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2 **TRANSCRIPT OF THE INQUIRY**

3 Tuesday, 17 May 2022

4 (10.01 am)

5 LORD BRACADALE: Good morning.

6 Ms Grahame, who is the first witness today?

7 MS GRAHAME: The first witness is Alan Pearson.

8 LORD BRACADALE: Good morning, Mr Pearson.

9 A. Good morning.

10 LORD BRACADALE: You're going to be asked questions by

11 Ms Grahame, but before that, I will put you on oath, so

12 would you raise your hand and say the words of the oath.

13 MR ALAN PEARSON (sworn)

14 LORD BRACADALE: Ms Grahame.

15 Questions from MS GRAHAME

16 MS GRAHAME: Good morning, Mr Pearson.

17 A. Good morning.

18 Q. You're Alan Pearson?

1 A. Yes.

2 Q. And the Inquiry have been provided with all of your
3 contact details and such-like?

4 A. Okay.

5 Q. Thank you. I would like to refer you to your statement.

6 You have kindly given the Inquiry a statement and that
7 is SBPI 00085. But you will see a black folder in front
8 of you as well, Mr Pearson?

9 A. Yes.

10 Q. And you will see that there are hard copies, paper
11 copies, in that folder. Now, as well as your Inquiry
12 statement, you should also have a couple of other
13 statements as well in there, so I just wanted to let you
14 know if at any time you want to look at the hard copy,
15 please feel free to do so. They are for your use, if
16 you wish.

17 A. Right.

18 Q. But when I take you through those documents, it will
19 also come up on the screen in front of you.

20 A. Okay.

21 Q. And in fact, you will see now that your witness
22 statement to the Inquiry is on the screen and it says it

1 was taken via the telephone on Tuesday 5 April; is that
2 correct?

3 A. Yes, that's correct.

4 Q. And then would you look, please, at the final page and
5 you will see that paragraph 35 says:

6 "I believe the facts stated in this witness
7 statement are true. I understand that this statement
8 may form part of the evidence before the Inquiry and be
9 published on [our website]."

10 And in fact, you signed all of the pages of that
11 statement.

12 A. Yes.

13 Q. Thank you. And you will see your signature on the hard
14 copy in front of you, but for the purposes of displaying
15 it on the screen, we have redacted your signature.

16 A. Okay.

17 Q. Thanks. Can I take you to Sunday, 3 May 2015, around
18 7.00 in the morning, and your statement has told us that
19 at one point you were in Templehall Avenue in Kirkcaldy?

20 A. Yes.

21 Q. And what I'm going to do is bring up a map on screen so
22 that we can listen to your evidence as we go through,

1 and that's the scene overview please, Ms Wildgoose.

2 Now, just to let you see -- tell you what we see on the
3 screen here, you will see in the -- towards the top
4 left, just below the top, the street Arran Crescent, and
5 then parallel to that is a yellow street,
6 Templehall Avenue?

7 A. Yes.

8 Q. So that's to the left of the screen. And then if you
9 were to travel east on Templehall Avenue you would come
10 to a street called Hendry Road that travels from the top
11 of the screen right down to the bottom.

12 A. Yes.

13 Q. You know this area, don't you?

14 A. Yes.

15 Q. And then the street on the right-hand side of the screen
16 is Hayfield Road?

17 A. Yes.

18 Q. Thank you. So about 7.00 in the morning that day, what
19 were you driving?

20 A. At the time I had a Ford -- a silver Ford Focus.

21 Q. And you were with your wife in the car?

22 A. Yes, that's correct. I was driving her down to her

1 sister-in-law's. They were going out for the day.

2 Q. Her sister-in-law or your sister-in-law?

3 A. Her sister-in-law.

4 Q. Okay. And can you tell me where were you -- we
5 understand your wife drew something to your attention?

6 A. So coming down Hendry Road to the mini-roundabout and
7 then turn right onto Templehall Avenue, the row of
8 houses in front, just below Lochlea Grove -- I think
9 it's called Lochlea Terrace, I actually know the area
10 pretty well because my mum and dad actually stay in that
11 estate, and maybe just after the entrance where
12 Cheviot Road comes up to meet -- I don't know if I could
13 mark it on this -- can I mark it on that?

14 Q. I was going to say, I'm going to take you though this
15 quite slowly if you don't mind.

16 A. Yes.

17 Q. You know the area a lot better than we do.

18 A. Okay.

19 Q. So you were talking about coming down Hendry Road and
20 turning right into Templehall Avenue?

21 A. Yes.

22 Q. And you mentioned a roundabout. Do you want to point

1 that out? You can touch the screen and a red circle
2 will appear.

3 A. Right, so the mini-roundabout is there.

4 Q. Thank you. So you turned right into Templehall Avenue?

5 A. Yes.

6 Q. And then you have mentioned Lochlea Grove?

7 A. Yes, so my parents live in that estate. I think it's
8 called Lochlea Terrace, the houses on the front, it is
9 a different street.

10 Q. Point that out to us, please.

11 A. Can I zoom in or no? Right, okay. So those houses on
12 the front that face onto Templehall Avenue, I'm pretty
13 sure they're called Lochlea Terrace, and it was around
14 about where I have just marked that my wife saw the
15 individual.

16 Q. So that's where the red circle with the number 2 appears
17 on the screen?

18 A. Yes.

19 Q. And at that stage, did you see anything yourself?

20 A. Not at that point. Obviously early in the morning,
21 you know, I'm focused on driving a car and it was my
22 wife that turned and looked. I don't know --

1 Q. What did she see?

2 A. She saw a man walking along the street with what
3 appeared to be a knife in his hand. She then said to me
4 "That guy's got a knife", and I thought: don't be daft,
5 you know, it's 7 o'clock on a Sunday morning, you don't
6 expect anybody to be walking about, but by the time
7 I had turned to look, I had already driven past, so he
8 was behind in my blind spot in the car so I didn't
9 actually see.

10 It wasn't until I dropped Susan off at her
11 sister-in-law's she says "Go back round and have
12 a look", so that's what I did.

13 Q. When you say he was in your blind spot, did you see the
14 man at all?

15 A. I saw someone walking, but, you know, at that stage
16 I didn't see clothing, you just see a person walking,
17 you know. At that time in the morning it's -- I don't
18 even know why she saw it, maybe because she is not
19 paying attention to driving a car or whatever.

20 Q. Tell us where the man was when you saw him?

21 A. So there used to be a row of trees that divided the
22 roadside and the pavement. They're all gone now, they

1 have been taken down sort of -- just right, sorry,
2 in-between where the 2 is marked I would say because it
3 was past the entrance to Cheviot Road because that
4 entrance comes up quite quick after the roundabout.

5 Q. Point out Cheviot Road. I don't see that on the map
6 myself.

7 A. So Cheviot Road is there (indicating) and then it runs
8 all the way to where number 4 is and then joins
9 Templehall Avenue again at the top of the hill.

10 Q. So beside Cheviot Road?

11 A. Yes.

12 Q. The entrance?

13 A. Yes, so ...

14 Q. So he was on the left-hand side of the street as you
15 were driving along Templehall Avenue?

16 A. No, my right. He was on the right-hand side of the
17 street between the trees and the houses.

18 Q. I wonder if you could point out the area where you saw
19 the man.

20 A. So obviously at that point I did see a person -- again,
21 I mean without zooming in, probably where the 2 is
22 marked, you know, you just see somebody walking past and

1 that's it, a quick glimpse and then he is too far back
2 to really see any detail.

3 Q. Where was he at the time you saw him out of the side of
4 your eye?

5 A. How do you mean?

6 Q. Well, you're driving along Templehall Avenue --

7 A. Yes.

8 Q. -- he is on your right-hand side; was he on the road or
9 the pavement?

10 A. No, he was on the pavement. So between -- so the road
11 has a verge, a grass verge and that's where the trees
12 used to be. Then the pavement, then the houses, so --
13 it was an old school, so the brick wall is still there
14 to divide the pavement to the housing estate so, as
15 I say, he was between the wall and the trees, walking
16 along the pavement on my right.

17 Q. And you dropped your wife off?

18 A. So --

19 Q. And then what did you do?

20 A. At the very end of Cheviot Road where it meets
21 Morven Grove at number 5, that's where my wife's
22 sister-in-law stays and she says to me "Go and go back

1 round and have a look". I was like "Right, okay, fine",
2 it was 7 o'clock in the morning. I was going to go
3 straight home anyway, so I turned -- after dropping her
4 off I turned the car, went back along Cheviot Road and
5 then back up Sidlaw. I never ever go, sorry, along the
6 full length of Cheviot Road because the parking is
7 a nightmare, there's cars on both sides of the road so
8 I always go up Sidlaw Street.

9 Q. What I'm going to do is ask you to draw a line, so
10 Ms Wildgoose will change the red circle to a line, and
11 if you drag your finger across the screen, it will draw
12 one.

13 A. Okay.

14 Q. So show us where you went from Cheviot Road.

15 A. So do I just hold it there? Right, so there and then
16 back up and then back along to there and at this point
17 he was nowhere to be seen. I couldn't see him on
18 Templehall Avenue or Hendry Road and you do get quite
19 a good visibility of where the White Heather pub is.

20 Q. Where is the White Heather pub?

21 A. So the White Heather pub is about -- sorry -- about
22 there.

- 1 Q. Thank you.
- 2 A. And another mini-roundabout there at number 10, so at
3 the mini-roundabout at number 1, I then turned right to
4 come back down towards the White Heather pub. I don't
5 know if I can --
- 6 Q. Do you want to draw -- remove that number 11 with the
7 red circle and do you want to draw a line showing your
8 route.
- 9 A. Yes, so from -- so back to the mini-roundabout, so
10 between the two mini-roundabouts, between 1 and 10, and
11 then at the mini-roundabout I then went along
12 Hayfield Road because that's the quickest way back to
13 where I stay.
- 14 Q. So you turned left?
- 15 A. Yes, onto Hayfield Road, and then probably it would be
16 about to there, just past the entrance to the industrial
17 estate at Hayfield Place.
- 18 Q. And tell us what you saw when you got to that area?
- 19 A. So as I was driving along Hayfield Road, I noticed the
20 man on my left on the pavement walking away from me
21 towards the hospital, and as I drove along he then
22 crossed in the road. There was an oncoming car and I'm

1 sure it was a taxi, but I couldn't tell you what taxi
2 firm it was, I don't know what the numbers were on the
3 top of it, and it looked like he was going to flag down
4 a taxi. Right, okay, fine, nothing untoward.

5 I don't know if the taxi came to a full stop or
6 whether he was travelling very slow, but it looked like
7 he then tried to strike the top of the taxi, as if
8 either hitting it or -- you know, almost like the taxi
9 wouldn't stop for him, and then the taxi sped off and
10 that's when he then turned towards and faced me and
11 almost made the gesture as if he couldn't believe that
12 the taxi -- you know, like on a night out if a taxi
13 doesn't stop you sort of go like that (indicating),
14 you know, and put your arms out and then that's when
15 I saw a knife -- so he is facing me, in his right-hand.
16 That's when I stopped the car, thought "Okay, I'm not
17 going any further", reversed back to the entrance of the
18 industrial estate, Hayfield Place -- I don't know if
19 I can ... right, so that entrance at number 13.
20 I reversed the car into the entrance back first, turned
21 and then went back towards the White Heather pub.
22 There was another few cars coming towards me at that

1 point, so I sort of flashed my lights, put my hand out
2 of the window to stop them, and I think it was a guy in
3 the first car and I says "I would turn around, that
4 guy's got a knife", but he wasn't like coming towards
5 the cars, he was just sort of standing there, you know
6 what I mean.

7 It was quite -- it would maybe take somebody
8 20 seconds to run that distance, so it's not like he was
9 in a hurry or anything, and then I just drove off after
10 that, you know, once I had told the first car -- I can't
11 even remember what make/colour it was, so driving back
12 towards Hayfield -- towards the White Heather pub, the
13 mini-roundabout at number 10, I then turned right --

14 Q. I don't like interrupting --

15 A. No, that's fine.

16 Q. -- but if you don't mind, you have given us a lot of
17 information, and what I'm going to do is go through that
18 a little bit more slowly and ask you some further
19 questions, if that's okay.

20 A. No worries.

21 Q. So you have talked about driving into Hayfield Road and
22 you indicated with line 12 that you stopped at the

1 junction with Hayfield Place.

2 A. Yes, just after it.

3 Q. Just after that. And there was a taxi in front of you,
4 you thought.

5 A. Yes, it was coming the other way. It was the only other
6 car on the road, that's why I noticed it.

7 Q. So it was on the other side of the road?

8 A. Yes, travelling back towards the White Heather.

9 Q. And you saw the man?

10 A. Yes.

11 Q. Can you describe what the man was wearing?

12 A. If I remember correctly, a white T-shirt, what looked
13 like quite a tight-fitting T-shirt and blue jeans.

14 That's all I remember. I don't know what kind of shoes
15 he had on or anything like that.

16 Q. Can you describe what height he was?

17 A. Maybe 6-foot.

18 Q. And build?

19 A. Big build. Not fat, but well muscled.

20 Q. And he -- what side of the road was he on?

21 A. So he was on the left-hand side of the road on the
22 pavement and then, as I say, crossed into the centre of

1 the road when the taxi was coming the other way.

2 Q. Where did he hit the taxi?

3 A. I'm sure it was on the roof, like when you lean in to
4 talk to a driver to say where you want to go and that,
5 and it looked as if it was on the roof of the taxi,
6 above the driver's door to me.

7 Q. How did he hit the taxi?

8 A. It looked like his fist, you know, sort of with his fist
9 going down on the roof. That's what it looked like.

10 Q. And you have said the taxi continued driving along --

11 A. Yes.

12 Q. -- the road and the taxi was travelling towards
13 Hendry Road?

14 A. Yes.

15 Q. What did the man do? You have given us a brief
16 description.

17 A. So once the taxi sped off, he probably did what anybody
18 does and turned to face the taxi and to face me --
19 although not looking at me, but when he turned around,
20 as I say, he sort of put his hands out by his side, sort
21 of palms up, but that's when I saw what looked like
22 a knife in his right-hand.

1 Q. Do you see on the desk we have a panel, and I wonder
2 would you mind standing up and demonstrating that
3 gesture so that everyone can see.

4 A. Yes, no worries.

5 Q. Thank you.

6 A. So as the taxi is speeding past he would turn and he
7 sort of went like that (indicating), knife in that hand
8 as he is facing me, so in his right-hand, but that was
9 it. There was no other movement and that's when
10 I stopped my car thinking "Right, okay, no further".

11 Q. Was he still in the middle of the road at that stage?

12 A. He was, yes.

13 Q. You can sit down now, sorry. And would you be able to
14 describe the knife that you saw?

15 A. Well, it looked like a kitchen knife, but it didn't look
16 serrated, so not a bread knife. Maybe -- the only thing
17 I could maybe compare it to in my kitchen is the turkey
18 carving knife you use at Christmas, you know. Quite big
19 in size.

20 Q. What size was it?

21 A. I'm trying to think, maybe 6/7 inches, maybe
22 (indicating), maybe a bit bigger than that.

- 1 Q. Thank you. That looks more than 6/7 inches to me?
- 2 A. Aye, probably a bit bigger.
- 3 Q. So what size was the blade part?
- 4 A. Aye, probably that size, I would say.
- 5 Q. And what size was the handle?
- 6 A. I couldn't really tell from that distance, you know,
- 7 plus when it's gripped in a hand, you wouldn't -- you
- 8 couldn't see the end of it, do you know what I mean?
- 9 You didn't -- it wasn't poking out the other side of his
- 10 hand, you know.
- 11 Q. What colour was the handle, could you tell?
- 12 A. I want to say brown, but I'm not 100% sure.
- 13 Q. Okay.
- 14 A. It wasn't black -- it didn't look plastic anyway.
- 15 Q. I would like to show you something now, please.
- 16 Ms Wildgoose will hand it to you. It is in a plastic
- 17 container. You don't need to take it out. You can just
- 18 look at it through -- and I'm going to ask you
- 19 a question in a moment. You can touch it and in the
- 20 meantime Ms Wildgoose will put a photograph on the
- 21 screen of what's actually contained in that container.
- 22 Do you recognise that?

1 A. Not really. To me that's a different knife, but again,
2 from distance you can't -- I'm not 100% sure.

3 Q. Right, thank you. Ms Wildgoose will take that away.

4 You have described what the man was doing in
5 relation to the taxi. Did you form any impression at
6 that time about his mood, or the way he was acting?

7 A. No, up until the point where I saw the knife in his hand
8 I just thought, "Well, the taxi's not going to stop for
9 this guy, okay, whatever", but obviously with the wife
10 saying "That man's got a knife", it's kind of always in
11 the back of your head, you know, "What's going on here?"
12 and as I say, when he turned to face me and I saw it,
13 that's when I stopped.

14 Q. How were you feeling at that time?

15 A. I don't know, I mean not scared. As I say, it's not as
16 if he was coming towards my car, you know, he was just
17 sort of standing there, but I made a split second
18 decision just to reverse the car away from the incident.

19 Q. Sorry, the screen has gone back. If we can get the map
20 back. I think earlier you said to us that when you
21 reversed along Hayfield Road, you reversed, was it, into
22 Hayfield Place?

1 A. Yes.

2 Q. And then you went back towards the roundabout at
3 Hendry Road?

4 A. Yes.

5 Q. You mentioned earlier that you had spoken to other
6 drivers, another driver. Could you tell us again what
7 you did?

8 A. So when I turned back into the road there was another
9 car coming towards me, so I put my window down, sort of
10 made the gesture to stop, or at least slow down, and
11 then when I got alongside, that's when I said to the
12 driver that -- I actually pointed over my shoulder "That
13 guy's got a knife in his hand", and that was pretty much
14 it as far as I remember.

15 Q. Were you able to see the man at that stage?

16 A. In my rear-view mirror, yes.

17 Q. Where was he?

18 A. So he was -- sorry, in -- not in the centre line but in
19 the centre of the lane.

20 Q. Which lane?

21 A. So I'm ... I'm looking in the mirror. I want to say the
22 right lane.

- 1 Q. Was he behind your car or --
- 2 A. Yes, at that time he was still -- he was behind my car.
- 3 Q. So you're driving towards Hendry Road?
- 4 A. Yes.
- 5 Q. Along Hayfield Road and he is in the lane behind your
- 6 car?
- 7 A. Yes.
- 8 Q. Was he doing -- what was he doing at that time?
- 9 A. Nothing, but, as I say, I only looked in my mirror for
- 10 a split second, you know.
- 11 Q. And the other car that you -- the driver you spoke to,
- 12 what did they do?
- 13 A. As far as I'm aware they turned in the road where they
- 14 were, because it is quite a wide road, you probably
- 15 could make a three-point turn, no problem, but by that
- 16 point I had already driven off, you know, back towards
- 17 the roundabout.
- 18 Q. When you went back towards the roundabout with
- 19 Hendry Road, what did you do?
- 20 A. So I turned right to go back up the hill towards -- so
- 21 there's -- back towards the original mini-roundabout
- 22 that was at number 1.

1 Q. Do you want to point that out on the screen again?

2 A. So back up towards that roundabout and then continued up
3 the road, past the entrance to Hayfield, so past that
4 entrance, and then there's a bus stop around about there
5 (indicating), just at the crest of the hill, and that's
6 where I stopped the car to --

7 Q. What did you do?

8 A. So I phoned 999 at that point.

9 Q. I would like you to listen now to a recording and you
10 will hear it in the room, and at the same time you will
11 have -- you should have in your black folder
12 a transcript in front of you.

13 A. Right.

14 Q. So it's -- the recording is PS404 and the transcript is
15 SBPI -- or perhaps it is -- it may be PIRC 01383.

16 A. That's that one.

17 Q. And you will see that this is a transcript of what
18 you're going to be listening to.

19 A. Okay.

20 Q. So I will ask Ms Wildgoose to just play that through and
21 then I will ask you some questions.

22 (Audio played)

- 1 Thank you. Does that sound familiar?
- 2 A. Yes.
- 3 Q. Is that your voice that we can hear?
- 4 A. It is, yes.
- 5 Q. Speaking to someone from Police Scotland?
- 6 A. Yes.
- 7 Q. And that's the call that you made when you were sitting
- 8 on Hendry Road?
- 9 A. Yes.
- 10 Q. Is the transcript accurate?
- 11 A. I think so. The only thing there was that I never
- 12 actually told the handler the size of the knife at the
- 13 time, so at the bottom of page 2, the call handler says
- 14 "A 9-inch blade", but I never actually said a 9-inch
- 15 blade, I just said a knife.
- 16 Q. So that was information that they provided you?
- 17 A. Yes.
- 18 Q. And that -- you're talking about the call handler's
- 19 reference:
- 20 "Aye, he's got a large knife, a large knife, 9-inch
- 21 blade"?
- 22 A. Yes.

- 1 Q. So that wasn't your information?
- 2 A. No.
- 3 Q. Thank you. And do you see that the -- more than halfway
4 down the first page you're said to say "afoa(?)"?
- 5 A. Aye, but you would spell it like P-H-O-A, you know.
- 6 Q. And then you use the expression:
7 "It's a big coloured guy, quite well built."
- 8 A. Yes.
- 9 Q. And the call handler says "He is coloured". Using that
10 word, do you have any sense of if that's a word that --
- 11 A. Looking back on it, yes, I shouldn't have used that
12 word, I should have just used the term "black man", but
13 at the time it just came out.
- 14 Q. Thank you. Can I ask you now to look at an evidence
15 video timeline, please. What we will do here is I'm
16 going to put something on the screen, but if we can
17 pause it for the moment I'm going to explain to you what
18 you're going to see here.
- 19 A. Yes.
- 20 Q. Now, you will see on the screen in front of you, on the
21 top left-hand side, there's a grey area called "Real
22 time", 7.13.16.

1 A. Yes.

2 Q. And we heard evidence last week that that's the real,
3 actual time.

4 A. Okay.

5 Q. And you will see underneath there that there's two dark
6 red buttons: 101 calls and 999 calls, and at some point
7 you will see one of them light up.

8 A. Okay.

9 Q. And on the bottom left we have dash cam footage that we
10 have heard some evidence about from a car that was in
11 the area, and then in the top right-hand corner is CCTV
12 footage from Gallaghers pub, which we have also heard at
13 one point was called the White Heather.

14 A. Yes.

15 Q. And that footage is from a camera that's fixed on the
16 public house and is looking over to the roundabout and
17 in the distance is Hayfield Road.

18 A. Yes.

19 Q. So the road that you see spanning that, crossing that
20 scene is Hendry Road, the roundabout, then you would --
21 it travels into the distance away is Hayfield Road?

22 A. Yes.

1 Q. I'm going to play some sections of this from what I'm
2 calling phase 1 of this footage, and it will be from
3 7.13.15 or 16, to 7.16.36 so it is quite a short
4 segment. What I will do first of all is just play that
5 in its entirety.

6 While I'm doing that, I wonder if you have
7 a spreadsheet in front of you?

8 A. This one?

9 Q. Yes. And this is a copy for you to use as we go
10 through, Mr Pearson.

11 A. Okay.

12 Q. And you will see at the beginning of that spreadsheet on
13 the left-hand side there's timings given. It says
14 "Video timings", there's a column on the left which
15 gives all the timings?

16 A. Yes.

17 Q. And there's another column, if you go further along,
18 just after halfway, it says "Description of visible
19 events in video".

20 A. Okay.

21 Q. And you will see that there's a brief description given
22 there. As I say, what I will do first of all is just

1 play this footage from the times I have given, so that's
2 7.13.16 to 7.16.36. Thank you very much.

3 (Video played)

4 Thank you. So if we could rewind just to the
5 beginning of that. Did you see at the first footage
6 that -- we have heard evidence that's at
7 Templehall Avenue, the dash cam footage. Did you
8 recognise that street?

9 A. Yes, looking -- that's Hayfield Road looking towards
10 Victoria Hospital.

11 Q. Thank you. And did you recognise the man that you saw
12 in the middle of the road in the first footage?

13 A. Yes, yes.

14 Q. Is that the man you saw?

15 A. Yes.

16 Q. And did we then hear your voice making the 999 call --
17 part of it --

18 A. Yes.

19 Q. -- not complete, as you have just listened to.

20 Then after you had called the police would you tell
21 us where you went after that?

22 A. So I was in the lay-by at the top of the hill on

1 Hendry Road. I maybe sat there for maybe 30 seconds
2 just after the call. I could hear -- I think I remember
3 hearing sirens in the distance, but then I drove back
4 down Hendry Road back towards where the pub is --
5 I don't know why I did it, to be honest. Maybe just
6 to -- sort of if the police needed a point in the right
7 direction, so as I approached the mini-roundabout that
8 is on Templehall Avenue, I continued straight forward to
9 the next mini-roundabout --

10 Q. I will maybe get the map back on the screen at this
11 stage, the scene overview. So you have explained to us
12 that you were quite far up Hendry Road. You turned --

13 A. Yes.

14 Q. -- and came back down Hendry Road. Which roundabout
15 were you talking about there?

16 A. So those two mini-roundabouts, there and there, so the
17 first one as I'm travelling down Hendry Road straight
18 across at the first mini-roundabout and then obviously
19 where the pub is at the second mini-roundabout, that's
20 when I saw -- I don't know if it was a police car or
21 a van, I just remember seeing it coming up the hill and
22 I thought "Right, okay, they're close enough".

- 1 Q. Where's the hill?
- 2 A. So from the roundabout at number 3 where Wilson Avenue
- 3 is, so between 3 and 2 it's quite a -- I wouldn't say
- 4 it's a steep hill, but a hill.
- 5 Q. But it's a hill?
- 6 A. Yes, so the police were coming up on that road -- that's
- 7 still Hendry Road -- between 3 and 2, and by that --
- 8 Q. Where did the police van go?
- 9 A. So it turned at the mini-roundabout onto Hayfield Road.
- 10 Q. So it turned right?
- 11 A. Yes. But I continued straight on.
- 12 Q. And where were you when you saw the police van coming up
- 13 Hendry Road?
- 14 A. If I remember, I think it turned in front of me so
- 15 I wasn't at the roundabout yet, so I was sort of between
- 16 1 and 2 as it turned into Hayfield Road, and then that's
- 17 it, I just kept going straight, "Okay, fine, police are
- 18 on scene, that's it".
- 19 Q. Okay. Do you remember seeing anything of the man?
- 20 A. No. I had a quick glance but I couldn't see anybody at
- 21 that point.
- 22 Q. Can I ask you to look at a PIRC statement, a statement

1 you gave to PIRC. 00067, please. Actually, sorry,
2 Ms Wildgoose, I would like the other one which is 00066.
3 PIRC 00066. This will be -- you will see this on the
4 screen. You will see this is a statement that's been
5 prepared. It has your name on it, Alan Pearson.

6 A. Yes.

7 Q. And if we go down just slightly you will see that the
8 statement was taken on 3 May 2015 at 20.55.

9 A. Yes.

10 Q. So five to 9.00 at night by a DC Miller and a DC Nash at
11 your home?

12 A. Yes, that's correct.

13 Q. Do you remember giving that statement?

14 A. Yes.

15 Q. And were you given the chance to read over it, or was it
16 read to you?

17 A. I think -- I think they read it back. I'm not overly
18 sure.

19 Q. Right. Could you go up a little please, Ms Wildgoose.
20 Sorry, down, so that -- thank you. Were you asked to
21 sign that statement at any time?

22 A. I can't remember.

1 Q. Okay. Would you have been trying your best to tell
2 the police the truth at that time?

3 A. Yes.

4 Q. How would your memory have been then compared to now?

5 A. Fairly fresh in your mind, but at that point, I didn't
6 know that the person had passed away, you know, you just
7 think it's just a police incident, you know, maybe just
8 an arrest and that's it.

