

**The Sheku Bayoh Public Inquiry**

**Witness Statement**

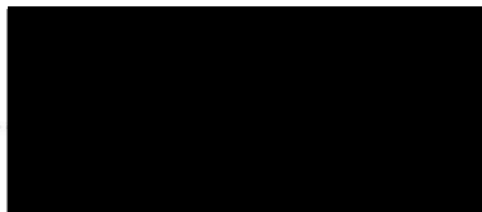
**Conrad Trickett**

**Taken by [REDACTED] on MS Teams  
on Friday 18 November 2022 and 15 December 2022**

**Witness details**

1. My full name is Conrad [REDACTED] Trickett. My date of birth is in 1971. My contact details are known to the Inquiry.
2. My statement provided today is given before full disclosure of documents for hearing 3. I reserve the right to update the statement following further documents being disclosed by the Inquiry.
3. I am the Divisional Commander for Highland and Islands Division, N Division. August 2020. Between March 2020 and August 2020, I was part of the initial Covid response working with Scottish Government as part of the Strategic Coordinating Group. Between June 2019 and March 2020, I was a Temporary Chief Superintendent with the Scottish Police Authority (SPA) working on strategic governance issues.
4. For around 3 years before that I was Superintendent in Emergency Events and Resilience Planning, where I had been since November 2014, when I joined

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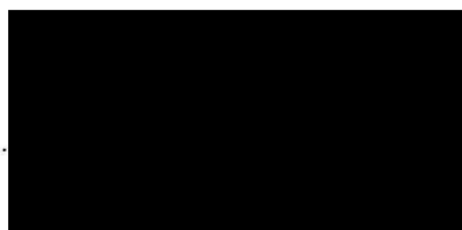
as a Chief Inspector. From October 2018 to June 2019 I was involved in Brexit contingency planning.

5. From the end of January 2023, I have moved to be business lead in the 'Policing in a Digital World programme.
6. When I was involved in the Sheku Bayoh enquiry, I was a Chief Inspector. I was the Post Incident Manager (PIM) for the incident.

**Previous statements**

7. I provided a response to a Rule 8 request by the Inquiry dated 3 May 2022 (SBPI-00076).
8. I provided 3 statements to PIRC (PIRC-00121 dated 14 May 2015; PIRC-00122 dated 2 June 2015; and PIRC-00123 dated 18 January 2018).
9. I was contacted by PIRC to arrange a statement. On 2 June 2015, they'd read over the statements I'd already given them and wanted to clarify certain points. So, they wanted to see me again and there are points of clarification in that subsequent statement.
10. I am asked why they wanted that. PIRC have come to me so it's a matter for them. They said they had additional questions which I've then answered. I am asked why they came back three years later. I don't know, you would need to ask PIRC. I only know I answered all questions to the best of my ability.

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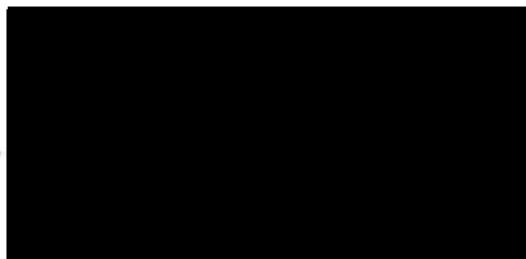
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11. I provided PIRC with a true and accurate account to the best of my recollection at the time. I signed my statements when I was in the interviews with PIRC. My memory of my role was naturally better when I gave those statements than it is now.

**Training**

12. I am asked by the Inquiry Team to describe my training in as much detail as I can.
13. In May 2015, I had leadership training for the CI rank. It was done at Tulliallan. At every rank you are promoted to, there is a specific course. For CI at that point, they had a programme of courses, back-to-back, and it would be a month of training. It was a package. I completed all of that training package.
14. You also typically additionally pick up specialist training. I had been an initial tactical firearms commander and received training in that. I also volunteered to be a PIM which has its own training course. It's pretty comprehensive training across rank-based disciplines and subject-specific training as well.
15. There was a relevant training course for critical incidents called CIM-plexity. "CIM" is critical incident management. It ran for three days. There was a training package based on the critical incident SOP. You work as a group in a scenario over two and a half days. It involves race relations and considerations for issues such as honour-based violence. It's very relevant to the Inquiry and I completed that training package in January 2014.

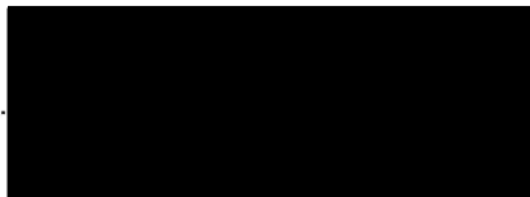
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16. The critical incident training was born out of the Stephen Lawrence Inquiry. I mentioned that previously in the Rule 8 answers at answer 4, I reference it in there.
17. It was prior to May 2015 that I completed the CIM-plexity training. I had been a CI for quite a while. My role involved critical incident management.
18. A PIM is an additional specialism. It's not a full-time role. I took part in training for this in 2009 starting on 30 March. It was a weeklong course. That qualified me as a PIM. That was obviously before Police Scotland was formed. 2009 is when I was an Inspector in Tayside Police.
19. Tayside invested quite a lot of time and effort into post incident management. From the completion of the course onwards, we took part in CPD events to keep ourselves current. We did it to keep ourselves up to date with PIM. The incidents requiring PIM were quite few and far between. That said, Tayside Police had an approach where if a Taser was discharged, we'd deploy to a PIM suite. I was involved in a couple of those incidents. I had some operational experience in that PIM suite. We did quite extensive training. We went through scenario-based training.
20. I would consider myself reasonably experienced as a PIM in May 2015. However, I hadn't deployed for a fatal shooting. I had been deployed for discharge of Taser as a PIM prior to May 2015. I had been through the process in a live operational sense before this incident.
21. I deployed as a PIM in Tayside Police, not Police Scotland. The SOP document I used in the Sheku Bayoh incident was a Police Scotland document. The opening pages of the SOP specifically refers to ACPO module 7 of armed

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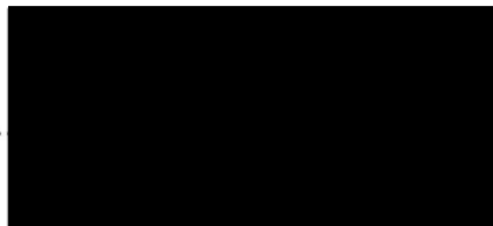


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policing. That's a UK national document where the post incident arrangement is documented. The post incident procedures (PIP) SOP is just bringing it in to Scotland. The training and the process I completed is based on the ACPO document. The ACPO document is valid for the UK. There are small changes for Scotland like referring to the Fiscal Service and PIRC. In a Scottish context that's required in the SOP around procedure. The procedure in terms of welfare approach, provision of accounts, is core to the APP (Authorised Professional Practice) issued by the College of Policing, and is relatively consistent across the UK.

22. In 2015 I was trained as a PIM. The PIM training course was module 7 of the APP. That was what my training was based on. This document was written after my training course but is compliant with the same APP. So at the time of the incident, I was trained and up to date in the APP which is replicated in this SOP.
23. It may be helpful to understand that the SOP isn't the core document of PIM, it's a Scottish reflection of the APP which is the core document. It is also important to remember that all of this is about firearms PIP which is not what we have with the Sheku Bayoh incident. There wasn't an SOP for non-firearms PIP at the time.
24. I did that PIM training in 2009, maintained my occupational competency through CPD right through that timeframe which included the transition to Police Scotland. I maintained my qualification as PIM right through to me being a Superintendent which was after this incident. I would have other roles as well as the PIM role.

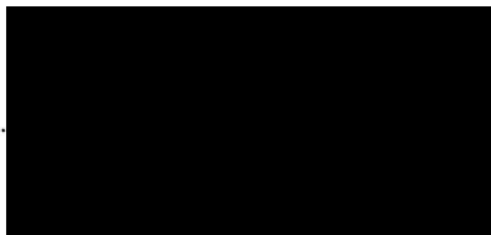
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25. After the Sheku Bayoh incident, I continued to be a PIM and I deployed to at least one other operational deployment. I attended a PIM reaccreditation course and was subsequently assessed on a PIM course and remained involved in PIM after that. In total, for 10 years I've been involved in PIM both before and after the Sheku Bayoh incident.
26. It was an armed policing PIP so it was quite rare to use it. But in Tayside because they had used Tasers I'd had that experience. That's because technically Taser is a firearm. In Police Scotland we don't use PIP for Taser discharges. But that wasn't the case in Tayside Police. Part of the rationale in Tayside was so that people could get used to the process and running the process. In terms of legacy force arrangements, I can only speak for Tayside. Other forces may have had different arrangements.
27. Post incident management developed from the Met police and in particular in the Met addressing how their officers were treated in a criminal justice setting. It's a police derived specialism and training course. My initial course and reaccreditation course were run by Kent and Sussex Police because they were the leading providers of PIM training in UK policing. They delivered the package. It wasn't Tayside Police training themselves, Kent and Sussex Police came to Scotland and delivered the training. So in a way it was training from an external expert provider. PIM therefore evolved both from firearms procedures and from experience gained by the Met police in police shooting incidents.
28. When the Sheku Bayoh incident happened, Police Scotland was a relatively new organisation. I think Police Scotland had only carried out one or two incidents with PIP by that time. I don't think we'd ever deployed PIP for non-firearms incidents.

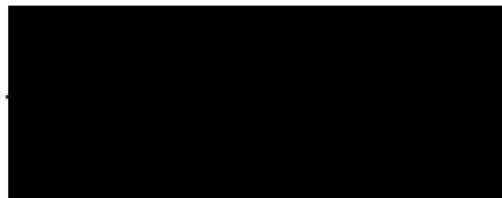
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29. Around 2012, there was discussion amongst the PIM world about moving from specific firearms PIP to broader PIP such as deaths in custodies. These were embryonic discussions in the legacy forces before Police Scotland. On transition to a national Scottish force this was an area which needed to be standardised first, before then moving forward with such development so by the time of the incident involving Sheku Bayoh we, as a new national police force, hadn't gone beyond that.
30. My recollection and understanding from being close to PIM is that this was possibly the first time PIM had been put in place for something other than firearms in Police Scotland.
31. All police officers investigate deaths. I have attended scenes of deaths because all police officers do that. I'm not a specialist investigator but all police officers can be said to be an investigator to some extent. Being a Senior Investigating Officer (SIO) is not my specialism. I'm not an investigator in the sense of being a CID officer or Detective. I was a DS for a year on secondment. I've been on a Detective Officers foundation course but have not been a DS or DI course.
32. In relation to this incident, investigation was not my role. The PIM is not part of the investigation. My role is PIM and balancing the needs of the investigation coming to me via the SIO with the welfare of the officers. I am to maintain that balance. The front page of the PIM log at point 5 says to remain independent. You're explicitly, and rightly, not part of the investigation as PIM.
33. All officers are trained in investigation. As a Sergeant, I carried out a three-month secondment to the PSD (Professional Standards Department) in Tayside. That did expose me to complaints about the police. As Inspector I did

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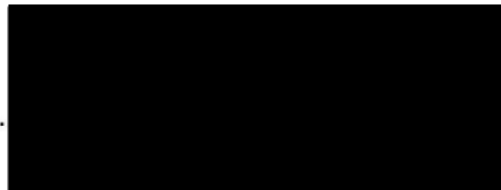


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deal with complaints about police officers. I took part in those complaints fairly routinely. As a Chief Inspector I carried out some extensive grievances against the police and enquiries. As a police officer gets promoted part of your job is to investigate the conduct of other police officers through the complaints process. It was part of the day job of an Inspector. You would deal with complaints against the police. In a specialised sense, though, I had 3 months in Professional Standards.

34. In 2015, I think I hadn't done any training relating to PIRC. PIRC only started on the creation of Police Scotland in April 2013. That was when PIRC was created as well. We're talking only 2 years prior. In any event, in relation to PIRC it's not training that's required so much as coordination and working together with PIRC.
35. I've developed extensive experience since then dealing with PIRC. Being a Gold commander in a police shooting, for example. I've got experience now but in 2015 it was early days for PIRC. During one of the CPD days I went on as a PIM in Police Scotland after the incident, PIRC were there for part of that day. As an organisation, Police Scotland and PIRC were not in the place where we were doing joint training at that time. At the time of the incident, there was no joint training, but since that time things have developed, and I think that is now common.
36. To be clear, when I think of training, I am referring to a training course whereas CPD I think of as development. PIRC will now have taken part in joint training with PIMs. This was all after the incident involving Sheku Bayoh, however, not before. I've worked with PIRC both as a PIM in a PIM deployment and also as Gold commander in a police shooting. I have also worked on a number of other issues with PIRC.

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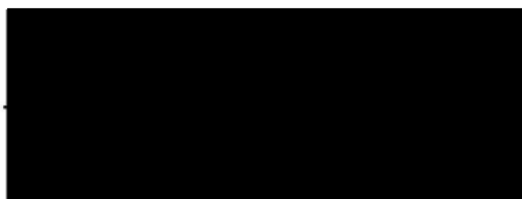
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37. I am asked how I knew about PIRC. I was a Chief Inspector and I can't remember if on the formation of Police Scotland or the early years if we were briefed or if it was part of my self-education as a police officer that I knew what PIRC was and how they were formed. From a conceptual point of view I knew what they were and their responsibilities. I can't remember if I knew as part of professional experience or a briefing.
38. I had no training for how PIRC were to interact with me but that probably has very little impact on this Inquiry because I didn't really have any interaction with PIRC in my involvement in the Sheku Bayoh incident anyway.
39. I am asked about FLOs. Detective training will touch on the role of a Family Liaison Officer (FLO). CIM-plexity certainly touches on the role of a FLO. From my 16 years in the police at the time of the incident you come to understand the role of a FLO. To be clear, I wasn't trained as a FLO and I wasn't trained as an SIO to know the parameters of deploying a FLO.
40. What is maybe useful to know, as we speak about training, is that police officers are all trained for delivering death messages in their normal duties. As a uniformed officer I knew about this. Also, from when I updated the families of victims of crime. I had lived experience and training just the same as any police officer. More specifically, I was trained as a detective officer and in the CIM-plexity course. Overall, however, I had no specific training as a FLO or SIO.

