



The Sheku Bayoh Public Inquiry

Witness Statement

DC Wayne Parker

**Taken by [REDACTED] by MS Teams
on Wednesday 2 November 2022**

Witness details

1. My full name is Wayne Parker. My date of birth is in 1972. My contact details are known to the Inquiry.
2. I'm now a Police Sergeant. I was temporary for about 3 and a half years. I've been substantive for about a year now. I'm based in [REDACTED].
3. I was a DC in plain clothes in May 2015. At that time, 3 May, I'd been in the criminal investigation department for about 3 years based in Levenmouth. That was a CID department.
4. I was a temporary DS round about 2016 for a year and a half. Then I was acting as a response Sergeant about a year after that. I was an acting response Sergeant from about 2018 for just under 4 years. I was made substantive in the last 1 and a half years.

Previous statement

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5. I have read my statement on 3 May 2015 (PIRC-00023). Routine practice is to prepare an operational statement at the end of the day, you do it there and then. I know that was done that day. I do remember preparing it. It's in detail and with enough there if I needed to expand on things in the next few days. There's enough detail to cover the main events. These are certainly ones I thought were pertinent at the time.

6. I have been asked if I had a duty to complete the statement or whether it was a matter of practice. It's a bit of both, practice and because of a duty. It's best practice to do it early for better recollection. Because of the severity of what happened, because it's a death in police custody, it's serious and needs a statement. It saves us later on preparing the same statement. It aids officers working on the case as to what my involvement was and gives a better picture. It gives the reporting officer an insight into what each team was doing.

7. I did write true and accurate account to the best of my recollection on that day.

8. My recollection was definitely better when I was interviewed then than it is now. We're 7 years down the line now.

9. I had no assistance to prepare my statement. I think if all officers are finished duty sitting in the same room writing their own statements then I'm sure there will be people asking about times. I've no doubt that times were shared between us. I'm quite fastidious about times to I could be asked that by another officer. Other than that nothing else was shared.

10. I didn't have any feedback from my Sergeant or the reporting officer about this statement, as far as I recollect. I ticked the box that confirms it's my own statement.

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11. I remember giving my previous statement to PIRC dated 2 June 2015 (PIRC-00024). The skeleton of the statement was based on my statement. The questions they asked me were based on queries from witnesses like Collette Bell. For example, I was asked if she had provided a statement. My statement was expanded on, basically, to include the questions they were asking at the time as well.
12. I told PIRC the truth in the interview. My recollection was definitely better when I gave the statement than it is now. I can't remember if I signed the statement. I have no doubt they would've asked that. I was shown it to read over it.
13. I have been shown a handwritten copy of my statement and confirm I've signed all of the pages.
14. If there is a discrepancy between my Inquiry statement and then previous ones, cross referencing my operational statement and the PIRC statement would be best. Because of time-related issues, my memory won't be as accurate. I remember a lot of stuff about that day. It's the kind of day you don't forget. Thankfully we don't have a lot of deaths in custody so it's one thing you don't forget.

Notebook

15. I have read my notebook entries for 3 May 2015 (PS01385, PS01386, PS01387, PS01388). This is my notebook.
16. The PIRC requested me to attend on the day for my statement along with my notebook for entries. In my notebook it's saying times. I'm fastidious like that. PIRC asked how I knew the times and I explained it to them. I've documented time, details and what's spoken. It's succinct, short, for the notebook.

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17. The notebook is a record of what you have done throughout that day. Documenting the time. It's a shortened version of your day. Things that were work-related ie every day parade for duty at a particular day, who were you working with that day, what briefings did you have, which house did you attend.
18. It's a document of what is that day, a reference point to keep you right legality-wise. They can ask if you spoke to such and such. Legality-wise means it's classed as a legal document of what I've done that day. So if I've arrested someone, his replies are in a confidential police document that can be provided in court at a later date.
19. I didn't keep a daybook. It's basically for Sergeants. Sergeants use them for tracking staff, phone calls, it's a reference point of phone calls and staffing. Some use it for other things but that's what I use it for. It's hard as a Sergeant when you're coordinating. As a DS it's difficult to coordinate, pairing staff for example. It's too much to put in a notebook. The notes are longer so I need a bigger book.
20. At the end of 3 May 2015, the backshift's coming on to the enquiry, the DS said to ensure our operational statements are done. This is with reference to our notebook. We record times and who we spoke to. That provides a skeleton for the operational statement. If I tried to recollect from memory, the times would be wrong.
21. Moreso speaking from hindsight and experience now, if I went out and something happened, I know what I need to write that would be contestable or not sitting right, if there's going to be a complaint in future. In my notebook I would write this down.

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- 22. For example a road traffic accident with 7 people, I would write down all the people who were in the vehicles. I'll know from experience I need to know who was in the car at the time. It provides a comfort that I've written this down at the time in my notebook.
- 23. I can't really speak for other people's practices but I am OCD, for want of a better word, for times so my practice is always to write these details in.

Media

- 24. I've seen bits and pieces of the Inquiry. I've seen some interviews regarding it. I was the Sergeant of one of the guys who was involved, PC Craig Walker. I managed him. [REDACTED]
[REDACTED] I've been more involved in that respect. Where the case was in the background, I was aware of it.
- 25. The interview I saw was the ACR duty Sergeant, watching his account. From my POV, I was interested as a Sergeant seeing how he ran it, from an operational point of view on the day. We only saw the aftermath and didn't see the incident itself. The interviews I saw are the hearings on the website.
- 26. I was just looking out of curiosity at what happened. Not being nosy but for future incidents I was thinking of what happened and would I do it differently. We didn't see that side of it. The cops involved, we didn't even see them on the day.
- 27. I was asked if my recollection has been affected by anything I've seen in the media. Not really, we were on the periphery, after the incident. We were trying to corral what had happened and get a version of events and secure the scene. I wouldn't say the media impacted on my version at all.

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Training

28. For training, we get the divisional officers course, basically you are training to be a DC. It's a two week course at the college. All the relevant courses attached to that such as drugs testing, witness interviews, interview skills, various things are there. The two week college thing covers locuses, witness statements, major incidents among other areas.
29. We get initial training and a refresher. They used to be more than once a year. We get officer safety training (OST). Prior to the police I was a senior nurse in a hospital so OST is familiar. I do refresher training twice a year.
30. I've got a BA degree in nursing and a diploma in police service management. I did this in 2017.
31. I have a module for advanced investigation, a University qualification for investigating serious crimes. It was at the University of Stirling. It's a 30 point module towards the degree. That was around 2017 or 2018 as well.
32. I don't think I have had any training in post incident management or in the investigation of police officers. I've done the PIO's course which is as an incident manager. Post incident management is TRIM management of staff; I will have done that with the officers that are involved.
33. On the divisional officer's course we had a visit from a Fiscal for what they require from deaths, suspicious deaths, deaths in custody and that sort of thing. They tell us what they require from the investigative side of it. It used to be a two week course and you get examined. You get exams initially and then exams each day, case law, that sort of thing. Covers all aspects of major crime, sudden deaths, attempt murders, robberies, rapes, all the stuff you're dealing with as a Detective. Interview skills is one of them. If you didn't pass

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this then you wouldn't get into the second week. The new DCs course is online I think, I'm led to the believe.