9 Q. Could I ask you, Ms Wildgoose, to turn to page 2,
10 please. So this is at the very top of the page, you
11 will see the first word on that page is "This road".

12 A. Mm-hm.

13 Q. And I would like to go down to paragraph 3, please,
14 which is near the bottom of the page and that paragraph
15 starts:

16 "I drove back down towards Gallaghers and seen
17 the police van coming ahead of me and turning onto
18 Hayfield Road."

19 Do you have that?

20 A. Yes.

21 Q. I'm going to read this out if you don't mind:

22 "As I drove through the roundabout I seen the male

1 with the knife walking or standing at the bus stop on
2 the left as you drive along the road. I seen the police
3 van stop at him and both doors opened and that's all
4 I seen. The male with the knife did not brandish it or
5 act in a threatening way on the two occasions I seen
6 him."

7 That's noted in the statement you gave PIRC on
8 3 May, the day this happened. Would that have been the
9 truth?

10 A. To my recollection, yes.

11 Q. Seeing that now, do you remember that?

12 A. I can't say I remember the van stopping, I genuinely
13 can't say I remember seeing the individual at this time.

14 Q. Obviously the Chair is looking at everything that we
15 have for you, Mr Pearson, and we understand it was
16 a while ago, but if what you have said today is
17 different from what you said to PIRC on 3 May 2015,
18 which version do you think the Chair should prefer?

19 A. Probably the one taken on the day it happened.

20 Q. Yes, thanks.

21 Then can I ask for a moment if we could look at the
22 next PIRC statement, which is 00067, and you will see

1 this is another statement given by you and if we can
2 just go down the page slightly, and you will see that
3 was taken on 22 June 2015 at 17.45 by Investigator
4 Ross Stewart in the presence of Trainee Investigator
5 Stuart Taylor and that was also taken at your home
6 address. Do you remember giving that statement the
7 following month?

8 A. I must admit no, I don't.

9 Q. Right. I'm going to ask you to look at a passage in
10 this statement which is on page 3 and Ms Wildgoose will
11 just go through that, and I'm going to read out the
12 first three paragraphs, and then I will ask you some
13 questions:

14 "As I was at the roundabout I got a clear view down
15 Hayfield Road when I saw the same black male walking
16 back towards the direction of Gallaghers pub. That is
17 he was walking towards me. I got a clear view of this
18 male and I cannot say that I saw him in possession of
19 a knife or anything that looked like a knife at this
20 time.

21 "I am certain that I saw this black male holding
22 a knife in his left-hand when I saw him earlier on

1 Hayfield Road but I did not see him with a knife when
2 the police arrived."

3 Do you have any recollection of telling PIRC this
4 when you saw them on 22 June?

5 A. I can't recall. That might have been but I genuinely
6 can't recall anybody coming to the house a month after
7 that.

8 Q. If we were to hear from one of the investigators that
9 they did come to your house on that date, 22 June at
10 that time, and this is the statement that you provided
11 then, have you any reason to think that they wouldn't be
12 correct?

13 A. No, I wouldn't.

14 Q. And on that day, again, were you -- if they come and say
15 you gave them a statement, would you have been trying
16 your best to give your best recollection?

17 A. Yes.

18 Q. Thank you. Do you have any recollection at all today of
19 seeing the man in Hayfield Road that second time?

20 A. Just when he was facing me, when I stopped the car.

21 Q. When you were on Hayfield Road --

22 A. Yes.

1 Q. -- rather than when you were driving down Hendry Road to
2 the roundabout?

3 A. Yes.

4 Q. Right. Could you just give me one moment?

5 A. Yes.

6 MS GRAHAME: Thank you. (Pause).

7 Thank you very much, Mr Pearson, that's been very
8 helpful. Thank you.

9 A. Okay.

10 LORD BRACADALE: Thank you.

11 Are there any applications in respect of this
12 witness? No, thank you.

13 Well, thank you very much, Mr Pearson, that's the
14 end of your evidence. You are now free to go.

15 A. Okay, thanks.

16 LORD BRACADALE: Now, Ms Grahame, who is the next witness?

17 MS GRAHAME: The next witness is Simon Rowe.

18 (Pause).

19 LORD BRACADALE: Good morning, Mr Rowe.

20 A. Good morning.

21 LORD BRACADALE: You're going to be asked questions by
22 Ms Grahame who sits at the end of the table, but before

1 that, I will ask you to take the oath. Would you raise
2 your hand please.

3 MR SIMON ROWE (sworn)

4 LORD BRACADALE: Ms Grahame.

5 Questions from MS GRAHAME

6 MS GRAHAME: Thank you.

7 Good morning.

8 A. Good morning.

9 Q. Good morning, Mr Rowe. We have your name and your
10 contact details in the Inquiry, so I don't need you to
11 say those out loud today.

12 A. No problem.

13 Q. We're going to put in front of you on the screen your
14 Inquiry statement that you have provided to us and
15 Ms Wildgoose will be doing that in a moment, it is
16 SBPI 00018, but as we do that, do you see a black folder
17 in front of you at the moment? There's going to be
18 a hard copy of that in front of you as well, so if you
19 feel at any time you want to refer to your statement, or
20 anything there, you've got the hard copy and you have
21 freedom to refer to it. When I'm going through it,
22 I will tell Ms Wildgoose and she will bring it up on the

1 screen.

2 A. No bother.

3 Q. But you will probably only be able to see the specific
4 passage that I'm interested in.

5 Could we look at -- we see there that the witness
6 statement from yourself was taken on 8 December last
7 year and could we look at the final page, please.

8 Sorry, the final paragraph would be better, thank you.

9 Yes. So this is page 6. You will see paragraph 17 that
10 says:

11 "I believe the facts stated in this witness
12 statement are true. I understand that this statement
13 may form part of the evidence before the Inquiry and be
14 published on the Inquiry's website."

15 And then you will be able to see in the hard copy,
16 and we can see on this copy, that you signed that, but
17 the version on the screen has been redacted, Mr Rowe, so
18 that no one can see your signature.

19 A. No problem.

20 Q. But you accept that that was signed by you?

21 A. Yes, yes.

22 Q. Thank you. And then just below that please, if we can

1 go down slightly, you also provided a map, a satellite
2 view, on 5 April this year with some marks on it. Thank
3 you.

4 Are you happy with your statement?

5 A. Yes.

6 Q. Thank you. Can I ask you about 3 May 2015 and, first of
7 all, Templehall Avenue. I understand you were working
8 as a taxi driver?

9 A. I was, yes.

10 Q. And what were you driving?

11 A. A Ford transit taxi.

12 Q. What colour was that?

13 A. Silver.

14 Q. And it was a quiet morning, I think you said in your
15 statement.

16 A. Yes.

17 Q. Was there much traffic about?

18 A. Very little, very little.

19 Q. And you were at work --

20 A. Yes, yes.

21 Q. -- looking for customers, were you?

22 A. I had started work at 4 o'clock that morning, so I had

1 been sitting up at Templehall, a rank at Templehall, and
2 I'd decided to move along towards the hospital just
3 before 7 o'clock.

4 Q. And I think you described yourself as nosey, but I might
5 say observant?

6 A. Yes.

7 Q. Right. And tell us what you saw in Templehall Avenue?

8 A. As I was driving along Templehall Avenue towards the
9 end, just before I turned off to the left for
10 Alloway Drive, I had seen Mr Bayoh crossing the road at
11 the bottom of Alloway Drive, heading towards the
12 mini-roundabout on Hendry Road.

13 Q. I think what we will do is bring a map up on the screen.
14 I'm using the scene overview. Now, are you able to see
15 Hendry Road goes from north to south in the middle of
16 this map. Templehall Avenue is on the left and you have
17 already circled it, that's excellent.

18 A. It has disappeared.

19 Q. It's disappeared. Press again. So tell us what you
20 have circled?

21 A. That's where I first saw Mr Bayoh, he was crossing the
22 road, just at the bottom of Alloway Drive. I was

1 travelling east along Templehall Avenue.

2 Q. So you were along Templehall Avenue travelling towards
3 Hendry Road?

4 A. Yes, that's correct.

5 Q. And where was Mr Bayoh when you saw him?

6 A. Crossing the road at the bottom of Alloway Drive, just
7 pretty much bang on in the middle of the circle that
8 I have placed.

9 Q. At the junction?

10 A. Yes.

11 Q. When you say crossing the road, what road was he
12 crossing?

13 A. It's hard to explain here because Alloway Drive would
14 come right down to the junction there of
15 Templehall Avenue, but I have noticed that it doesn't
16 actually say Alloway Drive.

17 Q. No, if we follow that white road up we can see it comes
18 to Alloway Drive?

19 A. Yes, it comes to Alloway Drive.

20 Q. So where was he when he was crossing the road? What
21 road was it he was crossing? Was it Templehall Avenue
22 or Alloway Drive?

1 A. No, he was crossing the junction of Alloway Drive, on
2 the pavement.

3 Q. Right, thank you. Describe him for us at that time,
4 please?

5 A. A black gentleman, white T-shirt, dark trousers, jeans,
6 not quite sure what the garments were.

7 Q. What height was he?

8 A. I think I have said in my statement 5'11 to 6-foot.

9 Q. And describe his physique.

10 A. A muscular build; he obviously looked after himself.

11 Q. What was he doing?

12 A. Walking towards Hendry Road mini-roundabout.

13 Q. Was he carrying anything?

14 A. Yes, he was carrying a knife.

15 Q. Describe how he was carrying that?

16 A. In his left hand.

17 Q. And could you hold -- you have gestured with your left
18 hand. Can you hold that up slightly so everyone can
19 see?

20 A. (indicating).

21 Q. Was he holding the handle?

22 A. Yes.

1 Q. When you say he was holding a knife, how -- can you
2 describe for us how he was holding it? You have said he
3 was holding it in his hand?

4 A. As he was walking it was in his left hand, so just with
5 a walking motion.

6 Q. Right. Could you describe the knife for us?

7 A. Large blade. Size-wise I can't remember from my
8 statement if I have given a size or not, but it was
9 a large bladed knife.

10 Q. I wonder if you could look at something for me, please.

11 Ms Wildgoose will hand a plastic container to you. You
12 don't -- you can hold it, you don't need to take
13 anything out, and at the same time she is going to put
14 on the screen a picture of what's inside that container.

15 Do you recognise that item?

16 A. I personally couldn't say if it that was the knife or if
17 it wasn't the knife. All I saw was a large bladed knife
18 so I couldn't say yes or -- I couldn't confirm or deny
19 if that was the knife.

20 Q. Do you remember now the length of the blade that you
21 saw?

22 A. Large. I would have said 6/7 inches.

1 Q. Thank you. What was your impression of the man at that
2 time?

3 A. As I said, Mr Bayoh was walking down the road. He was
4 walking with purpose, I would say. He definitely wasn't
5 strolling, he was -- like he had somewhere to be or
6 somewhere to go is the best way to describe it.

7 Q. What speed were you doing?

8 A. 20 but, as I said, when I -- obviously when you're
9 a taxi driver you're kind of looking for business
10 everywhere so you kind of slow down, so maybe 15 to 20.

11 Q. How far were you from Mr Bayoh?

12 A. In metres maybe 20 metres. From obviously being on the
13 road in my taxi to where Mr Bayoh was on the pavement
14 I would say probably 15 to 20 metres.

15 Q. And then did you pass him?

16 A. Yes.

17 Q. And after you saw him, what is it you did?

18 A. I phoned the police.

19 Q. And why did you call the police?

20 A. Because I -- obviously there was a man walking round the
21 streets with a knife.

22 Q. And do you remember which number you used to call

1 the police?

2 A. I do, actually. I had a bit of a panic and I ended up
3 phoning 101. To this day I don't know why I phoned 101,
4 but I phoned 101. I got the police nonetheless but I'm
5 thinking now 999 would have been -- I think it was
6 because I had seen a police -- I was behind a police van
7 earlier on in the shift and I'd seen the 101 on the back
8 and I think it had kind of maybe just stuck in my head
9 and then the sort of -- the -- at that moment in time it
10 was "Just phone the police".

11 Q. That was at the forefront of your mind?

12 A. Yeah, yeah, yeah.

13 Q. So when you made the call to the police, where were you?

14 A. Just at the end of Templehall Avenue at the
15 mini-roundabout at Hendry Road.

16 Q. Could we have the scene overview back on the screen,
17 please. So again, could you point onto the screen and
18 tell us where you were. So where number 2 is?

19 A. Yes.

20 Q. Did you stop to make the phone call?

21 A. Yes -- no, sorry, my apologies, no, I didn't stop to
22 make the phone call, I was on hands-free, as the taxi

1 had obviously the hands-free capabilities.

2 Q. Thank you. I would like you now to listen to
3 a recording of that call and that's PS 00001, and also
4 to have a transcript in front of you.

5

6 (Audio played)

7 Does that sound familiar to you?

8 A. Yes.

9 Q. Is that your voice?

10 A. That is my voice, yes.

11 Q. And you gave the information to the police that it was
12 a big kitchen knife?

13 A. Mm-hm.

14 Q. And is that the call you then made from your car with
15 the hands-free?

16 A. Yes, that's correct.

17 Q. Could I ask you to look at some evidence video timeline
18 please. I'm going to look at a very short segment of
19 this from phase 1, which is 07.09.20 to -- so that's 9
20 minutes past 7.00 in the morning, 20 seconds to 33
21 seconds. You will see -- before we do that I will just
22 explain to you what we see on the screen. On the

1 left-hand side at the top you will see a grey rectangle
2 which says "Real time" and it is 7.09, at the moment it
3 says 24, that's fine. Then there's some dark red
4 numbers underneath: 101 calls and 999 calls.

5 A. Yes.

6 Q. When a 101 or a 999 call is made you, will see that
7 light up.

8 A. No problem.

9 Q. And then beneath that there is some dash cam footage
10 that we have heard comes from Templehall Avenue that was
11 taken from -- that was fitted to the windscreen of
12 a car. So we will just play that, it's a very short
13 segment, just for a few seconds.

14 (Video played)

15 Thank you. Is that the man that you saw?

16 A. That is, yes.

17 Q. We have heard that's Templehall Avenue. Do you
18 recognise that?

19 A. Yes, yes.

20 Q. Is that far from where you saw Mr Bayoh?

21 A. I saw him probably about 150 metres previous back --
22 further back.

1 Q. When you say further back, do you mean closer to
2 Hendry Road or ...?

3 A. No, closer to the Templehall area, the Templehall shops.

4 Q. Thank you. After you made your call to the police, what
5 did you do?

6 A. I went back to work. I just -- after I had made my
7 phone call I drove along Hendry Road and there's a taxi
8 rank at the health centre at the hospital and I went and
9 parked up there.

10 Q. Did you have conversations with any of your colleagues?

11 A. When I first arrived at the taxi rank there I had picked
12 up a customer very quickly, somebody had come across
13 from the hospital and jumped in the back of the car, so
14 I went and continued to do said job.

15 Q. Where were you when you next saw Mr Bayoh?

16 A. Once I dropped the hire off in Miller Street which is
17 the top end of Kirkcaldy, I had driven along Dunnikier
18 Way to the top end of Hendry Road --

19 Q. I wonder if I could get the map back on the screen, the
20 scene overview and you can point out where -- right.

21 A. Is there any way we can zoom out?

22 Q. There we go.

- 1 A. A little bit more. More yet still.
- 2 Q. It would be absolutely fine if --
- 3 A. Yes, it's going to be a struggle to ... on the top right
- 4 of the screen there, West Gallatown, that was the area,
- 5 towards the top of that area I dropped off.
- 6 Q. So I can see that in the top right. You can put a red
- 7 circle around that.
- 8 A. It is actually a little further up to the right.
- 9 Q. All right, but it is from that general area?
- 10 A. That general area.
- 11 Q. Then can you tell us where you were when you saw the
- 12 man. We can zoom in again if that's easier.
- 13 A. Yes.
- 14 Q. Right. I wonder if we could zoom in, please,
- 15 Ms Wildgoose.
- 16 A. I will have to try and move that now.
- 17 Q. You can move these circles about. If you touch the red
- 18 circle again you can move it round and adjust the
- 19 position.
- 20 So the red circle with the 2 in it is now at the
- 21 junction with Hayfield Road and Hayfield Place?
- 22 A. That's correct.

- 1 Q. Where was the man when you saw him?
- 2 A. He'd just literally past the junction, in-between the
- 3 junction and the cemetery, but quite close after the
- 4 junction of Hayfield Place.
- 5 Q. Could you point out the cemetery please?
- 6 A. The cemetery is the big grey area that you see, so it's
- 7 there (indicating).
- 8 Q. So when you say "Past the junction" you mean ..?
- 9 A. More -- closer to where I have put the number 2 is where
- 10 I saw Mr Bayoh last.
- 11 Q. Can you describe him at that time.
- 12 A. When I saw him for the second time?
- 13 Q. Yes, on the second time.
- 14 A. He was walking back towards Hendry Road.
- 15 Q. What side of the street was he on?
- 16 A. He was on my left, as I was heading east so he was on
- 17 the left-hand side of me.
- 18 Q. So you're on Hayfield Road heading east, that's to the
- 19 right-hand side of the screen, and he is on the other
- 20 side of the road from you?
- 21 A. Yes, left-hand side.
- 22 Q. What direction is he moving in?

- 1 A. Back -- heading back west --
- 2 Q. Towards --
- 3 A. -- along --
- 4 Q. -- Hendry Road?
- 5 A. Yes.
- 6 Q. How far away was he from you at that time?
- 7 A. Under 10 metres.
- 8 Q. Did you notice anything about his demeanour at that
- 9 stage?
- 10 A. No.
- 11 Q. Could you see the knife?
- 12 A. No.
- 13 Q. Were you aware of any other vehicles in the street at
- 14 that time?
- 15 A. There was other vehicles on the road at that time, but
- 16 colours and makes, I couldn't tell you.
- 17 Q. Where did you go after that?
- 18 A. I went back and sat at the taxi rank at Whytemans Brae
- 19 Health Centre.
- 20 Q. And did you have a conversation with one of your
- 21 colleagues there?
- 22 A. Yes.

1 Q. What's his name?

2 A. Andrew O'Connor.

3 Q. And what you were you saying?

4 A. That I had seen a gentleman with a knife walking about
5 the streets.

6 Q. Did you tell him anything about what Mr Bayoh had been
7 doing?

8 A. No, as I said, when I saw Mr Bayoh he was technically
9 just walking.

10 Q. I wonder if you could look please at another statement
11 for me and that's PIRC 00010, and you will see that this
12 is a statement with your name on it, Mr Rowe, and if we
13 can go down the page slightly, you will see it was taken
14 on 4 May 2015 at 19.25, so 25 past 7.00 in the evening,
15 and it was taken by Investigator Kareen Pattenden, at
16 your home.

17 A. Yes.

18 Q. And as well as Ms Pattenden, you were in the presence of
19 DSI Dodd and Mrs Emma Rowe?

20 A. That's correct.

21 Q. And if we can just ask you before we move on, do you
22 remember giving that statement?

1 A. Yes.

2 Q. Do you remember the PIRC investigator and the
3 police officer being in your house?

4 A. Yes.

5 Q. And were you trying your best to tell the truth that
6 day?

7 A. Oh, of course.

8 Q. How was your recollection then on 4 May compared to now?

9 A. You would -- I would like to think that as it was fresh
10 at the time back in 2015, it would be better than seven
11 years later.

12 Q. Thank you. And do you remember on that day if you were
13 given the chance to either read over your statement or
14 to have it read out to you to make sure you were happy
15 with the statement?

16 A. I believe it was read out to me.

17 Q. Right. And were you asked to sign it or confirm that
18 you were happy with the statement?

19 A. That I can't remember.

20 Q. Right. I would like you to -- I think first of all
21 I would like you to look at -- if you could give me
22 a moment. Unfortunately I have not put the number on.

1 Hold on a second, please. Sorry, if you could just give
2 me one moment.

3 (Pause).

4 I have written down "Penultimate paragraph",
5 Ms Wildgoose, so it is probably at the end and if you
6 could go down slightly -- go down the page slightly.

7 This paragraph says:

8 "I then continued on my way to Kirkcaldy
9 Hospital ..."

10 And then the second line says:

11 "I then made my way back along Dunnikier Way and
12 down Hendry Road towards the garage. I did this as
13 I thought maybe he was en route to the garage and
14 I became concerned. I neared the roundabout and made my
15 way down Hayfield Road. As I did this, I observed the
16 same male on the left side of the road in-between
17 Hayfield Place and the bus stop. I could see this male
18 straight on, he was walking up the street towards the
19 bus stop. I did not see any knife in his hands at this
20 time. As I continued past him, a marked police car with
21 sirens on and blue flashing lights passed me.
22 I continued on, parking at the health clinic where

1 I stopped and had a short conversation with
2 Andy O'Connor and minutes later I saw an ambulance with
3 sirens and blue lights pass me."

4 Do you remember saying that to the PIRC
5 investigator?

6 A. Yes.

7 Q. And was that correct?

8 A. Yes.

9 Q. And you mention the bus stop. I wonder if we could go
10 back to the map for a moment and I would like you to
11 point out on Hayfield Road where the bus stop was in
12 2015.

13 A. The bus stop is roughly --

14 Q. So if you could point out the bus stop. If you need to
15 move any of those other circles to do so, please just
16 tell us.

17 A. Roughly there, where I have placed number 4.

18 Q. So you have now repositioned the circle with number 4.

19 A. Yes.

20 Q. And which side of the road was the bus stop on?

21 A. The left side where the green grass area is.

22 Q. Right, so if you were travelling from Hendry Road along

1 Hayfield Road it would be on the left-hand side?

2 A. That's correct.

3 Q. Near the grass area. Then I would like to ask you
4 something else that you mentioned in your statement
5 please, if we could go back to your statement, your
6 Inquiry statement please, and paragraph 13. Thank you,
7 so this is your Inquiry statement, paragraph 13, and you
8 will see that on the screen. You say -- you refer to
9 your PIRC statement and say:

10 "I remember noting that it was raining at this time
11 and he looked to be soaking wet."

12 Describe what the man was wearing on his top half?

13 A. A white T-shirt.

14 Q. What were other people wearing that day?

15 A. I honestly can't remember.

16 Q. Do you remember what the weather was like?

17 A. Overcast, I would have said at the time. I don't
18 remember having my windscreen wipers on at the time, so
19 I don't know if it was actually raining at the time.

20 Q. Do you remember I showed you some footage a moment ago?

21 A. Mm-hm.

22 Q. And we could see windscreen wipers on a vehicle --

1 A. Yes.

2 Q. -- where the dash cam was taken?

3 A. Mm-hm.

4 Q. Did that help you remember what the weather was like at
5 all?

6 A. Yes.

7 Q. How was his clothing compared to other people who were
8 around that day?

9 A. In what way?

10 Q. He was dressed in a T-shirt and jeans; how did that
11 compare to what other people were wearing?

12 A. Well, the customer I had picked up from the health
13 centre at Whytemans Brae had a jacket on.

14 Q. Could we go back to the footage, please. At 7.19.41.
15 Ms Wildgoose will just take a moment to get us to that
16 stage.

17 (Video played)

18 So if you look at -- stop there, please. Stop,
19 please. Did you see that vehicle travelling from
20 Hendry Road, turning into Hayfield Road?

21 A. Yes.

22 Q. Do you recognise that vehicle? Do you want to see that

1 again because that happened quite quickly?

2 A. If you could play it again, it went quite fast.

3 Q. If we could maybe rewind and go back, please. So this
4 is a vehicle travelling from Hendry Road turning into
5 Hayfield Road.

6 (Video played)

7 Pause. Sorry, do you recognise that vehicle?

8 A. Yes, as I say, our old -- I thought we had moved to the
9 new Transit vans but that seems to be one of the old
10 London taxis.

11 Q. When you say "We" --

12 A. As in the company I worked for at the time. I thought
13 we had changed to the newer Ford Transit, but from the
14 picture there that looks like one of the older London
15 taxis, dark grey.

16 Q. Do you actually recognise that vehicle?

17 A. Yes.

18 Q. Who was driving that vehicle?

19 A. I honestly couldn't see who was driving the vehicle.

20 Q. And then can I clarify one thing with you, Mr Rowe. You
21 have described seeing the knife on different occasions,
22 you have mentioned the left hand, you have mentioned the

1 right-hand. When you first saw the man on
2 Templehall Avenue, what hand was the knife in?

3 A. Left, furthest away from me.

4 Q. When you saw the man later, what hand was the knife in?

5 A. I didn't see a knife when I saw him later on.

6 Q. You didn't see a knife then. So it was definitely the
7 left --

8 A. Left hand, yes.

9 Q. -- when you saw him when you were on Templehall Avenue?

10 A. That's correct.

11 MS GRAHAME: Right. Thank you very much. I've got no
12 further questions for you.

13 LORD BRACADALE: Are there any applications in respect of
14 this witness?

15 Thank you, Mr Rowe, that's the end of your evidence.

16 You are now free to go.

17 A. Thank you very much, sir.

18 LORD BRACADALE: Now, Ms Grahame.

19 MS GRAHAME: The next witness will be Linda Limbert.

20 LORD BRACADALE: Perhaps before she gives her evidence we
21 could have a short break then. It is 11.15 now. We
22 will have a 15/20-minute break at this point.

1 (11.17 am)

2 (Short Break)

3 (11.41 am)

4 LORD BRACADALE: Good morning, Ms Limbert. You're going to
5 be asked questions by Ms Grahame, but before that I will
6 ask you to take the affirmation. Would you repeat these
7 words after me.

8 MS LINDA LIMBERT (affirmed)

9 LORD BRACADALE: Ms Grahame.

10 Questions from MS GRAHAME

11 MS GRAHAME: Ms Limbert didn't raise her right-hand, and
12 actually I'm not sure if that's --

13 LORD BRACADALE: It's not the practice to raise the hand
14 when giving an affirmation.

15 MS GRAHAME: Exactly. I'm forgetting. Thank you.

16 Ms Limbert, can I go straight to your statement,
17 please, I think that might be the best place to start.

18 So this is SBPI 00079 and we see there that your name is
19 Linda Limbert and you have provided the Inquiry with
20 a statement on Thursday, 28 April. That was the date
21 that the Inquiry team have noted there; is that right?

22 A. Yes.

1 Q. And can you go down the page slightly, Ms Wildgoose, and
2 we've got all your contact details, they are known to
3 the Inquiry, and you tell us that you are a qualified
4 nurse.

5 A. I am, yes.

6 Q. What is your job?

7 A. Presently I'm -- I work in a minor injury unit at
8 St Andrews one day a week. I retired in November but
9 I have taken on a part-time job one day a week.

10 Q. And in 2015 where were you working?

11 A. I was a staff nurse in the emergency department at the
12 Victoria Hospital in Kirkcaldy.

13 Q. Thank you. I'm going to take you through some of the
14 things that you have already told us in your statement.
15 As I do that, particular paragraphs will come up on the
16 screen in front of you, but I just want to draw to your
17 attention the black folder in front of you and there's
18 hard copies there, so if you prefer to look at a hard
19 copy and see what else is in your statement, please feel
20 free to do so. That's at your disposal.

21 A. Okay.

22 Q. But if I'm going to ask you a specific question, it will

1 come up on the screen and you will be able to see that.

2 A. Yes, that's fine.

3 Q. Am I right in saying that you provided the statement to
4 the Inquiry team in response to some questions that were
5 asked of you?