**The Lawrence Inquiry**

41. I joined the police in February 1999. This was the same time as the Stephen Lawrence Inquiry was published. It's important for the Inquiry to understand

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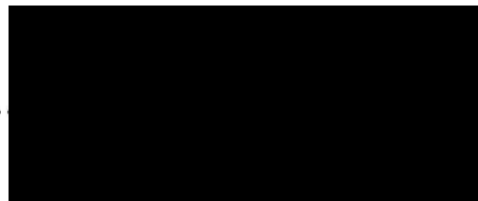


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the importance of the Lawrence Inquiry. My career in the police has been against the background of the Lawrence Inquiry and the findings of institutional racism for the MPS.

42. A tangible takeaway from the Lawrence Inquiry for Police Scotland was critical incident management. From a UK policing point of view, critical incident management was born out of the Lawrence Inquiry. The SOP would never have existed if the Lawrence Inquiry hadn't happened. The Police Scotland approach around CIM-plexity was drawn out of understanding critical incident management. Issues arising from a race incident, community tensions and community impact were learned specifically from the Lawrence Inquiry. Our understanding of critical incident management, impact, tensions and community engagement strategies had grown from the Lawrence Inquiry. Other policing factors have played into that. The Lawrence Inquiry has been a powerful and positive driver in policing.
43. I think the Lawrence Inquiry was the first time the language of institutional racism came out in the UK. I don't think people had heard that phrase in the UK. Institutional racism is not pointing fingers; it's saying the systems in place may be biased against race or other protected characteristics. I think it made the Met police take a hard look at themselves and they reassessed their policies, procedures and structures to ensure they were not consciously or unconsciously biased. That is why I say it was powerful and positive.
44. We now have equality impact assessments, so any new policy or procedure is impact assessed against equality, protected characteristics and human rights. That's what we're doing now, in practice, to avoid institutional discrimination against protected characteristics. The Lawrence Inquiry has been hugely influential in driving change between where we've been and where we are now.

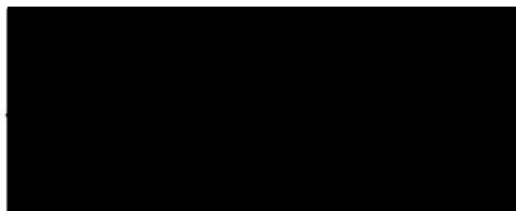
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45. By the time of the Sheku Bayoh incident in 2015 we'd already come some way since Stephen Lawrence. The Stephen Lawrence investigation and Inquiry played out in the decade before.
46. That's always been an issue for me since starting my policing career in 1999. The response to the Lawrence Inquiry included things like the CIM-plexity course, critical incident management as a concept and things surrounding that. Former DCC Steve Allan had been in the Met and delivered the diversity training post Stephen Lawrence. He was Course Director for the CIM-plexity training I attended. Officers of my seniority and experience will always have the Lawrence Inquiry as an essential backdrop to their career and I think it is important for the Inquiry to understand that.
47. I am asked about diversity training. I was provided a training programme about diversity including the lessons learned from the Lawrence Inquiry. In Tayside police, I can't recall when I did that. It was 1 day delivered to every officer at that time. The CIM-plexity course did also hone in specifically on honour-based violence, race relations and how the community are impacted by the death of an individual. It's all part of the scenario in front of you and how it plays out. As I have said, that course evolved from critical incident management and the individuals involved in the Met after the Stephen Lawrence incident and investigation.
48. Equality and diversity have also been a part of a lot of the training courses I've been on over a number of years. The Chief Inspector programme included specific training about equality and diversity. I was on an accelerated leadership programme, and I again got access to resources on equality and

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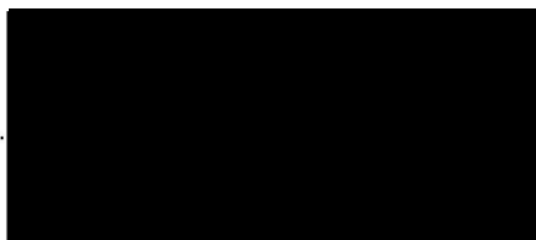


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diversity. They had a three and a half day course on diversity from an external provider as part of my development as a senior leader.

49. In short, I was trained around equality and diversity at almost every stage of my service and at each rank it's been more applicable at each stage. Inclusion and diversity are a huge part of my job as a Divisional Commander. It's a golden thread from joining the police when the Lawrence Inquiry was published. Equality and inclusion have been prominent throughout that. I have benefitted from significant formal training and direct policing experience. I would add that for all the courses I have been on, training is always secondary to the experiential side of it. At the moment I'm doing work around gender equality. Equality and inclusion have always been close to my heart.
50. I am asked about experience of specific race relation issues before the death of Sheku Bayoh and would give the example of when I worked in Dundee. It has quite a large ethnic population. Part of my day job as Inspector and local Inspector was direct engagement with ethnic groups in Dundee. Part of my role was engagement with these communities. That meant developing a cultural sensitivity.
51. For example, there's a strong Asian community in Dundee, as well as others. Attending the mosque at the end of Ramadan was part of my role. I attended places of worship, shops and businesses in my role. My approach to hate crime included addressing the support for victims. It's the bread and butter of what we do as police officers. I got significant experience in these areas both as Inspector and Chief Inspector in Dundee. I am asked about the black African community. I've not worked in areas that have a large black African community.

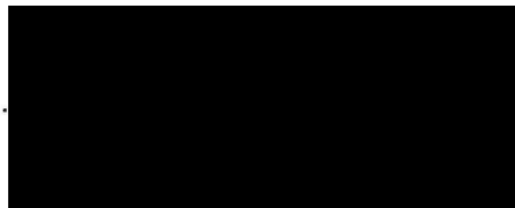
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52. I have completed training in media engagement. I'm not sure if we did it in the Sergeants course but certainly at Inspector level. This was on the Chief Inspector and Detectives course. All those courses had media training as part of them. That media training includes practice, interviews with the press in front of the cameras and so on. You get exercises in it.
53. The CIM-plexity course also has a media component as part of it. You speak to the media as part of the course. You bring in news reporters to make it real. I had a fair amount of media training prior to the Sheku Bayoh incident. As an area commander in Dundee, you're in charge of police in Dundee so you are regularly quoted in the newspaper, on STV and BBC Scotland news. I'd had quite a lot of experience in this and in the news.
54. I would also emphasise that there is a personal responsibility in terms of training. For specialist training you have to volunteer yourself. There's also a line management responsibility. An officer should always be discussing training with a line manager. There is a central training department in Police Scotland. They provide the courses, the software in terms of the personal development system. My line manager in 2015 was Superintendent Colin Brown.
55. I was responsible for training as line manager myself. At that point in time, I had 4 Inspectors who directly reported to me and all of those would've had probably about 8 sergeants and a number of constables. Through the line management system I was responsible for ensuring training and development.
56. I am asked about SOPs. I didn't have the luxury of time to sit and read SOPs in an ongoing fashion. But the SOPs are written and uploaded to our intranet that they're immediately available and accessible should you need to dip in

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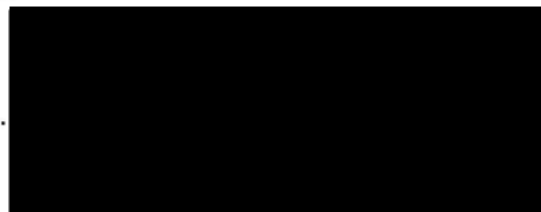
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and read them. In my role, I was the author of some. The SOPs I was involved in as part of my job I knew well. I had contributed to some as author. Equally, if the SOP didn't relate to my actual role, I wouldn't know them so well but I knew where to go and read them if I needed to.

- 57. The intranet is used as a library of SOPs. If there are particular SOPs, a new SOP or one of particular significant change there's a force memo section that would identify the change and the hyperlink to the document. I would look at these and think, is it a SOP I need to be aware of, trained on, can it be done online on Moodle or would I or others need to attend a course.
  
- 58. On the intranet there is training in equality and diversity issues. I don't know what specifically there was in 2015. There will certainly have been reference material available. It won't just be SOPs. Most departments have a section or pages on the intranet. Within HR there are pages on equality and diversity matters. That would be in place in 2015. Content would have been published about equality and diversity issues at the time. I would be generally aware of what was posted on the intranet and would be drawn to relevant material in training or via force memos.
  
- 59. I didn't use the resources on the intranet on 3 May 2015. I didn't have access to the computer and in any event had hard copy documentation printed off in relation to PIM. I had a PIM folder ready to go that to the best of my recollection contained the SOP, the chapter from the APP, a blank PIM log or a couple of blank logs, and my aide memoire. It's just a black document folder with all the documents I needed as a PIM within. I had it all with me when I deployed. The Inquiry should have all of those documents.

**Notebook and daybook**

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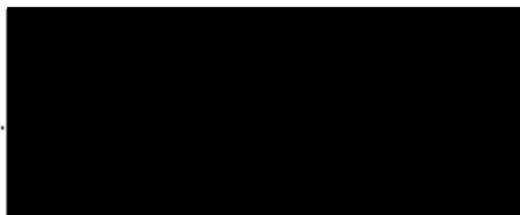


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60. For day to day business I'd use an A4 daybook. However, if I deployed operationally as a Chief Inspector in emergency planning I would use a notebook.
61. The notebooks and daybooks are different because from a very practical point of view a police notebook is not even A5. It's a small document. It was the standard tool. A daybook is an A4 page size and affords more space. Custom and practice in policing is that the managerial tool is the daybook.
62. There's no duty or requirement to keep these daybooks. It's best practice and usually a necessity to keep at least one of the two. There are some jobs where you don't need to keep notes. I suspect most managers use some document to manage their day business. It's not mandated. It's custom and practice and best practice to do so.
63. There is a requirement to retain the notebooks and daybooks. The rules have changed since 2015 to now because of the Data Protection Act and so on. In general terms when you complete the police notebook there is someone employed in an administrative function in the police who looks after it. In relation to a daybook, it is more your personal responsibility to hold onto that and put it into storage.
64. I kept a daybook during the Sheku Bayoh incident. I have read my daybook (PS03140) and confirm these are my notes.

**Media**

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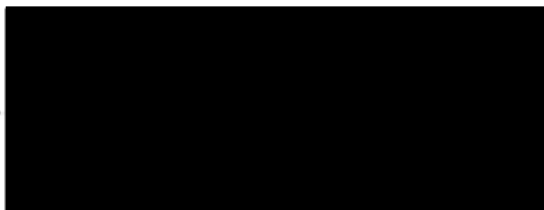
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65. I have been following the media around the Sheku Bayoh incident a little bit but not regularly. I've been following more on Twitter probably. I don't particularly follow it on the news.
66. I was on Twitter back then as Chief Inspector. I was aware of exchanges between the Police Federation and Aamer Anwar. I can't remember who it was in the Federation. One of the exchanges was Mr Anwar releasing information and allegations about police officers. The Federation stepped in and provided their own commentary on what he was saying.
67. I am asked what I remember seeing online at the time. I looked at a couple of pictures that were posted. There was a picture of a body that had injuries on it. A schematic of a male body with injuries marked on it. That was put out publicly. It was probably at that point that I would've seen the family imagery of Sheku Bayoh where he was smiling. That was in the public domain and is an image that I recall.
68. I think BBC or another provider did a documentary about it but I didn't watch that. My view as a senior police officer is that the Public Inquiry is the right place for the truth to be established, not through the media.
69. What I read in the media has had no impact on my recollection or understanding of my involvement in the post incident management. My role as PIM was not part of the original incident and was confined solely to the post incident procedures.

**Role on 3 May 2015**

70. My role in the Sheku Bayoh post incident management on 3 May 2015 was as PIM and nothing else.

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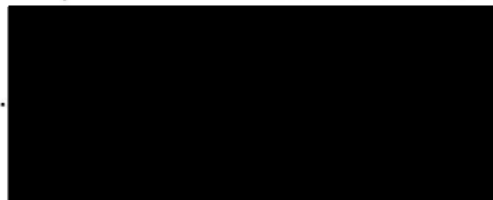




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71. In broad terms the role of the PIM is to balance the needs of the investigation with the welfare of the officers. There is a PIP ('Post Incident Procedure') documented in the SOP and which is the basis for relevant training, notwithstanding the SOP is about armed policing and not deaths in custody. The procedures in both are similar in that it involves balancing the welfare needs of the officers with the needs of the investigation. I have previously outlined how this operates in practice in my PIRC statements and the Rule 8 response. It's also clear what actually happened in this incident from the PIM log. That's why the log exists. It is a contemporaneous account.
72. The overarching aim is to balance the investigative process, as outlined by the SIO and the welfare of the officers. That's the role of the PIM.
73. If this had been an armed policing PIP then the SOP could be adhered to more exactly and specifically. It wasn't an armed policing deployment so I had to use the SOP but also adapt it based on my previous experience and understanding to a non-armed policing scenario. The concept of PIP procedure is flexible enough to allow the creation of a process to respond to the specific scenario. I used the combination of the SOP, my learning from training courses and practical experience to follow post incident procedures true to the principles that process but which were relevant for the situation as it presented on 3<sup>rd</sup> May 2015.
74. The role of PIM in balancing the needs of the investigation with the welfare of the officers is more than just a mechanical exercise of putting in place the PIP. Two points are of particular importance.
75. First, there may be a clear and obvious rationale why you don't need to carry out a particular part of that process. The absence of firearms is an example.

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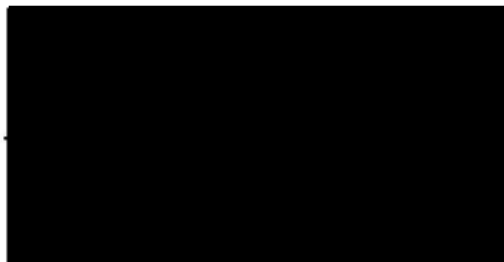


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Some provisions would not be relevant. Equally, if you already have an understanding of the basic factual position leading to the incident (as was already clear in this incident) then there would no need to again focus on that aspect in the immediate aftermath.

