

**The Sheku Bayoh Public Inquiry
Witness Statement
PC Amanda Givan
Taken by [REDACTED] by MS Teams
on Tuesday 31 March 2022 and 12 April 2022**

Witness Details

1. My full name is Amanda Givan. My date of birth is in 1972. My contact details are known to the Inquiry.
2. I joined the police on 22 October 1992. I will have 30 years' service at the end of this year, so I'm sitting about 29 and a half years' service. I currently hold the position with the SPF of the Assistant to the General Secretary with responsibility for conduct.

Role in the Scottish Police Federation

3. I have been a member of the Scottish Police Federation (SPF) since 1992. When you join the police you effectively automatically become a member of the SPF. We cover special constables, constables, sergeants, inspectors and chief inspectors.
4. So I have always been a member. I became an elected representative after about 10 years' service. I became what would be called a local rep where I

Signature of witness [REDACTED]

was a response police officer at Dunfermline and took on the kind of part-time responsibility of helping colleagues out.

5. That then changed significantly in 2012 when I was elected to be a full-time office bearer. Thereafter I was seconded from what would be considered to be my normal police role to the SPF and I was in a position covering the east area of Scotland based out of an office in Livingston at the time of the death of Sheku Bayoh. So in 2015 I had been a full-time office bearer for about three years.
6. Initially, when I was elected in 2012, I was just looking after Fife constabulary because that was before Police Scotland came into being and that was the force that I joined. Then when we became Police Scotland and the Federation had to change its structure to fit in with Police Scotland, I then took up a position covering the east area of Scotland which effectively looked after what had been Fife, what had been Central Scotland police and what had been Lothian and Borders. I did that role in the east area which covered everything involved in health and safety matters, equality matters, conduct matters, speaking to people about entitlements in terms of overtime payments and having to work on rest days, all these type of daily type enquiries up until about 2017.
7. I then took up the current post I'm in, Assistant to the General Secretary, which is a national position with the SPF that means I have responsibility for conduct matters, on duty, criminal or misconduct matters for police officers throughout the country. I will continue doing that until I retire later on this year.
8. As a police officer you can retire after 30 years. My 30 years will be up this year. [REDACTED]
[REDACTED].

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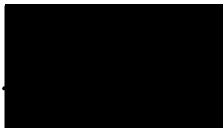
9. My role as an office bearer with the SPF can only be as a serving police officer, so once I retire as a serving police officer I will no longer be holding this post. I will have nothing further to do with the SPF or the police.

10. The SPF is entirely different to the police. Police rank really doesn't matter for the structure of the SPF. The Secretary to SPF at the time was a Sergeant in the police so he did outrank me. He would have been effectively my supervisor at that point because he was the Secretary and I was the Deputy Secretary. In the police we are institutionalised in terms of rank, so that did have an effect.

11. I have been asked on 3 May 2015 what were my roles and responsibilities as an SPF rep in advising officers in relation to statements, notebooks and Use of Force forms. I'm just there looking after their wellbeing, their welfare, their rights, everything that encompasses that. They've never been involved in something like this necessarily. So I'm someone who understands the policing side of things and the investigation side of things and what happens in these processes just to answer any questions that they've got. I'm not involved in the investigation at all. That is not my role there, but making sure that they have access to all of the information they need was pretty much my role, as I saw it.

12. Obviously, I'm not a lawyer, so I can't give anyone legal advice, but I can facilitate that legal advice through the Scottish Police Federation. So, had anyone sought legal advice, I would make the necessary phone calls to either have that advice provided on the end of a phone or made arrangements for someone to attend and provide that advice.

13. I have been asked what is the difference between welfare advice and legal advice. Welfare advice is stuff like to phone your family, let them know that you're okay, let them know you'll be late home. Also asking is everybody


Signature of witness... 

comfortable? Who's needing food and water? Welfare is very different from the information that a solicitor is trained to provide. So I would , on arrival, have tried to ascertain whether everybody was okay, whether we needed to get juice or tea or coffee, these kind of practical things. It will have been my priority initially, to make sure that everyone, from a welfare point of view, was okay.

14. I'm not aware of the position statement of the SPF to the Inquiry. I haven't seen the ruling or the response. I don't really know what this is about. I've not seen anything. I have been asked about standards for health and fitness in the police and the Scottish Police Federation's involvement in that. You've got to pass a fitness test to join the police but that isn't something that currently continues beyond your probationary period. I can't help any further.

Police Career

15. The vast majority of my effectively 20 years before I moved over to the Federation was spent pretty much like everybody else, I started out as a response police officer. I did my probationary period at Cowdenbeath police station. Not long after I was out of my probation I took up a post as a community constable, but it was still based out of Cowdenbeath. In those days you were very much walking about in a local community looking after that, not driving about in a car. I did that for a couple of years
16. I then worked out of a police station in Ballingry which is a very small police station, traditionally quite a rough area of Fife. It hadn't really had many women working in it so I was one of the first females to work there. You were also working on your own.
17. Then after a couple of years, I think maybe about 1999, and this is guesswork, I transferred to Dunfermline which was the then kind of divisional

Signature of witness.. 

headquarters in the west of Fife. It was the biggest station in the west of Fife and I worked there for a number of years. At the same time as doing that, I helped out with the Holmes system which is a computerised system that the police use when managing major or serious crimes. So I was involved in that for periods in my career where I was back and forwards seconded to that unit, and then went back to my normal uniform duties.

18. About 2012 or thereabouts I transferred to a job in the CID. I was a Detective Constable for much of the rest of my service. Again, that was all based in the west of Fife. It was either Cowdenbeath or Dunfermline with the occasional time being kind of parachuted into the other areas if something serious had happened, but always within Fife and mainly within the west of Fife.

19. I know where Hayfield Road is. I know the location because I used to drive along that road, but I have never worked in Kirkcaldy. I have never worked out of Kirkcaldy police station for any really great length of time so I'm not really that familiar with a lot of the people that work there or the building itself. If I went to Kirkcaldy it was to drop a custody off or pick a custody up so I knew that area of the police station, but it's not a building that I was overly familiar with, having never worked there. I have been in and out of it over the years, but the vast majority of my career was spent either response or latterly, before I came into the Federation, within the CID.

Scottish Police Federation Career

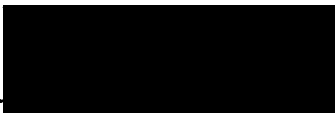
20. The SPF is a very different role to being a police officer. You are seconded to an entirely separate organisation. You don't wear uniform and probably the closest comparison is you are effectively a union rep, albeit we are not a union, we're a staff association.

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21. It's really helping any colleague with any issue, and so that ranges from things like, people who have grievances, people who are looking to get part-time working, people who are unhappy being on a particular shift pattern and don't feel that they are getting support from supervisors down to things like, police officers finding themselves getting locked up for allegations on and off duty, dealing with misconduct matters. Or silly things like people contacting you and saying, "I'm working in a building that's falling apart", or, "I'm working in a building where, you know, I have tripped on something because something has not been repaired". So a real wide variety of health and safety, equality issues, conduct issues. Probably when I first started the most frequent question is police officers being confused and looking for some clarity on entitlements. For example how much am I entitled to claim when I am held on at the end of my shift, are the police allowed to require me to come out and work on a day where I was expecting to have a rest day, all these type of enquiries, because we don't teach any of that.

22. When you join the police they concentrate, rightly so, probably, on the legislation to keep the public safe and look after them. They don't really tell police officers any of their rights as a constable. Not sure if that would officially be on the website of the SPF but that's what I saw my role as being, is helping any colleague with any issue that they had involving the police service. So often working as a bit of an intermediary with supervisors and management and trying to resolve something, often, and provide a bit of support. I think our motto is kind of, "Welfare and efficiency", but it is welfare and efficiency of the organisation as well as individuals.