- 34. I haven't had specific training in liaison with family members in a death case but I was in a position where I had been a nurse so I had that toolkit to use. I had an empathetic side. It's been commented on by families. It's harder in policing because people aren't expecting people to pass away whereas in hospital they might be more expecting their family members to die. My bosses know about this toolkit. I'm not a family liaison officer (FLO) but I have those skills for that empathetic side of people.
- 35. For training of investigating a death in police custody, we probably touched on it but not specifically. In my senior managers course there was bits and pieces, but that was after this incident. It is touched on in your scene investigator course, about contacting the PIRC and things like that.
- 36. I have had training in race awareness. I come from nursing where we have diversity courses throughout training. I worked in Dundee and it's a diverse background at Dundee. There's quite a lot of initial training in ethnicity, stereotypes, things like that. At the time there was a lot of LGBT and diversity training at the college. I think they do that more so now because of the diverse community we've got at the moment. That training was when I first joined as a PC.
- 37. I'm sure we had an input in police, some Moodle training on diversity and equalities. There was a lot of stuff regarding gender equality and awareness of LGBTQ issues with non-binary aspects. There was a flag for diversity training every so often. On a regular basis there is stuff on the intranet that updates on diversity as well.
- 38. For race, there was definitely one last year but off hand I can't remember. There's always bits and pieces on the intranet regarding it. If I see it, in the

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Moodle training, we have a professional obligation to read it. It's monitored who reads it. It's put on by the College or Glenrothes. If it's come up on the intranet then I will have done it. We have a professional responsibility, it's updates given to you so it's monitored to make sure officers are aware of these issues.

- 39. I think Police Scotland are quite good at covering it to be fair. I come from a background where you get training and that's the end of it. Police Scotland training is monitored and it has to be completed. I think they're good in that respect.
- 40. Both me and my line manager were responsible for my training. For most of my career I've been CID, 10/11 years in CID. Each specialism is different however there are the same issues of development. You sit with your boss. As a DC you have to do your divisional course. There will be courses that are given to you and some you want to do specifically. In CID you will want to be a crime scene manager, for example.
- 41. As a Sergeant I try to develop my officers and keep their professional knowledge base better. I want to expand their knowledge and help them deal with things better. I'm a firm believer that if you don't ask for it you don't get it. So the officers have to ask for it as well.
- 42. We get opportunities all the time to read SOPs. We have access to SOPs all the time. For example on a Saturday night, in St Andrews, if a serious offence comes in then I'll look at the SOP to remind myself of what I need to do and make sure the team will know what to do. If it's a serious offence comes in at night, for example, I'll look at the SOP so that when the handover comes in in the morning I've covered all the bases.
- 43. There's a lot of training that people do within and outside CID. There are courses available that you have access to. All specialisms have access to

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different courses. So as a CID I didn't need to be a terrorist detention officer for example.

Experience

- 44. Fortunately by May 2015 I'd not had any experience in investigating a death in police custody.
- 45. From when I joined CID in 2011/12 I've been involved in dealing with suspicious deaths and sudden deaths, since then. I'd been CID for 3 years. Our job, when a death comes in, if it's not a medical death, I'd be involved in reviewing cases, seeing if anything's jumping out as an issue. We were involved in all suspicious and drugs deaths.
- 46. I didn't have any experience dealing with complaints against police officers, on or off duty. No criminal nor professional complaints.
- 47. Race was not a factor in any of my prior investigations into deaths cases.

Role on 3 May 2015

- 48. Our normal CID routine for that morning was to review all crime that's come in through the night. Anything of a severe nature and been picked up, anything that's on the call cards that looks severe or serious we should have sight of. That morning the DS, the other DCs and me were looking through the call cards and I saw the call card from Kirkcaldy. That was about 7am. Then the DS came through.
- 49. I did my normal duties on that day until we had the call to go through to Kirkcaldy. We had a briefing and got separated into investigating teams. These were different teams in the investigative strategy. We'd be sent out to corral that investigating strategy. This is all normal practice.

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- 50. I was made aware by DS Graeme Dursley that there's been an incident at Kirkcaldy, involving a male with a knife, and he's been taken to hospital. The team on that night had been involved in the incident and we had to replace them. We went through to Kirkcaldy.

- 51. We got our briefing from either DS Dursley or DI Colin Robson. The briefing was to the effect that there was another call regarding a property within 100 metres of the incident that was insecure. There was a spurious connection between them and the two that it might have been involved. So we were sent to deal with that.

- 52. There were a lot of people milling about the station initially. Initially there was limited management but later on higher ranking officers were there. The only officers I remember were DS Dursley and DI Robson at the time. I spoke directly to DS Dursley, my line manager, I didn't see DI Robson initially. I remember seeing him at some point but my briefing was given by DS Dursley at the time.

- 53. When we returned to the station there were a lot of people I didn't recognise. There were a lot more Chiefs and Supers than when I first arrived. I don't know who was in charge. It's a filter down thing, there would've been briefings at a level I wasn't party to. I wouldn't be in the meeting with the Detective Superintendent. The only time was when in my statement when it was one of the Supers. My line manager was always DS Graeme Dursley.

- 54. I didn't see any PIRC at the time. We were sent straight out. I wasn't aware of the PIRC's role that morning. There were a lot of things I didn't know. I didn't know if PIRC were involved at all, not then. At that time it was an investigation where contact was made with a male by officers and he became unconscious and taken to hospital. I don't know if he was deceased at the

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time of the briefing. We were to secure the house which was a source of the incident.

- 55. I have been asked if I considered, or know of any of my colleagues considering, that this was an investigation into potential criminality by police officers. No, definitely not. From the call card I'd read it was a male who had a knife who was stopped by officers. There was no suggestion of criminality at that point. That's the way it was presented to us and the way it read on the call card. I wasn't aware of any criminality at that point.
- 56. I have been asked if any possible racism on the part of the police officers was a factor to investigate. No, not at that point.
- 57. At the outset of an investigation, we're wanting to secure any evidence. The primary thing with policing is to preserve life. On this occasion the gentleman has passed away. We were to secure locuses of the potential deceased and the locus where the incident happened and any witnesses. We couldn't rule out criminality on the part of police officers. We can't rule anything out at the start. At the time the male has been taken away it could've been anything.
- 58. With my experience now, what's written on a call card is not what you're presented with at the time. Whatever's written can be mistaken, written down wrongly. I've seen it in the past.
- 59. We've seem one with a male with a knife. We knew the officers were detained downstairs but we didn't know the whole context of it. We wanted to get the full story of what happened, find witnesses and secure evidence of the locuses. The immediate actions at the crime scene was to collect evidence, secure evidence and witnesses.
- 60. The main thing for me as a police officer is, you don't know what you're presented with. If there is a suggestion of criminality then the progress of the

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investigation will go as such. All we knew was there was a male with a knife. He hadn't just arrived at the scene from nowhere, numerous members of the public had phoned in with his movements.

- 61. We have to be transparent anyway. The public have to have a degree of comfort that we're transparent. There wasn't any suggestion that morning that there was criminality.
- 62. I wouldn't deal with it differently because the man was black. All creed, colour whatever, it didn't change how I dealt with it. Him being black didn't make a difference. I don't think anyone else did anything different because he was black. We just had a male in contact with the police. My personal opinion and personal value and everyone I worked with, I've not come across anyone who deals with people of different ethnicity different. A male with a knife was all it was. I had comfort that more than one person reported him having a knife. On this occasion there were many calls coming in. It was a male with a knife acting erratically.
- 63. Him being black, personally that categorically didn't factor into my mind. Never in my career have I ever come across police doing things differently because of race. I've come across the public racially abusing members of the public. Everyone gets dealt with the same fairness. That morning, because he's a black male I didn't think he was dealt with any differently. What we did was for the safety of the public.
- 64. If I'd come across a witness that had said the officers involved had shown any degree of racism verbally or physically, the statement would be written the same no matter whether he's white or black. Statements are a way of getting a succinct view. If there was a suggestion of racism we would've dealt with it.

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65. But there was nothing that anybody said that was race-related until we passed the death message to the family and then it became race-related and there were comparisons to a case in America. I want to say here it's obviously absolutely horrific what's happened to the family, losing a loved one. That's the only time I heard it was race-related, the third time delivering the death message I think it was, and certainly not in the course of the enquiry.

Timeline

66. Chronologically, first we went to the unsecured house. We brought Collette back from the house. We needed confirmation that the guy who died was her partner. She said her partner was missing. She'd received a call that someone had been chased down the street to the locus. I said have you tried calling him, she said he has a gold phone. I relayed that to DS Dursley. I said to her the house is a potential crime scene and we had to lock it down.

