

TRANSCRIPT OF THE INQUIRY

Friday, 24 June 2022

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(10.17 am)

LORD BRACADALE: Good morning.

Ms Grahame.

PC BRIAN GEDDES (continued)

Questions from MS GRAHAME

MS GRAHAME: Thank you.

Good morning, Constable Geddes.

A. Good morning.

Q. On Wednesday we had just completed a section looking at some clips of PC Walker and discussed the conversation that you had with him. I would like to move on now to a later period during the day and this is in the afternoon of 3 May 2015. So this is after it had been known, or people were aware that Mr Bayoh had died.

Can I just remind you of what you have in front of you. You have three transcripts, so we have one for camera 12, which we heard on Wednesday was from the cell corridor, and that's PIRC 01463; we have one from camera 14, which was from the primary charge bar and that's COPFS 05963, and the third is from camera 15 at the secondary charge bar and that's PIRC 01472. Do you

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1 is still have those in front of you?

2 A. Yes, I've got three of them.

3 Q. That's great. Could we start with the transcript from
4 camera 15, which is the secondary charge bar. Now, this
5 is the longest clip that I'm going to look at, but let's
6 look first of all at the transcript to get our bearings
7 and if we could start at page 37, I will just briefly
8 take you through this. This is going to be from
9 pages 37 to 44 and we will just briefly look at that.
10 So it starts with you, 13.46.02 you're in the secondary
11 charge bar area, that's on page 37, it's towards the
12 bottom. Some CID officers enter that area and they stop
13 to speak to you, and there's various areas that are
14 inaudible. There's mention of it being, on page 38, in
15 the Daily Record, and mention at the bottom of page 38
16 "Nae place to go" and then on page 39 there are some
17 comments about "There's four", "There's four locus",
18 that type of thing, and then towards the bottom of
19 page 39 a reference to "Bashed a man in the head they
20 killed him restraining him". And then on page 40
21 there's mention of a Facebook photograph and then
22 there's mention at the bottom of page 40 of:

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1 "... the boy never had a knife in his hand whether
2 he [dropped] it on the grassy bit but he's been coming
3 at them ..."

4 And there's mention of CS and PAVA.

5 Then 41 there's mention by you of:

6 "... he's flung a punch and it connected to the back
7 oh her head I'm noo sure if she was on her back or her
8 stomach but he's then went like that stamping on
9 her ..."

10 And some gesturing and then:

11 "... on her stomach so he's stamping on her back."

12 And then at the bottom of page 41 there's a comment
13 by you that:

14 "... he hit him [with] the baton because it didnae
15 matter what they did were daeing they just couldnae
16 control him ..."

17 And they "Couldnae get him [off]".

18 And you appear to be imitating some strikes at the
19 bottom of page 41.

20 Moving on to page 42, there's reference to initially
21 Ashley hitting him over the head and you thought it was
22 "only Ash that hit him" and:

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1 "... then apparently it's been them aw that have
2 been in about him."

3 And then page 43, there's mention by you of:

4 "... there's no vote for operational statements ...
5 whether the CID or policing standards will speak to them
6 on tape ... get statements under caution."

7 And then at the bottom of page 43 there's a comment:

8 "And they'll deny it and they'll just jump on to
9 this..."

10 Then you say:

11 "But one of the ACCs that's here are involved in
12 a crime and terrorism whether they just want to the
13 on call ACC out or whatever. Four locus in Kirkcaldy in
14 one night."

15 And then ultimately you remain at the secondary
16 charge bar and that's the section I'm going to be
17 playing. So it's from pages 37 to 44 and, as I said on
18 Wednesday, you can follow the transcript as we watch
19 this particular clip.

20 So I will now ask Ms Drury to play the clip but
21 essentially we're moving from 13.46.02 or thereabouts.
22 That would be absolutely fine, so at the moment we're

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1 13.45.52 on PS 00199 and this is the CCTV from camera 15
2 which is the secondary charge bar and we can see that
3 again on the screen and we can see the back of you on
4 the camera. So let's watch this section until 13.51,
5 which takes us up to page 44.

6 (Video played)

7 Thank you very much. Were you able to follow that
8 as we went through?

9 A. Yes.

10 Q. Thank you. I would like to ask you some questions about
11 elements that are noted in the transcript, so if we use
12 this transcript as we go through and if we can start on
13 page 38, please. At the top of the page there's a lot
14 of references that are marked as inaudible. Do you
15 remember how the conversation began?

16 A. I don't even remember that conversation at all.

17 Q. No, all right. You will see that there is mention of
18 the -- it's being in the Daily Record. Do you remember
19 that day when you became aware that it had been in the
20 Daily Record?

21 A. No -- as -- no, I don't know.

22 Q. Okay. When you say at the bottom of page 38 "nae place

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1 to go", do you remember what that was in a -- what that
2 was a reference to?

3 A. I don't even remember that conversation with the
4 officers at all.

5 Q. Right. So having looked at the clip of the CCTV and
6 knowing that is you, do you have any recollection now --

7 A. I'm 100% that's me in the footage, but I've got no
8 recollection of that conversation at all any time.

9 Q. Right. Well, let's just carry on going through the
10 transcript. It says there at the top of page 39 -- it
11 is you saying this -- it says "Interviewing my shift".
12 Now, you told us on Wednesday that you were a member of
13 Response Team 4.

14 A. Yes.

15 Q. When you're referring to "My shift", is that what you
16 mean?

17 A. Yes, it will be Team 4, the officers on Team 4.

18 Q. So you would be aware that at some point during the day
19 people would be interviewing your shift --

20 A. Yes.

21 Q. -- the Response Team 4? And it mentions there "Batoned
22 at the locus", so by this time -- so this is before --

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1 after 1.45, you were aware that Mr Bayoh had been
2 batoned at Hayfield Road?

3 A. Yes, yes.

4 Q. And do you remember where that information came from?

5 A. No. I don't know if it was passed over the radio
6 earlier when the event was unfolding, I -- no,
7 unfortunately.

8 Q. We looked on Wednesday at some Airwaves transmissions
9 where there was a reference to the fact he had been
10 batoned to the head.

11 A. Yes.

12 Q. So it could come from the Airwaves transmissions?

13 A. Yes.

14 Q. Or it could have come from your conversation with
15 PC Walker that we looked at on Wednesday?

16 A. Yes, it would be one or other, or probably both.

17 Q. Or both. Could it have come from PC Tomlinson at that
18 time?

19 A. Well, I've never spoken to PC Tomlinson at that -- no.

20 Q. And then it mentions -- there's discussion between you
21 and someone from the CID "There's four", "There's four
22 locus", "There's one previously and there's four now and

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- 1 they're all in Kirkcaldy". Do you know what that was
2 a reference to?
- 3 A. I'm guessing there had been four locus in relation to
4 the incident, but as far as I'm aware it was
5 Hayfield Road the incident happened so -- but I don't
6 know whether the four would have been or where.
- 7 Q. So it may be that there were three other areas, or
8 locus, or loci --
- 9 A. I would take it from that there was three other areas
10 identified where something had happened.
- 11 Q. So Hayfield Road would be one of them and there may be
12 three others --
- 13 A. Yes.
- 14 Q. -- that the police are investigating or looking at?
- 15 A. (Nods).
- 16 Q. And that's information that you had at this time. This
17 is 13.46 --
- 18 A. That's when the CID just made me aware of that at that
19 point, yes.
- 20 Q. So it was the CID who said "There's four"?
- 21 A. Yes.
- 22 Q. And then you said "There's four locus?" and that sounds

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1 like a question --

2 A. Question, mm-hm.

3 Q. -- that you were asking. So this was the first time --

4 A. That was the first of me being aware that there was four

5 locus.

6 Q. And that was information that came to you from the

7 CID --

8 A. Yes.

9 Q. -- or someone in the CID --

10 A. Or someone who I was speaking to and that --

11 Q. -- an officer?

12 A. -- yes.

13 Q. Thank you. Then it says towards the bottom of page 39,

14 CID again:

15 "Bashed a man in the head they killed him

16 restraining him so there's four ..."

17 And it's marked as inaudible but we know from

18 earlier on that page that they were talking about the

19 four loci.

20 A. Mm-hm.

21 Q. Was it your understanding then at that time Mr Bayoh had

22 been bashed in the head and "they", the officers had

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1 killed him restraining him. Was that your understanding
2 at that time?

3 A. From what the CID officer said, I would think --
4 probably tends to yes.

5 Q. So that was information shared to you -- with you --

6 A. At that point --

7 Q. By the CID?

8 A. Yes.

9 Q. Was that your understanding of the position in Kirkcaldy
10 Police Office at the time, that there was a view at that
11 time that Mr Bayoh had been killed due to the restraint?

12 A. The -- I don't know. I wouldnae say it would have been
13 the restraint that would be a reason that would kill
14 someone, but that wouldn't be my impression they had
15 been killed being restrained, no.

16 Q. So it's only the CID at this stage who are saying:

17 "Bashed the man in the head they killed him
18 restraining him."

19 A. Yes.

20 Q. That's only a view being held by this CID officer at the
21 time?

22 A. I would say so, yes.

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- 1 Q. Not by you?
- 2 A. No.
- 3 Q. Were you aware whether that was a prevailing view in
4 Kirkcaldy Police Office at the time or was it only from
5 the CID that you were hearing that?
- 6 A. I can't recall where -- I don't know.
- 7 Q. Can we look at page 40, please. There's then
8 information from you saying:
9 "Apparently they've managed to get an update his
10 flaming Facebook photograph about an hour and a half ago
11 so whether he's away home an all ..."
- 12 And then there's an inaudible area. There's mention
13 there of a Facebook photograph. What did you know about
14 that at this time?
- 15 A. I can't -- I can't recall. As I say, I can't recall
16 this conversation at the time, so I'm not sure what that
17 relates to.
- 18 Q. Well, thinking back now, do you remember hearing
19 anything or knowing anything on 3 May about the police
20 securing one of Mr Bayoh's Facebook photographs?
- 21 A. I'm not -- no.
- 22 Q. You don't remember anything about that?

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1 A. No.

