

SHEKU BAYOH INQUIRY

RESPONSE TO RULE 8 REQUEST BY CHIEF SUPERINTENDENT CONRAD TRICKETT

I am Chief Superintendent Conrad [REDACTED] Trickett. My date of birth is [REDACTED] 1971. My business address Police Scotland, DHQ Inverness, Old Perth Road, Inverness, IV2 3SY. I have 23 years police service.

I received a Rule 8 request from the Deputy Solicitor to the Inquiry dated 14 April 2022. This statement is my response to the Rule 8 request with the questions asked by the Inquiry shown in italics below.

- 1. Please explain how you first heard about the incident involving Sheku Bayoh at Hayfield Road. Where were you and who told you? What were you told about what had happened?*

At around 10am, I was in Baluniefield Police Station in Dundee. I participated in a meeting by telephone conference call that was chaired by ACC Ruairaidh Nicolson. Chief Superintendent Garry McEwan briefed those involved in the conference call as to the incident in Kirkcaldy. My recollection as to what I was told about the incident is as set out in my statement dated 14 May 2015 [PIRC-00121].

- 2. In your statement [PIRC 00123] you state that Chief Superintendent McEwan advised "that a male was in possession of a machete in a street and that officers attended and that the male struck one of the officers with the machete, that the officers used CS spray on the male which had no effect, the officers used their batons and then restrained the male." What did you understand to be the source of this information?*

The source of the information provided to those on the telephone conference call was Chief Superintendent Garry McEwan. I am unaware of the source or sources of the information given to Chief Superintendent McEwan.

- 3. In your statement [PIRC 00121] you explain that you volunteered to take on the role as Post Incident Manager. Please explain what that role includes. How many times had you carried*

out this role previously? What training had you previously received on post incident management?

The role of the PIM broadly is to balance the needs of the investigation and the welfare needs of the officers. I had one operational deployment as a PIM prior to the incident in question. I had received initial training in April 2009 delivered by [REDACTED] Police who were the leading force in the UK on this issue. I participated in continuous professional development on PIM between my initial training and the incident in question.

4. *In your statement [PIRC 00121] you state that "I wish to point out at this stage in my statement – that at the tele conference Chief Superintendent Gary McEwan had declared that the incident was a critical incident." Please explain the significance of having an incident declared a "critical incident."*

The definition of a critical incident is set out in a Police Scotland SOP. It is significant because it elevates and prioritises the incident within the organisation and initiates structures and processes to manage the incident such as the establishment of a Gold command structure and consideration of the broader consequences of an incident such as: community impact; consideration of media liaison; emphasising the importance of family liaison; and understanding the impact of the critical incident on the confidence those in the family, and the wider community, have in policing.

Does a "critical incident" differ from a "major incident"? If so, in what respects?

A major incident and critical incident are different things. An incident can be declared as both a critical incident and a major incident. Equally, it can be declared only one of those, or neither. A major incident has a different definition to a critical incident. That is also defined in a Police Scotland SOP, which is now based on the Joint Emergency Services Interoperability Programme (JESIP) definition. A major incident generally involves coordinating a partnership response.

What, if anything, did "critical incident" status mean for your role as PIM and for the officers involved?

Declaring a critical incident didn't automatically trigger the deployment of a PIM. Nevertheless, the fact a critical incident had been declared made it more likely post incident procedures would be implemented, as they were.

In your view, was Sheku Bayoh's race (or perceived race) relevant to the decision to declare the incident a "critical incident"?

I did not declare the critical incident. That was done by Chief Superintendent Garry McEwan. He will be best placed to answer that question. In my view, Mr Bayoh's race may well have been a relevant consideration to the decision to declare the incident as a critical incident. I have received training on critical incidents and I am well aware of the public confidence concerns around the policing of incidents where race is perceived as a factor and the need to respond appropriately. I am aware that critical incident management has its origins in the response to the public inquiry which followed the investigation into the murder of Stephen Lawrence.

- 5. Please explain the delay between you volunteering for the role of PIM and you commencing a PIM log at 11.24 am on 3 May 2015.*

I was in Dundee when I participated in the conference call. I knew nothing of the incident until it was raised. It was first raised at approximately 10am. After discussion, the need for a PIM was identified on the call. I volunteered to fulfil the role because I was trained and available to assist. I was instructed to attend at Kirkcaldy Police Station to commence the PIM. I immediately started to prepare for departure and then drove directly from Dundee to Kirkcaldy. I arrived at the Police Station and commenced the PIM log at 1124.