76. Secondly, this is a process involving people. When you involve people you're involving a range of personalities, responses and nuances. The people in front of you are the ones involved in the investigation as well as simultaneously being the people who have their own welfare needs. These people bring with them independent complexities. Some will need more care and attention than others, perhaps depending on experience and training. An inflexible 'one size fits all' approach would be unhelpful and poor post incident management.
77. The officers in this case were people who had limited understanding of PIP. If you were to deliver this process in an armed policing context you would have armed police officers who have been through this many times. It is not unfamiliar to them when they go through it. By contrast, in this case, we are dealing with officers who, in 2015, probably hadn't heard of post incident procedures let alone experienced that process. So you immediately have a very different operating context to the PIP.
78. I think balancing the needs of the investigation and officer welfare rather than giving effect to a fixed, set process is a better way to describe it. What I was instructed to do by the ACC was to take on the role of PIM. That's what I did. The ACC and the Chief Super make that decision. They felt that was the right thing to do and I agreed with that decision. The detail of the role of PIM is not their job that's why they appointed me. They wouldn't use the language of balancing needs themselves when they appointed me, but that's what I knew my role was.

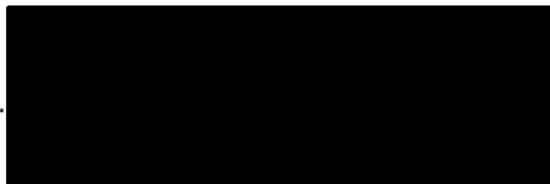
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79. They were appointing me as PIM and were delegating the responsibility to carry out a PIP with the officers to me. If you cross refer to the minutes of the Gold Groups the ACC was chairing, they explicitly put it down as PIM carrying out PIP. They're delegating welfare of the officers to me as PIM.
80. I am asked about line managers. Ultimately, the line managers of the officers are also always responsible for the welfare of those officers. That role doesn't change just because I was additionally involved. The SPF have a role in welfare as well, their motto is "welfare and efficiency". That is why it was appropriate they were there.
81. I am coming in to put in place a post incident process that helps support the welfare of the officers for that period of time after the incident. It is a short-term appointment, At the end of my involvement, the personal welfare strategy was a handover back to line management and back to the officers themselves. My role was to come in as an organisational support mechanism and carry out a process to support their welfare in the immediate aftermath. After that, welfare was handed back to the line management to look after officers in the medium and longer term.
82. I am asked what I mean by line management. Line management means the Inspector, Chief Inspector and Divisional Commander.
83. I am asked about PIMs. Policer Scotland typically has PIMs from the rank of Inspector up to Superintendent. At Chief Super rank there are probably other roles and responsibilities you'd take on in those scenarios rather than PIM. The focus, though, should be role rather than rank. The ranks involved would usually be Inspector, Chief Inspector then Superintendent. A Chief Inspector

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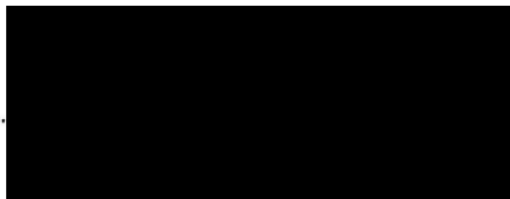


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is in the middle of those rank options. That is what I was in 2015. The respective ranks of the PIM and the SIO shouldn't be an issue in the balance of the needs of the investigation with the officers' welfare. It depends how widely understood the PIP process is. I don't think it was an issue in this case.

84. I have been referred to my daybook (PS03140) at page 1: "*Sunday 3 May... 0930 Teleconference. Briefed incident Kirkcaldy. Appointed PIM. Travel to Kirkcaldy Police Office. PIM process as per log. 2130 off.*"
85. This is a note I've made as a reference point. I ended up being the PIM. PIM process per the PIM log is what I spent my time doing. This is a simple daybook entry to state what that duty day consisted of. The detail is in the PIM log.
86. My Rule 8 response to the Inquiry (SBPI-00076) refers to my recollection being what I set out in my statement on 14 May 2015. I have been referred to my statement dated 14 May 2015 (PIRC-00121) at page 2: "*At around 10.00 hours, following discussion about normal business I became aware of an incident in Kirkcaldy where police officers had attended an incident where a male in possession of a knife had been reported by the public in the street. The male had been aggressive towards police officers. One police officer was assaulted by the male and this officer was now in hospital. Other police officers had used batons in efforts to restrain the male. Prior to the use of batons CS Spray was deployed, which did not have the required effect as it was confirmed during the conference that the male on the street had wiped the spray from his eyes and laughed at the police officers. On being restrained the male had collapsed and in view of that the police officers had rendered CPR. Police had also called for an ambulance, which attended the scene whereby paramedics treated the male before conveying the male to hospital.*"

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87. That's what I've said to the PIRC a few days after. That's fresh in my mind at the time of giving the statement. That's what I knew at the time. To be clear, I was at the end of a telephone in Dundee as part of a wider pre-arranged meeting. The information at the teleconference was new to me and was coming from Garry McEwan who was in Kirkcaldy and from Ruaraidh Nicolson. As I said in a previous statement, it appeared they both had knowledge of the incident and they were the source of the briefing about it. Those were the circumstances as I understood them to be at that time.

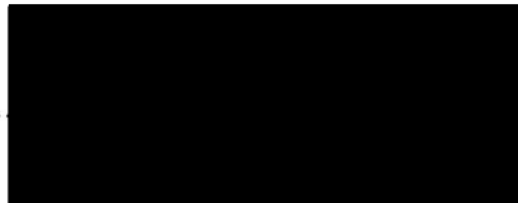
**Race of the deceased**

88. I can't remember if they said the deceased was black or not. It makes no difference to me carrying out my role as PIM. It might make a difference about whether it was declared a critical incident or not. That's not my decision to make.

89. I am asked about whether it needed to be a critical incident before PIP is implemented. No, you can have a post incident procedure put in place that isn't necessarily for a critical incident. The key trigger of PIP is a death following police contact. Therefore many are also critical incidents. Also, if you are in command of a critical incident you will want to consider the welfare of the officers. One of the best ways is to appoint a PIM.

90. But you can also have a post incident procedure that's not a critical incident. A death in custody might be a good example of a PIP that isn't a critical incident. The welfare role of PIM is not linked to a critical incident. It's not unusual that they're not both in place. I could've been deployed for a PIP and not a critical incident. That wouldn't change my role carrying out the procedure.

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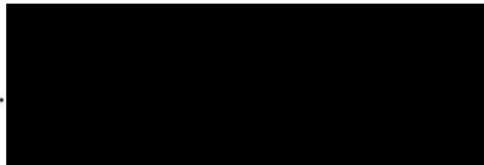
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91. Regardless of whether it is a critical incident or not, my role doesn't change. That said, there are different factors to consider if it's a critical incident. Every incident needs to be dealt with on its own factors, taking into consideration the specifics of the incident. It being a critical incident or not is undoubtedly a relevant factor but doesn't change the principles of PIP. For example, depending the nature of the incident, the security of the officers might be a more significant welfare feature than in other cases. So, it being declared a critical incident is a factor in PIM but it doesn't change the way you approach it.
92. I can't remember when I was told the deceased was black. I wouldn't have assumed any colour. It doesn't make a difference to me. It's a potential factor like a vast range of other things but it doesn't change the process and the people side. There is no record in the PIM log or any of my statements about when I became aware of Mr Bayoh being black.
93. I am asked if it is possible that I knew about it in the 9:30am briefing. That is possible but I don't remember specifically.
94. I am asked why race might be important. Race is potentially important from a critical incident perspective given possible community impact and also potentially on the welfare of the officers depending on community tensions, media reporting and the media outcome from the incident.

**PIM team**

95. I am asked about appointing a team. I didn't appoint anyone, that's too formal a term. I was aware that the Fed Rep Amanda Givan was already there. It's

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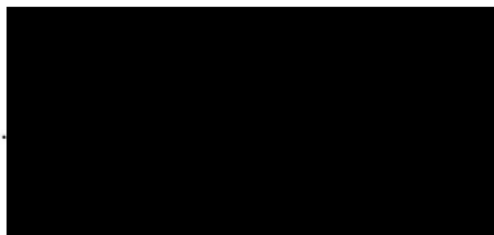
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typical for PIP that the Fed Rep would form part of wider team. I didn't appoint her but she was there as part of her Federation role. I was given Inspector Jane Combe to be there to support me and to be the link into the formal line management of the officers.

- 96. I used her as a support officer, ad hoc, is probably a better description of the role. She wasn't a PIM or PIM trained, she was an Inspector in that locality and knew helpful and practical things like the way around the building. Describing her as an ad hoc support mechanism is more accurate rather than giving her any formal role or title.
- 97. Normally a PIM would form a team around them. Nowadays that would look larger than it was in 2015 when PIM was new. Back then you'd normally try to establish if someone else was PIM trained to support you. Not many were. That's the role that Jane took on but without the formal PIM training.
- 98. In PIP now there is a different role in the PIM structure called AO, Appointed Officer. That didn't exist at the time. It was normal to have a bit of a support team around me. My support team was Jane Combe and Amanda Givan.
- 99. I have been referred to the PIM log (PS00387) at page 13: – *"PIM Support – Insp Jane Combe"*. I have been referred to my previous statement (PIRC-00123) at page 2: *"I recall speaking to Inspector Jane Coombe who was going to assist me with the PIM process."*
- 100. That's all accurate.

**PIRC's role**

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101. PIRC are the external scrutiny body for policing and my expectation would be that they would have investigated the circumstances of the death and reported it to Crown in line with their core mission. I've had much more involvement with them now than I had then. I was aware of PIRC's responsibilities but had no significant involvement with them.

102. There was a brief discussion with the SIO, Pat Campbell, about PIRC. He confirmed it was going to be a PIRC-led enquiry. As PIM, I'm looking for one point of contact into the investigation. Even though I was told it was a PIRC-led enquiry it was clear to me Pat Campbell was that link to the investigation. He would engage with PIRC subsequently to explain the investigation. Pat Campbell was that point of contact into the investigation and that point of contact with PIRC.

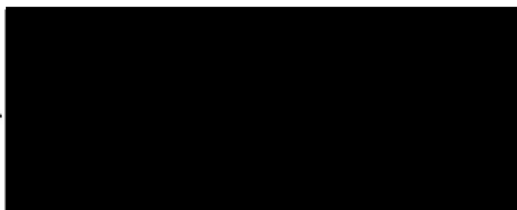
103. There's a brief reference to this in the PIM log, at pages 13 and 14, it says PIRC enquiry.

104. It wasn't my decision whether I dealt with PIRC or Pat Campbell. I was just engaging with whoever was speaking to me and that was Pat Campbell. The way he put it was that he would be the liaison with PIRC himself.

105. Now, 10 years on, I would expect to have a PIRC investigator linking in with me as PIM and sitting in the post incident suite. 10 years on we're very different. It's commonplace, it is custom and practice for PIRC to be engaged in that one-to-one. In 2015 this was, I think, the first significant PIRC investigation since they were established.

106. PIRC now have the capability and capacity to carry out a full investigation. In 2015 they needed Police Scotland to support them. Their senior investigator

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nowadays is the equivalent of what Pat Campbell did in 2015. It's all about their improved capabilities now.

107. It's not for me to say whether I should have a point of contact with PIRC or Police Scotland. I'm assuming this was discussed in conversations that were playing out. It's for PIRC or Pat Campbell to explain whether it should be PIRC or Pat Campbell who liaise with me. All I can say is that I was dealing with Pat Campbell as SIO.

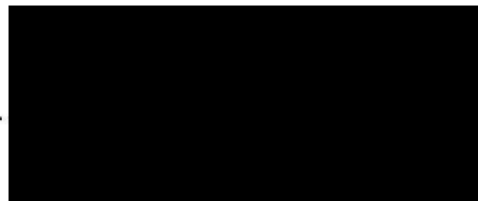
108. There was no change in PIRC's role throughout my involvement, not at all. It was a PIRC-led enquiry. I didn't engage directly with the PIRC on the day of the incident. My direct engagement in PIRC was afterwards. My direct involvement with PIRC was when they came to take statements from me. Prior to that it was all via Pat Campbell or Pat Campbell's staff.

**Gold group**

109. I am asked about the Gold Group. I wasn't in the Gold Group. I decided not to attend Gold Groups because my time was better spent as the PIM in the actual PIM suite that we'd set up in the canteen than attending Gold Group meetings. No-one challenged this decision.

110. I would say nowadays the PIM would attend Gold Groups. The support group of second and third PIM would stay in the PIM suite. You want somebody in the PIM suite all the time. The appointed officer role, that now allows the PIM to leave the PIM suite for things like Gold meetings. At the time it was really where your time was best spent. Practice has changed as resource has changed and we can now facilitate that.

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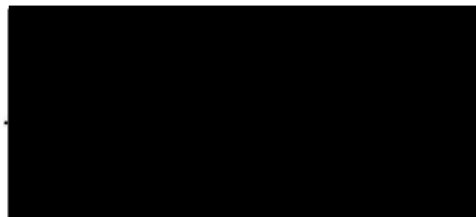
111. I don't think getting the updates at Gold Group would have helped me fulfil my specific PIM role. The role of PIM was to balance the needs of investigation with welfare of the officers. The developing investigation was not a matter for me. It was for the SIO. There's a huge machine on the investigation side and I don't need to involve myself in that when there are officers in the PIM suite.

112. Rather, I just need to know what the investigation's specific requirements are of the officers. I need to know what they are specifically asking of the officers. That happens in one to one meetings with the SIO. I don't think it would've been of benefit to hear those Gold updates. The purpose of Gold Group is to coordinate activity across multiple functions. My role is the balance between what the SIO seeks and the welfare of the officers. That is very specific. That's why the reference to the PIM is in the welfare section of the Gold Group. The Gold commander knows that somebody is allocated the responsibility to look after the welfare of the officers.

