

Assistant Solicitor to the Inquiry

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[REDACTED]



Sir Iain Livingstone

By email only:

[REDACTED]

11 April 2024

Dear Sir Iain

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 **5pm on 2 May 2024**.

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.

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.

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.

I remind you of the Chair's [Restriction Order](#). This Rule 8 request letter and your response thereto is Restricted Material as defined in the Order.

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]
Assistant Solicitor to the Inquiry

ANNEX

HEARING ON RACE

AREAS FOR WITNESS STATEMENT

SIR IAIN LIVINGSTONE

Please provide your **full name** and **date of birth**.

Please provide as much detail as you can in relation to each of the following questions. Please mark on your statement the number of the paragraph of questions you are answering.

Roles and responsibilities

1. Please explain each of the roles you occupied in your career in Police Scotland, including the remit, responsibilities and department within the organisation.

Police Scotland culture

2. What was your understanding of the values and attitudes sometimes referred to as “canteen culture” during your time in Police Scotland, (i) in general and (ii) in relation to race specifically?
3. Insofar as you are aware, what, if any, provisions were in place for monitoring canteen culture from 2015 to your retirement? For example staff surveys?
4. In your experience, how responsive was Police Scotland in relation to complaints from staff, officers or members of the public regarding race discrimination (whether identified as such or more broadly relating to race)? Did this change over time, and if so how?
5. In your experience, what was the attitude of experienced police officers towards the training on diversity and inclusion that probationers received at the Scottish Police College?
6. Were you aware of any racist jokes or comments being made by officers in Police Scotland? What was done about this?
7. What does it mean for Police Scotland to be “anti-racist”?
8. Insofar as you are aware, what equality and diversity policy, strategy and impact assessments were in place in 2015 and how did they apply in practice?

Institutional racism

9. What is your understanding of institutional racism and what makes an organisation institutionally racist?
10. On 25 May 2023, you stated: "Police Scotland is institutionally racist". Please outline the roles of the following officers in the determination and decision to state that Police Scotland is institutionally racist:
 - (i) you;
 - (ii) former DCC Fiona Taylor; and
 - (iii) ACC David Duncan.
11. Please confirm the name and involvement of any other key person who was involved in the decision to make this statement.
12. What was the purpose of you making this statement?
13. What was the background to this statement being made? Please refer to any research, reviews, documents or other information which were a factor in the decision to make this statement.
14. Were any lessons learned from the events involving Sheku Bayoh in Kirkcaldy on 3 May 2015 and the post-incident management thereafter a factor in the decision to make this statement?
15. What concerns about Police Scotland did you and your colleagues have that led to the decision to make this statement?
16. Did you attend any meetings regarding institutional racism in Police Scotland? Who was present at these meetings and what was their input?
17. From what point in time was Police Scotland an institutionally racist organisation? Was Police Scotland an institutionally racist organisation in 2015? In what ways was Police Scotland institutionally racist in 2015 and how did this manifest in policing?

Policing Together strategy

18. What is Police Scotland's Policing Together strategy? Please explain:
 - (i) the background to its conception;
 - (ii) its purpose, aims and objectives; and
 - (iii) how it operated in practice.
19. What was your role, if any, in Policing Together?
20. To what extent, if at all, did Policing Together achieve its purpose, aims and objectives at the time of your retirement?

21. Insofar as not covered above, what strategy and policy for training on equality and diversity matters, specifically race, was covered in Policing Together?

22. 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.”

23. Please sign and date your statement.