67. We brought her to the station. DS Dursley gave me the death message to tell her. Early this morning we said there's a critical incident and her partner had died. From there I took a statement of first sighting. On the back of that we had confirmation of ID.

68. We went back upstairs at the station and we were told to go to see his sister and pass second death message.

69. We said "to male believed to be a partner" to Collette and then changed that to "a male who is your brother", that was passed to Kadi Johnson. Slight difference because we now had ID.

70. From the second death message we had to be careful what to give at that stage, the enquiry was that there was an incident this morning and your brother has died. It's in my statement.

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- 71. Then when we were en route back to the station from Kadi Johnson's house, we got a call and a request to ask the family if they want a member of senior management team to attend and speak with them. Then that changed to providing a further death message.
- 72. We returned to Kadi Johnson's house. DC Mitchell was pointed. The third death message was given that there was contact with police. We disclosed more. I don't know why, we were basically just the messenger. We passed it to the family to keep them updated.

Briefing

- 73. The first briefing is in my notebook (PS01385) that we had a briefing at 8:20am. We went to Colette Bees address at Arran Crescent at 9am. The briefing was by DS Graeme Dursley.
- 74. My second statement is a bit more in depth. There was an incident whereby members of the public had rang in. He had a knife. He's attacked officers, taken to the ground and became unconscious. We were told there was another house within 100m. The male came from this house, it's a potential locus. It was potentially related, purely because of the distance at the time. There was a house insecure and a person missing from that house. An insecure house can mean someone's broken into the house and left it, or there's been an incident and it's been left.
- 75. We knew a female rang in, house insecure and partner is missing. We didn't know if this was the same incident. We had to think there was a potential this is where the incident started from. We needed to go and secure it.
- 76. We split into two teams. My team was me, DC Clayton and DC Mitchell. We were told to contact the female and make sure the house was safe and see if

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there was a connection to the incident we were dealing with. I don't know who was in the other team, possibly DC Miller and DC Petrie. I don't know what they were tasked with doing. We were all doing separate tasks. I don't know why three of us were tasked. Three was enough because we need one to make sure she's ok and the other two to make sure the house was secure.

77. I'm positive during the briefing there was a tube on the table with a knife in it. That was in the station before we left. When the PIRC asked questions for my statement, one of the questions was whether any of the DCs were out of sight in Sheku Bayoh's house. I said the knife was in the briefing when we left. The knife was already there at the station before we went to the home address.

Sheku Bayoh's address

78. We went to the unsecured house at Arran Crescent in one vehicle. I can't remember who was driving. I can't remember any discussion in the car. No doubt we will have discussed it.
79. When we go to things we will be discussing risk-wise what we're dealing with. We have a male with a knife nearby. We don't know if someone's going to be injured, or another assailant or whatever. There's a female there. We're concerned for her safety. We weren't sure if there was going to be a body there. We don't know who was involved. We would be discussing this.
80. With an insecure premises, everyone has certain principles to do this. You'll have your PP, PAVA, baton and handcuffs. You'll have this at your disposal. I'll be content that if there is somebody there we can secure the female if she's there and fend off anyone that would be there. I think that's adequate numbers at that time.

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81. We arrived at the address. There was no-one there at the time. The house was insecure. I think the front door was closed. I'm not sure if she's shut it and left or opened it. We arrived there and she wasn't there. I messaged the station. She said she was at her mum's in [REDACTED] to pick up her child. I explained the process. I sent in the DCs. You had a line of sight from front door to rear door. From a risk point of view all was content at that point in time.
82. It was more to keep her and her child safe. We didn't go in until she came home. We were waiting about 10 or 15 minutes. We rang back and someone called her at her mum's and said she was coming back.
83. She basically said she found the house insecure and her partner Sheku Bayoh was missing. She said she hadn't heard back from him. She said his phone was missing and she had a call from her friend Zahid Saeed. Zahid said don't go back in the house and said Sheku was agitated because someone disrespected him. Zahid had fallen out with him. Zahid said Sheku then chased him down the street. She described that Zahid had told Collette where he'd went. She pointed us where Zahid had said he'd gone. Sheku went in the direction of where the male made contact with police. It was looking more and more possible that the two were connected. That gave us impetus that it might be Sheku who had died, or the friend Zahid.
84. I relayed this to DS Dursley who said the man had been found with a gold phone. This looked more and more like where the incident had started. I spoke with DS Dursley via phone or radio, I'm not sure. Depends on reception.
85. As DCs you're looking for as much information as possible as early as possible to decide where the forensic strategy will go. We've found a potential locus. We've then been asked to secure it. DS Dursley asked us to secure it.

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- 86. To secure it, this is now being named as a locus. We're ensuring any evidence is forensically secured. Front and back door secured to ensure no one is getting into that house. Locus protection put on at that time. There were certainly signs of a disturbance in the hallway and the kitchen, and out in the rear garden. Locus protection is done by uniformed officers. Before that happens, to minimize any footfall you make sure the locus is empty, with no outstanding suspects hidden.

- 87. A dog handler was put on the back and two community officers put on the front door. I think it was just staffing-wise to secure the property, that's why the dog handler was there, because he was close to the house. It meant we didn't have to wait long. The incident was involving a knife so if someone did come back to the house it was good to have that security of a dog handler there at the house if they decided to come back. I can't remember who asked the dog handler to attend.

- 88. She was still needing to feed the child. The house was all secured. She had a seat inside the living room. We had a wee chat about taking her back to the station to take a statement. She fed the baby in the house. I was content that the house was secure. We gave her an opportunity. We didn't want her having to do that in the station. It was easier for her to feed at home. The mum had come down at that point.

- 89. At this point in the house we were still seeking clarification and identification. We didn't tell her anything more than wanting to take her to the station for a statement. We wanted a statement because we've got someone missing, there's a disturbance at the house. Items in the back garden belonging to him. We've got a male missing and insecure premises. We don't know what's happened. We asked for a statement for when she last saw her partner, that kind of thing.

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- 90. I didn't feel it was appropriate to take statement at the house because it's a locus. It's a lot easier to have brought her to the station. If we're noting a statement it'll be a major incident and might be put on tape, so would have to be at the station. It provides a degree of security specifically with what's happened. It was security for her, physical security. If I was noting a statement from her and someone comes back to the house, I'm putting her at risk, as well as her baby and her mum as well. The station is a safe environment to take that statement.

- 91. I wasn't a trained CSM but we were taught how to deal with a crime scene. Secure a locus, encapsulate everything forensically. That's what we've done on that day. It's basic knowledge of a police officer, moreso a DC.

- 92. A Scene Entry Log basically is the people in a locus who enters a crime scene attends and mark it. The loggist has to put their name on it as well. That's the person on the door. That's a uniformed officer.

- 93. I don't know what happened at this locus with the Scene Entry Log. There probably would be one at one point. There might not have been one initially. I can't really recall that to be honest. We were told to secure it as a locus. There should be a Scene Entry Log at the locus. Sometimes it's not put on straight away. There should've been one taken there soonest. If there's not a log, usually the officers document it in their notebook. That allows them to put the timing onto that book retrospectively.

- 94. Once we left Arran Crescent I'm positive I didn't go back. After I left it would've been coordinated by somebody else. My job was to carry on back to the station and note a statement.

- 95. The legal basis for securing the locus is if we believe a crime has been committed we have powers to secure it. We can seize the house. We discussed initially with Collette and asked if she was happy we're going to go

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in there. We said we wanted to see if anyone was in there. She was fine with that.