113. Nowadays the Gold commander can hear first-hand from the PIM where they are in the process and if there are any points of coordination to discuss. PIRC would now be at the Gold Group as well. The Gold commander can get reassurance from the PIM and discuss any issues that have arisen. I'm not saying there isn't a value to it, but that's not what happened in 2015.

114. I don't think there was a broad level of understanding of the PIM process. I don't know who updated on the PIM process to the Gold group. I know it was referenced in the Gold group minutes. I think the references are quite right, but there wasn't a broad level of understanding.

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**Post incident procedures**

115. The starting point of the post incident procedures was the need for a facility. Police Scotland had nominated a PIP suite. The SOP in place was relative to firearms and firearms PIP. The incident we were dealing with was non-firearms. The PIP suites were typically where firearms officers work from. The closest firearms suite was Rosyth in Fife. That didn't seem to be an appropriate place to take the officers. I knew they were in Kirkcaldy and in the canteen, and it made sense to simply adapt the canteen to be the PIM suite rather than use a designated PIM suite in Rosyth. That was my basic thought process around location.

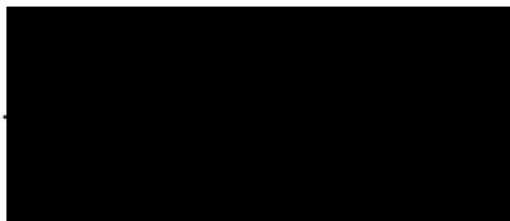
116. It is important also to know that the Rosyth 'suite' is simply a room. There was nothing special about it which would have had a major benefit over the canteen in my view.

117. Of importance on arrival, I needed to identify who was in PIM suite. In 2015 they were called principal officers which meant those directly involved in the incident or who had a knowledge of the incident. Again, that appeared to me to have already been done. We had all the officers at the scene back at the PIM suite when I arrived.

118. The next thing is to initiate some of the basics. That meant establishing if anyone was injured, needed medical attention or had any other immediate welfare concerns. This was a serious and traumatic incident for the officers and they needed their personal welfare met.

119. Also important at an early stage is the emphasis on officers not conferring and not talking about the incident. There's obviously a form of words for firearms

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officers which exists but that contained references that weren't relevant to the non-firearms incident we were facing and I therefore had to adapt that message. The essence of the message on non-conferral remained and was clear. It was just that the words for firearms weren't relevant.

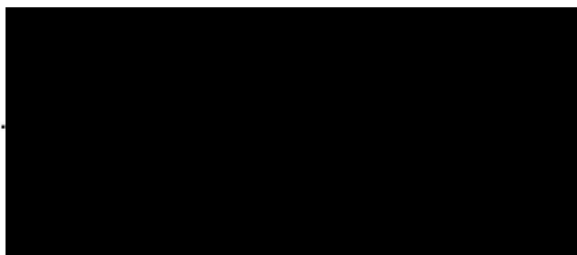
120. Beyond that, from the individual officer's perspective, there was an entitlement to get legal advice if they wished it. There was also a medical check to confirm that each officer was fit to be part of PIP. We also addressed basic things like when did the officers last eat and whether they now needed food.

121. Following this we turned to look at what the investigation wanted or needed. In other words, what were the investigation requirements identified via the SIO? I sought to establish whether the investigation required provision of the officers' accounts or statements at that point? I was told that there was no such requirement at that time. I also sought clarity around the taking of officers clothing. On that the SIO said that external clothing should be taken.

122. Once those investigation requirements were clear, then practical welfare arrangements were made for the officers. These were things like whether they are going to be alone at home, when are they back on duty, those sort of practical arrangements. That's broadly the process that was followed. The PIM log records the detail within that of what happened on that day.

123. I wasn't directed to do it this way. It was my decision to implement these procedures in this way. There was, in my view, no other way of doing it. Organisationally, this is what we had in place at the time. Now we have PIP for death or serious injury following police contact. But Firearms PIP is what we had in 2015 so I'm not sure how much of a decision it was to adapt things as I

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did. I was asked by the ACC to implement PIP, the only reference point we had was the procedure relating to firearms and so I had to adapt that.

124. I would reiterate that although PIP is a fairly set process, it is always adapted to the specific circumstances you face. There's no two circumstances which are identical and so even now you're always going to adapt the process. There's always a balance to be found in the particular circumstances and this was a step further because it was not even a firearms incident.

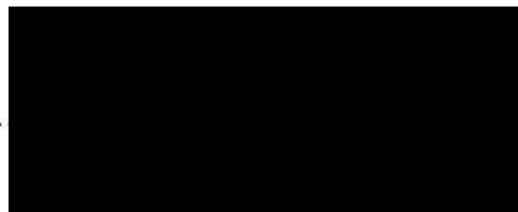
125. I am again asked about line managers. Line managers are responsible for overarching officer welfare; every day there are incidents attended by police officers and it is important they are looked after from a welfare perspective. That's a key component of being a leader or manager in policing. I'd expect any supervisor to look in and check the officers were ok after an incident. Any serious incident you'd expect that from the supervisors and officers. There are also formal things like TRIM, occupational health support, and an employee assistance programme.

126. The Federation is all about the welfare of officers. There are a number of support mechanisms. PIP is one.

**Firearms Post Incident Procedures SOP**

127. I have been shown the Firearms Post Incident Procedures SOP (PS10934). I'm familiar with it. This is the one I was adapting. If this was a firearms incident then implementing PIP would have been fairly straightforward. That wasn't the circumstances that we were facing, however. It is clear right at the beginning of the SOP that it relates to discharge of a weapon by police. That's not what

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has happened but it was the most appropriate starting point and was appropriate as a guide to adapt to the non-firearms scenario.

128. It is important to note that even a firearms incident might require the firearms SOP to be adapted. We might, for example, have a firearms incident where an officer is injured and would have to adapt firearms PIP to fit that. You might have a need to adapt the process to seize clothing. In the broader context, when you turn up you have to make the best of what you've got based on the circumstances. I used what applied at the time and was most appropriate. The common approach comes from application of the principles, process and guidance, all as adapted to meet the specific incident.

129. I have been referred to the Firearms PIP SOP at page 7:-

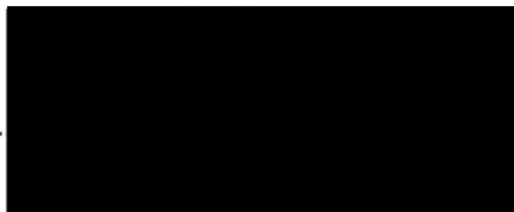
*“3.8 “Post Incident Investigations will be commenced in all situations where there has been a discharge of a weapon by the police (Including those involving a conventional firearm or less lethal weapon), whether intentional or unintentional which has, or may have:*

- 1. Resulted in death or serious injury;*
- 2. Revealed failings in command;*
- 3. Caused danger to officers or the public.” APP(AP) 07-006*

*3.9 Where the above criteria are not met, consideration may still be given to applying these procedures at a level proportionate with the incident and level of investigation required.”*

You cannot read 3.9 in isolation of the context of the rest of the document, it's all about firearms incidents. The language used in it is firearms incidents.

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130. For example there might be a discharge of a firearm in a training scenario and they wanted to run some PIP but the points 1-3 in 3.8 have not been met. That is more in line with what this section is referring to.

131. There is now a similarly sized document for non-firearms (DSI) PIP. That didn't exist in 2015.

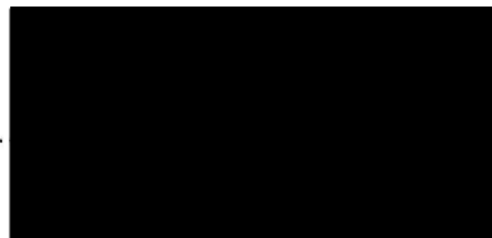
132. Before we were Police Scotland the legacy forces (such as Tayside and Lothian and Borders) were all at a different part of the PIM journey when it came to using PIP beyond firearms (for example for custody and road policing). I am not aware any legacy force was at the stage of a formal policy beyond the firearms SOP. There were discussions about the broader use of PIM but nothing had been agreed, produced or implemented.

133. I was an officer in Tayside Police when we became Police Scotland. As I have already said, in Tayside we had a number of PIPs in relation to the discharge of Taser. We used Taser in a threat environment. When Taser was discharged we used PIM. I had direct experience in Taser discharge in a live incident and it was with non-firearms officers.

134. I have been referred to the Firearms PIP SOP (PS10934) at page 14: "*6.1 Post Incident Managers (PIMs) facilitate, manage and ensure the integrity of the post incident procedure. PIMs will facilitate the PIRC investigation whilst considering the welfare of the principal officers and others involved.*"

135. This is a reasonable description of the PIM role I was undertaking on 3 May 2015.

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**PIM log**

136. I have read the PIM log (PS00387). I've used a PIM log previously both in training and exercises and in the incident with the Taser discharge. I kept it myself. As far as I'm concerned it's part of the training for PIM that you keep a log.

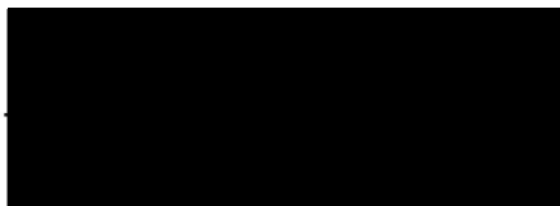
137. The template document itself was from the training course. At the time it was the version of the PIM log that was widely used. As I stated previously it was the Kent and Sussex Police firearms command training unit that provided the course. They were considered to be the leading trainers in the UK. This was the log we were recommended to use. I had a document folder with blank copies of this log. It's a UK wide document that I was adapting to use in this instance.

138. The front section of the PIM log contains details of the incident, when I was notified, who appointed me as PIM and so on. It's a fairly prescriptive section at the beginning in terms of filling in boxes of certain basic information. There's also a free text section when you're really keeping a chronological record of what's happening as you go through that PIM process and that's what I've tried to do.

**Initial understanding of the incident**

139. I am asked about where an officer was a suspect. If one of the police officers was suspected of a crime it would not be appropriate for that officer to be a part of PIP. They should be getting dealt with as a suspect of a crime. In PIP, police officers used to be called principal officers – the modern language is key

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police witnesses. It's a more helpful term. They were key police witnesses in this event. That's the starting assumption.

140. In my experience we've never had a police suspect in PIP. I wouldn't have any say as PIM over whether they were witnesses or suspects. I wouldn't expect any discussion or consultation about this. It's a matter solely for the investigation and the SIO, not the PIM.

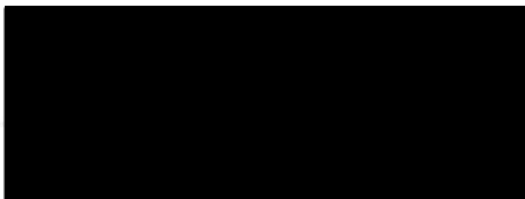
141. If an officer was declared as a suspect, I would need to deal with them as a suspect. So my expectation would be the investigation team would deal with them as a suspect as in any other circumstance. I'd expect to be told immediately.

142. It was my understanding that the nature of the investigation engaged Article 2 of the Human Rights Act. If the state has used force that has led to the death of a citizen then there should be an investigation. Article 2 is not just the right to life but it goes further in relation to an independent and timely investigation by the state.

143. The nature of the investigation is a matter for the SIO and they should therefore have a terms of reference for their enquiry. That said, you have to bear in mind that this was the first day of an incident and the investigation was ongoing. From what we knew, this absolutely could've been a criminal investigation into the actions of Sheku Bayoh prior to any police engagement. This would involve investigating if any crimes were committed. There was potential for a criminal enquiry as well as the questions raised under Art 2.

144. Given this involved a death of a member of the public, the police also routinely investigate and report deaths to the Procurator Fiscal. So effectively there's

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four different lenses for the investigation, Art 2 investigation, Death enquiry and potential criminal enquiry and conduct of the officers. That's all a matter for the SIO. The point to grasp is that it is all fluid at that stage. My role is to listen to the SIO and PIRC and respond.

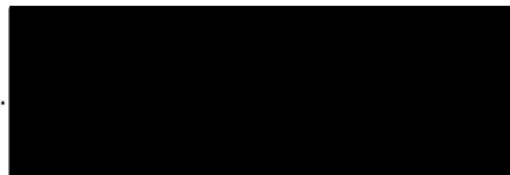
145. Any criminality by police officers does have a bearing on the formal PIP process as I've indicated.. But equally, because that officer would not be part of PIP it doesn't have a huge bearing on what I'm doing. It's a matter for the SIO. That first page of the PIM log refers to being independent to the investigation. That's important. It's not for me to get into detail of the investigation or terms of reference or anything like that.

146. What does matter to me as PIM is the progress of the investigation at that point in time and what the investigation needs from the officers. Bearing in mind they are principal officers, witnesses, and they're not going anywhere. What I need to understand from the SIO is what the SIO needs from these officers. I don't need any detail of the investigation.

147. I have been referred to the Firearms PIP SOP: *"Para 8.14 - The PIM is responsible for establishing the basic facts (Stage 2 – Basic Facts) of what happened. Where possible this should come from a source other than a Principal Officer. However it is recognised there may be circumstances where this is not possible and the PIM may require to obtain the basic facts from individuals or the group. This is most likely to occur at the Post-Incident Suite and may be (depending on legal/ medical advice) in either verbal or written format. The basic facts obtained by the PIM should, where possible, be sufficient to:*

- *Confirm which officers were at the scene;*
- *Describe in brief the role of those at the scene;*

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- *Confirm who discharged their weapons.*”

148. Before looking at Stage 2 we should look to Stage 1, which is the Sit Rep of what happened. Stage 2 is to ensure that the investigation team have something to start their investigation. In the firearms context, there could be a discharge of a firearm and nobody other than those officers know what happened. It's incredibly difficult for the investigation to know what they are dealing with.

149. Stage 2 basic facts is to establish things as basic as who was there and what was their role. It's literally a few sentences of who was there and what happened.

