

Assistant Solicitor to the Inquiry

[REDACTED]

[REDACTED]



Mr Richard Casey

By email only: [REDACTED]

16 February 2024

Dear Mr Casey

Rule 8 Request

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

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 **12pm on Friday 23 February 2024**. Please provide your written statement by email to [REDACTED]. If you require further time to complete your written statement, please contact the Inquiry as soon as possible 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](#).

Please ensure that you complete your statement without cooperating with any other individuals who may be witnesses to the Inquiry, this would include discussing questions you have been asked to address in your statement and the content of the statement itself.

Annex A to this letter sets out the areas to be covered in your written statement. The Inquiry will shortly share a Connect workspace containing a copy of any 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.

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 months should this be required.

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 RICHARD CASEY

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.

Call with Irene Scullion on 3 May 2015

1. Your Inquiry statement (SBPI-00393) includes the following question and answer:

57. What contact, if any, did you have with other colleagues at PIRC, beyond DSI Harrower and the other PIRC investigators in attendance at Kirkcaldy? What did you discuss with those colleagues?

The only other two colleagues that I spoke with on 3 May 2015 were Irene Scullion Head of Investigations to make her aware of the incident and of what I knew had taken place at the time I spoke to her, and Kay Mackay who was our then I believe part time Media staff member to make her aware of the incident should she be contacted by the media.

What information did you provide to Irene Scullion when you called her to make her aware of the incident on 3 May 2015? From whom did you receive that information?

2. Was it normal practice for Irene Scullion, or other members of PIRC's senior management team, to be made aware of incidents outwith PIRC's usual working hours? If not, why did you make Mrs Scullion aware of the incident in this instance?
3. Within her Inquiry statement (SBPI-00414), Mrs Scullion speaks to the call that she received from you on 3 May 2015:

29. The reason Ricky was phoning me was because he felt the incident was so high profile that he needed to let the Commissioner know immediately, which is very unusual. We normally didn't let the Commissioner know about on call matters until the next working day, but Ricky felt that this incident was something that was likely to cause significant media interest and he thought she should know. He didn't have her phone number to hand and wondered if I had it. When he made me aware of what he was doing – he was helping Keith gather a team together – I said, "You go deal with that. I will locate the Commissioner's number and I'll phone her and let her know."

...

31. I have been asked what Ricky Casey indicated that made this particular incident high profile. I think he said it was a man that had died in custody and that the man was black - obviously we were living in a time where, quite rightly, there's been a focus – globally - on deaths of people of colour, so he knew that there would be media interest.

Would you agree with Mrs Scullion's recollection that you called her due to the high-profile nature of the incident, based on the incident involving "a man that had died in custody and

that the man was black”? If not, why not? If so, what impact did Mr Bayoh’s race have on the profile of the incident? What did you discuss with Mrs Scullion in relation to Mr Bayoh’s race on this call?

4. At any stage on 3 May 2015, were you informed that Police Scotland considered that the incident involving Mr Bayoh might be a terrorist incident? If so, from whom did you receive this information? What was discussed in this regard? Was this information passed to Mrs Scullion when you spoke to her that day?

Involvement in the investigation on 3 May 2015

5. Your Inquiry statement (SBPI-00393) includes the following question and answer:

43. What role within the investigation did you take on at, or following, the briefing? Were you assigned this role by DSI Harrower, or did you choose to take on this role yourself? Why did you take on this role?

I made the decision to elect DSI Harrower to attend and deal with the incident along with his on call team based on what information was available at that time and the reason for this was quite simply should another such serious incident have occurred anywhere else in Scotland on that date then I would have had to attend and try to contact and call out other staff to assist me.

Additionally I remained at the office until late on that Sunday night in order to deal with any additional resource request or assistance that DSI Harrower may have required in his response to the incident and to deal with prospective media enquiries and to make my line manager Irene Scullion the Head of Investigation aware and update her as and when required. Throughout the course of the afternoon and into the evening I received a number of additional updates from DSI Harrower.

