



The Sheku Bayoh Public Inquiry

Witness Statement

Steven Stewart

Taken by [REDACTED]

on MS Teams

On 15 November 2022

Witness Details

1. My name is Steven Stewart. My year of birth is 1969. My contact details are known to the Inquiry.
2. I retired as an Inspector with Police Scotland on 31 May 2022.
3. I gave a statement to the inquiry (SBPI-00084) and gave evidence to the Inquiry on 17 and 19 May 2022.
4. Prior to my interview, I have had sight of the expert witness report by Joanne Caffrey (SBPI-00181).

Training.

5. In my Inquiry statement SBPI-00084, I outlined the training I received to become an Initial tactical Firearms Commander (ITFC). I have been asked about training I have received specifically for my role as an Inspector in an Area Control Room,

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including any training in relation to management of critical incidents. I have had sight of my Police Scotland training records (PS18497). As part of my role I attended mandatory firearms command training days on an annual basis which were organised by Armed Policing Division. I also took the opportunity where possible to attend firearms training sessions, to observe first-hand the various skills and tactics the Armed Response officer would use in a live incident under my command. In addition to firearms training I took part in a variety of other training including vehicle pursuit command, emergency planning exercises with various partner agencies, initial response to potential Kidnap and Extortion incidents from a control room perspective and training in relation to dealing with bomb calls and terrorist incidents. On leaving the control room I continued to take part in a variety of training including Police Incident Officer (PIO) training, Joint Incident Command Training with other emergency services and training in the management of critical incidents.

Records

6. I have been asked if it was my practice to take notes of an incident or whether I used to work with a daybook. I can confirm that I used a daybook on a daily basis whilst working within the control room and this would cover shifts worked in the Overview as the Duty Officer and shifts worked in other capacities, such as events and for more general duties. When it came to firearms incidents, I would make use of aide memoir sheets specific to these type of incidents, which were structured in accordance with the NDM and had relevant headings. These were part of the training materials issued to firearms commanders as part of their initial training courses and were available in the Overview. These guides included various prompts, reminders of immediate and longer term actions to be considered during a firearms deployment, including threat and risk assessment, initial working strategy, powers and policy considerations, tactical options and contingencies and the formulation of any tactical plan. Every ITFC at the time made use of these and they were a good checklist in any fast moving dynamic incident, to ensure that all key issues were considered in your decision making

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process and any subsequent action that might be taken. I would use the single sheet aide memoir prompts to assess a variety of incidents that came into the control room. I would sometimes also make relevant notes in my daybook as required. In preparation for the inquiry, I was required to check whether the daybook I used on the date of the incident was still in existence. Having checked with the control room, it was not held there and I believe it would have been destroyed when I moved on from there to another role. I don't have any sort of notes that cover that particular day or any notes for daybooks from the ACR at the time I was there, so I probably had a clear out when I moved roles. In a fast-moving, dynamic incident, any information I noted would have been brief, and this would have been the same for the control room staff, with only key information, actions and updates being recorded on the STORM logs at the time. You would normally be able to go back at the first available opportunity to add any information retrospectively, and this was recognised as being appropriate. In terms of a firearms incident where I had authorised and deployed armed officers to deal with a situation or incident, I was required to complete a Firearms Command Log which would contain details of my actions during the incident and this would be submitted to the Armed Policing Division. All such logs were reviewed for best practice and learning opportunities. I did not complete a Firearms Command Log for this incident because no authorisation and deployment of armed officers took place.

Knife Calls Generally

- 7. On a daily basis, numerous calls are made to Police Scotland reporting persons in possession of weapons including knives. These calls were a regular occurrence across the East Area when I worked in the control room in 2015. When I moved on from that role I performed other duties including working as a response inspector and PIO within a busy area of Edinburgh. During my time there, knife calls were a regular occurrence and, almost without exception, these were routinely attended and dealt with by divisional officers. So calls reporting persons in possession of weapons including knives, were by no means unusual.

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An incident involving a person in possession of a knife is not an automatic firearms incident and this was certainly the case in 2015 and up until I retired in 2022. The circumstances of an incident, the level of risk at that time, and whether members of the public may have been injured by a person in possession of a knife, all have to be considered on a case by case basis and depending on these, it may result in armed officers being deployed to deal with a knife incident. If someone is in possession of a viable firearm, then the risk to unarmed officers is significantly increased, and they do not have the protective ballistic equipment or specialist training to deal directly with that level of threat, but they would be deployed in a safe way to support armed officers who would attend. So with knife calls, it is not a standard default that they become a firearms incident, but as I have explained, as a control room inspector and ITFC, I would be carefully assessing any such incident, making a threat and risk assessment, trying to understand the level of threat and risk at that time to members of the public, the police and any person/s involved, and in doing so considering the appropriate level of police response, to safely resolve the incident.

8. Since I worked in the control room the introduction of Specialist Trained Officers, known as STOs, has taken place, with these response officers being trained in the use of Tasers. Each response hub has STOs who can be deployed to violent incidents including knife calls, providing an additional and very effective tactical option to deal with such incidents. These STO officers can self-deploy if they encounter a situation on the street themselves, but the routine procedure is that they are dispatched by the ACR control room sergeant if the threat is considered appropriate. But normally, a knife call would be a divisional response. I do think it is important for those unfamiliar with the control room set up to understand just how it operates and what its responsibilities were. As a trained ITFC and ACR Duty Officer, I had specific ownership of all firearms incidents, initial response to kidnap and extortion incidents, strategic commander responsibilities in respect of vehicle pursuits and the initial response to bomb calls. These were the incidents I would take charge of. Everything else was normally a divisional incident, including disturbances involving weapons, unless the threats were considered so

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high and immediate and dangerous that unarmed divisional officers were assessed as not to be able to deal with the situation. But violence calls, knife calls, high-risk missing people, all sat locally with the divisional inspector (PIO) to manage, with the control room ensuring resources and any other assistance was provided in support of local policing.

9. I'm asked whether response officers would be sent to knife calls routinely. Yes, they would attend knife calls routinely. From a control room inspector's perspective and where possible, I would look at any incident knife calls in terms of potential threat, risk and harm, to the public, police and subject and if I considered that response officers could not deal with a subject safely, and there was a potential for escalation or the threat was assessed to be too high, then I would consider deploying specialist officers, including armed response officers, under my command. So, for example, if a subject was in possession of a bow and arrow, or a samurai sword, or possibly involved in a knife point robbery, where significant violence may have been used against members of the public, then it might be more appropriate for me to take command of the incident under a firearms deployment. I would do this given that I was specifically trained in firearms command tactics but you're looking at the higher end of incidents reported to the police and thankfully these are less numerous. As a police officer, you are always hoping to resolve incidents with the minimum level of force required, and as safely as possible, but this may be affected by the circumstances and the behaviour of any subject. If divisional response officers and supervisors were attending an incident that I thought they might not be able to deal with, then I would be assessing it, and considering that I might have to take command given the risks, requirements for armed intervention, or in circumstances that subsequently might become more complex or protracted. I suppose ultimately you're looking at all aspects of safety, including public safety, officer safety, subject safety and trying to maximise safety of the public and minimise risk to responders, to bring an incident to a safe resolution. When firearms officers are deployed, you are then moving into that higher level of force (potentially lethal) which may be entirely

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appropriate, however all other options should be considered and precluded before you get to that stage.