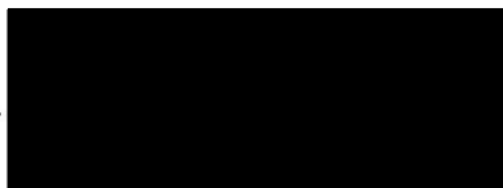
150. The reason I didn't take a PIM basic facts was we already knew the officers that were there, where they were and the basic detail of what appeared to have happened. The 10am briefing had already covered more than anything I would write in PIM basic facts.

151. It was my decision that it wasn't required. The SIO already had a sufficiency of information of what had happened. The basic facts, in the sense that is understood in the PIP, were known.

152. I've referred to that in my first statement and possibly others as well. My clear understanding from training and experience is that PIM basic facts are exactly that – basic. It is basic information about what's occurred. In this incident there was a good understanding of what had happened.

153. I had information from the teleconference in the morning and I had heard the circumstances at that point in time. Of importance, the SIO was satisfied with

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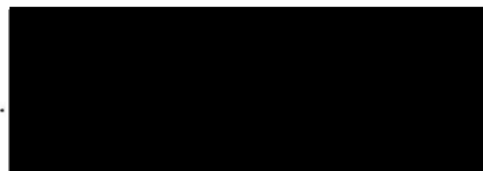
the information he had. Both of those led me to the conclusion that we were well beyond PIM basic facts.

154. The example I gave was where you know nothing about what happened. We had much more knowledge and the SIO seemed to be of the same opinion because there was no request to me to obtain PIM basic facts or indeed any additional information at that time.

155. I didn't need to be asked to consider the question of basic facts by the SIO. It was not necessary to wait for a request from the investigation for this. I proactively required to consider it, and did. If my briefing had been that a firearms team has gone to a place and we have no idea what happened and someone is dead, and the firearms team are back at the PIM suite, I would want and need PIM basic facts. This was not that scenario. The briefing at 10am made it plain the basic facts were known. The officers were known and accounted for. The SIO was content. More importantly, given my independent role, I was content.

156. I have been asked if PIM basic facts should include details of which officers used force and to what extent. No, because that would be a level of detail that would come out in a Stage 3 account. That's where there is a difference. PIM basic facts isn't about use of force. Establishing the simple fact of which officer was present and discharged their weapon isn't an investigation into use of force. By contrast, at Stage 3, the investigation includes deeper analysis of the role of the officer and their honestly held belief in relation to their use of force. The details of what each officer is doing is not what I would write in PIM basic facts. The briefing we had, we were already aware that officers had used force because I'd documented that there was restraint and batons. PIM basic facts would never get into the detail of who has done what.

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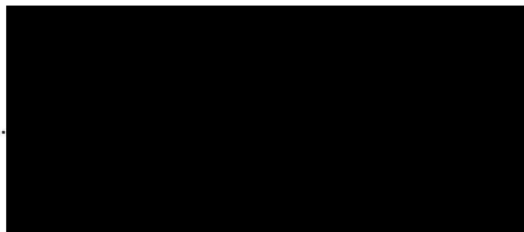
157. My position is that we knew more about what occurred than would ever had been written in a normal PIM basic facts. It would usually be a paragraph, a half dozen sentences. It's not a multiple page document. It would be a short paragraph on one page of A4. It's not about specific detail. I had already been briefed on a certain amount of detail and it was likely that others – those doing the briefing – would already know more. The only question for me, as PIM, was whether or not we were over the threshold for basic facts. We were.

158. Both in my experience and in the terms of the SOP, the PIM writes the Stage 2 basic facts rather than the SIO being prescriptive of what's required. For Stage 3 accounts, these are all subject to the officers having had legal and medical advice. Those safeguards for officer welfare exist for a reason and explain why the detailed accounts are taken at that later stage.

159. I have been referred to the Firearms PIP SOP: *"8.15 The basic facts should be confirmed with the person providing them to certify accuracy and be timed and dated by the PIM. The original should be handed to the IIO whilst the PIM and the person providing should retain a copy."*

160. This was not relevant and did not apply for the simple reason that there was no additional recording of PIM basic facts for the reasons explained. My decision as PIM was that there wasn't a need. The reason for PIM basic facts isn't to have a certified factual account, it's in very broad terms a description of what occurred. In terms of Sitrep content (Stage 1) the time and date stamp would be on the command and control system. The information would be dated and stamped when entered.

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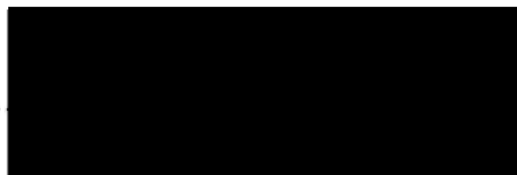
161. I have been shown the PIM Log at page 2: *"Date 3/5/15. Time 0955. Stage 1 Sit rep as known to the PIM: Reports male machete in street. Police attend, male strikes one with machete. Other officers use CS – no effect. Use batons restrain. Collapses. CPR commenced by officers -> ambulance -> hospital. PLE 0906. Declared critical incident. PIM Informed of Incident By – ACC."*

162. That hasn't been filled in contemporaneously. I've not filled that section in at 9:55am, I've filled it in at 11:24am when I've started the log.

163. ACC Nicolson was chairing the morning meeting but Garry McEwan was providing the briefing. That is the only briefing that I got. That's where I got the information from. I consistently referred to it as a machete so that was my note just two hours after the information. That's going to be my closest recollection to what was used. I wouldn't use the word "machete" unless it was said to me. That's why I've replicated it here. I don't specifically remember Garry McEwan using the word machete but as it was Garry providing the detail of the briefing, I assume he did. But that's only an assumption. If he says he didn't then I've heard it elsewhere.

164. A Sit Rep can come from a number of sources. It can come from update from control, immediate debriefing or updating that went on from the officers or their management. The PIM basic facts is a very specific part of the PIP process. Going back to my firearms example, the Sit Rep might just be firearms officers attended at the address and then the update is that a person has been shot at the address. The Sit Rep might be limited and that's where the PIM basic facts thereafter provide necessary context. By contrast, in this case we had a Sit Rep that was quite comprehensive for the early stage we were at. It was a pretty comprehensive briefing on what had taken place.

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165. The PIM basic facts might, in fact, look very similar to what I wrote in the Sit Rep page. I've bullet-pointed it and used words where sentences might be used. I've recorded the key points of what we think has happened.

**Status of the response officers**

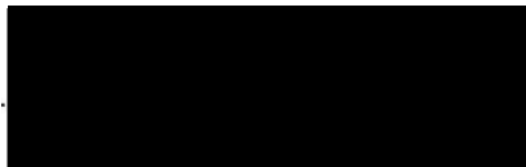
166. I am asked again about the status of officers. They were called principal officers at the time but key police witnesses describes them better. I think the key difference is that the police officers are not bystanders. Because of their profession they have been actively involved in the incident. They're not witnesses in the sense they stood there and witnessed it. They have a very different role because they're actively engaged, particularly around use of force. The police officers are the only civilians that can use force as part of their job. That's a key difference to the public.

**Management of the response officers**

167. Normal line management was in place to be in charge of the officers before I arrived at Kirkcaldy Police Station. I wasn't aware who specifically was there. On any given day of the week there was normal line management. I was aware that Garry McEwan was the Divisional Commander for that part of the country. There were other people in the line management structure who were also there.

168. I am asked about the canteen. The canteen was just a convenient and obvious place to put them. It wasn't my decision to put them there. I'm speculating why they were put there but the officers have obviously been involved in a challenging and traumatic incident. The canteen has seats. The only alternative would be office based with computers and chairs, which wouldn't

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be appropriate. The canteen was the only facility that felt right for them to go and wait for the processes to kick in. I previously noted that firearms officers returned to their place of work for the purposes of PIP. It didn't seem inappropriate that so too did these officers. I didn't discuss any of this on the day.

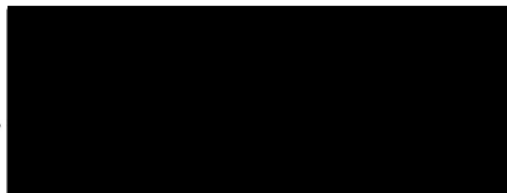
169. I was aware there was a PIM suite at Rosyth. Firearms officers back then were based at Rosyth and that was one designated PIM suite but it didn't feel right to move everyone there. Ultimately it's just another room. There is nothing particularly special or unique about the room in Rosyth designated as a PIM suite. There was also a question of welfare. The station was familiar. The police officers had their lockers in Kirkcaldy. When we get to the change of clothing side, and thinking from a practical point of view, it made sense for them to be in Kirkcaldy to change. The designated PIM suites in general terms are in the station where the officers are based so they have that kind of access.

**Separating the officers**

170. I didn't consider separating the officers. There is no mention of separating the officers in firearms PIP. There's a lot of discussion around separation now but there wasn't in 2015. Even now separation would only be done when it was safe to do so, absolutely necessary and practical to do so. There's a number of criteria. It impacts on the wellbeing side of looking after the officers.

171. It wasn't an active decision not to separate them. It wasn't part of the process in 2015. Even now it is a consideration not a default position. If someone came to me to separate some or all of the offices I would be asking why and what's the rationale for separating them. That goes back to the question of what is

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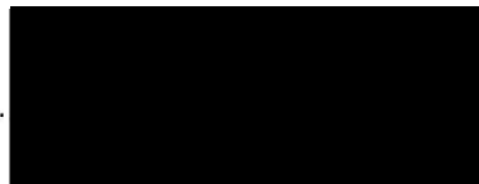
their status. I've been PIM for most of the last 10 years. In 2015 separation wasn't part of the process. I didn't consider separating them.

172. The debate now is whether there is a benefit in separating them and I understand why that might be fed into the Inquiry. The answer for me is still not to separate in every case, because the officers are given specific rules and direction around conferring and they know it's something not to do. That was given to these officers. The reason to give that warning or guidance is precisely because it was not considered that the officers needed to be separated. In other words, the very fact of the warning being given on conferral presupposes that there won't normally be separation.

173. It should perhaps also be remembered that the full accounts (or the operational statements) are going to be given after two rest periods typically. In my experience it's always a few days until they provide their full account. Separating them at the station wouldn't in any event make much sense because if you're being cynical and assume that they were determined to ignore the clear warning not to confer, they could all go home and speak to each other. The rationale that separation is necessary to ensure purity of an account is therefore a flawed argument. These are professional police officers and you tell them not to confer on what happened. I did that. The normal practice in 2015 was that they were not separated. That is what happened in this instance.

174. I absolutely accept that there is an argument for separation. But that's a recent debate, not a 2015 post incident procedure debate. There was no specific discussion on the day. No-one suggested separation or raised it as an issue.

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175. I am asked about operational statements and notebooks. In normal circumstances you should fill in notebooks, operational statements and forms before the end of your tour of duty. This incident in 2015 was not a normal set of circumstances. Bearing in mind the officers had the opportunity to receive legal advice, my understanding was they were advised not to provide statements. Therefore you wouldn't document your use of force or notebook if you've just been told by a lawyer not to provide your statement.

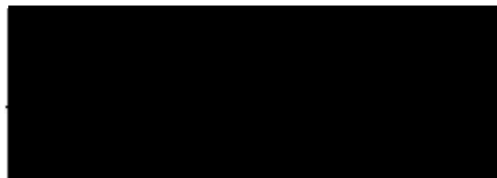
176. The use of force form isn't part of the post incident procedure. It's not the PIM's responsibility to ensure these are completed and it's not part of the process. Again, as I understand it in this situation the officers had been given legal advice and acted accordingly.

177. Legal advice was provided to the officers and it's appropriate for them to follow that legal advice. The investigation was not asking for that information. The SOP clearly provides that stage 2 and stage 3 accounts are subject to legal and medical advice and that's part of the process.

178. I am asked about what I discussed with Pat Campbell about PIP. I didn't discuss PIP specifically with Pat Campbell. I don't know what his level of knowledge was about PIP. My general assessment is that PIP and the role of the PIM was not widely understood by the organisation in 2015. Looking at where we are now, it's a world of difference. My comments are not specific to Pat Campbell, I simply don't think there was a good level of knowledge about the procedures across the organisation. The position in 2023 is very different.

179. I have been asked if it was possible that Pat Campbell wasn't asking for basic facts under the PIP because he didn't know that this was an option. This is a valid question, and for Stage 3 as well. To be clear, Basic Facts was my

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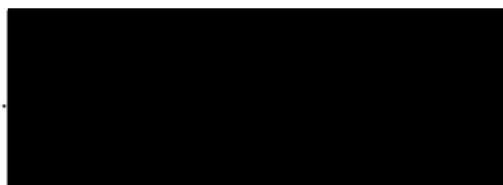
decision not to complete it. Pat Campbell and I didn't have the specific conversation about that so we just didn't get into it. I didn't give a briefing about PIP because it was not my place to brief a Detective Super on what PIP was. But the crucial point is that when I did speak to him, he was explicitly clear he didn't want statements, his term, from the officers. That was his position as SIO. He was entitled to take that view and I was required to proceed on that as being his position. The PIM process talks about accounts and evidential statements but even though he didn't use that exact terminology it was very clear to me that he didn't want the officers to provide an account of what happened on the day. That was his call as SIO.

180. I am asked to explain the 'meet and greet'. As part of the PIP you do a "meet and greet", that covers some of the welfare parts. You introduce yourself and the role you have and cover immediate welfare. You give a bit of an explanation around the PIM process but not in great detail. The warning on not conferring is a key part of that initial meet and greet.

181. In the PIM log at page 13 – I record that I covered the meet and greet with the principal officers and gave a warning around conferring. I'm conscious that the language in the meet and greet gets very firearms focussed. It refers to firearms officers, 'honestly held belief' and force used. Those are all concepts which didn't have relevance in this context. I had to explain that although it's not a firearms incident, we're using the Firearms SOP. Firearms officers get briefed on PIP given the likely interaction with that process, but back in 2015 those officers didn't get any briefings on this. It was therefore likely new to most of them.