Prior to 3 May 2015, on how many occasions had PIRC required to deploy to multiple incidents simultaneously out of office hours? How were those multiple deployments handled by PIRC including, but not limited to, the resourcing of the responses to those incidents?

6. In circumstances where PIRC’s on-call team has deployed in response to an incident, is it normal practice for a member of that on-call team, or another member of PIRC staff, to travel to or remain within PIRC’s offices in order to respond to any further incident that occurs on that day?
7. Had you travelled to Kirkcaldy with the other PIRC investigators on 3 May 2015, and another incident had taken place that required an immediate deployment by PIRC investigators, could this second deployment initially have been managed or directed from Kirkcaldy? If not, why not?
8. In hindsight, do you consider it would have been beneficial for you to have deployed to Kirkcaldy along with PIRC’s other investigators on 3 May 2015? If not, why not?

4 May 2015

9. Your Inquiry statement (SBPI-00393) includes the following question and answer:

124. Within your PIRC statement (PIRC-00381), page 2, you state, with reference to the meeting at 2005 hours:

Deputy Senior Investigator Little also intimated to Detective Superintendent Campbell that he was content for the nine officers to be updated of the interim result from the post mortem.

At this meeting, were you aware if Mr Bayoh's family had been informed of the interim results of the post-mortem? If so, how had you been made so aware? How had the family been informed of the post-mortem results? In May 2015, was it standard practice for officers involved in some way in a death in custody or death following police contact to be informed of the results of the post-mortem after it had taken place? If not, what was the standard practice in these circumstances?

I was not aware if the family had been informed of the interim results. It would not have been standard practice however I believe that DSI Little in doing so was trying to take forward the stalemate in respect of the officers providing statements in order to progress the investigation.

What, if any, discussion did you have with DSI Little in relation to his decision to intimate to DS Campbell that he was content for the nine officers to be updated of the interim result from the post mortem? Did you agree with DSI Little's decision in this regard? If not, why not? Did you communicate this disagreement with DSI Little? What resulted from this?

Health and Safety Executive

10. Your Inquiry statement (SBPI-00393) includes the following question and answer:

140. How well equipped, in terms of resources and expertise, was PIRC in 2015 to investigate matters arising under the Health and Safety at Work etc. Act 1974 where HSE chose not to investigate?

PIRC was capable of investigating matters arising under Health and Safety at Work etc. Act 1974. On 8 July 2015 I became the Investigating officer in connection with the COPFS instructed investigation into the M9 Deaths of [redacted] and [redacted] and as part of this investigation contraventions of the Health and Safety Legislation were looked at in respect of Police Scotland's involvement which ultimately led to the unprecedented conviction of Police Scotland who pled guilty to health and safety failings under the legislation.

What involvement, if any, did HSE have in relation to the PIRC investigation into the incident on the M9? How did PIRC and HSE work together in relation to this investigation?

11. If HSE were not involved in this investigation, how did PIRC investigate matters arising under the Health and Safety at Work etc. Act 1974 without the resources and expertise of HSE? How did PIRC approach the aspects of this investigation that related to contraventions of health and safety legislation?

Statement taking

12. At questions 129 – 133 and questions 135 – 137 of your Inquiry statement (SBPI-00393) you identify that the analysis of evidence, including the content of witness statements, would be undertaken SI John McSparran and DSI William Little, as the investigators in charge of the investigation. If investigators obtained or identified material information from a witness statement, or another piece of evidence, how would this be brought to the attention of SI McSparran and/or DSI Little during the investigation? How was it ensured that this information was incorporated into PIRC's investigation?

13. Did you ever feel it necessary to bring information or matters to the attention of SI McSporrán and/or DSI Little during the investigation? If so, what information or matters did you bring to their attention and how did you do this?

14. The officers involved in the arrest of Mr Bayoh, including PC Alan Paton, who was interviewed in your presence, were interviewed in accordance with the witness interview strategy prepared by PIRC (PIRC-04182). Prior to obtaining statements from these officers were PIRC's investigators encouraged to ask the officers why they took certain decisions, chose particular tactical options, or used certain degrees of force in responding to the incident? How was this communicated to PIRC's investigators and by whom?

15. 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."