23. Since the start of 2013 when Police Scotland came into view, the SPF have offices throughout the country. We have a head office at Woodside Place in Glasgow which is where the main kind of national office bearers are based, but much of the day and daily work is carried out at the area offices. So there is an office at Livingstone that covers the east of Scotland, there is an office in

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Paisley that covers the west of Scotland, and unsurprisingly we've got a couple of offices in the north. We've got one in Dundee, one in Aberdeen and currently one in Inverness that cover the north of the country.

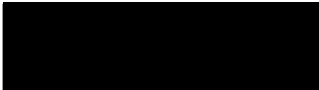
24. So realistically people will phone in on one single national telephone number, or they will make an enquiry through the website. If that happens and our support staff answer a call or pick up an email then they will, as best they can, try and forward that to someone who is based within the area where they work because they know the people, they know the area, they know the stations, and they are best to do that for kind of run-of-the-mill, day-to-day things.

25. Currently there is myself and two other individuals that oversee a kind of national portfolio. I do conduct, someone else does health and safety, someone else does equality matters, and we attempt to oversee to make sure that there is a consistency of approach. If you're up in Inverness you are getting the same advice from the office bearers in the north than you would get if you were in Dumfries and Galloway or you were in the city centre of Glasgow, so we try to provide that kind of consistent approach with some national positions that oversee probably the more specific issues. Conduct, health and safety and equality are probably the main three portfolios that the SPF are responsible for.

26. Before I took up this national job, when I was in the east I initially looked after health and safety matters, and then moved on to conduct matters, and that just stuck with me. I think we can provide a kind of a local service but making sure that it's consistent.

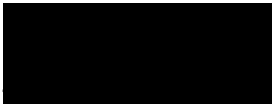
Training

27. When I first started with SPF and was within Fife Constabulary I continued to do officer safety training, but when it became Police Scotland I haven't done

Signature of witness. 

any officer safety training since then. I don't know whether I dropped off the mailing list. But I went on training if I felt I needed to know what it was to help my colleagues. For example, when they brought in the new custody legislation, we used to detain people under section 2 and then changed to section 14 in maybe about 2016/2017, I went on that with the custody division.

28. When they brought in the new conduct regulations and the new performance regulations I attended that training, but I wasn't the responsibility of Police Scotland and I did not ever get access to any of the invites to things, so anything that I'd done since then I probably had to seek out. If I didn't know about it I probably wouldn't have attended it.
29. There was no formal training in the SPF in 2012 but there is now. I was a uniformed police constable one day and the next day I was a full-time officer within the SPF. I was given a book of regulations, told to read them and you just deal with things as they come in. I attended training on Health & Safety and on the Police Service of Scotland Regulations 2013.
30. I worked with a chap who had much more experience than me. If I didn't know the answer to a problem I'd go and try and find the answer, and then I would go back and ask him if it's correct. So that's kind of how I learned. But by then I'd had 20 years in the police so the regulations were something that I understood. I was probably not going to know the more kind of specialist things that came up that I had never dealt with before.
31. I was 20 years a police officer so there is not many enquiries or queries that come in from police officers that I haven't heard already by being on a shift or I haven't experienced. So I have the lived experience of being a police officer. For example someone unhappy with where they are working, unhappy with the standard of equipment they have got, worried that someone that they have arrested has made a complaint, I have lived all of these things.

Signature of witness..... 

32. What I would say is the 20 years' experience of being a detective and a response police officer serves you in good stead. Don't get me wrong, if I was asked questions about things I have never experienced, you basically have to hit the books and study for it, but most of the queries are lived experiences of police officers. It is quite heartening to know that it is the same things happen round the country.
33. I don't know of any training particularly related to criminal allegations about the police. Between about 2013 and about 2018 I didn't have any IT access to anything to do with Police Scotland. So I don't know what training might have been about at the time. I'm interested to know what Police Scotland had available in relation to training for criminal allegations of the police because I genuinely can't think of, or been aware that anyone was being trained in relation to that.
34. In May 2015 I was aware of post incident procedures, but I hadn't been trained. I attended the Police Scotland post incident training at the end of that May following Sheku Bayoh's death, but at the time I wasn't trained. I was aware of the process, but I hadn't formally attended any training on it.

Relevant experience

35. I have been asked what was my level of experience in advising police officers about on-duty criminal complaints and misconduct allegations up to 3 May 2015. I would say my knowledge would have been good. I believed that I had a good understanding of what the processes, what the legal obligations were. I would say it would be good.

Signature of witness..... 

36. It was a fairly regular occurrence of colleagues of multiple ranks seeking advice on what the process might be, what they needed to do or didn't need to do. Maybe not day in daily but regularly.

37. The incident on 3 May 2015 was the first time that I had attended at a police station where there could have been a death in custody, a death in contact if you like. I suppose the main source of my advice would be people either coming into my office to see me after the fact or it would be over the phone. So, no, this was different, absolutely. This was the first time that I had called out for that type of incident. It was the first time I was called out when something was happening spontaneously and it wasn't after the fact.

38. So I suppose since that particular incident on 3 May 2015, and the position that I've now taken up with the SPF, I coordinate for the SPF who would attend at deaths in custody. We have a process now which we perhaps didn't have at the time. I deal with that with the SPF, so I've got probably a fair bit of experience now in attending deaths in custody, deaths in contact, post incident procedures.

SPF involvement with the media


39. I have no involvement with the media. I've never spoke to a journalist in my capacity as a full time office bearer. We have a member of our support staff whose job is to coordinate media enquiries. They'll then ascertain who is the best of the four national office bearers to deal with that, depending on what it is. We've got a General Secretary, a Deputy General Secretary, a Chair and a Vice Chair. I don't know how they carve that up. I'm not involved in that at all.

40. I've never been asked to provide a comment about anything. I probably could if I was so minded, but it's not really my bag. I would rather leave that to others that are probably more competent and confident in that.

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Kirkcaldy Police Station

41. I was probably most familiar with the custody suite because any time I had attended at Kirkcaldy it was generally as a CID officer to interview someone who was locked up in the cells and you would take them from the cell into the interview room and back again. I would maybe walk through the building to go to the CID office which was kind of at the other end of the building, so I knew my way about, but I had no intimate knowledge of the building, having not worked there. I was never stationed at Kirkcaldy. I think I maybe worked on a murder inquiry for a couple of weeks, but we were very much based in the kind of gym hall upstairs and weren't really wandering about the place, so that was really the first that I was in the canteen area was that day. I wasn't overly familiar with it.
42. The canteen at Kirkcaldy was located off of the back yard. You accessed it from the parking area at the back yard and you effectively had to walk through the canteen to get to other parts of the building. I've walked through it, but it's the first time I sat down on a seat or a chair and actually was in the canteen area. I was aware of where it was, but that was the first time I spent longer than a minute or two passing through.
43. I've maybe attending a briefing within the CID office, up the stairs in another part of the building. In the early '90s the building has been modernised and upgraded because it's an old listed building, it's changed appearance over the years. I have been in what used to be the gym hall up the stairs. I have no idea what it is now, but that was where we used to have the incident room. If there was a murder or an undetected crime, I would have been located up there. But I've never worked out of any of the offices because I have never worked in Kirkcaldy before.

Signature of witness..... 

Response team officers

44. I remain in contact with the 9 officers since that incident. I have remained their contact with the SPF, so I know all 9 of them. But at the time the only person who I knew by sight was Nicole Short. I had heard of Alan Paton. I couldn't have picked any of them out of a line up. I didn't know them. I had to ask them who they were when I was writing their names down. The only person that I knew by sight was Nicole because for a very short period of time I had worked at Glenrothes when Nicole was there.
45. I knew Nicole professionally as a police officer. I did not know that she was based at Kirkcaldy. My knowledge of Nicole was that I had worked with her previously at Glenrothes. I would have had a fair idea that I knew that she was, at that time, a woman in probably her mid-20s with about 6 or 7 years' service is what I thought at the time. I did not know any more about her. I didn't know where she lived, I didn't know whether she was married or single. She was someone that worked at Glenrothes. I knew her name, I knew that's who she was. I didn't know anything else about her.
46. I think that I had spoken to Alan Paton on the phone maybe a couple of months earlier when he had had a shoulder injury or a back injury, so I knew the name but had only ever spoken to him on the phone. Again, in a professional capacity in my position as SPF. I had never met him, I had no recollection of meeting him, so that was my first meeting of Alan Paton, other than a brief phone call about an entirely unrelated matter, maybe months, years earlier.
47. I didn't work at Kirkcaldy, so I have no idea what was going on at Kirkcaldy at that time. I didn't work out of a police station, so I can't comment on what the

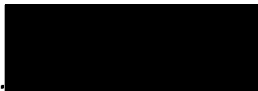
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culture was for anything other than that day that I was with them. I didn't work there.