182. I described to them essentially that they shouldn't talk about the incident, that when they do write full statements it's their recollection of what happened and

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therefore there is no need to speak about the incident with anyone else. The scrutiny of these investigations would mean they shouldn't discuss the incident with each other or anybody else. I am absolutely clear about that message having been given.

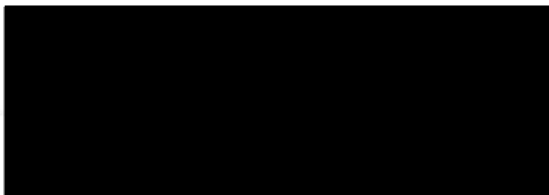
183. I emphasised that in the initial meet and greet and tried to take out the firearms side of it, and I think I recorded in a previous statement that in all the time in the PIM suite there was, to my knowledge, no discussion about the incident at all. So as far as I was concerned they were all adhering to the advice that I had provided to them. The meet and greet is the key activity to prevent conferral.

184. The other key activity is having somebody in the room so if they start talking about the incident then you can intervene, and also if something was conferred then that could be confirmed in the log. That didn't happen while I was in the room.

185. Having me, Jane and Amanda all there, part of that role is reminding them of what I've said at the beginning. Jane and Amanda were there for the meet and greet briefing. One of us was always there but all three weren't always in the room. There were times that I went to speak to Pat Campbell as SIO but I would always have Jane or Amanda in the room. As far as I recall one of the three of us were in the room for the whole day. A lot of the time I was there personally. Apart from interaction with the investigation team I was generally in the room.

186. Amanda was there as a Federation Representative. The Federation do form part of that wider PIM support role. Whilst she wouldn't have a specific PIM role to prevent conferring, my expectation was that she would do that. I'm

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saying that based on there and then in 2015. , Now in 2022 many Fed Reps are PIM trained. I don't think Amanda was PIM trained back in 2015 but certainly she was there when I did the meet and greet briefing and heard what was said. I have no doubt she would have acted accordingly to enforce that.

187. I have been shown the Firearms SOP at page 14 section 10.3: "*As a matter of general practice, officers should not confer with others before making their accounts. If however, in a particular case a need to confer does arise then officers must document that this has taken place, highlighting:*

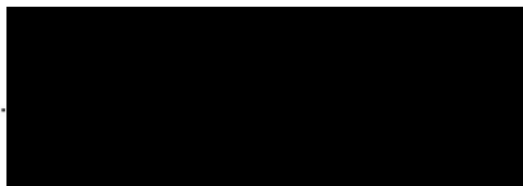
- *Time, date and place where conferring took place;*
- *The issues discussed;*
- *With whom;*
- *The reasons for such discussion."*

188. The important bit for this section is there needs to be a reason for them to confer and the only reason to confer would be an operational reason, for example if the investigation team needed to know something. The first thing to do is to stop conferring. The first reaction if you overheard someone saying something about the incident would be that you'd stop them conferring. The first stage is to prevent it happening, then you would document it if it happened. This section is allowing it to happen if there is a necessary reason.

189. I didn't ask them if they had conferred prior to my arrival. I think I've got that in my earlier statement. I didn't go back to what happened before I got there. I got there and carried out the process without retrospective work. I wouldn't ask them normally if they had previously conferred.

190. What happens now is that there is a conferral reminder. In a firearms context, if there is a discharge, on the ground there is an initial conferring reminder.

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People are better trained to give that advice around conferring now. The control room inspector has the form of words. What we've learnt over time is get that advice in very early. Once the PIM arrives, various stages have already happened. That wasn't in place in 2015. Others may well have warned against conferral before I got there. All I know is that I certainly did.

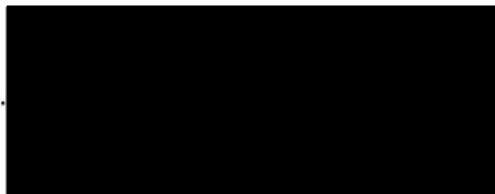
191. I think PC Nicole Short and I arrived at a very similar time in the morning back to Kirkcaldy. In the PIM log I've written at the bottom of page 2: "*PC N Shaw attended hospital and returned to PIM suite*"[Typo on surname is my error] I don't think I've recorded it in the free text log. My recollection is that she arrived about the same time as I was arriving there. When I did the meet and greet she was there at that point.

**Mobile phones**

192. I have been asked if any measures were taken to restrict the officers' use of their mobile phones. As part of the meet and greet, I talked about anonymity and their own responsibilities in that space. People that are likely to get the news out there are the people in that room. It's referenced in terms of, don't talk with each other and don't talk wider than that. Don't put something on social media. That personal responsibility around not talking about it, not disclosing the incident, because you can affect the amount of the chatter because you might be the source of it. This is part of the meet and greet. That includes social media. In the meet and greet I emphasised this.

193. These officers are on an early shift, any family or friends would expect them to be at work. The process went on beyond their normal finish time. The last person left the PIM suite at 8:30pm at night. They'd normally finish between 3 and 5pm, So an officer may have to phone home to say they're late. They

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wouldn't be restricted in that they were not allowed to use their mobile phone. If they had to phone home then that would've been acceptable.

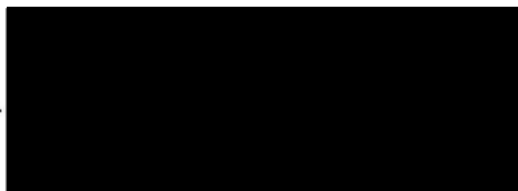
194. I have been referred to the Firearms PIP SOP (PS10934) at page 11: "8.5 *Once the firearms operation has been concluded at the scene and after consultation with the TFC all officers should switch off their Airwave terminals and mobile phones. 8.6... It is recognised that officers may wish to contact next of kin, friends and colleagues and this will be facilitated at the Post Incident suite.*"

195. This is about anonymity, "find my phone" and that sort of thing. This is more around the officers' identities not being known to the wider world. There's a danger that the mobile phone could identify the officer. That's not something I put in place because we didn't put in place full anonymity that you would in a firearms context. We didn't do the terminology of Officer A, B, C etc with these officers. That is more important with firearms officers. This wasn't that kind of incident.

196. Anonymity is a strict process for firearms officers. It's not a widely used process for anything else. During my previous experience to May 2015, we had initiated anonymity and it caused all sorts of problems with the Fiscals' office so we removed it. In this context it probably wasn't necessary. The call cards were being locked down for anonymity. It was a whole shift involved so it would have been hard to keep that anonymous. That was my thinking.

197. I don't remember next of kin, friends and family being an issue in the sense that it wasn't the case that lots of people were on the phones or a lot of requests to phone next of kin were being made. It wasn't really an issue. It would've been generally briefed that phones shouldn't be used but the officers were not

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told phones needed to be switched off, it wasn't very relevant. The general advice of their own anonymity and conferring was given and was apparently sufficient and effective. I don't have a recollection that lots of people were on the phones. I don't think it was as much of an issue in 2015 that people were on the phones as much as nowadays.

**Officers' accounts**

198. I have been referred to the Firearms PIP SOP (PS10934) at page 14:-

*9. STAGE 3 – PERSONAL INITIAL ACCOUNTS*

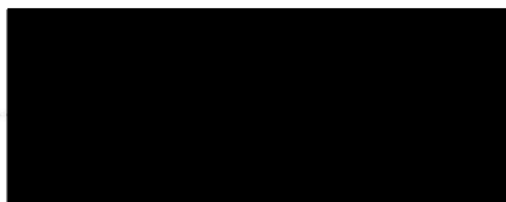
*9.1 Principal Officers will then be required (subject to legal/ medical advice) to provide their personal initial account (Stage 3 – Personal Initial Accounts). The purpose of the initial account is not to provide a detailed account but is to:*

- Record their role;*
- What they believed to be the essential facts and;*
- Their honestly held belief that resulted in their use of force.*

199. At 1340 I recorded a discussion with Pat Campbell and at that stage he was clear to me. I recorded it as "no need to take statements" and he reiterated 'no operational statements'. There was no briefing to him about Stage 3, my assumption was that when we were talking about statements that covered the Stage 3 Personal Initial Account. My clear and unequivocal understanding from the SIO was that there was no need to get accounts from the officers. That was quite early on.

200. It is also important to note that if he had said he wanted Personal Initial Accounts from the officers as per Stage 3 of the process, then the part about it being subject to legal/medical advice would be immediately relevant. There

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wasn't a discussion about legal advice precisely because it didn't get to that stage. Pat Campbell didn't want any form of account from the officers on that day. But even if he had said he did, , then we would've got into the discussion of the accounts of the officers and legal advice. The legal advice was not to give statements so had we reached that stage – which we didn't – it doesn't seem at all likely statements would have been provided.

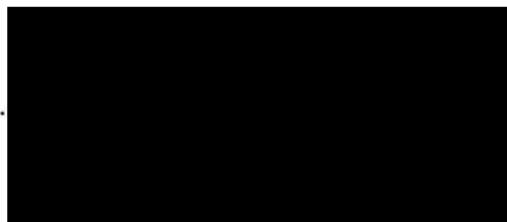
201. Obtaining legal advice is part of the process normally facilitated by the Fed Rep. From my conversations with Amanda it was clear the legal advice was not to provide statements. In relation to both factors , the SIO was not asking for statements and I was aware at some point in this time frame that the legal advice was not to provide statements.

202. I am asked if the provision of Stage 3 accounts is something which might have been considered if that specific position from the SIO and the legal advice against giving statements hadn't been given. It is something that we would have done or at least considered if it wasn't the legal advice to the contrary. It's fair to say it's usual for a Stage 3 accounts to be provided. In a normal timeframe that would be one of the last things to be done before you go into end of day welfare matters like when they would be next on duty and how are they getting home. That's at the end of the process. But in this case we had direction from the SIO and were aware that legal advice had been given that they shouldn't be provided.

**Recovery of officers' uniform and equipment**

203. My role in the recovery of the officers' uniform and equipment was simply to facilitate this happening. I was speaking with the DCI who was dealing with that aspect of the investigation. I think it was Stuart Houston. We discussed

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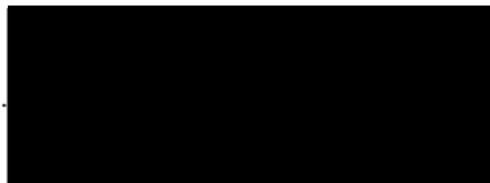
how it would best work and then I relayed that information to the officers and let them understand why the investigation wanted the clothing and so on. Then it took place one officer at a time. From recollection it was upstairs and in the room above the canteen. Literally my involvement was just that - practical facilitation. I wasn't in the room with the clothing, they had their own investigative team. It was a discussion with the investigators about the need for that and then the practical aspects of explaining to the officers.

204. Section 13 of the Firearms PIP SOP is around clothing. The broad concept is that these are police witnesses, not suspects in a crime. The dignity of the seizure it is an important part of the process. In the firearms world the default is that you don't need to seize clothing because they are all firearms officers and firearms residue will be on the clothing anyway because they train in the same clothing. Clothing is only seized by exception, for example, if there's bloodstains or if there was lifesaving treatment.

205. The SIO was very clear they wanted all the outer clothing as part of their normal course of investigations and that's what was asked of us. Pat Campbell and I did discuss it and I explained the perspective from the PIP I have just outlined. He explained his perspective from the investigation side. We went into the practicalities of doing it. At Section 13.4 of the Firearms PIP SOP it states it's an SIO decision. That's effectively what happened here. He made the call.

206. I have been referred to the Firearms PIP SOP (PS10934) at page 13: "8.16 *Where there is a requirement to wait for any part of the process officers should be permitted to "de-kit" and should each place their equipment in an agreed area where they have visual control over it.*"

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207. The reality is, Section 8.16 means in real terms that even a short PIP is going to take a number of hours and this one took a significant amount of time. It is unreasonable to expect officers to sit with belts etc for hours. It's not sensible from a wellbeing point of view. That's what they mean by de-kitting.

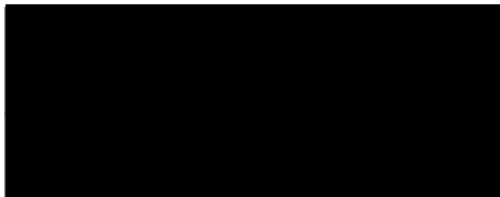
208. In a firearms context, particularly with weapons, it's important that they're sat to one side. Officers in this incident were already de-kitted when I got there from my recollection. Normally you would sit the kit in a pile. There's only a certain number of officers. You'd get a pile from each officer on the side of the canteen. The officers were sat in footwear, trousers, tops, that's the sort of uniform they were wearing. Their body armour and belts were already off them. That ties in with Section 8.16. in terms of timescales.

209. With the equipment, I was concerned about the amount of time that was elapsing. I've got it recorded as 4pm when the equipment was handed over and it was sitting there at least since 11am when I arrived. It's a long period of time and that's not ideal but that's what we were faced with.

210. I have been referred to the Firearms PIP SOP (PS10934) at page 14: "*9.4 Prior to being released from duty all officers should be offered the opportunity to take part in a welfare check, however they should also be reminded that the content of a welfare check is disclosable (further guidance is available in Appendix O and current local instruction).*"

211. This happened. This meant, from a practical point of view, that we needed to know how the officers were getting home, when they were next on duty, and that sort of practical stuff. It's not massively formal but it's part of the process. We tried to do it as each officer left. They didn't all wait until the end. They handed over equipment and then they were able to go. There's a check on

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how they're getting home, any issues they had, and when they're next on duty and so on. That's the basic welfare check before they leave the PIM suite. I can't see it recorded in the PIM log. There's a conversation with them to make sure they're ok and they know what they're doing the next day. There's more welfare provisions put in place going forward after that.

212. The part in the section about disclosure of the content of the welfare check means, if you're saying how are you getting home, how you feeling, if they were to suddenly say "yes I shot a person even though I didn't intend to", clearly that's disclosable. It's regarding a spontaneous comment. It's not about the officer getting a taxi home for example, that's not disclosable. It's more if they say something pertinent. Nothing was said by the officers in this welfare check that was relevant to the enquiry.