6 A. Yes.

7 Q. And can I confirm that you -- could we look at the last
8 page, please, Ms Wildgoose. You will see at
9 paragraph 55 it says:

10 "I believe the facts stated in this witness
11 statement are true. I understand that this statement
12 may form part of the evidence before the Inquiry and be
13 published on the Inquiry's website."

14 And although you can't see your signature there on
15 the screen, you will see in the black folder that the
16 copy you have shows your signature.

17 A. Okay.

18 Q. And you signed every page of this statement, haven't
19 you?

20 A. Yes, I have, yes (inaudible).

21 Q. And you signed it on 6 May this year. Right. Thank
22 you.

1 I would like to begin by asking you some questions
2 about your journey to the hospital on 3 May 2015 and you
3 have told us a little bit about that in your statement
4 and that's available for the Chair to consider. How
5 were you travelling to work that day?

6 A. By car.

7 Q. And was that your own car?

8 A. Yes.

9 Q. Can you tell us what colour it was?

10 A. Silver.

11 Q. Silver. And what type, what make, model?

12 A. It's a Peugeot 208.

13 Q. And in paragraphs 9, 10 and 11 of your statement -- and
14 Ms Wildgoose will just bring them up on the screen. We
15 won't see all of them on the screen at once but you can
16 see where we are. You have told us that you saw a black
17 male crossing Hayfield Road?

18 A. That's right, yes.

19 Q. Would you be able to tell the Chair just a little bit
20 about where you were when you first saw that man?

21 A. So you come along Templehall Avenue and turn right to go
22 down the hill, there's a little mini-roundabout and then

1 you turn left to go into Hayfield Road and he was
2 crossing Hayfield Road and was on the road which
3 prevented me from turning left to drive along, so I had
4 stopped my car, more or less on the roundabout, if you
5 like, at that point.

6 Q. I would quite like to look at a map, if you don't mind.

7 A. Yes.

8 Q. So Ms Wildgoose will play a scene overview and just so
9 you can see what's on the screen, going from top to
10 bottom, north to south, is Hendry Road.

11 A. Yes, that's right.

12 Q. You see the yellow line going down, and on the right of
13 that is another yellow line which is Hayfield Road?

14 A. Yes.

15 Q. And that's in the middle of the page, west to east, and
16 so you have told us you were near a mini-roundabout.

17 Can you point out where the mini-roundabout was, just
18 touch the screen?

19 A. Yes, here.

20 Q. So that's at the end of the Hayfield Road at the
21 junction with Hendry Road?

22 A. Yes.

- 1 Q. What direction had you come from?
- 2 A. Down the way.
- 3 Q. Down Hendry Road?
- 4 A. Down Hendry Road, yes.
- 5 Q. And where were you intending to go?
- 6 A. Left along Hayfield Road (inaudible overspeaking).
- 7 Q. And you've mentioned you stopped?
- 8 A. Sorry?
- 9 Q. You mentioned you stopped the car?
- 10 A. I stopped the car just at the roundabout, just before
- 11 I turned -- I couldn't turn left because he was on the
- 12 road.
- 13 Q. What -- why couldn't you stop -- why couldn't you turn
- 14 left into Hayfield Road?
- 15 A. Because the chap was on the road.
- 16 Q. Where on the road?
- 17 A. In the middle of the road. He had crossed from where
- 18 the houses are across the road and was on the road.
- 19 Q. Could you point on the map to where the houses are?
- 20 A. Sure.
- 21 Q. So as you have turned towards Hayfield Road, they were
- 22 on your right?

1 A. They would have been on my right if I had turned onto
2 Hayfield Road, yes.

3 Q. And you say he crossed the road?

4 A. And he crossed from that side to ...

5 Q. Was he in your lane when you turned into Hayfield Road?

6 A. I never turned into Hayfield Road.

7 Q. When you stopped at the roundabout, was he in the
8 left-hand lane as you (inaudible overspeaking) --

9 A. Yes.

10 Q. -- Hayfield Road? Describe the man.

11 A. From what I remember, it was a black male, and
12 I remember he wore a white T-shirt and I think he had
13 dark trousers on. That's all I really remember of what
14 he looked like.

15 Q. What about his height?

16 A. He was -- to be honest, I can't remember that, but he
17 was well built, he was a big, you know ...

18 Q. Did you notice anything else at that point? What was he
19 holding?

20 A. Well, what I thought was a knife in his hand and he
21 started to approach my car and that's when I saw what
22 I said was a knife.

- 1 Q. What hand was the knife in?
- 2 A. From what I remember, I think it was his right-hand.
- 3 Q. And how far were you from him when you saw the knife?
- 4 A. He was almost approaching my car and touching the door
- 5 handle, so I don't know how far that would be, but from
- 6 me to you probably.
- 7 Q. Sorry, I didn't hear that.
- 8 A. From -- you know --
- 9 Q. Between us?
- 10 A. Yes.
- 11 Q. From me to you, did you say?
- 12 A. Yes, I think so.
- 13 Q. Can you describe the knife?
- 14 A. I thought -- I thought I could draw it at the time and
- 15 I drew what I thought I saw. Flat and shiny, is what
- 16 I remember, and large.
- 17 Q. When you say "large", what do you mean?
- 18 A. Well, I thought it was -- I thought it was quite large.
- 19 I think I said -- I think I said it was about
- 20 20 centimetres, but I don't know.
- 21 Q. Thank you. You mentioned the door handle. Tell us
- 22 which door handle you're referring to?

- 1 A. He approached my passenger side of my car.
- 2 Q. Is that the front passenger side?
- 3 A. Aye, my front passenger side, aye.
- 4 Q. Was he as close as the door? Did he get to the door?
- 5 A. He never got to the door, no, because I took off,
- 6 literally. I drove over the -- it's a little white
- 7 mini-roundabout and I drove over that to get --
- 8 Q. How far was he from the door when you drove away?
- 9 A. In my mind, almost touching it.
- 10 Q. How did you feel at that point?
- 11 A. Very frightened.
- 12 Q. Other than approaching the front passenger door, what
- 13 was the man doing?
- 14 A. He was just, like, he was charging at my car with his
- 15 arms flailing about is the only way I could describe it
- 16 anyway.
- 17 Q. Could you explain to the Chair what you mean when he was
- 18 charging?
- 19 A. Running fast and flailing his arms about.
- 20 Q. What do you mean when you say "Flailing his arms about"?
- 21 Could you demonstrate that for the Chair?
- 22 A. Yes, just throwing his arms about like this (indicating)

1 sort of thing. That's the only way I could describe it
2 really.

3 Q. Okay. And did you form any impression at that time as
4 to his mood or his demeanour?

5 A. No, just that he was frightening and I could have --
6 I felt like, you know, I had to get away and that was
7 what I did and then I just drove down a little bit down
8 the road and stopped and phoned the police at that
9 point.

10 Q. So what direction did you go in?

11 A. Back.

12 Q. You said a little bit down the road; what did --

13 A. Back down Hendry Road.

14 Q. So if we look at the map again which remains on the
15 screen, you told us about the roundabout. You had come
16 down Hendry Road, you were at the roundabout before you
17 turned left onto Hayfield Road. Are you saying you're
18 still on Hendry Road?

19 A. Still on Hendry Road. I drove over the mini-roundabout
20 and it's Hendry Road all the way down into the town.

21 Q. What did you do after you drove further down
22 Hendry Road?

1 A. I stopped my car and I looked in my mirror because I was
2 frightened he would follow me, and then I phoned
3 the police at that point.

4 Q. Can you point out on the map where you stopped your car?

5 A. Just at the junction, just before Myrtle Crescent
6 really, just about -- just up before the junction.

7 Q. Just before the junction that we can see with -- is that
8 Myrtle Crescent?

9 A. Yes.

10 Q. Thank you. When you -- before I turn to the call, when
11 you were at the roundabout and you saw the man come
12 towards the front passenger seat, was there anything you
13 did at that point before you drove off?

14 A. The only thing that I did was because I didn't know that
15 I was locked in my car at that point, what I remember is
16 my previous car I have buttons and I just did like that
17 (indicating) to put my buttons down to try to make sure
18 that nobody could get into my car, but that particular
19 car doesn't have that and that was probably why I took
20 off, because I didn't realise I was locked in my car at
21 that point in time.

22 Q. So you're gesturing with your right elbow?

1 A. Yes, I went to just put the button down because my
2 previous car had a button. It was an older car; this
3 was a newer car.

4 Q. Did that button automatically close all the doors --
5 lock --

6 A. Yes, I think -- later on I found that out, yeah.

7 Q. I would like to ask you, after you -- no, before I do
8 that, do you think you would recognise the knife again?

9 A. I don't know.

10 Q. I wonder if you could look at something for me,
11 Ms Wildgoose will hand it to you, it is in a plastic
12 container, and at the same time if we give Ms Wildgoose
13 a moment, she will put a photograph on the screen of
14 what's actually in the container. You can pick it up
15 and touch it. We won't be taking it out. Ms Wildgoose
16 will put a photograph on the screen.

17 Do you recognise that?

18 A. That's similar to what I drew.

19 Q. Thank you. Well, let's look at a handwritten version of
20 a statement which is PIRC 00526, please. You will see
21 that this has your name on the front. It's a statement
22 by PIRC, the Police Investigations and Review

1 Commissioner. Do you see their logo at the top?

2 A. Yes.

3 Q. And it says on the right-hand side "Witness statement",
4 and the names -- personal details given are your name,
5 Linda Limbert. Do you see that?

6 A. Yes.

7 Q. And then if we can look at the final page, page 4, and
8 do we see that it says on the screen:

9 "I have provided this sketch to help with my
10 description of the knife that the man was carrying."

11 A. Yes.

12 Q. And there's a drawing on the left there.

13 A. Yes.

14 Q. Who did the drawing?

15 A. I did the drawing.

16 Q. You did the drawing. And then further down on that page
17 it says:

18 "I wish to confirm to the best of my knowledge that
19 this is a true and accurate statement of my
20 observations."

21 A. Yes.

22 Q. Do you see that? And now what I would like to do is

1 move on to the call and what we're going to do now is
2 play an audio tape which you will hear in this room and
3 at the same time, you should have a transcript in front
4 of you which will be in the black folder and
5 Ms Wildgoose will arrange for that to be done. So the
6 audio tape is PS 00006.

7 (Audio played)

8 Is that the call you made to the police?

9 A. Yes.

10 Q. And was that a 999 call?

11 A. Yes.

12 Q. And is that your voice speaking to an operator from
13 Police Scotland?

14 A. Must be.

15 Q. And you said a moment ago you were on Hendry Road when
16 you made that call?

17 A. (Nods).

18 Q. You're nodding.

19 A. Mm-hm, yes.

20 Q. And during the tape, the audio tape, it says:

21 "Aye, he's a black man, he's got a white coloured
22 T-shirt on and he's carrying a huge big, big knife and

1 he nearly ... [something]."

2 And I wonder, do you remember what it was you were
3 telling the operator at that point?

4 A. Just approaching my car, I think, just trying to get in
5 my car, you know what I mean, that's what he was ...

6 Q. Okay, and when you said to the operator:

7 "Because when I realised what he was trying -- to
8 stop me and I realised what he had in his hand I just
9 drove."

10 And is that what you told the police?

11 A. Yeah, just -- I mean, I just literally drove over that
12 mini-roundabout and -- to get away.

13 Q. Where was the man when you last saw him at that stage?

14 A. At the roundabout really, you know, but there's not much
15 difference -- not much distance I suppose between him
16 crossing the road and being on Hayfield Road and then
17 stepping towards my car. It would just be ...

18 Q. I wonder if I could ask you to watch part of an evidence
19 video timeline, please. Ms Wildgoose will arrange this.

20 There will be something on the screen and I will just
21 explain to you. So you will see in the top left-hand
22 side of the screen that it says "Real time" 7.13, so

1 that's 7.13 on the morning of Sunday 3 May, at
2 49 seconds after the hour. You will see that there's
3 two buttons there, one for 101 calls and one for 999
4 calls, and when a call is made to one of those numbers,
5 it will light up, and then you will see four tiles or
6 windows in front of you on the screen and they will all
7 be playing at the same time.

8 The bottom left is dash cam footage taken on
9 Templehall Avenue from a vehicle that was driving there.

10 The middle bottom is from an iPhone, iPhone footage.

11 LORD BRACADALE: Ms Grahame, is it not Hayfield Road? You
12 said Templehall Avenue.

13 MS GRAHAME: Yes, sorry. Yes, sorry, I'm at the wrong time.

14 Thank you very much. This is at Hayfield Road, sorry.

15 So the bottom left is dash cam footage from
16 a vehicle. You will see in the left-hand bottom there's
17 a -- you can see part of a bus stop on the left. The
18 middle one is iPhone footage. Again, you will see in
19 the middle at the bottom, from the same vehicle. The
20 bottom right-hand footage is from a van and the top
21 right-hand side of the screen is footage from a camera
22 fixed on Gallaghers -- CCTV footage from Gallaghers pub,

1 and you will see in the distance in that footage that
2 there's a roundabout and beyond that, we have heard that
3 that's Hayfield Road.

4 A. Mm-hm.

5 Q. So this is footage from that area, taken at 7.13 and
6 I would ask that part of that be played at this stage to
7 let you see this footage. We will just play that, thank
8 you.

9 (Video played)

10 And if we can pause it there. I'm going to ask
11 Ms Wildgoose to take us on to 7.16. If we could go back
12 slightly, please. So just to show you this screen,
13 that's -- the time has now changed to 7.16 so we have
14 moved further forward. One of the buttons has lit up,
15 the red 999 call button, and you will see footage from
16 the dash cam which we have heard is on Hendry Road
17 outside the Shell garage. You will see the Shell garage
18 on the right of the dash cam. And then on the other
19 side, the right-hand side of the screen, you will see
20 that this Gallaghers CCTV footage has moved down but it
21 is from the same position towards the roundabout leading
22 to Hayfield Road, and if we could play from this time,

1 please. You may hear now, at 7.16.36, the start of the
2 call that you made to the police.

3 (Video played)

4 We can pause it there, thank you.

5 I'm going to ask Ms Wildgoose to rewind prior to
6 7.16, so to about 7.14.30, and what I'm going to do now,
7 Ms Limbert, is ask Ms Wildgoose to play this footage,
8 but to perhaps pause it at certain moments as we go
9 through, and are you comfortable you understand what you
10 see on the screen? Yes, good.

11 A. Fine.

12 Q. So we will start playing that now. You will see the
13 dash cam footage shows the rear of a white van. This is
14 taken on Hayfield Road. You will see in the distance
15 there Gallaghers pub. Do you see that?

16 A. Mm-hm, yeah.

17 Q. And the CCTV footage from Gallaghers pub again shows the
18 roundabout in the distance at Hayfield Road and if we
19 could just play that for a moment, please.

20 (Video played)

21 Can you pause it there, please, Ms Wildgoose. All
22 right. I'm going to explain to you what is on the

1 screen now, Ms Limbert. Do you see that in the
2 Gallaghers CCTV footage -- did you see -- did you see
3 a figure moving towards the roundabout? It may be we
4 will need to go back and play this --

5 A. I think I see something, but I don't see anything ...

6 Q. Okay. I will ask Ms Wildgoose to rewind slightly and
7 you will see the shape of a figure moving from
8 Hayfield Road towards the roundabout and then a vehicle
9 arriving. Now, you may also be assisted by the tile
10 which is in the top centre which will show a blue dot.
11 You will see a blue dot -- do you see that near the
12 roundabout?

13 A. Yes.

14 Q. And we have heard evidence already that this is to
15 signify someone moving in the scene that we can see. So
16 first of all, I would ask you to look at the CCTV
17 footage and you will see movement from Hayfield Road
18 towards the roundabout, and a vehicle, and I want to
19 just play that and then I will ask you some questions.
20 Is that okay? Right, thank you very much, Ms Wildgoose.

21 (Video played)

22 Pause that there, please. Did you have time to see

- 1 that part of the CCTV footage?
- 2 A. Yes.
- 3 Q. And do you recognise what can be seen there?
- 4 A. Yes.
- 5 Q. Tell the Chair, please.
- 6 A. A figure with a white T-shirt on, I think, and a silver
- 7 car driving over the roundabout.
- 8 Q. Whose silver car was that?
- 9 A. That would be mine, I would think, at that time, because
- 10 it was about quarter past 7 when I phoned the police.
- 11 Q. And so the figure we see there moving with the white
- 12 top, is that the man that you saw coming from
- 13 Hayfield Road?
- 14 A. I think so, yes.
- 15 Q. And was that your car that was --
- 16 A. I think so, yes, at that time.
- 17 Q. Thank you. Did your car come to a stop -- when you said
- 18 "Stop", did it stop or did it pause?
- 19 A. I might have -- I mean I slowed down, I couldn't turn.
- 20 I thought I stopped, but it would only be -- it all
- 21 happened in seconds so -- I think I stopped just for
- 22 a second or two seconds. I mean I realised as he was

1 approaching my car I drove off.

2 Q. Thank you. After you called the police, did you go to
3 work?

4 A. Yes.

5 Q. Thank you. When did you arrive at the hospital?

6 A. Five minutes after -- no more than five minutes after
7 I would ...

8 Q. Did you find a different route to get there?

9 A. Yes.

10 Q. And how were you feeling when you arrived?

11 A. Quite shaken.

12 Q. And did you speak to anyone about what had happened?

13 A. I wouldn't know -- I wouldn't remember who, but yeah, my
14 colleagues when I got to work, yeah, when I was on
15 the ...

16 Q. And then I wonder if we could go back to your Inquiry
17 statement, please, and we will look at paragraphs 17 to
18 23. You won't see all of them on the screen, but you
19 will see at paragraph 17 you start talking about the
20 shift that you were on at the hospital.

21 A. Yes.

22 Q. And if we can just pan down slightly from 19, further

1 down the page, go on to the next page, and do we see
2 that you tell us in the statement about Sheku Bayoh's
3 arrival at the hospital?

4 A. Yes.

5 Q. Do you remember how it was he was brought to the
6 hospital?

7 A. In an ambulance, on a stretcher.

8 Q. What was your involvement with him when he arrived?

9 A. Well, I had been allocated to accept an emergency that
10 was coming in, that we knew was coming in for
11 Hayfield Road and ...

12 Q. And what part of the hospital was he treated in?

13 A. In resus, the resuscitation room, he was in cubicle 1.

14 Q. Did you recognise him at that stage?

15 A. When he came in? Yeah. I mean I don't know him, but
16 I recognised him as the guy that I had just seen in the
17 street.

18 Q. At the roundabout?

19 A. Yes.

20 Q. Describe how he was at that time?

21 A. He was unresponsive and he had had ongoing CPR from
22 ambulance and police at the scene.

- 1 Q. Were police present?
- 2 A. Plain clothes police were present I recall, yeah.
- 3 Q. What did they tell you about his condition?
- 4 A. They didn't. It was the paramedic, Alan, that did the
- 5 handover. What exactly he said, I couldn't recall at
- 6 the time until I read my statement and then --
- 7 Q. Is that your original PIRC statement?
- 8 A. Yeah, I think -- I can't remember where it is what
- 9 I said, but it was after I re-read my statement, yeah.
- 10 Q. And when you mentioned the paramedic, was that
- 11 Alan Finlayson?
- 12 A. I think so, yes. I can't remember Alan's second name.
- 13 Q. Can you tell us what your role was in the treatment of
- 14 Sheku Bayoh?
- 15 A. Just involved in the full resus, so helping the doctors
- 16 and taking my turn doing CPR.
- 17 Q. And have you given us details about all of this in the
- 18 statement, paragraphs 24-31?
- 19 A. I think so, yes.
- 20 Q. Do you remember now what information you were given
- 21 about the patient (inaudible overspeaking)?
- 22 A. I would need to read it -- yeah, I would need to read

1 it.

2 Q. Are you --

3 A. Because I did -- I remember that he did have handcuffs
4 on but I didn't remember what they were until I read my
5 statement.

6 Q. Where was he handcuffed?

7 A. His hand -- at the front.

8 Q. To the front?

9 A. On his -- you know.

10 Q. Did you have any discussions about the handcuffs when he
11 arrived at the hospital?

12 A. Not that I -- I wouldn't remember. No, I mean you had
13 to get them off, obviously, so that we could get access.

14 Q. Did the handcuffs interfere in any way with the
15 treatment that was provided at the hospital?

16 A. No, they had to be removed, but I wouldn't say they
17 interfered but for the -- they had to come off.

18 Q. And you have talked about providing CPR and you weren't
19 the only person. Can you tell us a little bit about the
20 CPR that was given at the hospital?

21 A. Just -- well, what do you want me to say? We just do --
22 we do CPR.

- 1 Q. Is it more than one person that was providing --
- 2 A. There's more than one person. There's somebody doing
- 3 chest compressions, there's somebody doing the airway
- 4 until we've got the definitive airway or you know, like,
- 5 intubated him.
- 6 Q. When you say someone doing airway, what does that
- 7 actually mean?
- 8 A. It means somebody has an AMBU bag and a mask and
- 9 attached to oxygen and you do 30 compressions to two
- 10 breaths initially until you have your definitive airway
- 11 and then you can do continuous compressions after that.
- 12 Q. So that's a mask placed over the mouth of the person?
- 13 A. Yes.
- 14 Q. And are you pumping a bag?
- 15 A. Yes, an AMBU bag it's called.
- 16 Q. An AMBU bag. And does that pump oxygen into their
- 17 lungs?
- 18 A. Yes.
- 19 Q. Were you helping with that?
- 20 A. I wasn't involved in airway; it was a doctor that was
- 21 doing the airway.
- 22 Q. But you were doing the CPR?

- 1 A. I helped do CPR at intervals, yes.
- 2 Q. Is CPR when you're compressing someone's chest?
- 3 A. Doing compressions on someone's chest, yes.
- 4 Q. Was there anything about -- we have heard that Mr Bayoh
5 was black; was there anything about the fact he was
6 black that you needed to consider when he arrived at the
7 hospital and was assessed and treated?
- 8 A. Not that I'm aware of.
- 9 Q. We may hear in the future about a condition called
10 sickle cell anaemia; was that something you needed to
11 consider?
- 12 A. It wasn't something that I considered, no, not as
13 a nurse, no. I was just getting on and dealing with his
14 resuscitation.
- 15 Q. So the priority for you was the resuscitation?
- 16 A. Absolutely, yes.
- 17 Q. Was he restrained or held in handcuffs when he arrived
18 at the hospital?
- 19 A. Yes, he had handcuffs on when he arrived, yes.
- 20 Q. How long did he have them on?
- 21 A. Seconds, just as long as it took us to get them off.
- 22 Q. What about any other restraints, to his leg?

- 1 A. I don't recall anything else.
- 2 Q. You have talked in your statement in relation to
- 3 paragraphs 35 to 38 -- you will see the heading of these
- 4 paragraphs is "Respiratory arrest and cardiac arrest".
- 5 Can you explain to the Chair what the difference is?
- 6 A. Just what I wrote. Respiratory is when the patient has
- 7 stopped breathing for a prolonged period of time and
- 8 cardiac arrest when the blood flow stops and the heart
- 9 is no longer working. Is that -- I don't know.
- 10 Q. So is respiratory arrest restricted to the lack of
- 11 breathing?
- 12 A. Yeah.
- 13 Q. But the cardiac arrest is the failure of the blood to
- 14 flow through the system?
- 15 A. Yeah, I would say that's ...
- 16 Q. Can you have one without the other?
- 17 A. Yeah, I think so, yes.
- 18 Q. So you can stop breathing but your blood still flows?
- 19 A. Your heart could still be beating for a little while.
- 20 Q. And what's the purpose of CPR? Is that to keep the
- 21 blood flowing?
- 22 A. Keep the blood flowing and obviously oxygenating the

1 blood as well so it is oxygenated blood that's getting
2 pumped round the body.

3 Q. So the CPR allows the oxygen to go into the body and mix
4 with the blood and move around the body?

5 A. If there's oxygen --

6 Q. Even if the person is not breathing independently?

7 A. Independently.

8 Q. Thank you.

9 A. No bother.

10 Q. How long did you remain with this patient, Mr Bayoh?

11 A. Until life was pronounced extinct.

12 Q. Can I ask you some questions about a machine that was
13 used. Now, this is at paragraphs 42 and 43 and
14 the heading here is "LUCAS machine", is that how you say
15 it, LUCAS?

16 A. Yeah.

17 Q. And you say you would call it a Thumper; is that how
18 it's known in the hospital?

19 A. Yes, I think so.

20 Q. So if we hear people using alternative terms should we
21 understand that's the same thing?

22 A. Fine, yeah.

1 Q. Tell us how -- what you do with this machine?

2 A. It's in two halves and you put one underneath their body
3 and one on top and then there's a piece of it that
4 gets -- presses on your chest wall and it automatically
5 pumps -- so it's a sort of mechanical CPR.

6 Q. Can I ask you to look at paragraph 5, please. I think
7 this may be a typo in my notes. Can we look at the PIRC
8 statement, please, 00018. I'm looking at the wrong
9 statement, Ms Limbert. If you could just give us
10 a moment, Ms Wildgoose will bring that up on the screen.

11 This is the PIRC statement that you mentioned
12 earlier. If we could just go back to the first page for
13 a second, you will see that this was taken on
14 13 May 2015 at 13.45 and if you could go down the page
15 slightly, Ms Wildgoose. You will see it was taken --
16 not that far, sorry. You will see it was taken by
17 a DSI Miles within the A&E department at
18 Victoria Hospital in Kirkcaldy. Do you remember giving
19 this statement to DSI Miles on that date, 13 May?

20 A. I remember I gave a statement at the hospital, yes.

21 I wouldn't know who to but ...

22 Q. Right, thank you. And again, were you asked to confirm

1 that this statement was accurate? Was it maybe read
2 over to you, or were you allowed to read through it?

3 A. Yeah, I think so.

4 Q. Were you asked to sign it or just to confirm that it was
5 correct?

6 A. I can't remember but I think I would have signed it,
7 I think. I can't remember.

8 Q. Thank you.

9 A. I don't --

10 Q. Can we turn to page 2, Ms Wildgoose, please, and
11 paragraph 5. You will see on the screen in front of you
12 that there's a paragraph that begins:

13 "Jackie James was shouting the 2-minute cycle after
14 which adrenaline is administered by a doctor."

15 Do you see that?

16 A. Yes.

17 Q. And it says:

18 "I had held his right arm to get IV access to his
19 right arm but the access only lasted momentarily and
20 then I got IV (intravenous) access to him via his left
21 arm. I honestly do not know where else was tried as
22 everything is happening quickly. We had some problems

1 to get the Thumper machine around his chest so the
2 manual compressions were continuing in-between. On the
3 1st occasion the Thumper was on too low on his chest,
4 and on the 2nd occasion, the clips weren't successfully
5 applied so rather than waste time manual CPR would
6 continue."

7 I would like to ask you first of all do you remember
8 giving that statement at the time to the officer?

9 A. I wouldn't remember anything I said seven years down the
10 line, but that's what I have said, that's ...

11 Q. Thinking back now, do you remember that there were
12 issues with the Thumper machine?

13 A. To be honest, I don't remember, but it's -- it can
14 happen, yes.

15 Q. Can I ask you about the final sentence:

16 "On the first occasion, the Thumper was on too low
17 on his chest ..."

18 Can you tell us where would the Thumper normally be
19 on a person's chest?

20 A. On your chest, like more up here, rather than lower
21 down, so just between your nipples, just in the centre
22 of your chest.

1 Q. Between the nipples and you said it was too low so that
2 would be below the nipple area?

3 A. Yes, I think so, yes.

4 Q. And then on the second occasion on that statement you
5 say the clips weren't successfully applied. Tell us
6 about the clips; what are they?

