwan (PIRC-00181). No reference is made with this statement to any "adverse comments" previously made by Chief Supt McEwan within his operational statement. What consideration, if any, was given to discussing Chief Supt McEwan's adverse comments with him when he provided his PIRC statement on 24 June 2015? Why were these concerns not discussed with Chief Supt McEwan?

99. Chief Supt McEwan met with Mr Bayoh's family on 3 May 2015. You obtained a statement from Chief Supt McEwan after PIRC's terms of reference were expanded on 12 June 2015 to cover allegations that the family were provided with misleading and erroneous information concerning Mr Bayoh's death (COPFS-04010(a)). During his interview, what, if any, questions were put to Chief Supt McEwan in relation to the information that he provided to Mr Bayoh's family on 3 May 2015? What, if any, questions were put to Chief Supt McEwan about the family's allegations that on 3 May 2015 they had been provided with misleading and erroneous information concerning Mr Bayoh's death? If no such questions were put to Chief Supt McEwan, why not? What consideration, if any, was given to taking a further statement from Chief Supt McEwan to cover these areas?

100. A Clue Action dated 20 May 2015 and allocated to you with the subject "Re-interview Chief Supt Garry MCEWAN" (PIRC-02946), at page 1, states:

Witnesses Adeymi JOHNSON S069, Kadijatu JOHNSON S174 and Lorraine BELL (Mother of Collette BELL) S179, state that when they met with CH SUPT MCEWAN on the evening of Sunday 3 May 2015, he referred to the deceased being in possession of a "Machete". Can CH SUPT MCEWAN confirm this version of events.

...

Prior to interview full briefing on content of interview will be provided by Incident Room/DSI Little/SI McSporran.

There is no reference to “machete” within Chief Supt Garry McEwan’s PIRC statement (PIRC-00181) and it does not appear that Chief Supt McEwan was asked questions in this regard. Why was Chief Supt McEwan not asked about this point and asked to confirm his version of events? What, if any, briefing did you receive prior to obtaining Chief Supt McEwan’s statement? From whom did you receive the briefing? What was discussed?

101. What involvement, if any, did you have in the analysis of evidence in relation to whether the family were provided with misleading and erroneous information concerning Mr Bayoh’s death?

30 June 2015

102. The minutes from PIRC’s morning briefing on 30 June 2015 (PIRC-04156, page 71), within an update that you provided, state:

Still not been able to get hold of the witnesses who can speak to the drugs, so will consider door stepping them later this afternoon

There are further references to the steps you took to obtain information from three witnesses in relation to alpha-PVP within the briefing minutes for 1, 2 and 3 July 2015 (PIRC-04156, pages 73, 74 and 77 respectively). Further attempts by DSI Keith Harrower to contact Martyn Dick and Zahid Saeed are documented within Clue Actions (PIRC-03166 and PIRC-03167). To which three witnesses were you seeking to speak? What information were you seeking to obtain from these witnesses at this point in the investigation? Were PIRC eventually successful in speaking to these three witnesses and obtaining the information required? If so, what resulted from this line of inquiry? If not, what impact did this have on PIRC’s investigation?

103. What does the process of “door stepping” involve? How commonly is this technique used to obtain information from witnesses? Why was it necessary on this occasion?

104. On 8 July 2015, PIRC obtained a further statement from Kirsty Macleod (PIRC-00054). Within Ms Macleod’s statement (PIRC-00054), at page 2, she states:

I have no idea where Shek got his drugs from. I wouldn’t ask him, as the less I know the better.

Within a Clue Action dated 22 June 2015 (PIRC-03168), it is noted that Ms Macleod was to be questioned about the “*potential supply chain*” associated with Mr Bayoh’s use of alpha-PVP and MDMA.

Why were PIRC seeking to identify where Mr Bayoh obtained his drugs as part of the investigation? Was this line of inquiry instructed by COPFS?

105. Within her Inquiry statement (SBPI-00220), at paragraph 34, Kirsty Dick nee Macleod states:

I remember PIRC hounding us and trying to get another statement from Martyn and Zahid. They chapped on door and left messages. They were phone calls trying to speak to Martyn. It was all just really crap the way it was handled.

What is your view in relation to Kirsty MacLeod's characterisation of PIRC's attempts to obtain further statements from these three witnesses as "hounding"?

106. Your PIRC application form (PIRC-04204), at page 5, identifies that prior to joining PIRC you were a Detective Sergeant in Strathclyde Police's "Drug Squad", and you were involved in "analysis of drug related crime" within this role. What, if any, knowledge of alpha-PVP did you have prior to the Bayoh investigation? What, if any, input did you provide in relation to PIRC's investigation in relation to alpha-PVP?