48. Other than the Custody Area, which is where I would expect them to be, I've got no idea if there are or aren't CCTV cameras. I wouldn't expect them to be around about the building just because I'm not aware of them being around the buildings generally, but absolutely within the Custody Area for safety purposes, but I've not a clue where they are.

Morning of 3 May 2015

49. What I recall is that I got a phone call from Austin Barratt who is now no longer a serving police officer but at the time was one of these local SPF representatives.
50. Austin Barratt has now left the service. I have no idea what he is doing now at all. Whether he is doing another job. I don't know Austin that well, if I'm honest. He was a rep for a period of time and then left the service.
51. He phoned me on my mobile and told me that something had happened and that the police officers were back at Kirkcaldy police station and that he didn't know what the process was, what happens now, how are these police officers looked after, and felt that that should be the job of the SPF.
52. He was on duty, and he was basically telephoning to say, "I'm here with them but I don't know what to do. Should there be someone looking after them, should there be someone with them?", was pretty much what he was asking me.

Signature of witness... 

53. I wasn't on call that particular day so I hung up the call, made a couple of phone calls to colleagues who may have received an official phone call from Police Scotland to be told that that hadn't happened.

54. Because I live about 10 or 15 minutes away from Kirkcaldy I went along. I'm not going to lie, it's a regret that I have that I didn't just stay in my bed that particular day, but I went along to see if I could help. Driving to Kirkcaldy I remember there being news articles, a story, a bulletin, on Radio Forth talking about a police incident at Hayfield Road, so I was aware travelling in that if it's on the radio it's something that is potentially serious. That was all I knew at that point.

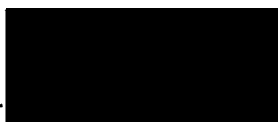
55. I have been referred to my previous statement to PIRC dated 22 June 2015 (PIRC-00238) on page 2: *"I received no updates on-route to the office but I heard on Radio Forth that there was a police incident in Hayfield Road, Kirkcaldy."* What I mean by that is that I didn't get any further updates from Austin.

Arrival at Kirkcaldy Police Station

56. I can't remember the time I arrived. I have been shown my previous statement that I produced (PIRC-00237) at page 2 where I state: *"I then made my way to Kirkcaldy Police Station arriving around 0900 hours."* That would be more accurate than my recollection now. I'm going with that.

57. I got to Kirkcaldy, parked my car in the back yard. My recollection is that Austin Barratt was waiting on me at the back door because I wouldn't know the code to get in. The back doors have all got keypads to get in. So Austin Barratt let me in, and I went into the canteen to find 8 of the 9 police officers there.

Signature of witness.....



58. I think I asked them the usual question that you ask, "How are you?". They told me that they were physically fine but it was at that point that they told me that Nicole was not there at that time. She had gone to hospital having been injured. They were worried about her.
59. I remember telling them on arrival that I had heard the incident be reported on Forth News and my concern was that members of their families and loved ones would be worried. I don't remember the specifics beyond what I've noted in my statement to PIRC. That's pretty much my recollection.

Information regarding the incident on Hayfield Road

60. Scott Maxwell who, as I understood it at the time was a Constable, a substantive Constable on that shift but was performing on that particular day or for a period of time was performing the rank of Acting Sergeant.
61. He gave me a very brief summary which was calls were received by members of the public, alarmed or concerned about a black man with a knife, that the police were sent, initially the van crew were sent, that CS was sprayed but that the man then attacked a police officer, Nicole. He was struck by a baton. He was handcuffed and restrained.
62. It's seven years, I'm kind of paraphrasing, but that was the level of detail that I was given, there was no names provided to me in relation to that. It was brief, here is where we are, and that he had been handcuffed, restrained. He stopped breathing, that CPR had been performed, an ambulance had been summoned, the police had continued doing CPR until their arrival, the ambulance then took over. He was taken away to hospital, and the police officers were brought back to Kirkcaldy police station. That was kind of the only information that I got.

Signature of witness.. 

63. I remembered most of it because it was very basic, but that is what I asked. I asked him not to go into specifics about who did what. It was the same update that he provided to Conrad Trickett, this very brief situation report that he provided to Conrad Trickett. It was me that identified Scott as being the best person because he had provided it. Rather than have someone else do that, I suggested it would be Scott. I remember most of it.

64. I did read my previous statements provided by the Inquiry, so it absolutely will have jogged my memory.

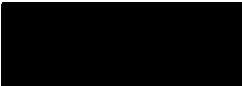
65. I have been asked if there were any other accounts of the incident given to me by the officers. No, I did not ask. It was not my job. I don't want to know any more. I wasn't there to investigate it. I was waiting on the police turning up. I made it clear that there should be no discussion not just with me but among them as well until the police arrived to properly manage the room.

Left canteen to seek information

66. The officers hadn't been updated, they had been left within that canteen. Only with Austin Barratt kind of hanging around. It's not a secure part of the building. It is a thoroughfare, so people were coming and going. I left there to go and try and find out what was happening.

67. I went from the canteen up to the CID part of the building to try and find out what was happening. I remember Colin Robson, he was someone that I knew from my time within the CID. I think he was maybe the DI at the time. Colin Robson was there, along with Pat Campbell, I think that's his name, said he was in charge.

68. I remember feeling that I was in the way. I think they were in the throes of trying to identify Sheku Bayoh, so I left my business card with him and said

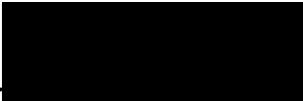
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that my intention was to go back and sit with the staff but at that point I asked him whether the intention was to do post incident procedures. My impression was that that hadn't been considered, hadn't been thought about, which I suppose is understandable when they were in the very early stages of trying to deal with whatever had gone on.

- 69. I left and went back downstairs and I spent the rest of the time with the individuals on the ground floor. When people were coming through or coming in, I was chasing them, I was asking them to leave because I was trying to keep the group together without others coming and going.
- 70. I made a phone call to David Kennedy who was the Deputy General Secretary to make him aware that this incident had happened, primarily because the press might seek some comment, and to be honest I didn't want to be criticised that I hadn't told senior members of the SPF. So I spoke to David and made him aware where I was. I told him I was there, and I was waiting to find out whether there were going to be post incident procedures put in place.
- 71. I don't recall contacting them after that because nothing significant happened. I think I will have updated the SPF when I left, when I finished. There was nothing to update them on, really.

Nicole Short arrives

- 72. I don't know whether Nicole had been sitting there two minutes, five minutes, and I can't remember the exact time that she came back. It was in the morning some time.
- 73. I have been referred to my previous statement I produced (PIRC-00237), at page 2: "*Around mid morning, Constable Nicole Short returned to the Police Station from the Hospital.*" I have been referred to my previous statement to

Signature of witness... 

PIRC dated 22 June 2015 (PIRC-00238) at page 4: *"About half past 10, Nicole Short arrived back at the office."* 10:30, mid morning, that seems about right to me. I am happy that was my recollection at the time.

74. I don't know if she was wearing her body armour or officer safety equipment when she came in, but she had it with her when she came back. I didn't see her wearing it.

75. There was a bit of a huddle round about her. Everyone was asking how she was she's a slight wee thing at the best of times, so everyone, by that I mean everyone, in the room was glad she was back. But she didn't look quite right, and everybody appeared to be concerned about her. She was the focus of attention at that point.

76. She was just a poor wee soul. She was very stiff on her upper body. When she was turning round to see you her whole upper body was moving. She was white as a sheet, not really taking anything in. It was a wee shame. I was quite worried about her. Everybody else seemed to be well, just a bit not really sure what was going on.

