



The Sheku Bayoh Public Inquiry

Witness Statement

Inspector David Bellingham

Taken by [REDACTED] on MS Teams on Thursday 03 November 2022

Witness details and professional background

1. My full name is David Bellingham. My date of birth is in 1984. The public inquiry has my contact details.
2. I am currently an Inspector in Response Policing. I've been doing that for the past four months now. [REDACTED]
[REDACTED]
3. I joined in January 2006. So just over 16 years' service, just shy of 17. When I started, I was a response officer at Falkirk, then Grangemouth and Bo'ness. After about five years, I became a community officer at Grangemouth. I did that for about three years, then I joined the Criminal Investigations Department (CID). At this point, we were into Police Scotland so it was Forth Valley CID. I was based in both Falkirk and Stirling at different stages. Done that for several years. I was a temporary Detective Sergeant in the department, then got promoted to Sergeant in 2018 and returned to Response

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Policing back at Grangemouth again, and then July this year I became the temporary Inspector at Stirling and that's where I am just now.

4. On 03 May 2015 I was a Detective Constable within Reactive CID at Stirling. Reactive CID is basically dealing with any immediate crime that comes in that is actively or has recently just happened. It can range from serious assault, robberies, up to the initial stages in murders, potentially. Just anything that's deemed serious crime, or the management of Police Scotland decide that the CID department will look at. Could be like fraud type incidents, embezzlements and stuff like that. Just depends on the level of criminality. It's, generally speaking, higher levels of crime the CID would deal with.
5. In May 2015 I worked what's known as a variable shift pattern. So I'd have three or four days on and then a couple of days off. A mix of day shifts and back shifts. The CID in Forth Valley Division don't do night shifts. The latest we would do would be a 1700 to 0300 back shift, generally speaking, but when things happen, you're held on and there's overtime, that sort of thing, but still a variable shift agreement shift pattern. Days off during the week and weekend working as well. Day shift would naturally be either a 0700 start, so say a 0700 to 1700, or an 0800 start, an 0800 to 1800, or an 0800 to 1600. Just depends on the day of the week. Some of the back shifts are actually 1800 to 0200. So you're either a 0700 start, or an 0800 start and either a 1700 or a 1800 finish, generally speaking.

Sunday 03 May 2015

6. I remember it was a Sunday. So that was an 0800 'til 1600. It was a slightly shorter shift on that day. I started at Stirling. Within the hour or so, I would say, I was contacted by probably the senior investigating officer (SIO) who was on duty that day. I don't recall who it was. There was an SIO for each division. So Forth Valley division SIO would have contacted me and a boy, Alan Monteith. He's a DC, or he was a DC. He's actually retired now. I'd

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probably say it was early on. I'd say about nine o'clock-ish I probably got the shout from my SIO to attend Kirkcaldy.

7. We were directed to present at Kirkcaldy Police Office as there had been an incident involving a male with the police, and the male had died, and we were to go and assist with the inquiry. So I think I went and picked up Alan from Larbert, but in the passage of time he could have picked me up, and then we headed to Kirkcaldy Police Office. By the time I was made aware by our SIO, picking up Alan, and by the time it takes to get to Kirkcaldy, I'd say I think maybe half past 10, roughly, we'd have got to Kirkcaldy, roundabout. There was a bit of "hurry up" when we got there and we're waiting for, you know, things to get put in place before we are tasked with anything.
8. When we got there, there was officers from the Major Investigation Team (MIT) for the East. They generally take on murder and very serious inquiries. I think we went to the CID offices, if I can recall correctly, and were basically given a briefing. Off the top of my head, I couldn't recall who the person was but, having looked at my statement earlier, it was a DS Dursley.
9. He gave us a briefing and the content of the briefing, from what I remember, was giving the details of the male – it was Sheku Bayoh – and that he'd been involved in altercation. He had been at his friend's house, a boy, Martyn Dick. He had left there. He was allegedly in possession of a knife. The police had attended a call and there'd been a struggle, a fight, and ultimately Sheku had passed away whilst engaged with the police. The officers I think by that point were all at Kirkcaldy Police office but not that I was going to have any contact with them. It was just for our awareness that they were in another part of the building.
10. I am asked if I recall whether I was told what the source of the information that DS Dursley included in his briefing was or where he was getting that information from, and if that was something that would typically be included in

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a briefing. The answer is no. With what I recall, no. I would imagine it would be what information they had gathered at that point. So I couldn't say who from. I don't think there was many people talking to the officers directly involved in it. I think that was kind of separate, but I couldn't say. I don't know where he had his information.

