

The Sheku Bayoh Public Inquiry

Witness Statement

Steven Stewart

Taken by [REDACTED]

on MS Teams

On 17 March 2022

Witness Details

1. My name is Steven Stewart. I am 52 years old. My contact details are known to the Inquiry.
2. I am currently an Inspector with the Police Service of Scotland. I have 29 years' police service. I work within the Preventions Interventions and Partnerships Team within Edinburgh Division based at [REDACTED] Police Station.
3. I was an Inspector In the Area Control Room (ACR) at Bilston as at 3 May 2015. As part of this, I was an initial tactical firearms commander (ITFC) at the ACR at Bilston from January 2013 to 27 October 2016, so I must have moved out from the control room thereafter. To become an ITFC, I went down to Kent and did a College of Policing course, a week-long, intensive course. Then what happens is you're accredited by the College of Policing, you come back to Force and you have to shadow an experienced ITFC and you shadow a live incident and then you actually command a live incident as

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well whilst you're being supervised or mentored. There's that mentoring period and then you are assessed to be operationally competent in the role and up and running. I did my course in November 2012 and I actually went to the control room in January 2013 in that role. I have to do regular training throughout as well just to keep my accreditation up and fully qualified. That's part and parcel of it. There is a mandatory period, it might be three years, then you have to submit a report of what you've done just to keep your ticket live, effectively, show you're operationally competent.

Previous statement

4. I have had sight of the statement I gave to PIRC on 9 October 2015¹. The statement I gave to PIRC was given to the best of my memory at the time and I did my best to be truthful and accurate in what I said. There is a bit at the end of this statement to do with road closures - I can't actually recall that. They must have asked me about that and I must have said something about it, but I didn't recognise the relevance of that at the time. I think the statement was read out to me at the time. I believe my memory of the matters outlined in my statements in terms of specific facts for example dates, details regarding resources was clearer at the time of giving this statement to PIRC than it is now just with the passing of time. I expect that this statements will be more accurate than what I recall now in relation to these aspects. If there is any discrepancy between what I have said in this statement and my statement to the PIRC in terms of basic facts and details then the PIRC statement should be preferred. However, I'm conscious that PIRC didn't ask me the kind of questions that I have been asked in relation to this statement to the Inquiry, for example the questions around my thought process, considerations and strategy employed at the time. In terms of that content, I consider this statement will be more accurate, more relevant and hopefully provides a

¹ PIRC-00395

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better understanding for the Inquiry about what happened from a control room perspective.

The ACR at Bilston Glen

5. There are three area control rooms in Police Scotland: covering the east, west and north. There was only one ACR for the east command area at that time. By that time, the other centres were all amalgamated. When Police Scotland first started within the east area you had a control room at Bilston that covered legacy Lothian and Borders, which was E and J Division, so that was West Lothian, Midlothian, East Lothian and the Scottish Borders and Edinburgh. Then you had one in Fife and then you had one in Stirling, so that covered C and P Divisions. But with the amalgamation, there was one service centre and one area control room based at Bilston in Edinburgh with an overview and that covered the whole of the east area. In the north you had the same, you had an overview in the north as well. In the west you had an overview in the west as well and then control rooms as well.

6. The set up at Bilston Glen ACR consists of a Service Centre (Contact Centre) that receives 101 and 999 calls from the public and partner agencies. Anything requiring police response is then transferred electronically over on an incident. So a service centre advisor would answer a call to a member of the public or a partner organisation, take the details, try and resolve it at that first point of contact if it was appropriate or signpost the call appropriately. If it required a police response it would be sent across electronically to the control room and to the dispatcher covering the respective geographical area. The other part to the ACR is a control room consisting of four divisional control areas servicing, four different geographical divisions, each of which are overseen by a supervisor either a Police Sergeant or Police Staff supervisor, and finally the East Overview Room itself which sits in a oversight role in relation to the service centre and the 4 control areas. The ACR controller is the one that had control of their geographical area and control of all the

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incidents and resources in that geographical area as well, so they would shout up to the local officers and say, "I've got an incident regarding a housebreaking. Can you attend?" or a road traffic accident. They were responsible for assessing the incidents and ongoing calls, looking at the available resources, contacting local officers and supervisors when required and dispatching them to attend the outstanding calls in a prioritised way.

Allocation of Calls

7. I am asked how calls are actioned and resources allocated and the sort of things that are taken into consideration. This is primarily the responsibility of the controllers. They should know where their resources are, what incidents they're currently involved in, their location on the mapping system, whether it's a serious incident or not, whether they could break off from a less urgent incident, who's free, who's available for deployment. It tends to be who's free and who's available first of all, but it could come down to proximity as well. So the controllers have a mapping system that should show the officers' vehicles up as well on the map so you can determine proximity to calls. So that controller is responsible for their resources and having resources attached to the calls, making the supervisors aware of the incidents as well, if there was an incident that they thought a supervisor should be aware of like this one or say a missing person incident or, a significant incident, that's what should happen.

8. So the controller would radio a resource to say, "Can you attend this incident?" That's effectively what would happen. Or if it was a big incident, where more resources were required, they would ask for one, two, three, four, several sets to attend, depending on what was happening. As part of that, they pass out the content of the call, the description, give any live time updates because what you can have is you can have the service centre advisor on the phone to a member of the public, still typing onto the incident, which the ACR controller is looking at for updates that are coming in. So it

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could be an update in relation to a subject's position or a description of clothing, and then that information should be relayed live time to the divisional local officers.