- 96. Once it's been deemed a locus we have powers to search that. We wouldn't need a warrant for it. If the house is going to be searched for evidence then we would need a warrant. For a locus as an initial crime it can be seized. At that stage we can't search for evidence.
- 97. The CSM will come in in the back of that. There's a potential link to the incident. We'll seize the locus and in effect protect that. If there's anything to be searched for, we'll still have access to carry out scene examination. That's the SIO's policy. We don't need a warrant for that.
- 98. The Police Reform Act allows us to do this to protect life and protect property, to protect Collette. As a courtesy I spoke to her and she agreed. That was deemed a locus and seized. My decision in policy making issue were out of my control. I'm comfortable that I can seize that as a locus. Any warrants, policy etc would be above me. Whatever happened afterwards is outside of my remit. My priorities were her safety at that point.
- 99. I have been asked if the CSM would need a warrant. It depends what way the enquiry is going to go. It's a crime scene at the moment. If a search is required for a knife, potentially they might need a warrant to do that. The decision making will be over and above. A locus is where a crime has potentially happened. We don't know if a crime has happened. Effectively securing that locus will allow us the comfort that if something has happened, it's been secured. If we do that later it might be too late.
- 100. The locus was seized to allow the investigation to provide a degree of comfort to the forensic integrity. If it unfolds that the house has nothing to do with it, the house will be released, aside from the missing person. If this is the

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source of the incident then we've secured it at the right time. We've not broken the chain of evidence by not securing the locus. There's no gaps.

101. I didn't seize anything. She gave me one of his phones. We didn't know that the partner was the guy who went to hospital at that time but might be a missing person. I think somebody else seized the phone but it wasn't me. I think that's right. We didn't seize anything else.

102. I wasn't involved in the house after we left.

Delivery of the death message to Collette Bell

103. We gave Collette the option, her mum was there with the wee one, we said whatever's easier come with mum or she can follow us. I think they followed us in their car. I knew where the police station is.

104. As a courtesy I asked the custody Sergeant if can we clear the station corridors before we go in. We cleared the corridors and we went to one of the interview rooms. The custody Sergeant cleared that and protected her from cops walking round. I've no doubt it happens in any walk of life. Provide her a bit of decency. We went in the front door.

105. We cleared the interview views on either side. It was just us, Collette, mum and child. Mum took the baby. I went upstairs and spoke to DS Dursley and that was when I was informed that somebody had ID'd him and that was when I was to give the first death message to her.

106. DS Dursley told me exactly what to say. It was words, bland, and what we had at the time. It was basically a critical incident this morning whereby a black male had died and we believed it to be her partner, Sheku Bayoh. That's exactly what I passed on to her. It's on page 3 of my statement (PIRC-00024).

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107. We had ID but it wasn't until full ID was given it's not classed as confirmed. The circumstances around it were 80/90% it was him. We had to be up front. I think there was a degree of fairness. We had to make her aware of this before noting the statement. I think we did it the right way round.
108. She was really upset and kept saying it can't be him. I told her he'd passed away at the hospital. I said we had to ask her about the house and other people. She was decent to be fair, she sat with us for a couple of hours and gave us her statement. She understood why we needed to do it.
109. We explained to her why we were taking the statement. I've done statements like this for years in the police. I said it might seem heartless to take a statement at this time. But I said in a few days it might not be fresh in her mind. She wanted to be sure about his movements beforehand. She didn't express any concerns. She was upset but she was really good throughout the statement.
110. It's normal practice to do this. Best practice to get as much information as possible early on. There has to be a degree of flexibility. If she'd said she can't do it, she'd be allowed to go home to her mum's. I had to emphasise the point that we had to do it in the earliest time possible. There wasn't any resistance from her at all. There has been times in the past when someone's partner has died and they're so distraught and we haven't been able to take any credible information. She was upset but didn't give us any resistance. She was fine with the statement being taken.
111. It's normal to go to an interview room. Interviews are on forms and read over. The wee room is not just used for suspects, they're used for witnesses as well. It's a quiet room basically.

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- 112. We read over the statement. She was getting upset as the time was getting on. I went up and spoke to DS Dursley and said I don't think she'll be able to sit and go over the statement on tape. It would effectively be another hour and a half of tape.
- 113. The statement was read back over for her and signed accordingly. In a statement like that, you'll read back the whole statement to them, and see if there's any changes. We'll cover any errors. She'll read and sign it. That can be read back over on tape and shows her being shown that.
- 114. Because she was getting upset, it would take longer to go through the rigmarole of tape. She was getting too emotional and we were happy to read it over and save the time taken to get the tape ready. It's not on tape, it's not best practice, but we read through it to be fair to her.
- 115. If there was any minor resistance I would've probed it and asked if we could do it later that night or tomorrow. If there had been any problems then I wouldn't have taken it.
- 116. At the interview her mum was sat in the corner with the baby. We accommodated blankets, food as well. The mum was sitting there supporting the daughter. It's not really normal practice for mum to be there in the interview. Mum wasn't involved and she wasn't negatively affecting the interview. In hindsight we're trying to make it as easy as possible for Collette. Mum was there to give support and we were trying to be as decent as possible after an emotional incident.
- 117. Following a death message, if a person is not involved then yes I would always let them sit in the interview. If they are involved then the person might just try and impact the statement. If mum was involved at all she wouldn't be there. For a welfare and support point of view I let her sit in with her. It's a degree of decency I think.

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118. I have been told DS Graeme Dursley states (PIRC-00137 at page 2) the following: *“With regards to the death messages delivered to Collette Bell and thereafter the family. When Collette Bell was within Kirkcaldy Police Office, I spoke to DI Colin Robson, and whilst I did think it was Sheku Bayoh who was dead, at that time there was no formal identification so between me and Colin Robson we delegated Wayne Parker to tell Collette Bell, words to the effect that, “a black male had been found dead and we suspected that it may be her partner”. We based this on the fact that there was a black male dead and that a gold coloured mobile phone was found at the locus. Collette Bell had previously that morning told DC Wayne Parker that Sheku had an unusual gold coloured mobile phone. The wording of the death message is not recorded anywhere in any format.”*
119. I haven't been told DS Dursley's account before. That is accurate to the best of my memory. It's pretty much exactly what my statement said. The wording is slightly different but it was pretty much what was said that morning. The wording included reference to a critical incident.
120. That is my recollection at the time, I don't know if I'd heard that it was a critical incident. I can't really comment what was said. At the time I wrote “critical” but it's been so long I can't remember. We may have just said it was an incident. I don't think there's a difference.
121. In my opinion, a critical incident is because someone's died. Saying ‘an incident this morning’ is playing down what happened. I would perceive this to be quite critical, that someone's partner has died. When I say critical I didn't mean in a police point of view. A critical incident in policing is something like a massive gas explosion involving multiple 999 services. I said critical to emphasise the fact to her that it's a very serious incident. I think it's a bit blasé to just say it's an incident. I don't think DS Dursley has said that.

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122. I have been told DC Andrew Mitchell states (PIRC-00026 at page 3) the following: *“I was present within interview room no.1, the first interview room on the right, when DC Parker passed the death message to her. DC Parker told Collette that from the description Collette had provided to the police of Shek, coupled with the mobile phone found at locus, the police wholly believed that it was her partner Shek had died during this critical incident. I understand that DC Parker was delivering this death message on the instructions of DS Dursley or DI Robson. I wasn't present when this instruction was given. I remained at all times with Collette and her mother whilst DC Parker and DC Clayton were updating the bosses.”*
123. I haven't seen Dc Mitchell's operational statement but we were in the same room when he was drafting it. I don't think the police “wholly believed” that it was her partner who had died at that time. Once I passed the death message, when Collette was saying it can't be him, I explained why we think it was, the gold phone and he's black, so I can see where DC Mitchell has picked that up from.
124. I wouldn't say “wholly believe” in a death message and it wasn't passed to me that way. It would be succinct when I explain things to people. On the back of when she said it can't be him, I said there would need to be a formal identification and asked her if she would be able to do that. I probably gave her that explanation about why it was him.
125. I have been told DC Andrew Mitchell states (PIRC-00026 at page 3) the following: *“The instruction from the bosses was to get a full statement from her and I was very surprised that she was completely compliant. She initially took the news very badly and whilst Wayne Parker remained in the room, she was given time, maybe 5 minutes, with her mother who was consoling her. During this time I took baby [REDACTED] out the room.”*

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126. She was initially quite upset. We gave her time just to absorb it. To be hit with that then to take the statement immediately would be off. We wanted to give her time with her mum to console.

