

**SHEKU
BAYOH
INQUIRY**

The Sheku Bayoh Public Inquiry

Witness Statement

Judith Harley

**Taken by [REDACTED] on MS Teams
on Thursday 7 April 2022**

Witness Details and Qualifications

1. My full name is Judith [REDACTED] Harley. My date of birth is in 1986. My contact details are known to the Inquiry.
2. My substantive role is a Scene Examiner. I am currently in a temporary supervisory scene examination role with the Scottish Police Authority (SPA) [REDACTED]. I cover the base at [REDACTED].
3. In May 2015, my role was Scene Examiner Level 2. I have been doing this role for 18 years.
4. Formal qualified training is completed by National College of Policing and endorsed through Durham University. This is supplemented with on job local training.
5. As a SOP changes we do further updates and we maintain our competence every year as well. Every year, I do activities for each breakdown. One is for

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mark photography, general photography and night time photography. If you don't manage to get a scene where you have to either replicate it or do a professional discussion and update yourself on the SOP. You've got to demonstrate your competence and be signed off for that, according to the quality control system.

Photography

6. A lot of the time injuries are guided by the people we photograph because we are not trained medical professionals. So basically I will say to a person: "What injuries do you want to disclose to us?" and "Are you happy for these to be photographed?". Then we take the photographs.
7. If the injured party discloses an area of their body which they believe is injured, as per SOP, we would photograph the area. The exceptions potentially being when taking pictures under the direction of medical professionals during medical examinations and post mortems. Even if they point to something and we can't see anything, we still take the picture, because they are disclosing that it is there. That is for everybody, custodies, people outwith. The only exceptions to this are when we are in forensic medical examinations with a doctor present. Photographs are then guided by the doctor. And post-mortem photographs are guided by the pathologist because they know what they want to see.
8. I have previously given evidence in court before on a number of occasions in my professional capacity. Photographs are often agreed evidence. So it's usually only if you've done other examinations or if they need to clarify something that they haven't been able to clarify. We attend court when required by the Crown.

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Sheku Bayoh investigation

- 9. There are 5 separate visits that I have attended for the Sheku Bayoh investigation. Each time we go to a scene and leave a scene we create a set of notes. There are five different sets of notes, one of which are not my notes. I am the corroborating person where I have been present with a supervisor. If a supervisor is there, they will generally do the notes and we act as an assistant. We do work together as a team, but under their direction.
- 10. On 3 May 2015 I attended the hospital with my supervisor Gordon Young. I photographed Sheku Bayoh's body. Gordon Young took the notes.
- 11. Later on 3 May 2015 I met with officer Nicole Short to photograph her injuries. I took the notes.
- 12. On 8 May 2015 I re-photographed Officer Nicole Short. A request came in for this re-photography.

Photographing Sheku Bayoh

- 13. I photographed the deceased at Victoria Hospital, Kirkcaldy on 3 May 2015. If we attend A&E to forensically recover and photographed a deceased they are generally within a side room within the A&E department. We now have a standard protocol for photographing a deceased and it is assumed that this was carried out in a similar manner back then. I have not however been afforded access to my images prior to providing this statement so therefore I cannot confirm. We will photograph the deceased and recover any clothing or forensic samples that have been requested. Any immediately obvious marks on the deceased would be photographed for future reference.

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14. If we see anything outwardly we'll photograph it at the time, but generally all the real examination of the body is left to post-mortem. There will be a forensic strategy before we do this for any major incident. I cannot recall a forensic strategy having taken place in this case as this would be down to the Supervisor present, Gordon Young to attend and discuss. I would assume so, because there is a note to say that there are some instructions from DCI Stuart Houston. So, this would suggest that there was a strategy created prior to attending.

15. I recall going to the hospital and taking photographs of the deceased mainly because it was a major incident. I do recall going and doing them but it is very, very vague. Without my notes, I could not tell you what date it was.