11. I am asked if I recall being told by anybody, other than DS Dursley, anything about Sheku Bayoh's interaction with the police that morning. The answer is no, not that I recall. There was a lot of bosses about that day. I remember at one point getting a briefing from Stuart Houston but that was just about evidence gathering. Not a specific briefing. Not that I can recall. There were other bosses and there was Chief Inspectors and suchlike about that day but I think it was quite compartmentalised, the CID and the MIT. I think local CID weren't getting involved. That's part of the reason I was there I think but the MIT boys and ourselves – me and Alan – we were this part and then the uniformed section is another part. I don't recall getting a briefing from others, but it was a busy police office that day.

12. I am asked if I remember any general discussion amongst colleagues in the office about what was happening, had happened, or was thought to have happened that morning. The answer is not really. It was more, to be honest, probably a degree of shock, I would say. It's a terrible thing to happen. It's, "We're going to have to do everything here, everything we possibly can". I don't remember speaking to many folk because I didn't really know anybody there at all. I'd never been to Kirkcaldy. I didn't know any of the cops. The CID cops and Alan, I linked in with them and I linked in with others in different divisions but, no, it was just a case of the brief that we had, that he was in the street with a knife, cops had went, there had been a fight. That was the general premise that I was briefed and that the others were briefed on. The boys in the MIT as well. They'd obviously come from elsewhere also. I don't recall much conversation. It was like they only knew it was a big incident so

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you're better off just not speaking about it. Just do what you're asked type thing, I would say.


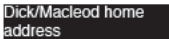
Dick/Macleod home address

13. A group of us were directed to attend at the boy Martyn Dick's address. He lived with his partner. We were asked to attend at the address, and it was myself and Alan and officers from the MIT attended at this address. We went as a group. Due to the nature of violence that there'd been with Sheku with the police, from an officer safety perspective we didn't just want two officers going the door in case Martyn was under the influence of some substance or that, as it potentially could be the case, or if another person's there. We didn't know what we were walking into.
14. So several officers went to the address. I'm going to say early afternoon we'd have went to Martyn Dick's house and his partner, Kirsty. We were afforded entry by Martyn and his partner. They were both in the house, and we explained the nature of why we were there, and I believe it was officers from the MIT asked them to attend Kirkcaldy Police Office to provide statements because they had been in company with Sheku the night before. Myself and Alan were asked to just make sure the house was secure. The back door was locked, Alan had possession of front door keys, and we stood by that house until uniformed officers came.
15. I have been referred to the third full paragraph on page two of my statement (PS00935), which starts, "*As part of the initial briefing*". The second sentence says, "*Information was later provided that the address of Martyn Dick was that of Dick/Macleod home address.*". I am asked if I remember who provided that information. The answer is no, I couldn't say. Obviously there were people involved and I think they were doing inquiries into it and we were the sort of – I don't know how to describe it – we were the 'sit and wait' squad. Once we had more information, they would get you to do it. I mean, it could have been,

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thinking police-wise, a database check for Martyn Dick and the address flagged up, but I couldn't say who gave me that information.

16. I am asked if I recall who it was that authorised the search and seizure of Martyn Dick and Kirsty MacLeod's home. The answer is I don't. I'd say whoever was the SIO for it, but I don't know. Myself and Alan weren't leading on it when going to the address. I'd say the MIT boys were more in charge and we were supporting them but, no, I don't know who made the decisions with that.

17. I am asked what my understanding was as to the basis on which   was being seized and searched, and what my understanding was of what we were potentially expected to find. My understanding, thinking back of it at the time would be that Sheku Bayoh had been in attendance. We couldn't rule out that controlled drugs or substances had been involved in it. We had confirmed he was at that address. So potential drugs or that in that house. So we would seize it in consideration for a warrant, and that's what I potentially take it as. It was a place he was before. Thinking on it now, that that would be my consideration. That that was potentially an instruction that because there was the possibility of controlled drugs or substances being involved and he's subsequently died, that there's potential in that house that there could be something illicit or all sorts. That would be certainly my working kind of assessment just now. That's why we would seize it.

18. I am asked whether the police would need either a warrant or the occupier's consent to go in and carry out a search of premises. The answer is yes, aye, we did. You'd speak to the occupiers. As I say, they would either give their consent or you'd go down the legal route, which is going for a warrant, which is you put in an application, or you make contact with Procurator Fiscal and explain the circumstances to them. They either agree or disagree. If they agree, a warrant gets prepared and put before a Sheriff and you provide them with the information and they decide if they're going to grant a warrant for

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officers to search that address. So, generally, the two ways: either warrant or the owner's approval or consent.

19. I am asked whether I recall whether a warrant or occupiers' consent was relied upon in this instance. Certainly, from what I recall initially going in, Martyn and his partner were quite content with us being there and were quite happy for us being in the house. I don't recall if any searching got done at that stage, and then they left and we secured the house. After that, I wasn't involved in the house anymore. That part of the job for me was done. We moved on. So the house was secure. It would be secure pending further consideration. So it would be more likely one of the two but I don't know. I don't know what happened.