127. I have been told DC Andrew Mitchell states (PIRC-00026 at page 3) the following: *"If at any time Collette said she was not up for providing a statement, I would have absolutely gone with that. We wouldn't have taken a statement there and then."*

128. That's pretty much what I said. You have to take these things early but if at any point she became too emotional then we would've stopped. She was great all the way through it. But at the end she was getting too emotional to put it on tapes I didn't think it was fair on her to do that. I explained that to the DS and they were happy with that.

129. I have been told DC Andrew Mitchell states (PIRC-00026 at page 3) the following: *"I was present during the entire time of taking her statement. DC Wayne Parker noted it. Collette's mother was present for moral support. I remember Wayne reading the statement back to Collette. She was initially asked to read the statement herself but she said she was happy for DC Parker to read it back to her."*

130. I remember that.

131. I have been told DC Andrew Mitchell states (PIRC-00026 at page 3) the following: *"When Wayne read the statement back to Collette I was 100% certain that what he read back was an accurate account of what she had told us. I remember Collette agreeing with the content and signing each page. I don't remember her objecting to the content and if she had done it would have been amended there and then and signed for. At no time did Collette's mother object to any part of the statement which she would have heard when it was read back to Collette."*

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132. That's all accurate.

133. I would presume there would be a FLO. My limited knowledge of FLOs is it's not just next of kin, it would be family and partners, too. Collette was made aware of FLOs. That would be left for the FLOs to discuss. The information at that point was going over her head, which is understandable. That sort of decision is made at a later on level at SIO and above. I would presume they would allocate a FLO to the family and to her.

134. I have been told Lorraine Bell states (PIRC-00260) the following: *"It was around about nine AM when we had reached Arran Crescent. I noticed that police were present right outside Arran Crescent when we arrived. The car at the address was an unmarked police vehicle. There were four police officers in the car. The two in the front of the police vehicle were in plain clothes and the two police officers in the rear of the car were in police uniform. All four police officers were male."*

135. Initially when we went to the house I'm positive it was just three of us. We sourced staffing after that. When we arrived at 9am there were three of us. Another officer might've come after we contacted the station. We came with three officers initially.

136. I have been told Lorraine Bell states (PIRC-00260) the following: *"On returning downstairs with Collette and [REDACTED], police then said that Collette would have to go to the police officers in order to make a statement. They said that Collette would have to go alone with them as I would have to take [REDACTED] back to my home in order to look after him. I insisted to police that there was no way that I was prepared to let Collette go alone, in the state that she was in, without me to the police station. The two plain clothed officers on hearing what I said appeared to not be very happy about this. They kept looking at each other in annoyance. After a few minutes, during which they*

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appeared to think things over, they said that I could go with Collette to the police station. However, they added that the police station was no place for a baby (██████).”

137. That’s definitely not what happened. That version is completely skewed. I never had that conversation with her and I don’t think anybody else did. It wasn’t an issue that she couldn’t come. I wasn’t party to any conversation like that at all, categorically not.

138. I have been told Lorraine Bell states (PIRC-00260) the following: *“The police officer who spoke then said "I'm gonna be brutally honest, there is no easy way to say this. There has been a body found matching Sheku's description". Collette then said is he (Sheku) dead. The plain clothed officer said yes.”*

139. That’s not what happened. That’s not a way that we would pass the message, definitely not. I wouldn’t use those words. I don’t think I’ve ever been that brutal. That’s not the wording I’d use. I’d not say the word “brutally”. I said it was someone who was believed to be her partner.

140. I have been told Lorraine Bell states (PIRC-00260) the following: *“Collette became very upset. She was crying and shouting in a very uncontrolled way. So much so that I had to pass my grandson ██████ to the other plain clothed police officer who was in the corner of the room. This police officer took ██████ outside in order to allow time for Collette to settle down a little. After about five or six minutes Collette had settled down a bit.”*

141. That is accurate. That’s pretty much what I said. She was upset and kept saying “it can’t be him”. We let her mum console her for a bit.

142. I have been told Lorraine Bell states (PIRC-00260) the following: *“One of the plain clothed officers returned into the room along with ██████ and it was then suggested/asked if Collette was in a position to provide a statement. Collette*

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herself agreed to give the statement. I was present when she said this. Collette also in my presence asked the plain clothed police officers if she would be able to see Sheku. The police officers said immediately that Collette could see Sheku.”

143. The first part was accurate, we asked if she felt ok to give a statement. I don't think her mum spoke to us at all.

144. About Collette seeing Sheku, that's not accurate. If that was said, it would've been explained that an identification would be required and that she could see him then. That wouldn't be a promise I made or ever would make. If that was asked I would say she probably couldn't see him. We would never not allow her to see him, but within the realms of forensic integrity, that would never have been offered at that moment.

145. I have been told Lorraine Bell states (PIRC-00260) the following: *“I wish to state that I found some of the points made and questions asked by police to be unusual. What I mean by this is reference to matters such as:- did Sheku pray five times a day, did he eat pork, did he smoke, did he drink alcohol. I could not understand why such things were asked given that we were led to believe that a body was found on the street. I also thought it was inappropriate that police made reference to racial issues including questions about whether Sheku perceived that Collette and he faced problems in a mixed race relationship.”*

146. These questions weren't asked, definitely not. Statements take a certain direction. We wouldn't ask about pork and stuff. If these questions were asked then they'd be in the statement. I can't see why we'd asked that. It's bizarre.

147. I probably asked if he drank or took drugs, that's probably due to trying to understand why he was agitated. And had he been taking them that night. It'd

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be in the statement if it was. All of Collette's answers would be in the statement. Every single thing was read over and she signed every line of it. If I asked those things then it would've been put in the statement.

Delivering the death message to other members of the Bayoh family

- 148. We went back up and fed back that we'd given Collette's statement to DS Dursley. We handed it over to DS Dursley. We needed more clarification at that point. We wanted to contact his next of kin Kadi Johnson.

- 149. DS Dursley and DI Robson were there at the time. We were to contact the next of kin and pass on death message. That was it.

- 150. We went to [REDACTED]. The death message was the same as what we told Collette. The only difference was that we said it was Sheku Bayoh, not "believed to be" because we had confirmation of ID.

- 151. I don't know what enquiries had gone on in the background. During the 2/3 hours we'd been noting the statement I think another officers had identified him at locus. ID was confirmed so we could pass the death message to his sister.

- 152. It was bland again when we gave the death message to his sister. It would've been round about the back of 3. I see from my notebook (PS01386) it was at 15:10 we arrived at the address.

- 153. This time we attended the house. The door was open and it was either Kadi's husband Ade or Kadi who answered the door. DC Mitchell passed on the death message. We said there's been an incident this morning where Sheku Bayoh had died. I didn't say we believed it to be Sheku Bayoh this time. That was as much as we could give at that time. We said it's as much as we can

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give from the enquiry and that as more information comes in we will update you.

- 154. Their response was a lot of questions, how, when, where, was it a fight? All the information DC Mitchell could give them was that it was early in the investigation and this was all the information we had. We stuck to what we could give. I've given numerous death messages where we'd love to give more information but we can't, certainly not in these early stages.
- 155. I was asked by PIRC if I said he was found at the side of the road. I didn't know that, I thought he might've been found on the grass.
- 156. I have been referred to my notebook (PS01386) where I've written "*Kadi Johnson b [REDACTED] at [REDACTED]*". That's what she gave. It doesn't matter at all where she's born. We take everybody's details. We will note down where they were born It's a set routine to write down people's details regarding an incident. So, it's Collette Bell, over the page its says "[REDACTED]" where she was born. DC Mitchell might have the same details in his notebook. That's a routine notebook entry for somebody who's been contacted by the police.
- 157. We were with Kadi and Ade. The time at the bottom of the notebook (PS01386) is 1540 when we "*Re-attended*". It couldn't have been that long we were there. On our journey back to Kirkcaldy Andy was contacted by DS Dursley and we were to ask the family if they were happy with a visit from senior management. So we were probably there for about 10 minutes. I think it was Andy who got the call, not me, but I can't remember. We were to ask them if they were happy for senior management to come and speak to them regarding it.
- 158. We were headed back to give them an update and then we were contacted on the way. I can't remember if we'd fed back or not. We gave DS Dursley an update on the phone when he called.

