

## Opening statement transcript

### Introduction

Welcome.

I'm Lord Bracadale, Chair of the Public Inquiry into the death of Sheku Bayoh.

Today marks the start of the Inquiry.

Mr Bayoh died on the 3<sup>rd</sup> May 2015, after an incident in the street in Kirkcaldy involving officers of Police Scotland.

I am conscious that at the heart of this Inquiry is the sudden and unexpected death of a young man who left behind two young children, Tyler and Isaac, his partner Collette and a close-knit extended family. To all of them I offer my condolences.

In this video I shall outline:

- The background to the Inquiry
- Its purpose;

- how it will be carried out; and
- how you can keep updated on its progress.

## **The setting up of the Inquiry**

Let me begin with the background.

The Lord Advocate is the head of the prosecution system in Scotland. He is also responsible for the investigation of sudden and unexpected deaths. On his direction, Sheku Bayoh's death, and the actions of the officers involved, were investigated by the Police Investigations and Review Commissioner.

The Commissioner submitted a report to the Crown Office and Procurator Fiscal Service in August 2015, followed by a supplementary report in 2016.

In October 2018 the Lord Advocate announced that on the available evidence there would be no prosecutions in relation to the death of Mr Bayoh.

In November 2019, after a review at the request of Mr Bayoh's family, the Lord Advocate confirmed the decision not to prosecute.

The Cabinet Secretary for Justice then announced the Public Inquiry and, on 24 January 2020, I was appointed as Chair.

The Cabinet Secretary has appointed two assessors to the Inquiry: Raju Bhatt and Michael Fuller. An assessor is a specialist adviser whose

expertise and experience will assist the Inquiry. I was fully consulted on the selection and appointment of both and welcome the considerable expertise each will bring to the Inquiry.

I am also supported by a strong legal and administrative team. Today we commence an investigation that will be thorough and fearless.

### **The purpose of the Inquiry**

The purpose of the inquiry is spelled out in the Terms of Reference. They provide the framework in which a thorough investigation of events can take place.

The Terms of Reference are the product of a consultation process with interested parties, including, amongst others, the legal representatives of the Bayoh family, Police Scotland and the Scottish Police Federation. I am grateful to all those who contributed to the framing of the Terms of Reference.

The full Terms of Reference are available on the Inquiry's website. In summary, they allow the investigation of:

- the immediate circumstances leading to the death of Mr Bayoh;
- how the police dealt with the aftermath of the incident;
- the conduct by the Lord Advocate and the Commissioner of the investigation into the death; and
- whether the issue of race was a factor

I believe the Terms of Reference will enable the inquiry to conduct a thorough examination of the circumstances surrounding the death and these important wider issues.

### **How the inquiry will be carried out**

While the Inquiry is funded by the Scottish Government, I must stress that it will operate independently from the government or any other organisation. It will be conducted with transparency and openness. Hearings will be broadcast so everyone can access the Inquiry.

As well as being independent, the Inquiry is also entirely impartial. The Inquiry's role is inquisitorial: it will carry out its own investigation into the facts surrounding the death of Mr Bayoh and subsequent events.

To assist me in carrying out a thorough and impartial investigation, I expect complete co-operation from all participants and that all relevant material will be made available without delay.

It has now been over 5 years since the death of Mr Bayoh and I, and my team, are conscious of the length of time this has hung over all involved, particularly the Bayoh family. We will work with determination and focus to ensure the work can be completed as quickly as possible.

It is, however, at this stage impossible to say how long the Inquiry will take. It is only from today, the setting-up date of the Inquiry, that we are allowed by law to start ingathering the evidence.

Preliminary discussions with some of the organisations involved lead us to believe that we will have in the region of 50,000 documents to scrutinise. This will clearly take some time for my team to get through.

After we have considered all the documentary evidence and conducted further investigation, the Inquiry will hold public hearings where we will call witnesses to give evidence. Again, it is not possible at this stage to say when this will happen; how many witnesses will be called; or how long the hearings will last. First, we must work our way through the documentary evidence and make necessary further inquiries.

### **How you can keep updated on its progress**

Throughout the duration of the Inquiry on our website we will provide updates on timescales and progress. If you have questions about the Inquiry, or if you have any information which you think should be drawn to our attention, you can contact my team via the website.

At this stage I would also call on any interested party who thinks they should be designated as a core participant in the Inquiry to make contact. Details on how to apply for core participant status are on the website and applications should be made by 15 January 2021.

Thank you.