Photographing Nicole Short

16. Before photographing Nicole Short, I'll have had a brief outline before everything starts. But the actual details of the incident are not relevant to us. I want to say PIRC were already involved by the time we did anything. I think they were present at the body recovery, certainly. PIRC would have given the outline.

17. By that point the supervisor would be involved and they would be farming out everything. There's no reason to re-photograph everybody with the same context. So if they are in pain and they point to something, we'll photograph.

18. I know Nicole Short. I remember her from working in Kirkcaldy station. She was not a close friend, more a friend of a friend of another officer. I had previously seen her at events. I might have had her phone number from a group chat if there was such a thing at that time. We were on different sides of the friendship group. I would see her occasionally. We didn't really have a

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personal relationship. I haven't heard from her since she left the police. I don't recall seeing her.

19. I have read my notes and I can confirm *"At 1750 hours, 3 May 2015, I, accompanied by DC Grady, attended Kirkcaldy Police Station to photograph injuries to Nicole Short."*
20. I have been asked if I remember what it was that I was photographing or what I saw. I don't recall. I genuinely can't remember. I would always photograph the face because that is the ID photograph, we always take that prior, but anything else would have been guided by Nicole Short.
21. I have read from my notes: *"At 1130 hours on 8 May 2015, I attended at her home address to photograph injuries to Nicole Short... These were further photographs and previous photographs were taken by myself."*
22. I have been asked if I remember visiting her home. Not a clue. It would've been the first time I'd been to her house. Our note taking guidelines are definitely a lot more scripted now than they were back in 2015.
23. I have been asked if I spoke to Nicole Short about the incident in which she sustained her injuries. No, I don't think so, off the top of my mind. The second time she will potentially have made a comment about [REDACTED]. That's floating around, but I genuinely couldn't confirm if that was definitely the case.

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Kirkcaldy police

- 24. We had a scenes office at Kirkcaldy Police Station when I worked there. I would have been in Fife in some capacity between 2004 and 2016. But I have been in about 4 different offices in Fife. My role covered the whole of Fife.
- 25. To my knowledge I don't know PC Kayleigh Good. I've heard of PC James McDonough but I couldn't pick him out in a line-up. I've heard of APS Scott Maxwell and would probably recognise him. PC Alan Paton and PC Alan Smith's names don't ring any bells. Because we interact with so many officers generally, unless I was friends with the actual officers outside of work, I generally don't know much about them. I'm generally terrible with matching names and faces, especially after the passage of time.
- 26. I have vague recollections of PC Ashley Tomlinson. The name rings a bell but, again, couldn't pick them out in a line-up. I am terrible with names.
- 27. I'm aware of PC Craig Walker just from working in and about. I've probably seen him in the canteen. Not anything personal, just work related. We tend to work with CID, rather than the beat. The interactions we have is usually just corroborating us for safety or on locus protection. We would never, or very rarely, see an officer in action. I know him from going about the station, but that would be about it. I used to speak to him in the canteen, I'm quite chatty, I'll speak to anybody. I wouldn't say that I would stop and deliberately chat to him.
- 28. I would like it noted that paragraphs 25-27 have no relevance to the work carried out in this case. I also was not afforded access to any images I took prior to or during this providing this statement.

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29. I have been asked about Kirkcaldy Police Station whether there were any racist jokes heard in the canteen. I genuinely have zero tolerance for that, so not to my knowledge. I would think that I would remember something like that. But, as I say, it's so long ago.

Miscellaneous

30. I have been asked if I have been following this case on social media or the news. No. I just shut myself off from that. I am the same with anything that's high profile, I don't want to know.

31. I can confirm that I gave no Police statement and there's no PIRC statement. We would get an email request through PIRC to prepare our own statement. That didn't happen. That's how it would work now. However, it has completely changed now and the Fiscal would have to instruct it. The Fiscal now instructs it in all cases.

32. 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..... May 16, 2022 | 3:43 PM BST

