

**Solicitor to the Inquiry**

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Legal Representatives

**By email only**

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All,

**MEETINGS WITH MR BAYOH'S FAMILIES**

The Chair has been made aware of concerns that have been raised relating to his meetings with Sheku Bayoh's families. This letter is in response to those concerns.

The terms of reference of the Inquiry include issues directly relating to the families of Sheku Bayoh. The Inquiry is required to conduct an examination of the post-incident management process and the investigation, including liaison with the family of the deceased and compliance with any relevant Convention rights.

In relation to race the Inquiry is required to examine the extent, if any, to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard.

The engagement of the families with the Inquiry is crucial to the effectiveness of the Inquiry in fulfilling its terms of reference. If the inquiry failed to obtain and retain the confidence of the families its effectiveness would be prejudiced.

Over the years from 2015 the families lost confidence in the various state institutions with which they had dealings – Police Scotland, the Police Investigations and Review Commissioner, and the Crown Office. There was a real prospect that they would not engage at all with the Inquiry process or at some point would cease to engage with it.

The Inquiry has been mindful of the obligation under article 2 ECHR to involve the next of kin in the Inquiry. From the beginning the Chair has publicly expressed his intention to keep the families at the heart of the inquiry. Core Participants have publicly expressed their support for this approach.

For these reasons the Chair considered that it was reasonable and appropriate to meet members of the Bayoh families from time to time in order to reassure them that they remained at the heart of the Inquiry, to maintain their confidence in the Inquiry and encourage them to continue to participate fully in it.

The first meeting took place on 4 November 2021, about one year into the Inquiry. With the exception of the meeting on 13 April 2022, meetings thereafter were held on a more or less annual basis: 21 November 2022; 18 January 2024 and 5 December 2024. At the 4 November 2021 meeting there was a discussion about the families' approach to their presentation on the life of Sheku Bayoh to be made on 10 May 2022 at the beginning of the first hearing. The Chair specifically referred to this at the preliminary hearing on 18 November 2021:

*I want them to be at the heart of this Inquiry and, in due course, before the evidence begins, I will give an opportunity for members of the family to speak publicly about the person that Sheku Bayoh was, what he meant to them and the impact of his death on them. I have already begun discussion with family members about what form that might take.*

The meeting of 13 April 2022 was essentially a follow up meeting to discuss the details ahead of the presentation.

The purpose of the annual meetings was to address issues relating to the welfare of family members as the Inquiry progressed and the impact on family members of the processes and procedures of the Inquiry. The Chair made it clear that anything of an evidential nature would require to be examined in evidence in the Inquiry. In the course of the Inquiry evidence of family members was introduced and the Inquiry heard extensive evidence of the investigation as it related to the families.

The Chair is clear that in making any finding, determination or recommendation in the report he will take into account only evidence introduced in the Inquiry whether in evidential hearings or in relevant documents lodged in the Inquiry. All core participants will have an opportunity to make closing submissions. Any person who may be criticised in the report will have an opportunity to make submissions through the statutory warning notice procedure.

The families have remained committed to the Inquiry. The Chair continues to be committed to the independence, impartiality and transparency of the Inquiry; and to keeping Mr Bayoh's families at the heart of the Inquiry.

If your clients have any further concerns please do let me know as soon as possible. Absent any further correspondence on this matter, I will arrange to have this letter published on the website on 11 March. Please treat the contents in confidence until published.

Yours sincerely

Sadif Ashraf