7 A. Well, it's in two halves so you have to put one part
8 underneath and then one part on top and then you just
9 clip it on really, that's essentially that, so I can't
10 actually remember why they couldn't go on. It may have
11 caught on clothing, it could have been anything,
12 a reason like that, if he has been wearing something and
13 that's maybe not went through properly. I don't know.

14 Q. Do the clips go round the person or onto the clothing?

15 A. No, they're just attached to the machine. The machine
16 is like in two halves and you just clip.

17 Q. So are the halves independent, they're not hinged in any
18 way?

19 A. I think they are hinged, yes.

20 Q. Oh, they are hinged?

21 A. I think they are. Yes, I think so. I can't remember.

22 I have not worked in A&E for that long now so I don't

1 know.

2 Q. But in any event, manual CPR continued at that time?

3 A. Yeah.

4 Q. So did that allow you to continue moving the blood round
5 his system?

6 A. Hopefully, yes, if ...

7 Q. So was it a problem that the Thumper machine was too low
8 and then the clips weren't successfully applied? Was
9 that a problem or was it okay that the CPR continued
10 manually?

11 A. No, it's okay that we can carry on with the CPR but we
12 did get the Thumper on, if I recall rightly, but only at
13 the latter end of the resus, not at the beginning.

14 Q. Oh, right, so that all worked later?

15 A. Yeah.

16 Q. Okay.

17 A. I don't know what else to tell.

18 Q. When he first arrived at the hospital -- I appreciate it
19 was 2015, but now do you remember him having any
20 injuries to his head or his face or his body?

21 A. I don't -- I don't recall anything that I can think of,
22 no.

1 Q. Was there anything that you're aware of that the doctors
2 did that could have caused injuries to Mr Bayoh?

3 A. Doing CPR could cause it, getting IV access can cause
4 like wounds if you like, holes in your arm where you're
5 getting a cannular in so that you can get access to
6 a vein for medications.

7 Q. What sort of injuries could CPR cause?

8 A. Well, you could fracture ribs doing that.

9 Q. What ribs could be fractured with CPR?

10 A. I don't -- I wouldn't honestly know what ribs could be
11 fractured, but obviously that would have to be
12 determined later, but it has been known to fracture ribs
13 and I know I have -- doing CPR, it can happen.

14 Q. We may hear from others about that later. What type of
15 injuries can be caused when you are attempting to gain
16 IV access?

17 A. Bruising, holes where you have used the cannular,
18 I think there was an attempt to get an arterial line in
19 his groin, so there would be a wound there, and then
20 I know there was a wound -- one attempt that I have read
21 from my statement that made access on one arm, but it
22 failed it must have tissue, so we tried access on

1 another arm. So he would have three wounds that I know
2 of anyway.

3 Q. When you are attempting to gain IV access, where on the
4 person's arm are you trying to -- where on Mr Bayoh were
5 you trying to get access?

6 A. Normally in the crease of your elbow, groin if we're
7 trying to get access to an artery, or radius trying to
8 get access to an artery, or they may go in at the neck
9 if they were trying to get access.

10 Q. And in the area of the groin, what area are you
11 referring to?

12 A. Like which side do you mean?

13 Q. Would it be at the front of the body?

14 A. Oh, yeah, at the front, yes.

15 Q. At the front of the body in the groin area?

16 A. Yeah.

17 Q. Do you remember with Mr Bayoh which side?

18 A. As far as I remember I was mostly on his right side
19 I feel when I was in there.

20 Q. So it would have been his right side?

21 A. Yeah, I think it would, yeah, because he would be lying
22 on the trolley, yeah. Yeah, yeah.

1 MS GRAHAME: If you could just give me a moment.

2 Thank you very much, Ms Limbert. That's been very
3 helpful. Thank you.

4 LORD BRACADALE: Are there any applications in respect of
5 this witness? Thank you.

6 Thank you very much, Ms Limbert, for your evidence.

7 You are now free to go.

8 A. Thank you.

9 (Pause).

10 LORD BRACADALE: Ms Grahame, the next witness?

11 MS GRAHAME: The next witness will be Colin Gill and will be
12 taken by my learned junior, Ms Thomson.

13 LORD BRACADALE: Good morning, Mr Gill. You're going to be
14 asked questions by Ms Grahame who sits at the end of the
15 table. Before that I will administer the oath. If you
16 raise your hand, please.

17 MR COLIN GILL (sworn)

18 LORD BRACADALE: Ms Thomson. Sorry, I said Ms Grahame, in
19 fact Ms Thomson is going to ask you questions.

20 A. Thank you.

21 Questions from MS THOMSON

22 MS THOMSON: Thank you, sir.

- 1 What is your full name, please?
- 2 A. My name is Colin Gill.
- 3 Q. How old are you, Mr Gill?
- 4 A. I'm 41 years old.
- 5 Q. I believe that you are an Airwave services coordinator
6 with Police Scotland, is that correct?
- 7 A. That's correct.
- 8 Q. And you're based in Glasgow?
- 9 A. Yes.
- 10 Q. And that your role involves the analysis of use of
11 Airwaves by Police Scotland?
- 12 A. That's part of my role, yes.
- 13 Q. Part of your role. Am I correct to understand that your
14 role is a civilian one?
- 15 A. That's correct.
- 16 Q. So you're not a police constable?
- 17 A. I'm not a serving police officer, no.
- 18 Q. And that you have held this particular position since
19 2014?
- 20 A. That's correct.
- 21 Q. Although you have worked in this area since 2008?
- 22 A. That's also correct, yes.

1 Q. And that you hold a university degree, a bachelor of
2 science in computer science?

3 A. Correct.

4 Q. Mr Gill, there's a black folder in front of you and
5 inside that folder you will find a copy of a statement
6 that you gave to a member of the Inquiry team on
7 18 March 2022. Do you see that there?

8 A. Yes, I see that.

9 Q. If we could have that on the screen, please,
10 Ms Wildgoose, it's SPBI 83.

11 Can I take you, please, to page 17 and paragraph 40.

12 It is the final paragraph on the page and it reads:

13 "I believe the facts stated in this witness
14 statement are true. I understand that this statement
15 may form part of the evidence before the Inquiry and be
16 published on the Inquiry's website."

17 Do you see that?

18 A. Yes.

19 Q. And on the copy before you, do we see your signature at
20 the bottom of the page?

21 A. I do, yes.

22 Q. And the date, 9 May 2022?

- 1 A. (Nods).
- 2 Q. In fact have you signed every page of the statement?
- 3 A. Yes, that's correct.
- 4 Q. Before you did so, Mr Gill, were you given the
- 5 opportunity to read over the statement?
- 6 A. I was, yes.
- 7 Q. And you were happy with it, you didn't make any changes
- 8 to it?
- 9 A. I may have made a couple of amendments to -- this
- 10 particular statement was provided by an audio call.
- 11 I believe in the -- during the transposition of that
- 12 there was a couple of words that were incorrectly
- 13 transposed which I asked to be corrected.
- 14 Q. I see. So any corrections that may have been made to
- 15 the statement were carried out before you signed it?
- 16 A. Correct.
- 17 Q. You didn't need to take your red pen to it, as it were?
- 18 A. No, that's correct.
- 19 Q. All right. Also in front of you should be a copy of
- 20 a statement that you gave to an Investigator Taylor of
- 21 the Police [Investigations] & Review Commissioner on
- 22 14 February 2018.

- 1 A. Yes, I see that.
- 2 Q. Do you have that to hand?
- 3 A. I do, yes.
- 4 Q. It is not my intention to take you to either of those
5 statements, but they are there before you, and if you
6 would find it helpful to refer to them when you're
7 giving your evidence, you're free to do so.
- 8 A. Okay, thank you.
- 9 Q. I want to begin by asking you some questions about
10 police Airwave. Am I right to understand that Airwave
11 is a communications network used by the police and
12 indeed some other emergency services?
- 13 A. Yes, so it's the primary method of communications
14 between police and other emergency services in
15 Great Britain, so Scotland, England and Wales.
- 16 Q. I'm going to ask you some questions about how it works.
17 What equipment would an officer need to make or receive
18 a communication over Airwave?
- 19 A. So every officer is issued with a personal handheld
20 radio. They typically wear that on a carrying device on
21 their shoulder and that Airwave radio is assigned to
22 that officer for the duration of their duties and they

1 can use that for the purposes of making and receiving
2 Airwave calls.

3 Q. Are there also radios within the police vehicles?

4 A. That's correct, yes.

5 Q. Where are they positioned within the vehicle, do you
6 know?

7 A. It does vary on the type of vehicle depending on what
8 space is available within that vehicle, but they're
9 typically placed in the dashboard area of the vehicle
10 where the drivers or the passengers can see which talk
11 group is currently being listened to, which channel of
12 radio is currently broadcasting.

13 Q. Are they fixed rather than handheld?

14 A. They are fixed in vehicles, yes.

15 Q. I'm going to ask you some questions now about the
16 different ways that an officer can use a radio to
17 communicate over Airwave. You mention a number of these
18 different facilities in your statement and I would like
19 to ask you firstly about a group call. What's a group
20 call?

21 A. So a group call is a one to many call where one party of
22 that call can speak at any given time and many people

1 can listen to it, so the speaking party can be an
2 individual officer, it could be a call from a vehicle
3 radio broadcast by that officer, or it could be the
4 control room who broadcast on that particular talk group
5 and, as I say, one person can speak at one time on
6 a group call, so the speaking party will pass their
7 message and multiple people will be able to hear it.

8 Q. So one person speaks and many or multiple individuals
9 receive the transmission?

10 A. That's correct.

11 Q. Who are the multiple or many individuals who receive
12 that transmission? Is that what a talk group is?

13 A. Yes, that's what a talk group is. So when the officers
14 turn their devices on they will move to a particular
15 talk group. Sometimes these are geographically-based,
16 depending on where the officer is working. Sometimes
17 that might be by function for certain specialist
18 officers and the officers will move to -- they will have
19 a selection of talk groups that they use routinely and
20 they will move to the appropriate talk group for that
21 particular duty or area that they're covering and
22 anybody that is affiliated to or listening to that talk

1 group will hear any messages that are passed on that
2 talk group.

3 Q. Are you familiar with the Kirkcaldy 1 talk group?

4 A. So at that point in time, that was the talk group that
5 was used to cover the area of Kirkcaldy.

6 Q. It covered Kirkcaldy; did it cover a wider geographical
7 area than that?

8 A. I don't have that knowledge, I'm afraid.

9 Q. So should we understand that officers working within
10 a team would have a talk group that was common to
11 them --

12 A. That's correct.

13 Q. -- within their particular geographical area. Would you
14 expect their radios, their handheld radios, to be tuned
15 to that particular talk group?

16 A. That's the normal operation, yes.

17 Q. That would allow officers to hear transmissions made by
18 other users of that talk group as well as any
19 transmissions from the control room to that particular
20 talk group?

21 A. That's correct.

22 Q. Are transmissions over talk group monitored by

1 supervising officers?

2 A. They can be. They can be monitored by the shift
3 sergeant or sometimes the inspectors and the control
4 room supervisors can also listen to those talk groups.

5 Q. And can any officer who is tuned into that particular
6 talk group make a group call?

7 A. That's correct.

8 Q. How does an officer make a group call? What would he or
9 she have to do to the radio in order to put out a group
10 call?

11 A. So on the device itself there's a button to the side
12 which is called the push-to-talk button. The officer
13 would press and hold the push-to-talk. When they do
14 that the device issues them a tone, it beeps,
15 effectively, to confirm that the connection has been
16 made and that's their indication to start speaking.
17 When they release the button again the device beeps to
18 indicate that they have released the button and that's
19 the end of their call.

20 Q. Can more than one person speak at the same time?

21 A. Not on a group call. If the talk group is busy when
22 somebody else attempts to press the button they will get

1 basically a warning tone called an IDEs(?) tone,
2 indicating that they can't broadcast because someone
3 else is already broadcasting.

4 Q. If an officer made a call to their talk group out of
5 doors on a windy day, might that affect the audibility
6 of the transmission to those who were listening to it?

7 A. It can do. The environmental factors play a part in
8 what can be heard on the talk group, so wind noise, for
9 example, road noise can affect the quality of the
10 speech, vehicles travelling at speed, the presence of
11 lights -- not so much lights but sirens in the
12 background, again, that kind of noise can be transmitted
13 on the talk group.

14 Q. And if the control room made a call to a talk group and
15 a member of that talk group was outside trying to
16 receive that message on a windy day, again, could the
17 environmental conditions affect the audibility of the
18 transmission?

19 A. Absolutely.

20 Q. You have told us about the group call function. Can you
21 tell the Chair now about point-to-point.

22 A. Yes, so point-to-point is a function where two devices

1 can communicate directly with one another. There is
2 effectively a calling party and a receiving party, so
3 you -- each of the Airwave devices has an individual
4 short subscriber number or an ISSI number which is
5 effectively like a telephone number for that device, but
6 it is 7 digits long. The officers would make
7 a point-to-point call by dialing the ISSI number of
8 another party, so you would dial the ISSI number of the
9 person that you wish to speak to and press the
10 push-to-talk button to activate the point-to-point call.
11 The receiving party then -- their device rings almost
12 like -- again like a mobile phone and they again press
13 the push-to-talk button to answer the call.

14 They can then have a conversation between one
15 another using the push-to-talk at the start of each of
16 their sentences and that call is between those
17 individuals, it's not like a group call, it's not
18 overheard by others on a talk group, so it is an
19 individual call between those two officers.

20 Q. As you say, it's more akin to making a mobile telephone
21 call.

22 A. It's similar.

1 Q. The difference perhaps being that there is still a need
2 to press the push-to-talk button before speaking?

3 A. That's correct, and again, it is a one at a time -- it's
4 not a duplex call, so in a telephony call you can
5 effectively speak at the same time as the other party;
6 within point-to-point, it's not, it's a single call, so
7 again one person presses and speaks and the other
8 listens and then they respond.

9 Q. I see, so there's no scope for people talking over one
10 another.

11 A. No, there's not.

12 Q. It is one at a time. Did I understand correctly that
13 again to make such a call, you would be using the same
14 button, the push-to-talk button before you speak?

15 A. That's correct.

16 Q. And you said these calls were not monitored, so the area
17 control room, for example, wouldn't be able to hear any
18 transmissions made point-to-point?

19 A. The only exception to that is where one of the parties
20 of the call is the area control room, which is also
21 a function that's available to the area control room.

22 Q. Moving on from point-to-point, can you tell me about

1 outgoing and incoming telephone calls?

2 A. Yes, so the devices are capable of making telephone
3 calls. They can make an outbound telephone call to any
4 telephone number. There are some premium service
5 numbers that we restrict for obvious reasons, but the
6 ability to call landline or mobile telephone numbers
7 exists from those devices.

8 The devices can also receive inbound telephone calls
9 from numbers within Police Scotland's network, so they
10 couldn't receive a telephone call from -- directly from
11 a member of the public or from your own mobile phone,
12 but they can receive calls from Police Scotland desk
13 phones, for example.

14 Q. Okay. So incoming calls only from the Police Scotland
15 network, but outgoing calls to any number?

16 A. Correct.

17 Q. Again, are the outgoing and incoming telephony monitored
18 by control room or would they be private calls?

19 A. They would be private calls.

20 Q. You have told us, Mr Gill, about voice communications,
21 so we've got the group call, point-to-point, incoming
22 and outgoing telephone calls. Am I right to understand

1 that the police radios can also be used to send data
2 communications --

3 A. That's correct.

4 Q. -- via Airwave. Can you explain to the Chair please how
5 that works.

6 A. Certainly. There are two primary functions for data.

7 There is the ability for the devices to send a short
8 data code or a status message. Predominantly those are
9 used by officers to provide a very short and quick
10 update as to their status, so they have arrived at
11 scene, or they're marking themselves clear from that
12 particular scene and they do that through pressing and
13 holding a button, a specific button on the device, and
14 that sends a short coded message through to our command
15 and control systems within the control room and those
16 messages can be used to update command and control with
17 the officer's status, without them having to broadcast
18 that they have arrived. They can do that at the touch
19 of a button.

20 The second function is the sending of SDS messages,
21 more akin to text messages, and we predominantly use
22 that for automatic resource location, so the devices are

1 set up to send via SDS message the ARL messages to show
2 the location of the officer's radio at that given time.

3 It uses GPS to capture the data and sends that via
4 a text message to automatic resource location.

5 Q. So that happens automatically --

6 A. It does.

7 Q. -- without an officer having to purposefully update
8 control room as to their whereabouts?

9 A. Correct.

10 Q. And may I take it that the purpose of that is so that
11 the control can map the location of officers --

12 A. That's correct.

13 Q. -- at any given time. So those messages, the status
14 messages and the SDS messages are all received by the
15 control room?

16 A. They are received within -- yes, within systems, yes.

17 Q. Returning to the status messages, are these pre-set
18 codes (inaudible overspeaking) --

19 A. So there's a -- yes, sorry to interrupt, yes, there's
20 a national configuration for status messages. All the
21 devices are programmed in the same manner so that the
22 buttons, they are typically the numbered keypad buttons

1 on the devices, are allocated a specific status message
2 so that officers are familiar with which button does
3 what status.

4 Q. So you gave the example earlier of arrival at scene, so
5 that might be, for example, that a particular numerical
6 button corresponds to "Arrival at scene"?

7 A. Yes, that's button 1 in the circumstances.

8 Q. Can you give other examples of what the status messages
9 are?

10 A. Yes, so we use button 4 for "clear", which means they
11 are available to be moved on to other duties. Button 8
12 is typically for refreshment. They're the predominant
13 ones that are used.

14 Q. I want to move on now to ask you about the emergency
15 activation button and I want to ask you questions about
16 what happens after that button has been activated.

17 Do the area control room know if an officer has
18 activated their emergency button?

19 A. Absolutely.

20 Q. How do they know?

21 A. When the officer presses the emergency activation button
22 it sends a message, it sends a status message, an

1 emergency activation status to the control room which
2 would automatically update command and control where the
3 officer is assigned to an incident. That incident is
4 automatically upgraded to a priority incident by the
5 presence of the emergency activation status coming
6 through.

7 Where they are not assigned to an incident it
8 automatically creates one for that officer, as an urgent
9 assistance incident where the officer requires urgent
10 assistance. That happens automatically at the press of
11 that button.

12 The devices are also configured to open up the
13 microphone of the device on the talk group that they are
14 affiliated to and it starts to automatically broadcast
15 without the officer having to push the press-to-talk
16 button and it does that for periods of time.

17 Q. So it becomes hands-free --

18 A. Yes.

19 Q. -- essentially. I will ask you more about that in just
20 a moment.

21 You have explained how the area control room come to
22 know when an officer has pressed the emergency

1 activation button. What about other officers in the
2 same talk group; would they know that it happened?

3 A. They get similar signalling, so the devices that are on
4 the same talk group will receive an audible tone. Their
5 screens typically turn a kind of red colour to indicate
6 that there's an emergency activation ongoing and the
7 devices themselves vibrate to indicate that there is an
8 emergency activation ongoing.

9 Q. Does this happen both on a handheld set and also on the
10 vehicle sets?

11 A. It does.

12 Q. You explained that after the button has been activated,
13 it allows the person who has pressed the button to
14 broadcast on the Airwave for a period of time, I believe
15 it to be around 10 seconds; is that correct?

16 A. That's correct.

17 Q. And that's referred to in your statements as a hot mic?

18 A. That's correct, yes.

19 Q. So that allows an officer to speak, the Airwave is his
20 or hers; what would happen if somebody else tried to
21 make a transmission during that 10-second period?

22 A. The only person that can override the 10 seconds of hot

1 mic, as it were, is the control room, so the control
2 room maintain the ability to override at all times and
3 that's to allow coordination of resources. They have
4 the ability effectively to cut off the 10 seconds of
5 hot mic and sometimes that can be done inadvertently
6 where the controller instinctively reacts to the
7 emergency activation and presses their button to seek --
8 to assure that the officer is okay.

9 Where another officer attempted to broadcast during
10 the emergency activation if the hot mic is open they
11 will get the call denied tone, indicating that the talk
12 group is in use and that they need to wait.

13 Q. And at the end of that 10-second period, the Airwave
14 returns to normal, as it were, and anyone could make
15 a transmission?

16 A. The functionality is restored. Until the actual
17 emergency activation is cleared by the device that
18 started it, all of the activity that happens thereafter
19 is classed as an emergency activation and effectively
20 the calls within that period of time whilst the talk
21 group is still in its emergency state will be recorded
22 as part of the emergency activation until the officer

1 clears it on their device.

2 Q. How would an officer clear it on his or her device?

3 A. So on the -- as you will look at the device, the screen
4 on the right-hand side under beneath the screen of the
5 device there's a soft key which would display "Exit" and
6 they press and hold that button to cancel the emergency
7 activation.

8 Q. Do the control room have the facility to clear the
9 emergency status?

10 A. They have the ability to acknowledge it, but they can't
11 clear it from the device, so the officer that started
12 the emergency activation must clear it from their
13 device.

14 Q. Can I ask you to look at a photograph of a handheld
15 radio set.

16 A. Sure.

17 Q. This is PIRC 01176. This is a police radio. Is this
18 familiar to you?

19 A. Yes, absolutely.

20 Q. I wonder if you can help us to understand the different
21 parts to it. I think we can see a screen on the front,
22 that's probably quite obvious, but you will find,

1 Mr Gill, if you press the screen a little circle will
2 appear and that will perhaps allow you to point
3 different things out to us.

4 A. Sure.

5 Q. So just for the avoidance of doubt if you could perhaps
6 point to the screen so we can all be clear as to the
7 location of the screen.

8 A. Sure.

9 Q. And this is the screen that you have explained that
10 during an emergency activation by another radio within
11 the same talk group will turn red?

12 A. That's correct.

13 Q. And there will be flashing, is that right?

14 A. The -- the screen itself will go red. It doesn't -- the
15 screen doesn't flash but it will illuminate in a red
16 colour as opposed to -- it's normally a kind of blue
17 colour.

18 Q. Sorry, I misunderstood. I think you perhaps said it
19 vibrates?

20 A. It vibrates, yes, it does.

21 Q. All right, that's my mistake.

22 So that's the screen. We have heard much about the

- 1 push-to-talk button. Where is that?
- 2 A. So that's this button here (indicating).
- 3 Q. That's the button you have explained would be used both
- 4 for group calls and for point-to-point and am I right to
- 5 understand that the only time that an officer would not
- 6 need to have their finger or thumb on that button during
- 7 a group call would be after they have activated the
- 8 emergency button?
- 9 A. That's correct.
- 10 Q. When they have this hands-free hot mic period for about
- 11 10 seconds?
- 12 A. Yes.
- 13 Q. Do we see the emergency button on this radio?
- 14 A. It's just slightly out of view. It's actually -- it's
- 15 on the top of the device, in-between the rotary dial
- 16 that you will see there and the antenna itself. It is
- 17 located on the top of the device and is orange in
- 18 colour.
- 19 Q. The rotary dial, is that just beneath the circle with
- 20 three --
- 21 A. That's correct, just beneath circle 3.
- 22 Q. What's the purpose of that?

1 A. It allows for volume adjustment, so it turns the radio
2 volume up and down.

3 Q. You mentioned there being a button that would clear the
4 emergency status of a telephone.

5 A. That's correct.

6 Q. Sorry, of a radio. Where do we see that?

7 A. That's that button there. (indicating).

8 Q. I think those were the main ones that you spoke about in
9 your evidence but are there any other buttons that are
10 of significance that perhaps I haven't drawn your
11 attention to?

12 A. The only other difference is around about the use of
13 telephony. When dialing a telephony call, it is more
14 like a mobile phone where the officer dials the full
15 telephone number and then they would press the green key
16 to dial the call and then again, the red key there to
17 end that call, and then the keypads display the
18 numerical buttons 1 through 9 are for the sending of
19 messages and other functions.

20 Q. Thank you. We can take that down, Ms Wildgoose, thank
21 you.

22 Finally, I would like to ask you just a few

1 questions about the recording of voice communications.
2 You have explained that both voice communications and
3 data communications can be made over Airwave. As far as
4 the voice communications are concerned, are they
5 recorded?

6 A. There's two sources of recording of Airwave activity.
7 We have a functionality called bulk recording which --
8 a service that we procure from Airwave which allows us
9 to maintain clean recording of particular talk groups
10 and by "clean" what I mean by that is that it monitors
11 the talk group and records absolutely all traffic that
12 it hears on that talk group, and then we have a second
13 source of recording, which is the operator workstation
14 recording within the control room and that will record
15 all the voice activity that they are involved in.

16 The controllers will multi-task, they will have
17 multiple talk groups potentially on screen at any time.
18 They can also receive inbound calls and sometimes the
19 audio can be slightly confusing as to what is being
20 listened to if all of that is happening at the one time,
21 and so we use bulk recording to be able to strip out the
22 talk groups and be able to listen to them cleanly to

1 give us an indication of what the officers on the ground
2 heard. They don't have that ability to multi-task and
3 to have multiple streams of audio coming in; they only
4 have the one talk group that they're listening to, so
5 that's where we use bulk recording to provide that clean
6 kind of evidential copy of audio recording.

7 Q. I see, so you could, for example, strip out everything
8 other than the transmissions made to, let's say, the
9 Kirkcaldy 1 talk group --

10 A. That's correct.

11 Q. -- on 3 May 2015?

12 A. Yes.

13 Q. So that would give you a recording of those Airwave
14 transmissions, the voice transmissions, and would strip
15 out everything else that might have been going on in the
16 control room at that time?

17 A. Correct.

18 Q. You said earlier that point-to-point calls between two
19 officers wouldn't be recorded, but if a point-to-point
20 call was to or from someone in the control room, that
21 would be recorded?

22 A. Yes, that would be recorded in that second source that

1 I described, the workstation recording. There would be
2 an audio recording of that call from the control room.

3 Q. Is that because you record every voice transmission made
4 by an individual within the control room?

5 A. That's correct.

6 Q. So it matters not whether they are making a group call
7 or a point-to-point, or whether they make an outgoing
8 call or they receive an incoming call, that will be
9 recorded?

10 A. That will be recorded in the control room, yes.

11 Q. So it would only be private calls between two officers,
12 point-to-point, or regular telephony that wouldn't be
13 recorded?

14 A. That's correct.

15 Q. So we should understand then that any group calls over
16 a talk group will be recorded in the manner that you
17 have described, and for the avoidance of doubt, would
18 that also include any emergency transmissions made after
19 activating the emergency button?

20 A. That's correct.

21 Q. Earlier in your evidence when I first asked you about
22 the handheld sets you made a gesture and you patted your

1 shoulder to indicate where they are located --

2 A. Yes.

3 Q. -- on an officer's uniform. Can you elaborate on that,
4 please?

5 A. Yes, so the devices are fitted with some form of
6 shoulder attachment device and effectively the officer
7 has a clip on -- on their uniform. It's typically in
8 the shoulder area, sometimes it is slightly further down
9 on their chest, and that allows the radio to effectively
10 dock onto their uniform so that they don't need to hold
11 it in their hands.

12 MS THOMSON: I have no further questions for you. Thank you
13 for your time.

14 LORD BRACADALE: Are there any applications in respect of
15 this witness?

16 Well, thank you very much, Mr Gill, for coming and
17 giving evidence. You are now free to go.

18 A. Thank you.

19 LORD BRACADALE: Before we stop for lunch I want to stress
20 to legal representatives the importance of complying
21 with the timetable for making Rule 9 applications. The
22 timetable requires sufficient time for the Inquiry

1 solicitors to process the applications, for Counsel to
2 the Inquiry to consider and respond to them, and where
3 the legal representative, having received the response
4 of Counsel to the Inquiry, wishes the application to be
5 placed before me, then I require sufficient time to
6 consider it and, if necessary, to consult with the
7 Assessors and then issue a decision and in addition, if
8 any additional documentary productions are required, the
9 evidence manager requires sufficient time to include
10 documents in the day's bundle.