2 Q. We have heard that -- from a member of the CID,
3 Samantha Davidson, I think you mentioned you knew her?

4 A. Yes.

5 Q. We have heard evidence from her that that is the way
6 that they managed to identify Mr Bayoh.

7 A. Right.

8 Q. By getting a Facebook photograph. Do you remember
9 knowing that in Kirkcaldy Police Office on 3 May?

10 A. I can't remember that, no.

11 Q. You don't remember that now?

12 A. No, no.

13 Q. I mean you have obviously known it at the time?

14 A. I have obviously known it at the time, the fact I have
15 mentioned it there. Whether it has been mentioned in
16 the conversation down to the custody staff and down to
17 us and (inaudible), but it doesn't -- I don't remember
18 it now.

19 Q. You then say at the bottom of page 40:
20 "He's fucked eye. Ash seems all right but there noo
21 theirsel ... even Craig was saying..."

22 So that's a reference to PC Walker and we know from

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1 our discussion on Wednesday that you had spoken to
2 PC Walker?

3 A. Yes.

4 Q. So you say:

5 "... Craig was saying that you know the size of
6 Craig, he's a big strapping boy, he couldnae get him aff
7 oh her. Nicole em she's only short tae but they came
8 from the other side..."

9 And we know that Nicole Short is actually small
10 and -- she is 5 foot 1, I think, if my memory serves.

11 A. Yes.

12 Q. "... and as soon as they got there the boy never had
13 a knife in his hand ..."

14 We have also heard evidence that he didn't have
15 a knife in his hands when the police arrived:

16 "... whether he drapped it on the grassy bit ..."

17 Now, were you aware at the time that a knife had
18 been recovered from Hayfield Road from a grassy area
19 near to the area that --

20 A. I think I did, yes. I can't be 100% sure because
21 I can't remember, but I know there was mention that
22 a knife was recovered at the scene.

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1 Q. Right:

2 "... but he's been coming at them ..."

3 Is that a reference to Mr Bayoh coming at
4 the police?

5 A. I would say yes.

6 Q. And what information did you have at that time about
7 Mr Bayoh coming at the police?

8 A. The only information I had would have been when I spoke
9 to Craig and he was saying he was walking towards them,
10 he was coming towards them and wouldn't stop.

11 Q. All right, thank you:

12 "... I don't know how he ended under but they CS'd
13 and PAVA'd him and he just went like that eh..."

14 And then there's a gesture with your left hand in
15 a wiping motion across your face. That was mentioned on
16 Wednesday when we discussed that at an earlier stage.

17 A. Yes.

18 Q. And I think you accepted that must have come -- that the
19 gestures must have come from a demonstration from
20 someone who was at the scene?

21 A. Yes.

22 Q. And so by this time you knew that there had been CS

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1 spray and PAVA spray used on Mr Bayoh by the officers,
2 yes?

3 A. Yes.

4 Q. And that it hadn't had the effect or the impact that the
5 officers had hoped?

6 A. Yes, it basically didn't work.

7 Q. So that was well-known at the time?

8 A. Yes.

9 Q. And then let's turn to page 41, please. And we see that
10 again, you're noted as saying something initially
11 inaudible and then you say:

12 "... and laughed and kept coming straight for
13 Nicole, he's flung a punch and it connected to the back
14 oh her head ..."

15 So by this stage you were aware that there was
16 an allegation that Mr Bayoh had struck Nicole Short to
17 the back of her head?

18 A. Yes.

19 Q. ... I'm noo sure if she was on her back or her stomach
20 but he's then went like that stamping on her (gesturing
21 stamping motion with his right foot) ..."

22 Now, can I ask you about that passage. Is that

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1 information that you received from PC Walker?

2 A. It's the only person I spoke to in relation to the
3 incident, so it would have been, yes.

4 Q. But from your conversation with PC Walker you weren't
5 left sure if she was on her back or her stomach?

6 A. Yes.

7 Q. And then you mention just laughing and then it says:
8 "... on her stomach so he's stamping on her back."
9 So there you appear to be saying something, at least
10 initially, "on her stomach, so he's stamping on her
11 back", but then it's inaudible, so it's inaudible prior
12 to that and inaudible after that, so I'm trying to get
13 a sense of whether you knew from your conversation with
14 PC Walker whether she had been on her back or her
15 stomach?

16 A. I would say from that comment the fact she was lying on
17 her stomach and he stamped on her back, so I must have
18 known from that conversation with Craig that Nicole was
19 lying on her stomach.

20 Q. Thank you. And the CID officer then says:
21 "Then they hit him?"
22 And you say:

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- 1 "Then he hit him [with a] baton."
- 2 Now, who is that a reference to, who is the "he"
- 3 a reference to?
- 4 A. I would take that -- I don't know. I couldnae say 100%
- 5 definite, I can't recall who it was, but obviously
- 6 I know that -- I think Ash was the -- Ash struck him,
- 7 but I don't know who the "he" would relate to in that,
- 8 whether it is him or any other officers that were there.
- 9 Q. We have certainly heard evidence from PC Tomlinson that
- 10 he struck Mr Bayoh to the head with his baton. We have
- 11 heard evidence of that, but it sounds like this is
- 12 information you were aware of by this stage?
- 13 A. Mm-hm.
- 14 Q. Again, would that have come from PC Walker?
- 15 A. It would have been seeing as he is the only person
- 16 I spoke to.
- 17 Q. Thank you. Then it goes on to say:
- 18 "... because it didnae matter what they did or were
- 19 doing they just couldnae control him."
- 20 Was that your understanding that the police officers
- 21 at the scene were not able to control Mr Bayoh?
- 22 A. Yes.

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- 1 Q. "... and he was just being an arsehole to everyone."
2 Is that a reference to Mr Bayoh?
- 3 A. I would say, yes.
- 4 Q. "Couldnae get him aff, they couldnae restrain, couldnae
5 do nothing."
6 And then you're seen to imitate some baton strikes
7 as you give that description, so again, that would be in
8 relation to your comment about having been -- Mr Bayoh
9 having been hit over -- with a baton?
- 10 A. Being struck with a baton, yes.
- 11 Q. Being struck with a baton. Then other officers come
12 into the primary charge bar and we saw that on the CCTV.
13 I thought this was the secondary charge bar so perhaps
14 that's a typographical error because the CCTV that we
15 just watched was from the secondary charge bar?
- 16 A. Yes.
- 17 Q. And we saw officers coming in in plain clothes,
18 presumably CID officers, so could that maybe be
19 a mistake? This wasn't the primary that we saw, it was
20 the secondary --
- 21 A. No. Well, that one next to the custody officer -- one
22 enters and walks to the main one.

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1 Q. Oh, right, so it's they are walking in the direction of
2 the --

3 A. So the custody -- yes, the two CID officers on the
4 screen walked from the area of the primary charge bar
5 and they've come towards me and I was standing at the
6 secondary charge bar. The custody officer walked in
7 from the door, he has walked in the direction of the
8 primary custody --

9 Q. That's my -- I have misread that, thank you for clearing
10 that up.

11 Then you say -- the CID officer says:

12 "It's your worst nightmare because they're just
13 doing their job but it happens in every ... even though
14 you're doing your job."

15 Do you remember that aspect of the conversation?

16 A. Honestly no, I don't recall it at all.

17 Q. And then you say:

18 "We've aw hit."

19 What was that a reference to?

20 A. I've not got a clue.

21 Q. Have you hit somebody with a baton?

22 A. I've -- no, I have only had to smash a window to break

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1 into a car when somebody locked their keys in.

2 Q. But you have never used your baton?

3 A. No.

4 Q. In a knife incident or?

5 A. No.

6 Q. Ever?

7 A. Never.

8 Q. Never in a ...

9 A. No.

10 Q. Have you ever used your spray?

11 A. Three times.

12 Q. What occasions were they?

13 A. One was a male that was self-harming with a knife and he

14 was basically threatening us with a knife and as he has

15 went to cut himself, used the CS to basically try and

16 restrain him because people had to go and get hands on

17 and the fact this boy has got a knife, clearly cutting

18 himself, trying to preserve his life, used the PAVA to

19 -- effectively it did work because he's dropped the

20 knife to cover his eyes after he had been sprayed.

21 Two other times, it didn't work properly, the spray

22 just puffed in front of me and didn't actually reach the

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- 1 person that was probably closer -- so probably the
2 distance between myself and the woman here, so it was
3 not --
- 4 Q. Was that because of the mechanism or just because it
5 didn't work on the person?
- 6 A. I don't know, it just might have been a faulty can. It
7 just -- it puffed up as a cloud rather than the jet that
8 was meant to come out, so there's only once I have
9 actually used it and it has worked.
- 10 Q. Thank you. And then you say:
- 11 "Cause, cause initially we thought Ashley hit him
12 over the head and it was only Ash that hit him. We
13 thought for fuck's sake and then apparently it's been
14 them aw that have been in about him."
- 15 Now, we talked about this phrase on Wednesday and
16 can I just ask you some questions about that. You have
17 said:
- 18 "Initially we thought Ashley hit him over the head
19 and it was only Ash that hit him."
- 20 So were you under the impression initially that it
21 was only Ashley Tomlinson that had hit Mr Bayoh?
- 22 A. Yes.

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1 Q. How had you come to that impression?

2 A. The only -- a message was passed over the radio at one
3 point I think saying he had been struck and I think
4 PC Tomlinson's name was mentioned as struck him with the
5 baton so that was all -- I think. I may be wrong with
6 that.

7 Q. I think we looked at that on Wednesday and there was
8 a message that he had been struck over the head,
9 batoned -- I think I referred you to it on Wednesday.
10 It was Acting Police Sergeant Maxwell who had given the
11 message, but there was no mention of Ashley Tomlinson's
12 name as being the officer. We can look at that again if
13 that's of any help.

14 So it's page 8 of the spreadsheet that we looked at
15 on Wednesday.

16 A. This one?

17 Q. Yes. The combined audio and video timeline.

18 So at 7.26.52, so it's the second-last Airwaves
19 transmission, and it said:

20 "Just for the log ..."

21 It's by Scott Maxwell:

22 "... on attendance this male's attacked PC Short

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1 quite violently. As a result he was sprayed with CS and
2 PAVA and batoned. There may be a suggestion that he has
3 been batoned to the head area."

