

1 TRANSCRIPT OF THE INQUIRY

2 Friday 17 March 2023

3 (10.00 am)

4 (Proceedings delayed)

5 (10.03 am)

6 DETECTIVE SUPERINTENDENT INSPECTOR NICOLA SHEPHERD

7 (continued)

8 LORD BRACADALE: In relation to Ms Mitchell's --

9 MS GRAHAME: Excuse me, the witness is actually present.

10 LORD BRACADALE: I'm sorry, I hadn't realised that.

11 Could you withdraw, please, again.

12 (In the absence of the witness)

13 LORD BRACADALE: In relation to Ms Mitchell's submissions,

14 in considering these I have borne in mind the general

15 difficulty that this witness had in recalling events,

16 the evidence which I have already heard from Chief

17 Superintendent Trickett, and other witnesses, including

18 Kadi Johnson, and also that Garry McEwan has provided

19 a statement and will in due course give evidence.

20 Against that background, I shall allow the following

21 lines of questioning: the issue of whether during the

22 visit to the family there was a discussion of the

1 post-mortem, the issue of disclosure of the post-mortem
2 results to the lay advisers, the issue of dealing with
3 public concern about the relevance of terrorism, whether
4 the witness already had knowledge and understanding of
5 the diversity information provided by Gill Boulton, and
6 whether the family were asked about the religion of
7 Sheku Bayoh.

8 So I shall allow these lines of questioning to be
9 pursued. I consider that I would not be assisted by
10 exploration of the following: in relation to the point
11 that, in the context of the event being high profile, in
12 her Inquiry statement she had not made any reference to
13 the fact that Sheku Bayoh was black, I have checked what
14 she said in oral evidence on Day 50 at page 171,
15 line 20, and in the light of that evidence I do not
16 consider that I would be assisted by further discussion
17 of the terms of her statement.

18 I do not think that taking this witness to the
19 Gold Group minutes in order to try to jog her memory
20 about what was said at the meeting with the family about
21 the use of batons would achieve much.

22 As to whether Garry McEwan referred to a machete at
23 the meeting with the family, I already have the evidence

1 of Kadi Johnson, the evidence of
2 Chief Superintendent Trickett, the PIM records, and the
3 evidence of Garry McEwan to come, and that evidence, all
4 of that taken together, would provide a sufficient basis
5 for submission.

6 Given the evidence which this witness has already
7 given in relation to the suggestion that she had
8 a conversation with Gary Wilson, I do not think that
9 I would be assisted by revisiting the issue of
10 discussions between him and this witness.

11 In relation to the submissions on behalf of the
12 Coalition for Racial Equality and Rights, I shall allow
13 Mr Henry to explore both the issues that he has raised.

14 Could we have the witness back, now, please.

15 (In the presence of the witness)

16 LORD BRACADALE: Superintendent Shepherd, you're going to be
17 asked questions today first by Ms Mitchell KC, who
18 represents the families of Sheku Bayoh.

19 THE WITNESS: Okay.

20 LORD BRACADALE: Ms Mitchell.

21 Questions from MS MITCHELL

22 MS MITCHELL: I'd like to ask you some questions about the
23 issue of visiting the family, and the question of the

1 post-mortem.

2 Now, yesterday you were asked, and I'll just refresh
3 your memory on this, about whether or not there were any
4 discussions about the post-mortem with the family, and
5 you said:

6 "Answer: I don't recall them, and I haven't taken
7 notes of that~..."

8 Then there's a bit of overspeaking, it says, and
9 then the question put to you:

10 "Question: So you don't recall any discussions
11 around the post-mortem?

12 "Answer: I don't now.

13 "Question: Do you recall there being any
14 discussions about identification of the body?

15 "Answer: Not now, I don't."

16 So you say you don't recall it, and you also hadn't
17 taken note of it. I just would like, if I could, to
18 have a wee look, please, at PS03139. It will come up on
19 the screen, but this is the Gold Group meeting on 3 May
20 at 8.15. Now, by 8.15 you had been to see the family
21 and you'd come back and were present at this meeting; is
22 that correct?

23 A. That's correct, yes.

1 Q. If we could scroll down, please, to paragraph 5, do we
2 see there the heading, "Family concerns"?

3 A. Yes.

4 Q. And it's Chief Superintendent McEwan who is informing
5 the Gold Group about their concern, about the family
6 concerns.