10. In any significant incident such as this one, the operational objective is to identify, locate, contain and neutralise the threat, by the safest means possible, with the minimum level of force necessary. You want to do things as safely as possible for all involved. So in any unarmed or armed operation, that would be one of the main objectives and priorities for all officers. So 'contain and negotiate' as a tactic is always the safest way to achieve this and the preferred tactical option to use when possible. If you can do that, it's ideal, but you'll appreciate that in some circumstances it may not be appropriate because it doesn't necessarily work out that way on each occasion, because the subject may be non-compliant, unwilling to engage, too aggressive, or too violent. But ultimately, the safe conclusion of a dynamic incident like this one is what all officers are seeking. I think time, the context of time, the collapsing time frame and the fact an incident is happening right now, is very important to consider and understand. I've touched on this before in my previous Inquiry statement. When an incident is happening there and then and there is considered to be a high risk to members of the public, then you have to consider what resources are immediately available to be deployed to initially deal with that situation. What training and what skills they have needs to be quickly considered and assessed and whether or not they can attend such an incident with safety and control measures built in, as far as possible. The first consideration I had when I was made aware of the incident was that response officers were already dispatched and attending, was it too dangerous for them to continue, what safety measures were in place to minimise risk to them, and whether there was no other option but for them to attend initially. All of that featured into in my initial operational risk assessment at the time. So the incident is happening right now, response officers are attending along with their supervisor, and they need to continue to attend to get there as quickly as possible to ensure public safety. It would not be reasonable for response officers not to attend this incident and to wait 20 minutes for a dog unit to come from Edinburgh to deal with the subject. I considered the potential risk to the public as

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being too high at that time and members of the public would have an expectation that police would attend to protect them at that time given the circumstances at that time.

11. In this incident, divisional officers had been dispatched and were attending as quickly as possible, and the information coming in from the members of the public phoning the police was varied and in some cases inconsistent. The control room was ensuring that all available information and updates were being relayed quick time to these officers. Once I entered the Overview, I started reviewing the limited information as best as possible, in order to make an initial threat assessment and working strategy. This was a knife incident but I considered it in line with my NDM firearms training. The information known at that time through the 999 calls gave different street names, different locations, there were different accounts of the subject, what he was doing and how he was acting, but the intelligence gaps based on the limited information we had at the time were significant. These needed to be developed as much as possible so that we could understand the situation, who the subject was, what the level of threat was and to whom, who might be at risk, what his identity, capability and intention was. Divisional officers were despatched, it was a divisional incident with a divisional supervisor attending and issuing instructions. They were attending the place last seen, to make an initial search for the male, provide an update, make that initial dynamic risk assessment at the scene, and feed back to their supervisors and the control room. It may have been that it was safe to approach and arrest the subject on their arrival depending on whether or not he was compliant; or the circumstances may have been that the risks were too great for them to approach that individual, in which case I would receive the update and be prepared to take command of the incident from a firearms perspective. But initially you are looking at unarmed officers attending the incident, using their training, in possession of their PPE and with an understanding of the Stay Safe practices. I made an operational risk assessment at the time as to whether I considered it was safe for divisional officers to continue to attend the location on an initial basis, and I also decided this was necessary for the immediate safety of the public and to reduce the risk of

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harm coming to any persons in the street at that time. In addition to this, I was considering other immediate or longer term options such as deployment of a dog unit, possible deployment of firearms officer or negotiators, who might have been required if the incident progressed. If the incident progressed, you would be looking at negotiators, you would be potentially looking at public order officers, if for example, the subject went into a nearby house and a shield containment of the property was required to enable that safe containment and negotiation. You're looking at a whole host of different tactical options that might be relevant if the subject was not located and arrested quickly and safely. The key of course to forming these plans and contingencies is that you need to know as best as possible what is actually happening on the ground at that time and the level of threat. This was another reason why divisional officers had to attend the location to provide that update.

12. So you consider all these scenarios when making an assessment and possible actions if the situation was not easily resolved by the divisional officers. These would depend on the live time update on what the subject was doing, or how he was behaving, and this would only come from the officers on the ground sent to attend the call. But with the dynamic nature of this incident, the considerations are, what can the police realistically do at this specific time, to actually protect the public, protect themselves as best as possible, and protect anybody else involved in the incident, including the subject. It's about what's realistic and what's achievable at that particular time. Specialist resources including firearms officers, a dog unit, trained negotiators and others are deployable resources but they would not be at the location for some time and certainly not immediately should they be required for this incident. I mean, they would've got there but the distances involved meant that in terms of attendance it would take them at least 20 minutes at the very earliest. I read the report produced by the independent expert who stated a dog unit could be there in 10 or 15 minutes, but I disagree with this view and believe it would have taken longer, and also that they would have been driving at dangerous speeds to get there within that suggested time frame. So you've got to be realistic about what resources are immediately

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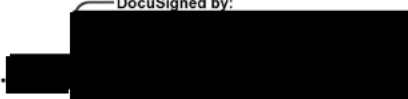
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available at that time and in that location, and how they can be used as safely as possible to deal with the incident. There has to be a realistic balance struck between risk to the public, risk to the officers and risk to the subject. It's not a consideration or decision I took lightly on that day, but it was inevitable in my view that divisional officers had to attend that incident, initially to understand what was happening, provide feedback, and if possible to resolve the situation as safely as possible if the opportunity presented itself to them. At that time I did not consider that I had sufficient information available to me to deploy firearms officers with a sound enough tactical plan. Also the level of risk at that time needed to be known. In such a fast moving incident, I made use of my training and my policing experience, to assist me in coming up with what I considered to be the most realistic way for officers to be deployed based on the information known at that time.

13. I have been asked whether I have ever had involvement in a knife call in which divisional response officers were not deployed and an ARV was sent first. I can't think of anything specific. You've got to look at what's actually happening on the ground in terms of the information that's coming from the public and make a threat and risk assessment on each separate occasion. Whilst in the control room and as a response sergeant and as a response inspector, I have sent divisional officers to knife incidents and attended them myself. We have gone with a Stay Safe warning and made that initial risk assessment on arrival and provided feedback. I've then been able to define the course of action, whether it's safe for my officers to deal with the incident, or whether it would require support from specialist officers including armed officers to deal with it. As an ITFC I've had officers at a siege involving a knife. It was a domestic incident in a flat. The public order officers were at the door. So, again, that's an incident that was being commanded by the divisional inspector (PIO) on the ground. In this incident the woman phoned 999 whilst officers were outside the flat containing the property, to say the male involved, was now trying to get into the locked bathroom where she was hiding in possession of a knife to attack her. So, again, you've got to make that dynamic assessment based on the new information and the increased

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level of threat. On that occasion, it was going to take too long for public order officers to get into the property, the level of threat had increased significantly. Firearms officers were trained in Emergency Search tactics to safe life, so it was more appropriate for them to enter the property and I took over command from the divisional inspector, who then supported the armed operation. I had to deploy armed officers and they were the ones that forced entry in terms of that emergency search with a positive outcome. My experience is that when police officers attend an incident with blue lights and sirens on, many people can react in a way that reduces the immediate risk to the public and officers because they often react by attempting to throw away evidence or throw away a knife or drugs or stolen property. In the past, I have attended incidents personally where they'll drop a weapon, put their hands up, comply, and give up. That's one of the things you're considering when you're having divisional officers attend an incident, that disruption, mitigating action, positive response, which is important in reducing risk to all involved.

Working Arrangements in the Overview

14. I am asked if there is a system of delegation in East Overview in the event that the ACR Inspector was not in the Overview at the time when a Grade 1 call comes in. The structure is such that there is a control room sergeant or police staff supervisor in charge of the controllers covering a geographical area such as Fife. They are situated on the ACR floor beside the controllers and have an overview of what is happening in the local division from a command and control perspective. You always have two sergeants and two supervisors on duty down there, so you've got that level of divisional oversight and control. In the East Overview, in addition to the Inspector, there is also a sergeant, a Communications Officer and a RAID or Intelligence officer (a police constable normally). None of these people are trained in firearms command. That being said, they have a good understanding of the requirement of their role and work well as a team when significant incidents come into the control room. They also have an awareness of the ITFC role and what is required of them during an

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incident and what support and information they need to provide. I would spend time going through how I work with staff and they knew their role when something significant happened, be it a firearms incident, vehicle pursuit or high risk missing person incident. The overview sergeant would be the most senior officer in the Overview while I was out of the room and would be skilled in assessing Grade 1 incidents, but there was no system of delegation specifically for firearms incidents involving persons with a gun. The ITFC was the only person formally trained and accredited in that command role.