9. I'm asked if there is any consideration given to the age and experience of officers when calls are allocated. No. I mean, that's down to your local controller. To go on the street, officers have got to pass their training at the college so know the legislation, have their first aid skills and officer safety training skills. When you actually come back to division, it tends to be you're put out with a more experienced colleague. So everybody who is in a response vehicle on that day is competent. People have different skillsets, different sizes, physical presence and whatnot, but that's replicated right across Police Scotland. The controller may not know what the skillset of the attending officers would be. Primarily it would be the local policing supervisors who would put the people together, allocate them a vehicle and they would make that determination who was going out on patrol with who. It's not really the controller's call, but on sending officers to an incident they would probably just pick who was available or pick who was nearby, assumption being that they're all competent and capable to deal with what's in front of them. In terms of whether the controller would know things like the gender, build, years' experience of the individuals that they were allocating to the call, it's possible they would know the gender because they would speak to them. It's like a normal working relationship. The chances are that controller's on that same pod every single shift, so they may be able to differentiate between a female and a male officer, but certainly not height, build, weight, anything like that, unless they had actually seen them and met them, I suppose, but I don't know. That's a controller thing. It would be down to individual relationships. Sometimes officers come up to the control room and they meet the controllers and such like. But they wouldn't necessarily know the age and experience of a response set that the local sergeant had put in the vehicle.

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10. Certain types of calls, specifically grade 1 calls or any calls that required my oversight, would be tagged for my attention which would effectively cause them to transfer onto the filter on my screen. The call grading system has changed since the incident to immediate, priority and routine but at the time the classifications were grade 1, 2 and 3 calls. So, as a duty officer I could sit on the STORM Command and Control System with different filters open. So I wouldn't be sitting on, for example, the Kirkcaldy live incidents. I'd sit with my overview screen on and I'd toggle between that and grade 1 and 2 calls. So basically I would see the grade 1 and 2s, because they're the priority ones, they're likely to be the ones that I would want to see coming in and to make sure that they were actioned and resourced locally. That was one of the key roles that I had up there, and if there's any issues I would step in, but also the overview screen. So what I would rely on would be an incident tag being added to it, which would then flag it up on the overview screen for the attention of the overview team and myself.

3 May 2015

11. As my statement says as at 3 May 2015, I on duty in the area control room at Bilston and my role was known as Duty Officer in the East Overview and with an oversight of all control functions and activities for the East Command Area. I had specific responsibility for control and co-ordination of specialist resources, which would include firearms, road policing, public order, negotiators, dog unit, air support, any specialist resources available to Police Scotland. This includes the appropriate deployment of these resources to support Divisional and local policing objectives.

12. I can see from my statement that I commenced duty at 0615 hours, taking the handover from the nightshift. It was a while ago, I can't remember exactly what happened, but the normal pattern for a Sunday morning would be I'd come in early, I'd go into the overview and I'd speak to the duty officer on the

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night shift and get an understanding of what incidents had happened, what had taken place, significant incidents, what was still on the overview screen that was getting dealt with. So you're looking at the high end incidents, including missing people. It could be a whole raft of things, just any pressing issues, things that required resourced, things that required attention, things that required my immediate attention. That handover would normally take ten minutes or twenty minutes or so, depending on events. Sunday morning could be quite busy just because of the Saturday night before, there was often things still outstanding.

13. Thereafter, as part of my role as Duty Officer, I was contacted by telephone from the Armed Response Vehicles (ARV) crews. From my statement, I see I spoke to the Edinburgh ARV crews which consist of two double crewed vehicles (by that I mean 4 Officers). At that point I issued a formal warning and declaration to these officers regarding their fitness to carry out the role as a Firearms Office that day, that shift. One of these officers was an Operational Firearms Commander (OFC) and I discussed with him their operational commitments for that day. At 0645 hours I then similarly briefed the Stirling ARV crews. This was then followed by the Airport (Edinburgh) crews. This process in itself could take anything up to 45 minutes to complete, but runs alongside other ongoing control room business that requires my attention. That's the normal practice, is that you get the handover and then you start to wait for the ARVs to phone in and then you go through the standard warning and declaration with them and then they get marked on duty and then the next crew phones - there's no set order. Stirling could phone in before the airport or it just depends who's ready first. So these were all the ARV crews that were on duty that day. On another day, I may have had a crew on in Fife. But on that particular day these were obviously the resources that were on.

14. I cannot recall specifically what the ARV crews had planned for that morning. As it was a Sunday morning, it was likely they could be doing paperwork,

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police reports, checking the vehicles for all the equipment but they wouldn't have been necessarily out on patrol at that time.

Grade 1 Calls – Divisional Response

15. My recollection of that morning was that I wasn't in the overview when the initial calls came in. I think I was down on the control room floor amongst the controller and service centre staff. I don't know which part of the building, whether it was the service end or the control room, and that could be the norm to go down and check on the supervisors, make sure everything's okay, that they had enough people on covering the various areas. I do know that I wasn't in the overview when the initial call or calls came in and I ran upstairs when I was made aware of it. I think they said that I was needed up there, so I went up, sat down and tried to get an understanding of what information had come in in terms of 999 calls, what it was describing and what the information on the call card was to make that assessment whether or not it was something that divisional officers were already going to it at that stage, but initially it was just to understand what was happening.

16. A divisional response is a local policing response. That had already been instigated so local officers were actually on route to the call. So the police controller had obviously seen the call, passed the call for local sets to respond and they were attending already. So, from my perspective it was to try and sort the wheat from the chaff to understand what was going on at the incident, to understand the seriousness or the gravity of it, who potentially was at risk, what were the circumstances. So, again, it's a well-oiled sort of machine that kicks in. When an incident like that comes in, everybody knows their roles.

17. Then you're making that assessment, you're using your training to assess the incident, using the national decision-making model, and working through what options are available to you at that time. So, the options available to me at that time are either divisional sets can attend, which they were already on

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route to, and not far off from, the locations that were described or whether or not specialist resources were required as well.

18. Specialist resources could be armed response officers, it could be the dog unit, it could be public order officers, it could be the helicopter, it could be negotiators, it could be whatever else is appropriate at that time. But at that time divisional officers were attending, my thought process running round the model from my recollection was that they needed to go - because police couldn't not go. They needed to make that initial assessment on attending the scene, feed back to me and then that would inform my decision-making process, which would then determine whether or not I deployed armed officers or dog units or whoever else.