4 You'll see there's no reference there to
5 PC Tomlinson.

6 A. Mm-hm.

7 Q. We have heard evidence from Sergeant Maxwell that that
8 information did come from PC Tomlinson but that wasn't
9 transmitted over the Airwaves as part of the radio
10 calls, so my question for you is how did you know
11 initially that it was Ashley Tomlinson?

12 A. Something's obviously been mentioned at some point but
13 I don't know who it was that mentioned -- when it was
14 mentioned, but someone has obviously said that it was
15 Ash that has struck him to the head.

16 Q. By that stage obviously you had talked to PC Walker and
17 we looked on Wednesday at a number of officers returning
18 before 8 o'clock in the morning, that was Paton, Walker
19 and Maxwell, but because you have said here:

20 "Initially we thought Ashley hit him over
21 the head ..."

22 Then you heard "They had all been in about him", and

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1 you said on Wednesday the "in about him" phrase came
2 from your understanding of your conversation with
3 PC Walker. I'm trying to work out how you got the
4 information that it was Ashley Tomlinson before you then
5 changed your mind after your conversation with
6 PC Walker?

7 A. I can't recall where the information came from, but it's
8 mentioned at some point or I wouldnae have been saying
9 that Ash is the one that struck him to the head, so
10 I don't know where it came from, but somebody has
11 mentioned it.

12 Q. So if you formed an initial impression that it was
13 Ashley Tomlinson who had struck him over the head with
14 a baton, that would have been from someone who was at
15 the scene or someone who has passed that information to
16 you?

17 A. Yes.

18 Q. And that would have been prior to you speaking to
19 PC Walker?

20 A. Yes.

21 Q. Thank you. But then after your conversation with
22 PC Walker, it was through that conversation that you

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1 then discovered they had all been "In about him"?

2 A. Yes.

3 Q. "In about him" doesn't sound like a very controlled

4 police procedure. Do you want to explain to us again

5 what you mean in relation to "In about him"?

6 A. I would say me, if you're in about someone it's --

7 they're trying to restrain him, they're trying to get

8 control of him.

9 Q. So again, it's very much about controlling somebody,

10 perhaps in quite a vigorous, active way?

11 A. Yes.

12 Q. It's not a passive or controlled way?

13 A. No, it's not "in about him" as in setting about him to

14 assault someone, it could be taken in that way; just say

15 that they're "in about him", to try and get -- and

16 restrain him, get him handcuffed.

17 Q. And I think in fairness to you, you have given some

18 information about this in your Inquiry statement which

19 you will still have in the black folder, and you were

20 asked about this at paragraph 102 of your Inquiry

21 statement and you will see you have given an explanation

22 at 103 and you talk about:

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1 "In about them, round about him trying to restrain
2 him, trying to control him, trying to get him up in
3 handcuffs or whatever. Certainly, there's different
4 ways you can look at it, I suppose. If you're 'in about
5 somebody', for me, for a policing side of it, you're
6 trying to restrain them, you're trying to get a hold of
7 them and get them to stop them doing what they're
8 doing."

9 And that's your understanding of that phrase?

10 A. That's my -- yes.

11 Q. Thank you. Then at the end of page 42 of the transcript
12 the CID officer talks about "So they'll all need" and
13 it's inaudible after that, so that's on page 42 of the
14 transcript, camera 15. What did the CID officer mean
15 "They'll all need", what was it they would all need?
16 You have then said "Sorry", and I think at that point
17 you leaned in to the CID officer.

18 A. I -- I don't know.

19 Q. You don't know?

20 A. Without knowing the full question he asked me, I don't
21 know.

22 Q. And he then goes on to say:

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1 "They'll all need to be ..."

2 And you say:

3 "They're that's the thing we're wondering if then

4 that the CID will end up ... yeah."

5 And you say:

6 "'Cos there's no vote for operational statements

7 whether the CID or policing standards will speak to them

8 on tape get statements under caution."

9 And can I just ask you about that. You spoke about

10 statements under caution on Wednesday so I don't need

11 you to explain that distinction again with operational

12 statements, but this phrase here, "There's no vote for

13 operational statements", who told you there had been

14 a vote?

15 A. I can't recall that. I don't know.

16 Q. There's nothing about this in the STORM call cards,

17 there's nothing about this in the Airwaves

18 transmissions. Is there any other source where you

19 could have heard "There's no vote for operational

20 statements"?

21 A. No, the only place -- if I heard it it would have been

22 in general conversation with anybody mentioned that day

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1 about the talk of the steamie, that people will be
2 talking about different stuff, people will be going in
3 and out doing their duties, different people could have
4 been speaking to different people, information could
5 have come from any place and at some point during
6 conversation that may have come up and I've heard it,
7 picked up on it, but I cannae identify that phrase with
8 any one particular person because I don't know where it
9 was first mentioned, where it came from.

10 Q. Did you have -- was any part of your conversation with
11 PC Walker about there being no vote for operational
12 statements?

13 A. I don't -- I can't -- I don't know, I can't remember.

14 Q. We have heard evidence from PC Walker, amongst others,
15 that they didn't give -- they didn't write operational
16 statements on the day and we have also heard other
17 evidence from many of the officers others that they took
18 legal advice and they didn't give witness statements
19 until 4 June so nothing on 3 May or any of the days
20 after that in May in relation to either operational
21 statements or witness statements to PIRC.

22 So I'm wondering, you know, the officers having

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1 agreed not to -- or decided not to give those
2 statements, whether you were aware at that time that
3 there had been some sort of vote, maybe in the canteen,
4 or within the officers who were at the scene?

5 A. I don't know.

6 Q. You don't know. But certainly at this time of the day,
7 before 2 o'clock in the afternoon, you appear to be
8 discussing with the CID officer that there was no vote
9 for operational statements.

10 A. From that transcript, yes.

11 Q. And then further down that page, page 43, the CID
12 officer says:

13 "You don't want to say anything, do you, when's it
14 happening."

15 And you say:

16 "It's happening right at the moment."

17 And the CID officer says:

18 "And they'll deny it."

19 And then over the page:

20 "They'll just jump onto this."

21 Can I ask you what this is in reference to:

22 "You don't want to say anything, do you ..."

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1 What do you think he meant, the CID officer, or she,
2 what do you think they meant by:

3 "You don't want to say anything, do you"?

4 A. That's only something they could answer. I don't know.
5 I cannae put words into their mouths if they have made
6 that comment, I don't know.

7 Q. So what about the comment you made:

8 "It's happening right at the moment"?

9 A. Whether that's -- I would -- again, because I can't
10 remember -- the only thing I would -- because they were
11 talking about giving statements, whether it's happening
12 just now that they're giving the statements or they're
13 having this potential vote whether they're going to give
14 statements there and then. That's all I can take from
15 that but I can't remember.

16 Q. We have heard evidence from the officers that they were
17 unclear on 3 May about their status and when I say
18 status, I mean were they being treated as witnesses, or
19 were they being treated as suspects, and the impression
20 they had, or they were unclear, they were confused, they
21 were uncertain about that, so you have just been talking
22 about no vote for operational statements and you have

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1 talked about statements under caution as an alternative,
2 and on Wednesday I think you explained that operational
3 statements are a police matter to register what you have
4 done and what your involvement has been in an incident,
5 and statements under caution will often be given by
6 suspects.

7 A. They can also be given by witnesses.

8 Q. But commonly it's suspects, as I understand it.

9 A. More often than not it would be suspects, but then also
10 witnesses.

11 Q. And some of the officers have spoken about this
12 distinction as well, and against the background of their
13 confusion, or uncertainty about their status, whether
14 they were witnesses or suspects, is it possible that
15 this reference to them denying it could be because, as
16 many of them have said, if they're being treated as
17 suspects and being asked for a witness statement, that
18 they would not wish to give that statement? We have
19 heard from another officer, a Scottish Police Federation
20 representative, that she had given advice not to give
21 statements to the officers until their status was
22 confirmed.

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- 1 So could this be something against that background,
2 the confusion about their status, the advice from the
3 SPF not to give statements until their status was
4 confirmed and only if they were being treated as
5 witnesses not suspects?
- 6 A. That's only something they would be able to answer
7 because I didn't have part of that conversation so
8 I don't know what advice they were given and what advice
9 they weren't given so I --
- 10 Q. Does it make sense to you?
- 11 A. It does make sense to me, yes, but it's not something
12 I could answer.
- 13 Q. All right. Then if we could look at page 44, you're
14 saying at the top of this page:
- 15 "But one of the ACCs that's here are involved in
16 a crime and terrorism whether they just want to the
17 on call ACC out or whatever. Four locus in Kirkcaldy in
18 one night."
- 19 Can I ask you what's an ACC?
- 20 A. Assistant chief constable.
- 21 Q. How senior is that person?
- 22 A. Very high.

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- 1 Q. And you say:
- 2 "One of the ACCs that's here are involved in a crime
- 3 and terrorism".
- 4 Do they have specialist areas, the ACCs?
- 5 A. I would -- they do, yes.
- 6 Q. Is there one that is involved in crime and terrorism?
- 7 A. There's different departments. I would guess they
- 8 would.
- 9 Q. You're not aware of any of that?
- 10 A. No, it's -- it's a rank I'm never likely to get to
- 11 anyway so it's not something that I look into. I just
- 12 know it's one of the main bosses has come out and part
- 13 of his role was dealing with crime and terrorism.
- 14 Q. Do you know who the ACC who came out was?
- 15 A. No, no.
- 16 Q. But one of the roles of that officer who had come out to
- 17 Kirkcaldy Police Office was terrorism?
- 18 A. Yes.
- 19 Q. Is crime and terrorism an area, a department, or is
- 20 it --
- 21 A. They're different, they're different, but you may have
- 22 the same person in charge of both departments, both

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1 areas, depending how the structure of the -- who deals
2 with what, but unfortunately I don't know how they do
3 that.

4 Q. Right. You say "One of the ACCs that's here", does that
5 mean there was more than one in Kirkcaldy on 3 May?

6 A. There might have been but I can't remember.

7 Q. But it would appear that on this day you were aware that
8 there was at least one ACC in Kirkcaldy Police Office
9 and that they were involved in "a crime and terrorism",
10 what that may mean?