2 July 2015

107. Your first PIRC statement (PIRC-00344), at page 4, identifies that, alongside Investigator Stuart Taylor, you seized a document titled "*ARL Report of Officers and Vehicle Movements*" from John Wilson, Police Scotland Communications Team Leader, on 2 July 2015 (PS17474). You also seized Automatic Resource Location (ARL) data from John Wilson. How did PIRC use ARL data to plot the officers' movements on 3 May 2015? What involvement did you have in this process? To what extent were you able to use the ARL data obtained during PIRC's investigation to corroborate or challenge the accounts of the officers within their statements?

7 September 2015

108. A Clue Action (PIRC-03231) was allocated to you on 7 September 2015 to analyse the accounts from the officers who attended Hayfield Road against their level of knowledge prior to their arrival at the locus, primarily based on the information they received via Airwave. This followed a direction by COPFS to incorporate this into PIRC's investigation, within a letter dated 2 September 2015 (COPFS-02557, pages 2 – 3). How did you carry out this analysis? Where are the results of your analysis set out?
109. Within PC Craig Walker's PIRC statement (PIRC-00264), at page 4, he states:

I immediately carried out a U-turn of the van in Nicol Street and started heading towards Hayfield Road. As I drove into Abbotshall Road a second call came over the radio from the Control Room. They said another motorist was reporting a male with a knife in Victoria Road. It could have been at this point he was described as being in possession of a sword, or slightly later, before we arrived.

...

While still on Hendry Road I remember getting a fuller description of this male, either I heard it over the radio or PC Paton reiterated what he heard on the radio. The description was a black male, muscular build, white t-shirt, black jeans, in possession of a knife, appeared to be under the influence of a substance and was running out into the roadway attacking passing vehicles.

There are no references to Mr Bayoh being in possession of a "sword", being under the influence of a substance or attacking passing vehicles within the Airwave transmissions made prior to the officers' attendance at the locus, as noted within the transcript created by PIRC (PIRC-01399). Within your analysis, what, if any, inconsistencies did you identify between the officers' accounts and the Airwave transmissions? If PIRC identified such

inconsistencies, was consideration given to obtaining further statements from the officers to clarify these points? If not, why not? How were the inconsistencies addressed?

11 September 2015

110. Your second PIRC statement (PIRC-00345), at page 1, identifies that you were present when DCs John McGregor and Simon Telford were advised by DSI Little that Zahid Saeed had made an allegation that he had been assaulted by those officers on 3 May 2015 and that PIRC had been instructed by COPFS to investigate this allegation. The officers were not cautioned, and no questions were asked of the officers at this stage. You later accompanied DSI Little when DCs McGregor and Telford were interviewed under caution in this regard, on 1 October 2015. Who decided that PIRC should meet with DCs McGregor and Telford to inform them that they were the subject of a criminal allegation? Why was it considered necessary to inform DCs McGregor and Telford in advance of their interviews under caution that they were the subject of a criminal allegation? What was discussed with DCs McGregor and Telford during this meeting?
111. Was it standard practice for PIRC to inform officers in person when they were subject to criminal allegations that PIRC were now investigating? If not, why were DCs McGregor and Telford so informed in this instance? How would officers normally be informed that they were the subject of criminal allegations that were being investigated by PIRC?
112. What further involvement, if any, did you have in relation to the investigation of the allegations made by Zahid Saeed against DCs McGregor and Telford?

29 March 2016

113. Your second PIRC statement (PIRC-00345), at pages 2 - 3, identifies that you seized from DS Katrina Thompson and DS Stephen Clark briefing papers relating to audits carried out by Police Scotland. To which aspect of the investigation did these audits relate? Did these audits relate to PIRC's investigation of checks carried out by police officers and staff on police databases in relation to Mr Bayoh's family members and friends? If so, what involvement did you have in relation to this aspect of the investigation?

2018

114. An email exchange between DSI Little and Alasdair Macleod, COPFS, between 1 and 22 June 2018 (PIRC-02096) makes reference to an audit being carried out in relation the house-to-house enquiries (PIRC-02096(c)). Why was an audit carried out in relation to the house-to-house enquiries at this stage of the investigation? What, if any, involvement did you have in this audit? Was it normal practice for audits of this nature to be carried out following the completion of house-to-house enquiries? If so, was such an audit carried out following completion of the house-to-house enquiries in 2015? If such an audit was not carried out, but usually would be carried out following the completion of house-to-house enquiries, why was it not carried out on this occasion?
115. Within a letter dated 22 June 2018 from DSI Little to Alasdair Macleod (PIRC-02096(a)) an "anomaly" was identified in relation to the house-to-house enquiries, with one property marked as "complete" despite no reply having been received from the occupants when PIRC visited the property on 4, 7 and 13 May 2015. At what point did you become aware of this issue? What, if any, impact did this have PIRC's investigation? Did PIRC take any further steps to speak to the occupants at the outstanding property? If not, why not? Did the identification of this issue lead you to have any concerns about the thoroughness of PIRC's house-to-house enquiries more generally?