19. I asked Sergeant [REDACTED] Dagleish, the East Overview sergeant, to phone back the reporter or the informant to find out if they can still see the person and what's going on. I think they lost the caller, it hadn't been transferred across live time, so I was wanting to understand what was happening there live time as best as possible. This was part of gathering information to get a clearer picture of what was happening to assist the officers attending the call and to inform my decision making.

20. My statement goes on to say that after assessing the initial information available I began to monitor the local airwave channel, which is Kirkcaldy 1. I had not been actively listening to this channel prior to this and was unaware of any communication that had taken place between local officers attending the incident, their supervisor or by the controller. I went onto Kirkcaldy 1 just before I made my transmission on the channel that morning. So that's when I've jumped onto Kirkcaldy 1. My recollection of it was I actually had to ask what talk group it was. So there's a comms officer there and I managed to get onto Kirkcaldy 1. So I was on Kirkcaldy 1 for a very short period of time.

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Stay Safe message

21. For an incident involving weapons, all the controllers, when I was there, had a "stay safe" card on their desk and they would shout out the stay safe warning to officers. That was standard practice in the control room. It was certainly standard practice but I don't know if it was in 2015, I'm just making an assumption that it was, because it was always there. So I asked, "Has a stay safe message been given?" and wanting to ensure it had and that it was understood I managed to transmit the stay safe message after that, very brief and short as I was aware the local officers were almost off at the location where the male was reported to be. I was very conscious not to block the radio channel so that any important communications could be made quickly.

22. A stay safe message been passed to the attending officers is a message for officers that are attending to see, tell, and then act. So they go and they see what's in front of them, they give us that update, tell us what's happening or they act, if it's appropriate to do so if they've got the opportunity, if it's safe to do so. So you're looking for them to do that. That's that brief to them to make a dynamic risk assessment. So that's what I was looking for. I asked if the stay safe message had been passed. "Not sure," I think was the response I got back, so the rationale for me jumping onto the radio at that time was to reinforce to the attending officers who by that point were on their way, they were right to go off but they needed to report back what was in front of them, they needed to say whether or not they felt they were able to deal with the threat in front of them and then come back and report back. It happened quite quickly. When you actually look at the College of Policing's stay safe, it would take me about a minute to read it out. I was conscious of the fact that they were just about off so I just needed to jump on, make that brief stay safe so they knew that they needed to feed back and then I would use that information to determine what was happening and whether specialist resources were required as well.

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23. I've been given sight of a document "Combined Airwave Call Activity Data (Kirkcaldy 01) and Transcription".² On page 4, I can see a transmission from Control 1 regarding a male armed with a knife at 06:16:31. I'm told that the times in this document are in GMT rather than BST as it would have been at that time, which was +1:00 hour. On page 6, around three minutes later at 06:20:12, I see a transmission in which I am listed as the calling party *"Inspector Stewart, Area Control Room to the set attending, eh... I'm monitoring this obviously from a... eh... an ARV perspective. Eh if you get sightings of the male you need to make an initial assessment yourself... em... and feed back through straight away... em... and I'll listen out on the channel."*

24. In terms of what that would have meant to the officers, I would have thought if they'd been given stay safe warnings before, and they should have been given loads before. They know that they would need to go, they would have to have a look, they would shout back to the control room, "Right, that's us. We've stopped. We've entered Hendry Road, we can see the male, he's 30 metres away, he is in possession of a weapon, he's discarded it, he's walking away," or, "he's brandishing it and he's approaching us." So you're looking for that kind of information to understand what's going on. For me, that was a regular occurrence in the control room. My expectation would be that they would do that. For whatever reason that they didn't, I don't know why. But they obviously dealt with the subject.

Dynamic Risk Assessment

25. The dynamic risk assessment I'm carrying out involves the application of the national decision model (NDM). In the firearms model, I'm using the NDM but I'm applying it to decide which resources are going to that incident. The officers at the scene are also carrying out a risk assessment using their officer

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safety training models, which involves going to the incident and deciding whether or not they are able to deal with the individual in front of them. So we are probably using the NDM to inform our decision making at that time. Ultimately, we're both determining the level of ongoing risk. I'm wanting them to feed back to me what's in front of them, what's happening. They need to make that dynamic, quick time risk assessment, "Can we deal with him or can we not?" and feed that key information back. My understanding is that officer safety training involves training in risk assessment. I'm assuming they are thinking through what risk there is to them, members of the public, the individual, before they then take action.

The reality is because it's quick time that they'll have been going to the incident, they'll have been searching, they'll have seen and I would suspect if the male has a knife or not a knife then they decide what they're going to do and then they take it from there in terms of feeding back. So it will be done really, really quickly. They'll decide whether or not they can deal with the individual. We're all trained in communication, tactical communication, it's part of our OST, tell people to "Stop!", "Stand back", "Sit down", "Put the knife down", do whatever. So you get all that, give people space and time, to speak to them. Every police officer's a negotiator, effectively, but not to the extent that the specialists are, but you're using your communication skills all the time.

26. So by me saying, make a dynamic risk assessment, that was me asking them to make that decision as to whether or not they can deal with the individual based on the threat that's facing them at the time and tell me whether or not they can; if they can't specialist resources would be on their way. At the time of this call I instructed that the OFC and ARV's in Edinburgh were made aware of the incident with the OFC because it might have developed into something they would have to attend. I'm counting on what the local officers on scene are seeing in front of them because I'm in the control room 27 miles

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away with no exterior windows, no public space CCTV covering the location in Kirkcaldy and so all I've got is that professional assessment, which I would say police officers have, of them arriving at the scene to say what the individual is actually doing at the time, what the level of threat is that they're facing, what is the level of risk. It's for them to make that assessment when they get there and to tell me. Anybody that's reported to be in possession of a knife, you are concerned when you're going there, it's a significant level of risk. But if you arrive and, because you've got your blues and twos on (by that I mean lights and sirens), the person chucks the knife away or subsequently responds in the opposite way and brandishes it, that gives an indication of what's going on and that determines the course of action going forward, whether it's local policing officers that deal with the person, which they did on this occasion, or whether it's me in my capacity as a control room inspector deploying armed response officers and a dog unit would probably bolt on and be part of that, under the command of the OFC, I would take charge of all that.