15. However, each member of the Overview team knew their roles. In my absence, the team under the direction of the sergeant, would be looking at the information on all the calls that were coming in to the control room, to assess the information and pull out key and significant information. This might include gathering what information there was in terms of the male's description, the location, potential risk to the public, weapon involved, whether there were sufficient divisional resources attending that call, that the divisional inspector and sergeant covering the area were fully aware of the call, that it was graded properly, where the specialist resources were at that time, given they might be deployed to the incident. Also any possible background checks that could be done to confirm the identity of the subject. A key part of the RAID officer's job in there is to look at these incidents as they come in and to try and piece together who the individual is, confirm their identity, find any information that would assist the attending officers and confirm whether the person is known to the police. This information is key in trying to work out capability, intention and the level or risk that might be posed. All staff are required to monitor what's going on, support the division with any requests, or if there's any fast-tracked actions that required to be carried out to assist with these. The team get their heads down and know what's required of them during any fast moving and significant incident. The deputy when I'm not there would be the Overview sergeant. As I explained, they are not trained as a firearms commander, but my expectation is that they would've been reviewing the incidents as they came in, building a picture of what was going on and making these enquiries to see if there was any CCTV, getting back in touch with the

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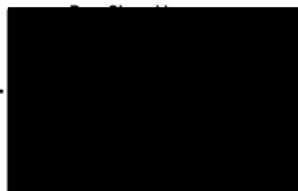
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informants where possible to find out what they saw, if they could still see the male, to provide any live-time updates that would feed NDM and assist with decision making. It would also be the team's role to ensure any information that the controller was relaying to the attending officers was not missed.

16. Firearms incidents, when they came into the control room, for example, someone in possession of a handgun or shotgun or air weapon, would be selected by the call taker as a 'Firearms Incident' on creation and they would select a specific code on STORM (Code 34). The call taker would add the relevant information and these calls were always a Grade 1, with the caveat that no police resources were to be dispatched to the incident, until it has been first assessed by the ITFC. That incident would be transferred across to the control room side of the ACR, it would also come up to the Overview, but these jobs would have pre-populated text on it that would say, "No officers to be sent until a firearms assessment made by the ITFC or the control room duty officer." I can't remember the exact wording. But in preparation for this part of the inquiry I noticed that the 999 calls that were received in relation to the incident were not badged up as firearms calls but as 'disturbance calls, man with a knife'.

17. When the various 999 calls have come in, the different call takers have spoken to the members of the public and obtained information and added this to a STORM incident they then create. I cannot recall what training they would have received in respect of risk assessment in 2015, but know within the last few years they use a THRIVE risk assessment tool when taking all calls. You then have the controller accepting the incident, assessing the information, making a risk assessment and dispatching the call to local officers and supervisors. The geographical ACR sergeant has overview of the STORM incident as well, and then there is also the East Overview Sergeant and Inspector who are likely to be checking Grade 1 calls as well. Then there is the divisional inspector and local sergeant on the ground who will be making their own risk assessment in terms of the information that is coming in. I was not in East Overview when the initial calls relating to the incident came in but my understanding was that there was no suggestion at the

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time that “this is not a divisional response”. So, local officers were despatched to the incident very quickly, with sufficient officers attending the initial incident along with their sergeant. When I entered the East Overview I commenced an assessment of the incident based on the information known at that time and the potential risks to the public.

18. I’m asked about the initial minutes following the first 999 call in relation to this incident, prior to me transmitting on the radio at 07.20.13. I believe that I entered the East Overview at around 07.18 and that I had been in there assessing the incident for just over two minutes, prior to making that transmission. When I got into the Overview, the first thing I did was to speak to the sergeant to ask what was happening and get a briefing on the incident, in terms of everything known at that time. I was made aware of a number of 999 calls that had come in from members of the public regarding a male armed with a knife in a street in Kirkcaldy. One of the first things I did was to speak to the Overview sergeant to confirm that the Divisional Inspector (PIO) and the local sergeant were fully aware of the incident and that local officers had been dispatched and were attending. The sergeant told me “Yes, the PIO’s aware, they’ve got command of it and the divisional sergeant is attending along with numerous sets.” After that, I said, “Is there a dog being sent?”, because these are good tactical options suitable for a situation like this. So there was a dog despatched at about 07.18. I can’t remember the exact time. Then I subsequently started to try and understand the circumstances of the incident and commenced a risk assessment in accordance with my training.

19. I suppose the first thing for me was to have an understanding of what was going on, what kind of calls were coming in from the members of the public, so I could assess the threat, essentially. It was an incident that divisional officers were already despatched to, it was a knife call, and I determined the first thing for me was to make an operational risk assessment, which I did. The key things for me are: is the incident graded properly? It is a Grade 1, so divisional officers who are attending know it’s a Grade 1, they know it’s a knife call, they

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know that the male is in possession of a knife. The information varied from members of the public and there were different reports as to whether it was a big knife or a small knife and how the male was behaving. There was inconsistent information coming in. But, I needed to look at whether it was safe for the divisional officers to initially continue attending the incident. So my operational risk assessment covers the fact that it's a Grade 1, it's a knife call, that the divisional officers are getting all the available information that the control room has from members of the public at that time and that information is passed out over the radio to them, so they know the situation that they're going to, they have sufficient resources attending, and that specialist resources are being found. The specialist resources were not immediately deployable in the same manner due their geographical distance from the incident location at that time.

20. But what I did think about was, "Is it safe for them (unarmed divisional officers) to continue?", and it was, based on the fact that they had their PPE, their officer safety training. As part of that training all officers practice specific scenarios in relation to people with knives, people who are non-compliant, how to use tactical communications, how to approach, how to arrest, what to do in these circumstances. So they'd have that training. Also for me, they were in marked police vehicles which was key because that provided them with that element of protective cover, the ability to get in and out quickly, the ability to stop or drive past the male if he was seen. Also the ability to contain an area as best as they could visually and physically, but from the safety of their vehicles, if the risk dictated this course of action was necessary. The divisional sergeant was attending the incident as well, that was something that was important. I wanted to make sure that the sergeant was going, and I was aware he was issuing instructions to officers, reinforcing officer safety and requesting support from specialists such as a dog and ARV units, as well as coordinating that initial attendance. As I understand it, they'd been given that safety message by the sergeant who requested all officers to attend, so I'm thinking he's switched onto safety measures and control measures. For clarification purposes I did not hear

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this at the time but when I entered the Overview room I was told by the team that the local sergeant was doing this.

21. So, for me, that operational risk assessment was made quickly. It was a case they can continue to go to this, they have training in this, they have these protective elements and control measures, so it's appropriate to go, and they needed to go as well, in my view. I've never faltered from the fact that they needed to go, given the potential immediate risk to members of the public in the area should they encounter the male in possession of the knife.

22. I then started to look at the incident in terms of what information was available at that time. We had information that was coming in on different calls but it was important to try and piece together key information including the location of the male, his possible identity, if any members of the public had been harmed up to that point, and what were the risks from this male, and if there was any inclination that he was going to harm anyone in particular. But as I have mentioned, information coming in was limited and inconsistent, with different locations and reports as to how he was acting. We managed to figure out that he was in and around a particular area, but different street names were given by various witnesses when they had phoned 999. The descriptions of the male were similar, so that made me think it was the same male that was involved in all of the reports from the public and that there were not necessarily others involved at that time. There were different descriptions of the knife in terms of size and even his behaviour down to the fact that some people said that he was just walking and not behaving angrily or aggressively, but others said that he had approached vehicles in the roadway and was flailing his arms about. It was important to note there were no reports at that time that he had attacked or injured or harmed any person at that time. Again, I think there's been much more detailed information I'm aware of now because of the hearing, but at the time the information to work from was very limited indeed. But at that time, you're going by the information on the STORM log and you're trying to understand what is happening.

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23. When incidents like that come in, we're fairly well practised in terms of knowing what to do. So, for me, one of the key things and one of the priorities is to get a dog unit dispatched and on the way to the incident as a tactical option to support divisional officers. Also, to get back in touch with the most recent person that's seen this male because, ideally, you want to get an understanding of where the male is in terms of the location and obviously any information about his identity, capability and intent as well. I did ask if there was any public CCTV in the area because that's always really useful to at least have access to it, but there was none covering that area. So you're essentially blind: the only information that you're getting is the information that's coming in from members of the public reporting the incident. So I asked the Overview Sergeant to phone a recent informant and that was Joyce Joyce, to try and get any live-time update. Can she still see him? What did he do? Is there any additional information in terms of location, direction, identity even, or threat? Anything like that greatly assists in building a picture and threat assessment.