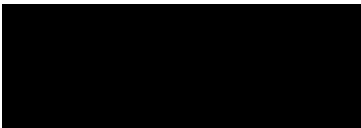
77. I have been referred to my previous statement I produced (PIRC-00237), at page 2: *"I enquired as to how she was feeling and she complained of feeling sore around her head and neck. I was obvious from what I could see that she was not comfortable and in pain."* I think that's a typo there, it should be "It was obvious...". I didn't know what injuries Nicole Short had suffered. I asked her, "How are you?", I wasn't looking for a medical list. She appeared to be uncomfortable.

78. She wasn't able to move her head to the side, so when she moved her head, she was having to move from the waist, if that makes sense. She was moving her entire upper body, so it looked like she was uncomfortable.

Signature of witness..... 

79. I have been referred to my previous statement to PIRC dated 22 June 2015 (PIRC-00238) on page 4: "*She appeared dazed, white as a sheet, she wasn't with it, not all there. She was very stiff about the chest and neck. She appeared to lack focus, appeared shocked. I thought she may have been medicated at the hospital but she wasn't. When I spoke to her I gave her the same advice I gave to the other officers about status and statements. I think I had to explain this a couple of times as it wasn't registering or sinking in.*" That is what's written down in the statement.
80. It has been suggested to me that my account to PIRC is different to what I wrote in the statement I produced, specifically that in the first statement I said "*she complained of feeling sore around her head and neck*" and in the subsequent PIRC statement I said "*she was very stiff about the chest and neck*". It's more detail because I was asked about more detail in the PIRC interview. In my first statement I was asked to provide a very general statement. Could I have given more detail? Quite clearly.
81. Perhaps if I had been provided at the time with a bit more guidance. I had never been asked to provide a statement about my involvement. I believed they were investigating the death of an individual. I'm not sure that I would have gone into the level of detail that I was asked later. I answered questions when I was asked specifically about them. Could I have added it at the start if I believed it was relevant or helpful? Then I could have done, yeah.

Later in the morning and afternoon

Signature of witness..... 

82. A bit later on Conrad Trickett arrived. He introduced himself to everyone. He went away to meetings, or to get updates or briefings, and I remained. I didn't attend any of the police meetings. It wasn't my job, I suppose. I stayed with them.

83. I have been asked when I became aware that the matter would be subject to a PIRC investigation. It was confirmed sometime in the morning but clearly I am aware that incidents of this nature will be referred to PIRC, so I expected that to happen. It wasn't confirmed until a bit later on in the morning. I can't remember whether it was Conrad Trickett or the Detective Super. I was aware that a death in custody would be PIRC that would investigate it.

84. I think I left for a bit of time when it became apparent that everybody was hungry and needed to be fed so I went up to, I think, KFC and bought a load of takeaway, brought it back. I left about 1pm or thereabouts.

85. It was a long, long day with very few updates. At some point in the day the Detective Super came in and confirmed, I think, what everybody suspected in any case, that Mr Bayoh had died. I'm not sure when that was confirmed but it was in the morning some time.

86. I would hope it wouldn't be unusual that after sitting for that length of time and not really getting any updates or feedback about what's actually going on, that there were occasions when folk just wanted to go home. If I am not performing any useful function here, why can't this just speed up? You know, why can't we get this over and done with and just go home? We are sitting about here doing nothing. I think that there were times where that was the mood, and I have to say it was very much my mood on occasions as well. I absolutely wanted to go home.

Signature of witness..... 

87. I can't tell you about individuals. It was a general mood. Nobody left, but there was a feeling of "fedupness": this is taking much longer than anybody expected. My recollection is that at some points we were fed up.
88. I can remember Conrad Trickett introducing himself as the post incident manager. I can remember him reading from what I now know to be a kind of laminated aide-memoire, and on more than one occasion, given what I now know to be the kind of conferring warning or instruction.
89. Inspector Jane Combe joined us at some point late morning, I think. Jane was an inspector with Police Scotland that I know from my Fife days. I don't know whether she worked at Kirkcaldy or was brought in from elsewhere, but she was clearly asked to come along to help out Conrad Trickett with some local knowledge and I think she knew some of the individuals that were there.
90. A bit later on in the day there was a decision made, I think we were told, that PIRC wanted to seize clothing and equipment. So the officers went up, I think individually, were led upstairs where that was carried out. They all, at that point, I think, were travelling into work in their civilian clothing so it was easy enough to take something to change into. I wasn't present for any of that. I stayed downstairs.

End of the day

91. The end of the evening was when they were getting their uniform clothing seized or whatever you want to call it. The police terminology was that it was being taken as a production.
92. They came down after that. Someone wanted them examined by a doctor. There was a ridiculous wait on all of the police officers being examined by a doctor, so we had to wait for that doctor to come along and then each of them

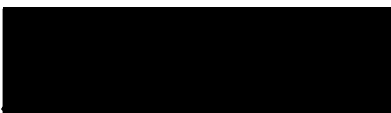
Signature of witness..... 

went in, had a chat with the doctor, came out, and at that point they were able to go home. I wasn't present, I don't know what was asked. But there was no official send off, people kind of trickled out. I waited until the very last person had given their equipment, been seen by the doctor and then left. I don't recall anyone from Police Scotland or anyone from PIRC for that matter coming anywhere near them to explain what would happen. I think they were all aware that they would probably be contacted by someone to come back in the next day, but that was an anti-climax, they went out as a bit of a damp squib. Everybody went home.

93. I think, and my recollection is that it was quite late by then, until the last person had been gone. Maybe 9pm rings a bell, because I remember getting home and thinking: "Jeez, I have been away all day".

Layout of the canteen

94. The back door comes into the car park, brings you into a corridor that there was a male and a female toilet there and a flight of stairs which took you upstairs. You then entered the canteen area which I think at some point historically has probably been a bit of an assembly hall.
95. That open space was split into two by a kind of wooden partition wall, snooker table, dart board on one side of that partition; on the other side of the partition there was a formal table, dining table, if you like, and chairs, and an L-shaped leather sofa with a TV on the wall.
96. Off of that room there was a kitchen, sinks, cooker. I think actually they had a couple of vending machines, toaster, the usual stuff for police officers to heat something up or to make their dinner at piece time.

Signature of witness..... 

- 97. So the kitchen was slightly off of the kitchen/dining area and from that there were swinging doors which took you out into what used to be the old, quite formal traditional entrance to the police station which had a big sweeping staircase that took you up the stairs to where the old divisional management team used to be located.

- 98. Literally just outside the doors of the canteen and in the corridor that would lead to the back door there was a male and a female toilet. That would be the most convenient toilet. I didn't ask them to use it, they didn't ask my permission to go anywhere. They needed to go for a pee, they're grown adults, so that would be the toilet that they would use.

Race

- 99. Sitting that day it didn't feel that there was any extra effort, or any less effort put in, you know. It was an odd set of circumstances. For me, a member of the public dying with the police would be investigated so it felt that the right level of interest or effort was put in.

- 100. I can't remember ever sitting thinking going, "My God, we wouldn't have done this if it had been a white person", or, "Oh my God, we are doing this because he is black", I'm going to be honest with you, the first of this whole race thing being involved came much later. On the day there was no discussion, but there didn't seem to be any additional police work being carried out because a man had died. The fact that he was a black man on the day I wasn't aware of any difference.

- 101. So the only reason that I knew he was a black man was when Scott Maxwell gave me a very brief summary when I first attended.

Signature of witness..... 

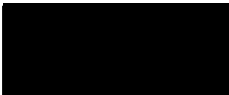
102. Was "black" mentioned in that update, yes it was, because that was the basis of the police being called, that there was a black man and whether they want to accept it or not, that would be relatively unusual in Kirkcaldy. That was how the individuals that witnessed it described him, so that's the only reason that I knew he was black. I don't recall there being any other discussion about it because I was avoiding encouraging any discussion about it because being aware of the process. It is about getting information from each individual about what they recall, not about getting a group view back, so it was avoided.