RAID Officer

27. From my recollection I then tasked the Research and Intelligence Officer (RAID Officer) to establish if the calls received regarding the male with the knife were linked and to establish the whereabouts of the specialist resources units. In the control room on that morning there was a sergeant [REDACTED] Dalglish) who I asked to contact one of the people who had phoned in and that's about gathering information, information/intelligence that helps me as well. That information/intelligence feeds into my decision-making process, which would determine whether or not I would authorise a firearms incident there and then based on what was happening. So I want to know, "Can you still see the individual? Are they in possession of a knife? What are they doing? Who are they threatening? What are they behaving like?" Are they behaving erratic? Have they threatened you? Have they damaged any property? Have they brandished the knife?" that kind of thing. Because that's

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giving me a picture of what's ongoing. I did ask if there was any public space CCTV and there was none covering that area.

28. So you need that sort of live feed in, even from a member of the public, to understand what's going on, what is the level of risk that the police are faced with or anybody's faced with. So there's that side of things and there's also the fact that the information that we get would be relayed out across the talk group to the local officers attending the call. The kind of thoughts that went through my mind were, "Well, what's actually happened for this individual to be in the street where they are in the position that they're in? Where have they come from? Where are they going? Has there been previous calls? Do we know who the individual is?" Because if you know who the individual is you might be able to start to build up a picture of where they stay, where they're going, and if you know their identity you might even be able to try and make contact with them. Previously on other incidents people might have a mobile phone and you have a number so you could phone, try and speak to them, do your own communication or negotiating because a negotiating cell would take a while to come out. So the RAID officer's looking at all these things live time. The amount of information that comes in in a split second is overwhelming. You're trying to piece together from different sources who's where, is someone walking, is someone in the car, what street are they in, what are they seeing, what's happening. So you're trying to work through all that to understand what's going on, take out the salient parts or the important parts. So the RAID officer has a job in that. So the RAID officer is different from the comms officer.

29. The comms officer was [REDACTED] She would sit to my right. She would be listening to the radio, she would be monitoring what was going on in terms of radio transmissions and help to contact appropriate specialist resources if they were needed. I asked her to contact the ARV crews at Fettes to make them aware that there was an incident that was developing

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and ongoing on Kirkcaldy 1 and they needed to tune into it because, they may be going depending on what happened when the local officers got there. She was also asked to locate and dispatch a dog unit immediately as part of the support to the local officers attending the incident.

Deployment of an ARV - General

30. The decision to declare a spontaneous firearms incident, authorise and deploy authorised firearms officer was my responsibility as an ITFC. The controller is responsible for deploying local policing resources and some specialist resources such as a dog unit to normal incidents but the decision to authorise Armed Response Officers and to deploy them to them to arm up and attend an incident, it's only me, as the ITFC, that trained and qualified to do that. No divisional supervisor can do that, because they're not trained. I'm trained in firearms command, the national decision-making model for deployment of armed officers and the tactics that they deploy on the ground.

31. I am asked to describe the considerations and criteria for deployment of an ARV. The criteria is *"The officer authorising the deployment has reason to suppose that officers may have to protect themselves or others from a person who [...] is in possession of or has immediate access to a firearm or other potentially lethal weapon."* In any potential incident You use the national decision-making model as the basis for action. So, you gathering your information and intelligence, you're making your threat and risk assessment, developing your initial working strategy, then you're considering your powers and policy, so at that point you're deciding, based on what's in front of you, are you going to authorise the deployment of armed officers at this time based on what you've got. Then you're looking at identifying your tactical options and you're contingencies and then you're taking your action and review what's happening. I used to make firearms assessments or assessments regarding violent situations with weapons or vehicle pursuits, I would make them regularly during any shift depending how busy it was. So I was often

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assessing incidents to decide which was the most appropriate response at that time. Some incidents, you're working through your firearms model, you're making that assessment, but there might be other tactical options that are more relevant at the time for the circumstances of that particular incident. You develop skills of doing it and you're going through it just with the aide memoire in your hand and you're thinking, "Right, okay, this is what I know, this is what I know about the victim, the subject, the location, the time." You're trying to find out about their identification, their capability, their intent. What do we know? What's fact? What am I making assumption of? And you're using all that. You're thinking about who's at risk and you're prioritising that and what your response would be to mitigate that risk. So, in terms of the incident here who is the victim, future victims, because we don't know if that individual might go and act against anybody else. You've got your public in the vicinity, who are the people who are on the street at the back of seven o'clock in the morning, or the people who have been driving and seen it. And then the next one would be your unarmed police officers. It's all about maximising safety to the public and minimising risk to the police officers and emergency service responders based on the fact that police have to attend. What you're doing is you're minimising the risk by giving them stay safe warning, giving them advice, they're going with their protective equipment, they're going with their training and officer safety training skills including communication.

Deployment of an ARV – Considerations on 3 May

32. So for this incident, that assessment was done: I considered all these things. The circumstances of this incident were police officers had to go, there had to be decisive action that was taken. In fact, uniformed officers were already on route. Armed response vehicles were an option that was being considered and it might have developed into a firearms deployment with me taking command of it. This would be based on the arrival of the local policing officers, their dynamic risk assessment, and their update to the control room, as to what was happening or what wasn't happening. When police officers

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attend any call you've always got the potential for escalation, but more often than not you've got that potential for de-escalation and the ability to resolve an incident, to communicate, to negotiate, using sort of skills that we all have, we're all taught in officer safety training. It's your basic policing skills, your police craft, as I would describe it. It's bread and butter stuff that you should be thinking about at every incident.