11 A. Yes.

12 Q. And then you say:

13 "Whether they just want to the on call ACC out or
14 whatever."

15 Is there an on call ACC at any one time?

16 A. I'm guessing there must be. I don't know.

17 Q. You don't know if there's an on call ACC?

18 A. I would say there probably will, but I don't know --
19 I just don't know.

20 Q. You don't know?

21 A. No.

22 Q. That's not something that you have to deal with as

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1 a custody officer?

2 A. No. No, no, no.

3 Q. And you're not aware if there's an ACC that can be
4 called on call, or if -- or otherwise?

5 A. Personally, no.

6 Q. But you do know, or you did know on this date that one
7 of the ACCs was here, ie in Kirkcaldy Police Office?

8 A. Yes.

9 Q. And that he was involved in terrorism?

10 A. Yes.

11 Q. Thank you. Then we will leave that for the moment,
12 thank you.

13 I would like to ask you about your contact with
14 PC Tomlinson, so if we could look at camera 15 and the
15 transcript for that, that's the one that we just looked
16 at, but this time look at page 58, and you will see on
17 page 58 at the very bottom of that page that there is
18 a reference at 16.15.18 and it says:

19 "PC Ashley Tomlinson enters custody facility and
20 walks in direction of the primary charge bar and cell
21 corridor."

22 And then at 16.15.53 on page 59:

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1 "PC Tomlinson enters secondary charge bar area
2 carrying [a] sleeve of polystyrene/plastic white cups
3 and exits out of the main door of the custody facility."

4 So I'm going to ask Ms Drury to play that clip.
5 It's a very short clip, it's under a minute. So that's
6 from 16.15.18, or thereabouts. Again, we will see on
7 the screen as Ms Drury gets to the right position that
8 this is the secondary charge bar area that we see on the
9 screen and we're going to go to 16.15.18, or just prior
10 to that if possible. Why don't we just leave it there
11 for a moment. That's one second after. We see this
12 gentleman coming in the door --

13 A. Yes.

14 Q. -- from the right-hand side. Do you recognise that as
15 PC Tomlinson?

16 A. Yes, I do.

17 Q. We have heard from PC Tomlinson that on 3 May 2015 he
18 had dark hair and glasses and we will just carry on.

19 (Video played)

20 Can we just continue listening to that. We see that
21 PC Tomlinson has walked from the right-hand side of the
22 screen towards the primary charge bar area and we will

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- 1 A. Yes.
- 2 Q. And then can we look, please, at camera 12, the
3 transcript first of all for that, so let's move on to
4 the cell corridor transcript for camera 12 and if we
5 look at page 44, and you will see on page 44 that there
6 is 16.15.27 at the top and it says:
7 "Unidentified PCSO exits cell ..."
8 What's a PCSO?
- 9 A. It's a civilian custody care officer.
- 10 Q. Sorry, I didn't hear that?
- 11 A. It's a custody care officer.
- 12 Q. Custody care.
- 13 A. Employed -- police sometimes do the role, but their
14 primary -- only role is the care and welfare of the
15 custody as well.
- 16 Q. And is that something that your duties extend to also?
- 17 A. I'm also trained in that, yes.
- 18 Q. To care for the custodies?
- 19 A. Yes.
- 20 Q. So you look after their welfare?
- 21 A. Yes.
- 22 Q. And treat them with dignity and respect?

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1 A. Yes.

2 Q. Thank you.

3 "Unidentified PCSO exits cell corridor in direction
4 of Charge Bar as PC Ashley Tomlinson enters. He can be
5 seen to enter the storeroom and then exit carrying one
6 sleeve of plastic/polystyrene white cups.

7 "PC Tomlinson exits cell corridor in direction of
8 Charge Bar leaving unidentified officer 1 outside of
9 observation cell. Nothing of note said."

10 So if we could just look at the clip on PS 00196.
11 This is from 16.15.27 or thereabouts.

12 (Video played)

13 If we could just rewind that slightly. So the
14 officer here enters from the bottom right-hand side of
15 the screen, and do you recognise that as PC Tomlinson?

16 A. Yes.

17 Q. So he's come from the secondary charge bar area, through
18 towards the primary charge bar area into the cell
19 corridor?

20 A. Yes.

21 Q. And then if we could maybe have that back on the screen,
22 do we see that he enters one of the doors on the

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1 right-hand side.

2 A. The store room.

3 Q. Now you said on Wednesday, I think, the red trolley and
4 the black bucket, in-between that the door leads to
5 a store?

6 A. Yes.

7 Q. And then do we see him coming out of that with some
8 white plastic cups?

9 A. Yes, we do.

10 Q. And you weren't party to any conversation with him in
11 the cell corridor --

12 A. No.

13 Q. -- as he does that.

14 And then he exits again back towards the primary
15 charge bar area, bottom right-hand side of the screen,
16 and you have explained to us on Wednesday that that
17 would allow him then to move back to go to the canteen
18 area --

19 A. Yes.

20 Q. -- within the Kirkcaldy Police Office. Thank you.

21 So can we look now please at your Inquiry statement,
22 paragraph 99, please. You will see it's at the bottom

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1 of the page there and it says:

2 "But I genuinely have only spoken to the two people,
3 that was Craig and Ash, the only time I've seen them at
4 the station, and I've never spoke to anybody else about
5 that. The only guys that were involved in it that was
6 there was the only ones I've seen at the station."

7 And just thinking about that now, you also explained
8 to us on Wednesday you had actually seen and spoken to
9 Acting Police Sergeant Maxwell?

10 A. Yes, to get my radio.

11 Q. So you had actually spoken to Maxwell in relation to an
12 Airwave radio?

13 A. Mm-hm.

14 Q. Did you have any conversation with Acting Police
15 Sergeant Maxwell, as he was then, in relation to the
16 events at Hayfield Road?

17 A. Not to my knowledge, no.

18 Q. But you did see him?

19 A. I did see him, yes, when he had come to get my radio.

20 Q. And you saw PC Hays. We spoke earlier on Wednesday
21 about PC Hays receiving the transmission and him leaving
22 to go to Hayfield Road?

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1 A. Yes.

2 Q. Do you remember that?

3 A. Yes.

4 Q. Did you see him when he came back?

5 A. I don't recall him coming back. I didn't see him, no.

6 Q. We have heard that Constable Mark Hay was with
7 Nicole Short at the hospital and returned back with her?

8 A. Right, I ...

9 Q. Right. Could we look again, please, at the STORM cards,
10 if that's possible, PS 00232. If we could look at
11 page 6, or page 6 of 13, halfway down that page at the
12 time is 10.01.44 -- I think we did look at this on
13 Wednesday, but let's just refresh our memories. It says
14 PC Hay:

15 "That's myself and PC Short heading back to
16 Kirkcaldy station."

17 And that's recorded on 3 May at 10.01 in the
18 morning. So it would appear that he did return and we
19 have certainly heard evidence that he and Nicole Short
20 did return to Kirkcaldy. Did you see him at any point
21 that day? No?

22 A. No, not after he left in the morning to go out to ...

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- 1 Q. All right, thank you. And then you mention in your
2 Inquiry statement that you also got in touch with
3 PC McDonough who had been at the scene. Do you remember
4 that?
- 5 A. Yes, I sent him a text message at night just asking him
6 if he was okay.
- 7 Q. Now, on Wednesday you told us that PC McDonough was your
8 probationer?
- 9 A. Probationer.
- 10 Q. And you were his tutor constable?
- 11 A. Yes.
- 12 Q. What -- tell us about the text messages or text message
13 that you sent?
- 14 A. Just one text message, just asked "Are you okay", and he
15 replied back "Yes", and that was it, only contact
16 between him.
- 17 Q. No further contact with him?
- 18 A. No.
- 19 Q. You didn't have any conversations with him in Kirkcaldy
20 on the day?
- 21 A. No, no.
- 22 Q. And did you see -- we discussed Samantha Davidson who

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1 was the CID officer. Do you remember having any contact
2 with her during the day on 3 May?

3 A. I don't recall having contact with her, no.

4 Q. Okay, right.

5 So paragraph 100 of your Inquiry statement you say:

6 "It's obvious that Craig has told me more than
7 I thought he's told me. From my memory, I've literally
8 thought I was only talking to him for seconds. What
9 I've said, I've only said to him 'who hit him?', 'we all
10 did' and it's just been in passing at the door. But
11 clearly it's sounding like I've had a longer
12 conversation with him, so I may well have been there for
13 a bit longer, but time-wise I have not got a clue."

14 So I think by the -- as you reach the conclusion of
15 your Inquiry statement, you -- although initially you
16 thought it was just seconds that you spoke to PC Walker,
17 I think by the end you accept that that was a longer
18 conversation?

19 A. Yes.

20 Q. And I think on Wednesday when we looked at the footage
21 from you speaking initially to PC Walker to you coming
22 back into the primary -- secondary charge bar, was about

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1 3 minutes, and you said you were talking to him during
2 that time?

3 A. Yes.

4 Q. So it was a longer conversation?

5 A. Yes, it clearly was longer than I actually thought it
6 was.

7 Q. During the course of the day on 3 May you were obviously
8 in Kirkcaldy Police Office, you have a lot of
9 interaction with people coming in and out of the primary
10 and secondary charge bar and the custody area, the cell
11 corridor.

12 Did you hear anyone expressing concerns about
13 Mr Bayoh and his welfare?

14 A. I can't recall, I don't know.

15 Q. You don't know. Can I ask you about paragraph 111 on
16 your Inquiry statement, please. This is a section of
17 your statement where you talk about PIRC interviews.

18 Now, at 111 you say:

19 "In the first interview I wasn't impressed with the
20 male interviewer from PIRC, his whole attitude. He was
21 the stereotypical TV bad cop trying to lay down the law,
22 whereby the female was sitting there not saying very

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1 much. I was told if I didn't tell him the truth and all
2 that he could make things difficult for me, it can
3 affect my career and everything. I'm thinking, I was
4 sitting working in an office and heard stuff on the
5 radio and I'm getting threatened with my career. It did
6 not impress me at all."