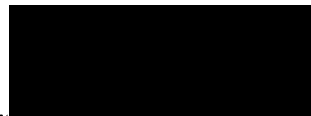
20. I am asked if it is correct that no searching was carried out before I left the property. I don't recall. I remember there being several people in the house, or several officers being in the house, but I can't remember what the full content was. Obviously, there was officers speaking to Martyn and Kirsty, but there may well have been a general search, but I can't say. I don't recall.

21. I have been shown Kirsty MacLeod's statement (PIRC00054) and directed to the paragraph on page two that begins "The CID officer said." The third line starts:

"The CID didn't ask permission to do anything, but neither Martyn or me really challenged them about it. We just did what they asked us to do. They did not explain why they were taking control of our house or what they were going to do with it. Again, neither Martyn nor me asked any of these questions either."

I am asked how I would interpret that in terms of whether consent was sought for searching their property. Reading that, they weren't aware of what was

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really happening at that point in time, or that's what she's saying. Potentially, the officers haven't explained it.

22. I am asked if it is correct that a warrant hadn't been sought prior to going to [Redacted]. To my knowledge, I don't know. I wasn't involved in every part of the inquiry. I was just tasked to assist and go that address. So, I don't know. Certainly, I didn't see a warrant going to that address.

23. I am asked if I remember the names of the other officers that were in attendance at [Redacted] along with me and DC Monteith. The answer is no.

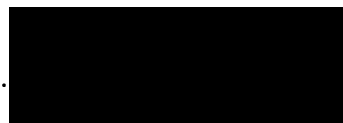
24. I have been shown my own statement (PS00935) and directed to the fourth paragraph on page 2, which starts "About 13:05". The middle of that paragraph states, "The nature of the police inquiry was explained to them", them being Martyn Dick and Kirsty MacLeod. I am asked if I recall, in any more detail, what was explained to Martyn Dick and Kirsty MacLeod about the inquiry. The answer is not now, no. I'd be lying if I said I could. No, it would be just to explain why we were there. From my recollections, or thinking on it, we'll have explained there'd been an incident with Sheku and the police. We'd been made aware he was at that address, and we needed to speak to them about it. That'd probably be the general content.

25. I have been directed to the next paragraph of my statement, which states:

"At this time, police witness Monteith and I spoke briefly with Kirsty Macleod and explained that their property would be secured as it may be part of the inquiry due to the deceased having been there the previous night."

I am asked if I recall why that conversation was had only with Kirsty MacLeod and not with Martyn Dick as well. The answer is I don't know if it wasn't had

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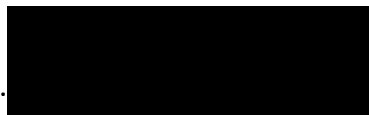


with Martyn. There was a load of cops there. I am asked if someone else might have had that conversation with him. The answer is yes. I am asked if I know where Martyn Dick was at the time that I was having that discussion with Kirsty MacLeod. From my recollection of that time, they were in the living room and from what I recall, Martyn was probably the one doing the talking. I do remember him speaking and saying he's done a bit of watching the boxing and stuff. You know, I don't know if the MIT officers were dealing with Martyn and Kirsty didn't have as much to say. I'm not sure, but, aye, Martyn was there. Certainly, from my recollection, they were both in the living room in the house and just because of the dynamics, the size of the room, or just because other people are talking I couldn't hear everybody talking whilst this was ongoing.

26. I have been directed to the paragraph of my statement that begins, "*About 13:05*", the last sentence of which begins, "*Due to the nature of the inquiry, they were requested to attend Kirkcaldy Police Office to provide the relevant statements*". I am asked why Martyn Dick and Kirsty MacLeod were being taken to the police office to give their statements. The answer is probably, with that situation, we didn't know what had fully happened yet. I've got to say in the police we've done it on regular basis. It's a more controlled environment. It's an office-based environment where it's, for officers, potentially easier to take statements. Things can develop through statements getting taken that might need updated to management quickly, i.e. to run up the stairs. Circumstances could change that it could be involved in criminality. I'm not saying that that's the case but there's a lot of factors that change. So it's normally just a controlled environment to take a statement for a serious incident.

27. I am asked why the police would need to take statements from Martyn Dick and Kirsty MacLeod. The answer is as far we're aware, they were in contact with him shortly before the incident happened with the police. Their perceptions of how Sheku was when they met in his company, they're all

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factors that eventually lead up to what happened. So, obviously, they're key witnesses. They've not been there at the time, but they're still a key witness to the whole circumstance and the build up to it, I would say.