7 A. Yes.

8 Q. Do we see there is a task at the bottom of that? Could
9 you read that out?

10 A. It says:

11 "... Family crave reassurance and are asking about
12 witnesses etc they do not wish anything publicised until
13 they inform deceased Mother who is in London."

14 Q. Now, do you remember conversation around that in
15 particular, the discussions around the mum coming up
16 from London?

17 A. Not now, no.

18 Q. No. Does anything said there about the family craving
19 reassurance on any particular matter assist you in any
20 way?

21 A. It doesn't now, sorry.

22 Q. Would it have been helpful for you to have taken note of
23 that at the time if the family were asking for stuff so

- 1 that now we would have a better understanding of what
2 happened?
- 3 A. The notes clearly from the gold which happened in really
4 quick succession after that meeting clearly document
5 that those concerns were raised. I suppose I'm being
6 asked: do I remember it now? No. But I'm quite
7 reassured and confident that soon after that meeting
8 those concerns that were recorded are brought to the
9 attention of the gold, and I think at that meeting also
10 the PIRC. So ...
- 11 Q. Might I then ask you another question about the
12 post-mortem, and it's in relation to a document which
13 I think is your day notes, and the reference for that is
14 PS09169. If we could scroll down just a little -- oh,
15 sorry, if we scroll up first of all just to orientate
16 ourselves. Do we see that's Thursday 14 May 2015?
- 17 A. Yes.
- 18 Q. And this is your daybook; is that correct?
- 19 A. Yes.
- 20 Q. Yes, you seemed a little hesitant?
- 21 A. Sorry, I'm just reading it back. Yeah, it is my
22 daybook, yeah.
- 23 Q. Now, if we can scroll down slightly, we see, as

1 reflected in your evidence, it says:

2 "People are looking for information~..."

3 And we see that there:

4 "... helpful for PIRC to come out with conclusion of
5 [post-mortem]. Could have provided some clarity on PM
6 result. Give some clarity to public."

7 So is that you reflecting on that particular issue?

8 A. Can I ask just to go back up again? Sorry. I assume --
9 so, it doesn't look like it's part of a meeting -- that
10 I'm reflecting a conversation. So I'm unsure but it
11 doesn't look like I'm sitting in a meeting at that
12 point.

13 Q. Yes, yes I think that's maybe rather I'd thought of it
14 as well.

15 I wonder if we scroll down slightly further, so if
16 we stop just there, and then it says:

17 "Give some clarity to public.

18 "Not necessary to reveal."

19 Then can you read the next three lines, please?

20 A. Sorry, I'm just trying to orientate --

21 Q. So as we're looking at the screen --

22 A. Oh, from the top, sorry?

23 Q. Yes.

1 A. So:

2 "Could have provided some clarity on PM result.

3 Give some clarity to public.

4 "Not necessary to reveal.

5 "I disclosed 2nd PM to advisers. Requested not to
6 further disclosure~..."

7 I don't know what's -- it looks like a R:

8 "... Specific question as to body release date. No
9 evident withdrawal from current groups."

10 Q. Now, I wonder if you can help us understand what you
11 mean here. First of all, do you recall writing this?

12 A. Now, no.

13 Q. Can you tell us -- obviously you've written it down --
14 can you tell us what it means?

15 A. My reflection then, having seen that now, then -- so
16 I~...:

17 "Could have provided some clarity on PM result.

18 Give some clarity to public."

19 Not sure the context round about that:

20 "Not necessary to reveal."

21 Q. "Not necessary to reveal.

22 "I disclosed second PM to advisers."

23 A. I don't think that rolls into the same sentence. So

1 "I disclosed second PM to advisers", what that reference
2 will be, I assume, referring to a conversation I've had
3 with the lay advisers.

4 Q. Okay, and in that conversation do we see that you've
5 disclosed the second post-mortem to those advisers?

6 A. That's how that reads, yeah.

7 Q. Can you tell us anything about that?

8 A. I don't recall doing it, but certainly that would --
9 that infers that I have. So I assume that's what I've
10 done.

11 Q. What would be the purpose of doing that?

12 A. The purpose of informing the lay advisers, so going back
13 to that community impact assessment, that we had
14 identified trigger points, one of which was the funeral,
15 so if I'm reflecting back, the discussions with the lay
16 advisers at that point, one of the issues we were
17 looking -- or they were looking for information from was
18 on the funeral. My recollection is not detailed enough
19 to probably give you too much more about that, but other
20 than the fact that I would have thought that was
21 relevant to informing them that if there was a second PM
22 then the funeral wouldn't be known.