24. The RAID officer sat opposite me. I remember speaking to the RAID officer to ask that he check the police systems as best as he could to see if there was anything that would give us an indication of who this individual was, who we were looking at. Past time checks on STORM can be helpful if you don't know who an individual is. It is about any kind of calls that have happened previously, any missing person calls, any concerned calls that are in, any domestic calls, any disturbance calls, in addition to, obviously, the ones involving him. So we're looking to see if anybody else was involved in anything that would give his identity? So I really am looking for, perhaps, an earlier call saying "I'm concerned for a male called Sheku Bayoh. He's left my house in a distressed state." You're looking for that kind of information to then start to build up your threat and risk assessment, your information and intelligence.

25. So I was getting the RAID officer to do that and I was getting the communications officer, to get onto the local Kirkaldy 1 channel, to listen to the

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updates, to confirm to me where the specialist resources were, including making the ARVs aware that there was an incident that was ongoing now, quick time in Kirkcaldy and they needed to listen into it, because there was a possibility that they could be deployed to deal with this incident if local officers couldn't. Then I start my threat and risk assessment based on the information I've got. Those two minutes passed very quickly from when I had entered the Overview room. The time goes quickly and you have no time to spare in there when it's a very fast-moving incident, and you've got to decide what's the best course of action based on your training and policing experience.

- 26. In a fast-moving dynamic incident like this, there's a lot of work going on that's not captured on STORM. You're working really fast to try and build up a picture to understand what's going on, what resources are available, what initial tactical plan is achievable with the resources which are immediately available to attend the incident. Updating STORM at the time is secondary. We'd maybe put that "a dog unit has been despatched" or we'd put, "ARV informed," or, "PIO attending." You haven't got time to type lots of information on STORM, so you'd maybe do a retrospective entry and that's something that used to happen quite frequently with firearms incidents or other fast moving dynamic incidents such as vehicle pursuits. You'd do your retrospective entry as there's too much going on at the time.

- 27. A lot of the time with the STORM system, when you're looking at an incident, if someone types anything on it, it jumps back to the start again. It's really frustrating when you're in a time-critical incident. It jumps back to the start of the log and you need to scroll back down to see what they've put on. It's not simple and straightforward, so you're having to battle with that; as well at the same time, scan multiple jobs to see if there's any new information coming in that might be absolutely critical and key to your decision making and to the officers on the ground because that's important. It's fundamental that they get the latest up-to-date information. But they're also going to gather that information as well from the scene when they arrive.

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28. I'm aware that Joanne Caffery has suggested the following at para 9.8.3: *"The first emergency call was received by the ACR at 07:10:14 indicating that Inspector Stewart missed approximately 8 minutes of the incident process."* I would say that you have to be careful with the timings on STORM. So if someone phones at 07.10, you've got to look at the journey of where it goes before it actually reaches the controller and when the local police officers are despatched. So there is always a time lag, effectively, before an incident is passed out locally to divisional officers. If you think about it, when someone makes a 999 call to the police, it then takes a short amount of time to answer the phone, then the call taker creates an incident once they've spoken to the person, then they add the details, they get the information and then they pass it across from the service centre to the control room, then the controller needs time to read and assess the incident, understand what's going on and then to despatch officers. Normally at the start of the STORM job, you can see when it's been created, when it's been transferred, when it's been despatched etc. I think any delay in me being contacted was because the assessment had been made by the controller, controller's sergeant and Overview sergeant, that this was an appropriate incident to be a divisional response. I think it was because when additional 999 calls came in, they thought, "We better tell the inspector, make him aware, get him sighted on this."

29. I've been given sight of the STORM call card (PS00232). I can see it's a Police Scotland document dated 3 May 2015, marked as, "AB-28 disturbance, male with knife in hand, Priority 1." I can then see the entry "sd10 attending" at 03/05/2015 and 07:18:18." This has been entered by Oview_EO1. I am advised that Michelle Hutchison has confirmed this was her entry. On this basis, Michelle will have radioed some time before this entry to find a dog and then has updated the log to confirm that dog unit is attending. Michelle would have been authorised to deploy a dog unit and this may have been done prior to speaking with me on my return

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to the Overview. I certainly asked the Sergeant about the deployment of a dog when I came into the overview.

30. I'm asked if there was anything unusual about me being out with the Overview room when the Grade 1 calls came in. No, I was an ACR inspector with responsibilities for the wider control room functions including staff, so there's normally about 50 people on duty in the service centre and the area control that were on the shift that I have responsibility for. I can't recall specifically why I was down there. Likely I was down there to resolve an issue and check in with staff and supervisors in the service centre. It was a Saturday night into a Sunday morning, which tends to be very busy, so I was down on the floor of the large communication hall. It is split in half with controller and call takers in separate areas. So I was down there. That is part of my role and my duty to do that, to support these staff and supervisors and I was contactable. My recollection is that the Overview sergeant asked me over the tannoy to return and I ran up the stairs. I think I must've been in the service centre side because I probably would've heard if there was something going on if I had been on the Control Room side.

31. I'm asked whether I would've had a handheld radio when I left the Overview. No. I don't know if I had my mobile phone on me at the time. Was it standard practice that I carried a radio everywhere? No it was not at that time and I was in the communications hall just downstairs and readily contactable if required urgently.

32. When I assess these incidents, I always tend to look at it from a "what happens if they can't actually deal with this individual on the street?" I'm starting to look at it from a specialist resource point of view and doing my threat assessment in terms of that. Do I look at incidents including knife or disturbance incidents differently from other staff within the control room? Yes, probably because of my ITFC training. I'm thinking, "What

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happens if this incident becomes more complex and protracted or if the subject is non-compliant, cannot be contained or if he becomes too violent or aggressive or he threatens officers or runs at officers and they can't safely deal with him?" Initially, I have to consider a variety of possible scenarios and plan for a range of tactical options depending on the information that comes in, updates from the attending officers and the behaviour of the subject. I considered it necessary and appropriate for divisional officers to attend the incident initially but was fully aware that should they be required, then specialist resources such as a dog unit and armed officers were not immediately deployable for almost about 20 minutes. 20 minutes is the earliest they're getting there, and what can you actually reasonably do to protect members of the public, protect the officers, protect the individual who's got the knife in that time frame where the incident's happening now? That's the hard bit. So if I was to take command of that incident after the initial update due to the threat being such that divisional officers were unable to deal with the male, the first part of that incident would likely involve me commanding the divisional resources to try and use tactics to contain the male and implement an initial plan to try and do what we could until specialists were able to get to the scene.

33. I'm asked whether, in a high-risk incident, who has the responsibility to give a Stay Safe message. The Stay Safe training that had taken place across the force in February 2015 was received by all officers and staff. Stay Safe training and keeping yourself and others safe at any incident is delivered to every officer safety training day. The practical steps of this message should be ingrained into all police officers who are attending calls on a daily basis across the country. But, in terms of the Stay Safe messaging, my expectation was that if it was a firearms incident or an incident involving a weapon or a bladed weapon, then the controller would give that to attending officers, to remind them or if the controller didn't do it, the actual control room sergeant who was down on the floor; but also,

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the PIO as well and the divisional sergeant who were attending the incident. Everyone should be thinking about that. I should also be thinking about it and my radio transmission made to attending officers was intended to remind them to stay safe when approaching the location of where the male was last seen. I broadcast the message across Kirkaldy 1 talk group because I wanted to make sure that the officers knew to make that dynamic risk assessment and to feedback straight away: that they need to stop, pause, see what was in front of them and provide that feedback in accordance with their training, because that's what they're trained to do. I expected this to happen.

34. As much as possible you want to avoid situations where anybody rushes in to deal with an incident. I obviously wasn't one of the officers that attended this incident. But it may have been that they saw the opportunity to deal with that individual safely and as best as they could. But the Stay Safe is a lengthy message about keeping yourself and others safe and it is about see, tell and act. Part of it does actually talk about the fact you can take action yourself if it's appropriate, reasonable and achievable at that time. Individual police officers are well trained and highly skilled professionals who also have the ability to use their discretion in situations when they consider it appropriate. But from a control room perspective, I consider it important that regardless if they are receiving safety messages from their supervisors, we need to ensure delivery of that message as well.