28. I have been directed again to the first full paragraph on page three of Kirsty MacLeod's (PIRC-00054) statement, which reads:

"At this time, I was still wearing the clothes I had on when Shek was in the house. I was asked if I could go and get changed and before I went upstairs, they told me to leave out the clothes I'd been wearing. They explained this by saying they might have to rule out my DNA from Shek as I had earlier told them that I had cuddled Shek when he arrived at the house that morning."

I am asked what my understanding is as to what Kirsty might have been being ruled out of. The answer is I don't know who said it. Obviously, Sheku's passed away following police contact, which will be investigated to find out if there is criminality involved. During that, there'd probably be forensic examinations carried out, which would result in DNA being recovered, and that would be explained. If Kirsty's DNA was on Sheku, then we can eliminate that from it. We can explain why her DNA is on him and it can be removed. A forensic scientist would probably be able to explain it better than certainly I could, but there is the likelihood her DNA will be on it, and if he's been involved in an incident with numerous cops, there'll be numerous persons' DNA on. By getting her DNA, a scientist will be able to say, "Well, that's that person's DNA," and it's an explanation to how that DNA is there.

29. I am asked what Kirsty MacLeod and Martyn Dick were doing whilst I was in Dick/Macleod home address. From my recollection they were with us. I can't recall who answered the door or if they were both in the room when we first walked in but, from my recollection, they all were in our company – not directly mine, but officers' company – the whole time. From what I remember, we were in the

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living room. I think the kitchen was just off it, so between those two rooms, given the size of the house.

30. I have been directed to the first paragraph on page four of Kirsty MacLeod's statement (PIRC00054), which reads:

"About ten minutes later, Martyn came out with the CID officer. Martyn told me he was going to try and see if we could get back into our house so we can get the keys for Martyn's work van. However, he came back a short time later and said we couldn't get back into the house."

I am asked whether I can explain why that would have been the case. Certainly, based on what was happening, it's not the locus of where the incident's occurred. However, it can be classed as a secondary locus. We confirmed that Sheku was in that house before his engagement with the police. So potentially as the inquiry progresses, there could be evidence in that house that might link or relate to what's happened subsequently. So possibly I'd more likely say the SIO has made the decision that we will retain that house as a locus at this stage until we've progressed our inquiry. So it's not the actual locus of the offence, but it could be a secondary locus because Sheku has been there before and we need to maintain that forensically as best we can until we've gathered further evidence and, if we need to, we can attend there and we've got it secured.

31. I am asked whether any of the officers who attended at the same time as me were wearing scene of crime (SOC) suits when they were in the property. The answer is I don't recall, to be honest. I don't recall. I am asked whether I would have expected them to have done so. The answer is not at that stage, no. Initially, we didn't know what we were going to, so I'd probably say, initially, we weren't considering forensics but once we had it and it's secure, then we would be considering forensics after that, or there would be somebody who was leading there potentially in contact with the SIO. Initially,

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we were going to an unknown location so – certainly from what I recall – we weren't all forensic suited up in SOC suits and all.

32. I am asked when I would expect a Scene Entry Log to have been started after a property has been secured and seized. The answer is probably, at that stage, after it was secure. If you can't get a Scene Entry Log, the officers who take on locus protection probably record it in their notebooks until a Scene Entry Log is brought to the locus, but once it is secured and is identified as a locus, that's when a formal log would start naturally. In general, once the locus was secured then a log would start. As I say, it could potentially be in an officer's notebook to start with and then move onto a formal Scene Entry Log, and that's all documented on that.

Seizing officers' clothing and PPE

33. Following on from that, I'd be back at Kirkcaldy Police Office. Say, four o'clock maybe back at Kirkcaldy. I was first of all briefed by a DCI Stuart Houston. I couldn't say when we were briefed by Stuart Houston and for how long. I don't know if he was SIO or he might have been the MIT, but me and Alan were directed to take the clothing, uniform and equipment from all the male officers that were involved in the contact with Sheku that day. We were to do it forensically, which means myself and Alan were to be fully kitted out in white suits, masks, gloves. We would put a debris sheet, you potentially call it, on the floor. So the officer would come, stand on the debris sheet and then basically defrock or handover his equipment from there and, basically, the sheet is just there to catch anything that falls off the uniform if there's any kind of particles on that.

34. I am asked whether I remember any of the detail of the content of the briefing with Stuart Houston that I received back at Kirkcaldy Police Office after being at Dick/Macleod home address which was about seizing the clothing and the personal protective equipment of the officers who had attended at the incident with

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Sheku Bayoh. The content of it was that Sheku was dead and the officers had all been there at the time or shortly after it and so, for fullness of the inquiry, we would retain all their equipment for potential forensic examination. It was I'd probably say it went without a lot of need to over-describe it. It was just, you know, somebody was dead and people had been in close contact, so we were taking their equipment and their clothing for a potential forensic.