Investigation overall

116. On 10 August 2016, PIRC submitted its report to COPFS. Did you have any involvement in writing the report? If so, what was your involvement?
117. Were you content with the support and direction that you received from your colleagues at PIRC, including colleagues in positions senior to you, throughout the investigation? If not, why not?
118. What roles did Irene Scullion (Head of Investigations), John Mitchell (Director of Investigations) and Kate Frame (Commissioner) play in the management of the investigation? What level of oversight did they have over the investigation? How was that oversight maintained?
119. Who at PIRC do you consider was ultimately in charge of the investigation following the incident involving Mr Bayoh? Please explain why you hold this view.
120. Did you consider that the police officers with whom you had contact during the investigation had an awareness and understanding of PIRC as an organisation and PIRC's role within the investigation? If not, what, if any, steps did you take to address this? What impact, if any, did the officers' awareness, or lack thereof, of PIRC's role have on the investigation? Following the establishment of PIRC on 1 April 2013, and prior to the incident on 3 May 2015, what steps had been taken to raise awareness and understanding amongst police officers of PIRC as an organisation and PIRC's role within an investigation?
121. Were you content with the support that you received from Police Scotland in relation to PIRC's investigation on 4 May 2015? If not, why not? What impact did this have on PIRC's investigation?
122. Were you aware on 4 May, or at any point subsequently, of any concerns expressed by staff or officers from Police Scotland about PIRC's management of the investigation? If so, how were you made aware, and what did you understand those concerns to be? Did you share knowledge of these concerns with others at PIRC? What did you do, if anything, to address those concerns?
123. Did you consider that you and your colleagues, as PIRC investigators, had sufficient powers to progress the investigation? If not, why not? What additional powers would you and your colleagues have benefited from to progress the investigation?
124. Beyond the points covered above, what further involvement, if any, did you have in the investigation?

Equality and diversity

125. How diverse was PIRC as an organisation in 2015? How has the level of diversity at PIRC changed between May 2015 and now, if at all?
126. Who was responsible for diversity and inclusion matters at PIRC in 2015? Who is responsible for such matters now?
127. Has any PIRC policy or practice relating to equality and diversity changed following the Bayoh investigation? If so, which policy or practice has changed and in what way?

Race

128. Was anything you have stated above done or not done because of Mr Bayoh's race?
129. Prior to 3 May 2015, what experience, if any, did you have of investigations of deaths in custody or deaths following police contact in which the deceased was someone from an ethnic minority? Since 3 May 2015, with the exception of the investigation following the death of Mr Bayoh, what experience do you have such investigations?
130. Prior to 3 May 2015, what experience, if any, did you have in deaths in custody or deaths following police contact in which race was a factor to investigate? As at 3 May 2015, had you ever acted in a PIRC investigation in which the issue of race was within your terms of instruction?
131. Prior to 3 May 2015, had PIRC ever considered the issue of race within an investigation? If so, in what way was race a consideration? With the exception of the investigation following the death of Mr Bayoh, has PIRC considered the issue of race within an investigation since 3 May 2015? If so, in what way?
132. A Clue Action dated 7 September 2015 (PIRC-03235) with the subject "*Enquiry – Confirmation that [sic] Commissioner that Race or evidence of Racial Motivation is a Primary Focus in PIRC Investigation*" is allocated to you. When PIRC's terms of reference were expanded by COPFS to include issues of race, what involvement, if any, did you have in this aspect of PIRC's investigation?
133. Prior to the instruction from COPFS to investigate issues of race, had you or anyone at PIRC given consideration to race being a factor in the incident? If so, in what way? If not, why not?
134. Is the race or ethnicity of a deceased person automatically considered by PIRC as part of an investigation following a death in custody or a death following police contact? If so, in what way? If not, is the deceased's race or ethnicity only considered when directed by COPFS?
135. As at 3 May 2015, did PIRC record the race or ethnicity of the deceased person who was the subject of an investigation following a death in police custody or death following police contact? If so, how was such information recorded? If this information was not recorded, why was this? Have PIRC's procedures for recording a deceased person's race or ethnicity changed since 3 May 2015? If so, in what way?
136. What training had you completed by 3 May 2015 in relation to equality and diversity issues, or in relation to unconscious bias? What did this training involve? Which aspects of this training, if any, were applicable to your role? Would you have benefited from additional training in this regard? If so, in what way?
137. A number of your colleagues at PIRC are noted to have received "Equalities" training in October 2014, however, this does not appear within your training record (PIRC-04577). Did you attend this training? If so, what areas were covered? How much of this training was focused on race? Who provided this training and how was it delivered? In what ways, if at all, did this training assist you within your role as an investigator at PIRC? Have you received similar training since 2014? If so, please provide details. If you did not receive this training, why not?
138. During the Bayoh investigation, did you receive any training in relation to investigating an allegation that race had been a factor in an incident? Would you have benefited from additional training in this regard? If so, in what way?