35. There were cards with the 'stay safe' message on the desks in the control room as well. I don't know if they were there in 2015 or whether they were there subsequently. The officers that attended that location should know about the Stay Safe. It's a reinforcement from the controller to give them that. It was a reinforcement from me to say, "Make that risk assessment when you arrive and if you see the subject and feed straight back and provide an update if possible". My clear

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preference is that officers don't deploy unilaterally or on their own without support.

36. When I transmitted on the radio, I thought the response officers were near the locus, but not as near as they were. It was only when I saw the video evidence during my attendance at the Inquiry hearing, that I realised that the first set was further on than I was aware. I was told they were getting near to the scene and that's when I gave it.

37. In terms of the Stay Safe message that you give to the officers, I've explained this in my previous statement but it was an abbreviated version. It's what I said at the time, to try and get the message across to the attending officers that they need to be safe and they need to report back straightaway what they're seeing, because it's not just for me; it's for the other officers and the supervisor attending as well. Everybody needs to know what is in front of them, and what threat they are facing. I thought the abbreviated version of the stay safe message I delivered was sufficient to get that message across given the urgency and time constraints and that to deliver the full version of the message would've taken too long. I was conscious of the fact that I wanted to get on the radio and get off the radio as quickly as I could so the attending officers understood it. I did not want to clog up the Airwaves channels at a time like that and instead leave it free for the attending officers.

38. I'm asked how long would be reasonable for waiting for feedback in this situation before considering further action including deploying an ARV. I would say as long as it took for them to feedback, depending on what they had seen or encountered on the ground. They may have been speaking to the male or engaging with him at that time and I consider they would have fed back when they thought it safe and appropriate. The first thing police officers always do is update the control room and their supervisors when it is appropriate and safe to do so, particularly in

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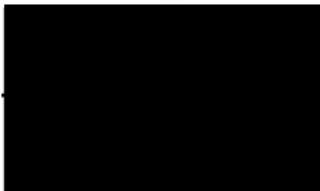
a dynamic incident. That always happens. So I didn't actually realise that they had come across the male so quickly, and so it was reasonable for me and the controller to think that, "Okay, that's them going onto Hendry Road," or wherever. "They may be driving along slowly looking to see what they can see." So you're waiting for feedback such as "Right, we've driven the length of Hendry Road, we've gone into Hayfield Road," or wherever, "and we can't see the male," or, "We can see the male. He's standing at the bus stop. He's not in possession of a knife," or, "He is in possession of a knife. He's waving the knife at us," or, "He's sitting at the bus stop with his head in his hands." You're looking for that important feedback as this informs the course of police action either locally for the divisional supervisor or for the control room and me in my role as the ITFC. Previously as a control room inspector, as a response inspector, as a response sergeant, I have asked perhaps too keenly for feedback from officers attending an incident but learned it is important to allow them to provide that feedback when they can and not pressure officers into doing this if they are engaged with a subject and to let them get on with their job. So I wouldn't put a time limit on it. If it had continued for a long period after the first officers approached the place where the male was last seen, then I would have been asking for that update, as I imagine the controller and divisional sergeant attending would have as well. My thinking at the time was that the first divisional officers at the location might well be driving along the street, searching and looking for the male at that time and that they would provide an update when appropriate.

39. I am asked whether as part of my considerations as to whether or not to deploy an ARV, did I consider deploying an ARV without waiting for feedback? During the two minutes or so that I was in the overview before divisional officers arrived at the locus and engaged with the male, I was quickly trying to establish the circumstances of the incident

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as best as I could. I was using my training to make attempts to develop the information and intelligence gap, to assess the limited information available at that time, consider a threat assessment and initial working strategy, as well as possible tactical plans and options depending on the feedback of the officers from the scene. The level of threat being presented by the subject at that time was potentially high but also unknown but there were no reports that he had attacked or injured any persons at that time. I considered this might be an incident I would have to deploy armed officers to, if the level of threat reported back by divisional officers was too great for them to deal with safely. I considered a live-time update and professional assessment of risk from officers at the scene to be essential for my decision making in formulating a workable and achievable tactical plan which is vitally important when taking any decision whether to deploy armed officers or not. Because of this, I instructed the communications officer to contact the ARVs in Edinburgh to make them aware of the incident and for them to listen out to updates on the channel so they were aware of the incident as it was developing. A key part of my training as a firearms commander was to ensure I based my decision making on the latest up to date real time information and intelligence and to ensure I applied this when working through the NDM and any consideration of deploying armed officers to an incident. I'm not going to deploy and authorise an ARV without working through my National Decision Model. I need to understand the current live time risks to members of the public, police and subject at the time before escalating to that higher level of use of force. I was certainly making preparation for this eventuality had divisional officer attended and been unable to deal with the subject due to an increased level of threat. Had this been the case I would have authorised the deployment of armed officers.

40. By making the ARV's aware of the incident I was ensuring they were being given early notification that they might be attending this incident in

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a firearms capacity and this would allow them to monitor the local channel live time and make any necessary preparation they required. So, me saying, "Tell the ARVs they need to listen to Kirkcaldy 1 talk group" because they're getting that live-time understanding of what's going on the same as the control room and the attending officers. Any deployment of armed officers cannot be a knee jerk reaction and has to be proportionate to the threat currently being faced. The divisional officers at the locus may have been able to deal with the subject on arrival in a compliant manner. Local police attendance may have resulted in a de-escalation of the situation, the subject may have surrendered, officers might never have traced him had he entered a house or made off or he may have been non-compliant or violent towards them. But that update was really, really important to us in terms of understanding what was going on because the existing information at the time was very limited in terms of the individual, his identity, his capabilities, and intention.

- 41. I was assessing this incident thinking this is maybe going to be a deployment. If they can't trace him or locate him quickly, if they locate him and they can't deal with him, or his behaviour is such that he runs into someone else's house, or manages to stop a car and get in a car or whatever, or he's too dangerous, then I would be taking over that incident in full and declaring it a firearms incident under my command. So, I was at that stage of doing my threat and risk assessment, coming up with some kind of initial tactical plan as to how I was possibly going to deal with that. All that was within that two-minute period, I was running through it as fast as I could and, aware that the first officers were going into Hendry Road and I took the decision to wait for that almost simultaneous update, which would have given me a real time accurate update of the threat being faced. So, I didn't formally authorise a firearms incident during the 2 minutes and was waiting for that update from officers at the scene. For me, this was likely to be either a direct

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deployment of armed officers to the scene if the risk was high, or they wouldn't be going because local officers would have managed to deal with the incident. So, it was like one or the other, was my recollection of it. I was preparing for having to take over the incident and deploy armed officers had this been required, but I needed that feedback to understand what was going on to complete the assessment. The time for any arrival of armed officers should they be required was also a concern for me as they were at least 20 minutes travelling time to Kirkaldy which would have meant divisional officers were highly likely to have to intervene and take some form of action if the subject was located.

42. The ARV didn't go because I had two minutes to go through everything that was happening, go through my threat and risk assessment to everyone, go through my powers and policies, my options and contingencies, and understand what was going on. The information that was coming in was inconsistent and, we knew that someone was in possession of a knife but didn't know what they were doing or where they were going, if they were aggressive, if they weren't aggressive, what the threat was, or who was at risk. There was also no report of the male having injured any specific person, or members of the public at that time which I considered significant. I did believe the potential risk to members of the public to be high should they come into contact with the male, and because of this, my position was that divisional officers had to continue to attend at the location. We were getting unarmed officers there to understand what was going on; that then informs the decision making because it provides us with that additional update. Unarmed officers going there would also provide me with various other options in terms of taking that disruptive action, mitigating action, keeping the male under observation if he was located, doing any kind of investigative assessment, building up an understanding of who the person was, containing the area, visibly and physically, allowing for the

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opportunity to communicate with the male which is key in rapport building and trying to de-escalate a situation. I noticed in the expert report that the suggestion was that divisional officers should not approach the male and make attempts to communicate with him, but I disagree with that view, and consider any opportunity to engage and negotiate is very important in an incident like this. Sometimes it may not be possible, and I recognise that as well.