33. I can only speak for me, but if I were going to someone who was distressed or aggressive or violent, it's how you approach them. You can actually bring people down really well by giving them that a bit of space and time and just speaking to them in an appropriate manner and not being confrontational - using your communication skills to try and de-escalate the situation for the safety of all involved.

34. So, the criteria for deployment of armed response officers was being considered by me for this fast moving incident but with the collapsing time frame the key thing for me was to have "professional eyes" on the ground at the location to provide that live time update which would then inform my decision making further and next course of action. For me given the immediacy of the incident, the local officers with their training were the initial persons to attend the incident for me would have with a stay safe warning to tell me what was going on, to feedback information and then if the male was behaving in a way that was threatening or aggressive or brandishing a weapon or whatever it would be a case of instructing them to stay back and then tell me what they could see, give me an update and then I would take it from there.

35. It's one of these situations where if they had stopped and said, "He's brandishing a knife, we're not going to get out our vehicles, he's walking towards the vehicles, this isn't safe for us to deal with" Then I would have taken charge of it, command of it, and I would have instructed the local

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officers what I wanted them to do until specialist officers possibly including the ARVs arrived. It would have been a declared firearms incident with ARVs going, me briefing them on way, me telling the uniformed officers at the locus to stay back but keep a visual observation on the individual and give me any updates whatsoever. Again, even within that, they could have been on their way and got as far as Dunfermline and the guy could have put the knife down. It just depends how the actual incident unfolds. But it wasn't like that. It was a case of they arrived, they were requested to feedback whether or not they could deal with the individual and they subsequently went on to deploy and arrested him. What then happened after that I have no direct knowledge of.

36. Incidents of this kind happen quite regularly. I'm using my training in terms of the NDM to make a threat and risk assessment based on the information I have at that time I'm using my professional experience and judgement as well, and for me, on this occasion, the local officers were en route and off at the scene very quickly, with the request to make a dynamic risk assessment and feedback what was happening at that time in terms of threat, risk and harm. It might well been that this information meant that it developed into a firearms incident, but it didn't because it appeared that local officers were able to deal with the individual and they subsequently approached and arrested him. If the arrest had not resulted in the tragic outcome that it did, then it would have been another incident attended and resolved by local policing officers. In fact, that was why I moved back into the control room business that was ongoing elsewhere across the east area , because local officers had attended, and been able to deal with the situation and individual at the time. I was aware there must have been some sort of issue during the arrest because the emergency button had been activated but then the male in question must have been arrested was my assumption. So no need for sort of any specialist resources to be deployed or , anything else from me at that time, so it was a case of moving on to the rest of my duties, because there

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were other incidents, I can't recall which incidents, but there are always other incidents on the go in the control room.

37. I'm asked why I made the ARV units aware and rather than dispatch them immediately. I've touched on this already in the sense that I've describe that the local officers had already been dispatched and arrived at the scene very quickly and because of the collapsing timeframe with the incident already ongoing at that time, the decision was that local police officers, with their training, had to attend immediately to protect members of the public and provide a live time update. The nearest ARV was in Edinburgh, it's not like it was five or ten minutes up the road. The nearest ARV set was about 27 miles from Edinburgh to Kirkcaldy, so it would take at least 25 minutes to get there. These vehicles are heavy vehicles but they would get there on a Sunday morning quite quickly. To a degree I'm surmising, because I can't remember what exactly happened, but my thinking about the situation when I reflect on it is that divisional officers were already attending, so they're almost there, I get the update. My reason for contacting the ARVs to make them aware is because I'm wanting them to know that they may be going to this incident as a firearms incident depending on the update of local officers who have to attend as part of mitigating risk to the public. So the ARVs need to switch onto the local Kirkcaldy 1 talk group so they could hear live time what's going on, so it's easier for them to understand what is happening with any live time updates and when it comes to briefing them on the incident, they already have certain key information which makes their briefing prior to deployment more effective.

38. I'm asked if there is an element of twin-track approach in these circumstances. Yes, with the distance to the nearest crew that day, they simply can't be there immediately. Uniformed officers are already on their way to and close to the locus. The hope is that they will provide the necessarily information to enable me to make a decision about whether

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firearms officers should be deployed. Meantime, the ARV units are being prepared for possible deployment. The dog unit has already been deployed and you are looking at all your specialist resources who could be thrown at this to support the local policing officers if required. But because of the collapsing timeframe, there was no time really. The option for me was that we had to take some kind of decisive action because you can't have someone walking the streets with a knife. You've got to protect members of the public, so by doing nothing or not sending officers, you can actually be putting people at further risk of harm or danger. So, if they had gone and they had said, "The male's brandishing a knife at us, he's approaching the vehicle," I would have jumped in, taken charge, taken control of that incident off of local policing supervisors, declared it a firearms incident, given them instructions about where to go, how far to go back, what to report, to report what they see, to block him off physically with their vehicles, shut streets, contain him as best as they could and wait for specialist resources who would be coming, whether that was a dog unit or an ARV or both, it would be the ARV and then I would start to brief them. But then I'm starting to talk about circumstances here that didn't happen, but that would be my way of thinking and progressing an incident. But what happened here was that the local officers have arrived at the scene and not provided an update, which to me, I'm thinking, "Well, they've obviously been able to deal with him." Often an emergency button could be pressed if they were, like, rolling about the ground or some kind of resistance was taking place during an arrest for other officers to attend. Then they come back fairly quickly, but it seems like an eternity, when you're in that control room position and say that they've arrested him or they've restrained him, I can't remember what the words were, but they had him secured. So that's it. So there's no requirement for any specialist resources to be deployed unless a dog unit was going to continue to search for a weapon or something like that that had been discarded, but that would be certainly no requirement for the ARVs.