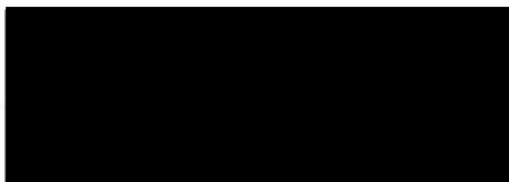
213. I have been referred to the Firearms PIP SOP (PS10934) at page 14: "9.5 *Once Principal Officers have fulfilled the requirements of the investigation and their immediate welfare needs have been met, then they should be released from duty without further delay. The PIM will liaise with the IIO prior to officers being released.*"

214. We had this conversation with Pat Campbell or DCI Stuart Houston. I knew once they handed over their equipment that was all that was required of them in the day in question from the investigation so they could go.

**Force Medical Examiner**

215. I asked for everyone to be seen by the Force Medical Examiner. This is by way of a welfare support package in terms of trying to put everything in place. There's the officer who went to hospital and came back, their needs were met.

Signature of witness...



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I asked if there were any other medical needs. Cross contamination with the CS was discussed but we decided that it would be good if everyone had a quick one on one with the doctor in case there was anything that they didn't feel comfortable about. It happened at the same time as the clothing was happening. I've put in the log that everyone saw the doctor as part of that process. Not for a specific purpose but more welfare support.

216. It was me, not the investigation, who arranged this. At Section 8.10 in the Firearms PIP SOP it talks about the accounts being subject to legal and medical advice, so it states a medical examiner but it's not specifically the FME. It's a consultation and I carried that bit through. That wasn't from an investigative perspective.

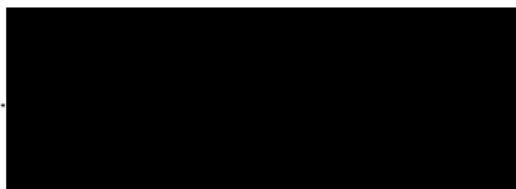
217. It's normal to do that, in the sense that it's part of the PIP. But it doesn't always occur in PIP. I think the FME's role is the same now. I'm no longer operationally involved in PIP, I stopped about 3 years ago because of other roles. I think the medical advice has always been in the procedure.

**Completion of paperwork**

218. I have been shown the PIM log (PS00387) at pages 13 and 14: "1340 ... *Take external clothing. No need to take statements at this time... 1341 D Supt Pat Campbell speaks to officers... No operational statements at this time.*"

219. The explanation that there was no need to take statements is from Pat Campbell. I've had the conversation with Pat Campbell outside, one to one, and then I went back in to the officers to see if they are ok with him coming to speak to them. Then he's come in to speak to them.

Signature of witness...



**OFFICIAL**

220. I've recorded those two bits. When Pat Campbell came in to speak to them I sat down in the canteen and I've written the 1340 entry, discussion with SIO, then meeting with the officers. I've recorded it while he's speaking to them. My conversation with Pat Campbell wasn't even 1 minute long.

221. No operational statements were given by the officers. It didn't change in the course of the day on 3 May 2015, so far as I was aware. There was discussion in the days following the incident about the provision of statements. I was on the periphery of that discussion.

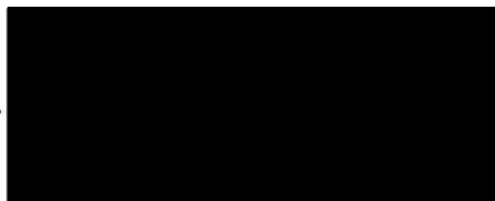
222. At one point in time the officers were asked again to provide statements. On Thursday 7<sup>th</sup> May at 1050 I've put an entry in. I referred to Alan Seath who was looking at welfare and Keith Hardie who was part of the enquiry. There was a discussion about status of officers, a bit about their legal advice and the difficulty in compelling them to provide a statement.

223. It was a teleconference with DCI Keith Hardie and the DCI will have requested statements and Alan Seath will be in support. At that point the decision would be made to formally request a statement and the officers can decide whether to provide it or follow their advice. I've just recorded that in the log. I wasn't in the room at the time, that was just phone calls.

224. So to be clear, on the day in question the SIO wasn't asking for statements but later there was a formal request.

225. I have been shown the PIM log at page 14: *"1341 D Supt Pat Campbell speaks to officers. Provides initial circumstances of enquiry to date. No suspicion on part of any officer."*

Signature of witness...



**OFFICIAL**

226. I can't remember what the "initial circumstances of enquiry" were to be honest. I haven't written it anywhere else but I suspect he said PIRC were involved. I recall at some point Pat Campbell explained there were public witnesses and CCTV that needed to be obtained. That's my recollection and I've not recorded that, so that memory is more vague.

227. I am asked about paperwork. My clear position is that it's not part of my role as the PIM to ensure the officers provide their paperwork in these circumstances. That is a matter for the officers and their managers.

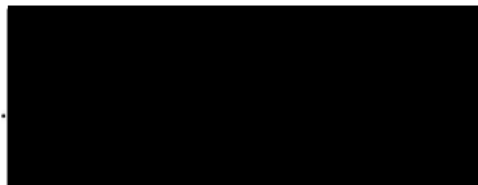
228. In the circumstances presented at the time, and the legal advice the officers maintained, I can understand why they didn't complete the forms. There was also a practical point that they were in the canteen and didn't have access to the computer. I would have had to facilitate the officers going to the computer rooms.

229. The other option is line management completing the document with the information and detail they had. For example, my recollection of the use of force form is there are boxes to tick if you had used handcuffs, spray, baton, etc and it would be incredibly difficult to complete for line management. While I appreciate the SOP that these forms should be completed, I don't think they should fill it out if they've been given legal advice.

230. Completion of the paperwork on the officers' behalf wasn't discussed or offered from line management.

231. I have been asked about the completion of notebooks. Generally, a notebook is where the police officer records what they have done in relation to crimes,

Signature of witness....



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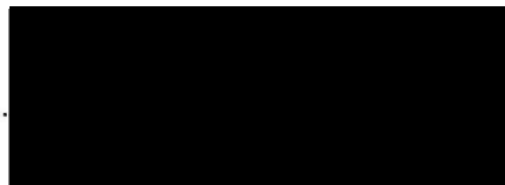
incidents and statements noted. It's an evidential notebook and that's why it should be filled in contemporaneously or as soon as possible thereafter. There are consequences for non-completion. It's part of a professional duty as a police officer, so I would expect officers to fill them in. If a police officer didn't fill it in, if there's not a good reason, you'd start off with informal management advice and ultimately it could end up as a performance matter.

232. Anything the police officer doesn't do can be dealt with through performance regulation or misconduct regulations, but before you get to those you should have normal management action to correct the error.

233. The purpose of use of force and CS spray forms is different. It isn't evidential documentation. It's an internal process to record the use of force for statistical analysis, such as how successful the training we receive has been, the use of equipment, consequences of training and techniques being successful or not successful. There might be circumstances where an officer doesn't complete it before end of duty, and it will be completed next on duty, so it's not a time critical document. I recognise it should be finished, but it's not unreasonable in some circumstances if it isn't completed.

234. They should be completed as soon as practicable. If not, all forms police produce should be completed in an appropriate time scale. It's not a misconduct offence to have forgotten. Police officers are professionals who will complete all documentation to complete their job. They're also human beings and might not complete a form. Supervisors would normally identify it and rectify it.

Signature of witness....





**OFFICIAL**

235. I am asked for my opinion and, in the circumstances of May 2015, it's reasonable to me that the officers did not complete a use of force form based on what happened, time, legal advice and not having access to a computer.

236. The consequence is for the organisation. We won't know if the training is sufficient or not. There isn't an individual consequence for non-completion. You wouldn't use misconduct for this. It would be individual management advice. The officer would usually be told to fill the form in as soon as they could.

237. There is auditing of notebooks. Now notebooks are electronic, but when you had a notebook as a Sergeant, they'd call it "putting a line in the notebook", meaning checking the entries submitted and sign that that check had been done. Some bits of the documentation would be cross-referenced. For example if there was four police officers at an incident sergeants would check four operational statements were submitted. That is just a simple management activity.

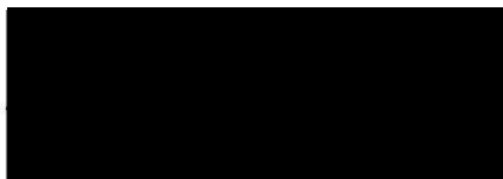
238. Now with the more national systems there probably are national audit functions in the systems that I'm not aware of. At a basic level there is an expectation that officers doing their job in a professional way. Also there is an expectation that first line management are checking on pieces of work in a supportive and audit way, and a formal process of a system that's been used and a particular audit or assurance around it.

**Operational statements**

239. I have been referred to the Firearms PIP SOP (PS10934) at page 14:-

*10. STAGE 4 – DETAILED ACCOUNT / EVIDENTIAL STATEMENT*

Signature of witness...



**OFFICIAL**

*10.1 Detailed accounts (Stage 4 – Detailed Accounts / Evidential Statement) should not normally be obtained immediately. Officers will be provided with at least 48 hours to detail their account, which should include, if relevant, why they considered the use of force and discharge of firearms to have been absolutely necessary.*

*10.2 The PIRC may wish to have detailed statements from officers. These statements may be taken by the PIRC or be provided by the officers themselves subject to the legal advice they receive. Where officers decide to provide their own statements then these should (except in exceptional circumstances) be submitted to the PIRC enquiry team as soon as reasonably practicable and in any case within 7 days of the incident under investigation. Where an officer decides to provide their own statement, the PIRC may take further statements in order to clarify any matters that may arise.*

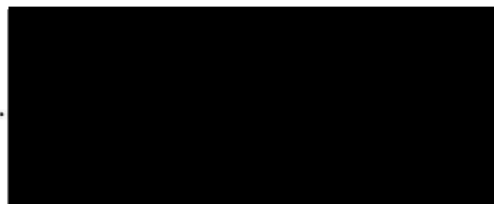
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*10.4 Where an officer has concerns that the integrity of the process is not being maintained, they must document and immediately bring this to the attention of the PIM.*

240. This is normally done after two periods of rest. I wasn't involved in officers being asked to provide statements, I don't know about the outcome of that. I don't know if they did provide statements. Even within this version of the post incident process it's said to be within 7 days of the process, which I think most were. I think some were later but I wasn't involved in the statement taking at that point.

**Force memoranda**

Signature of witness....



**OFFICIAL**

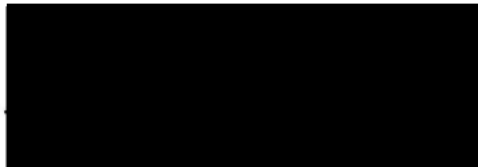
241. I am asked about a Force Memo. The intranet is where the force memos are online and I'm aware of force memos and I read them on the intranet. I can't remember this memo about officer's accounts. The title of it makes it not relevant, Subject Officers are used for on duty criminal complaints. In the day in question there wasn't a criminal complaint about any officers. If an officer is subject to a criminal complaint, the normal rules apply.

242. At no time did the SIO, PIRC or anyone else make me aware that there was a criminal allegation about any of the officers in the PIM process. If I had been made aware then we would've discussed their status and probably they wouldn't thereafter be in the post incident process. It's not designed for suspects of crime. Those matters are all for the SIO, he would be making those decisions.

243. I am not there to make an assessment of the justification for the use of force. During the Stage 3 initial account, if something became apparent that it was clear the use of force was disproportionate for the purpose, I'd engage with the SIO. Suspects of crime have rights and the PIP process is not appropriate for such people. If it's that obvious there would be a natural halt in proceedings and a discussion with the SIO about what to happen with the officer at that point in time. Plainly those were not the circumstances in this incident.

244. I have recorded in the PIM log that Pat Campbell briefed the officers and specifically that there was no suspicion on the part of any officer. These officers were part of this process because they are witnesses. Him saying that in front of all the officers, that's a clear statement that these memos about criminal conduct are not appropriate or relevant because of that statement.

Signature of witness....



**OFFICIAL**

245. I'm not part of that decision making process, but the welfare of the officers won't be a factor in deciding if they're a witness or suspect. It's about the evidence about the conduct of the officers. I'd refer back to that comment by Pat Campbell that there was no suspicion on the part of any officer.

**Media engagement**

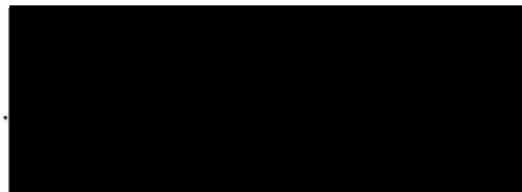
246. I had no involvement in media engagement. What's supposed to happen in a PIM process is that before any media releases go out, the principal officers are supposed to see the media release.

247. I have been referred to the PIM log at page 16: "*1930. Press release handed over by Press Officer – Kate. Shown to Scott Maxwell, James McDonough. Fed Rep.*"

248. At 1930 I recorded that the media release was given to me. A number of officers had already left the PIM suite but the officers still there and the Fed Rep were both shown the press release. That's just to let them know what's going out in the public domain. It's not so they can amend or edit it. That's the only entry I've got in my log. That's my only involvement. That's normal practice. In the PIP SOP at Section 18.5 it covers the PIM ensuring the principal officers are kept updated about the media content.

**4 May 2015**

Signature of witness....



**OFFICIAL**

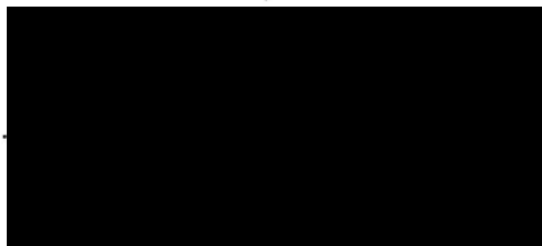
249. I have been shown the PIM log at page 17: *"1300 Discussion with Supt McKenzie regarding provision of statements. Reference SOP section 10. Email to Supt Campbell / McKenzie / CI Shepherd / Amanda Givan (Fed Rep) to inform."*

250. I think I spoke to Supt McKenzie on the phone. It looks to me that at that point it was in relation to Section 10 of the SOP, detailed accounts. I highlighted that there should be a period of rest between the incident and them providing the detailed account and probably the 7 day timescale as well.