- 6. How long did you understand the officers had been together in the canteen before you went to speak with them? Before you spoke to the officers, did you ask whether anyone had already advised them against conferring? If so, who did you ask and what was their response? In particular, did you ask PC Givan whether she had advised the officers not to confer?*

Those on the conference call were informed in the initial briefing that the officers were in Kirkcaldy Police Station. No information was provided on how long they had been there. On

arrival, my priority was to get to the officers. I did not ask whether anyone else had advised the officers against conferring. I was not aware if the officers had been advised against conferring. I had no discussion with Constable Givan on the issue of conferring. My role was that of PIM. Therefore regardless of any advice given by any other individual before my arrival, I knew to address the question of conferring directly with the officers at the start of the PIM process. I did so.

7. *In your statement [PIRC 00121] you state "In terms of conferring I was conscious that the Association of Chief Police Officers (ACPO) Guidelines and the Police Scotland Post Incident SOP both refer to armed police officers and the issue of "honestly held belief." I was aware that these police officers were not firearms police officers and accordingly that they had received no training in relation to firearms post incident procedures. Rather than using the language in the PIM log relating to conferring I used what I would describe as more appropriate language to explain the issue of conferring to conventional police officers. For example, I told them that there was no need to talk about the incident amongst themselves. I stated that their integrity and professionalism would stand scrutiny during the course of my investigation and or legal process if they did not discuss the incident with each other or anyone else." Please explain what you meant by "there was no need to talk about the incident."*

That the officers should not talk about the incident. It's a normal human reaction to want to speak about an incident particularly one of this significance. I was making clear that the officers shouldn't speak to each other about the incident or their involvement in it. The wording 'There should be no need for an officer to confer with others..' is taken from the SOP at Appendix 'N'.

Do you think the officers understood the importance of not conferring about the incident given the language you chose to deliver this message?

Yes.

8. *Would the advice you gave have been the same, or different, if Mr Bayoh had been white?*

Yes.

9. *Did you ask the officers whether or not they had already discussed the incident? If not, why not? If you did please explain the responses you received and from which officer(s).*

I did not ask the officers if they had discussed the incident. The PIM process did not start until my arrival in the canteen around 1124hrs when the first entry in the PIM log was made. I addressed that question of conferring during the 'meet and greet' at my first meeting with the officers. Any questions of prior conferral would be dealt with as part of the subsequent investigation.

10. *During the time that you were with the officers, were you aware of any discussions taking place about the incident? If so, what was said, and by whom?*

I was not aware of any discussions taking place about the incident between the officers.

11. *Did anyone advise you at any time on 3 May 2015 as to the status of the officers i.e. whether they were being treated as witnesses or suspects? If so, who advised you and explain what they said. Were you present when anyone advised the officers as to their status? If so, what was said, and by whom? Did you offer the officers any advice as to their status? If yes, what advice did you give?*

No. It is important to recognise that the PIM process is designed for witnesses not suspects. Any question as to whether any individual was a suspect is a matter for the SIO. The SIO communicated to the officers there was no suspicion on the part of any officer, as is recorded in my log.

12. *Did you receive advice or instruction on your return to KPO from any senior officers or anyone from the Scottish Police Federation? If so can you please explain who gave you advice, in what capacity and what that advice was?*

No.

13. *As far as you are aware, was race or the perceived race of Sheku Bayoh a factor in any of the advice given?*

N/A.

14. *Did you hear any discussions taking place between the officers in relation to completing paperwork, including operational statements; notebooks; use of force forms; use of spray forms insofar as these related to the events at Hayfield Road? If so, please explain what was said and by whom.*

No.

15. *In your statement [PIRC 00121] you state "At 1340 hours on 3 May 2015 Detective Superintendent Pat Campbell met with me to discuss initial investigative requirements. At this time D/Supt Pat Campbell advised me that the incident was going to be the subject of a PIRC inquiry, that there was an intention to take possession of the external clothing of the principal officers and that there was no need to take statements from the police officers at this time." In your statement [PIRC 00122] you state that during the meeting with D/Supt Campbell "I was referring to the PIM SOP and I asked whether accounts were needed from the officers and he made it clear that he did not expect any accounts to be taken from the officers that day." The SOP distinguishes between "initial accounts" and "detailed accounts/evidential statements". Did you understand D/Supt Campbell's references to "statements" and "accounts" to include "initial accounts" and/or "detailed accounts/evidential statements"?*

I was told by the SIO, Detective Superintendent Pat Campbell that no statements needed to be taken as the PIRC had assumed responsibility for the investigation. This is also what the SIO informed the officers in question. I refer to the PIM Log at 1341 hours. I understood that direction to include any operational statements from the officers, whether initial statements or more detailed statements.