Previous statements

103. I provided a statement myself around the end of May or beginning of June (PIRC-00237). I then attended an interview with PIRC to provide another statement (PIRC-00238). I have read both my statements.

104. I received an email from DI Stuart Wilson on 26 May 2015. Stuart Wilson was actually my partner in the CID when I was at Dunfermline. So Stuart contacted me in his position as a DI within the MIT team, the murder investigation team that I think it was based in Kirkcaldy.

105. He advised that an instruction had been received by PSOS from the Head of the SFIU at COPFS that the PIRC had been instructed to investigate the death of Sheku Bayoh. I advised that he had been asked to collate all and everything thus far as completed by PSOS. He stated that there was a requirement to have statements submitted from every police officer and member of police staff, including ACR and SPA staff who were either involved in the incident or took any subsequent action or provided direction in respect of the investigation. He advised he had been tasked with obtaining a statement from me and asked if I could forward a signed statement with a degree of urgency to him.

Signature of witness..... 

106. Up to that point I had never provided a statement for anything involving advice that I had given. I didn't know what they were looking for, and they were looking to find out. So I typed up a statement. I don't know what format the Inquiry have got it in but I typed it up on email and sent it to Stuart. I produced a true and accurate account of events to the best of my knowledge.
107. I replied to him the next day 27 May 2015 with an electronic statement but included in the email attached that I didn't feel I was involved in the incident or took any subsequent actions or provided any direction in respect of the investigation. I said I was there purely for the welfare of the officers. That all being said, I did not wish to appear obstructive and hoped that what I had provided covered what was being asked.
108. On 29 May 2015, DI Wilson contacted me again by email as PIRC had approached him looking for my availability between Tuesday to Friday the following week to come and speak to me to clarify points from my statement. I replied to him shortly thereafter to advise of my availability as I had a meeting and was cited for court. I advised that I would prefer they tell me what they wanted clarified and I could amend my own statement. I advised that I was happy for the PIRC investigators to contact me direct to make arrangements. I can't remember if I spoke to anyone or if that was done through Professor Watson and a suitably convenient time was arranged at his office for the interview.
109. Then maybe a couple of weeks later he asked me to come in because it had been printed off and he was looking for me to sign it because PIRC wanted a signed statement which I went in and done.
110. I'm a police officer, we are probably indoctrinated that when we provide information it comes in a statement form. It's not really an operational statement, an operational statement would indicate that I was using my police

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

powers, and I was there purely from a kind of welfare and support point of view. I did do my own statement, it made sense that I did it because I can.

111. A couple of weeks later I was then contacted, maybe via PIRC, they wanted to come along and speak to me and get a more detailed statement, and that was facilitated a couple of weeks later, I think. It was here in PBW Law, [REDACTED]

112. I gave a true account to the PIRC officers. I will have signed my statement.

113. I can remember Mr McSporrان. I know he came along with someone else. Don't really remember that individual, but I continue to work with John McSporrان, so I know him. John, he was nice enough. It was nice enough but I was interviewed, I was asked questions. I wasn't providing a kind of free flowing information, I was asked specific questions, and that statement was made up from that.

114. I wasn't really sure why PIRC needed a statement from me. I appreciate that a man died, but it was a very routine matter for police officers, deaths in custody happen. I have never previously been asked to provide any information, so it was a bit strange. I didn't really know what to put in it. I didn't know whether someone was looking for a detailed account of everything that was said and done which I didn't think was necessary, so I used my best judgement. I thought if I was investigating this, and she was present, what information would I be looking for that. I was just winging it, having never been asked to provide a statement like this. I provide guidance and assistance and information to police officers every day of the week. Police Scotland or the PIRC never asked me for a statement on it, so it was a bit odd.

115. Other than the involvement of PIRC who were a relatively new organisation, it was a routine police matter for me. I wasn't aware of anyone else having

Signature of witness..... [REDACTED]

been asked to provide a statement surrounding advice that they had given from a welfare or support aspect, so it remains strange.

116. My memory would be better when I gave those statements than it is now. If there is a discrepancy between my statements and my Inquiry statement, I would prefer to know what the discrepancy is in order to give a view on that. It depends what it is.

Notes

117. A notebook is very much for operational matters. I didn't have a notebook with me. I was literally wakened out of my bed on a Sunday morning on a day where I expected to be off. I got up, put my jeans on, jumped in the car.

118. Notebooks are actually specifically managed by the police. I shouldn't have a notebook because they are distributed by supervisors within the police and when you get a new notebook you have to hand back and log in your old notebook. I logged in my old notebook on my last day of operational service and I haven't had a new one. I didn't have a traditional police notebook.

119. Other times I would take along a foolscap. There would there be occasions where I go along and take notes if I was attending a meeting. But that wasn't ever going to be my role. That's why I left the house that morning. I didn't bring my laptop; I didn't bring any notepad because that was somebody else's job.

120. The only notes I took, and I'm sure I have mentioned this before, was noting names and contact numbers of the individuals that were involved in it which I noted on a bit of paper. Once I got back to the office the next day and transferred it, I discarded it because I had updated the information on our computer system. It was not my role, I was not there to investigate or to ask

Signature of witness..... 

anybody what they had done. That's what I was trying to get over to the PIRC. It wasn't my job to investigate it, so it didn't really matter who had done what and so I didn't ask anybody anything.

121. The SPF provided me at the time with business cards. I think also what I did is when I left the house I picked up the wee box of business cards, put them in my bag. I got their name, telephone number and home email address of the 9 officers. That was the three pieces of information that I got off everyone, not their Police Scotland email address. I provided them with a business card so that they had my mobile number. That was all I noted. I think I also noted Conrad Trickett's telephone number because he wasn't someone that I knew before, because I expected to remain in touch with him afterwards. I also noted down the Detective Super, Pat Campbell. I spoke to him and I added his name to the list so that I didn't forget that he was the senior investigator that I'd spoken to. That was the only information I wrote down.

Conversations in the canteen

122. When I initially arrived I was asked by the officers what was likely to happen, so I have explained to those that were present that given the circumstances it would be a PIRC investigation, that they would need to establish how Mr Bayoh died, and that as police officers, we would be assisting in that and that's why we were there.

123. I spoke rubbish trying to engage them in conversation, just time-filling. There was really not a lot to do in the canteen. There's a TV that I think was on, a couple of the boys maybe at some point played pool or played darts but we were generally just sitting about chatting about anything that wasn't to do with what had just happened. That was pretty much what happened.

Signature of witness..... 

124. We just were speaking about where have you been on holiday, what have you watched on the TV, anything that would take us away from discussing what was going on, bearing in mind that these conferring warnings had been given and I obviously knew that we shouldn't be discussing what was going on.
125. I was talking rubbish for the best part of 9 or 10 hours to try and distract people from probably talking about the only thing that they had in common with each other that day. That was pretty much my role, to try and keep spirits up, because there were times when folk were pretty fed up at sitting about not really aware of what was happening, and wanted to leave.
126. You know, there were occasions of going "We've been here for hours and hours and hours, can I go home?". Occasions of trying to placate people to say, "You know, we will hear soon, just hold on, we need to do everything that we can to be assisting", but quite frustrating when you are sitting in a room when no information is coming back.
127. There were general conversations. I'm struggling to remember what conversation I might have overheard somebody say a week ago let alone seven years ago. It was all very ordinary.
128. I did tell the individuals that I'd heard it had being reported on the radio on the way in, and I encouraged them all to make a phone call home. Because it was reported on Forth FM that someone had been injured, I encouraged them to phone home and tell whoever needed to be spoken to that they were okay and not to go into any more detail. Whether Nicole was there at that time I'm not sure. I don't remember speaking specifically to Nicole.
129. I remember providing that general advice to everybody phone home, tell them that you are okay, and that you'll likely be home late.

Signature of witness..... 

130. Conferral means just discussing the incident that they've been to. Just not want any discussion about what someone else's perception is of what happened, not wanting any talk or discussion about the incident. That would be probably not the dictionary definition, but hopefully it's as close as.