23 Q. Are you able to tell us now whether or not you disclosed

1 details of the post-mortem or just the fact that it was
2 a post-mortem?

3 A. It would be the fact that there was a post-mortem,
4 I don't think I knew the details of the post-mortem.

5 Q. What does it then mean:

6 "Requested not to further disclose."?

7 A. I assume I have recorded the fact that I've asked --
8 I've told them in confidence that there's a second
9 post-mortem.

10 Q. And can you tell us what the word "R" means?

11 A. No.

12 Q. And what would be the point in requesting them not to
13 further disclose, ie to tell them and them alone about
14 that?

15 A. Because that's -- that was the point of their role that
16 I was using them for at that point, which was to give us
17 advice in the lead-up and once we got to the point of
18 that funeral. So the trigger points in the community
19 impact assessment were going to be that funeral, so they
20 would quite readily be asking questions as to what we
21 knew and what the process and timing would be. So to
22 allow me to answer that, my natural response would have
23 been if there's a second PM my knowledge would be then,

1 "Until that's complete, I probably can't provide you the
2 details of the funeral". But that was -- I've not
3 recorded that there's been anything over and above the
4 actual fact that there's a second post-mortem.

5 Q. Okay, I think we'll leave that there.

6 Could I move then on to a new issue, and that is
7 an issue of community reassurance. You spoke yesterday
8 about the need for measuring community tension,
9 I suppose, to assess that, to get information on lots of
10 different things.

11 You said that what you did was engage in many ways
12 with elected community representative leaders, and
13 amongst other things you would be providing them
14 reassurance.

15 A. Mm-hm.

16 Q. There was a question yesterday around the issue of
17 counterterrorism, or whether or not this had been
18 a terror-related incident. I think in your evidence you
19 explained that the question of whether or not it was
20 a terrorist incident was not only important to the
21 people that you met with, the lay people, but also to
22 police officers. Do you recall --

23 A. Yeah.

1 Q. -- giving that in evidence?

2 A. Yeah.

3 Q. And put short, was your evidence, "I wasn't able to help
4 them because -- I wasn't able to help either confirm or
5 deny whether this was a terrorist-related incident
6 because by the time I was dealing with it, the PIRC had
7 control of the investigation"?

8 A. Broadly, yeah, I think that's what I said, yeah.

9 Q. I don't mean to pigeonhole you into that. Was there
10 anything, was there any other reasons that you weren't
11 able to explain that to them?

12 A. No, I think broadly that was ...

13 Q. That was the reason?

14 A. Yeah.

15 Q. PIRC had now taken over.

16 In those circumstances, what would have stopped you
17 contacting PIRC and asking them to give you that
18 information so you could give that information to the
19 public and quell those fears?

20 A. In my role as local area commander, I was quite clear
21 where my roles and responsibilities lay. And my
22 understanding from gold right from the outset was the
23 conduit into PIRC, was -- certainly from comms, was

1 going to come through Corporate Comms. So that was my
2 route in, so any issues that I had in relation to what
3 was going out in terms of media messaging, internal or
4 external, was going to go through Corporate Comms. So
5 that was the avenue that I knew to route concerns
6 through, or in fact raise them with the gold if that was
7 relevant.

8 Q. I don't think we saw from any of the gold that this
9 issue was raised and then eliminated; would that be fair
10 to say?

11 A. I don't know about the comms but certainly my
12 recollection is that at one of the first gold meetings,
13 that counterterrorism was mentioned.

14 Q. Indeed, no, what -- sorry, I should have been more
15 precise. There's no mention in any of the gold meetings
16 of your raising that you wished to inform people that
17 this wasn't a terrorist matter and obtain clarification
18 in that meeting that that was an appropriate thing to
19 do.

20 A. There was no reference in -- just the gold meetings?

21 Q. In the gold meetings, you said one of the ways you could
22 raise it was in the gold meetings.

23 A. Yes.

1 Q. I'm just saying --

2 A. Okay, yeah.

3 Q. -- it doesn't appear anywhere in the gold meetings that

4 you did that.

5 A. Okay.

6 Q. And I take it you don't have any recollection of doing

7 that?

8 A. Not from the gold meetings, no.

9 Q. Okay.

10 Your understanding was the way that you were to

11 intromit with PIRC was through comms?

