

[REDACTED]  
[REDACTED]



Ms Ruth McQuaid  
Crown Office and Procurator Fiscal Service

By email only: [REDACTED]

22 April 2024

Dear Ms McQuaid

**RULE 8 REQUEST**

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

The Crown Office and Procurator Fiscal Service (“COPFS”) have written to us to confirm your preference for your statement to be prepared under Rule 8 procedure.

Under Section 21(2)(a) of the Inquiries Act 2005 the Chair may, by notice, require a person to provide evidence in the form of a written statement. Rule 8 of The Inquiries (Scotland) Rules 2007, provides that the Inquiry may send a written request to any person for a written statement of evidence. I hereby request you provide a written statement to the Inquiry by **5pm on 7 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. The documents for you to read referred to in the Annex will be available on our online database “Objective Connect”. A link for you to access this system will be emailed to you separately.

Please provide your written statement by email to [REDACTED].

Section 22(1)(a) of the Inquiries Act 2005 states that a person may not be required, under section 21, to give, produce or provide any evidence or document if you could

not be required to do so if the proceedings of the Inquiry were civil proceedings in a court. If you are of the view that Section 22 applies to your evidence please advise the Inquiry of this and the reasons why you believe Section 22 applies.

Your statement may be disclosed to the Core Participants in the Inquiry and may be published on the Inquiry's website. Any personal information not relevant to your evidence will be redacted prior to disclosure.

The Inquiry may issue a further Rule 8 request or Section 21 notice to you at a later date if further evidence is required.

The written statement will form part of the evidence of the Inquiry. For that reason it is important that it is in your own words. In addition, you may be asked to attend a hearing to give oral evidence to the Inquiry. The Inquiry will contact you in future to confirm.

You may wish to take legal advice in relation to this letter and at any stage of the Inquiry's proceedings. I would also draw your attention to the [Protocol for Core Participants](#), which sets out the criteria to apply to be designated as one of the Inquiry's Core Participants.

If you have any questions regarding this letter or the content of your written statement please contact the legal team by email at [REDACTED]

Yours sincerely

[REDACTED]

## **ANNEX**

### **COPFS POST INCIDENT MANAGEMENT & RACE**

#### **AREAS FOR WITNESS STATEMENT**

##### **MS RUTH MCQUAID**

Please provide your **full name, date of birth, personal or business address**.

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

If you refer to any document in preparing your statement, please provide a brief description of the document and which page you have referred to.

#### **Your role**

1. What is your current role in COPFS, and if applicable, your role during the post incident management and investigation into the death of Mr Sheku Bayoh? How long have you been in your current? What are your duties and responsibilities in this position?

#### **Training**

2. Please explain the COPFS training policy and strategy in 2015 in relation to the following matters:
  - (i) equality, diversity and inclusion insofar as relating to race;
  - (ii) investigating race as a factor in a crime;
  - (iii) instructing and conducting post mortem examinations;
  - (iv) instruction of expert witnesses;
  - (v) investigation of deaths in custody;
  - (vi) instruction and liaison with PIRC; and
  - (vii) the role and involvement of the Victims' Information & Advice service in deaths cases.

So far as you are aware, how has the training policy and strategy changed since?

3. What, if any, steps were taken prior to 2015 to seek training, guidance or expertise in relation to race from outside COPFS?

4. What, if any, training strategies or policies relate to ensuring COPFS is not institutionally racist?
5. What, if any, aspects of training strategy and policy have changed in light of lessons learned following the conclusion of the COPFS investigation into the death of Sheku Bayoh?

### **Race and Statistics**

6. So far as you were aware, in 2015, did COPFS routinely consider the role of race when dealing with a death in custody or death during or following police contact of a person who was not white? Has that position changed between 2015 and now?
7. Is there currently a Diversity Strategy Group and Equality Advisory Group in place at COPFS? If not, is there an equivalent group and what was the reason for the change? Were these groups also in place in 2015? What is their current role and remit, and, so far as you are aware how has this changed since 2015? Who is the Chair of this group or groups? What is the membership of this group or groups?
8. Who, within COPFS held overall organisational accountability in 2015 for compliance with COPFS' internal policies and procedures on equality and diversity, and race in particular?
9. What is COPFS' current policy and strategy in relation to monitoring and reviewing recruitment and retention of black and minority ethnic members of staff and how has this changed since 2015? So far as you are aware, did COPFS carry out any "outreach" work to encourage recruitment of more staff from black and minority ethnic groups?
10. What is COPFS' current policy and strategy in relation to the collection and analysis of data in relation to race and how has this changed since 2015? Please include reference to race data in the investigation and prosecution of crime, investigation of deaths and in relation to COPFS recruitment and retention of staff.
11. What conclusions have been drawn in relation to the data collected on race referred to in question 10? What steps have been taken by COPFS in response to these conclusions?
12. What was COPFS' policy and strategy in in 2015 in relation to identifying race as a factor in the commission of a crime? If race was identified as a factor in 2015, how were investigations reviewed and monitored to ensure race was identified where appropriate?
13. By what measure would COPFS, as an organisation, determine if training provided and policies and practices introduced to achieve outcomes in relation to race had been successful? If it is not possible to point towards any

statistical data, please explain how a successful outcome would have been observed within the organisation?

14. Was there a strategy in place in 2015 to ensure that across the numerous and distinct parts of the organisation there is consistent or uniform implementation of the various training courses, practices and procedures which have been designed to achieve COPFS' objectives in relation to race? If there is no strategy in place for this, please can you explain what other measures have been put in place by the organisation as a whole to monitor this. If it is the responsibility of teams within each area to deliver training and implement practices and procedures locally, is there any centralised oversight function which monitors the success of these local teams?

#### **Legal Duties**

15. Who had operational responsibility for compliance with the Equality Act 2010 within COPFS in 2015?
16. So far as you are aware, what steps were taken by COPFS in 2015 to ensure that they did comply with the Equality Act 2010? Do you believe that the measures in place were adequate? If not, what additional steps or procedures could have been put in place? So far as you are aware, have any of these steps or procedures been implemented by COPFS now?

#### **Diversity within COPFS**

17. In your view, with particular regard to race, how diverse is COPFS as an organisation?
18. In your view, with particular regard to race, how has diversity within COPFS changed between 2015 and the present?

#### **Conclusion**

19. 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.”

20. Please sign and date your statement.