131. I have been asked if I saw any conferral among the police officers when I was with them in the canteen. Genuinely, no. No, not at all. Chatting amongst them about nonsense: absolutely. It was a long time to sit about, but there was no discussion conferring about the incident. That's why I spoke nonsense for as long just to distract.

132. Just general chit chat, inconsequential conversation about anything and everything except the matter that probably everybody wanted to talk about because it's human nature, but yeah, we just chatted generally.

133. I've been a serving police officer, I have had to stand and guard the locus for excessive hours, so in terms of the location it was perfectly comfortable. It is difficult to keep things going but one of my many skills is I could talk for Scotland, so it's not the hardest gig I have ever had. It wasn't pleasant because a man had died, so people were worried, clearly. They were upset. We just keep it going. It's not the hardest gig I've ever had to do in the police. I would much rather do that than go and pass a death message, or deal with dead bodies, so in the big scheme of things, not the worst thing.

Equipment

134. It's quite cumbersome, the body armour and the utility belt. In order to make themselves more comfortable, people had just taken them off and left them, at

Signature of witness..... 

various locations around the edges of the room or sitting against a bit of furniture.

- 135. At break time, "piece time" as they call it in the police, the people generally take off their body armour, but they leave it somewhere in the event that an urgent call comes in and they need to put it back on and run out, so they tend to be round the edges of a room so that you don't trip over them. So when I initially arrived I don't think anyone still had their body armour on, they'd already taken it off to make themselves more comfortable.
- 136. When Nicole came in she clearly still had hers with her, having come back from the hospital. I don't know who everybody else's body armour was, it was of no interest to me in any case
- 137. I have been asked if I gave any advice to the officers in relation to their equipment. No, it didn't come up in conversation. I'm unaware if Austin Barratt gave any advice.

Canteen attendees

- 138. The only people that I know who came in, were people passing through, I have no idea who they were. I don't work there, I don't even know if they work there, they were just there for that day, so there was people coming in the back door from outside coming into the canteen and then going out the double doors. That happened throughout the day, so people were using it as a thoroughfare continuously throughout the day.
- 139. The people that came in and spoke to the officers involved were Conrad Trickett, Inspector Jane Coombe who, when she arrived, was there most of the time unless she was going to an update or a meeting, the Detective Superintendent came in and Chief Inspector Nicola Shepherd who was

Signature of witness..... 

Kirkcaldy's Chief Inspector. She came in at one point and spoke to the staff, kind of asked them how they were and then was clearly going to a briefing.

140. Austin was there for a bit of time. He kind of left after I arrived. I don't know, I can't provide you the name of anyone else that came in. It wasn't my job to control that environment. I can't think of anybody else.

141. I remember speaking to Colin Robson up in the CID room very early on. I don't recall him coming down to the room, to the canteen. I might be mistaken on that, but I remember speaking to him up the stairs with the boss. I don't remember seeing him downstairs.

142. I do know Stephen Kay. He is someone that I worked with many moons ago in Cowdenbeath. I can't remember seeing him on 3 May 2015.

143. I know Dougie Milton, but I can't remember seeing him on 3 May 2015. If I saw him, I would've spoken to him. He's someone that I know, but I don't remember. He was in service about that time. He's been retired a long time now.

144. I know Garry McEwan. I don't remember seeing Garry McEwan on the day. I think I spoke to him on the days following it.

Officers' movement

145. I don't recall anybody leaving the canteen. Other than to go for a bathroom break. Not until they went upstairs, provided their uniform and then left to go home. Everyone was together within that location.

Signature of witness..... 

146. I left to go and buy lunch around 1pm or thereabouts.

147. I have been asked if there was any point any officers left to get plastic cups. I have no idea. There was a kitchen there so I don't believe that would have been necessary. I don't believe anybody left.

PC Nicole Short's vest

148. I can't remember when I first saw Nicole Short's vest. I can't remember if she was wearing it when I first saw her. I can remember it sitting at the side of the room. I don't remember her pointing it out to me, I just remember being aware that it was sitting on the ground to the side. It had what appeared to be a mark on it.

149. I'm going to struggle remember what the mark looked like. I remember there being a mark. I remember being quite satisfied that it was sitting where it was sitting because it was not rubbing up against anything. It wasn't covered, so it wasn't being preserved, but there wasn't any likelihood that it was going to be damaged or rubbed off. The mark first came to my attention at some point during that day.

150. What I need to be very clear is that none of this was my job to preserve anything; I wasn't doing an investigation, but I can remember thinking, at some point, someone is gonna be interested in that, and it's probably sitting in, not the best location, but not the worst location. That's really all I can remember. That's my lasting recollection of it. I didn't have my investigator's head on. I wasn't planning to do anything with it the other than being satisfied that where it was wasn't risking any evidence being lost.

Signature of witness..... 

151. It looked like a dirty mark. I looked like dirt or dust. It wasn't paint or anything, it was a dirty mark, so it looks like that's what it had been made from. If I'm being asked to speculate, it looked like it was roughly the shape of a shoe mark. Albeit you couldn't see specific tread detail, but it looked to be roughly the size and shape. It was a kind of long, thin mark, roughly in the shape of a shoe.

152. I might have spoken to Nicole Short about it. But I can't remember going into any detail.

153. I made the presumption that perhaps it had been caused when she was injured, and that she had perhaps been kicked or stood on. Now, that obviously only becomes relevant when other information becomes available. So, at the time, I thought it was perhaps relevant that it had been caused, I am just surmising, by a kick not a stomp during the interaction that she had with Mr Bayoh.

154. I've watched the same documentary as everybody else has seen. The BBC documentary. I don't know who made it. I don't remember when I first became aware that a stomp was an issue. I would be lying if I said that that was when I first became aware, but I certainly got a lot more information following that documentary.

155. I think the only conversation I had about the vest was when Nicole was going up to have her clothing seized. It was to make sure that she identified the mark to them. I believe that was the only conversation I had. I didn't see who seized it. Nicole went upstairs on her own to have that done. So I wanted to make sure that she pointed it out.

Signature of witness..... 

156. I provided to the Inquiry an email I sent to my legal representative dated 11 March 2022. I wrote this email. A copy is appended to this statement. It reads:-

When I first saw Nicole she was sitting on the sofa in the canteen area of the police station clearly having returned from the hospital. I wasn't aware of exactly when she came back. She wasn't wearing her body armour or officer safety equipment at that time. I assume like most of the others she took off whatever she had been wearing for comfort. There was a great deal of concern for Nicole as she continued to appear pale, dazed and "wasn't quite right".

Again, I can't be certain of the time but not long after she was back, a "shoe or boot mark" was seen by someone and pointed out to me. I recall it looking very like the same of a shoe or boot sole. There wasn't enough detail to see tread or anything but it was more than just a dark mark. It was left to the side along with everyone else's equipment and I recall thinking this was clearly better than it being worn and possibly rubbing off.

Near the end of the day when each person went upstairs to have their clothing seized I reminded Nicole to point this out to whoever was "bagging" their clothing as it probably needed to be photographed.

157. I have been asked why the mark or the vest are not mentioned in my previous statements. I didn't include it in the first statement because I only included the information I thought was relevant to my part in that. I absolutely wasn't asked about the footmark by PIRC, and I assume that that's why it's not in it because what's covered in that statement is information that they asked for. I was asked specific questions about certain things. If they'd had asked me about it, it would have been included.

Signature of witness..... 

Guidance or advice provided to response officers

158. I'm not aware of Austin Barratt giving any advice to the officers. I'm not sure why he would do that. The substance of the conversation I had with him on the phone was about looking for someone from the SPF to come along. He certainly never said anything to me about that.


159. I have been asked what advice, if any, I gave to the officers. It will have been: in the event that you are asked for a statement or requested to provide a statement, that they should be establishing what their status is. That's quite an important thing to police officers. So establish, "Am I a witness or am I a suspect?" And obviously, depending on what information they are told, will depend on the advice that would come next. That is pretty much the substance of the advice that I gave throughout the day. In the event that someone comes and asks you for a statement, find out what your status is, witness or suspect. If you're a suspect, then we'll get some legal advice and if you're a witness, game on.