251. I am asked about an 'Operational Statement' . 'Operational statement' is a police term for a police officer's statement. It normally refers to a police officer's statement when they're not necessarily connected to a crime or investigation. If I stopped a drink driver and reported them to the Fiscal and there was a request for statement, you'd provide a police statement. You wouldn't call that an operational statement. An operational statement tends to describe something that's happened when an officer is on duty that's not necessarily linked to a prosecution case. The phrase, detailed accounts, is part of post incident procedures. A detailed account, evidential statement, is as full a statement as you could provide. It would be akin to a police statement or an operational statement. I would say that operational statements and detailed accounts are essentially the same but with slightly different nuances for each scenario.

252. I have been shown the PIM log at page 17: *"1500 All officers except Nicole Short (AL) attend per for duty. Queries on Trim – not yet. Advise officers on cause of death? (Update from Nicky Shepherd). Discussion."*

Signature of witness...



**OFFICIAL**

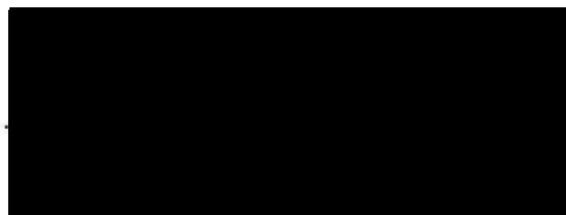
253. PC Short was maybe meant to be on annual leave. I assume I was checking up if the officers had come into work and if there were any issues. I can't remember this discussion but that is my understanding of that entry.

254. I am asked about the cause of death. I recall that the legal advice was that if officers didn't know the cause of death the status of the officer couldn't be confirmed. An officer couldn't give a statement until that is known. Therefore in this entry I think I and Nicky Shepherd have discussed whether the cause of death can be or should be shared with the officers. That is a bit of speculation on my part at this distance, but based on what was happening it is my best recollection.

255. I have been asked if it's appropriate to provide the cause of death from the post mortem examination before the officers give their full accounts. Whilst I have raised that issue with Nicky Shepherd, that decision was not one for me as PIM. My only involvement is as facilitator rather than decision maker. If you know that the blocker to the officers providing statements is the cause of death, and specifically their status as a result of the cause of death, then it would be reasonable to try and unblock that. But raising the question was the extent of our involvement.

256. Knowing the cause of death would impact upon the Stage 4 accounts. In a normal PIP you would make arrangements for officers to come back in. You might make arrangements for them to come in and provide statements. That wasn't possible because of the fairly unique circumstances we found ourselves in. I suspect that's why I have explored the possible pathway to getting such statements.

Signature of witness.....



**OFFICIAL**

**5 May 2015**

257. I have been shown the PIM log at pages 17 and 18: "*Tuesday 5 May... Spoke with Jane Combe (am/pm) She updated me that cause of death was advised last night pending toxicology and did not result from blunt trauma. Officers had been told last night.*"

258. I didn't give the ok for this. I don't think it would be a matter for me. I think this is simply me being updated on the things that are happening with other people's decision making. I don't know who told the officers and I don't know who made the decision to tell the officers.

259. I would facilitate their detailed accounts being given. The reason I am asking for these updates is whether I can start to plan for this or not. If their position was still as it was, and if the legal advice is not to provide a statement, then I can't do that. It's not the cause of death that matters, it's whether they're going to provide their statement. It's a practical point of whether I need to make arrangements or not, it's not about the detail of what is in the statements. The details of the cause of death and the legal advice are not matters for me.

**6 May 2015**

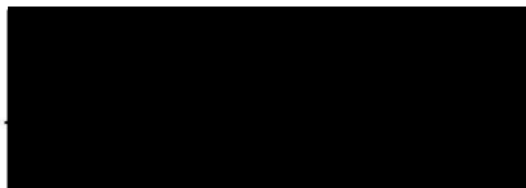
260. I have been referred to my daybook (PS03140) at page 2:-

*1030 Kirkcaldy  
Alan Seath, Amanda  
Meeting with Tues 5 Ch Supt.*

...

*concern re: Media.*

Signature of witness...



**OFFICIAL**

261. I don't remember this and what it was concerning. I think these will have been concerns raised with me, I'm assuming by the officers. When officers raise issues, it's things like counselling, personal security and media. I suspect it's an officer or officers being concerned about what's in the media about the incident. There's a bit about TRIM, health, command and control to be flagged. These sort of areas of concern are what's reflected in the welfare strategy. That's been covered with each individual officer, in each area of concern, to see how applicable to the individual officer intervention might be and if there were then mitigations to put in place.

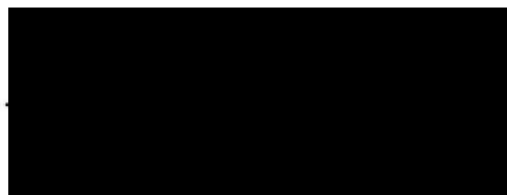
262. Alan Seath was taking on the welfare role and there was a transfer going on from my role as PIM to his role. My interpretation is that they had a meeting on 5 May 2015 with Ch Supt Garry McEwan. I think they met with him the day before. It's probably a bit of both an update from Garry McEwan and our discussion on the day. Also to get my advice from a PIM point of view.

263. To cross refer to the PIM log, there's a 1030 entry. I wrote a welfare strategy and in terms of the ongoing welfare of the officers we wrote a strategy for us to look at considering. Then what happened was Alan and Amanda went through that strategy with each individual officer and recorded that in terms of what they needed. I think that is what we were discussing on Wednesday at 1030.

264. I was developing a welfare strategy and speaking to Alan and Amanda about it. We were noting the things we were discussing and some of those things were reflected in the welfare strategy.

265. I have been referred to my daybook (PS03140) at page 2:-

Signature of witness.....





**OFFICIAL**

*"[tick] Use of force forms (senior) Legality. Absence  
Craig (self certifying) / Alan P (self certifying) Diary/FAI*

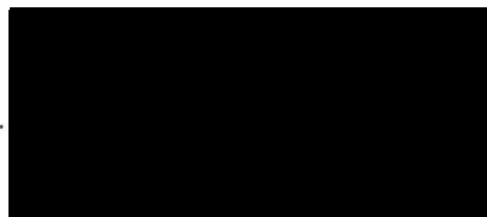
266. My assumption is someone has completed their forms. I'm assuming the tick is use of force forms have been completed by someone, though it is not clear to me who. The legality with the diary/FAI, that's about advice given to the officers to write it down now because otherwise they'll forget it in however many years. That's what that will be referring to. The absence will tie in with the officers self-certifying. I am recording that the force is suffering some absences as a result of the incident. That's me going through the various officers in terms of their status. Then the PIRC media reference – PIRC were controlling the media lines going out.

**7 May 2015**

267. I have been referred to my daybook (PS03140) at page 3: *"Thurs 7 May... 1050 Alan Seath – request for officers statements. Scottish Federation Dave Kennedy / Prof Watson -> PIRC John Mitchell (?)  
Compel officers. Can't do so until after cause of death as status of officer could change."*

268. I have been referred to the PIM log (PS00387) at page 19: *"Thursday 7 May 1050 Discussion with Alan Seath / Keith Hardie re: Statements from officers. Legal advice has been to wait until cause of death after toxicology "Compel"*

Signature of witness.....



**OFFICIAL**

*officers to provide statement – difficulty if status officer could change – from legal advice.”*

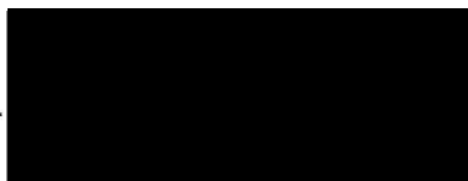
269. This is me really just providing an update. Alan Seath is an Inspector. David Kennedy – he’s high up in the SPF. Deputy Head or similar. Prof Watson is their legal advisor. I think this is really the legal advice that they are being given. To follow on from their entries the day before about what they’re being told and whether they can or can’t provide a statement, it’s to know if we can get these proceedings in place or not.

270. I’m not in a position to compel them to provide statements under the PIP. The word compel doesn’t feature I don’t think. It would be the senior investigators compelling them. They were going to ask each officer to provide statements and each officer would give their own response with legal advice. I’m supposed to be the facilitator of them providing their Stage 4 accounts.

271. As it happens, but not reported in the log, because the Inspector was taking over the welfare support, and the Federation so heavily involved in statements, it was the investigation team that eventually made arrangements for the statements to be noted. I didn’t facilitate this in the end. It’s unusual but came about because of the circumstances that we found ourselves in.

272. I am asked about why officers were not ordered to do various things. That’s a vague question but I can only offer a general answer. Ultimately they’re police officers and if you give them a legal order then they need to comply with a legal order. For example, you can keep them in the PIM suite to carry out PIP. You can explain that this is an order. To that extent you do have some control over them. You wouldn’t resort to that as a first port of call. You’d want to see why

Signature of witness....



**OFFICIAL**

they weren't complying with the order. In this case, there was no need for me to issue any orders.

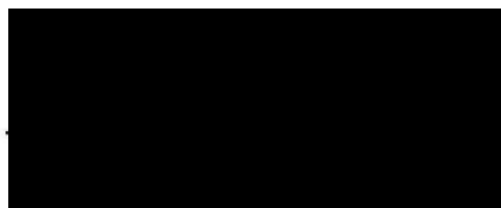
273. You could give orders in any aspect of PIP. But I don't walk around giving legal orders. PIP is supposed to be a supportive procedure. It flies in the face of a supportive procedure. I'm not at all sure as a matter of law that I could have ordered them to provide a statement. Because of the circumstances, the statements are subject to legal and medical advice. The advice was not to give a statement.

274. By the time we get to Stage 4 those conversations were playing out mainly outside my involvement. Based on some of the updates recorded there is the emergence of language around compelling officers and so on. The point about asking the officers to provide a statement, again that's the investigation responsibility not me as PIM. The investigators got to that point and they had to formally ask them. That was referenced on Thursday 7<sup>th</sup> at 12:36. That's where the DCI will request statement with Alan and Amanda in support. That's exactly the point.

275. Stage 4 wouldn't normally be for a couple of days. Within that period of time there was discussion about cause of death and legal advice. All of this is one step removed so I'm assuming this happened and some gave statements but I'm not aware of any of that first hand.

276. In post incident procedure it's the officer's choice to either provide their own statement or ask an investigator to note a statement from them, or they can be interviewed by the PIRC and give a statement that way. It should be their

Signature of witness.....



**OFFICIAL**

choice. In the first instance they can write their own statements and submit it. That's the normal course of things.

**Race**

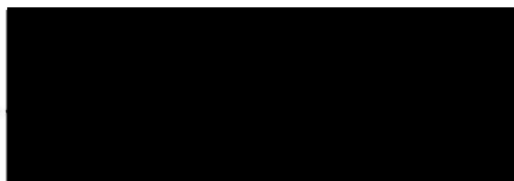
277. I didn't think race had any impact on any actions or decisions. Reflecting back, it's obviously relevant from a critical incident point of view and I've touched on that already. There's a background to police and race and race relations I was aware of. The fact it was a critical incident, race was probably an important factor in that decision-making. It's one factor in the context of a broader incident. In terms of how I conducted the post incident procedures, guided by the SOP, recorded in my PIM log and elsewhere, it made absolutely no difference.

278. I am asked about the declaration of a critical incident. I didn't have any discussion around the declaration of a critical incident and I wasn't part of the Gold group structure so was not privy to those discussions. I had no direct discussion or involvement in this.

279. I arrived at Kirkcaldy and very rapidly carried out my duties. One part is to tell officers not to talk about the incident. There was no discussion in the PIM suite about the incident, let alone about the race aspect. In terms of what I've touched on in the provision of statements, I do think, there were unique and exceptional circumstances in the provision of statements but that was based on the legal advice provided. I don't think that was because of the race of Mr Bayoh.

280. It wasn't my role to reflect on the impact of race on the community. That would be for Garry McEwan and the community impact, critical incident nature of it. I

Signature of witness...



**OFFICIAL**

had a precise role in all of this, particularly because I wasn't part of P/Fife Division. Maybe race had a part of those impacts, community impacts that played out in the days and weeks afterwards but they didn't impact on me because I was carrying out a different roles and function as PIM.

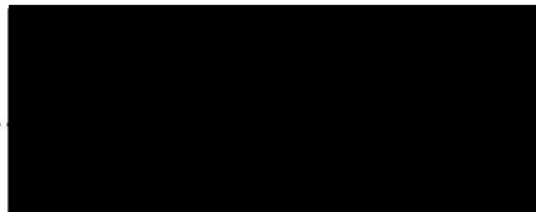
281. I've experienced no examples of discrimination by police officers. Even in PSD I don't think I dealt with anything racial discriminatory. Police officers in my experience are normally the subject of racial abuse rather than being participants. I know of black colleagues being racially abused. I know of English officers being abused because of their accents. It's normally members of the public towards police not the other way around in my experience.

282. I'm not aware of any racist views, racist jokes or racist comments of police officers.

283. I would also like to draw attention to a series of reflections I had on the improvements which might be made to the PIM process in the aftermath of this event. These were systemic rather than race related but they are important for the Inquiry to see. They are set out in a document with the Inquiry (PS01453). The context to this document was that as a PIM I was invested in the specialism and considered myself relatively experienced and interested in it. As part of that, I was professionally committed to improving the process where that was possible. This document was not asked for by anyone. It was self-initiated and was my reflection on the lessons of the PIM process we had just been through.

284. I sent the document to Bob Glass who was the person with overall responsibility for policy in relation to PIP at that time in Police Scotland. He was the Chief Firearms Instructor. Some of those suggestions for improvements

Signature of witness....



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were implemented, others were not. It is an example, however, of the constantly evolving nature of PIP.

285. 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.

Date...02/02/2023...Signature of witness...