35. We retained the uniform from all the male officers. So if we're back at four, probably 'til about half 12-ish I'd be in Kirkcaldy retaining items from cops. A lot of discussions were had before we actually started to take the items. I would think it would be on the production schedule – the times – but I've not actually seen them. So I couldn't say specifically. It's potentially in my notebook actually.

36. I can't recall exactly how many officers had their uniform and equipment seized, but certainly all the males that were involved. Most of them were in uniform. Then there was a DC as well, who I think was the initial DC that went to the scene. So for the officers: boots or shoes, trousers, police t-shirt, vest, baton, handcuffs if they had them. Then we bagged all their equipment up. I signed it, Alan signed it, and the officers signed it. Then when they left the room, we packaged up the debris sheet, lodged that as a production and then defrocked our white SOC suits and lodged them as productions and then basically wash our hands and then go for the re-frock, if you like: put another SOC suit on, another set of gloves, for the next officer coming in. We would have taken each of their uniform and from what I remember during it, because there was an awful lot of uniform and productions. We would hand it over to the MIT team or the MIT production officer. He would take it away and we filled out a production schedule, if you like. It's basically a schedule of what we've taken, and we hand that to the productions officer at the end as well.

37. I am asked why I didn't recover the clothing from PC James McDonough but recover it from the other male officers who had attended the incident with

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Sheku Bayoh. I think it was just the amount of time it was taking. Yes, it was definitely to do with that. Initially, me and Alan were going to take it all and then they realised that we couldn't take it for the females because they're having to take everything off, and then ultimately, the time it was taking for the amount of items getting retained, they just asked another set to do that one. So it was just sheer numbers.

38. So we did that and then following that, I don't believe I was involved anymore. I remember we were ultimately stood down and returned and think I got back to Stirling about two o'clock in the morning. Something like that. I do remember getting back to Stirling at two in the morning. That day, that did take a fair bit of time retaining the items for all the officers. That was generally that day from what I remember.

Notebook entries

39. I have been directed to the first page of my notebook (page one of PS13965) and the entries related to Sunday 03 May 2015. I am asked what the entry timed 0800 says. The answer is, "*On duty – Stirling CID*". I am asked what the last word on the second line of the entry timed 1030 says. The answer is, "*whereby*". I am asked what the third line of the entry timed 1030 says. The answer is, "*adult male has brandishing*". My grammar is not the best there. I am asked what the final two words of the fifth line, the sixth line and the seventh line of the entry timed 1030 say. The answer is, "*1 female officer assaulted and ended up on the ground*". I am asked what the final word of the eighth line of the entry timed 1030 says. The answer is, "*Restrained*". I have been directed to the last line of the entry timed 1030, which reads, "*possible cardiac arrest*". It has been highlighted to me that there is no reference to a cardiac arrest in my statement. I am asked where that information came from. The answer is probably at the initial briefing. Yes, I'm going to say potentially through the initial briefing when I was there with DS Dursley.

Signature of witness.....

40. I have been directed to the second page of my notebook (page one of PS13965). I am asked what the first four lines say. The answer is, "*L + B*", which is Lothian and Borders, "*officers to obtain statements, myself + 038 Monteith securing address of Dick and partner*". I am asked what the last word on the second line of the entry timed 1320 says. The answer is, "*identified*". I am asked what lines four to seven of the entry timed 1320 say. The answer is, "*Both persons removed. Initial viewing of address complete. Nothing immediately evident. Locus secured.*".
41. I have been directed to the third page of my notebook (page two of PS13965). I am asked what the fourth to seventh lines of the entry timed 1500 says. The answer is, "*clothing and PPE from officers who were in contact with / involved in incident with Sheku Bayoh*". I am asked what the eight and ninth lines and the first word of the tenth line of the entry timed 1500 says. The answer is, "*Forensically recover the items and lodge and record them accordingly*".
42. I have been directed to the fourth page of my notebook (page two of PS13965). I am asked what the first six lines of the entry timed 1542 say. The answer is, "*PC Walker stated baton was in locker and had been for the whole day. Attended at locker and collected same. Following items retained from PC Walker.*".
43. I have been directed to the fifth page of my notebook (page three of PS13965). I am asked what the third and fourth lines say. The answer is, "*Following PC Walker leaving the cover retained*", which would be the debris sheet on the ground. I am asked what the entry timed 1708 says. The answer is, "*Following PC Paton leaving debris collection sheets and scene of crime suits and gloves recovered.*".
44. I have been directed to the sixth page of my notebook (page three of PS13965). I am asked what the first five lines say. The answer is, "*Personal radio, CS spray, left boot, right boot, trousers, belt, police t-shirt, outer vest,*

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handcuffs and baton, body armour". I am asked what the fourth line and the words in brackets on the fifth line of the entry timed 1815 says. The answer is, "*t-shirt and microfleece (CS contaminated)*", as in his microfleece had CS spray on it. I am asked what the final two lines on the page say. The answer is, "*PC Tomlinson stated handcuffs and baton lost at locus.*".