11 So it is important to comply with the timescale and
12 I'm sure you will all bear that in mind. So thank you
13 very much.

14 We will sit again at 2 o'clock.

15 (1.00 pm)

16 (The luncheon adjournment)

17 (2.01 pm)

18 LORD BRACADALE: Now, Ms Grahame, the next witness?

19 MS GRAHAME: The first witness this afternoon will be

20 Kara Ferrier and she will be taken by my learned junior

21 Ms Thomson.

22 LORD BRACADALE: Before you are asked questions, Ms Ferrier,

1 would you say the words of the affirmation after me.

2 PC KARA FERRIER (affirmed)

3 LORD BRACADALE: Ms Thomson.

4 Questions from MS THOMSON

5 MS THOMSON: Thank you. What is your full name, please?

6 A. Kara Louise Ferrier.

7 Q. Is that Constable Ferrier?

8 A. Yes.

9 Q. May I ask your age?

10 A. I am 48.

11 Q. And how many years' police service do you have?

12 A. 25.

13 Q. Constable Ferrier, in front of you there is a black
14 folder and within it you will find a statement that you
15 gave to a member of the Inquiry team on 28 February of
16 this year.

17 I wonder, Ms Wildgoose, if we could put that up on
18 the screen, it is SBPI 33 and if we might turn to page 6
19 and paragraph 31. What we see on the screen, constable,
20 is a copy of the statement that is before you in hard
21 copy and you will see that at paragraph 31 it reads:

22 "I believe the facts stated in this witness

1 statement are true. I understand that this statement
2 may form part of the evidence before the Inquiry and be
3 published on the Inquiry's website."

4 Do you see that?

5 A. Yes.

6 Q. And on the hard copy before you, do we see your
7 signature at the bottom of the page?

8 A. Yes.

9 Q. It has been redacted on the version that we see on the
10 screen, but you've got the signature on the hard copy in
11 front of you?

12 A. That's correct.

13 Q. In fact, have you signed every page of that statement?

14 A. I have.

15 Q. Do we see that the date of the statement bears to be
16 4 December 2022, which I think must be a mistake?

17 A. Yes. Is it possibly 12 April 2022 when this statement
18 was sent to me to be signed?

19 Q. It could well be. It was certainly given, or the
20 process of preparing the statement began at the end
21 of February, so that's possible. I don't think it
22 matters, but are you satisfied you've got the hard copy

1 in front of you, that's your statement --

2 A. Yes.

3 Q. -- that's your signature --

4 A. Yes.

5 Q. -- even if the date is perhaps wrong.

6 Did you have the opportunity to read over it before
7 you signed it?

8 A. Yes.

9 Q. And you're happy with the content of the statement?

10 A. Yes.

11 Q. Constable, you should also have in front of you an
12 operational statement that you prepared yourself on
13 28 July 2015. Do you see that?

14 A. Yes.

15 Q. We don't need to put that up on the screen but can
16 I simply make you aware that both of those statements
17 are available to you, they're evidence before the
18 Inquiry and if you would find it helpful to refer to
19 them when you're giving your evidence, you're free to do
20 so.

21 A. Okay.

22 Q. Can you cast your mind back to 2015. You were then,

1 I believe, a detective constable with the major
2 investigations team?

3 A. That's correct.

4 Q. Based at Kirkcaldy police office?

5 A. Mm-hm.

6 Q. At that time am I right to understand that you held the
7 role of intelligence officer?

8 A. That's correct.

9 Q. What did that role involve?

10 A. Interrogating and researching the police systems.

11 Q. Now in your operational statement -- I won't take you to
12 this but in your operational statement, you say that on
13 28 July of 2015 you were asked to research published
14 briefings on the Police Scotland intranet and the
15 Scottish Intelligence Database relating to threats to UK
16 police officers?

17 A. Yes.

18 Q. In your Inquiry statement you explain that you don't
19 actually remember being asked to do that.

20 A. No.

21 Q. But that your operational statement is true and
22 accurate.

1 A. Yes.

2 Q. You go on to explain that you researched police systems,
3 day in, day out, and so it could be hard to remember the
4 specifics?

5 A. Yes.

6 Q. In your operational statement you say that during your
7 research you found a message published on
8 16 January 2015 from Detective Chief Constable Iain
9 Livingstone entitled "Police personnel threat level
10 increased to severe". Do you recall that?

11 A. Yes.

12 Q. Can I ask Ms Wildgoose that we put PS 01314 on the
13 screen. Is this the message from 16 January 2015 from
14 DCC Iain Livingstone that you found and that you refer
15 to in your operational statement and your Inquiry
16 statement?

17 A. Yes.

18 Q. Do we see the top line of the briefing reads
19 "Police Scotland", then there's an arrow, "News", and
20 another arrow, "Police personnel threat level increase
21 to severe"?

22 A. Mm-hm.

1 Q. Can you assist the Chair by advising where you found
2 this briefing?

3 A. This was on the Police Scotland intranet.

4 Q. Who would have access to the Police Scotland intranet?

5 A. All employees of Police Scotland.

6 Q. Police officers and civilian staff?

7 A. Mm-hm.

8 Q. So all police constables serving as constables within
9 Police Scotland at the time that this briefing was
10 issued would have had access to it --

11 A. Yes.

12 Q. -- via the intranet.

13 Do we see that the heading is "Police personnel
14 threat level increase to severe."

15 A. Yes.

16 Q. And the briefing is dated 16 January 2015?

17 A. Mm-hm.

18 Q. It's in relatively short compass, constable. Can I ask
19 you to read the briefing out?

20 A. Mm-hm:

21 "The terror threat level specific to police
22 personnel working in the UK has increased to severe.

1 This means that an attack on Police Service personnel is
2 highly likely.

3 "In a message to all Police Scotland officers and
4 staff, Deputy Chief Constable Iain Livingstone said it
5 was imperative that all personnel familiarise themselves
6 with safety advice and adhere to those measures.

7 "Further detailed guidance and advice has been
8 published to minimise risk and mitigate potential
9 threats. He said 'the threat level regarding personnel
10 who work from the Police Service in the UK has increased
11 from substantial to severe. This means that an attack
12 focused on the Police Service is assessed as highly
13 likely. The overall threat level to the UK from
14 international terrorism remains at severe. The purpose
15 of this message is to raise awareness of the threat
16 level increase but also of the precautions all personnel
17 must take to keep themselves and colleagues safe. There
18 is no intelligence to suggest a specific or direct
19 threat to Police Scotland personnel. Our officers and
20 staff are used to confronting risk and danger and are
21 well trained in how to protect themselves and the
22 public. However, I wish to remind all officers and

1 staff in the strongest possible terms that they should
2 take sensible and proportionate steps in relation to
3 their own personal safety and maintain a heightened
4 awareness of safety of all colleagues.'

5 "A further aide memoire, 'Terrorism: a safe
6 response' is also available and should be read by all
7 officers and staff."

8 Q. Thank you. We can take that away the screen now, thank
9 you, Ms Wildgoose. In your operational statement and
10 your Inquiry statements you refer to another briefing
11 that you found during the course of your research,
12 a "Stay Safe" message published on 19 February 2015. Do
13 you recall that?

14 A. Mm-hm.

15 Q. I wonder if we can bring that up on screen, please. It
16 is PS 09749. We see that this briefing is entitled
17 "Stay Safe - message from Assistant Chief Constable
18 Ruaraidh Nicholson", and it is dated 19 February 2015.
19 Is this the second message that you found during the
20 course of your research?

21 A. Yes. Can you scroll up -- yes, that's it.

22 Q. And this is the message referred to in your statement?

1 A. Yes.

2 Q. You say in your statement that again this was located on
3 the Police Scotland intranet, is that correct?

4 A. Yes.

5 Q. And so again would have been available to all serving
6 officers and civilian staff. Can I ask you simply to
7 read the first three paragraphs.

8 A. Okay:

9 "As you are aware, the threat level to the UK from
10 international terrorism remains at 'severe' and more
11 specifically the threat level to the Police Service
12 sector has also been raised to 'severe'. This means an
13 attack is highly likely, although it is uncertain what
14 form it may take. We have witnessed the recent attacks
15 in Copenhagen, Paris, Australia and Canada and we can
16 clearly recall the murder of Fusilier Lee Rigby on the
17 streets of Woolwich.

18 "Intelligence suggests that the current threat comes
19 from an opportunistic attack by self-organised Islamist
20 extremist groups or individuals."

21 Q. Thank you. So we see that this briefing, issued about
22 a month after the previous briefing that we looked at

1 a few moments ago, seeks to remind staff about the
2 increase in the threat level and it references recent
3 events across the world related to terrorism, is that
4 correct?

5 A. Correct.

6 Q. Both of these briefings were published on the
7 Police Scotland intranet?

8 A. (Nods).

9 Q. Which was one of the places that you carried out your
10 research. Do I understand correctly that you also
11 carried out a search of the Scottish Intelligence
12 Database?

13 A. Mm-hm.

14 Q. Did you find anything of relevance there?

15 A. No, nothing.

16 MS THOMSON: I have no further questions. Thank you.

17 LORD BRACADALE: Any applications in respect of this
18 witness? No.

19 Thank you, Constable Ferrier, for giving evidence.

20 That's your evidence and you're now free to go.

21 (Pause).

22 And the next witness, Ms Grahame?

1 MS GRAHAME: Inspector Steven Stewart.

2 LORD BRACADALE: Good afternoon, Inspector Stewart. You're
3 going to be asked questions by Ms Grahame at the end of
4 the table. Before you are asked questions would you say
5 the words of the affirmation after me.

6 INSPECTOR STEVEN STEWART (affirmed)

7 LORD BRACADALE: Ms Grahame.

8 Questions from MS GRAHAME

9 MS GRAHAME: Thank you. You are -- good afternoon. You are
10 Inspector Steven Stewart.

11 A. That's correct.

12 Q. And we have on note all your contact details, I won't be
13 reading those out, but in addition in advance of this
14 morning we have been sent a CV from you, is that
15 correct? Were you aware of that?

16 A. No.

17 Q. No? All right. I think we have been sent it from
18 Police Scotland. We will deal with that later.

19 Could I ask you to look, please, on the screen at
20 Inquiry statement SBPI 84. Now, when I'm referring to
21 this document, inspector, it will come up on the screen,
22 but when I'm referring to it, it may be only certain

1 paragraphs that are visible. So do you see the black
2 folder in front of you on the desk?

3 A. Yes.

4 Q. Please feel free to open it. That contains hard copies
5 of your statement, so if you wish at any time feel free
6 to look through it, or refer to it.

7 Looking at the screen for the moment, do we see that
8 this is a witness statement from you taken by the
9 Inquiry team on 17 March 2022?

10 A. Yes, that's correct.

11 Q. And would you look, please, at the final page. Do you
12 see the final paragraph says:

13 "I believe the facts stated in this witness
14 statement are true. I understand that this statement
15 may form part of the evidence before the Inquiry and be
16 published on the Inquiry's website."

17 A. Yes.

18 Q. And although we don't see your signature on the screen,
19 in the hard copy am I correct in saying that you signed
20 every page on the statement?

21 A. Yes, I have signed every page, including the last page.

22 Q. Thank you. And having done so, you're happy for this

1 statement to be published on our website?

2 A. Yes.

3 Q. Thank you. Now, we have heard from some other people
4 that they also have statements given to PIRC, but you
5 were not asked to provide any operational statement, but
6 you did provide a PIRC statement, is that right?

7 A. Yes, that's correct.

8 Q. I will come on to that later, thank you.

9 You work in the ACR, the area control room at
10 Bilston Glen, is that right?

11 A. I did at the time of the incident.

12 Q. At the time in 2015, May 2015?

13 A. Yes.

14 Q. And I think in your statement at paragraph 16 you
15 describe this as a well oiled machine. You will see
16 this on the screen in a moment. You will see the last
17 two lines:

18 "... it's a well oiled sort of machine that kicks
19 in."

20 A. Yes.

21 Q. Is that a fair description? Now, you have given us
22 a lot of detail in your statement and I don't want to go

1 through that line by line, but I wonder if you would be
2 able to explain to the Chair how a call moves through
3 the system, because in your statement you have referred
4 to service centre advisors, controllers, supervisors and
5 local officers and I wonder if you could just help the
6 Chair understand the way the calls move through the ACR,
7 the area control room.

8 A. Yes, certainly. So the control room is based for the
9 east area of Scotland at Bilston Glen, just outside of
10 Edinburgh. The area control room is split into two
11 parts: a service centre where calls from members of the
12 public and partner organisations come in through 101 or
13 999. These calls are answered by service centre
14 advisors who take details of the incident -- of the
15 call, create an incident if required, carry out any
16 frontline resolution or sign-post the partners if
17 appropriate, but incidents that are created for police
18 attendance are created on the STORM command and control
19 system and then they're transferred over to the second
20 part of the control room, which is the actual area where
21 the dispatchers, the police controllers are, and the
22 incidents are electronically transferred over for the

1 controllers who have control of a specific geographical
2 area, for example, the South West area of Edinburgh if
3 that's where that incident is based, and then these
4 controllers assess the incident, look at the
5 information, look for a resource depending on the
6 priority of the call, and pass the incident out for
7 local officers to attend and that's essentially what
8 happens in that regard.

9 There are supervisors in the service centre and the
10 control room who provide the oversight and also in the
11 east area control room there is an overview facility
12 where myself as a duty officer would work alongside
13 a sergeant, a research officer and a comms officer.

14 Q. It sounds like a busy place?

15 A. Yes.

16 Q. So calls come in from different areas in Scotland and
17 they come into the ACR, the control room, and you said
18 they create -- the service centre advisors create an
19 incident?

20 A. Yes.

21 Q. And what does that actually mean?

22 A. So there's a set template and what they do is they're

1 typing that information on the job as to just what the
2 nature of the call is to the police, so if it was
3 a missing person they would take details from the person
4 who had phoned in and they would populate that screen
5 with the relevant information which would then be used
6 as an incident to transfer across to the control room
7 side of the centre.

8 Q. And you spoke about if it's for police attendance, so if
9 the police have to actually attend the incident, then
10 you said it goes to STORM and on to police controllers?

11 A. Yes, so STORM is the command and control system that's
12 there, so an incident gets created on STORM and gets
13 transferred across to the control room, so it's an
14 electronic transfer of a job, so if I was typing
15 information on, if I took the call from the member of
16 the public, I was typing information on, it would get
17 transferred to you as a controller if there was a need
18 for police to attend. You would assess the incident,
19 decide which resources you were going to send and then
20 you would radio up the police officers on the ground or
21 supervisors to say you had an incident regarding
22 a missing person in the south-east area of Edinburgh and

1 you look for resources to dispatch to that.

2 Q. And when you talk about resources, what do you mean?

3 A. Police resources, so local policing resources, it could
4 be any kind of resources, community policing resources,
5 response officers, CID officers, plain clothes or
6 specialist resources depending on the nature of the
7 incident.

8 Q. And what are specialist resources?

9 A. So I would say specialist resources are -- there's
10 a range of specialist resources. I would describe them
11 as roads policing officers, the armed response vehicles,
12 public order officers, mounted officers, the force
13 helicopter, negotiators, dog units, um ...

14 Q. When you say armed response vehicle, is that commonly
15 shortened to ARV?

16 A. Yes, that's correct.

17 Q. And then the controllers consider resources and maybe
18 contact local officers?

19 A. Yes, that's correct.

20 Q. Right. So you mentioned supervisors who have oversight;
21 what was your job in the ACR that day on 3 May 2015?

22 A. So I was the duty officer, so I had overview of the

1 whole service centre and the area control room, so my
2 responsibility was to make sure that calls were
3 resourced and attended by local policing officers, by
4 specialist resources if required.

5 Q. So you were in charge of the team of service centre
6 advisors --

7 A. Yes.

8 Q. -- who were receiving the calls, and also the
9 controllers?

10 A. Yes.

11 Q. And supervisors?

12 A. Yes.

13 Q. Right. And you were called the duty officer?

14 A. Yes, that's correct.

15 Q. So were you in overall charge of the ACR on 3 May 2015?

16 A. Yes.

17 Q. Thank you. I want to ask you about something you say in
18 paragraph 10 of your statement, please. You talk about
19 grading types of calls, grade 1 and grade 2 and 3, and
20 I wonder if you could explain to the Chair what's
21 involved in that process.

22 A. Okay, so when I worked there the calls were graded and

1 they were grade 1, grade 2 and 3. That's since changed
2 to immediate, priority and routine, I think it is,
3 I have not worked there for a while. So your grade 1
4 calls were your urgent, emergency calls that required
5 immediate attendance within a very short period of time,
6 so they were your high end emergency calls requiring
7 immediate response. Grade 2 still needed a prompt
8 response but not necessarily an immediate dispatch, and
9 grade 3 tended to be more routine calls where the risk
10 was not so significant and it could take a -- you know,
11 they could be attended further down the line when
12 resources were available, or it suited the individual.

13 Q. Could you give the Chair an example of a grade 1 call
14 that had immediate priority?

15 A. Yes, so it could be a high risk missing person, it could
16 be a robbery, it could be the incident that I'm here for
17 today, it could be a fire call, it could be a road
18 traffic accident where someone had been knocked down.
19 A serious incident that required an immediate police
20 response.

21 Q. And could you give him an example of a grade 2 call?

22 A. Yes, you know, it could be a house break-in where the

1 perpetrators had left the scene and the people were safe
2 but it needed a quick response for the members of the
3 public. Yes.

4 Q. If someone phones in saying they have seen someone with
5 a knife, is that always a grade 1 call or could it be
6 a grade 2 call?

7 A. I would suggest that would always be a grade 1 call,
8 depending on the information that was passed, but if
9 there was any threat, risk of harm then I would suggest
10 it would always be a grade 1 call.

11 Q. Does it make any difference to the grading if that
12 person with the knife is damaging cars as opposed to
13 threatening people?

14 A. I think someone in possession of a knife is always going
15 to be a grade 1 call, just because of the potential
16 risks associated with someone having a weapon in
17 a public place.

18 Q. Thank you. Can you explain to the Chair how they are
19 dealt with. So a grade 1 call, first of all, how is
20 a grade 1 call -- what's the response to that type of
21 call?

22 A. So it would be an immediate response -- so a grade 1

1 call, what would happen is the information would be
2 phoned in by a member of the public, the details would
3 be noted on the -- or recorded on the STORM command and
4 control system by the call taker, the service centre
5 member of staff and then that information would get
6 transferred very quickly to the controller side of the
7 control room, and then they would put the call-out to
8 local policing officers almost immediately, so local
9 officers, local supervisors were aware of the urgent
10 call in their area. They would look for resources to
11 dispatch to that grade 1 call.

12 Q. If it is a grade 2 call, how does the response differ?

13 A. The grade 2 would be taken in the same way, but when it
14 reached the controller, the controller would be looking
15 at it, making that assessment of risk, understanding
16 what the call encapsulated, and then they would allocate
17 resources, so they might not allocate a resource
18 immediately but they would be looking to allocate
19 a resource. They may allocate a resource immediately if
20 they had a resource free.

21 Q. So what factors -- you have talked about assessing risk
22 and you have talked about allocating resources

1 immediately. What factors will the controller take into
2 account when they're deciding how to respond to the
3 call?

4 A. I mean I would say threat, risk and harm. Threat to
5 members of the public, threat to individuals, threat to
6 people in the vicinity and then the level of risk. So
7 if there was weapons involved, the level of risk would
8 be higher potentially and then the overall harm that
9 could be done. So a threat, risk and harm risk
10 assessment is probably a good way to describe it.

11 Q. And largely it is risk to people or threat to people?

12 A. Yes.

13 Q. So if there's a difference between how -- if there's
14 multiple calls coming in and different service centre
15 advisors grade them differently, perhaps 1 or 2, how is
16 that situation resolved?

17 A. Okay. So from my recollection there you would --
18 I would hope that the jobs would be linked. Certainly
19 in overview if there were grade 1 calls coming into
20 a certain area in respect of a specific incident, they
21 would be flagged up to me in the overview and if
22 something was misgraded, a 2 as opposed to a 1, I would

1 still hope that that would be picked up just because of
2 the proximity.

3 Q. So where there's a variation, you will go with the
4 grade 1 grading --

5 A. Oh, yes, yes.

6 Q. -- rather than the grade 2?

7 A. Yes.

8 Q. So if we hear that a call was graded grade 2 but
9 an officer took the view it should be a grade 1, there
10 wouldn't be any problem with treating it in that way?

11 A. No. I mean a call can be upgraded as well, so if it
12 came in as a grade 2 and then there was additional
13 information that came into the service centre, text
14 would be added on the incident sort of demonstrating the
15 additional sort of risk factor. So you can increase
16 a grade as well, so it's possible to do that.

17 Q. And is that something that you would have authority to
18 do, or to control?

19 A. The controller would do that. I think the service
20 centre advisor could actually change the grading of it
21 as well if they felt that it merited that sort of more
22 immediate response.

1 Q. So it's not necessary for someone in your position as
2 duty officer to alter the grading?

3 A. No, no. I wouldn't alter the grading of a call.
4 I wouldn't think so.

5 Q. And if we hear that Acting Sergeant Maxwell upgraded
6 a call from grade 2 to grade 1, is there any difficulty
7 with that?

8 A. So was Acting Sergeant Maxwell a local policing officer
9 or a controller?

10 Q. He is not a controller; he is a local officer.

11 A. Yes. Well, he couldn't physically upgrade a call from
12 a grade 2 to a grade 1, he might intimate that he
13 thought it was a more serious incident or a more serious
14 call and there would be absolutely nothing wrong with
15 a local supervisor on the ground making that call.

16 Q. Thank you. Could I ask you to look at paragraph 45,
17 please. You will see this on the screen. As part of
18 the process of taking your statement, you were asked to
19 look at a transmission where it says -- there was
20 a transmission from Acting Police Sergeant Scott
21 Maxwell:

22 "Control from 411. I want all units to attend that.

1 Bearing in mind officer safety, an ARV and a dog as
2 well."

3 So he is a local officer from Kirkcaldy and you are
4 at Bilston Glen in the control room, but you have no
5 difficulty with him making the request for an ARV or
6 a dog unit as well?

7 A. No, I mean he is the local supervisor on the ground,
8 I would certainly take into consideration his views and
9 thoughts.

10 Q. And is there any question about the authority that he
11 has to request an ARV?

12 A. I mean he can request an ARV, but ultimately on that day
13 it was myself as a trained tactical firearms commander
14 who would be the individual who authorised and deployed
15 armed -- ARVs to an incident.

16 Q. Tell us what a trained tactical firearms officer does?

17 A. So as a trained tactical firearms commander I went on
18 a course and I was accredited, went through a training
19 process and I was in the control room on a 24/7 basis.
20 We always had an ITFC as a duty officer, they went hand
21 in hand, because you were that initial sort of response,
22 or assessment for serious incidents involving firearms

1 or weapons, or violence. So if an incident came into
2 the control room in terms of a live incident, someone in
3 possession of a handgun, someone in possession of
4 a knife or an axe, I would make that determination based
5 on my training as to whether or not it was a declared
6 firearms incident and then I would deploy ARV resources
7 to deal with that and brief them on the way and advise
8 them of tactics and sort of control these specialist
9 resources to the incident.

10 Q. So you have had special training to allow you to become
11 a tactical firearms commander?

12 A. Yes.

13 Q. And that provides you with the authority to deploy ARVs
14 to an incident?

15 A. Yes.

16 Q. But is that specialist training that you have had that
17 provides you with that authority?

18 A. Yes.

19 Q. It's not something that any officer can -- has the
20 authority to deploy?

21 A. No, just myself. So the officer who has said this is
22 obviously looking for sort of additional resources to

1 attend based on the information he has received.

2 Q. Thank you. I would like to begin by looking at some
3 enhanced video timeline, some footage that we have, and
4 this will allow you to hear the first contact from the
5 control room to the officers on 3 May 2015.

6 You will see on the screen, just briefly to explain
7 to you, you will see that on the top left-hand side
8 there's a real time clock in grey which says 7.16 in the
9 morning and 22 seconds, and beneath that there are some
10 buttons which you will see light up when a call is
11 received into the control room. At the moment the 999
12 call button is lit up. On the left-hand side at the
13 bottom of the screen we see some dash cam footage which
14 has been cross-checked with the real time clock. It is
15 taken from a vehicle which is on Hendry Road. Then on
16 the right-hand side we see footage from a CCTV camera
17 positioned in a nearby pub called Gallaghers pub.

18 As we play this you're going to hear the audio and
19 I appreciate that at this moment in time you would have
20 been in the control room in Bilston Glen, but we're
21 going to listen to the audio on this. While we do that
22 I wonder if I could also ask you to look at

1 a spreadsheet which is on the table just to your left
2 and I would like to explain to you -- now, you will have
3 this in front of you throughout my questions to you, but
4 let me just explain what we have in front of you.

5 You will see on the left-hand side there is a column
6 which gives video timings. Do you see that?

7 A. Yes.

8 Q. It starts at 07.09.20, so that's 9 minutes past 7.00 in
9 the morning and 20 seconds and the first line is 7.09.20
10 to 7.09.33, do you see that?

11 A. Yes.

12 Q. That's page 1 of the spreadsheet and as you go along
13 that row, you will also see a description of visible
14 events in the video and then there's a small thumbnail
15 description given of what can be seen on the footage, so
16 this is tied to what you will see on the screen, so if
17 you look towards 7.16.22, you will see that in the
18 second column it says -- for audio timings you will see
19 that it says there was a call from Con 1 that says
20 "Control 4, 41 Charlie"; do you see that?

21 A. Yes.

22 Q. So you should -- when we play this tape you should be

1 able to hear that. Then at 7.16.29 you should hear
2 a call from PC Ashley Tomlinson which says "Go ahead",
3 and then 7.16.32, you will see that Con 1 come on and
4 there's another longer description given of what's said
5 and we understand Con 1 to be control, but I will be
6 asking you some questions about it once we have listened
7 to this. So I'm going to ask Ms Wildgoose to play from
8 16.22 to 16.42. Thank you.

9 (Video played)

10 Thank you. So we went slightly over that time there
11 but were you able to hear that, inspector?

12 A. Yes.

13 Q. And did you recognise -- where it says "Con 1" on the
14 spreadsheet, do you recognise that that's from the
15 control room?

16 A. Yes, that would have been the controller who was
17 covering the area at the time.

18 Q. Right. And that's the control room that you're the duty
19 officer of?

20 A. Yes.

21 Q. Thank you. And are all the calls through -- we have
22 heard all the calls from and to the control room are

1 recorded.

2 A. Mm-hm.

3 Q. Yes. Right. If you could just give me a moment. Do
4 you know from listening to that who made the call from
5 Con 1 at 7.16.32?

6 A. I think it would have been PC Scott Masterton.

7 Q. Scott Masterton?

8 A. I think it was Scott Masterton, that's my recollection.

9 Q. Was he Con 1?

10 A. I think he was.

11 Q. Can I ask you as you look at the words written down --
12 it says:

13 "I need you to divert to Hendry Road, a disturbance
14 ongoing, male armed with a knife. African-looking male
15 chasing. Someone may be carrying a knife. Described as
16 big with muscles, about 6 feet tall wearing a white
17 T-shirt and dark coloured jeans. There's another job
18 coming in about it. Stand by."