- 43. The reality of this incident is that because the ARVs and dog unit and other specialists are a considerable distance away from that location at that time, unarmed divisional officers had to attend immediately to protect members of the public from harm and coming into further contact with the male. They may well have had to intervene if that male had done something like try and enter a house or vehicle or approach members of the public in the vicinity whilst they were there. With specialist officers being over 20 minutes away there was every chance divisional officers might have had to intervene, disrupt, or challenge that individual at the time. They had to go in some capacity. As they're going into Hendry Road, I'm thinking, "Right, okay, I know roughly what I'm going to do in terms of a plan depending on the update from the first officers at the scene. Any tactical plan would have to be flexible but it would be greatly dependant on the information that came back at the time, and the level of threat being faced. A key part of the firearms training emphasises the importance of having all the information available to enable the creation of a suitable tactical plan and the significant risks of not having one. Getting that update was really important for me, therefore, and important for everybody at that time. As I've said, the divisional officers might have been able to arrest the subject safely or they might not have seen him at all, he might have gone to ground, or might have gone into his own house that was on Hendry Road. We don't know, and that's why we have to drive into that area and make all possible efforts to locate him at that time. If they're

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driving to Hendry Road and say, “He’s actually going into Hayfield Road. He’s actually walking towards the hospital” – we need that information. It’s critical to being able to respond to the threat that’s being posed to members of the public with the latest available information.

- 44. In terms of the criteria for deployment, that was met by the fact that the male had a knife. That’s part of the powers and policy section I go through in my NDM assessment but it’s also about proportionality, and the proportionate use of force. So, just because a criteria is met, the threat to divisional officers attending might be minimal when officers actually get to the scene and provide that feedback and engage with the male. I think that’s really important to understand.

- 45. Police Officers attending incidents with their blue lights and sirens on can often have an impact on an individual’s behaviour in terms of de-escalation, surrender, and actions such as discarding a weapon or throwing items away or running off. That disruption tactic can in itself be significant in changing the dynamic of an incident and assist in keeping the public and others safe. This incident depending on how it progressed may have involved the deployment of armed officers at a later stage to deal with an escalating threat or protracted incident but as I’ve explained these resources were not immediately available at that time.

- 46. In relation to this incident and from a control room perspective, I had a very short time to consider the risks to the public, police officers and the male involved. I considered divisional officers continuing to attend the incident under local command of local supervisors to maximise the safety of the public to be the overriding priority. In addition to this, I was making preparations to deploy armed officers if they were subsequently required.

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Use of a Rendezvous Point (RVP)

47. I'm asked about paragraph 9.11.2 of Joanne Caffrey's report which states: *"The first officers attending should have been clearly informed to abort and not to engage with the subject, to pass information, and RV with officers at a nearby nominated location. This would then allow the ACR Inspector to decide their initial tactical plan, gain additional information and establish the ETA of the dog(s)."* I disagree with this view and do not consider these suggested actions to be appropriate in the fast moving and dynamic incident that took place early that Sunday morning. I have previously stated that divisional response officers were attending the incident under the command and direction of the local response sergeant, who himself, was not far behind the first officers to arrive at the scene. I considered the potential threat to members of the public in the immediate area to be high at that time, and this was based on the fact the male had already come into contact with a number of motorists and members of the public who had phoned 999 to report his concerning behaviour. My real concern at this time, which I believe was based on a reasonable assessment, was there was every likelihood the male may indeed come into contact with other members of the public either driving or on foot, in the vicinity at that time. Realistic scenarios I considered were that he might randomly encounter members of the public walking to shops, exercising a dog or even parents who were out for a walk with children. The streets around where the male was reported to have been seen were also heavily populated residential areas and the risk of the male coming into contact with local residents I believe was a realistic possibility. Because of these risks, I believed the correct course of action at that time, was for divisional officers to continue immediately to the location with overriding priority of maximising public safety and reducing the potential of the male to cause any harm. The local officers were attending the incident in sufficient numbers, with their PPE, control measures and knowledge of the call they were attending but members of the public who might find

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themselves in the immediate area of the male were unprotected. My belief was that divisional officers had no option other than to attend the location immediately to keep people safe and this was the correct course of action at that time given the information we had. I also disagree with the expert's suggestion that the control room instruct the attending officers to abort and not engage with the male. The simple fact was that officers were required to locate the male as quickly as possible to protect the public, but also to feedback regarding the level of threat being posed at that time. By attending at the scene, locating the male and initiating communication if this was safe to do, then the officers would have been able to provide that live-time update to their supervisors, other attending officers and the control room including myself. This contact would allow an updated threat assessment to be made on the ground and by the ITFC in terms of whether a potential firearms deployment was required to deal with a higher level of threat. It would also have assisted with identifying the male, understanding his capability and possible intentions and whether or not he was in possession of any weapons. By approaching the male as safely as possible, I believed there would have been opportunities for rapport building, de-escalation and establishing any vulnerabilities. I also disagree with the expert's suggestion of sending divisional officers to an RVP instead of being deployed immediately to the street where the male was last seen, in possession of a knife, by the members of the public. In any significant incident whether it is being commanded locally or by the control room, consideration is always given to identifying an RVP for attending officers, additional specialists, other emergency services, utility companies and emergency planners. This is always a consideration for me in any declared firearms incident as part of any initial actions undertaken. Had this incident developed further and become protracted then an RVP may well have been established for the likes of negotiators, and public order officers to attend. But at that specific time, with the initial threat considered to be high for members of

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the public and local residents, I have previously explained the need for officers to attend directly at the location. On a daily basis divisional officers attend all manner of spontaneous calls including disturbances, large fights, persons making off from housebreakings so they have experience and understanding of attending dynamic incidents. RVP's are always considered for firearms incident involving persons in possession of a gun because unarmed officers have no real protection against such weapons and they can be targeted from a distance. This incident differed because the male was seen to be in possession of a knife and with the control measures in place, I considered it safe for them to attend as opposed to being held back at an RVP. So the suggestion of response officers waiting there for 10 or 15 minutes, until a dog unit attended to deal with the male is unrealistic in my opinion, and it's not keeping the public safe at all. In fact, a crime could have taken place during that period of time and there could have been an escalation in the incident without immediate police attendance at the scene.

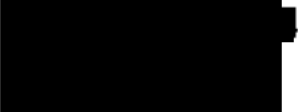
- 48. For me, the expert's opinion flies in the face of everything that I've been taught in terms of keeping people safe, and also that duty to act. What would members of the public think if I had officers at an RVP for ten minutes and someone was harmed or injured? For me, at the time, the risks were too great. An RVP might have been suitable later on as the incident developed; so it was something that I considered but discounted. One of my main considerations is do the officers have to go? Have they got the protection and are sufficient control measures in place? Do they have that safety awareness? I believed at the time there needed to be a balance struck between risk to the public and police officer safety.

Armed Policing SOP – Safe Response Procedures

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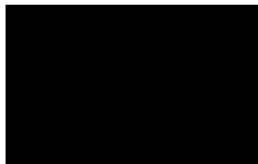
49. I have been asked about Joanne Caffrey's report at paragraph 9.1.31, which is in the context of a discussion about the Armed Policing SOP and its use in high risk situations in which she states: *"Any deployment of police resources to alleged high threat situations should follow safe response procedures unless there are sound and objective reasons to discount the allegations."* I talked about the operational risk assessment I considered at the time when divisional officers were attending the incident and this covered their awareness and understanding of the incident they were attending, which was provided as best as possible by the control room relaying all information as it came in. I also covered their officer safety training, PPE, stay safe awareness, the fact they were attending in vehicles which offered protection and the fact a supervisor was also attending the incident, along with sufficient resources, with specialist resources being sought. So, for me on that day, I believed it was safe for divisional officers to attend bearing in mind that it was not a firearms incident. When you're going to an incident where someone is in possession of a gun, they can shoot you from far away. When you're going to a knife incident, you've got your training, it's drilled in that you've got that reaction gap. You're going in a vehicle, you've got that stay safe awareness, you've also got that individual officer's ability to use their own discretion in making any risk assessment and taking any subsequent action. For me personally, it's about taking your time, understanding what's going on, approaching a subject, seeing what's happening at that time and feeding back information to others. If possible, and the situation allows, it's about taking any opportunity of building up some kind of rapport if you can, sometimes you can't regardless of how hard you might try. There are always risks to those involved attending an incident involving a weapon including a knife, but sometimes the circumstances dictate that divisional officers have to attend and it's about how those risks are managed as best as you can at the time with the dynamic circumstances and the threat that's facing you.