7 Now, we looked on Wednesday at your first statement
8 with PIRC and you should have that in the black folder
9 in front of you actually. This is the one dated 14 July
10 I believe -- sorry -- yes. 14 July 2015 and it's
11 PIRC 00355.

12 A. Yes.

13 Q. And it was Investigator Kareen Pattenden and DSI Keith
14 Harrower was present. So can you give the Chair
15 a little bit more information about your concerns when
16 PIRC interviewed you?

17 A. Certainly my concerns is about the first thing that the
18 male said to me was that if I don't speak to them and
19 tell them the truth it can cost me my job, I can go to
20 jail, and I just straight away felt the boy's coming in
21 threatening to me for something I wasn't at, wasn't
22 involved with, and I just didn't like his attitude, the

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1 way he spoke to me in relation to that.

2 Q. And did you feel he was quite heavy handed with you at
3 that first interview?

4 A. Yes, yes.

5 Q. And how did you feel -- how did you react to that
6 approach?

7 A. Not being impressed with his attitude, as I always say,
8 I answered every single question honestly and
9 truthfully, if you know me I do waffle a lot, I will
10 fill in blanks, typical stereotypical person, I talk.
11 I made the conscious decision that any question they ask
12 me, I will answer them honestly, truthfully, 100% and
13 then try and cut out the waffle. I was only going to
14 answer what I was asked and that was it.

15 Q. So it stopped you talking instead of having, presumably
16 the desired effect?

17 A. Yes.

18 Q. Can we look at paragraph 113. You then -- so at 113 and
19 114 you again express concerns about them showing you --
20 we will wait until we have that on the screen, 113 and
21 114. We won't see all of them together, but you have
22 the hard copy and it says:

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1 "PIRC showed me the CCTV of Kirkcaldy Police Station
2 in the second interview."

3 So the second interview was the one that we looked
4 at on Wednesday, was 23 July 2015, so this was just over
5 a week later after your first interview and it was
6 investigator Kareen Pattenden and DSI Harrower again.

7 So you say:

8 "PIRC showed me the CCTV of Kirkcaldy Police Station
9 in the second interview."

10 Is this the sort of CCTV that you and I have been
11 going through on Wednesday and today?

12 A. Yes.

13 Q. Right:

14 "I think it was the Craig Walker comment they were
15 saying me. I never told them about that but I remember
16 that they did because when the boy spoke to me he made
17 a point when I said to Craig 'who hit him?' he went 'we
18 all did'. And I sort of done an 'air quotes' gesture
19 with my fingers and the boy made some sort of reference
20 to me making that comment, so when they came back the
21 second time the boy made reference to it."

22 When you're talking about "The boy", are you talking

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1 about DSI Keith Harrower?

2 A. Yes, because I didn't know his name. I apologise if

3 I was offending him calling him the boy but I didn't

4 know his name.

5 Q. We have heard other people use this phrase; is this

6 quite a commonly used phrase in Fife?

7 A. Yes.

8 Q. "The boy"? We have heard it's a reference to a male?

9 A. Yes.

10 Q. So if you had known DSI Keith Harrower's name, you may

11 have referred to him by his name?

12 A. Yes.

13 Q. And 114:

14 "I wasn't impressed with the boy's attitude, truth

15 be told. It's the way he's coming out and he made that

16 comment at me as if I'm making something up. So when he

17 came back and he said 'oh, I've now watched the tapes'

18 and it said that on the tape it shows me talking to

19 Craig Walker, to which I said, 'I know, I told you

20 that'. And he said 'No, you didn't'. So that's when

21 I went back to him and I said, 'I did, because that's

22 when he went 'we all did', and I done that comment to

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1 him again.

2 "He then left the room which I only assumed he'd
3 went and phoned someone else, who confirmed at that
4 point that I did tell him that in the first statement
5 because they hadn't even brought me the first statement.
6 Speaking to me the second time I wasn't very impressed
7 in the fact they're trying to say I never told him
8 something the first time which I clearly did because to
9 me he hadn't done his homework. He has not been
10 prepared enough. The fact he has come back and only
11 asked me a question about something that he already had
12 the answer to."

13 Could you explain to the Chair what your concerns
14 were in relation to the second interview that you had
15 with PIRC?

16 A. My concerns were the fact that he's asked me a question
17 in the first statement which I have answered to him.
18 He's came back for a second interview to ask me about
19 something that he had already asked me in the first
20 statement. He then clearly hasn't researched it and
21 checked it read what he has given initially to come back
22 to ask me again about something he's already got so

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1 I felt his -- the way he's conducting his inquiry, it's
2 not the best.

3 Q. So you had concerns about the way PIRC were approaching
4 that second interview with you?

5 A. Yes.

6 Q. And even more widely you say you had concerns about the
7 way he was conducting the Inquiry?

8 A. Yes. He has come back to ask me a question that was
9 already answered in the first one and even when they
10 came back to clarify something they never brought the
11 first statement, which would be written in front of him,
12 they could have read it in front of us, rather than
13 going out the room and phoning someone, so to me they
14 have not been fully prepared in what they're trying to
15 do, especially in the involvement with me. I can't
16 speak on how the involvement with anyone else is but my
17 dealings with them wasn't very impressive.

18 Q. And just to be clear, did you have a copy of the
19 statement?

20 A. No.

21 Q. So it would not have been possible for you to bring
22 a copy of the statement?

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1 A. No.

2 Q. It would only have been PIRC that had retained the copy?

3 A. Yes.

4 Q. Or the original?

5 A. Yes.

6 Q. And was that a statement that you signed or had read
7 over to you and confirmed?

8 A. Yes. I think I signed the bottom of every page once
9 they go through it just to confirm and if there were any
10 errors I would mark it and they would be amended, but
11 every page like these ones have a signature at the
12 bottom.

13 Q. But that was in the hands of PIRC?

14 A. Yes.

15 Q. Thank you. I would like to ask you some questions about
16 race now. I don't know if you have seen other evidence
17 of the hearing --

18 A. I have not watched any of it at all.

19 Q. All right. Well, these will be new to you. You have
20 touched on some of the topic as we have gone through the
21 transcripts and I have asked you certain specific
22 questions, but can I ask you about training, first of

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1 all. On Wednesday you said you had 21 years' service
2 and would that mean you joined as a probationer in 2001?

3 A. Yes.

4 Q. And many officers have given evidence about receiving
5 training at Tulliallan on equality and diversity when
6 they started their police service. Is that something
7 that you did?

8 A. Yes.

9 Q. What did that course cover, do you remember now?

10 A. Everything relating to any -- people of different race,
11 different genders, different backgrounds, it just covers
12 how different cultures -- how their religions that -- it
13 just covered all the backgrounds that gave you a wee bit
14 of insight into other people and their cultures, how
15 they have different ways of life, how they live.

16 Q. Thank you. Do you remember how long that aspect of the
17 course took?

18 A. I don't think it was an all-day -- it might have been an
19 all-day course, but I'm not 100% sure.

20 Q. You have told us that you have been trained to work in
21 the custodies as a custody officer. Did you have to get
22 additional training for that role --

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- 1 A. Yes.
- 2 Q. -- that covered equality and diversity?
- 3 A. I think I did, yes. I think it's much the same
4 training. Honestly I can't remember, it's been that
5 long ago that I done my custody training.
- 6 Q. Do you remember when it was?
- 7 A. I want to say 2013 -- I think it was around about 2013,
8 2015 I started doing custody work.
- 9 Q. So in the two years prior to the events we have been
10 talking about?
- 11 A. Yes.
- 12 Q. From your recollection of it now -- I appreciate it was
13 a while ago -- do you remember an aspect of that
14 training being equality and diversity?
- 15 A. I remember it was part of it, yes.
- 16 Q. You have told us that part of your role is to treat
17 custodies with dignity and respect?
- 18 A. (Nods).
- 19 Q. So do you think there would have been an element of
20 equality and diversity training as part of your custody
21 training?
- 22 A. There would have been. Obviously we have people with

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1 different religions, different beliefs and obviously we
2 have to accommodate everybody's -- as best we can.
3 Everything's not 100% that we can do, but we try and
4 accommodate it as best we can for everybody's beliefs
5 and religions that come into custody.

6 Q. And we see -- we saw on some of the video clips as we
7 were watching them the custodies being given a lunch, or
8 food, or a snack of some sort?

9 A. Yes.

10 Q. So unlike perhaps other officers, part of your role will
11 be accommodating people's different preferences --

12 A. Yes.

13 Q. -- or needs?

14 A. Yes, if there was halal meals or such-like, if people
15 are vegetarian, there is a wide variety of meals that
16 people in custody can get.

17 Q. So that's something that you're aware of in your role as
18 a custody officer?

19 A. Yes.

20 Q. And was that something you were trained in relation to?

21 A. You get -- on the courses you get told about it and over
22 the years the different -- they change the meals that

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1 they had as time changed, once it was getting pointed
2 out that not everybody that comes into custody is
3 getting accommodated for, changes were made as it went,
4 as I say, the halal meals, people that are vegetarian.
5 Before it was just a bland meal that used to get brought
6 in from the hospital and perhaps you would get bacon
7 rolls or pie and chips sort of thing but then they
8 changed and we brought in pre-prepared meals.

9 Q. So do people get a preference at all or do they get to
10 express --

11 A. They will get a choice. Usually there's about 9 or 10
12 different choices of meals that can be -- there's serial
13 bars for breakfast and I think there's curries, there
14 was vegetarian meals, there was chicken -- I can't
15 remember how to pronounce it, but there's a various
16 selection of meals, cottage pie, lasagne, there's a wide
17 selection of everything, again, vegetarian and halal if
18 preferred.

19 Q. And do you, as the person sort of supervising or in
20 charge of the custodies, or involved with the custodies,
21 do you have a record of different preferences, dietary
22 preferences?