19 I wonder if we could listen to that again please.

20 7.16.32 please, Ms Wildgoose. Thank you. I'm going to
21 be asking you a question about the words

22 "An African-looking male chasing, someone may be

1 carrying a knife". So when you are listening to it,
2 will you listen to those words, please, thank you. So
3 this will start at 32.

4 (Audio played)

5 Thank you. There seems to be quite a big gap
6 between "... a knife. African-looking male chasing" and
7 then a big gap before the words "Someone may be carrying
8 a knife". Did you hear that?

9 A. Yes.

10 Q. Yes. So this isn't a call saying "Someone is chasing
11 people with a knife", it's "Chasing" -- a male chasing
12 and then someone may be carrying a knife. I'm trying to
13 understand how -- what that would -- what that message
14 means.

15 A. I mean, I have not heard this message until just there,
16 so it's obviously describing the male -- the male who is
17 involved in the incident. It suggests there that it's
18 chasing someone, but it doesn't say who, "may be
19 carrying a knife", and then the description that the
20 controller has obviously -- they must have read from the
21 incident or been passed about build, height and clothing
22 and then obviously another incident is coming in,

1 a similar incident, or another call coming in I think is
2 what he is saying, "stand by", and I would presume that
3 he was saying stand by because he was going to look at
4 the next incident that was coming in to see if it
5 matched or reflected or was linked or related to it.

6 Q. Do you think this has the potential to be confusing
7 about whether the person has a knife or the person is
8 chasing someone with a knife?

9 A. I mean, I don't know. For me the key thing is that
10 someone may be carrying a knife, you know. I suppose it
11 could be confusing if there is a pause, but the way
12 I read it is that there's a male walking and it talks
13 about him being armed with a knife and then chasing
14 someone, maybe carrying a knife, so I suppose -- yes
15 I can understand what you are saying about that.

16 LORD BRACADALE: Can I just be clear about what Control 1 is
17 doing here. Is he reading the text that's come through
18 from the other side?

19 A. Yes, I think he is, sir, I think he will be reading --
20 he will be reading the incident and then speaking out
21 over the radio to the officers, passing the description
22 of what he has seen written down.

1 LORD BRACADALE: Thank you.

2 A. If that makes sense.

3 MS GRAHAME: Thank you.

4 Can we go back to your statement, please,
5 paragraph 11. You see here you're talking about
6 3 May 2015.

7 A. Yes.

8 Q. And you talk about having specific responsibility -- so
9 line 4 of that paragraph:

10 "... specific responsibility for control and
11 coordination of specialist resources, which would
12 include firearms ... dog unit ..."

13 And I'm wondering if you could help the Chair in
14 explaining what factors you would have regard to when
15 you choose to deploy firearms or a dog unit?

16 A. Again, it would be threat, risk and harm facing members
17 of the public, that would be my consideration, but
18 I would use a model, a national decision-making model
19 which as a firearms commander I was trained to use to
20 understand an incident, what was happening, what the
21 threats could possibly be, who was involved in the
22 incident. It's about making an initial risk assessment,

1 a threat assessment which is prioritised, and then
2 I work through various sections of it covering sort of
3 policy and powers, the criteria for the deployment of
4 armed officers, whether or not that's met, and then
5 I would work through the various tactical options that
6 would be available to me, so I would work through that
7 model as information was coming in and sometimes that
8 would change maybe actions that I would take.

9 Q. And so when you say it could change, are you keeping
10 this under constant review depending on the information
11 being fed to you?

12 A. Yes. It's -- I mean they talk about spinning the model
13 all the time and it updates all the time, so if new
14 information was to come to light that increased the
15 threat, or negated a threat then I would obviously have
16 to consider that in my working strategy, the way that
17 I was prioritising the threats.

18 Q. So you will be adapting your strategy depending on the
19 information coming in?

20 A. Yes, and it could change several times in an incident
21 over the course of an incident, if it was a longer
22 incident.

1 Q. Thank you. Would you look at paragraph 13, please. You
2 have talked about the armed response vehicles, ARV
3 crews, and you have said in that paragraph -- please
4 feel free to look through it -- that they were available
5 in Edinburgh, Stirling, and Edinburgh Airport and we're
6 talking about 3 May 2015?

7 A. That's correct.

8 Q. There was no ARV available in Fife.

9 A. Not on that morning, no.

10 Q. And can you explain why there wasn't one there?

11 A. It would just have been to do with armed policing
12 resources, how they resourced the ARVs on that
13 particular shift.

14 Q. Is there often one in Glenrothes?

15 A. There is a car in Glenrothes sometimes, but not on this
16 particular day.

17 Q. You say a car; is that an ARV?

18 A. Sorry, yes, an ARV.

19 Q. No, I don't want to make any mistakes.

20 How long would it take if you needed an ARV in Fife,
21 and particularly in Kirkcaldy, how long would it take
22 for an ARV to respond if you were calling them from the

1 area control room in Bilston Glen and they were based in
2 Edinburgh?

3 A. I mean I looked at this at the time and shortly
4 thereafter, but it was about 27 miles by road from
5 Edinburgh Fettes to Kirkcaldy, so it was a Sunday
6 morning, so they would have been able to travel quite
7 quickly, but it was still going to take 25 minutes.
8 Stirling is probably about 40 miles, I think, so again,
9 there's that 30 to 35-minute travelling time and even
10 Dundee, which wasn't in my area, but if necessary,
11 I could have gone to Dundee, I mean that's still
12 30 miles from Kirkcaldy, so the timescales of ARVs
13 attending Kirkcaldy on that morning as a minimum would
14 have been about 25 minutes to 30 minutes, I would
15 suggest.

16 Q. But Edinburgh was the closest location --

17 A. Yes.

18 Q. -- where any ARV was available?

19 A. Yes, and within Edinburgh as well there was an OFC as
20 part of that resource, so that's an operational firearms
21 commander, so that would be the individual I would
22 liaise with directly in terms of briefing and deploying

1 and tactics that I wanted to be carried out on the
2 ground, so the OFC -- it would be my preference that the
3 OFC would go with his or her resources.

4 Q. And is that the person you had contact with on 3 May
5 that year?

6 A. Yes. It was my communications officer in the control
7 room that made them aware of an incident that was
8 happening in Kirkcaldy at the time.

9 Q. And what's her name?

10 A. That was Michelle Hutchinson was the communications
11 officer at the time.

12 Q. Thank you. Could I ask you to look at paragraphs 16 and
13 17 of your statement. You mention the National
14 Decision-Making Model.

15 A. Yes.

16 Q. And I wonder if you could explain to the Chair a little
17 bit about this. I think we may have a diagram that we
18 could show as you go through this which Ms Wildgoose
19 will put on the screen. So it is my understanding --
20 and you will see at the top of the page PS 13182,
21 National Decision Model pdf, do you see that?

22 A. Yes.

1 Q. And there's a diagram. I wonder if you could talk -- do
2 you recognise this diagram?

3 A. Yes.

4 Q. I wonder if you could talk through it to explain it to
5 the Chair, please.

6 A. Yes, certainly. I mean this is a model that
7 police officers across Scotland use. It's not just
8 myself as a firearms commander, but operational
9 officers, detectives, everybody should use this as
10 a sound basis for sort of decision-making, so right at
11 the very, very top it has got "Gather
12 information/intelligence", so in any kind of incident
13 I would deal with I would be looking for information
14 that was coming in in terms of phone calls, 999 calls,
15 to try and build a picture of what was actually
16 happening at the incident. Any intelligence as well
17 that was held on police systems, so if we knew it was an
18 individual who was involved in the incident we could
19 look at intelligence to see where that person stayed, if
20 they had markers for violence, if there were firearms --
21 known to carry firearms. So you're building that
22 picture about the incident that helps to inform your

1 decision-making. It helps you move on to the next part,
2 which is your threat and risk assessment and your
3 initial working strategy, as I would call it.

4 So with the -- with that, you have looked at the --
5 you know, I would use that -- as part of the gathering
6 information/intelligence I would look at the victim
7 location, time, proximity and the subject in terms of
8 who they were, what their capabilities were, what their
9 identification was and what their possible intent was
10 and then you move on to the threat that's being posed.

11 So in terms of the threat I would be looking at who
12 was making the threat, what it entailed, who was likely
13 to be at risk, who was immediately at risk and that
14 helped you to develop an initial working strategy which
15 was prioritised. So I would rank them in priority of
16 who I thought was most at risk and I would have to -- my
17 working strategy would have to reflect that, so normally
18 at the top of a working strategy it would be any victim
19 or potential victim, then it would be public in the
20 vicinity, and then it would be local policing officers
21 who were attending, if they were attending, and then it
22 might be emergency service responders, armed policing

1 and then it might be the subject below that and you
2 would rank them in that order, but if information and
3 intelligence came in, it might change the circumstances.

4 Your working strategy would then go on to cover,
5 you know -- you would want it to locate -- identify and
6 locate and contain the individual, search -- stop them,
7 search them, recover any weapon and then return to
8 normality so that working threat and risk assessment
9 would change throughout the course of an incident if it
10 was longer.

11 Q. So as you're working out your strategy more information
12 could come in to you that means you want to alter or
13 amend that strategy?

14 A. Yes, yes. I have mentioned that the subject might be at
15 the bottom of the strategy but that might change should
16 the individual decide to sit down and hold a gun or
17 a knife or anything to themselves and be a threat to
18 themselves, so they would -- the strategy would then
19 change and most of --

20 Q. So the situation is evolving depending on --

21 A. Yes.

22 Q. So at any time more information comes in you go back to

1 look at your strategy again?

2 A. Yes.

3 Q. And then once you have developed your strategy, before
4 any other new information comes in, you have here
5 "Consider powers and policy"; what does that mean?

6 A. Yes, so you're looking at whether or not the criteria
7 for the deployment of officers, armed officers, is met
8 and that's either a yes or a no, and there's
9 a definition that we learned and you have it on an
10 aide memoire and then you're looking up what offences
11 has been committed, what powers you have to arrest
12 someone or search an individual, you're looking at
13 a proportionate response in terms of force, you're
14 looking at just what actions you would take in terms of
15 that, whether it is proportionate, lawful, accountable,
16 necessary and least intrusive, so you would work your
17 way through your powers and policies.

18 Q. So once you've got your strategy, you're thinking about
19 in some ways the legal position --

20 A. Yes.

21 Q. -- and the policies, would that be Police Scotland
22 policies?

- 1 A. Yes.
- 2 Q. Would it cover standard operating procedures?
- 3 A. Yes, yes, you would take them into consideration.
- 4 Q. We may hear some of them are called SOPs or SOPs?
- 5 A. Yes.
- 6 Q. And what are standard operating procedures?
- 7 A. It's the guidance to operational officers (inaudible
- 8 overspeaking).
- 9 Q. And is that officers who are local officers who might
- 10 attend an incident?
- 11 A. It could be guidance for any officers. There are SOPs
- 12 for everything in Police Scotland, so it would be --
- 13 Q. And is everyone who is a police officer trained in those
- 14 SOPs?
- 15 A. Yes, so SOPs are on the police intranet and they're
- 16 refreshed and updated and published as new information
- 17 comes in, so the expectation is that you would have to
- 18 keep up-to-date with SOPs.
- 19 Q. And so against that background, again, assuming no
- 20 further information has come in, if we look at the next
- 21 row it leads to "Identify options and contingencies".
- 22 What does that mean?

1 A. So that's -- you're identifying your sort of tactical
2 options, what's available to you. There's generic
3 options that help you in your decision-making process,
4 so you might decide to wait and try and gather more
5 information or intelligence, understand what's
6 happening, that might be a course of action which is
7 appropriate for a specific incident, then you could take
8 mitigating action and that might be removing members of
9 the public or witnesses from a location to try and
10 reduce risk to them. Then there's observations and that
11 could be visual observations and physical observations,
12 getting eyes on a person, CCTV if there was any and
13 then, you know, investigative assessment is another one.
14 There's a list of seven of them. Investigative
15 assessment and that's when you're going forward to look
16 at the situation, to understand what's going on, to get
17 that information fed back to you, which again all feeds
18 into your decision-making process and then there's
19 containment, communication and then decisive action,
20 what you're going to do, so you've got a list of seven
21 generic options is what I was trained in and you use
22 what's most appropriate, or you could use six out of the

1 seven, or three out of the seven, depending on which
2 most -- is appropriate, and then you have your
3 contingencies for --

4 Q. Would -- sorry to interrupt. Would decisive action
5 include restraint?

6 A. It would be, I would say, decisive action would be
7 intercept the subject, challenge the subject and arrest
8 the subject. It wouldn't necessarily be restraint, but
9 it could be if a subject struggled, for instance.

10 Q. And that would be number 7 on the list?

11 A. Yes, yes.

12 Q. And then it says, "Take action and review what
13 happened".

14 A. Yes, you would put your tactical options you were going
15 to decide what you would do, so I would brief the armed
16 response officers, tell them what I wanted them to do so
17 we would take that course of action and try and
18 understand if it worked whether it was successful or if
19 we maybe needed to do something else, and that was the
20 important part, to make sure that you were continuing to
21 take the right course of action.

22 Q. But at any time, more information could come in which

1 then means you go back to the beginning?

2 A. Yes, and you just spin it all the time and at the centre
3 of it is the code of ethics which is what you should
4 underpin your decision-making and your practice in.

5 Q. And that's the code of ethics that applies to all
6 police officers?

7 A. Yes, yes.

8 Q. Could I ask you to go back to your statement, please,
9 and look at paragraph 18. You talk about specialist
10 resources and you -- towards the latter half of that you
11 say:

12 "They needed to make an initial assessment on
13 attending the scene, feedback to me and then that would
14 inform my decision-making process, which would then
15 determine whether or not I deployed armed officers or
16 dog units or whoever else."

17 Can you explain a little bit more about this
18 paragraph?

19 A. Yes. So for me it was probably important that the
20 officers that were attending the incident made that
21 initial dynamic risk assessment and fed back what was
22 actually happening on the ground in front of them, what

1 the threat was to them or members of the public, whether
2 or not the individual continued to have a weapon or not
3 and again that would all feed in to the level of threat
4 that they were facing and whether or not, you know,
5 there was a requirement for specialist officers,
6 armed -- ARVs or dogs -- to be deployed.

7 Q. So a moment ago when we were looking at the National
8 Decision-Making Model, information on the scene from the
9 local officers could be information that's feeding into
10 that National Decision-Making Model?

11 A. Information from the scene is probably vital to come
12 back to me as a commander in the control room. There
13 was no CCTV, open space CCTV covering Kirkcaldy at that
14 time, so sometimes in Edinburgh you can actually see the
15 CCTV, you can see what's happening in front of you and
16 that helps you, so you need that professional eyes on
17 that assessment of risk and threat that all officers
18 should be able to provide back to the control room.

19 Q. So just to be clear, inspector, although we have seen
20 CCTV from Gallaghers pub off Hayfield Road, that's not
21 CCTV that was available to you in Bilston Glen?

22 A. No, there was no CCTV available on the morning of the

1 incident that covered that incident, so I was ...

2 Q. So you relied on officers at the scene to share
3 information with you?

4 A. Yes, I would -- yes. I wanted that information.

5 Q. And you said that was vital. How is that information
6 shared from officers at the scene?

7 A. So it would be an update, a radio update to the control
8 room, so it would be fed back to the controller and that
9 would be broadcast for the attention of certain other
10 officers who were attending the incident to make them
11 aware of what was going on, but it would also be shared
12 with supervisors, local supervisors, control room
13 supervisors and myself as well.

14 Q. So we have heard about a talk group within the Airwaves
15 system, Kirkcaldy 1, and is that the system that you --
16 or the group that would be allowed to communicate with
17 you in the control room?

18 A. Yes, so on -- so if local officers were on Kirkcaldy 1
19 and they radioed back on Kirkcaldy 1, everybody who was
20 monitoring Kirkcaldy 1 would be able to hear that update
21 and understand what was going on.

22 Q. And that being -- that including the area control room?

1 A. Yes, because we were then monitoring Kirkcaldy 1.

2 Q. As well as other officers in the area?

3 A. Yes.

4 Q. Who were monitoring and everybody can hear those
5 messages?

6 A. They should be able to hear these messages.

7 Q. And the words you use there in paragraph 18 are "Initial
8 assessment", and then when you described it you talked
9 about a dynamic risk assessment; are they the same
10 things?

11 A. Yes, yes, so I would say that for me they are. It's
12 that -- the initial attending at the incident, what's in
13 front of you, so it's -- it is -- yes, it's probably the
14 same, I would use it as the same, so it's an initial
15 when you arrive there, make that dynamic risk assessment
16 to understand what's going on and feed it back.

17 Q. And the feedback is the call on the police radio to
18 control room?

19 A. Yes.

20 Q. So that's what you're waiting for?

21 A. Yes.

22 Q. Can I ask you now to listen to some more audio with the

1 enhanced video timeline. We're going to move on to
2 phase 2 which you will see on the spreadsheet in front
3 of you. We're going to play from 07.17.04 to 07.20.12.
4 07.17.04 is part of phase 2. You will see it on page 2
5 of the spreadsheet.

6 A. Okay.

7 Q. And we will begin -- it will start almost immediately
8 when we start playing this at 7.17.04. "Con 1" it says
9 on page 2 of the spreadsheet; do you have that?

10 A. Yes.

11 Q. And you should be able to hear the call that's described
12 in the column. Thank you.

13 (Video played)

14 Thank you.

15 Thank you. So that's a number of Airwaves
16 transmissions that we can hear. Does that go to all
17 units who are linked into the talk group who are en
18 route to Hayfield Road?

19 A. Yes, if that was broadcast on Kirkcaldy 1 they would
20 hear that.

21 Q. Do you see at 7.19.17, so that's on page 2, if you could
22 go back for a minute, Con 1 -- you told us earlier that

1 was Scott Masterton who is speaking.

2 A. Yes.

3 Q. Who was speaking when Con 2 was played?

4 A. So that's Michelle Hutchinson, I believe, my
5 communications officer and overview at the time.

6 Q. So that's the lady that you mentioned earlier today?

7 A. Yes.

8 Q. And do we see at 7.17.23 -- and you will see that that's
9 on page 2 of the spreadsheet --

10 A. Yes.

11 Q. -- that there is a transmission from Acting Police
12 Sergeant Scott Maxwell which says:

13 "I want all units to attend that. Bearing in mind
14 officer safety is there an ARV and a dog as well
15 please?"

16 Is that him asking control room for an update
17 effectively on the ARV and the dog?

18 A. I think he is initially requesting -- he is requesting
19 it there and I think then later on he is maybe asking
20 for an update.

21 Q. So the initial request from Maxwell to control is at
22 7.17.23?

1 A. Yes.

2 Q. Thank you. And then at 7.19.17, which is just lower
3 down the page, do we see Scott Masterton as Control 1
4 saying:

5 "I believe a dog unit is en route".

6 A. Yes.

7 Q. And is that the control room sharing that information
8 over the Airwaves with the officers?

9 A. Yes.

10 Q. And Con 2, Michelle Hutchinson, at 7.19.23, she is then
11 saying:

12 "Be aware, organising an ARV as well. Stand by."

13 A. Yes.

14 Q. And she again from the control room is sharing that
15 information --

16 A. Yes.

17 Q. -- over the Airwaves transmission with the officers who
18 are en route?

19 A. Yes, that's correct.

20 Q. I would like to move on to phase 3 please. No, sorry,
21 I should ask, first of all, there was an issue about the
22 locus and whether there was a mistake about the locus,

1 or where the officers were to attend. Were you aware in
2 your role of any confusion at that stage about where the
3 locus was?

4 A. No, I wasn't aware of that. I mean I had been elsewhere
5 in the control room and I ran up to the overview, so
6 I probably tuned in -- probably about 07.18 to 07.20 is
7 when I'm in the overview, so I hadn't heard on the
8 morning ...

9 Q. So 07.18, that would have been at a time maybe at the --
10 do we see that on page 2, 07.18, about two-thirds of the
11 way down the page?

12 A. Yes.

13 Q. Where did you join?

14 A. I don't know the specific time that I joined, but
15 I didn't hear any of the transmissions that had been on
16 Kirkcaldy 1 until I jumped in at the overview and
17 started to make an assessment of what was going on. My
18 comms officer was listening to the talk group, we were
19 looking at the incident, the information on the incident
20 and I was running through my model and then just before
21 I transmitted, around 7.20.13, that was when I actually
22 jumped on to Kirkcaldy 1 talk group.

1 Q. I will come on to that in a moment, thank you.

2 When it says "All units are attending", what does
3 that actually mean to a police officer?

4 A. So that suggests to me that the supervisor on the ground
5 is having all resources that are available to attend
6 that call, so it would be several vehicles I would
7 imagine.

8 Q. All resources being police officers?

9 A. Yes.

10 Q. All who are available in the area?

11 A. Yes. So it would be the response team probably and
12 anyone else who was nearby.

13 Q. Thank you. In your position in the control room, would
14 you have any expectation or information about the number
15 of units that would be attending?

16 A. In the control room we can see -- yes, because the
17 controller's got responsibility for looking at the
18 resources, looking after them, so there's a mapping
19 system, so they can see on the mapping system which
20 resources would attend and so the controller would know
21 who was free, who was involved with another incident,
22 who they had to tell to breakaway to attend an incident.

1 Q. So that's also something that you have some control
2 over?

3 A. Yes, yes.

4 Q. Thank you. I would like to move on to the first call
5 that you made over the Airwaves transmission. So this
6 is on page 3 of the spreadsheet and you have already
7 identified it starts at 07.20.13, and this is phase 3.

8 Now, this is a call that lasts from 13 seconds to 21
9 seconds. We have heard evidence last week that the
10 timings are accurate to within 1 second. So what
11 I would like to do now is play that Airwaves
12 transmission, please.

13 (Audio played)

14 Thank you. So you refer to an initial assessment?

15 A. Yes.

16 Q. And when we looked at your statement you referred to
17 that as a dynamic risk assessment and that's what you
18 described earlier for us?

19 A. Yes.

20 Q. That was your expectation that that would be done by the
21 first officers at the scene?

22 A. Yes.

1 Q. And you then talk about feedback and again you have
2 described to us that that's transmitting information
3 back to you?

4 A. Yes.

5 Q. And that allows you then to engage with the National
6 Decision-Making Model process --

7 A. Yes.

8 Q. -- that you have talked about. Now, in your -- I will
9 come back to this in a moment, but in your statement --
10 I don't think we need to go to it straight away -- you
11 talk about a "Stay Safe" message.

12 A. Yes.

13 Q. Can you explain to the Chair what you mean by a "Stay
14 Safe" message?

15 A. Yes. It's a message -- it's a message that is given to
16 officers who are attending an incident involving
17 firearms or weapons or violence and it is about that --
18 the need to keep yourself safe. In fact it's not --
19 it's for every officer. Every officer should know what
20 a stay safe message is and there's trainings and
21 briefings on it and it is about attending an incident
22 where there is potential risk and it's above all keeping

1 yourself safe, considering your safe approaches, any
2 kind of safe exit, use of cover, whether or not you
3 actually deploy or go and then there's different parts
4 of it: see, tell and act. So "see" is you're looking at
5 providing that sort of visual update as to what's
6 actually happening right in front of you and what the
7 threat is, is the male in possession of a knife or
8 a handgun, what are they doing, what are your immediate
9 concerns. "Tell" is, you know, the description, where
10 they currently are, what they're doing, what the risks
11 are, whether or not you think specialist officers would
12 be required to deal with that situation, and then the
13 final part is updating the control room, updating your
14 colleagues as to what's happening, whether you're not
15 going to -- whether you're going to take any sort of
16 action at the time or just observe or contain, or if you
17 are going to take any action, if it's safe to do so.

18 So --

19 Q. So let me just go through that with you a little more
20 slowly. As the officers are approaching the incident,
21 they have been provided with information over the
22 Airwaves transmission and on this occasion it was about

1 a man with a knife.

2 A. Yes.

3 Q. And so that is information that they are taking in
4 through the Airwaves.

5 A. Yes.

6 Q. And in addition to that, you then said you're looking at
7 your approaches and your exits, so again, is that
8 information that they are absorbing as they approach the
9 scene?

10 A. It's information I would suspect them to be absorbing.
11 I mean they should be thinking about that when they're
12 going to an incident. I can only speak for myself,
13 I can't speak about the people who attended the incident
14 but if I was going to an incident like that I would be
15 thinking about these things.

16 Q. Escape routes and --

17 A. Yes.

18 Q. You said "Use cover", what does that mean?

19 A. I mean that's -- it's primarily if it was a firearms
20 incident, you would want to stay behind -- out of sight,
21 behind cover so you couldn't be shot at, effectively.
22 But again, if you are attending an incident with a knife

1 it might be that you attend in your vehicle and you stay
2 in your vehicle, or you get out and you stand behind the
3 vehicle, that kind of thing.

4 Q. But at that stage all options are open to the officers,
5 it's for them to make that initial assessment?

6 A. Yes, and we're all trained through officer safety
7 training to sort of make assessments like that.

8 Q. Quickly?

9 A. Yes, quickly. It's a dynamic risk assessment. Whether
10 or not it's safe to go forward and deal with someone, or
11 you need to wait until additional resources come and
12 that could be the sort of local officers or specialist
13 officers if they arrive.

14 Q. So one of the options for officers is just to wait and
15 do nothing?

16 A. One of the options is, yes, but -- yes. Attending
17 officers could do that. Wait is one of the sort of
18 generic tactical options that I could have in the
19 control room as well, but I felt on this particular
20 incident waiting wasn't an option on that morning
21 because someone was reported to be carrying a knife in
22 a public place at 7 o'clock in the morning and we were

1 just unsure what was going to happen.

2 Q. So it wasn't an option for you --

3 A. Yes.

4 Q. -- it wasn't a grade 3 call where you have the option to
5 wait and do something later?

6 A. Yes.

7 Q. Or even a grade 2 or 3 call; it was a grade 1 call, so
8 you were going to do something straight away?

9 A. Yes.

10 Q. Yes. But those options, such as wait, remained possible
11 for the officers who were going to attend?

12 A. Yes. I mean they could have paused and assessed the
13 circumstances, wait for back up, I suppose, and shouted
14 back to the control room to say: this is what we can see
15 in front of us, this is what's happening, we're being
16 threatened/we're not being threatened, the person is in
17 possession of a knife/the person is not in possession of
18 a knife, there's no members of the public nearby, we
19 feel it's safe to approach, that kind of thing.

20 Q. And what you're describing is part of the initial
21 assessment and then you expected that to be fed back to
22 the control room?

1 A. Yes.

2 Q. Can you give us any -- or give the Chair any indication
3 of the length of time that that type of dynamic risk
4 assessment would take to carry out?

5 A. It just depends on the circumstances. I mean it is
6 a case of driving up and seeing the individual in front
7 of you, maybe from a distance, to -- and looking to see
8 what they're doing, what they're in possession of, what
9 they're behaving like. It's that -- it could be
10 seconds.

11 Q. Are calls about knife incidents common in that area --
12 in Kirkcaldy, in Fife?

13 A. Calls to knife incidents are common across
14 Police Scotland, so local officers do attend knife calls
15 on a regular basis and make sort of risk assessments
16 when they go.

17 Q. When you say "regular", can you help us understand what
18 that means? Is it weekly, daily?

19 A. Across Police Scotland I would say daily knife calls.
20 I couldn't say for certainty across Kirkcaldy.

21 Q. In Bilston Glen in 2015 how regularly did you have knife
22 calls coming in?

1 A. I would make assessments in relation to knife calls
2 regularly, violent calls, calls with weapons. There
3 was -- it was a daily -- or a shift occurrence normally
4 when I was in the control room.