12 A. Yes, or --

13 Q. Yes, carry on.

14 A. -- you know as part of the investigation, I think

15 I spoke yesterday that the Major Investigation Team were

16 also the point of contact for the PIRC in terms of the

17 investigation, so there was a number of routes. So

18 I think I said yesterday that when I had questions of

19 background information for the family, I put that to the

20 Major Investigation Team at the community reassurance

21 groups so that could then go to the PIRC and then that

22 would be the natural feedback to me. So I suppose there

23 was more than one, when I put it in that context.

1 Q. Okay, and did you raise the matter then with the Major
2 Investigation Team?

3 A. I would have to go back to the Community Impact
4 Reassurance Group meetings -- in relation to the CT
5 aspect?

6 Q. Yes.

7 A. You would have to go back to that minute. So my
8 recollection is, because I think when I spoke yesterday
9 I mentioned it was coming via elected members and it was
10 coming via staff, and in one of the meetings with the
11 Community Impact and Reassurance Group it was mentioned
12 within that, and I'd have to check back and see if the
13 MIT were there, but certainly Corporate Comms were
14 there, and --

15 Q. I suppose them being there and it being mentioned is
16 a different thing than you actively pursuing a response
17 so that when you chaired these meetings at a later stage
18 you would be able to say, "I can say with confidence
19 this isn't terror-related"?

20 A. I suppose in terms of active steps. So the meeting that
21 I'm referencing that the Scottish Police Federation
22 raised, "Other members of staff have asked this
23 question", then there was an action given to Corporate

1 Comms in my presence. So active, whether I issued that
2 action, I was aware it was issued, I was aware it was
3 discussed, CT, at that first gold meeting.

4 So, just in terms of my levels of assurance that
5 that was being raised, I have to take confidence from
6 the fact that these actions were given out, you know,
7 there was actions at other Community Impact Reassurance
8 Group meetings in relation to some of the issues we
9 couldn't ask that were taken by -- Gordon Crosan takes
10 one, from looking back at the minutes, to take back to
11 Corporate Communications. Certainly Alan Seath has
12 conversations with Corporate Communications about some
13 of the points that we can't answer. But certainly in
14 relation to the CT, that action was given to Corporate
15 Comms, and it's their role to take that back to PIRC.

16 Q. Do you have any recollection, if that went in that
17 direction, from comms to PIRC, of that coming back?

18 I don't think, having looked through the minutes, we can
19 see any reference to the issue of terrorism being
20 revisited and assurances given to the public that it
21 wasn't a terrorist incident.

22 A. I couldn't answer that. I think that would have to
23 be -- Corporate Comms would have to confirm what came

1 back. I don't have a recollection of somebody coming
2 back to me to say -- an explanation of that.

3 Q. I take it then in turn you've no recollection of being
4 able to provide that reassurance that it wasn't
5 a terrorist-related incident, albeit we know that very,
6 very early on in the investigation that was ruled out
7 effectively?

8 A. Was the question, sorry, was I aware~..?

9 Q. I take it following on from what you just said you then
10 don't then remember, yourself, passing on that message
11 to anyone to be able to reassure --

12 A. I don't remember that.

13 Q. I wonder if we could now move on to a different topic,
14 and I ask to look at PS06481. This is Operation Birnie,
15 the diversity and engagement strategy. You were taken
16 through this at some length yesterday. I wonder if we
17 could just scroll down, and continue down to, "Islamic
18 community". Keep scrolling, sorry. There we go.

19 Now, this would obviously be a document that you
20 have some input into as part of your role?

21 A. I've not seen that. I think I said yesterday, I don't
22 recognise that document as being familiar to me.

23 Q. I see, sorry, apologies.

1 I wonder if we could look under the heading,
2 "Islamic community", it says here:

3 "The public and press interest may make links with
4 Bayoh's perceived ethnicity or religion, which in turn
5 has the potential to raise concerns within the
6 community."

7 Then it goes on to say:

8 "... reassurance measures put in place ... [for] ...
9 the Islamic community."

10 But I would like to look at this first sentence that
11 I've read out. What do you understand it to mean by
12 that?

13 (Pause)

14 A. It was a general -- I'm reading it, so:

15 "The public and press interest may make links with
16 Bayoh's perceived ethnicity or religion, which in turn
17 has the potential to raise concerns ..."

18 I assume it's a hypothesis that Mr Bayoh's ethnicity
19 and religion could raise concerns, you know, if known
20 within the community in the circumstances that we were
21 dealing with.