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39. I'm asked about the decision to stand down firearms involvement. The ARVs were never formally authorised within the immediate timescales of the incident. So, it's really just advising them that there's no need to continue to listen to Kirkcaldy 1. The matter's been resolved by local policing officers. It's not an incident that they are now required to attend in their capacity as firearms officers. That's a police phrase, just "stand down", there's no need for you to attend that, no need for you to continue to monitor it. So it's really saying "Your specialist skills are not required on that incident, so go about your routine normal duties again."

Deployment of other specialist resources

40. Deployment of a dog unit may be made by the controller, or even on the request of local officers and supervisors where appropriate. But it would be the controller that contact that specialist resource and deploy them to an incident. The comms officer in the overview might shout up, like [REDACTED], the person in that position might shout up for a dog handler to see where they were, could they attend, "There's an incident ongoing at Kirkcaldy or a developing incident ongoing at Kirkcaldy can you make your way there." This is information that we know at this time and then they would shout up.

41. I'm asked if it would be appropriate to dispatch a dog unit to an incident with a knife. Yes, because you're looking at any and all possible measures to mitigate risk, to reduce threat, risk and harm to members of the public and any police officers. A dog is trained to deal with a person in possession of a weapon. Dog units are regularly dispatched to disturbances, violent incidents and incidents that may involve someone being reportedly in possession of a knife.. Now we have STO (specially trained officers) who are equipped with tasers, so there's normally one on each response team at least. So now they would go to incidents like that. But that wasn't the case then, and this capability was not in existence at the time of the incident.

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42. I'm asked how many dogs and handlers there were in Police Scotland. I don't know. I don't know how many were in east division either. I would just know how many would have been on duty on that shift at the time. My recollection was that there was one dog handler for the east on that morning. I don't know where they were at the time the incident came in, but we would just shout them up on the radio. The kind of thing that you ask as soon as you come on shift is how many ARVs are on, how many dog handlers are on, how many public order carriers are on, or public order teams are on, how many search teams are on, roads policing sets for any kind of vehicle pursuits. So you're asking at the start of shift, just so you know what resources are in play so you can work out if something happens your plans or your contingencies.

43. I'm asked if a negotiator would that have been considered for this type of incident. Yes, a negotiator is something that would be considered in calls of this kind. A negotiator is on call. So you phone the negotiator co-ordinator and explain the circumstances. They then deploy with their team but this is not an immediate process and can take some time to get a team to a location. So I've had the negotiators out on numerous occasions. But the negotiators take time to come out. They come out really quickly once they are deployed, it feels like an eternity, but they deploy as a unit. What you can have is you can have negotiators over the phone if they are willing to do that to initially start off that conversation. But the negotiator callout takes a bit of time. You know, this set of circumstances and in relation to this incident the reality is negotiations, if any are deemed appropriate are either going to be done by the local officers at the scene who are attending the scene, it's going to be that tactical communication, that negotiation to understand what's gone on, to try and speak to the individual, reason with the individual, or it would be maybe even the sergeant in the control room initially. So if the male in this incident had a mobile phone and we had identified him and knew it was a male called Sheku Bayoh that was in the street with a knife at that time, we would have made efforts to find a number and could phone his mobile phone and say,



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“Look, what’s going on?” Or we could get a negotiator to do this which would be the preferred course of action. But the set of circumstances that day were we didn’t know who the individual was, there was no obvious identity, so you’ve got no way of contacting him. So a negotiation tends to work best when it’s a containment, a contain and negotiate, so it’s like a siege situation, so I’ve used them for that; firearms incidents, where someone’s in a house, that kind of thing. The reality with this is that with the circumstances that we had at the time with the fast moving collapsing timeframe incident, we didn’t have time for a negotiator. The reality is that it’s divisional officers who have to go to the location, use their training and communication skills to, speak to the individual to try and understand what’s happening.

44. I’m asked if would know what specialist resources we would have Scotland-wide in terms of numbers and locations. I would know that by checking the resources on the command and control system. However, were I short of resources I could contact my equivalent in the East or the North and request any other specialist resources if required. But that didn’t really have a relevance to this, I don’t feel.

Airwave Transmissions

45. In the Combined Airwave document³, I see there’s a transmission from Acting Police Sergeant Scott Maxwell at 06.17.22 (page 5): “Control from 411. I want all units to attend that. Bearing in mind officer safety, an ARV and a dog as well.” I wasn’t aware of this transmission. I jumped onto the talk group Kirkcaldy 1 immediately before the transmission I made. It’s not inappropriate for T/PS Maxwell to ask for an ARV by any means, but it’s ultimately my decision in relation to authorisation and deployment of the ARV and not his as I have previously explained. The dog, he can ask for it and control can dispatch one if appropriate. He’s the supervisor on the ground, knows the area, and knows his officers. I’ve read in the earlier transcript of

³ PIRC-01396

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transmissions and see that earlier he calls for all units to attend, so he himself is saying all local policing officers to attend, but he wants a dog. So that's perfectly reasonable for him to be backed up by specialist resources, and to make that call. He also provided his local officers with a reminder of officer safety as they are attending the location. A dog unit and ARVs were being contacted at the time.

46. In the same document, there is a further transmission at 06.19.10 from T/PS Scott Maxwell again saying (page 5): *"Control from 411. Is there any update of ARV or dog units? Over."* At 06.19.16 Control 1 transmits: *"I believe a dog unit is en route."* Then I can see at 06.19.21 a further transmission from Control 2 who says *"411, be aware, organising an ARV as well. Stand by."* This makes sense. I had instructed the Comms Officer in the overview [REDACTED] to get in touch with the ARVs at Fettes, shout them up, tell them to listen to the Kirkcaldy 1 talkgroup because they might be going to that incident. Getting them onto the talk group so they can understand what's happening, and to start preparing. I suspect Control 2 may be [REDACTED] who's making the contact and then saying to the controller and to the people in Kirkcaldy that an ARV is being organised. Organising an ARV is different from actually authorising and deploying an ARV. So, the incident was still sitting with local policing under a local supervisor who are attending, who were at that point almost there, going to check and understand what's happening at the location with the male.