TRANSCRIPT OF THE INQUIRY

1 A. The people that would come in you would ask them when
2 you went around because you'd go around and first ask if
3 they wanted a meal, if they would like something to eat
4 and you would usually have a sheet printed off. The
5 majority of the meals were already marked as vegetarian
6 or halal meals so they were just -- I'm not saying they
7 were basic, but the meals were basically suitable for
8 everybody. Some of them obviously weren't suitable for
9 vegetarians, some might not have been suitable for
10 people that had halal meals, but we had a list and
11 everybody that was given -- asked -- whatever the case,
12 we would make something and "There you go, that's yours,
13 this is what we have, if you've got any special
14 needs" -- which they get asked when they get booked into
15 custody, if they have any special dietary requirements,
16 they would then tell us when they come into custody so
17 we would know, when it comes to mealtimes, what not to
18 offer them.

19 Q. Thank you. And just to be clear for some people who are
20 listening, can you have people in custody overnight in
21 the cells?

22 A. Very regularly, yes.

TRANSCRIPT OF THE INQUIRY

- 1 Q. Oh, regularly, right.
- 2 A. Quite often for weekends as well.
- 3 Q. So you do need to provide a breakfast for people?
- 4 A. Yes.
- 5 Q. If they have been kept in overnight.
- 6 A. Yes.
- 7 Q. And we may hear that there are observation cells. Are
8 they different from a normal cell in the custody
9 corridor?
- 10 A. Yes. You have seen in the video at one point the
11 officer sitting, it's a glass-fronted observation cell.
12 More often than not it's people that would go in there
13 are suspected -- might have concealed items on their
14 person and it's just to keep them under observation to
15 make sure they're not going to extract potentially drugs
16 and eat them, or it may well be someone that is special
17 risk, suicide risk, they need constant observation so
18 they can be watched at all times by officers to make
19 sure that they're safe and looked after when they're in
20 custody.
- 21 Q. So it's easier, is it, for an officer to observe someone
22 from an observation cell than a normal cell?

TRANSCRIPT OF THE INQUIRY

1 A. Yes, because the observation cell you always have one or
2 two officers sitting outside the cell watching them.

3 Q. So we actually saw on a couple of the clips on Wednesday
4 and today an officer sitting beneath the camera --

5 A. Yes.

6 Q. -- to the left, besides a cell with maybe a larger door
7 or a more obvious door?

8 A. Yes, the whole thing is all glass-fronted.

9 Q. And is that an observation cell?

10 A. Yes.

11 Q. For one person or more --

12 A. Yes, only one person.

13 Q. For one person?

14 A. You would only put one person in a cell at a time.

15 Q. How many observation cells do you have in Kirkcaldy
16 Police Office?

17 A. There is two -- the one next door to it, so it's
18 a smaller door to the side, but that's also
19 glass-fronted as well.

20 Q. Right. So the one we could see besides the officer
21 sitting outside, is that observation cell 1 or ...?

22 A. Yeah, yes. The cells are numbered 1 to 10 on the male,

TRANSCRIPT OF THE INQUIRY

1 then you've got the observation one, but 10 is also the
2 second one with the glass door that you -- that's the
3 observation cell, but that one is primarily observation
4 cell.

5 Q. And just to go back to training for a moment, during
6 your 21 years' service, you have talked about training
7 at Tulliallan and some training perhaps as a custody
8 officer. What other equality and diversity training
9 have you had in those 21 years?

10 A. I would have to say unfortunately not very much, other
11 than -- two or three times throughout the year we had to
12 go back on different courses, if there are amendments
13 get made to the courses we go back and get refresher
14 training just to keep our own minds aware of what is
15 expected of us as an organisation, as well as us as
16 individuals doing our job --

17 Q. Right. We have heard about some of the refresher
18 training and that it involves OST training?

19 A. Yes.

20 Q. So officer safety training, techniques being taught, but
21 I'm specifically interested in equality and diversity
22 training. Do you remember any equality and diversity

TRANSCRIPT OF THE INQUIRY

1 training?

2 A. It has been a few years since I done my last training,
3 but I think there's Moodle packages as well online that
4 they can still go on and if you manage to get downtime
5 as a response police officer you can go on and refresh
6 yourself at any time you want on the training packages.

7 Q. We have heard that officers can -- there's a lot of
8 guidance and SOPs and such-like available online?

9 A. Yes.

10 Q. Through the police system?

11 A. Yes.

12 Q. How much downtime do response teams get in your
13 experience?

14 A. Sometimes less than zero. You can easily go from --
15 I have seen many times a day shift starting at
16 7 o'clock, I'm always one, it was an early start to the
17 shift, I have been out on calls at 6.45 in the morning
18 before my shift even started to still being held on --
19 official finishing time then was 4 o'clock but when the
20 back shift come in, you've still been out at calls at
21 the back of 4, 5 o'clock, so time-wise, especially in
22 Kirkcaldy -- other smaller places may be slightly

TRANSCRIPT OF THE INQUIRY

1 different, but in Kirkcaldy you can easily go all day
2 with not even being in the station for a meal break, let
3 alone to come and look on the computer and do something.

4 Q. So Kirkcaldy is a busy place for the response team?

5 A. Yes.

6 Q. And we have heard that the guidance and assistance is
7 available on the system for Police Scotland. Is that
8 system accessible anywhere other than Kirkcaldy Police
9 Office, for the officers who are working there?

10 A. Now they have their mobile devices that some people take
11 them home and use them and do training on that, I don't
12 know but they can access (inaudible) so if they're at a
13 locus protection, they might be sitting in a car hours,
14 all out through the night, you have got the SCoPE and
15 you can log on through your mobile device and you get
16 access to training and stuff on that as well.

17 Q. In 2015?

18 A. In 2015, no.

19 MS GRAHAME: No. I appreciate we had a slightly later
20 start. Do you wish to have the morning break now?

21 LORD BRACADALE: How long, roughly, would you have to go?

22 MS GRAHAME: I've got quite a bit to go.

TRANSCRIPT OF THE INQUIRY

1 LORD BRACADALE: A bit to go. So in that case we will have
2 a break now then. 20 minutes.

3 (11.33 am)

4 (Short Break)

5 (11.58 am)

6 LORD BRACADALE: Ms Grahame.

7 MS GRAHAME: Constable Geddes, there has been a lot of
8 publicity this week in the news about a men's club
9 culture in Police Scotland and a report by the DCC in
10 Northern Ireland who is recommending more equality and
11 diversity training for officers. Is that something that
12 you're aware of?

13 A. No, I've not heard anything about that.

14 Q. Oh, you have not heard anything about it?

15 A. No.

16 Q. One of the things that was discussed arising out of that
17 publicity was that after the Macpherson Report into the
18 death of Stephen Lawrence, all officers across the UK
19 were required to attend three days of equality and
20 diversity training. Now that inquiry report came out in
21 1999, so it would have been just prior to you starting
22 with the police. I just wanted to ask had you

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- 1 experienced that three days of equality and diversity
2 training or not?
- 3 A. I couldn't say if it was three days. I did -- there was
4 some diversity training, but I can't remember how long
5 it was for.
- 6 Q. Right, thank you. Have you been taught as part of the
7 training you have had about unconscious bias, or how to
8 guard against unconscious bias?
- 9 A. I would say I probably have, yes, but again, I don't
10 know how long ago the course for that would have been
11 and what would have been mentioned but so I --
- 12 Q. Do you understand anything about the concept of
13 unconscious bias?
- 14 A. Personally, probably not, no.
- 15 Q. Right, okay. Have you personally ever made assumptions
16 about a person on the basis of the colour of their skin?
- 17 A. No.
- 18 Q. We have heard from other officers that there were no
19 black officers or ethnic minority officers in Kirkcaldy
20 Police Office in May 2015. Can you give us an
21 indication of how many black or ethnic minority
22 custodies you would deal with in your role as a custody

TRANSCRIPT OF THE INQUIRY

1 officer?

2 A. Not a lot. There's -- no, probably primarily the
3 custodies that come in, they will have been white.

4 Q. Right. But you presumably have dealt with some?

5 A. There's been a few males and females that have been in,
6 yes, but not very many.

7 Q. Right. We have seen on the CCTV that -- and you have
8 said yourself you're a sociable man and you have had
9 a chat with other officers. As part of your work in
10 Kirkcaldy up to 2015, or even after 2015, have you ever
11 encountered any racist jokes or comments being made in
12 your hearing?

13 A. No.

14 Q. In Kirkcaldy?

15 A. No.

16 Q. Have you ever encountered any jokes or comments about
17 Islam?

18 A. No.

19 Q. About terrorists?

20 A. Not that I can think of, no.

21 Q. Are you aware of any officers making assumptions about
22 terrorists being black or Middle Eastern?

TRANSCRIPT OF THE INQUIRY

- 1 A. No.
- 2 Q. Or making any assumptions about members of other ethnic
3 minorities in Scotland?
- 4 A. No.
- 5 Q. Were other officers speaking about it being a possible
6 terrorist incident in May 2015, on 3 May?
- 7 A. I don't know what other officers were saying because
8 I only know what was suggested with the officers I was
9 working with at the time in the custody office and we
10 were probably four or five people in that office that
11 worked, so I don't know what other officers were
12 thinking about it.
- 13 Q. So your experience that day related to people who were
14 in the office?
- 15 A. Yes.
- 16 Q. In your area, besides the custodies?
- 17 A. Yes.
- 18 Q. Have any -- you have talked about being on Response
19 Team 4. Have any of the colleagues that you have worked
20 with in Response Team 4 ever displayed behaviour of that
21 sort, made racist comments --
- 22 A. No.

TRANSCRIPT OF THE INQUIRY

- 1 Q. -- or jokes or otherwise?
- 2 A. No.
- 3 Q. How would you react if you heard someone making what was
4 or what could potentially be considered a racist
5 comment?
- 6 A. I would be pulling them up on it, which I have done to
7 people in the past, because these things -- comments, it
8 doesn't matter what person is, race, colour, creed,
9 they're not acceptable.
- 10 Q. You have told us that you have an obligation to treat
11 people with respect?
- 12 A. Yes.
- 13 Q. And would you consider that contrary to your own
14 personal obligations?
- 15 A. Yes, and I have challenged people in the past for making
16 what I perceive to be racist, offensive comments.
- 17 Q. What were the circumstances of these events?
- 18 A. This wasn't involving police officers, but I was at
19 a Scotland rugby match and I think Scotland were playing
20 Western Samoa and someone in front of me made a comment
21 about getting to the "black bastards", of which
22 I proceeded to skelp him on the back of the head and

TRANSCRIPT OF THE INQUIRY

1 told him if he's going to talk like that he can get out
2 of here because I'm none -- because it's just completely
3 unacceptable. It was someone in the crowd around about
4 me, it wasnae someone I knew.

