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Margaret Mitchell MSP
Convener
Scottish Parliament Justice Committee

12 November 2019

Dear Margaret,

PUBLIC INQUIRY CONCERNING THE CIRCUMSTANCES OF THE DEATH OF SHEKU BAYOH

In Parliament today, I announced that I will be establishing a statutory Public Inquiry under the Inquiries Act 2005 into the circumstances leading up to and following the tragic death of Sheku Bayoh in 2015.

The Lord Advocate met with Mr Bayoh's family yesterday to inform them of the outcome of the Victim's Right to Review process, confirming that, on the basis of the evidence available there will be no criminal proceedings against Police Scotland or individual officers in connection with Mr Bayoh's death.

The First Minister and I met with the family earlier today to assure them of our commitment to establishing the facts surrounding this tragic incident. They are right to expect a full public examination of the circumstances of Mr Bayoh's death and I stated my determination to put in place a process to deliver that.

As you are aware, all deaths in police custody are subject to a mandatory Fatal Accident Inquiry (FAI) under the Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016. In this case, however, the Lord Advocate, as head of the system for the investigation of deaths in Scotland, has identified questions, raising issues of public interest and importance about the early stages of the post-incident management of the investigation in this case that a FAI simply could not examine.

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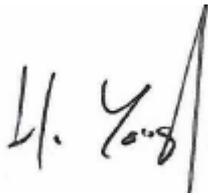
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I am conscious that Public Inquiries are significant undertakings for all involved and this is not a decision to be made in haste. Following confirmation that there will be no criminal proceedings in this case, and having examined all other options, I believe that as a Government it is right that we should hold a Public Inquiry into the circumstances leading up to Mr Bayoh's death and the events that followed. The Inquiry will also identify lessons and improvements for the future, to help prevent deaths in similar circumstances and build trust and confidence in policing.

The process of appointing a Chair and framing the Inquiry's terms of reference will begin shortly and it will be important to take time to get this right. I will return to update Parliament early next year, following further engagement with the Chair and those directly affected. At that time, I will write to you again and to the Convener of the Justice Sub-Committee on Policing to confirm developments.

I trust this information is helpful.



HUMZA YOUSAF

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