45. I have been directed to the eighth page of my notebook (page four of PS13965). I am asked what the fourth and fifth lines say. The answer is, "*Utility belt contains baton and handcuffs.*". I am asked what the entry timed 2124 says. The answer is, "*Following having retained debris collection sheet and SOC suits, and gloves x 2, all items retained were recorded and lodged.*".

46. I have been directed to the ninth page of my notebook (page five of PS13965). I am asked what the entry timed 2140 says. The answer is, "*General waste of room also lodged as a production.*". I am asked what the entry timed 2225 says. The answer is, "*Fully debriefed DCI Houston and returned to Larbert police office to compile operational statement.*".

Daybook entries

47. I have been shown the first page of my daybook (PS13966). I am asked what the third line of the second paragraph says. The answer is, "*went into cardiac arrest*". I am asked what the third line of the fifth paragraph says. It looks like the sentence is not finished. It's like, "*was down at the,*" and I maybe then went to try and get his details at that point. I am asked what the final three paragraphs on this page say. The answer is,

"Deceased was planning to go to the home of Martyn Dick, [REDACTED]

[REDACTED] not Dick/Macleod home address, with partner, Kirsty, to watch boxing.

11:40 Call from deceased stating someone was disrespecting him.

7:30 Zahid phones Collette to say deceased has left. Signs of attendance at deceased's home address."

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I don't know what the last entry means though.

48. I have been shown the second page of my daybook (PS13966). I am asked what the second paragraph says. The answer is, "*Martyn Dick address + Kirsty – shut down as locus.*". I have been directed to the entry that says, "*Nine officers in total*" and am asked what is written below that. The answer is, "*We white suit eliminating*", as in we put a white suit on to try and eliminate our DNA from getting any contact.
49. I have been shown the third page of my daybook (PS13966). I am asked what the first line says. The answer is, "*Retention of clothing and PPE from officers involved.*". I am asked what the third paragraph says. The answer is, "*PC Walker claimed that his baton had been in his locker the whole day and he had not been in possession of it at the time of the incident. Attended at his locker to collect and produce same, following all items being retained.*".
50. I have been shown the fourth page of my daybook (PS13966). I am asked what the entry timed 1720 says. The answer is, "*AM029 outer vest PC1035 Alan Smith includes handcuffs and baton.*" Some of them have them attached to their vest, not to their belt. I have been directed to the list of items retained from PC Ashley Tomlinson, which ends with an entry timed 1822. I am asked what the text below that list of items says. The answer is, "*PC Tomlinson states that he lost his baton and handcuffs, most likely at locus during the enquiry / incident.*". I have also been directed to the last line on page four of my statement (PS00935), which says, "*Police Constable 691 Ashley Tomlinson commented that he had lost his handcuffs and baton at the scene of the incident.*". I am asked if I can explain this difference between my daybook and my statement. The answer is no, I can't explain. I've obviously looked at my daybook when I've wrote my statement and, you know, maybe with the way my writing is, I've not picked up "*most likely,*" and it's just been as I've typed it. I've obviously wrote it in my daybook at the time, and that's



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maybe just quickly reading it and typing it out to get it submitted to the inquiry team. That's the only thing I could say is just when I've read it I've not put those words in.

51. I have been shown the sixth page of my daybook (PS13966). I am asked what the entry timed 2140 says. The answer is, "*General waste from officer clothing retention.*".

Media

52. I am asked if I spoke to anybody from the press or the media of any description about either the incident between police and Sheku Bayoh or my involvement in the incident, either at the time or since. The answer is no.

53. I am asked if I know if anyone else spoke to the press. The answer is not that I'm aware of, no. As I say, with it being Kirkcaldy, I came back to Stirling and very much had no more other contact with anybody about it.

54. I am asked if I was aware in May 2015 of any Police Scotland standard operating procedures or guidance on the subject of dealing with the media. The answer is I thought there would be a SOP, but my knowledge of it – I don't know.

Training

55. I am asked what training I had received prior to 03 May 2015 that related to the tasks that I carried out on that day, including securing and seizing [REDACTED] [REDACTED] and then recovering the clothing and PPE of the male officers that attended, if there was any specific training on those tasks.

56. With regards to seizing the productions, you get initial training at the college, or I did certainly when I joined. Basically, they explain what productions are

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and you're shown how to retain them or how to lodge them into bags, etc.. Things change over the years. There's been PowerPoint presentations brought out about changing certain things: you'll put gloves and suits and that on, and how you should put them on, etc. and, to be honest, on the job training. Over the years, the amount of clothing and productions I've seized is quite a lot.