5 Q. So you actually physically chastised them for that
6 comment?

7 A. Yes. I probably shouldnae clouted them in the lug but
8 they're a family stand and someone coming out with
9 comments like that which -- it's not acceptable.

10 Q. How would you deal with someone who was in Kirkcaldy
11 Police Office, say a fellow officer?

12 A. If someone had made some sort of comment like that the
13 first thing I would do would tell them it's an
14 unacceptable comment to make and if they continued to
15 make these sorts of comments, I would then be reporting
16 it to my supervisor.

17 Q. Who would your supervisor be?

18 A. My sergeant that would have been in charge of that shift
19 at the time.

20 Q. The custody sergeant, I think you mentioned on
21 Wednesday.

22 A. Yes, if I had have been working in custody. If it was

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1 a custody officer that said that, I would be mentioning
2 it to my custody sergeant. Had I been back on response,
3 I would have mentioned it to the response sergeant.

4 Q. Right. And we have heard evidence from other officers
5 about the importance of rank and seniority in the Police
6 Service. If it was a more senior officer to you, would
7 you feel that inhibited your ability to challenge that
8 behaviour?

9 A. It shouldn't. Potentially to go to another officer of
10 either the same rank or higher and make them aware of my
11 concerns.

12 Q. All right. So would you say anything at the time, or
13 would you go and speak to someone of equivalent rank to
14 them?

15 A. If someone says it in front of me I would say it's not
16 an acceptable comment and they shouldn't be coming out
17 with comments like that. However, if they said
18 something again, clearly they wouldn't be listening to
19 what I've said, so I would then report it to another
20 either officer of the same rank or higher.

21 Q. But your initial reaction wouldn't be just to ignore it?

22 A. Correct, no, I would say something.

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1 Q. But you may take it further if it appears they weren't
2 listening to you?

3 A. If it continues, yes.

4 Q. We have a statement -- we have not heard from DI Robson
5 yet, but we have a statement to the Inquiry from
6 DI Robson and you mentioned his name on Wednesday as
7 someone who was in charge in Kirkcaldy Police Office on
8 3 May and his statement speaks of him having heard
9 inappropriate racist jokes. Is that something that you
10 have heard in Kirkcaldy Police Office?

11 A. No.

12 Q. Never?

13 A. No.

14 Q. Do you remember on Wednesday I completed my questions to
15 you at the end of the day and I said I wanted to ask you
16 one final question in case I forgot and we were talking
17 about whether you had custodies in the cell corridor
18 that day who may have been black or Asian or -- I'm
19 interested if any were members of an ethnic minority and
20 I think your answer was:

21 "To my knowledge I, don't -- no, I can't answer that
22 question just now. No, I don't know."

TRANSCRIPT OF THE INQUIRY

- 1 You didn't remember?
- 2 A. I'm not sure who was in custody that day.
- 3 Q. Now, on Wednesday you told us that there were two
- 4 officers in Kirkcaldy Police Office who had travelled
- 5 from Edinburgh to be in Kirkcaldy that day?
- 6 A. Yes.
- 7 Q. You told us that?
- 8 A. Yes.
- 9 Q. And you said they were on constant observations on one
- 10 of the custodies?
- 11 A. Yes.
- 12 Q. So you obviously remember that?
- 13 A. Yes.
- 14 Q. That's the evidence you gave on Wednesday. And am
- 15 I correct in understanding that there was a -- let's say
- 16 a high-profile prisoner, a custody who was under
- 17 observation that day and kept in an observation room?
- 18 A. Yes.
- 19 Q. And in fact, you have told us today, and we have seen on
- 20 the CCTV, that there was an officer sitting outside the
- 21 observation room.
- 22 A. Mm-hm.

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1 Q. Is that one of the Edinburgh officers?

2 A. Yes.

3 Q. What rank were the Edinburgh officers?

4 A. I think they were PCs, same as me, police constables.

5 Q. Same as you. And we're also aware that there was
6 another unidentified officer within the custodies --
7 involved with the custodies that day, escorting a male
8 custody from the other observation room, so someone else
9 that was involved with that.

10 Now, I'm not going to ask you to identify that
11 officer. They had a particular role, but I don't need
12 to know the details of that at this stage, that's been
13 redacted from the transcript that we have been looking
14 at.

15 Can I ask you to look, first of all, at camera 12
16 transcript, please, and I'm interested in page 35 of
17 this transcript. And you will see at the top of page 35
18 the time is 12.47.46. You will see it says:

19 "PC Geddes enters cell corridor carrying out custody
20 duties. He is followed by an unidentified ...
21 officer ..."

22 That's the officer with the particular role that we

TRANSCRIPT OF THE INQUIRY

1 have been talking about:

2 "... who is present to escort a prisoner contained
3 within observation cell 2."

4 And then it says at 12.48.10:

5 "... officer and prisoner exit cell corridor in
6 direction of charge bar."

7 Then it says 12.48.14:

8 "Prisoner reenters cell corridor and is directed by
9 PC Geddes on where ... is to go. PC Geddes ..."

10 Now, although that's redacted we know that you're in
11 the male cell corridor. It's only male custodies in the
12 male cell corridor, can I assume that?

13 A. Usually, yes. Sometimes the females would be going
14 round the male side, but it would just depend how busy
15 it is.

16 Q. Oh, right. Do you remember that day, if there were any
17 females?

18 A. Off the top of my head, no.

19 Q. How common is it for females to be in the male cell
20 corridor?

21 A. It's not unusual. There might be work getting done down
22 the female side so we put them in the male, or they

TRANSCRIPT OF THE INQUIRY

1 would just -- if they'd put them in the observation
2 cell, they're in the observation cells on the male side.
3 There are no observation cells on the female side, so it
4 is still common practice that you would put male and
5 female on the same side but ...

6 Q. Oh, right:

7 "PC Geddes follows ... back out of the cell corridor
8 in the direction of the charge bar."

9 So you see at 12.47 you appear to be within the
10 custody area, this is the transcript for the cell
11 corridor, and the other officer, unidentified, and the
12 prisoner are exiting the cell corridor in the direction
13 of the charge bar and you are involved with that.

14 Then can we look at the transcript for camera 15 and
15 this is a later time, if we can look at page 48, and
16 camera 15 is the secondary charge bar and the time I'm
17 interested in, which is on page 48, is 14.04 and you
18 will see, 14.04.40:

19 "Custody officer 1 and PC Geddes appear to be
20 distracted by voices coming from the interview room ..."

21 Then a redacted section:

22 "Officer and ... prisoner), this results in

TRANSCRIPT OF THE INQUIRY

1 PC Geddes out of camera view, however custody officer 1
2 remains in camera view."

3 Then at 14.04.57:

4 "PC Geddes back in camera view continues to converse
5 with [redacted] officer and custody officer 1 as he
6 walks in direction of main door and exits custody area."

7 So you appear to be having a conversation at that
8 stage with an unidentified officer and custody
9 officer 1, do you see that?

10 A. Yes.

11 Q. And there's reference there to the prisoner and if you
12 take it from me at the moment that that's the prisoner
13 that's been in the observation room in the cell corridor
14 that we looked at earlier.

15 Now, I'm not going to be playing this CCTV to you.
16 You may be aware that some things are not cleared to be
17 made public on the screen, so I won't be playing this to
18 you, but I have some snapshots that I would like you to
19 look at and there's four of them. Now, you will have
20 a copy of these, a hard copy, they will be handed to you
21 just in a moment but before Ms Drury hands them to you
22 I want to say something and the Chair will have a copy

TRANSCRIPT OF THE INQUIRY

1 of these. There is no need for the work of this Inquiry
2 to identify the person, so if you know the name of this
3 person, you don't need to say it out loud.

4 A. Okay.

5 Q. Because obviously we are under an obligation to keep
6 matters private if they're not necessary for our work.

7 So I'm going to -- with that warning in mind, if you
8 could bear that in mind, I'm going to ask Ms Drury to
9 hand you the photographs, please, and you will see four
10 of them, and these have been taken from CCTV, cameras 12
11 and camera 15, and if you could -- feel free to look
12 through them and then I'm going to ask you some
13 questions.

14 (Pause).

15 Thank you. Do we see that there's a person in these
16 photographs that appears to be getting escorted by you
17 and another officer --

18 A. Yes.

19 Q. -- from the cell corridor, through the secondary charge
20 bar area?

21 A. Yes.

22 Q. And being brought back -- brought back by you, as

TRANSCRIPT OF THE INQUIRY

1 I understand it, to the cell corridor.

2 A. I'd say these four pictures were someone getting taken
3 out.

4 Q. Oh, right, but in the photos you can see that a person
5 is being escorted?

6 A. Yes.

7 Q. And would you agree that that person is not white?

8 A. It may well be, yes. Mm-hm.

9 Q. You agree? And do you remember now, looking at these
10 snapshots of the CCTV footage, his race or his
11 ethnicity?

12 A. I don't even remember dealing with this gentleman that
13 day.

14 Q. Right. Looking at those photographs now, are you able
15 to assist us by expressing any view about the person's
16 race or ethnicity?

17 A. I would say he's certainly -- he's not a white male.
18 I don't know what -- I couldn't say what nationality --
19 sorry, ethnic origin he is, but I would say he's
20 certainly not a white male.

21 Q. And not black?

22 A. Not black, no.

TRANSCRIPT OF THE INQUIRY

1 Q. So can you think -- can you express any view about his
2 race or ethnicity?

3 A. Well, he may be an Asian gentleman.

4 Q. Thank you. Or Middle Eastern?

5 A. Middle Eastern, yes.

6 Q. Thank you. So from these snapshots, would you agree
7 that there's at least -- on 3 May 2015 -- there was at
8 least one person in the cells who was a member of an
9 ethnic minority in Scotland?