160. "Game on" means if they were confirmed to be witnesses, then they could provide an operational statement. they can put in whatever they want in their operational statements. So, providing they're given sufficient information about what's looked for, there's no issue with them, provided they are considered to be a witness.

161. In the event that they're witnesses, they can provide a statement to the police. If they were considered to be a suspect, then they would probably be looking for some legal advice first before doing that, and it would be unlikely to happen in written form would be the reality of that.

Signature of witness..... 

162. If they were a suspect, that evidence or that information would probably be obtained through an interview under caution in all likelihood. So, yeah, there will have been an explanation of that, perhaps not into this level of detail, because it wasn't a question that was asked. So, if that question had been asked, I probably would've went into a lot more detail but it wasn't.
163. Police officers are like members of the public. If there's a suspicion of any criminality, they shouldn't be expected to provide statements without first being cautioned and being made aware of what those suspicions are. So, really, just the basics that we teach, but for some reason some police officers don't always treat police officers with the same courtesy or respect that they do members of the public. So the advice that I gave was on that basis.
164. I don't think I gave any advice regarding the completion of notebooks. Don't remember specifically speaking about notebooks.
165. Regarding Use of Force Forms, I advised them that there were other supervisors who were on duty who could fill out that information who already had that information, so, until they were advised whether they were suspects or witnesses, that they probably shouldn't complete that form. I did do that.
166. I have no idea about CS/PAVA forms. That's something you would need to ask people in Police Scotland. I think there's perhaps a form to fill in if you've used it in order to get a new, fresh bottle, but I've never filled any of that in, so I don't know what the process is for that, and I certainly wouldn't be the one to give advice on that.
167. I don't believe there's any requirements to fill out statements, notebooks or Use of Force forms.

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

168. Police officers are entitled to the same rights as everyone else and shouldn't be required to provide statements when they're considered to be suspects.

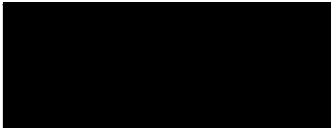
169. I have no idea when in the day I gave my advice.

170. I don't believe my advice changed at any point. I may well have given follow-up advice if someone asked a question, but it was a kind of ask-and-be-answered type scenario, as opposed to me being repetitive with advice. I would only have given it if I was asked. So that could have happened, I just can't recall.

171. I have been asked if I know of any repercussions for me if I'd advised the officers not to give statements. I don't know how there could possibly be repercussions if I'm telling people what their rights are. I agree there is a difference between telling a person not to give a statement and advising a person of their rights. I'm not really sure of repercussions because I don't understand how there could be any.

172. I will be very clear. Nobody asked for a statement. So there was no opportunity for me to say, "Don't give a statement." Nobody required or asked, whatever terminology you want to use. So at no point did I tell someone, "Don't provide a statement," because nobody asked them to provide a statement.

173. So it was a: "If asked to provide a statement, you need to be asking, 'Am I a witness? Am I a suspect?'" And depending on what that answer, and that might be different for some people than others in the room, will depend on what happens next. But nobody asked for a statement, so I did not tell anyone to not provide it.

Signature of witness..... 

- 174. I am quite clear on the advice that I gave, which was establish whether you are a witness or a suspect. They are two very distinct differences. Had someone come and asked for statements then I might have had a different conversation with them, but that didn't happen.
- 175. The officers' responded to my advice just by acknowledging that they understood. I don't think there was any long conversations.
- 176. I will have made sure that everybody got the advice. I just can't be clear, given the time that's passed, how that's been carried out, but I will have been satisfied at the end of the day that everyone's had it. I can't be clear whether that happened with perhaps everyone together, and then Nicole joined, or whether I waited. I honestly can't remember.

PC Craig Walker's account

- 177. I haven't seen any of PC Craig Walker's statements and I have no idea about his account of his interaction with me on 3 May 2015.
- 178. I have been told PC Craig Walker's account includes the following (PIRC-00264 page 11): *"While I was in the canteen with my team the advice from Amanda Given was to say nothing to anyone at that time. That was my intention anyway until we found out more about what kind of enquiry was going to take place and what the man had died of. I also made it known that I would not be completing my notebook either and I suggested that others don't do theirs. Some of the team, I'm not sure who, spoke about doing their notebooks but I wasn't doing that. No other officers outwith the team gave any instructions on the notebooks."*
- 179. I don't remember anything about notebooks. I'm quite clear on what my advice was: "Suspect, witness, and we'll wait and see what you're told." There's quite

Signature of witness..... 

clearly a difference in our accounts, I acknowledge that, but I've explained what I recall happening in terms of the advice that I gave. I can't change that because I've been told what someone else said, because it didn't happen that way. I can't explain the differences in our accounts; I'm guessing then and I don't want to get into the realms of guessing.

PC Ashley Tomlinson's account

- 180. I've not seen PC Ashley Tomlinson's statement and I've not been told his account.

- 181. I have been told PC Tomlinson's account includes the following (PIRC-00263 page 6): *"... I asked Amanda Given if I should fill in my notebook, she said not to and I asked her if I needed a solicitor and she said yes because by that time the man had died and we would need legal advice. She said that it was a death in custody and the PIRC would investigate. She told us not to give statements to the police and if anyone approached us to ask for statements, we had to refuse and seek legal advice. Amanda also told us not to fill in a Use of Force or CS spray form because that would have outlined our actions without speaking to a solicitor first... (page 7) The decision not to give a statement or fill in CS/Use of Force forms and notebook was an instruction from Amanda Given."*

- 182. As I already said, the Use of Force form, I do recall having that conversation later on in the day. Someone was anxious about terminating duty and not completing it. It might've been with Ashley but I couldn't have told you specifically who.

- 183. I have no recollection and I do not believe that I provided any advice about filling notebooks. I don't recall any conversation about notebooks. In respect of the advice about providing statements, that's about if you're a witness or if

Signature of witness..... 

you're a suspect. If you're a suspect, I may have gone into more detail about it. But I don't recall specifically speaking to Ashley about that, if I'm being honest.

184. I don't agree with the account that I told the officers not to give statements to the police because nobody had asked for statements, so I don't believe that that was a conversation that was had. Might I have gone into a bit more detail in the event that they did ask that? I might have done, but the bottom line was that they weren't asked for statements, so it was a moot point.

185. I have been asked if I can think of any reason why my account might be different to what PC Tomlinson has said. No, I can't.

PC Austin Barratt's account

186. I've not seen PC Austin Barratt's statement and I've not been told of his account. I don't even think I've spoken to Austin for a long, long time.

187. I have been told PC Barratt's account includes the following (PIRC-00311 page 2): *"I'm not sure if Amanda Givan told me to tell the cops (Craig and Al Paton) not to say anything but I had said this to them anyway as I knew everybody would want to get in about it."* I don't know about his advice to the officers.

188. I have been told PC Barratt's account also includes the following (PIRC-00311 page 3): *"I have been asked if I remember Amanda Given saying to any of the officers present to give or not to give a statement. I certainly didn't hear her saying anything either way... (page 5) I cannot say if any officer who was present asked Amanda for advice whilst I was in earshot. I never heard anything. I only heard Amanda giving welfare advice."*

Signature of witness..... 

189. After my arrival, I don't recall Austin hanging about for much longer. He was on duty. My understanding is that, on my arrival, he got out of Dodge quite quickly. He left and went back to do other duties. So if he was there when I gave advice, that's not a recollection that I have.

CI Conrad Trickett's account

190. I have not seen CI Conrad Trickett's statement and have not been told of his account by anyone. I remember seeing him on the day. He's a Chief Superintendent now.

191. I have been told CI Conrad Trickett's account includes the following (PIRC-00122 at page 3), which may have occurred a short time after 1340 hours: "*I ascertained from the officers that they were happy for the SIO, Det Supt Pat Campbell, to speak to them and he entered the PIM suite, the canteen area of the office, where he spoke to the officers.*"

192. I remember this. I do remember Pat Campbell came in because I think he only came in once. I have no idea who he was with. I'm not sure who would have come in with him. It wasn't something I remember.