22 Q. And what would be the basis of that hypothesis?

23 A. Local knowledge, general awareness.

1 Q. So:

2 "The public and press interest may make links with
3 Mr Bayoh's perceived ethnicity or religion, which in
4 turn has the potential to raise concerns within the
5 community."

6 What does that mean? We're looking at this from the
7 perspective of your being a senior officer who intronits
8 with the public, who provides reassurance, who considers
9 issues of tension, who gets all the information, who
10 gets the feedback. What I'm wanting to know from you is
11 what is it that has the potential to raise concerns
12 within the community?

13 A. Well, lots of things can raise concerns in the
14 community, but the --

15 Q. I'm asking you specifically in relation to what it says
16 here:

17 " ... links with Bayoh's perceived ethnicity or
18 religion~...?"

19 A. The fact that Mr Bayoh was black, the fact that history
20 tells us that deaths in police custody are clearly going
21 to have an impact. Mr Bayoh was black, that is going to
22 have an impact, undoubtedly, on concerns within the
23 community. That's how I'm interpreting that.

1 Q. Why then in the next paragraph are we talking about:

2 "Consideration should be given to having reassurance
3 measures put in place specific to the Islamic community,
4 and any place of worship~..."?

5 A. Why is that -- I don't know why that's in there. It's
6 (inaudible).

7 Q. Can you understand what it means?

8 A. I suppose it's making an assumption round about the
9 Islamic community and places of worship where, you know,
10 if we talk about -- my point I suppose is Mr Bayoh's
11 perceived ethnicity, and up until this point none of
12 that was confirmed, so there's probably some
13 generalisations and assumptions within that, that -- and
14 I don't know when it was written -- as to how that's
15 then been formed. So that would be my observation, is
16 it's quite general comments and assumptions round about
17 faith and ethnicity where -- that was the points I was
18 constantly raising with the MIT, was to have that
19 determined, so ...

20 Q. You've talked about his perceived ethnicity and faith.
21 This is headed up, "Islamic community", and it talks
22 about:

23 "The public and press interest in relation to

1 ethnicity or religion, which in turn has the
2 potential~..."

3 Ie his ethnicity or religion:

4 "... to raise concerns within the community."

5 So it's the matter of his ethnicity or religion
6 raising concerns in the community. Then it goes on to
7 consider how that could be dealt with and suggests that
8 reassurance measures should be put in place for the
9 Islamic community.

10 Would that suggest to you, on a reading, that there
11 was concern that Mr Bayoh's perceived ethnicity had the
12 potential to raise concerns which meant that the Islamic
13 community required specific measures to be put in place
14 to make things safe for them or to reassure them?

15 A. Sorry, I'm not following the question there, apologies.

16 Q. Okay. In that paragraph, do we see that there is
17 concern for the Islamic community? I'll give you time
18 to read the whole paragraph first.

19 A. Sorry, does that paragraph tell me that there is concern
20 or there may be concern?

21 Q. Yes, that there is concern for the Islamic community, or
22 may be concern.

23 A. Yes.

1 Q. What was the basis of that concern?

2 A. From that paragraph?

3 Q. Yes.

4 A. I'm reading that the inference is it's Mr Bayoh's
5 perceived ethnicity or religion.

6 Q. And I'm asking you: can you help the Inquiry by
7 explaining why that might be? Do you know why that
8 might be?

9 A. Why it's perceived?

10 Q. Why that might be perceived by the community?

11 A. I'm not following the question.

12 Q. I'm simply asking whether or not you could help the
13 Inquiry by explaining to us why the public and the press
14 may view Mr Bayoh's perceived ethnicity or religion as
15 something which required the police to think that they
16 might have to protect the Islamic community?

17 A. Yes, you know, the impact on the community in a wider
18 sense was absolutely recognised. The fact that Mr Bayoh
19 was black, that he was certainly reported to me to be of
20 Muslim faith, that there would automatically then be
21 potential community tensions within those communities
22 and beyond those communities. So I absolutely recognise
23 that those were factors that could have the potential to

1 raise concern.

2 Q. Why, because he was of Muslim faith, would that be the
3 case?

4 A. I don't -- it would be the case that it would have
5 an impact on all, on all communities, but if you've got
6 the death of somebody in custody that's being identified
7 or perceived to be being identified to have a protected
8 characteristic, then I think it's understandable then
9 that that particular community that that person
10 identifies as belonging to would be impacted.