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50. SOPs are great and their staff provide information and guidance but in a very fast moving incident there is no time to refer to them. It's simply impossible, and on these occasions you're relying on your training, your policing experience, as well as those of colleagues and officers on the ground. I'm aware of the Armed Policing SOP and will have read its contents during my time in the control room but I don't know it off by heart, the same way I did with my NDM firearms model and tactics. The independent expert suggests that in her opinion there was enough information for me to be treating this as a firearms incident. What I would say is that the expert has never been an accredited firearms commander and appears never to have worked in a control room environment dealing with dynamic and fast moving incidents, sometimes requiring speedy but carefully considered decision making. I think that's important to understand and several of my views differ from those contained in her report. The information being received by the police from members of the public who phoned 999 that morning was both varied and inconsistent. What appeared to be fact was that there was a male seen in possession of a knife, walking in a residential street and coming into contact with members of the public. Given this information, I considered the potential risk to members of the public to be high; victims or potential victims he might be seeking was also considered to be high but it could also be unknown given the real lack of information available at that time. I was aware that divisional officers were already dispatched and attending and following an operational risk assessment I considered they had to continue to attend to the location of the male. During my short time in the Overview, I'm trying to do as much as I can to understand the incident and just what's going on. My conclusion at the end of those two minutes, which was around the same time that divisional officers were going off at the scene, was that I might have to authorise and deploy armed officers if the threat being faced was too high, or that the male was not located quickly and arrested. So,

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yes, I'm moving towards this being an operational deployment and making preparations and planning as fast as I could for this, and the likely tactics and plan I might have to employ using unarmed and armed officers if this was necessary. In terms of this incident, the criteria for deployment is met given that the male is seen in possession of a knife in a public street. However other information and factors are required to be considered and understood prior to me sending armed officers, which represents a significant escalation in use of force options. I have previously covered that knife incidents are not automatic firearms incidents and that the threat levels need to be assessed continually during incidents. With limited information coming in and the proximity of divisional officers to the location I considered that I needed that real-time update of the threat from the scene to confirm whether armed officers were required to be deployed or whether divisional officers could deal with the male. This was always a fundamental part of my firearms training, with the need to work through the NDM based on the most recent information/intelligence, to formulate my response and subsequent tactical plan. With regards to this incident I followed my training and used my experience, as opposed to making a quick knee-jerk reaction, before other responses and tactics had been precluded. Divisional officers could have attended and found the male sitting at the bus stop and he may have been compliant and given himself up, alternatively he might not have been located following a search of the area. These actions had to be investigated firstly to establish the level of threat being posed by the male as opposed to the immediate deployment of armed officers.


- 51. I'm asked if I was taking a two pronged approach. Yes, I would say that divisional officers were attending the incident along with a supervisor and at the same time, I was making an assessment should armed officers have to be deployed to deal with the incident, if there was an increased level of threat or it became too dangerous for local officers.

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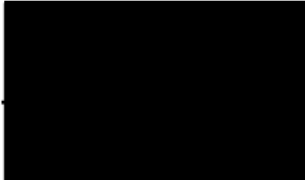
Again, I think there has to be an understanding that the incident may have been safely resolved locally, but had it not, and there needed to be an escalation of response then I was preparing for that eventuality. So if the male brandished the knife as officers arrived, and they thought, "This has got to be a dog unit or some other form of specialist resource that actually deals with this, because it's too dangerous for us to go there", then that's it. So the divisional sets are attending anyway. I'm assessing and thinking, "I might have to deploy firearms for this. I need some kind of tactical plan in place should I have to take over." So that plan would have involved specialist resources attending but I would also have needed to consider how best to contain the situation and risk with local officers until their arrival. Considerations would include "How do we contain this individual for the next 20 minutes, if he's not going to give himself up? How do we coordinate searches? How do we develop information and intelligence? How do we try and establish the identity of that person?" The officers on the ground would be doing that as well, asking members of the public, local residents and making enquiries at local shops or service stations to see if the male was known to anyone. "Does anybody know this person?" because we currently don't know who he is, in terms of his identity, capability, and intention. There are so many intelligence gaps that require to be filled in an incident such as this where very limited information is known at the time. You try to overcome this barrier by having unarmed officers go to locus. It's key that they go to the locus and carry out inquiries and look for the male, and if he is not located that they make enquiries to achieve this.

52. In Joanne Caffrey's report at paragraph 23.1.3, as I understand it, she said that unarmed officers should not have communicated with Mr Bayoh – that was her recommendation. I disagree with that view. How do you find out what's actually going on for someone? How are you able to assess what their intention is, what their capability is, what they're about? Are they under the influence of alcohol or drugs, are

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they having a mental health crisis? Are they psychotic, are they unwell, or are they just intent on harming anyone or someone in particular? By engaging and trying to communicate with an individual you get quite a quick indication of what is going on for them. This can be achieved by rapport building if safe and appropriate to do so – it may not be. There is always an opportunity for de-escalation through communicating and for the introduction of negotiation that may be useful in bringing about a safe resolution to an incident. If we can speak to the individual, confirm his identity, then the control room can do enhanced checks on police systems to build up a picture of the individual. This might confirm whether they have any mental health issues, whether there have been any previous calls regarding the individual, whether they are on the vulnerable persons database, whether they have a previous record for violence towards police officers or are known for using weapons. All of this information assists greatly in an incident such as this one so in my view divisional officers should always be making that attempt to communicate with the male, if safe to do so.

53. By using rapport building you are able to develop that information which will hopefully be used in the safe resolution of any incident. If the opportunity then arises to make use of trained police negotiators then by initiating that communication it paves the way for them to take over with a greater understanding of the situation and insight of the individual. So I think the communication part is really important. You've got to say, "What's wrong, mate? Where have you come from? Are you all right? Are you cold? I've got a space blanket in the back of my van." It's as basic as that. You're looking at doing things like that, and by communicating you're also able to feed back to the sergeant on the ground, the local inspector, staff at the control room, and any specialist resources who would be listening on Kirkcaldy 1 as well. Everybody's getting that picture of the individual and of the risk they pose at that time. The flip side is that sometimes this is not possible and it can be

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very difficult or even impossible to communicate with an individual due to their mindset, or if they are under the influence of drugs, or they might totally not be compliant, not engaged – but if they're not engaged, then you really have to adapt your tactics.

Command Structure on 3 May 2015

54. I'm asked about my understanding of the command structure on the morning of 3rd May 2015. Essentially this was a division response and divisional officers were attending the incident under the command and direction of their supervisor on their ground, who in turn was reporting to the divisional inspector. I have previously explained that calls of this nature were, and continue to be routinely attended by response officers. I would only become part of that command structure at the point that it was declared a firearms incident. I would then take command of that incident if it was a declared firearms incident. I would take charge of the dog unit, the ARVs, any negotiators, any public order officers in addition to divisional officers at the scene. That is the protocol that existed at the time and still does as far as I am aware. So I'm a tactical commander, silver commander for the firearms. So if it's a firearms deployment, an authorisation, I'm the only one that's trained in that firearms role. It is the Divisional Inspector (PIO) who has responsibility for an incident in their division area until it becomes too dangerous or a firearms deployment is required to deal with the level of threat. I read Joanne Caffrey's opinion that the ACR inspector takes charge of every high risk incident [23.1]. That was not my understanding of how Police Scotland operated in 2015 and continues to operate today. During my time as an ACR inspector it was clear what incidents were my responsibility. That being said, all control room staff worked as part of a wider team with local divisional supervisors and officers to ensure all incidents were progressed as best as they could be.
55. I'm asked if I have ever taken control of an incident when it wasn't a declared firearms incident. I've done initial fast-track actions for some

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incidents like a high-risk missing person if the Divisional Inspector (PIO) was engaged or involved in something else and not able to do that. I would normally have regular contacts with the divisional inspectors from the control room and often I was able to provide support and guidance if this was required. There was always clarity of responsibility between ACR and Divisions in terms of command ownership of incidents. The control room's job in the main was to ensure incidents were properly created, graded, and local officers dispatched to the calls. If they needed any specialist resources dispatched in support of divisional calls then we would ensure this was carried out.