57. Going to somebody's house: I don't think we get training for going to the house, to be honest, or speaking to them. Seizing the house: there's not really training for it. It's a case of, "I'm told that house is to be secured," make sure the doors are secured, and you stand outside it. Ultimately, that's what you get. I'd say through your whole service you get locus protection awareness because you just do it. Probably training at the college as well. Certainly, when I was there, there was general explanations of a locus and what that entailed.

58. I am asked what training I would have had in relation to the use of force. When you join the police you get – or certainly I did get – quite extensive training at the college. You get it regularly at the college, at least once a week, I would say, for the first five to ten weeks – I couldn't give you an exact figure – and then following that, leaving the college you get – or you did at the time – get it one day per year. You would get officer safety training, which would be a kind of walking through handcuff applications and such like.

59. I am asked if I received any training on any of the following specific elements of use of force: the use of incapacitant sprays; the use of batons; leg restraints; restraint in general; the question of whether to use force at all and the different levels of response; and communication within the context of the use of force.

60. Yes. I'll start with CS. You basically get shown how to deploy CS. I've got to say they're in classroom-type scenarios, people walking towards you is the

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training you get in class. Baton: it's changed over the years. They show you how to do a front strike on a pad, a back strike on a pad – certain strikes on pads – and how to retain your baton, or try to retain your baton. Hold techniques: again, they try to show you all this is in one day. They'll show you one or two restraints. Use of Force: there's a use of force continuum – I think they call it – which is basically a scale, but it's a very flexible scale. It can go from totally compliant to assault or very resistant and violent, and your response can be anything from communication to use of force or a baton strike or CS deployed. Obviously, nowadays it can go higher as well. There's tasers and such like, but I think that's beyond your officer safety, that's into your taser training.

61. I am asked whether any element of the classroom-based CS spray training was intended to replicate what you might call real world conditions or to teach officers to take into account things like weather. The answer is no. It's more communication with the instructors and those on the course, ultimately. We do training with our colleagues. So the CS spray is a water spray and they'll be coming towards you, and you'll spray them and they'll stop and they'll go down. We're not violent with each other. We don't continue to try and fight once we've been sprayed. We don't actually strike each other with batons, or if we put handcuffs on it's very controlled and you're trying not to even put too much force on your colleague or anything like that.

62. I am asked if I recall being given training on de-escalating situations using communication or any other means. I don't believe you get specific training. It's just what police officers will learn, to communicate with people, and I think it's just part of the police officer's role, try to do that. There's no "de-escalation" training. No.

63. I am asked if I have ever had training on learning from the experiences of other police forces in dealing with incidents of note, or if I am aware of any mechanism for such learning to be shared with Police Scotland and its

([REDACTED]

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officers. I can't think specifically but there's officer safety training, for example. The training I've received has changed over the years and I take it that's based on information received back, or incidents that happened. So certainly, officer safety training has changed. So I don't know specifically. I couldn't say, you know. They'd have to speak to their trainers about that, but certainly training has changed, and I believe that will probably be a factor based on things that happen in the country.

64. I am asked if I recall ever receiving training on positional asphyxiation. The answer is yes. You do get that explained to you of what it is and it's generally, as I say, in a classroom. We get made aware of what it is and, ultimately, if somebody suffers with positional asphyxia, then obviously it becomes a medical emergency. That's ultimately what it is. I am asked what was the context of that that training, and whether it formed part of first aid or use of force training. I think it's accomplished over both to be honest, because our officer safety training, it's now two days. One day is probably more full of first aid. Though we don't have first aid; we have first aid that's called Scottish Police Emergency Life Support (SPELS). It's advanced life support, I think. I'll probably say something it's not. It's not full first aid. SPELS is what it's called. I don't know exactly. It's not full first aid, but it's along those lines. So we get that and it's ultimately talked about and how people can suffer from it. You know, from positions on the ground and ultimately if you become aware of it, you know which steps to take. But it's just that. It's spoken about in the officer safety training and each year it's mentioned, and it is asked about the class if people know what it is.

65. I am asked if I recall any training being given on excited delirium, sometimes referred to as acute behavioural disorder or drug-induced psychosis. Again, it's something that's talked about that it can happen. Well, I think we used to get shown videos – you know, this could potentially be a person suffering from excited delirium. I know its name has changed and for us to consider that obviously as a medical emergency, but we have to contain the person first,

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you know, because the ambulance isn't going to come and treat somebody that is violent. But we are made aware of what it is, yes, in the general context.

66. I am asked if I have received any training on the subject of identifying medical emergencies. I think we're shown videos. I wouldn't say we're trained to identify all the medical emergencies. It's basically, we look and see. We're there and we find out what's in front of us. Do we just consider that a medical emergency? Do we consider that could be, let's say, excited delirium? It's basically based on our judgment when we attend.