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159. We went back to the house. Ade invited us in to the living room again. Andy or me said we'd been asked by our bosses if they want a visit. Ade said he'd previously worked with Garry McEwan, he knew him. He was the Chief Super at that time.
160. Then when we were chatting and Andy's radio started beeping with a point to point. He made his excuses and left the living room. I remained. He was only away for about a couple of minutes. Then he explained to me that senior management weren't available at the moment and that he'd been given a message to deliver to the family. I wasn't party to that message. He read it verbatim from his notebook. I think I read it at the time he was reading it. It was more in detail as to more disclosure to the family.
161. Andy read it to them. Words to the effect of, following an incident on Hayfield road Kirkcaldy, this morning, that officers made contact with and arrested Sheku Bayoh, he'd then become unconscious at some point and conveyed to hospital. He'd died shortly thereafter. That's roughly what it was. Much more detail this time.
162. I think the immediate response came first from Ade, he got very upset and started shouting. He was asking why there was such delay in informing this. I didn't know the reason behind this. He was asking questions, he mentioned he's a race relations officer. He mentioned Baltimore and Kirkcaldy, something that police were being involved with black people. It was a barrage. I totally understood why he was angry. We were trying to appease him as much as possible. We explained it was an investigation and we didn't know enough. He asked loads of questions and we didn't tell them anything over and above what we were told to disclose.
163. PIRC asked me about warrants for Sheku Bayoh. I don't know where that came from. There was no mention of warrants or anything like that. There

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was no mention of involvement of any persons. They said it's early on in the Inquiry and that's all we could say to them. That's all we could give. We're duty bound to only give them what we've been told to give.

164. We weren't there that long. That was 5 or 10 minutes in the house. In between the time we were way, Kadi, Ade and Collette and her mum were there with the baby as well. I can't remember if Collette or her mum said anything to us. The response was led by Ade. Kadi was understandably upset and crying.
165. Ade made suggestions that racism in police was similar in Baltimore and Kirkcaldy, and that's the first knowledge I had of any race issue being brought into it.
166. Kadi would be needed to ID him and there would be a FLO discussion. They were fine with us but there was a problem with why it had taken so long to be informed that the police were involved. What I mean by that is that the last death message was that police had arrested Sheku and they wanted to know why we hadn't disclosed that from the start. That was their main query.
167. Basically, we told them that they'd be contacted by the police regarding identification and allocation of a FLO. We'd go back and feed back to our bosses. No doubt I said we were really sorry for their loss. I always say that at the end of things. I explained what a FLOs job was, to provide more information later on.
168. I can't remember if Andy said anything. We were trying to be empathetic about what happened. We didn't know what happened. We hadn't been to the locus, didn't have any information about the body. Our strand of the investigation was about Collette Bell. We weren't party to any conversations about the enquiry. We only had the information from DS Dursley to pass at that time. It would've been frustrating for them because we didn't have

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information. They would've wanted a lot more information and we couldn't provide it.

169. We must've been at the house on 5 or 10 minutes because when I got back to the station I started my operational statement. At 18:30 in my notebook I was asked to brief the FLOs to help them do their job and relate to the family better. I honestly don't know who were the FLOs. All I remember was Superintendent Pat Campbell was there. The FLOs were two females and one male officer. There were three allocated. I was hoping there would be two for Kadi and one for Collette.

170. For the meeting with the FLOs, it was basically questions of who we'd spoken to and how they were. Collette was upset and we'd noted a full statement. We explained that she was upset so might need an addendum to the statement to explain what happened. We explained visiting the family and what the dynamics were like when we were there and when we left.

171. That was the end of my involvement. We had noted a statement from Collette and Andy and I delivered the death message to Kadi Johnson.

172. At no point was I aware of PIRC's involvement. When we came back to the family and we had a briefing with the Superintendent. We weren't at the station at all that day.

173. I've never been involved in an enquiry that's had the involvement of PIRC.

174. At Kadi Johnson's house, we didn't answer any questions. We said we didn't know what happened. We were asked about a knife or a fight and we said we didn't know. We explained the processes of it and that it was early in the enquiry, we didn't know any information and that was our stand in the enquiry. Even if I had the information I wouldn't have told them. PIRC asked me about this. We reiterated what Andy had said. Anything that we told them

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could impact the enquiry. The information didn't deviate from what we told and the messages that were given. I've given a lot of death messages in the past, I understand how important it is not to give any more information about the enquiry. I tell that to my officers now.

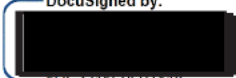
175. I was asked I am aware of a form of words as follows: *"Following an incident this morning, in the Hayfield Road area of Kirkcaldy, officers from Police Scotland have been attempting to arrest Sheku Bayou, during which time he became unconscious, conveyed to hospital by Scottish Ambulance Service and despite best efforts by medical staff died shortly after 9am this morning."*

176. That sounds like the right message that was given by Andy. It's pretty much as it is given my police. What I remember was very similar, if not exactly the same. We said it was on today's date. I know it was 7 years ago but I remember writing in my statement verbatim what Andy had given.

177. I don't know the instructions. I wasn't party of the conversation with DS Dursley.

178. I have been told that Ch Supt Garry McEwan (PS03136 at page 2) states: *"About 1645hrs DS Dursley informed CI Shepherd that two Detective officers had attended at the home of the deceased's family and were met with a highly charged emotional and at times confrontational environment. I thereafter spoke to both officers (Dc's Mitchel and Parker) and informed that the family demanded my attendance to "get answers"."*

179. We were asked to just pop up and see the Super. That's basically the update we'd given DS Dursley. It was confrontational and the family demanded answers. That was a couple minute chat we'd had with the Superintendent. That account is accurate to me.

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180. I have been told that DS Graeme Dursley states (PIRC-00137 at page 2): *"I previously gave instructions to DCs Parker and Mitchell when they delivered the pre-prepared statement, which in effect was the 3rd message. I knew that my detectives would get bombarded with questions from the family on the back of this prepared statement and I specifically told them not to answer any questions directed at them as they were not in a position to answer."*

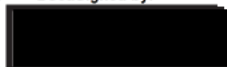
181. That would've been the conversation that we had. It's a standard conversation. Don't give anything over and above that written statement. It was reiterated to the family and his partner. We knew we were going to get barraged. We had to defend our position and explain we couldn't give any more information.

182. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"About 3pm on Sunday (3.5.15) two plain clothes police officers called at my house. They identified themselves with the identification cards as Andy Mitchell and Wayne Parker. This was my first contact with Police Scotland. I had not been contacted before this by Collette or any other family member."*

183. This is accurate.

184. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"The officers came into my living room and they informed me that Sheku was no longer with us and that he had been pronounced dead in the ambulance on the way to the hospital. My wife was present at the time. I asked how did he come into contact with the ambulance. They said a phone call had been made by a member of the public who lived close to Sheku's house. I asked where was Sheku at the time the call was made to the ambulance. They (police) said close to Sheku's house."*

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185. No, that's definitely not the first message given by Andy. We didn't know any of that. That's definitely not what we said. Andy had basically just said Sheku had died. Certainly in the second message Andy mentioned the ambulance, but not the first one.
186. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"I asked was he in a car accident. They said no. I asked was he in a fight. They said no. I asked was he stabbed. They said no. I asked so how did he die. They said they did not know. I asked if his friend Zahid was dead too, but they said no he was fine. The police officers said they were looking for two guys and that they (police) were going to a friend's house called Martin (witness Dick) I asked if the partner (Collette Bell) knows and they said yes. They asked us to contact Collette as he seems to know more about what happened as she had been talking to Zahid."*
187. We didn't know anything. The only reason I know Martyn Dick is because he's a witness now. I mean in the Public Inquiry. We didn't know at that time that he was involved. We never mentioned anything like that. All we could tell them what was given to us and we stuck to that.
188. According to Collette, Zahid was his friend. They asked if we'd spoken to Collette and we gave them a number to contact her. That's all that was disclosed. We said she'd given us her number and she was happy for us to speak to her. That's all. Nothing was disclosed about anybody else involved. We wouldn't and we couldn't.
189. I can't remember anything at all about Zahid. I don't remember saying that. I didn't know who he was or what his involvement was so we couldn't comment. The only mention of Zahid was from Collette so I didn't know where he was or if he was safe or not. In policing terms I only comment if it's definite. At that stage of the enquiry I didn't know about anything about Zahid. If they asked me that I would say the carte blanche answer that we don't

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know and can't say. We couldn't pass information that we didn't know. The officers in the enquiry probably didn't know to that extent either. All our replies were pretty much bland and that we couldn't give any more information.

190. We have to be like that and we stood our ground. Especially with the hostilities at the end. We certainly didn't disclose anything about the enquiry.

191. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"At the end of that we saw Wayne and Andy coming back. They came back and they said their gaffer wants to come to the house to explain what has happened and asked if this was okay. I said yes. At this time it was myself, Kadi (my wife), Collette and her mum, Lorraine. Collette asked Andy and Wayne why there was a difference as to how Sheku had died. She said she was told Sheku had been found at the side of the road by a passer-by, and them telling us Sheku had died in an ambulance on the way to the hospital. The answer was they did not know where Sheku had died."*

192. She hadn't been told anything like that at all by us. If anything she probably asked why there was a difference between what she was told and what they were told. The answer is that as the enquiry progresses there is more information. We knew it was Sheku who had died.

193. In my opinion, the answer sometimes has to be quite cold and it doesn't answer their questions. As the enquiry goes on we're only allowed to give the information that is the only rationale I would have given at the time if she asked. I can understand the contrast between "believed to be" and "confirmed". That's why the messages have changed.

194. 7 years down the line I can't remember the exact questions. It was constant things about how to answer. We couldn't give them anything that's why we went back to the Superintendent. We'd be making an answer up because we

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didn't even know how he was found. Without anyone else being involved I don't know where the question about the body has come from. It's definitely not anything we would say.

195. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"Eventually we were told their gaffer could not make it and to tell us that the police had been involved in the death of Sheku. I asked the question how were the police involved? One of the officers has a nursing background."*

196. I'm sure it came up in conversation. I always have a discussion with people. I probably said these conversations are not nice for a family and I say I've had to pass death messages for 12 years and that I did it in a hospital setting as a nurse. That's how I told him. I said I had a nursing background in the course of passing the death message.

197. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"It was the other officer who referred to his notebook, basically he read from his notebook, holding it in a way his colleague could read it as well. He told me there was a warrant out for the arrest of Sheku and that they were trying to arrest him and he was refusing. Then they had to make a forceful arrest. It was during that process they (police) realised he was unconscious. They tried to resuscitate Sheku."*

198. None of that was said. Andy opened his notebook so I could see what he was reading. I could see what he was reading was verbatim. I stood and looked at what was in the notebook. There was no mention of resuscitation or warrants or anything like that. That was not said by Andy, definitely not. Absolutely not a forceful arrest. Verbatim from the book, nothing else.

199. We didn't know what had occurred, all we knew was he was carrying a knife in the street. We didn't know anything about involvement until that third

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message that he'd been taken in the ambulance. We knew nothing about police contact at all.

200. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"I asked a question again 'who called the ambulance?' They went quiet. I asked the question again but this time, if the police were present, who called the ambulance? They said the police. I then asked when the police met Sheku, was he alive. The answer was yes."*

201. We couldn't comment on that because we didn't know that. We didn't know anything over and above what we're telling them from the notebook. To this day I don't know who rang the ambulance. Regarding the rest, definitely not. I couldn't comment on any of that. I now know from the Inquiry the footage of the cars and that, but back then I didn't know what had happened.

202. I have been told Adeymi Johnson states (PIRC-04350 at page 2) the following: *"At this point my wife, Kadi, Collette and Lorraine became very emotional and angry. The officers then said a family liaison officer would be in contact. I said to them to tell Garry McEwan (Chief Superintendent) that Ade Johnson needs to see him within 24 hours. They both seemed quite shocked that I knew Garry McEwan. That's when they left."*

203. I don't think we'd be quite shocked because he already said he knew him when we first went to the house. He'd brought him up beforehand. In my statement he's already brought it up in conversation that he's working in Kirkcaldy police with Garry McEwan. He's told us before.

204. They become quite upset and confrontational. The main concern was why were they not told the information initially. My impression is that they were concerned we were hiding something from them. We weren't giving them a detailed message. They wanted to know why we'd told them a different message. Ade made it about police brutality against black people. They

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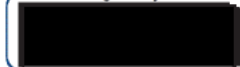
wanted more details. We wouldn't say the word "gaffer" it would be one of our senior management team. That was what would be explained to them. We did say a family liaison officer would be in contact.

205. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following:
"About 3pm on Sunday afternoon (3.5.15) I was within my house when two plain clothes police officers called at our house. Ade answered the door. Ade called me through from the kitchen to the front room. At that time it was Ade and the two plain clothes police officers and myself who were in the front room. The officers were Andy and Wayne. I was asked what my relationship was to Sheku. I told them he was my brother. I was then told 'There is no easy way to tell you this, but Sheku has passed away.' Obviously I was upset."

206. It's routine to ask who they were to give the death message. That's when I've noted her name down and relationship. That's part of passing the death message. That's probably what we've done. Spoke to her like that. Andy will probably have said that, "There's no easy way to tell you this, but Sheku has passed away". Per my statement I think he said that. I have no issue with this, but maybe a bit more was said, not as summarised as Kadi has said.

207. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following:
"Ade started to ask questions about how Sheku had died. I remember Ade asking was he involved in an accident? They said no. Was he stabbed? They said No. Was he bleeding? They said no. How did he die? They said 'we do not know.' Then they said they are looking for two guys."

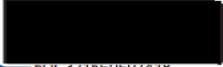
208. It would all have been, "we do not know" from the start. We can't answer those questions. The carte blanche answer would be we don't know. Anything over and above that certainly not. Nothing over and above that.

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209. Because this is a live enquiry, if you're instructed to pass a death message you cannot disclose anything over and above that. It's going to impact on the enquiry. If I knew, my reply would be that we can't tell you more than that. We would've been saying "we do not know", not "we can't tell you". We would say that information wasn't known. We can't go to the house especially not on that occasion. All I knew was on the call card and 50% on the call card is spurious, just what somebody has rang in. I would say we don't know.
210. I don't know where the point about two guys has come from. Andy never said that either. Categorically not. That's come from left field.
211. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following: *"I told them Sheku has a partner and does she know. They said yes. I did not have Collette's number at the time, so they gave me Collette's number and gave the phone to me while they (police) were here. I spoke to Collette. She was crying, I was crying, she asked if she should come over to our house. I said yes and she said she was on her way. Before Collette arrived the two police officers left, saying Family Liaison Officers would be in touch."*
212. Yes, I remember her asking if his partner knows. I don't see any issue with that. Collette authorised us to give her number to them and they asked if we'd spoken to her.
213. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following: *"I think sometime after 4pm (3.5.15) Collette arrived with baby [REDACTED] and her mum. Shortly after that the same two police officers, Andy and Wayne, came back to our house. They came back to ask if their 'gaffer' could come and speak to us. We said yes. By this time it was the two police officers, myself, Ade, Collette and her mum Lorraine who were in the front room."*
214. I don't think we would've said gaffer, but no other issue with this.

