

Assistant Solicitor to the Inquiry

[REDACTED]

E:

[REDACTED]



Mr David Duncan

By email only:

[REDACTED]

---

3 April 2024

Dear Mr Duncan

### **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 19 April 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 [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot).

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 [legal@shekubayohinquiry.scot](mailto:legal@shekubayohinquiry.scot).

Yours sincerely

A black rectangular box redacting the signature of the Assistant Solicitor to the Inquiry.

Assistant Solicitor to the Inquiry

## **ANNEX**

### **HEARING ON RACE**

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

##### **MR DAVID DUNCAN**

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 the roles you occupied over your career in Police Scotland.

##### **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. During your time in Police Scotland, were you aware of what equality and diversity policies, strategy or impact assessments were in place in 2015 and how they applied in practice?
4. What, if any, provisions were in place for monitoring canteen culture from 2015 to your retirement?
5. Was there a culture in Police Scotland in relation to responding to complaints from other staff, officers or members of the public?
6. Was there a culture in Police Scotland in relation to the attitude of experienced police officers towards the training that probationers received at the Scottish Police College?
7. Were you aware of any racist jokes or comments being made by officers in Police Scotland? What was done about this?
8. What does it mean for Police Scotland to be “anti-racist”?

##### **Policing Together strategy**

9. 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.

10. What was your role in Policing Together?
11. To what extent, if at all, did Policing Together achieve its purpose, aims and objectives in the time you were involved in it?
12. What is your understanding of institutional racism and what makes an organisation institutionally racist?
13. To what extent, if at all, was Policing Together related to Police Scotland being institutionally racist?
14. Insofar as not covered above, what strategy and policy for training on equality and diversity matters, specifically race, was covered in Policing Together?
15. 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."
16. Please sign and date your statement.