47. I'm asked about the fact that there's no transmissions on the Kirkcaldy 1 talk group between the ARV officers and the control. I don't know how [REDACTED] has got in touch with the ARV units, I can't remember whether she's phoned the mobile of the ARVs because they have a mobile, or whether she's got them on the firearms talk group, I think it used to be Firearms 1 or something like that, so I don't know whether she's shouted up on that or phoned them

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directly. Either way she was in contact with them to make them aware of the developing incident which might require me to deploy them.

48. In terms of how things developed after my stay safe message, I can see from my PIRC statement that I say *"What happened after that was that within a matter of seconds, five or ten, the emergency activation light on my console was activated."* As mentioned, the Combined Airwave document says that my first transmission with the stay safe message was at 06.20.12. The first emergency activation listed is by a PC Alan Paton at 06.20.42. So for the emergency activation to be pressed, my assumption is that they're out the vehicle and they've approached the male and they're dealing with the male, 30 seconds after my transmission.

49. My PIRC statement continues, at page 4, *"At that point I was waiting for the next transmission from the attending officers to assess what was happening. The next transmission that I recall informed me that an officer had been injured and that a male had been secured on the ground. [...] From a firearms perspective, I can confirm that there had been no tactical relocation of any firearms resources. They had been contacted and informed to monitor 'Kirkcaldy 1' in relation to this ongoing incident and almost at that time the divisional officers have arrived at the locus and dealt with the incident. When I became aware that the male was under control and that there were no weapons involved, which was immediately, I made the decision to stand down any firearms involvement as no threat thereafter existed. This all occurred over a very short period of time."* Yes that was my memory of it. Looking at the Combined Airwave document and the timings there, I see PC Alan Smith transmits at 06.21.37, so roughly about a minute and a half after my stay safe message, *"Control Bravo. One officer's been punched to the back of the head. No obvious serious injuries. Male secure on the ground."* From this my understanding was that The male has been arrested, no persons have been seriously injured and during the officer's radio message There is no

Signature of witness..... 

intimation of a knife there or a weapon, having been presented or recovered. I would have expected an update on that to be given the control room. Normally, you would be shouting up for other sets and your sergeant as well to make them aware. So I'm presuming there's no knife for that reason.

Risk Assessment – Further Considerations

50. I am asked if I was responsible for the risk assessment in this situation. So, in the control room I've got responsibilities for making that risk assessment and I make a prioritised risk assessment. But the divisional officers that are attending, they make their own risk assessment as well and the divisional supervisor makes a risk assessment, as does the controller. I mean, everybody's making a risk assessment, but individuals need to make a risk assessment as well. I make the determination of whether or not it becomes a firearms incident and I am responsible for that. So I'm making that particular risk assessment. But in terms of local officers attending, they're responsible for making a risk assessment as well in line with their officer safety training.

51. I'm considering the threat, the risk, what resources are appropriate to deploy in the circumstances of the incident. I'm not controlling what happens on the ground locally unless it becomes a firearms incident, in which case I take charge of the incident in its entirety. But what you have is you've got, your resources, your training and your timescales, they're the three critical things that feature centrally in this particular incident for me. What resources are available, immediately available and can attend to either mitigate the threat that's out there with the male with the knife, what training do they have in terms of dealing with an individual, and we have that through our OST, what protective equipment they have, what communication skills they have and the fact they're given a stay safe warning from the control room and a warning by their own sergeant at the time who is also attending the incident. And then what are the realistic timescales for this?. And the reality with this particular incident was that there's none in terms of the time. The time is a significant

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feature in the whole thing because there's no time, essentially. Local officers are en route about to go off at the scene and we are waiting for some kind of update or feedback on what they're seeing in front of them in terms of threat, risk and harm, which will then inform the next course of action.

52. I'm asked if I'm familiar with regulation 3 of the Management of Health and Safety at Work Regulations 1999. I'm aware of the need for risk assessments and to reduce risk. I'm aware of the Health and Safety at Work Act. My understanding is that the officer safety training the officers receive comes under this.

53. When I'm doing the NDM, you've got initial working strategy and a threat risk assessment, so you're prioritising the people that you think to be at risk and you're taking action to mitigate it. So right at the top of my list would be victims or future victims and then it would be public in the vicinity, because they're next at risk, then it would be unarmed police because they're the next people that are likely to go and encounter this individual, then it would be armed officers, because they would be next because I would be sending them, and then it would be other emergency responders then your subject. I'd start to go into my working strategy would be about arresting him, detaining him, searching him and recovering a weapon, but you're looking at it. So by sending unarmed officers you're thinking, "what is that going to achieve right now? Well, that's going to mean that we can see what's going on, we can take some positive action in terms of being able to try and contain the individual, provide observations, provide initial communication with him or with the control room." And that's protecting any potential victims, members of the public. If appropriate, we would move to putting cordons on, you're having visual containment on the male if he's in a wide open area and you're able to stop members of the public going back and forth.

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54. You can't maximise the safety to the officers; you're minimising the risks that posed to them. So that's them going in with their PPE, with their training, with their communication skills, with a stay safe warning and working to their training and us looking at specialist resources to then go and either take over if the incident is one that they can't deal with. The priority of where the subject is placed in the risk assessment may change, say if the subject sat on the grass and then put the knife to his throat, then he would move up the risk assessment. That's why it changes continually. You spin the NDM model every time there's new information and intelligence coming in, because it might change what your priority is and who your priority is. But the initial information on the subject and his intentions was very limited .. He's walking and seen in possession of a knife. Now, you're making your risk assessment based on what you know, so who's likely to come to harm? The scenarios might be to either somebody he's fallen out with, someone he's chasing, or someone's house he's going to or possibly some kind of domestic incident he's been involved in or possibly some kind of a feud and then it's public who are seeing him in the public area and then the initial police officers that are attending. So you're mitigating risk as best as you can, and maximising safety where possible So by sending unarmed officers I'm maximising the safety of any potential victims because local officers are initially attending to assess the situation, to engage with the male, to try to understanding what's going on, and that might reduce the risk because it might de-escalate the situation straight away or, it might escalate it in terms of his response to the police.