5 Q. How many shifts are in a day?

6 A. Three, so early, night -- back shift and night shift.

7 Q. Thank you. Did you get any feedback?

8 A. I didn't on that morning.

9 Q. Nothing at all?

10 A. No.

11 Q. If we hear evidence that one or other of the officers
12 didn't hear the message that you transmitted at 7.20.13
13 would you have -- what was your expectation in terms of
14 them doing an initial assessment anyway, even if they
15 hadn't heard that message?

16 A. I suppose I would have expected them to go and -- if
17 someone was reported to be in possession of a knife, to
18 stop short, slow up and provide that update, not just to
19 myself in the control room but to colleagues that were
20 attending as well, and to supervisors as well, but
21 I don't know the circumstances of that day. They may
22 have turned a corner and been confronted by the male at

1 that time, almost an immediate sort of confrontation
2 because they were looking for him at the time. So
3 I don't know the circumstances of how quickly it
4 happened for them.

5 Q. In terms of your expectation that the local officers
6 will carry out an initial assessment, is it your
7 understanding that all police officers are trained in
8 carrying out these types of assessment?

9 A. Yes. From officer safety training I know that we do the
10 NDM and we do the -- you know, knife scenarios. We have
11 done it for years and years, personally when I have
12 attended officer safety training, so that is taught and
13 trained in your yearly refresher training.

14 Q. And so insofar as we see your message from 7.20.13,
15 would it be fair to say that that's really a reminder of
16 what they're already trained to do?

17 A. Yes, but it was important that they got that reminder
18 because I would have imagined that they would be rushing
19 to the incident, so it was important for me to -- I felt
20 important to get that back out to them, just so they
21 took that on board and that's what -- yes, that's what
22 I did.

1 Q. Is that something you often do, just provide a reminder
2 to officers when they're responding to an incident?

3 A. Yes, the control room would do that, yes.

4 Q. Thank you. I would like to move on to phase 3.

5 LORD BRACADALE: Just before you do that. You used an
6 acronym, I think it was NDM or something, I think the
7 stenographer had difficulty picking it up.

8 A. Oh sorry, NDM, so that's the National Decision Model we
9 looked at earlier.

10 LORD BRACADALE: Thank you.

11 MS GRAHAME: I would like to move on to phase 3, please, and
12 this -- we have already heard your first message, that's
13 from 7.20.13, it's on page 3 of the spreadsheet.

14 I would like you -- we will play this in a moment and
15 you will see -- I'm going to play it for a few seconds
16 to cover an entry which you will see at 7.20.23, where
17 it says "Police van stops on Hayfield Road within FOV
18 [which is field of vision] of CCTV"; do you see that?

19 A. Yes.

20 Q. So I think we will go back slightly, Ms Wildgoose, just
21 to the initial call, the start of phase 3, 7.20.13. You
22 have just listened to that a moment ago and then we will

1 play that and I will ask Ms Wildgoose to stop. Thank
2 you.

3 (Video played)

4 Can we pause it there, please, and did you see
5 the police van coming round the roundabout and turning
6 right into what we have heard is Hayfield Road?

7 A. Yes, I did.

8 Q. And did you see it stopping at 7.20.23?

9 A. Yes.

10 Q. Thank you. Do you also see on the screen, inspector --

11 I have not referred you to this previously, there is
12 a reconstruction tile at the top in the middle of the
13 screen and we have heard evidence from a company called
14 ALI who have reconstructed what can be determined from
15 the CCTV, and you will see that there's a bus stop shown
16 on the reconstruction tile with now at 7.20.31 a white
17 van displayed stopped there and then two blue dots near
18 to that.

19 A. Yes, I see that.

20 Q. And this is now 7.20.31. I would like to go back to
21 7.20.23, if that's possible. Maybe go back just
22 slightly. We will watch this again and you will also

1 see not only the van on the CCTV at the bottom of the
2 screen, but you will see the van appear in the
3 reconstruction tile, and I wonder if you could just play
4 that so that the inspector can watch this, please.

5 (Video played)

6 So you see the van turning round and then stop,
7 thank you. And so that's stopped now. It's 7.20.23 and
8 the van appears to have stopped at the bus stop. And we
9 have -- the Chair has evidence before him by way of
10 statements that says those were the first officers on
11 the scene in that van.

12 Then I would like to -- what I'm going to ask
13 Ms Wildgoose now is to carry on playing until we're at
14 7.20.42. You can watch it on the screen, you can follow
15 it on the spreadsheet. If you wish me to play it again,
16 we can do that, and we will carry on until 42 seconds.

17 (Video played)

18 Stop. Thank you. And do we see at this moment,
19 7.20 -- it has moved on from 42 to 43, but we see the
20 emergency status button has been pressed. You see it's
21 a red button with the name Paton on it.

22 A. Yes.

1 Q. So by 7.20.42 -- it has just slipped over to 43 -- that
2 we can hear that -- we see on the spreadsheet it says
3 "PC Alan Paton's emergency status is turned on", and
4 that is we have heard that when his emergency button is
5 turned on. Is that something that you can tell when
6 you're in the control room?

7 A. Yes. It flashes up on the console that I have in front
8 of me and you hear it in your headphones as well that
9 the emergency button has been activated.

10 Q. We have heard that the phones vibrate; is that something
11 you can tell from the control room?

12 A. I can't recall -- I can't remember.

13 Q. But it acknowledges it in the control room --

14 A. Yes.

15 Q. -- that an emergency button has been pressed?

16 A. Yes.

17 Q. So from the vehicle stopping at 7.20.23, to 7.20.42 when
18 Paton's emergency button is turned on.

19 A. Mm-hm.

20 Q. Still remaining in phase 3, I would like to carry on
21 playing the footage, and I would like it to go to
22 7.20.56, and then I will ask you some questions.

1 (Video played)

2 So from the button being activated at 7.20.42 we

3 then see a Stephen Kay acknowledging that somebody has

4 activated the emergency button and that's at 7.20.56.

5 Who is Stephen Kay?

6 A. I don't know.

7 Q. You don't know. Is he one of the local -- he is not in

8 the control room?

9 A. I don't know, I'm sorry.

10 Q. You don't know him, right.

11 A. No.

12 Q. So someone on Kirkcaldy 1 has acknowledged that the

13 emergency button has been activated, yes?

14 A. Yes.

15 Q. And that's something that you can hear and other

16 officers can hear during that call?

17 A. Yes.

18 Q. Can you explain why, if the emergency button is pressed

19 at 42 seconds past 20 minutes, why it takes 16 seconds

20 or a while for Stephen Kay to acknowledge that it has

21 been pressed?

22 A. I mean everybody would hear it when it was pressed

1 initially.

2 Q. So there wouldn't be any delay in hearing that at the
3 time?

4 A. No, no, everybody -- I heard it that morning. Everybody
5 hears it who is on Kirkcaldy 1 and then it has an open
6 mic to allow the officer to speak without having to
7 press his radio, so the mic is open so everybody would
8 have heard it at the time that it was activated. Maybe
9 that individual was just acknowledging that he had heard
10 that his --

11 Q. Is there any sort of process whereby emergency buttons
12 when they are pressed are acknowledged, or is it because
13 everyone can hear it, it's just known to everybody on
14 the team chat?

15 A. Yeah, everybody would hear it, but you know --

16 Q. So there's no necessity for that to be acknowledged at
17 any time?

18 A. No. The control room were all aware of the fact that it
19 had been pressed and so would local officers. Yes, you
20 would hear it.

21 Q. Okay. I'm going to ask Ms Wildgoose now to play another
22 section of the audio, from 7.20.42, if we could maybe go

1 back slightly and just repeat what we have done, 7.20.42
2 to 7.21.21. So again, this is just under a minute
3 starting at 7.20.42. You will see you can follow that
4 on the spreadsheet if you wish, from 7.20.42.

5 (Video played)

6 Thank you. So we heard there the transmission
7 "Officer injured, PC Short, male", and is that something
8 that Con, the control room are monitoring?

9 A. Yes.

10 Q. And we see that it was acknowledged by Con 1,
11 Scott Masterton, at 7.21.09, is that right? No, sorry,
12 the call is made at 7.21.02, "Officer is injured, PC
13 Short, male", that's on page 4 of the spreadsheet.

14 A. Yes.

15 Q. And then it is acknowledged -- yes, I was correct,
16 7.21.09, Con 1, Scott Masterton says "Control
17 acknowledged, officer injured"?

18 A. Yes and, I see that Stephen Kay is obviously the
19 sergeant who was based at Dunfermline so he has
20 obviously heard that, I would imagine.

21 Q. So Stephen Kay is actually a local officer based in
22 Dunfermline?

1 A. Yes, I'm just reading from the spreadsheet. That's
2 maybe an officer based at Dunfermline who has maybe
3 heard that as well.

4 Q. And you're referring to the entry at 7.20.56?

5 A. Yes, yes.

6 Q. And then if we can also look at 7.21.19. We see on the
7 spreadsheet PC Ashley Tomlinson's emergency status is
8 turned on.

9 A. Yes.

10 Q. When in the ACR you hear the words "Officer injured",
11 what happens? Nothing?

12 A. No, I --

13 Q. Does that trigger any action on your part?

14 A. I mean yes. I mean, you know, you want -- you need to
15 make sure that there's sufficient resources there,
16 there's a supervisor there or going, any kind of sort of
17 medical -- you know, is there a requirement for any kind
18 of medical assistance, an ambulance, or you want an
19 update essentially as to the extent of the officer or
20 anybody else that's been injured at the time just to get
21 that understanding.

22 Q. And if you are -- you can organise that from the control

1 room?

2 A. Yes, yes. Control room would --

3 Q. If an ambulance is required?

4 A. Yes.

5 Q. Up until this point, has anyone fed back to you?

6 A. No.

7 Q. I would like to carry on playing until the end of

8 phase 3, please, which will take us to 7.21.38. And

9 again, you can listen to this, so at the moment we're

10 7.21.20 and Ms Wildgoose will continue playing to

11 7.21.38.

12 (Video played)

13 So you will see that the final call from phase 3, as

14 I'm calling it, at 7.21.30 ends with a transmission from

15 PC Smith saying:

16 "Officer has been punched to the back of the head.

17 No obvious serious injuries. Male secure on the

18 ground."

19 A. Yes.

20 Q. So phase 3, beginning on page 3 of the spreadsheet,

21 7.20.13, with your call, your transmission, the "Stay

22 safe" message, do you see that?

1 A. Yes, yes.

2 Q. 7.20.13 until page -- the top of page 5 of the
3 spreadsheet, 7.21.38, with PC Smith saying:

4 "Male secure on the ground".

5 A. Yes.

6 Q. Right. And within that phase we see that the first
7 police van stops on Hayfield Road. We saw that -- at
8 the bus stop -- at 7.20.23. Do you see that on the
9 spreadsheet? That's again on page 3.

10 A. Yes.

11 Q. So the first police van stops at 7.20.23 and the man is
12 on the -- secure on the ground at 7.21.38.

13 A. Yes.

14 Q. And these timings are accurate to within 1 second.

15 A. Yes.

16 Q. During that period, from the first van stopping to the
17 "man secure on the ground", is, to within a second
18 accuracy, 75 seconds. There's evidence produced to the
19 Chair that during that time that Mr Bayoh has been --
20 there has been three discharges of spray, CS or PAVA,
21 an officer has attempted to baton him, another officer
22 has batoned him to the head and the body, and another

1 officer has shoulder-charged him to the ground within
2 that period.

3 Do you have any comments about how that timescale
4 ties in with what you have said to us today about
5 initial assessments or dynamic risk assessments?

6 A. I mean just that those at the control room weren't aware
7 that that activity had taken place on the ground from
8 when they first arrived because that information wasn't
9 fed back, but there's obviously been that arrival at the
10 scene and it appears from what you have shown me today
11 the officers have come into contact with the male almost
12 immediately.

13 Q. How much time would you think is required to do an
14 initial assessment or a dynamic risk assessment?

15 A. Certainly, you know, you -- if it was me, I would be
16 wanting to pull my van or my car up a distance away so
17 I could see the individual, see what they were doing,
18 see what they were behaving like, whether or not I could
19 see a weapon or not, and then maybe make an approach
20 after that, so I had that space and distance between --
21 just to get an understanding and relay that message
22 back, but that's just me when I look at the

1 reconstruction.

2 Q. How long would you anticipate that observation period
3 lasting?

4 A. It could be quite quick. I mean it was a fast moving
5 incident so it would be quite quick, but it would be
6 a case of having a look but -- and seeing what was going
7 on and deciding what you thought that threat you were
8 facing was and then shouting back up over the radio, so,
9 you know, it could be 10 seconds, it could be longer.

10 Q. Could you give me one second, please?

11 (Pause).

12 Sorry, I just wanted to check something there.

13 I would like to ask you about a later Airwave
14 transmission by Officer Maxwell and could we play it
15 from -- perhaps from the top of page 5 actually, which
16 is the end of phase 3, 7.21.38. This is from the
17 message of Alan Smith, "male secure on the ground", and
18 I would like to play this phase, which is phase 4, to
19 the end, which is to 7.25.17, so it's a slightly longer
20 area of footage and Ms Wildgoose will do that and you
21 can follow it on the spreadsheet if you wish, or you can
22 look at the screen. Thank you very much, Ms Wildgoose.

1 (Video played)

2 Thank you. So to put this into context, this next
3 question, inspector, this phase that we have just
4 listened to, phase 4, starts with the man being secure
5 on the ground and ends with the man being unconscious,
6 and I would like to now ask you about a particular
7 Airwave transmission that we will just simply look at on
8 the spreadsheet if you don't mind. It's on page 8, so
9 it's the page after the one that we have just finished
10 looking at and it is about a third of the way down and
11 it is an Airwaves transmission by Acting Police Sergeant
12 Maxwell and it says -- you will see it at 7.26.52, so
13 this is after the period when the man is unconscious.
14 7.26.52 on page 8 and it is Sergeant Maxwell saying:

15 "Just for the log, the initial on attendance, this
16 male's attacked PC Short..."

17 Can you see that?

18 A. Yes.

19 Q. I'm going to ask Ms Wildgoose to play that part of the
20 recording, so this is at 7.26.52.

21 (Video played)

22 Thank you. Were you able to follow that?

1 A. Yes.

2 Q. So that's information that's being fed back to you from
3 Sergeant Maxwell?

4 A. Fed back to the control room.

5 Q. Sorry, yes, fed back to the control room, yes.

6 A. Yes.

7 Q. And you see it starts with the words "Just for the log"
8 and if you can take it from me for the moment, there's
9 no other Airwaves transmission on this spreadsheet that
10 start with the words "Just for the log", and I'm trying
11 to understand what that actually means when an officer
12 says "Just for the log"?

13 A. Okay, so it's almost like police jargon, so the log --
14 the log will mean the command and control log of the
15 incident so my take on that is that APS Maxwell is
16 saying: just for the log can you put on the incident
17 that this is what's happened on initial attendance, the
18 officer has been assaulted or attacked, so that's him
19 saying retrospectively -- he has maybe spoken to the
20 officers there, I don't know, but just for the log is:
21 can you record it on the incident, is my interpretation
22 of that.

1 Q. So it's a retrospective transmission, perhaps through
2 information that he has received from other officers?

3 A. Yes, who were there initially and saw -- or were there
4 at the time and have subsequently told him.

5 Q. And he is then feeding that back to the control room so
6 there's a record of it?

7 A. Yes.

8 Q. Thank you. Now I'm conscious of the time but I would
9 like to just very briefly move back into the dynamic
10 risk assessment paragraphs in your statement,
11 paragraphs 25 and 26. This is the statement we referred
12 to earlier, so you're talking about the dynamic risk
13 assessment and the NDM, National Decision Model, and you
14 have given quite a lot of information to the Chair in
15 those paragraphs.

16 Part of the passage refers to giving people space
17 and time to speak to them. That's the words taken --
18 I don't know if we can get that onto the screen. Yes,
19 so it's right in the middle of the screen now. It's
20 just the paragraph immediately above number 26 and you
21 say:

22 "The reality is because it's quick time that they'll

1 have been going to the incident, they'll have been
2 searching, they'll have seen and I would suspect if the
3 male has a knife or not a knife then they would decide
4 what they're going to do."

5 Do you see that paragraph?

6 A. Yes.

7 Q. And then it says:

8 "... then they take from there in terms of feeding
9 back. So it will be done really, really quickly.
10 They'll decide whether or not they can deal with the
11 individual. We're all trained in communication,
12 tactical communication, it's part of our OST. Tell
13 people to stop, stand back, sit down, put the knife
14 down, do whatever, so you get all that, give people
15 space and time to speak to them. Every police officer
16 is a negotiator effectively, but not to the extent that
17 the specialists are, but you're using your communication
18 skills all the time."

19 Do you see that that's what you have said there?

20 A. Yes.

21 Q. And I would just like to ask you about that. When
22 you're talking about giving people space and time to

1 speak to them, what do you mean by that?

2 A. If you're approaching an individual who was maybe
3 distressed, upset, or had issues, just standing back and
4 speaking to them to give them that little bit of space
5 to understand what is happening for them. Sometimes
6 that can work effectively in terms of de-escalating, but
7 on other occasions it doesn't, depending on the mindset
8 of the individual, or if they're under any -- if they
9 have mental health issues or any behavioural issues, or
10 are under the influence of alcohol or drugs, but it is
11 that standing back, giving them a bit of space and time
12 to see if you can speak to them to calm things down.

13 Q. And when you're using the words "Speak to them", what
14 sort of tone of voice are you envisaging? You have
15 talked about calming things down.

16 A. Yes. So it would -- I mean again I would -- I'm just
17 thinking about myself, it would be a case of asking them
18 if they're okay, what was wrong, where they were going,
19 you know: what's been happening to you, are you okay, do
20 you have anything in your hands, have you got a knife,
21 where is it, you know, tell me what's been happening to
22 you and we will try and get this resolved, and we need

1 to speak to you to understand what's going on but tell
2 me what's been happening for you today. That's the sort
3 of personal way I would approach it.

4 Q. And when you use the word "space", what are you thinking
5 of? What do you mean by that "space"?

6 A. Physical space, so you're not right on top of them,
7 giving them that distance. So you've got your own
8 reactionary gap as well to protect yourself, but you've
9 got that space so you're not right on top of them,
10 closing them down in a manner that could instigate
11 conflict or concern for them, just to give them that
12 space.

13 Q. You have used the expression "reactionary gap"?

14 A. Yes.

15 Q. What do you mean by that?

16 A. So just in terms of, again, officer safety training,
17 you're taught to have a reactionary gap if you're
18 approaching someone or dealing with someone who is maybe
19 potentially violent, so you can stand back and maybe use
20 your PPE, maybe use your hands just to stay back, but
21 there is that gap so people can't close you down as
22 quickly as if you were right in front of them for your

1 own safety.

2 Q. And PPE is your equipment?

3 A. Yes, it's your vest, your handcuffs, your baton, your
4 PAVA spray, leg restraints.

5 Q. And you also talked about time. What do you mean when
6 you used the word "Time" in your statement?

7 A. I suppose it's space and time, so it's about giving them
8 that space to stay back and the time -- if it takes
9 a bit of time to understand what's going on then -- yes,
10 so be it, but it's giving that opportunity to
11 potentially de-escalate the situation as opposed to sort
12 of rushing in.

13 Q. And in this paragraph you also mention OST; is that
14 officer safety training?

15 A. Yes, yes.

16 Q. Are these skills that all officers in Police Scotland
17 are taught --

18 A. Yes, yes.

19 Q. -- as part of the training package that's provided by
20 the organisation?

21 A. Yes.

22 Q. And can these skills be adopted even if the person is

1 holding a knife?

2 A. Yes. I would certainly say the space and the time, yes,
3 staying back and maybe -- you know, it might be
4 an opportunity to -- almost like try and use your
5 communication skills, your negotiating skills to ask the
6 individual to put the knife down, or whatever, but it
7 depends on the circumstances. It's variable, sometimes
8 it can have a positive outcome and other times,
9 you know, it doesn't matter what's said, the individual
10 might have a particular mindset and -- or there might
11 need to be that sort of intervention earlier on, just
12 depending on the circumstance. So I don't know the
13 circumstance that happened.

14 Q. No, no, but it's an option that officers are taught --

15 A. Yes.

16 Q. -- that they can attempt, if the circumstances are
17 right?

18 A. Yes, I mean if someone's got a knife you're trained --
19 officer safety training -- if someone has a knife the
20 main thing is to create that distance between yourself
21 and them. You utilise cover and transmit what you're
22 seeing in front of you to other officers so that they're

1 aware if they're attending that someone has a knife.

2 MS GRAHAME: Thank you. I'm very conscious of the time.

3 I'm not going to finish this witness in the next

4 15 minutes, or even half an hour. I've got quite

5 a large number of questions still to ask.

6 LORD BRACADALE: I think what we will do is we will take

7 a break at this point and we can assess how best to go

8 forward with this evidence.

9 MS GRAHAME: Thank you.

10 (4.01 pm)

11 (Short Break)

12 (4.16 pm)

13 LORD BRACADALE: Inspector, we normally rise about now but

14 I think we will sit on for another hour or so to see if

15 we can get through your evidence. Ms Grahame.

16 MS GRAHAME: I will be as quick as I can, inspector.

17 LORD BRACADALE: Just a moment, I think Ms --

18 MS MITCHELL: (Mic turned off).

19 LORD BRACADALE: So you want me to adjourn for that purpose.

20 MS MITCHELL: (Mic turned off).

21 LORD BRACADALE: Very well, I will allow that.

22 (4.17 pm)

1 (Short Break)

2 (4.22 pm)

3 LORD BRACADALE: Now, Ms Grahame.

4 MS GRAHAME: Thank you. Could I ask you to look again at
5 your Inquiry statement, please, paragraphs 34 and 35.

6 Paragraph 34 talks about the criteria for deployment of
7 armed response officers being considered by you for
8 a fast moving incident and you talk about having
9 professional eyes on the ground at the location. Is
10 that the police officers that you're referring to?

11 A. Yes.

12 Q. And they are to:

13 "... provide a live time update which would then
14 inform my decision-making further and the next course of
15 action."

16 Is that that information feeding into the control
17 room which allows you to adopt the National
18 Decision-Making Model?

19 A. Yes.

20 Q. "For me, given the immediacy of the incident, the local
21 officers with their training were the initial persons to
22 attend the incident for me with a stay safe warning to

1 tell me what was going on, to feedback information and
2 then if the male was behaving in a way that was
3 threatening or aggressive or brandishing a weapon or
4 whatever it would be, a case of instructing them to stay
5 back and then tell me what they could see, give me an
6 update and then I would take it from there."

7 So this is where you're talking about even if
8 someone is behaving in a threatening and aggressive
9 manner or brandishing a weapon, that it would be open to
10 you to say "Stay back, tell me what you can see, give me
11 an update", and you would take it from there?

12 A. Yes.

13 Q. And what do you mean by "You would take it from there"?

14 A. If I felt the threat was significant enough towards the
15 officers or members of the public, and that kind of
16 conduct was happening, aggressive behaviour, with
17 a knife or threatening behaviour, then I would take
18 command of the incident, I would give them instruction
19 to pull back at a distance to keep observations on, to
20 keep themselves out of immediate risk in terms of space
21 and distance and it would -- for me it would be a --
22 depending on the circumstances, it would be a declared

1 firearms incident and resources, ARVs and dog unit would
2 have to come from Edinburgh or Stirling, but Edinburgh
3 would be my -- was my choice for this incident.

4 Q. So even if someone's threatening, or behaving
5 aggressively with a weapon, it is an option for the
6 officers on the scene to create space and distance
7 between that person and themselves?

8 A. Yes.

9 Q. And you can take control of that incident if they feed
10 back that information to you?

11 A. I could if it was a declared firearms incident, if I was
12 declaring that. Normally it would sit with local
13 officers, local supervisors on the ground, but if I felt
14 that it needed me to take charge of it from a firearms
15 perspective, I would probably then be listening to what
16 they were saying anyway and making sure that they were
17 keeping that distance from the individual anyway.

18 Q. And you mentioned a dog unit a moment ago. What
19 involvement would you have in organising a dog unit?

20 A. It would be the overview would get in contact with a dog
21 unit and ask them to attend the incident.

22 Q. And when you say the overview, would that be yourself,

1 or would it be Michelle or Scott?

2 A. It would be the comms officer that would more than
3 likely do that.

4 Q. So probably Michelle -- sorry, I forget her second name?

5 A. Hutchinson, yes, it was. It was her I think that
6 contacted the dog unit.

7 Q. So on 3 May 2015 it was the communications officer that
8 instructed the dog unit to attend?

9 A. That's my recollection, yes.

10 Q. Thank you. And then paragraph 35, please. This spans
11 two pages:

12 "It is one of those situations where if they had
13 stopped and said 'he's brandishing a knife, we're not
14 going to get out of our vehicles, he's walking towards
15 the vehicles, this isn't safe for us to deal with', then
16 I would have taken charge of it, command of it, and
17 I would have instructed the local officers what I wanted
18 them to do until specialist officers, possibly including
19 the ARVs, arrived."

20 And could you go up the page slightly, Ms Wildgoose,
21 so I can read that:

22 "It would have been a declared firearms incident

1 with ARVs going, me briefing them on the way, me telling
2 the uniformed officers at the locus to stay back but
3 keep a visual observation on the individual and give me
4 any updates whatsoever."

5 So in terms of that strategy, you would have been
6 coordinating with the ARVs, asking the officers at the
7 scene for feedback, considering any specialist officers
8 you wanted to attend, and you said you could have
9 declared a firearms incident with ARVs. What does that
10 actually mean?

11 A. It's just that it's the formal sort of declaration of an
12 incident, so everybody knows that it's a firearms
13 response where I would have control of it, command of
14 it, so that I would then take control of the incident
15 from local policing and I would issue instructions and
16 guidance and advice to officers to keep safe or -- and
17 to get these sort of live time updates back so I could
18 understand what was going on on the ground and then
19 armed officers would be authorised to deploy from
20 Edinburgh. They would listen out on Kirkcaldy 1 as well
21 and then I would brief them as they were going on
22 a separate firearms channel with the tactics that

1 I wanted them to employ when they got to that location.

2 Q. All right, thank you. In 2015, did armed officers have
3 access to tasers?

4 A. Yes, that was one of their less lethal options but local
5 policing officers didn't at that time.

6 Q. And would it have been possible for you, on 3 May 2015,
7 to deploy armed response -- an armed response vehicle to
8 attend at Hayfield Road?

9 A. Yes.

10 Q. And according to what you have said in paragraph 35,
11 when this is going on in the control room, you are
12 expecting individual officers at the scene to be
13 carrying out visual observations?

14 A. Yes, I mean I'm looking -- I would be looking for
15 officers at the scene to be looking to tell me what was
16 actually happening at the location, if that makes sense.

17 Q. Okay. And then the paragraph goes on to say:

18 "Again, even within that, they ..."

19 I think this is a reference to the ARVs:

20 "... they could have been on their way and got as
21 far as Dunfermline and the guy could have put the knife
22 down. It just depends how the actual incident unfolds.

1 But it wasn't like that. It was a case of they arrived,
2 they were requested to feed back whether or not they
3 could deal with the individual and they subsequently
4 went on to deploy and arrest him. What then happened
5 after that I have no direct knowledge of."

6 A. Yes.

7 Q. Thank you. Can you give us an indication: if officers
8 had fed back from the scene about what they were seeing
9 and observing and how long that would take you then --
10 if you take a decision you're going to take control, how
11 long does it take you to make that decision between
12 an officer saying "This is what I can see" and you
13 taking a decision to take control?