193. I have been told CI Conrad Trickett's account also includes the following: "*At some point during the course of the interaction with Det Supt Campbell, either immediately before, during or immediately after, Amanda Given said that the Federation perspective was that officers shouldn't give statements at that time or words to that effect.*"

194. I have no recollection of that at all. If I said something like that, it will have been on the basis until they're told whether they're witnesses or suspects. But I don't remember having that interaction with him. The only interaction I

Signature of witness..... 

had with Mr Campbell was when I first arrived and I went up to make him aware that I was in the building and I was going to be with the officers.

195. My recollection is that Mr Campbell came in to confirm that Mr Bayoh was dead and to explain the investigation. I honestly don't remember having any conversation. I certainly wouldn't have told him that people will not be providing statements unless he said statements were going to be noted, and I would be looking to find out, as with the officers, whether they were suspects or witnesses. But I honestly don't believe that happened.

196. I have been asked about what was the "Federation perspective" on statements. I do remember contacting a colleague just to clarify that, in the event that they were requested or asked to provide statements, that I would be giving the correct information to them about witness and suspect. But there's no point where I called someone to seek further advice on that because we never progressed on the day from me believing that they might be asked to give statements. So that didn't happen, so there was no need for me to speak to anyone else and get any additional advice.

Det Supt Patrick Campbell's account

197. I have not seen any of Det Supt Patrick Campbell's statements and his account hasn't been put to me before. I've only met him once. Was it on that day? I don't know.

198. I have been told that Det Supt Patrick Campbell's account includes the following (PIRC-00213 at page 3): *"Shortly before 1130 hours, the exact time I do not recall, I remember having a conversation with Constable Givan, the Federation Rep, she expressed to me that the Police Officers were distressed. I informed Constable Givan that all of the officers were being treated as witnesses and she should reassure them."*

Signature of witness..... 

199. That absolutely did not happen. I've been saying the whole point was to try and establish whether they were witnesses or suspects. If I'd have been told by someone that they were one or the other, that would have clarified that question, but there was no clarity provided to me or, as far as I was aware, to any of the individual officers by anyone. That was why we were left in the kind of position of waiting. I was thinking: "At some point, someone will declare whether they are witnesses or suspects", and that never happened. Had Pat Campbell told me that they were witnesses, then that would've moved me on to make a phone call to clarify that, and we would have moved on to whatever the next step of the process was. That did not happen.

200. I would've made a phone call to update my colleagues that we had got the clarity round about it. This would be just to make sure that I was giving the correct information and the right advice to the officers. Just for a bit of reassurance for me. But that didn't happen because there was no clarity provided.

201. I have been told that Det Supt Patrick Campbell's account also includes the following (PIRC-00213 page 3): "*Prior to entering the room Constable Givan informed me that they would not be providing operational statements. I informed her at this time that that may be the case, however, I was still going to ask them to provide.*"

202. That didn't happen. I don't remember speaking with Mr Campbell outside the room at all. I'm surprised by this account.

203. I have been told that Det Supt Patrick Campbell's account also includes the following which may be a short time after 1130 hours (page 3): "*I then entered the 'break' room all the officers were in and I spoke with the officers as a general group. Present at this time were the PIM and Constable Givan... I*

Signature of witness..... 

explained that in consultation with PIRC their status was that of witness. I told them that my intention was to obtain statements from them, their clothing, footwear and officer safety equipment."

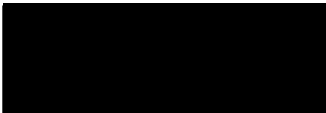
204. That absolutely was not said to the officers at that time, it came much later. The whole taking of their clothing came much later on in the day, and that came as a real surprise to the officers. They were not expecting their footwear, their uniform clothing to be seized because that very much changed the tone. So had that been said much earlier in the day then they probably wouldn't have had that awkwardness and difficulty in trying to explain why it was seen as being necessary.

205. When later, I can't remember, but that was the kind of last thing that happened before they went home, because they effectively all had to go to the locker room and recover their civilian clothing in order to change into that to go. So, yeah, that absolutely didn't happen during the day; that came as a real surprise to me and to them, I think.

206. I have been asked why Det Supt Patrick Campbell has put this in his statement. My reason why is nothing that I want to put in this statement.

Gold Group meetings

207. I have been told that the Gold Group meetings were informed that I had advised the officers not to provide statements. No, I can't be any clearer. I absolutely advised the police officers at the point when they were asked to provide statements to establish whether they were a witness or a suspect. In the event that that information wasn't forthcoming, then they shouldn't be providing statements until they knew what their status was. I wasn't at the Gold Group so I don't know what was said and whether it was taken out of context.

Signature of witness..... 

208. I have been asked if I know of any new guidance in respect of officers not having to provide statements with regards 'on duty criminal allegations'. I think this probably relates to the two memos the Inquiry sent to me (PS10953; PS10954).

209. I have been asked how I became aware of this. It certainly wasn't within the Police Scotland circles, because I didn't have access to that. I'm assuming that I've gone along to a meeting and that that update's been provided that Police Scotland had now resolved the disparities where, in some areas, they had continued with the legacy practice.

210. I was aware that round about that time that there was a desire from Police Scotland to standardise advice across the country. because we were still left in 2015 still working from the legacy positions. So we had the former forces still to some extent continue to do what they had always done, even though we were one national force, and the position round about requesting or asking police officers to provide operational statements when they were considered a suspect was practiced in some areas of Scotland, and Fife was one of those areas.

211. So Fife had a practice when it was Fife Constabulary, so up until 31 March 2013 and thereafter, even after they became Police Scotland, they would let police officers know that they were a suspect but give them the option of whether they wanted to provide a statement or not, which didn't happen in the rest of the country. And there was a real risk that police officers were going to end up providing information and, effectively, incriminating themselves, and it took them to about 2015 to resolve this, to get to one position where that practice stopped.

Signature of witness..... 

212. I don't remember discussing any of this on 3 May 2015. I don't remember there being any discussion about that primarily because nobody had asked for statements.

Further contact with officers

213. I haven't really been in contact with any of the officers since it was announced there was to be a public inquiry. Up until that point I remained the welfare contact between the SPF and the officers and represented the SPF at meetings with Police Scotland. I should state that Alan Paton elected to get his own legal advice independent of the SPF so my contact with him up until his retiral was just whenever [REDACTED] would contact me or Police Scotland would make me aware there was an issue. I don't know any of them personally.

Media

214. I have followed the case in the news. I don't buy a newspaper so this would be either on TV or via the internet. I do have a Twitter Account but it's a personal one and I don't tweet in any professional capacity.

215. It's been quite depressing and frustrating to see some of the reports on TV and in the press when as far as the police officers involved were concerned the whole matter was still under consideration by the Crown or being investigated by PIRC. Information being presented as fact, police officers who had provided their statements to the PIRC having them analysed on TV by a journalist was upsetting and many of the police officers could not understand how this could happen. I eventually decided it was best to avoid Social Media as I could not read accusations that the police had murdered Mr Bayoh.

Signature of witness..... [REDACTED]

Guidance documents

216. I have been shown the two memos PS10953 and PS10954. I have also been shown the PowerPoint presentation SPF-00465 and the note SPF-00468.

217. The first time I've seen these documents is when the Inquiry sent them to me. I have never seen them before. It is certainly the first of me reading the contents of the PowerPoint presentation, the note which looks like it's a bit of a cut-and-paste from the two memos that were sent out, but I have never seen them before.

218. Reading them, I'm not contesting the information that's contained within them, but I have no recollection of reading them or seeing them before. The information that was in them round about 2015 and trying to get a kind of consistent approach and how Police Scotland or the PIRC dealt with officers who were the subject of criminal complaints, I was aware of that.

219. I'm not aware of any other documents published by the police or SPF that relate to guidance for criminal allegations against on-duty police officers.

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

Signature of witness.....



..... Date.....

2/5/2022