55. The stay safe guidance above all is about staying safe. It's considering safe approaches, safe escape routes, using cover, consider risk and threat, don't necessarily approach if it is too risky. So it is about see, tell and act: where are they now? What are they doing? Where are they going? What are they doing? Are they in possession of any kind of weapon? What is the level of risk? Can unarmed officers deal with the subject, with their PPE,

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communications, back off if required? The tell part is describe the location, the subject, the weapon, the actual threat that's facing them. And the act is you need to update, observe. You need to update the control room, you'll contain if it's suitable or deal with the subject if it's suitable. So that's your see, tell, and act. So that's the kind of thing that would get read out over the talk group by the controller, It is very much go and see, make a dynamic risk assessment as whether you can deal with the individual with the skills and capabilities you have at your current disposal. I'm not telling local officers attending the incident to go and arrest him. It's go and see what is happening and report it back. Don't get out your car or stay 40 metres away if that is the safest thing for you. That's the kind of thing you should be considering. It is about looking after themselves, looking after their colleagues. And because nothing comes back from the local officers to the control room when they arrive, then my assumption on the day was that it must have been safe and appropriate for the local officers at the scene to approach the male and deal with him accordingly.

Terror Threat Levels

56. I'm asked about my awareness of the terror threat levels and the briefings as at May 2015 and whether that was taken into account as part of my assessment of resources to deploy. I can't recall what the terror threat was, but in the control room I would have been aware of the terror threat and the briefings that were going out at that time because that was part of my role. I'm aware of it now. [REDACTED] And it can change at different times. But no: consideration of the resources to deploy were in line with the ongoing incident. I did not view this as a terrorist incident based on the limited information I had at the time and I thought the incident was more likely related to the locality and possibly some of the scenarios/circumstances I have previously mentioned. If the question I am asked is whether I thought this might have been a terrorist incident because

[REDACTED]
Signature of witness.....

there was a black male in possession of a knife in the streets of Kirkcaldy, then the answer is no.

57. I'm asked whether I was aware that the locus was close to a psychiatric hospital. I wasn't because I don't know Kirkcaldy at all and that information wasn't passed or relayed to me at the time of the incident or any time thereafter.

Death of Sheku Bayoh

58. I found out that the male in this incident died later that day when I phoned up the Corporate Comms Department [REDACTED] to speak to the on-call corporate comms officer. Her name was Kate as I recall. I phoned her up to ask about an "if asked" media statement we had drafted in relation to another incident which I cannot now remember, I don't know if it was an accident or missing people or something, and she said, "You just caught me because I'm going out the door to a Gold Group meeting regarding a death in custody." That's my recollection of it. And I said, "Sorry, who's died in custody? Have I missed that?" And then she said it had been the male arrested earlier that morning in the Kirkcaldy incident. I think that was about half-past-twelve when I spoke with her on the phone.

59. I'm asked if I remember speaking with anyone about Sheku Bayoh's death being investigated or about it being a critical incident or anything of that nature. No, I don't. I'm asked if I remember speaking to Superintendent Patrick Campbell that morning. I can't recall that at all. I just know that the division dealt with it. They dealt with it internally. As a control room we would normally be made aware of any updates or significant updates because we collated items for the Chief Constable's incident of note but, a death in custody, they've obviously wanted to deal with it the way they saw fit.

Post Incident Procedures

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60. I'm asked whether when things like this happen, would I normally prepare a statement after an incident of this kind? Post-incident procedure were in place at the time, but it was in relation to firearms only. That's been changed now to death and serious injury as well. So if this was to happen now there should be a post-incident procedure carried out and the people in the control room, including the controller, myself and anybody else who is identified as a key police witness would take part in the subsequent post-incident procedure. But that never happened to my awareness with this incident in 2015. I wouldn't prepare a statement unless it was requested. But I was never asked for a statement. That's not my role to instigate a post incident procedure as a control room inspector. That's an assistant chief constable's call/Head of Professional Standard's call, because the division would link in with the on-call ACC. That would be the local division linking in with the on-call ACC to make him or her aware, speaking to Professional Standards and they would decide that. So that's in place now.

61. So I would expect there to be a post-incident procedure if that incident happened now and I would expect to go and give the three stages of the post-incident procedure. I was trained to be a post-incident manager in the last couple of years. I think the incident was reviewed internally within C3. I'm making that assumption because all our firearms incidents and any other significant incidents involving the control room ,which I imagine this came under, were reviewed to see what the C3 footprint and involvement in it was. C3 is the division, contact, command and control. All the ACRs come under C3 division.

Contact with Other Witnesses

62. I'm asked if I have spoken to any other witnesses in this case or discussed this case with them. I don't know who the witnesses are in this case. I know the people in the overview at the time, the four of us. I know the controller, Scott Masterton. Pat Campbell has been mentioned. I know who Pat

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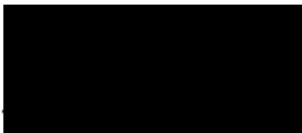
Campbell is within the organisation but I don't know him. I know who Conrad Trickett within the organisation is, but I don't know him. I had to look at the core participant list when I looked at the Inquiry Page on line. I don't know any of the local officers who actually attended the incident. I've not spoken to any of the core participants or other witnesses about the case.

Media

63. I'm asked if I have been following this case on social media or the news. Yes, I have, since I've been contacted by the Inquiry. You can't help but see it on the news. I have looked at the Inquiry YouTube channel just to understand what's going on also. I don't feel it affects my evidence. My role, my involvement in this was over so quickly. I don't know what happened on the ground on the day so that's not going to affect my evidence.

64. 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.

May 9, 2022 | 12:41 PM BST

Date..... Signature of witness.....  ..