14 A. If I was given information from officers at the scene
15 that they were facing a threat or someone was
16 approaching them with any kind of weapon, I would
17 instruct them to take back and I would tell them -- make
18 it known there and then that I was taking charge, I was
19 declaring it as a firearms incident, I would take
20 command and this is what I wanted them to do and
21 (inaudible) them to stay safe.

22 Q. Two things I would like to ask you. When you say "Take

1 back" is that the creating space, move away from the
2 person?

3 A. Yes.

4 Q. And when you say you would declare it a firearms
5 incident, there may be people saying "But there wasn't
6 a gun involved", and being a little confused. Is it
7 okay for you to declare a firearms incident even if
8 someone says there's not a firearm in the sense of
9 a gun?

10 A. Yes, I mean the definition -- the College of Policing
11 definition about the criteria for the deployment of
12 firearms officers to an incident talks about reason to
13 suppose that persons are in possession of, or have
14 immediate access to a firearm or other lethal weapon, so
15 it could be a knife, it could be an axe, it could be
16 a bow and arrow, it could be (inaudible overspeaking).

17 Q. So a knife is a potentially lethal weapon --

18 A. Yes.

19 Q. -- and could trigger the ARV?

20 A. Yes.

21 Q. I will come on -- I will come back to that in a moment.

22 Can I ask you about something different. There's

1 evidence before the chair about a nearby psychiatric
2 hospital in the area?

3 A. Yes.

4 Q. And that dealt with patients with mental health
5 problems. How would information about the existence of
6 a psychiatric hospital in the area be communicated to
7 you in Bilston Glen?

8 A. It would either be through the officers on the ground
9 who had that local knowledge, or officers within the
10 control room that were aware of the hospital at that
11 location, that's how it would be communicated to me.

12 Q. Is that sort of information available to you on your
13 overview screen?

14 A. If it was on the incident, yes. I would like to think
15 it would be made available to me, but it would probably
16 come down to local knowledge or looking up Google Maps
17 or -- it would be local knowledge of the people in the
18 control room that there was a hospital there.

19 Q. Or information shared by the officers at the scene who
20 knew the area --

21 A. Yes.

22 Q. -- via the Airwaves?

1 A. They would be the ones that were best placed to give me
2 that information.

3 Q. If someone had absconded from the hospital, either the
4 psychiatric hospital or the nearby Victoria Infirmary,
5 how could that information be shared with you?

6 A. And had it been reported to the police and an incident
7 was created we would look at the incidents that were in
8 and around that time to see if there was any links and
9 that was one of the things that we did in the control
10 room at the time -- the overview at the time, was to
11 look at the different calls that had come in, the
12 incidents that had come in in relation to the report to
13 try and marry them up and tie them up to see whether or
14 not they were related and linked together to give us an
15 understanding of just what was going on, so if there was
16 someone reported to be missing from a local psychiatric
17 hospital, you would like to think you would pick that up
18 and think: could it be this individual that's missing
19 from the hospital?

20 Q. So part of your job is to see connections between
21 reports --

22 A. Yes.

1 Q. -- or other information that you have in the control
2 room?

3 A. Yes, and the officer that was in there, called the RAID
4 officer, they were looking at these kind of jobs. We
5 were all probably looking to see if there was anything
6 that we could link together.

7 Q. If you had that information available to you, is that
8 the sort of information you would share over the
9 Airwaves with officers about to attend the scene?

10 A. Yes. I mean we would phone the hospital to ask who was
11 missing, what their description was, when had they left,
12 where were they last seen and, you know, what was the
13 risk, or their understanding of risk to members of the
14 public and then that information would be important to
15 be passed out to local attending officers to help them
16 in their risk assessment when they come across an
17 individual as well.

18 Q. And who is it that would phone the hospital to ask those
19 questions?

20 A. The controller, Control 1 would have been busy, so it
21 might have been a supervisor, or it might have been
22 someone in the overview that would have taken that

1 responsibility to do that, just to check.

2 Q. And is it possible for officers travelling to a scene to
3 contact control and say "Could you check. There's
4 a local psychiatric hospital, can you check what the
5 up-to-date position is?"

6 A. Yes, it could be.

7 Q. And if it's not anyone who has absconded from a hospital
8 but say it is a missing person, if there's been a report
9 about a missing person, is that also information that
10 you will be checking and communicating to officers?

11 A. Yes.

12 Q. Thank you. I would like now to play an audio tape,
13 PS 02017, and you may see, inspector, in the black
14 folder a transcript. This is a call and the time of it
15 is 09.12, so on 9.12.35 on 3 May 2015. We will just
16 wait a second.

17 While we're waiting on that, what I might do is just
18 finish up some other questions. When we looked at the
19 spreadsheet earlier, I asked you about the Airwaves
20 transmission at 7.17.23, which is the message from
21 Scott Maxwell asking about a dog unit being available
22 and an ARV, so that's 7.17.23. And at 7.19.12 --

1 7.17.23, that's on page 2. 7.19.12 --

2 A. Yes.

3 Q. -- he asks for an update on the availability and I think

4 I went through with you, Con 1:

5 "I believe a dog unit is en route."

6 A. Yes.

7 Q. Had you instructed the deployment of the dog unit?

8 A. Yes, so between these times I got back into the
9 overview. I wasn't aware of the 7.17.23 request,
10 I personally never heard that, but based on the
11 incident, the way it was unfolding, the information that
12 was coming in, I asked Michelle Hutchinson to make
13 contact with a dog unit and also to make the ARVs aware
14 of an incident that was happening in Kirkcaldy.

15 Q. And where was the nearest dog unit?

16 A. I think it was in Edinburgh. I know there was only one
17 on for the area and I think it was in Edinburgh.

18 Q. And is there normally more?

19 A. It could depend but one dog unit for an area on a Sunday
20 morning is proportionate, or is -- you know, it happens,
21 but sometimes there could be more on, depending on the
22 time of week and incidents that were happening.

1 Q. Thank you. Do you have any impression of how long it
2 would normally take a dog unit on a Sunday morning to
3 travel from Edinburgh to Kirkcaldy?

4 A. Yes, I mean it's 27 miles, so it would take 25 minutes
5 at least, I would suggest is what I would think. Maybe
6 faster, maybe faster, but 20 minutes.

7 Q. Do you think it could be faster perhaps on a Sunday
8 morning when the roads are quiet?

9 A. Yes, yes.

10 Q. Well, we may hear further evidence about that.

11 Can I ask you also to look at the other element at
12 7.19, the -- Michelle Hutchinson, Con 2, control 2, said
13 she was:

14 "Organising an ARV as well. Stand by."

15 That was just shortly after the transmission on the
16 dog unit.

17 A. Yes.

18 Q. What is meant by "organising"?

19 A. So the language that she has used there, she -- I have
20 asked her to contact the ARVs at Fettes to make them
21 aware of the sort of developing incident that was
22 happening in Kirkcaldy, so she has done that and she has

1 responded on the radio to say that she is organising
2 an ARV as well, which is different from an ARV is
3 authorised to attend in a firearms capacity. It's just
4 confirming that she has made contact so they're aware --
5 specialist resources, dog unit and ARVs, are aware of
6 what's going on and listening out.

7 Q. So there's contact, they're on standby?

8 A. Yes.

9 Q. But they have not actually at that moment been deployed
10 to attend and leave Edinburgh and travel to Kirkcaldy?

11 A. Yes. I mean it was a collapsing timeframe. All that
12 was happening very, very quickly so it was a case of
13 making them aware so they could get ready to get to
14 their vehicles to potentially be deployed to that
15 incident as it was unfolding.

16 Q. Thank you. Can we now please play the audio tape. So
17 it is PS 02107 and you will have a transcript in front
18 of you, which you can follow as you listen to the audio
19 tape, and then once we have listened to it all and the
20 Chair and the Assessor will have a copy -- once we have
21 listened to it all, I will ask you some questions. So
22 this is a call recorded at 9.12.35 on 3 May 2015.

1 Ms Wildgoose.

2 (Audio played)

3 Were you able to follow that --

4 A. Yes.

5 Q. -- as we played it? So who is speaking, is that you,

6 Inspector Stewart?

7 A. Yeah, that's myself and Stephen Kay who was the

8 inspector at the time.

9 Q. So is Stephen Kay the one that we mentioned when we saw

10 his name on the spreadsheet?

11 A. Yes.

12 Q. So he is a local officer from Dunfermline?

13 A. (Nods).

14 Q. And this is a conversation that you had with him at 9.12

15 on 3 May?

16 A. Yes.

17 Q. And I would like to ask you, first of all -- let's look

18 at this expression on page 2 of the transcript "He is

19 the size of a house". What's your impression of someone

20 who is the size of a house?

21 A. Just someone who is hugely built, massively built.

22 Q. Can you give us any more -- could you give us a range of

1 what you mean when you say "massively built"?

2 A. That description for me is just someone who is really
3 well built, powerful, tall, broad, muscly, big build is
4 what I think Stephen is describing.

5 Q. How tall? Can you give me an idea of a range?

6 A. If I was -- 6-foot plus is what I think of when I think
7 about someone that size.

8 Q. Not someone 5 foot 10?

9 A. No.

10 Q. 12 stone 10?

11 A. No.

12 Q. And you talk about "the guys", presumably the
13 police officers, being on the scene "So quickly, too
14 quick actually". What did you mean when you said that?

15 A. Just that they were there very, very quickly at the
16 locus, too quick for specialist resources or armed
17 resources to be deployed from Edinburgh, so, you know,
18 they have had to deal with the incident which was right
19 because it was important that officers were there, but
20 it didn't really give any opportunity for specialist
21 resources to assist them with the incident, but they
22 were off really, really quickly in terms of their

1 actions and just going into the incident.

2 Q. So you weren't in a position to support them from the
3 control room?

4 A. Not with specialist officers that were going, but
5 because it happened so quickly, even with that sort of
6 advice or any kind of guidance that could be offered
7 other than just a very, very quick jump on the talk
8 group to remind them of the need to make that initial
9 risk assessment and feed the information back.

10 Q. You're talking about the call that we have referred to
11 earlier and listened to earlier that you had made about
12 "Do an initial assessment and feedback"?

13 A. Yes.

14 Q. And you have said you never received any feedback?

15 A. No, I didn't.

16 Q. There's a point in the transcript where you talk about
17 officers sitting at 80% or 90%. I could hear that but
18 I don't see it on the transcript. What did you mean by
19 that?

20 A. Sorry, I can't --

21 Q. You didn't hear that?

22 A. I didn't hear that.

1 Q. We will leave that. Then you were told by Stephen Kay
2 that the man had ran at them with a knife. I understand
3 that at this stage you didn't have any information about
4 the circumstances?

5 A. No. I mean it wasn't even confirmed for me that the man
6 had a knife.

7 Q. Thank you. Then just slightly further down you talk
8 about for you:

9 "... that's an ARV job, a dog job, but it's
10 obviously the time they have obviously come across him."

11 Again, you're mentioning the time. What were you
12 meaning when you said that?

13 A. It was one of these incidents where the time was the
14 critical factor in it in as much as the officers were
15 deployed to the incident immediately. Because it was
16 nearby they were there so quickly and they have
17 obviously decided to deal with him, or deal with the
18 threat that they were faced at the time before any kind
19 of specialists or any other officers could be there to
20 support them, so the time was a critical factor in this
21 incident.

22 Q. And then you go on to say:

1 "And the thing is as well, when you've got someone
2 going down the street with a knife you still have -- my
3 view is cops still have to go even if they park around,
4 stop the car at the end of the street to say 'I can see
5 him, this is what's happening to him', but see when you
6 look at the times, the time stamps, I suspect it's even
7 happened quicker than the time stamps, but it's over
8 in -- it's over in 3 minutes or something like that,
9 almost for the first call."

10 Can you explain what a time stamp is, first of all?

11 A. It's just almost like the things on the side of the --
12 of that sheet, it's all just on the actual STORM log,
13 it's just times that are recorded when information comes
14 in, just ...

15 Q. So this is really what you were talking about earlier
16 this afternoon, about stopping the car, the police
17 vehicle, you have said there at the end of the street,
18 or a distance away, and then observing from that
19 position?

20 A. Yes.

21 Q. Yes. And that's something that the officers on the
22 scene could have created, that space and that distance,

1 and that time?

2 A. They could have.

3 Q. Thank you. I would like to play another call, please,
4 which is PS 02134 and this is a call at 9.25 on the same
5 day, so 15 -- not quite 15 minutes later. Again, you
6 should have a transcript before you for that showing
7 that and I think we will play that, if we can, quite
8 loudly if possible.

9 (Audio played)

10 Right. Do you recognise the voices on this one?

11 A. Yes, it's myself and Steven Bisset who was a sergeant on
12 the Fife control area at the time.

13 Q. And there's two things I would like to ask you about.

14 The first thing is on the second page of your
15 transcript, so it's you speaking and you say:

16 "It was over before it started type thing. They
17 have basically gone out straight onto him. They sort of
18 heard that -- I put out a message -- he had put out
19 a safety message but by that stage just the next thing
20 the emergency button is activated. I think what's
21 happened is they have come across him straight away, got
22 out the car and he's run at them and he's a big guy,

1 a massive by all accounts, and I think he has probably
2 been under the influence of the drink or something like
3 that and he has been in possession of knives, so they
4 have just had to react instantaneously so there's no
5 time for anything but ..."

6 Is that information that you're sharing with Bisset
7 that you have received from Kay?

8 A. Yes. I think it's from Kay and from probably other
9 information that's come through the internal control
10 room side of things.

11 Q. So information that's circulating --

12 A. Yes.

13 Q. -- about the incident that's come to your ears through
14 in the control room?

15 A. Yes, yes.

16 Q. And then on the last page you say at one point:

17 "It's just a case of keeping quite tight-lipped
18 about it."

19 What did you mean by that?

20 A. Probably just because it's a significant incident, just
21 to make sure that staff on the ground -- everybody's got
22 social media, phones, accounts and some things if it --

1 when they're significant it's really important that it
2 stays within the control room or within the police and
3 not shared out informally through people texting out or
4 doing anything like that. That's just -- having read
5 that, that's what I think I meant.

6 Q. Can we go back to your statement please, paragraph 51,
7 and here you're explaining:

8 "I'm considering the threat, the risk, what
9 resources are appropriate to deploy in the circumstances
10 of the incident. I'm not controlling what happens on
11 the ground locally unless it becomes a firearms
12 incident, in which case I take charge of the incident in
13 its entirety."

14 That's in line with what you have already told us
15 this afternoon:

16 "But what you have is you've got your resources,
17 your training and your timescales. They're the three
18 critical things that feature centrally in this
19 particular incident for me. What resources are
20 available, immediately available and can attend to
21 either mitigate the threat that's out there with the
22 male with the knife, what training do they have in terms

1 of dealing with an individual, and we have that through
2 our OST ..."

3 And you have explained that's officer safety
4 training:

5 "... what protective equipment they have, what
6 communication skills they have and the fact they're
7 given a stay safe warning from the control room and
8 a warning by their own sergeant at the time who is also
9 attending the incident. And then what are the realistic
10 timescales for this and the reality with this particular
11 incident was that there's none in terms of the time.

12 The time is a significant ..."

13 Can we go on to the next page:

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

20 Was it your understanding when you prepared this
21 statement that the -- as you said in this audio message,
22 that the man had gone at them with a knife and they had

1 to react instantaneously?

2 A. No, that's -- no, that's --

3 Q. That's separate?

4 A. Yeah. I mean I -- I had no knowledge that -- so

5 I didn't -- there was nothing to say that the man had

6 gone at them with a knife. I wasn't aware that the man

7 had gone at them with a knife.

8 Q. All right, thank you. Can we move on to paragraph 54

9 please. You have given the Chair a description of

10 certain factors that are risk factors or factors that

11 can be taken into account when you're assessing risk and

12 threat. Is it a factor -- a relevant factor that

13 officers attend incidents in pairs rather than

14 individually?

15 A. Yes. I mean the majority of time now officers are

16 paired up, it's for officer safety and it tends to be

17 the method of patrol, certainly on a response vehicle

18 where they're attending dynamic and serious incidents.

19 Q. Thank you. Paragraph 55, which is on page 29, page 29.

20 In this section of your paragraph -- of your statement,

21 I should say, you have talked about escape routes and

22 cover and considering risk, we have already gone through

1 that today. There's no mention in here of
2 police officers running someone over with a police van.
3 In your experience, is that an acceptable option for
4 officers under any circumstances?

5 A. Sorry, could you just ask me that again, please? I'm
6 not quite sure.

7 Q. Yes, of course. So in this paragraph you're talking
8 about different options for officers and factors that
9 are important in relation to assessing threats and
10 such-like. There's no mention in this part of your
11 statement about police officers running someone over
12 with a police van, and I wondered if that is an
13 acceptable option for officers when they attend a scene
14 to run into somebody with a police van.

15 A. It wouldn't be certainly something that would be
16 expected to be done. I mean, you know, but I -- I don't
17 know what the -- it depends on -- I suppose it depends
18 on the incident that you have, but, you know ...

19 Q. If somebody -- if calls have come in that somebody has
20 a knife and officers attend, is it acceptable that they
21 simply just run that person down?

22 A. No.

1 Q. No.

2 A. No.

3 Q. Thank you. Can I ask you about paragraph 56, please.

4 This is headed up "Terror threat levels". You have said
5 in -- you have explained in this part of your statement
6 you didn't view this as a terrorist incident based on
7 the information you had at the time on 3 May. You knew
8 the man was black, but that hasn't altered your view
9 about the fact -- you took the view it wasn't
10 a terrorist incident?

11 A. I was working on the information and intelligence that
12 was available and fed back, but there was nothing to
13 suggest during that incident that it was
14 a terrorist-related incident at all.

15 Q. Thank you. And had any of the officers who were going
16 to attend the scene been concerned that they were
17 attending a terrorist incident, what would you have
18 expected them to do in relation to their communications
19 with the control room?

20 A. Their concerns should have been voiced, or would have
21 been voiced.

22 Q. Right. And would there be any reason why they couldn't

1 do that before they attend or at the point they attend?

2 A. No, it would just be a radio message that they would
3 transmit.

4 Q. Thank you. Could you look at standard operating
5 procedure, please, PS 10985. This is called Armed
6 Policing Operations. You will see the front page. This
7 is 118 pages long and I'm not going to take you to all
8 of those pages, but you will see this is the SOP for
9 armed policing operations and I would like to ask you
10 about section 10, which I think is on page 20.

11 Paragraph 10.2, is this the "reason to suppose" mention
12 you made earlier in your evidence?

13 A. Yes.

14 Q. And does it also say that it can include a potentially
15 lethal weapon? We see that just above halfway on the
16 screen?

17 A. Yes.

18 Q. Potentially lethal weapon, which you have told us could
19 be a knife?

20 A. Yes.

21 Q. Thank you. And then could we look at section 9,
22 paragraph 9.9. Is this area of responsibility, area

1 control room duty officer, that is your role on 3 May,
2 that was your role?

3 A. Yes.

4 Q. So this is the section of the SOP that would deal with
5 the way you conducted your work on that day?

6 A. Yes, it would be.

7 Q. Thank you. Right. Can you tell us, did it make any
8 difference whatsoever to the work that you were doing in
9 the control room that Mr Bayoh was black?

10 A. No.

11 Q. Are you aware of certain stereotypes regarding black
12 people, say, for example, we have heard in the audio
13 that he was the "size of a house" and that there may be
14 these stereotypes that black people are bigger, or more
15 aggressive or less compliant?

16 A. I am aware of stereotypes like that. I mean there was
17 something in the press today about tasers being used
18 down south and there's research been done that black
19 people are more likely to be tasered by police officers.
20 That was in the news today, so ...

21 Q. In that -- you have obviously done a lot of training,
22 specialist training, and have you done equality and

1 diversity training?

2 A. I actually run an equality and diversity team just now
3 in my current role, so I have done equality and
4 diversity and inclusion training.

5 Q. What training are you giving officers in relation to
6 black stereotypes, or you have mentioned situations down
7 in England? Tell us a little bit about that?

8 A. I mean in terms of hate crime, I review hate crime on
9 a daily basis. In terms of -- it's about officers --
10 I suppose it's about officers being aware and members of
11 the public being aware of prejudices that they might
12 hold, what discrimination is, what a hate crime is, what
13 a hate incident is.

14 Q. Were you part of training in that field in 2015?

15 A. No.

16 Q. No. I understand that I -- in error I said that we had
17 been provided with your CV previously. I understand
18 that in fact it is not a CV, it's SCoPE records?

19 A. Yes.

20 Q. Does that make sense?

21 A. Yes.

22 Q. And it is information about the training you have had

1 and that type of thing?

2 A. Yes.

3 Q. And if we have now been provided with your SCoPE records
4 that's something that we can refer to and consider your
5 training and your experience?

6 A. Yes.

7 Q. And how many years' experience do you have as
8 an officer?

9 A. 29 and a half.

10 MS GRAHAME: Thank you. Could you just give me one moment.

11 (Pause).

12 I appreciate I have kept you here very late today,
13 inspector, but there may be other matters to be dealt
14 with but I'm now finished, thank you.

15 LORD BRACADALE: Are there any applications in respect of
16 this witness?

17 UNKNOWN SPEAKER: (Mic turned off).

18 LORD BRACADALE: Do you want me to adjourn for that purpose?

19 UNKNOWN SPEAKER: (Mic turned off).

20 LORD BRACADALE: Very well. Before I adjourn, is there
21 anybody else? No.

22 Oh, Ms Mitchell?

1 MS MITCHELL: (Mic turned off).

2 LORD BRACADALE: To consider it -- yes, well I will rise
3 briefly to consider it.

4 (5.09 pm)

5 (Short Break)

6 (5.15 pm)

7 LORD BRACADALE: I think the general order of submissions
8 should be the same as the general order of the opening
9 speeches so, Ms Mitchell, I think you would be first.

10 MS MITCHELL: Yes, my Lord. I just would like to ask if
11 I can ask questions in relation to --

12 LORD BRACADALE: I should advise you, before you start, that
13 real time transcription stops at 5.15, but the
14 transcription will then be made up tomorrow morning from
15 the recording.

16 MS MITCHELL: I see.

17 LORD BRACADALE: I don't think we need real time
18 transcription necessarily.

19 MS MITCHELL: I would hope not, no.

20 LORD BRACADALE: Yes.

21 Submissions by MS MITCHELL

22 MS MITCHELL: My Lord, I just want clarification in respect

1 of a question which arose -- Senior Counsel to the
2 Inquiry asked the officer:

3 "What training are you giving officers in relation
4 to black stereotypes, or you have mentioned situations
5 down in England? Tell us a little bit about that?"

6 And the officer responded:

7 "I mean in terms of hate crime, I review hate crime
8 on a daily basis. In terms of -- it's about officers --
9 I suppose it's about officers being aware and members of
10 the public being aware of prejudices that they might
11 hold, what discrimination is, what a hate crime is, what
12 a hate incident is."

13 And I would like to have the officer answer the
14 question, "What training are you giving to officers in
15 relation to black stereotypes for suspects of
16 offences?", not those who have crimes committed against
17 them, so the officer has answered the question in terms
18 of the questions of hate crimes against people, black
19 people, and I want to know what training is being given
20 in relation to black suspects and stereotypes.

21 LORD BRACADALE: Very well. I shall allow you to ask that.

22 Ms McCall?

1 Submissions by MS MCCALL

2 MS MCCALL: Yes, thank you, sir.

3 I put in a written Rule 9 application in respect of
4 this witness that contained in total 16 questions. I am
5 grateful to Senior Counsel for the Inquiry for asking
6 the majority of those, but there's a significant section
7 of that which I had understood in an email from the
8 Inquiry team were lines of questioning that would be
9 explored with this witness that have not been. I don't
10 know, sir, whether you have my written application
11 available to you.

12 LORD BRACADALE: No. It never came to me because it didn't
13 require to.

14 MS MCCALL: Yes. The matter concerns -- it arises because
15 of the Inquiry's Terms of Reference to explore systems
16 of operating and consider whether those may have played
17 a part in Mr Bayoh's death and one of the issues that
18 arises is the means by which communications about the
19 situation on the ground are transmitted through
20 the police control room to the Ambulance Service.

21 There is -- we have heard evidence already of acting
22 Sergeant Maxwell communicating with the control room and

1 advising them that Mr Bayoh was sprayed and may have
2 been batoned to the head, and the Inquiry will hear
3 evidence from Sergeant Maxwell that he did that for the
4 log, the STORM record, but also so that the ambulance
5 would be informed, and the Inquiry may hear that the
6 paramedics who attended never got that information prior
7 to their arrival at the scene.

8 So I had proposed in my application to ask this
9 witness -- because I have made an inquiry with the team
10 as to the appropriate witness for this and I was told it
11 was this one -- about the role that the area control
12 room plays in transmitting information from Airwaves to
13 the Ambulance Service, whether that's --

14 LORD BRACADALE: Sorry, the role the control room ..?

15 MS MCCALL: The role the control room plays in transmitting
16 information received over Airwaves from officers to the
17 Ambulance Service and whether that's direct to the
18 paramedics, or through an ambulance control.

19 The second question was assuming they do transmit
20 information to the Ambulance Service, what procedures,
21 SOPs and so on, are in place to provide guidance on when
22 and what information obtained from officers in the field

1 should be passed to the Ambulance Service.

2 LORD BRACADALE: So assuming they do transmit information to
3 the Ambulance Service ..?

4 MS MCCALL: What procedures are in place to provide guidance
5 on when and what information obtained from officers in
6 the field should be passed to the Ambulance Service.

7 LORD BRACADALE: To provide guidance on what? Sorry, say
8 that a little more slowly.

9 MS MCCALL: On when and what information obtained from
10 officers in the field should be passed to the
11 Ambulance Service.

12 The next question is how is information transmitted
13 between the control room and the Ambulance Service,
14 police control room and the Ambulance Service, and
15 whether and how those contacts are recorded.

16 The final question I proposed was -- you will
17 remember, sir, the evidence of Sergeant Maxwell's
18 transmission about Mr Bayoh having been sprayed and
19 perhaps batoned on the head, whether that is information
20 that the controller at ACR should have passed to the
21 Ambulance Service, whether he did pass that to the
22 Ambulance Service and, if not, why not.

1 LORD BRACADALE: Right. Ms Grahame, do you want to comment
2 on these submissions?

3 MS GRAHAME: Yes. I accept that those questions were given
4 by Ms McCall in her Rule 9 application and I had
5 intended to ask them, and didn't have any objection to
6 asking them, but in my desire to complete in
7 a reasonable time I overlooked those particular
8 questions.

9 LORD BRACADALE: Thank you very much for that frank reply,
10 Ms Grahame.

11 I'm going to continue until Thursday morning for the
12 purpose of allowing Ms Mitchell and Ms McCall to ask
13 these questions. It clearly will take longer than is
14 appropriate today and I'm not going to do it without the
15 benefit of real time transcription, so perhaps you could
16 return to your seats and once that's done the witness
17 can be brought back in.

18 (Pause)

19 Inspector Stewart, I'm afraid we're not going to be
20 able to complete your evidence tonight. There are some
21 further questions that need to be posed. For
22 administrative reasons the Inquiry cannot sit tomorrow,

1 so could you return to continue with your evidence at
2 10 o'clock on Thursday morning?

3 A. Yes, sir.

4 LORD BRACADALE: Thank you very much indeed.

5 The Inquiry will now adjourn until Thursday morning
6 at 10 o'clock.

7 (5.25 pm)

8 (The Inquiry adjourned until 10.00 am on Thursday,
9 18th May 2022)

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