56. A paragraph 9.1.44, Joanne Caffrey says, quoting from the Armed Policing SOP, *"Possession of a firearm is not essential to respond under the principles and practices of a firearms incident."* Yes, I would agree with this statement she makes and I am aware that armed response officers have previously been deployed to incidents involving persons fighting with knives, brandishing swords, firing a bow and arrow in a built up area and to incidents of assault and robberies involving weapons. During my time in the control room I regularly assessed all manner of incidents using the principles and practices taught in firearms command training. I relied heavily on the NDM to assist me in making operational decisions during that time and in subsequent roles I performed including that of a Divisional Inspector (PIO). With regard to this incident, I can confirm I applied the NDM and made use of this training and my policing experience to assist my decision making. I considered any immediate actions that were required, I used my training to consider the threat and risk assessment and to determine an initial working strategy. I used principles learned to try to enhance information around the incident including looking specifically at the victim, location, subject, time, everything about the subject: identity, capability, intent. I also used my training to consider the powers and policy in respect of the incident including proportionality and the most appropriate use of force for the

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circumstances. I also used my training to consider the options and contingencies available to me should the incident become a firearms one and I used my training to consider likely outcomes and tactical options should I have to deploy armed officers.

Declaring a Critical Incident

- 57. I'm asked about the suggestion that it would have been appropriate to declare a critical incident. I read the independent expert report that suggested I should have considered declaring this prior to the arrival of divisional officers attending at the scene and engaging with the male. This makes no sense to me and I do not understand her thinking behind this particular recommendation. It was not something I considered appropriate at the time she suggests. A critical incident was declared later that morning by a senior officer, and I understand the requirement for this to have happened when it did. I had no involvement in anything to do with this from a control room perspective on the date in question or subsequently.

- 58. I'm asked about paragraph 9.3.7 of Joanne Caffrey's report *"In this incident there was both an acting Inspector and an acting Sergeant as divisional supervisors. The purpose of acting roles is for officer learning and development. Neither officer was 'trained as competent and experienced' in the role for which they were acting. Inspector Stewart would also need to take this factor into consideration, for any handing over of command."* I'm being asked whether I knew or would have known from the systems that either of them were in an acting capacity. No, I was unaware of this at the time of the incident and have only learned of it recently. These supervisors officers will have been appointed to their respective roles by the local senior divisional management team because they are deemed to be competent and capable of performing these duties. As I understand, Sergeant Maxwell gave earlier evidence that he considered he had sufficient training and

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resources to deal with the incident he was attending. My experience is that response inspectors and sergeants who are not necessarily substantive in the rank are still highly competent and capable officers. So I would have had every confidence in them, and they would've known what to do because they would have attended incidents like this on a regular basis as constables, sergeants, and an inspector. There is every likelihood they might have had additional policing skills and experience from other roles that might have assisted them in terms of attending this incident.

Potential for Use of Police Support Unit

59. Joanne Caffrey's report also speaks about considering the use of the Public Order trained officers. I've touched on this in my original Inquiry statement. The availability of public order resources at that time on a Sunday morning might have taken some time to sort out. Nonetheless, any such resources would have been booked onto the systems and the control room would be able to contact available resources from across the East or other command areas if necessary. If there were limited numbers on, then these could have been supplemented by local trained officers who were on duty across the area at the time. I have done this on a number of previous occasions and it takes time to form a team in this way. Organising officers with PSU capabilities aside, the issue would be their tactical effectiveness and relevance in this immediate and fast-moving incident. I was a Public Order officers for around 20 years of my service and have supervisory experience in that role. If the male involved in this incident were to have been traced by police in a house or has fled into a house and deemed to be high risk, then using Public Order officers with protective shields to containing the building front and rear might be a tactical option. The objective would then be to contain and negotiate in the hope of a safe resolution to the incident.

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Public Order officers also have the capability to force entry to a premise and search it in a slow and methodical manner to arrest a subject. Had this incident developed and become more protracted and complex in this way then these specialist officers would have been considered. In terms of having to respond to the male in a wide open space such as the streets he was in, then their use would have been less effective, but they could have been deployed as best as possible with protective shields if it was deemed too dangerous for divisional officers to be near the male. In terms of this particular incident, with officers having to go immediately to the location of the male to ensure public safety, I would suggest they were not a viable tactical option at that time albeit they were considered.

- 60. In any incident such as this, I would work through the list of available specialist resources to consider their skills and the tactical options they might offer. These might include roads policing, dog units, armed officers, negotiators, plain clothes officers, search/public order officers and air support if appropriate to the circumstances.

Instructions from ACR to divisional officers not to approach subject

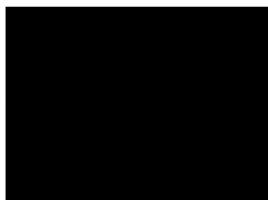
- 61. Joanne Caffrey’s report also talks about: “The armed policing SOP states that the area control room should ensure that clear instructions are broadcast that unarmed officers are to carry out safe observations only and are not to approach or secure subjects who pose a potential firearms threat.” I’m asked in what circumstances I would give that instruction and whether it should have been given during this incident. I have previously provided my rationale as to why I considered it appropriate and necessary for divisional officers to attend this incident immediately to ensure public safety and to take any reasonable measures to minimise harm to others. The overall objective is always to resolve an incident as safely as possible with the minimum level of force required. The safety of the divisional officers attending this incident and continuing to the scene was subject to

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an operational risk assessment I made at the time. This has been mentioned earlier in my statement, as has my position on the stay safe messaging and training all officers have received in this area as part of their OST. I agree that attending officers require to be reminded of the Stay Safe actions to be taken when attending any incidents involving weapons and that the control room has a responsibility to ensure this is done. I also believe it to be the responsibility of individual officers to follow their training in this area. The role of unarmed officers attending a firearms incident involving a gun is to Stay Safe, locate, observe, contain, consider cordons, create a sterile area for specialists to deploy, develop information and intelligence and consider any arrest plan. Because of the specific danger firearms pose to unarmed officers, the guidance and position, is that any independent action should not to be undertaken given the risks involved. The Armed Policing SOP is written from the perspective that an individual is in possession of a viable firearm and the level of danger to officers is at its very highest. I agree that it is equally relevant to incidents involving weapons such as knives and that a high degree of caution needs to be exercised when attending such calls. In this incident attending officers were given a message to remind them of the risks involved and to provide feedback straight away. I gave that "stay safe" warning for them to make a dynamic risk assessment on arrival and requested an immediate update from the scene. My working assumption, which I considered reasonable at the time, was that the attending officers would feedback in accordance with their training, and I was expecting this to happen. The officers concerned acted accordingly based on their own risk assessment and used their discretion in approaching and dealing with the male.

62. In this incident I did not consider it appropriate for me to issue a specific message to attending officers that they were not to approach and engage with the male in any way. I have previously highlighted the possible advantages of early engagement with the male and the opportunities this

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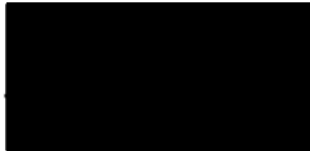


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might have provided. With this particular incident, I would have wanted the controller to issue the formal Stay Safe message to attending officers as part of the incident and for them to acknowledge this whilst en route. It is only as a result of attending the Inquiry that I learned the stay safe message I delivered coincided with the arrival of the first officers at the scene.

63. 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.

November 21, 2022 | 10:07 AM GMT

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