In any event, I would note that personal initial accounts should not be taken under the PIM procedure until the medical and legal welfare of the officers is assured. That means after the officers (who may for example be in shock) have been medically examined and given any legal advice to which they are entitled. Neither aspect had been completed at this stage. As matters transpired, it became clear that the legal advice the officers had was **not** to give statements. The medical process in relation to the officers was completed only much later

in the day. I note also that the same PIM procedure is clear that detailed statements should not normally be taken for 48 hours.

Did you ask D/Supt Pat Campbell why statements/accounts were not required at this time?

I did not question Detective Superintendent Campbell about the rationale for his decision in relation to accounts because he had already made explicit, as SIO, that no statements should be taken.

Why was the decision over statements/accounts not taken by you as PIM? Why was that decision taken by the Senior Investigating Officer i.e. Pat Campbell?

The decision to request statements or accounts from the officers in question is ultimately a matter for the SIO. That is his role. If statements are required by the SIO, my role as PIM is to facilitate the provision of those accounts in accordance with the SOP.

16. What did you understand the Post Incident Procedures SOP said about (i) the need for initial accounts, (ii) the PIM's role in obtaining initial accounts and (iii) the timescale for providing initial accounts? What did you understand the Post Incident Procedures SOP said about (i) the need for detailed accounts/evidential statements, (ii) the PIM's role in obtaining detailed accounts/evidential statements and (iii) the timescale for providing detailed accounts/evidential statements?

As a PIM, I understood and had a working knowledge of the contents of the Police Scotland Post Incident Procedures SOP. I would repeat that no SOP existed in relation to non-firearms incidents. I therefore sought to apply the firearms policy as sensibly as I could in the circumstances of a non-firearms incident.

In relation to initial accounts, I was aware of the content of what appears as paragraph 9 of the SOP and Appendix 'N'. I was aware that if personal initial accounts had been required they should be completed before the officers went off duty but after questions of legal and medical advice had been addressed. My role would be to facilitate these accounts. In this case, the SIO made plain that no accounts were required.

In relation to detailed statements, I was aware of the content of what appears as paragraph 10 of the SOP and again of Appendix "N". I was aware these statements would not be taken on the day, and not normally within 48 hours. My role would be to facilitate these statements.

17. *Do you consider that the instruction given by D/Supt Campbell not to obtain statements/accounts was influenced by Mr Bayoh's race or perceived race? Do you consider that your decision to follow that instruction was influenced by Mr Bayoh's race or perceived race?*

No.

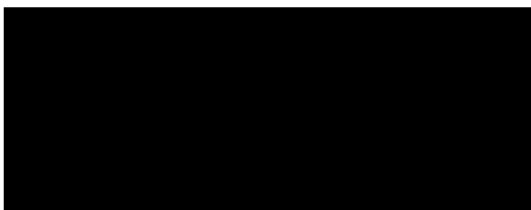
18. *The PIM log [PIRC 01088] records the following action at 1130 am on 3 May 2015: "Holding statement. Done/SIO". Please explain what is meant by a "holding statement" and what action was taken in relation to the "holding statement".?*

The reference to a holding statement is a press statement.

In your statement [PIRC 00122] you state "At some point during the course of the interaction with D/Supt Campbell, either immediately before, during or immediately after, Amanda Givan said that the Federation perspective was that officers shouldn't give statements at that time or words to that effect." Please read the statement from Amanda Givan [PIRC 00238]. In that statement PC Givan states as follows "I told the officers that they may or may not be asked for a statement that day and that they should establish their status, either a suspect or a witness, if they are a suspect they cannot be compelled to give a statement and that I would arrange to get legal advice." Considering the statement given by PC Givan do you maintain your position that PC Givan stated that the officers should not give statements? Are you able to provide an explanation for any differences between your recollection and that of PC Givan

My position remains as per the statement PIRC 00122. I am not in a position to offer any explanation for any evidence given by PC Givan or why that might be different from my evidence.

I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.



...Signature

3 May 2022 Date