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215. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following:
“The police officers stayed with us for some time. The police officer who did not have a nursing background was going outside the front door to make and answer his mobile phone. This officer did not mention anything about these phone calls and I did not hear any of the conversation as he was outside. After several phone calls this officer came in and said his 'gaffer' was going to another meeting. He then read a statement from his police notebook.
216. I don't remember Andy saying Gaffer. If it was me I'd say senior management or one of our bosses. No issue with the remaining account.
217. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following:
“The police officers were sitting side by side. The officer reading his notebook, positioned the notebook in such a way his colleague could clearly read it also. I can remember being told "the police have been involved in a forceful arrest and during that time they realised Shek was unconscious and ambulance was called and died by the time he got to the hospital.”
218. Definitely there was no mention of forceful arrest. There was mention that an incident on Hayfield Road and officers of Police Scotland had arrested Sheku Bayoh and he'd become unconscious. It was verbatim what was in Andy's notebook so it'll be written in there.
219. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following:
“By that time we all got upset because by that reading we thought the police had killed him (Sheku). I thought this because I said to the police officer from a nursing background, you are from a nursing background, I am from a nursing background, I said this is a black boy you have killed, we are from a big family and this is not going to go down well. Ade was asking questions about who phoned the ambulance. They said a passer-by and the police had phoned for an ambulance. I have used the word killed because they (police)

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have used the words 'forceful arrest' and this is my perception of what has happened."

220. I remember her saying the police had killed him. I remember mention of police brutality. As soon as we passed that message it was an assumption that the police had killed him. They constantly talked about Baltimore and Kirkcaldy and we were trying to appease them. She may have mentioned about being a big family, I can't remember.

221. There were two or three of them firing questions at the same time. We could only say what we could tell them. Because they weren't getting the answers they probably deservedly needed, someone has died and they wanted the answer. I can totally understand that.

222. I have been told Lorraine Bell states (PIRC-00260) the following: *"I do recall at least one visit by the two plain clothed officers who we had dealings with in the earlier part of the day. All I can say about the two officers is that one had a Newcastle Upon Tyne accent and the other had a shaved head. I recall that the officer with the Newcastle accent said that Sheku's arrest was forceful. This was a shock to me and came very much out of the blue."*

223. I've got a Newcastle accent. Andy was passing the message not me. I don't remember the word forceful being used. I can't comment on that arrest. Andy wrote it in his notebook and that's what was read. I don't think forceful was used in the death message.

224. I have been told Kadi Johnson states (PIRC-00252 at page 2) the following: *"Before they left Ade asked who their gaffer was. They said Mr McEwan, to which Ade asked if it was Garry McEwan. At this point they appeared surprised that Ade should know Garry McEwan. Ade then told them he wanted to see Garry McEwan within 24 hours. They said they would pass that on. They then left. I think that was after 5 o'clock."*

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225. I don't agree, not really. He'd already brought up that he knew Garry McEwan. I don't see why I would be surprised. I find that bizarre because he'd already mention that.

226. Lorraine Bell and I have a different account at parts, the deviation was at the house. There's no way I would turn round and say she couldn't come with Collette. There's no way Andy or the other cops or myself would say no you can't come and the her saying she's coming. I don't know where that's come from. It's bizarre.

227. Ade Johnson and I have different accounts. I can only think because I've been involved in other jobs. They've probably got a blurred view of the third meeting. In the last meeting I can't remember anyone saying anything but what was read from the book. I wouldn't be passing comment or saying forceful for any reason. It wouldn't be in the death message. I think he's blurred between the two meetings. He's told us he knew Garry McEwan. There's definitely a blur between the two times we were at the house. He must be remembering it wrong.

228. Kadi Johnson and I also have a different account. I can't explain why it's different. I don't know where the two males have come from. We weren't party to the enquiry at that point. If we said stuff like warrants, we'd be making stuff up and we don't do that. I don't know where it's come from. She spoke to Collette during that time. I don't know what discussions have been going on and been passed in that time so maybe something has been said there.

Delay

229. I couldn't tell you if there was a delay in passing the death message to Kadi Johnson. I don't know what happened in that time. We'd been away for hours

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with Collette Bell. Once we fed back, there's been identification. Because we were involved in that strand we'd been sent out. There was a slight deviation in the death message.

230. It's not for me to know why there was a delay. That was not our task at first for that day. From the start of the statement to the end we don't know about that.

231. There was no delay between getting the instruction to go to [REDACTED] [REDACTED]. We were tasked to go to [REDACTED] and went straight there, I believe.

232. Sometimes it happens that we don't have a break for lunch, you carry on straight through. I can't remember if we had a break or not that day.

Family Liaison Officer

233. I don't know of any difficulties in appointing a FLO. I just sat in the meeting with the 3 FLOs and that was it. We gave them a briefing and that was it.

234. I don't know anything about the relationships between the FLOs and the family.

Miscellaneous

235. I was asked if I was involved in media engagement and if I know what information was being given to the press at the time and whether I know how the information that a female police officer has been stabbed was provided to the press. Not at all.

236. I wasn't aware of the forensic strategy.

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237. I wasn't involved in any property searches.

238. I can't remember having a discussion about Colette Bees address at Arran Crescent with Garry McEwan. I can't remember it being discussed. He was more interested in the family and how they were. I don't think he'd want to know that, he's probably been briefed about that already.

239. I told him that there were insinuations that it was race related and that the police had killed him. That's what it was about.

Race

240. Policy and practice on race in Police Scotland changes on a yearly basis, there's always diversity matters that's an annual thing that people do a Moodle thing on. There has to be updates every year. The UK is becoming more diverse and everyone needs to be more aware of the diversity.

241. For deaths and religions, bodies have to be buried with timeframes. It's updated every year.

242. I have been asked if Sheku Bayoh's race played any role in my actions. Definitely not. The only time race was brought into it was when we passed the death message and it was automatic that police killed him because he was black and it was like Baltimore. I didn't see anything else.

243. I only saw on the call card that it was a black male with a knife and that was it. In my head the only thing I saw was male with a knife, it didn't matter that he was black. I didn't think it was anything race-related at all. It didn't matter about his ethnicity, police would have to get involved and deal with it. I am not speaking on their behalf, but I don't think they knew what was going to happen after that or before that when they attended.

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244. All I knew was it was a male with a knife. His race had no bearing. We showed empathy. It's quite disheartening that the family have come away with some of the stuff that they have. Emotions were high so that might be why they've come away with some of their accounts.
245. I have been asked if I was concerned about how Sheku Bayoh's race might be a factor in the public perception of the events and if anything was done in light of that. It's pretty obvious that it's going to be. With everything you see at that time. There's a lot from America with hate crime, police brutality in Baltimore at that time. Because he's back it's going to be reported on and there'll be a media strategy to deal with that.
246. If it had been a white man killed in Kirkcaldy, that's been numerous, would it generate as much press? No I don't think so. Because he's from an ethnic minority it'll probably generate more press. I wasn't aware of it on that day. Any day no matter what, deaths will generate a lot of press. We knew it would be huge in the press because of that.
247. I wouldn't have done anything different if he was a white ethnicity male. I wouldn't have changed my practice at all. I'm sure there will be stuff to come out of the Inquiry for improvement, there always is, but I don't think race was a factor at all. I wouldn't do anything different.
248. We were fully supportive of Collette and we explained she could leave at any time. Her mum was there to support her. With the family, I don't know when identification was done so I couldn't comment on the timeframe. Could they have been told earlier? I don't know, in an ideal world then yes they probably could've been told earlier.
249. I was asked whether I have ever come across any examples of discriminatory behaviour by police. No not during my career. I have been asked if I am aware of any racist views held by police officers or if I have heard any racist

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jokes or comments by police officers. I've not come across that. As a Sergeant I've not had any reported to me. If it was the case I'd address it directly. If I had I would've challenged them, no doubt I would've. But I've not heard anything.

250. 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.

January 13, 2023 | 10:57 PM GMT

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