

[REDACTED]  
Assistant Solicitor to the Inquiry

Email: [REDACTED]

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27 July 2022

Dear Sirs,

**SHEKU BAYOH PUBLIC INQUIRY  
TREAD ANALYSIS REPORT**

We refer to our recent correspondence in respect of the above matter.

Thank you for agreeing to accept these instructions. We would be grateful if you could prepare a full written report in accordance with our instructions below. We have enclosed the undernoted productions and documents to assist you in the preparation of your expert report.

**Background and Context**

The Sheku Bayoh Public Inquiry was set up to examine the events surrounding the death of Sheku Bayoh, who died on the 3<sup>rd</sup> May 2015, after being restrained by police officers in the street in Kirkcaldy. The Inquiry is chaired by the Right Honourable Lord Bracadale (Alastair Campbell).

The remit of the Inquiry is to establish the circumstances of the death of Sheku Bayoh; to assess the post incident management process and subsequent investigation; and to establish the extent (if any) to which the events leading up to and following Sheku Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race. The full terms of reference for the Inquiry can be found on the Inquiry website [here](#).

There will be separate evidential hearings to examine the terms of reference, where witnesses will be called to give evidence. We have recently concluded the first of our hearings, which commenced on 10<sup>th</sup> May 2022. After the hearings are completed, the Chair to the Inquiry will consider all of the evidence and publish a report, laying out his findings, conclusions and recommendations.

The Inquiry is scheduled to sit during the month of November, where your report will form part of the evidence being considered by the Chair. You will be required to attend the hearing (date to be confirmed) in person to give oral evidence before the Chair. Your report will be disclosed to the legal representatives of Core Participants (individuals and organisations who have a significant interest in

the Inquiry) before you give evidence. Your report will be made available to the public via the Inquiry website after you have given evidence. When you give evidence, you will be examined by Counsel to the Inquiry. The legal representatives of Core Participants have no automatic right to ask questions but will be provided with an opportunity to make applications to explore further lines of questioning in addition to your examination by Counsel to the Inquiry.

### **Confidentiality**

All evidence, documents and information provided to you by the Inquiry to undertake your report is confidential, in accordance with our Confidentiality Agreement. Accordingly, we have enclosed our Confidentiality Agreement for your review and signature.

### **Documents and Productions**

We attach as an appendix to this letter a list of the productions to be made available to you to assist you in the preparation of your report.

All documents referred to within the appendix shall be shared securely via the Inquiry's sharing platform, Objective Connect. We will also seek the assistance of Police Investigations and Review Commissioner to securely deliver all physical evidence listed within the appendix to your lab. We will similarly arrange for the physical evidence to be uplifted by Police Investigations and Review Commissioner at the conclusion of your examination.

Please note that the Crown has not relinquished the right to prosecute in respect of the death of Mr Bayoh. As such, whilst corroboration is not required for the purposes of the Inquiry, forensic protocols intended to prevent cross-contamination should be observed.

### **Instructions**

Please provide a copy of your full, up-to-date *curriculum vitae*.

The Chair to the Inquiry will require to determine whether, as a matter of fact, Mr Bayoh stamped on the back of a female officer as she lay on the ground. The evidence currently before the Inquiry is in conflict. Against this background, we would be obliged if you could produce your full written report by exploring the following:

- I. Examine the vest and offer a view as to the nature of the dark mark in the area of the back, beneath the "POLICE" logo and to the extent, if any, this extends inside the right arm hole.
- II. Examine and comment on the boots recovered from Sheku Bayoh.
- III. Consider whether there are any features of the mark on the vest, consistent/inconsistent with it being a footprint?
- IV. Conduct a forensic comparison of the tread on the boots with the mark on the vest and offer a view as to whether there are:
  - Any areas of consistency as between the tread on the boots and mark on the vest; and
  - Any areas of inconsistency as between the tread on the boots and the mark on the vest.
- III. Whether any conclusions can be drawn from this comparison and in particular whether, in your opinion, the mark on the vest is consistent with having been made by either of the boots; or whether the boots can, in your opinion, be excluded as having made the mark.

The suggestion has been made that PC Craig Walker might have stood on the female officer as she lay on the ground. We would be therefore be obliged if you could carry out the following additional work:

- I. Examine and comment on the boots recovered from PC Craig Walker.
- II. Conduct a forensic comparison of the tread on the boots with the mark on the vest and offer a view as to whether there are:
  - Any areas of consistency as between the tread on the boots and mark on the vest; and
  - Any areas of inconsistency as between the tread on the boots and the mark on the vest.
- III. Whether any conclusions can be drawn from this comparison and in particular whether, in your opinion, the mark on the vest is consistent with having been made by either of the boots; or whether the boots can, in your opinion, be excluded as having made the mark.

Please identify any material assumptions made by you in carrying out your work. In preparing your report, you may find it helpful to have regard to the summary within Part 35 of the Civil Procedure Rules. Although the Rules are not in force in Scotland, they provide useful guidance on the role of an expert witness both north and south of the border. We have included the Civil Procedure Rules within the appendix to this letter .

In the event you require any further information, to assist with the completion of your report, please bring this matter to the attention of the inquiry team as soon as possible.

We would be grateful if you could produce your full written report in draft by the end of July. Counsel to the Inquiry would like to consult with you on the terms of your draft report in August. In the meantime, please provide us with your fee estimate once you have had an opportunity to review our instructions and the enclosed productions and papers. The Inquiry will be responsible for paying your fees in relation to your report and the presentation of your evidence - this includes attending the hearing to give evidence.

We would also be grateful if could you acknowledge safe receipt of these instructions. If you require any additional information in preparation of your report, please do not hesitate to contact us.

Yours Sincerely,

A large black rectangular redaction box covering the signature area, with a smaller black rectangular redaction box positioned directly below it.