67. I am asked if I recall ever being given training on the post incident management process that would be followed in relation to a death in custody or on investigations of deaths in custody. The answer is no.

68. I am asked if I recall any training that I've been given about liaising with next of kin. I've never had any specific training myself. I have dealt with obviously numerous next of kins over the years. So I suppose you learn that in the job and through colleagues and suchlike, but I've not had specific next of kin training. No.

69. I am asked if I have had training on the delivery of death messages. We did have a scenario, if I remember it, a scenario-based training at the college where basically we had a scenario where we had to, you know, pass a death message and considerations of how you would pass a death message and what you would do. Obviously it was actors or teachers pretending to be actors. So I'd say there was that general training and then say every tutor – every cop that comes in has a tutor – they'll have experience in that. It'll probably help, on the job training, I would say.

70. I am asked if training is given in relation to media engagement. I've certainly had it as a supervisor when I became a sergeant. I hadn't had it before that.

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On a supervisor’s course, there's a media section on it. It was [REDACTED] the reporter, that was involved in it. So they get actual media personnel in and you get a degree of training on it.

71. I am asked if I recall any training that I've been given on the subject of racial awareness or equality and diversity. The answer is yes. At the college you get diversity training right at the start, or certainly I did. I think it's a week-long diversity and inequality training. I believe there's still Moodle online learning packages now, as well.

Race

72. I am asked whether I have ever in my career with the police witnessed any examples of racial discrimination, racist comment or racist jokes by police officers or staff. The answer is no. Not me, personally. No. I am asked how I would respond if I were to observe something like that in the workplace. I'd challenge it to be honest. I've got a duty to challenge it and it's not based on rank. It's based on, you know, what's right and wrong. Without quoting, you know, the media and that, there is no place for it. So it's a case of challenging it directly. Obviously, there will be a scale for what is it that's been said. Could it amount to a criminal element? And I'd be reporting that up the chain as well. You know, potentially Professional Standards Division (PSD). Certainly making maybe our commanders and superintendents aware. Yes. I would challenge it if there was, or I was aware of it.

73. I am asked whether there is a formal process for reporting and recording racist incidents at work. Yes. I believe there is a process in place for incidents involving police and this would fall under it and it's a form and I would submit it. You know, generally speaking, criminality would go to PSD, but the supervisors would be copied in. If there's any questions of "Could there be racism?" and it's not criminal, I don't know. They say something racist is a crime. I'm trying to think of a scenario where I wouldn't consider it a

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crime and I don't know. I'd have to see what that would be considered as, but certainly there's an important process in place.

74. I am asked what my understanding is of the role of a senior officer in the process for reporting a racist incident once it has been escalated to them. Say the officer involved or who had committed the racist comment or had said something, a senior manager's got the potential to remove them from the role they're in; remove them from frontline policing. There is potential for suspension, but that goes to the DCC, the Deputy Chief Constable. He makes that decision for suspension. Ultimately, there's got to be an investigation into it, which is a part of PSD getting involved in. Ultimately, if there's a crime, it'd be reported to Procurator Fiscal Service and there's also a conduct hearing following the criminal aspect. If there wasn't a criminal aspect, it would still go to a conduct hearing. So yes, there is. Moving him from the role, putting him on modified duties, and there's also potential for suspension. But as I say, that's above the Super's action. The DCC would make the decision on that.

75. I am asked if as an Inspector I would have a role if somebody reported racism to me, or if the report would go to specific people to be dealt with. No. My initial role would be as the Inspector. I would obtain the details for the person reporting it to me. Ultimately, gather the evidence, you know, identify who else was there, where it was, ceased to be. All of the kind of standard natural lines of inquiry. I would take the steps to capture all that, initially. The officer involved, you know, I could remove them from the frontline duties. I can't suspend them. As I say, that's the DCCs but I can remove them from frontline duties. I could send them home, but it would then have to go up the tree for it to progress further. But on the day in question, certainly I'd be gathering the evidence and I can remove that officer from their duties and ultimately send them home. If there's a crime involved, I'd make contact with PSD but, if it came down to it, I could arrest them and carry out the criminal investigation. I can do that or consider, if it was one of my officers, direct, that I had close contact with, potentially getting the support of another police incident officer –



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basically the inspector on duty – to do that on my behalf. I gather the evidence, but they effect an arrest – we might find we could do it that way. So I would go ahead to another inspector potentially. It all depends on the circumstances, but I'd be able to take action at the time. I can gather the evidence, all the information in relation to the incident, and take initial steps with the officer, and then report that into management, and then it gets progressed further.

76. 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 30, 2022 | 9:39 AM GMT

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