139. What guidance or reference materials in relation to race were you aware of being available to you on 3 May 2015, had you wished to consult these? Would you have benefited from additional materials being available to you? If so, in what way?
140. What guidance, if any, do you recall receiving from senior members of staff at PIRC in relation to PIRC's investigation of issues of race? From whom did you receive this guidance?
141. Do you think you and PIRC were sufficiently equipped to investigate issues of race relating to deaths in police custody or deaths following police contact on 3 May 2015? Please confirm why this is your view.
142. With particular reference to the issue of race, is there anything you have stated above that, knowing what you know now, you would have done differently?
143. Within a record of PIRC's investigations following deaths in police custody and following police contact [REDACTED], it is noted that in [REDACTED] you were the lead investigator in an investigation following the death of a person whose race is recorded as being [REDACTED]. What learning, if any, did you take from the investigation following the incident involving Mr Bayoh into this subsequent investigation following the death of an individual from an ethnic minority? How did PIRC's approach towards this investigation vary from the approach taken during the Bayoh investigation, if at all?

Record keeping

144. In addition to your notebook (PIRC-04193), what, if any, other notes did you take during the investigation? Were the notes within your notebook completed contemporaneously? For what purpose do you use your notebook within your role? What were PIRC's requirements for you to take contemporaneous notes of your actions and decision making during an investigation?

Miscellaneous

145. Knowing what you know now, is there anything you would have done differently within this investigation?
146. Knowing what you know now, is there anything you feel PIRC as an organisation should have done differently within this investigation?
147. Since PIRC's investigation was completed what, if anything, have you discussed with your colleagues at PIRC in relation to Mr Bayoh's death and the subsequent investigation? Do you think your recollection has been affected at all by these discussions?
148. What, if anything, have you seen or read about Mr Bayoh's death, the subsequent investigation and the Inquiry within the media? Do you think your recollection has been affected at all by what you have read in the media or have seen in the Inquiry evidence? If so, in what way?
149. You completed two PIRC statements covering your involvement in the investigation (PIRC-00344 and PIRC-00345). Please confirm that the content of these statements is true and accurate. Was your recollection of events better when you completed your statements than it is now? Should there be any discrepancy between the content of your PIRC statement and this statement to the Inquiry, which account should be preferred?

150. The Inquiry's Terms of Reference are contained within Annex B. If there is anything further that is relevant to the Terms of Reference which you are aware of, but you have not included in your answers to the above questions, please provide detail as to this.

151. Please include the following wording 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."

ANNEX B

Public Inquiry into the Death of Sheku Bayoh

Terms of reference

The aim of this Inquiry is twofold: firstly, the Inquiry will establish the circumstances surrounding the death of Sheku Bayoh in police custody on 3 May 2015 and make recommendations to prevent deaths in similar circumstances, as would have been required under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Secondly, the Inquiry will assess and establish aspects of the case that could not be captured, or fully captured through the FAI process, namely (a) the post incident management process and subsequent investigation and make any recommendations for the future in relation to these; and (b) the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard.

The remit of the Inquiry is accordingly:

- to establish the circumstances of the death of Sheku Bayoh, including the cause or causes of the death, any precautions which could reasonably have been taken and, had they been taken might realistically have resulted in the death being avoided, any defects in any operating models, procedures and training or other system of working which contributed to the death and any other factors which are relevant to the circumstances of the death;
- to make recommendations, if any, covering the taking of reasonable precautions, improvements to or introduction of any operating models, procedures and training, or other system of working, and the taking of any other steps which might realistically prevent other deaths in similar circumstances;
- to examine the post-incident management process and the investigation up to, but not including, the making by the Lord Advocate of the prosecutorial decision communicated to the family of Sheku Bayoh on 3 October 2018 (and the Victims' Right to Review process that was undertaken by the Crown Counsel in 2019), including: (i) the effectiveness of procedures for gathering and analysing information, (ii) the securing and preserving of evidence, (iii) the roles and responsibilities of those involved, (iv) liaison with the family of the deceased and (v) compliance with any relevant Convention rights; and make recommendations, if any, for the future in respect of these matters;
- to establish the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard; and
- to report to the Scottish Ministers on the above matters and to make recommendations, as soon as reasonably practicable.