10 A. Yes.

11 (Pause).

12 Q. Would you be able to keep those photographs down, sorry.
13 As you flick through them I understand parts of the
14 image can be viewed and we can deal with that later with
15 added pixellations, but if you could, for the moment,
16 just keep those down. I'm very grateful.

17 Can we look back again, please, at camera 12 and the
18 transcript for that, please, so this is the camera that
19 relates to the cell corridor we looked at a moment ago,
20 but I would like to look at page 10 again, please. We
21 looked at this on Wednesday, you will remember. You
22 will see at the top it was part of a conversation that

TRANSCRIPT OF THE INQUIRY

1 you were having with PC Harris just prior to
2 Sergeant Maxwell coming in to ask for the Airwaves
3 radio, and you will see at the top you are said to say:

4 "Aye, that's what we're wondering noo because the
5 ISIS attack and that on a female on Friday big boy ..."

6 Inaudible. You will remember we had a discussion
7 about that on Wednesday and after that it says by
8 PC Harris:

9 "ISIS staying in the station."

10 And then you assist with the cell checks. Do you
11 remember discussing that page on Wednesday?

12 A. Yes.

13 Q. Now, you see that comment "ISIS staying in the station",
14 in fairness to you if we look at your Inquiry statement
15 for a moment, which is in your hard copy, you will also
16 see you were asked about this at paragraph 73 and
17 I asked you about paragraph 73 on Wednesday and we
18 explored what you understood the comment to mean, "ISIS
19 staying in the station", you will remember that
20 I referred you to that.

21 A. Mm-hm.

22 Q. And you spoke about intelligence.

TRANSCRIPT OF THE INQUIRY

- 1 A. Mm-hm.
- 2 Q. You thought that it came from intelligence. And then on
3 Wednesday when we were exploring it, you explained that
4 anyone actually linked with terrorism of any sort would
5 go direct to Glasgow. You told us that the
6 antiterrorism unit was based in Glasgow?
- 7 A. Yes.
- 8 Q. And when I asked you about whether you see a lot of
9 terrorist activity, or people accused of terrorist
10 activity in Kirkcaldy, you said that that wasn't
11 something you dealt with in the cells and you confirmed
12 that was never dealt with in Kirkcaldy Police Office.
- 13 A. Mm-hm.
- 14 Q. So whatever we know, the people in the cells in
15 Kirkcaldy Police Office are not accused of terrorist
16 activity?
- 17 A. (Nods).
- 18 Q. You agree?
- 19 A. Yes.
- 20 Q. So looking at this comment again by PC Harris "ISIS
21 staying in the station", looking at that now,
22 Constable Geddes, does it appear that PC Harris may be

TRANSCRIPT OF THE INQUIRY

- 1 making a derogatory comment against someone who is in
2 the cells, staying in the station, and describing that
3 person as a member of a well-known terrorist group,
4 ISIS?
- 5 A. You would need to ask him if that's what his intention
6 was, but I -- I can't say if that's what he was meaning,
7 I don't know.
- 8 Q. You don't know. Did it not appear to you on 3 May that
9 he could be making a derogatory comment in the cell
10 corridor?
- 11 A. Looking back now, it may well have been, but that's not
12 something I'm aware of.
- 13 Q. Right, so looking back now, in light of what I have told
14 you, you think that could be seen as a derogatory
15 comment against someone?
- 16 A. I would say some people could take it that way, yes.
- 17 Q. You did not challenge that comment at the time. Can you
18 explain why you didn't challenge that comment at the
19 time, knowing that there would be nobody from ISIS or
20 accused of being a member of ISIS staying in the
21 station?
- 22 A. No, I can't give a reason why because I can't remember

TRANSCRIPT OF THE INQUIRY

- 1 that conversation anyway.
- 2 Q. Well, I'm asking you not to remember that
- 3 conversation --
- 4 A. No.
- 5 Q. -- but to look back now and seeing that a comment is
- 6 being made about ISIS staying in the station, why that
- 7 wasn't challenged by you when you knew that no one from
- 8 ISIS was in Kirkcaldy Police Office that day?
- 9 A. I don't know why I never said anything to him.
- 10 Q. Right. It may be that people watching will say "You
- 11 have told us you would challenge that type of comment
- 12 but on this occasion you didn't"; is there a reason why
- 13 you didn't?
- 14 A. I don't know, I can't --
- 15 Q. Looking back now at what we see here on the transcript
- 16 and what I have told you and you know, do you think you
- 17 should have challenged that comment?
- 18 A. I should have, yes.
- 19 Q. And given that PC Harris is a constable, how would you
- 20 have challenged that comment?
- 21 A. I would have said it straight to his face. He shouldn't
- 22 be making comments like that.

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1 Q. Thank you. Can I ask you just some other general
2 questions about concerns about the use of force by
3 the police.

4 We have seen you on the CCTV and we have seen in the
5 transcript that there were conversations about lethal
6 force having been used by PC Tomlinson, or others, and
7 we don't need to go over that again, but were you aware
8 at that time from your own general knowledge that the
9 public had concerns about the use of force by
10 police officers, particularly against black men?

11 A. No, no, I can't say I do.

12 Q. You weren't aware of any public concerns about that?

13 A. I was -- no, at this time, no.

14 Q. And in 2015?

15 A. I can't remember but no.

16 Q. So you didn't have any awareness about concerns of
17 situations that had occurred in England, or abroad, such
18 as America?

19 A. Oh, the -- (inaudible) it's ... I'm not sure what the
20 answer is, but there would have been the Lee Rigby type
21 incidents. Again -- and where we are in Scotland I've
22 not had any real concern because I suppose up until then

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1 we've never really had any incidents like that occurred
2 in Scotland, so it's not a thing that I've thought too
3 much about.

4 Q. We may have heard other evidence about whether there is
5 sufficient training or adequate training in relation to
6 incidents and events that occur in England or abroad and
7 whether that's shared with officers in Police Scotland.
8 Do you remember ever having had any training or guidance
9 given about these sorts of incidents happening
10 elsewhere, outwith Police Scotland, learning lessons
11 from other situations which have arisen?

12 A. I think some of the things at the time they changed
13 because we used to be single-crewed quite a lot and the
14 decision was made that officers now will be
15 double-crewed, so you've all got corroboration when you
16 go out to something so that if anything did happen, of
17 any nature, you're always going to have two officers
18 there so that if something does happen to one there's
19 another one there to help them, so you would stop going
20 to things single-crewed, every place we went was
21 double-crewed.

22 Q. So to protect the officers --

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- 1 A. To protect the officers --
- 2 Q. -- in case something happened.
- 3 A. -- in case something happened.
- 4 Q. But in terms of sort of general learning about other
- 5 incidents involving the use of force, or the use of
- 6 restraint by police officers in England, or in other
- 7 parts of the UK or abroad, do you feel that you were
- 8 being given information about that and guidance?
- 9 A. I don't know if we were. I don't know.
- 10 Q. But not something that you -- that was being emphasised
- 11 to you, to the extent that you can remember it today?
- 12 A. No.
- 13 Q. All right, thank you.
- 14 You have told us today about how the menu has
- 15 changed for people with certain dietary preferences or
- 16 requirements. You have told us about the -- well, maybe
- 17 you're not entirely clear about the number of minority
- 18 ethnic custodies you would have had at any one time.
- 19 Did you have a general understanding, either in your
- 20 role as a custody officer or in your role as a member of
- 21 the response team, of the black community in Kirkcaldy?
- 22 A. Kirkcaldy to my knowledge doesn't have a large black

TRANSCRIPT OF THE INQUIRY

- 1 community anyway, so I've had next -- very little
2 involvement with any black community.
- 3 Q. You were about to say -- were you about to say "next to
4 nothing" there or --
- 5 A. Yes, aye.
- 6 Q. And is that either as witnesses, as suspects, as victims
7 of crime, or as custodies? Because you have told us you
8 have had some contact --
- 9 A. There's some contact. There is -- there has been a few
10 black people in custody, but they're very little --
11 we've had hardly any involvement with black people
12 because they don't have a big community in certainly
13 Kirkcaldy.
- 14 Q. And they have not crossed your path certainly in any
15 role?
- 16 A. Not very often. No, I mean I'll see people when I'm out
17 and about, if I go to the football, go to the ice
18 hockey, you will see people of different ethnicities,
19 but it's not on a day-to-day basis that you'd be seeing
20 people.
- 21 Q. So you have said not very often, not a day-to-day basis.
22 Can you help the Chair understand how regularly, or how

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- 1 rarely you would come across someone from the black
2 community with any status?
- 3 A. Very rarely at all. Next to nothing. Potentially
4 shop -- if you go to the shop, shopkeepers, you will
5 have people of -- that own the shops, but that's about
6 it.
- 7 Q. Oh, right. And have you ever done any work with the
8 black community in Kirkcaldy?
- 9 A. Me personally, no.
- 10 Q. Are you aware of any other officers in the response
11 team, or in Kirkcaldy Police Office generally doing any
12 work with the black community?
- 13 A. Not to my knowledge.
- 14 Q. Can I ask you as part of either your training or just
15 your general experience, are you aware of any
16 stereotypes about black people, either that black men
17 might be perceived as more likely to resist, or be less
18 compliant, or more likely to be violent?
- 19 A. No.
- 20 Q. Or more likely to be -- have superhuman strength or
21 size?
- 22 A. No.

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1 Q. Those aren't assumptions, are they, that you would hold
2 about a black man?

3 A. No. No. Every person is just -- is a person.

4 MS GRAHAME: Could you just give me one moment, Constable
5 Geddes.

6 (Pause)

7 That concludes my examination.

8 LORD BRACADALE: Are there any Rule 9 applications, either
9 in the room or remotely? No.

10 Very well. Thank you very much, Constable Geddes,
11 for coming and giving evidence to the Inquiry. I will
12 be rising in a moment and then you will be free to go.

13 The Inquiry will sit again on Thursday, 30 June at
14 2 pm. Please note it's 2 pm on Thursday, 30 June.

15 (The Inquiry adjourned until 2.00 pm on Thursday,
16 30 June 2022)

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