11 Q. I understand that, but why would the public and the
12 press make links with him being a Muslim which would
13 require them to -- which would require the police to
14 consider putting reassurance measures in place?

15 A. I think they would make the links through past events
16 that would suggest there may be measures then that have
17 to be adopted to reassure those communities.

18 Q. I wonder if we could move on slightly. You spoke
19 yesterday about race training and you spoke in some
20 detail about training that you'd had, and I think there
21 were a number of events that you had attended and work
22 that you had done in that.

23 What I want to ask you about is going back to the

1 specific circumstance of this particular case. When you
2 were going to go and see the family, you took advice
3 from Gill Boulton?

4 A. Yeah.

5 Q. And she gave you various things which you wrote down and
6 were now able to tell us that you remember. Can you
7 remember them now?

8 A. She told us -- it was quite general advice, from memory,
9 it may be that the family may expect or would expect
10 Superintendent McEwan to lead in that conversation, they
11 may not elect to shake my hand, I think, and I can't
12 remember what else I've got jotted down, but ...

13 Q. So I think what you said there was the advice was
14 general, it was kind of generic advice; would that be
15 fair to say?

16 A. It would be fair to say.

17 Q. Did you already know those things that you were being
18 told about?

19 A. Yes.

20 Q. So there wasn't anything that Gillian Boulton was able
21 to add to your understanding or knowledge of the
22 community?

23 A. Not that I can recollect now.

1 Q. I wonder if I can then move on to another matter.
2 Yesterday there was discussion around when you were
3 aware that Mr Bayoh was of Muslim faith, and we went
4 into some detail, the Inquiry went into some detail and
5 heard from you about the difficulties you had in
6 particular on this -- obtaining this piece of
7 information.

8 Yesterday, just to refresh your memory, it says:
9 "Question: So this document appears to suggest that
10 Mr Bayoh was Muslim but perhaps not practising, but
11 I understand your evidence to be that that was never
12 confirmed to you?"

13 Then your answer was:

14 "Answer: In terms? Not by the family, and
15 I haven't seen that document --"

16 [Day 51, page 165, line 18]

17 So what you seem to be answering is that it was
18 never confirmed by the family whether or not Mr Bayoh
19 was a practising Muslim. I just want to check with you:
20 you personally, when you met the family, did not ask
21 whether or not he was a practising Muslim, did you?

22 A. I don't recall asking that.

23 Q. No.

1 Q. "Sayed mentioned that the death had featured in
2 a Glasgow newspaper, purchased generally by the Muslim
3 community and that the article had criticised the
4 police. He did not go into detail however said that he
5 would email a copy of the article to
6 Chief Inspector Shepherd. He went on to say that he had
7 links to the African community in Glasgow and that
8 certain sections of that community were concerned that
9 the police had done something wrong."

10 The next paragraph goes on to say:

11 "In response to this and other concerns about a lack
12 of communication the Chief Inspector said that she would
13 take a task to prepare and send out a form of words to
14 elected members, explaining why the police cannot make
15 any comment about the death and detailing the role of
16 the PIRC, which would hopefully alleviate concerns in
17 the public domain."

18 Superintendent, I'm interested in the reference to
19 the comment about the link to the African community in
20 Glasgow and that certain sections of that community were
21 concerned that the police had done something wrong.

22 Do you have any recollection of this meeting or that
23 comment being made?

1 A. Not now, no.

2 Q. Looking at the minutes of that meeting, when it stated
3 that there was a concern raised that sections of the
4 African community in Glasgow were concerned that the
5 police had done something wrong, what do you think was
6 meant by that?

7 A. On recollection, I don't -- I don't recall it, but
8 I think it would be fair to say that clearly the lay
9 adviser had concerns that he thought we should know
10 about.

11 Q. And you see in response to this you said that you would
12 take a task to prepare and send out a form of words to
13 elected members. Would those be the elected members in
14 Kirkcaldy that you discussed yesterday?

15 A. I wouldn't have assumed so, simply because he was being
16 specific to Glasgow.

17 Q. Are you able to recall what, if any, actions you took or
18 Police Scotland took to address the concerns of the
19 African community following this meeting?

20 A. Specific examples, no. I think that question could be
21 readily answered, though, by Safer Communities, who were
22 clearly overseeing, you know, the local and national
23 reassurance activities that were ongoing.

1 Q. We see there reference to you taking a task to prepare
2 and send out a form of words to elected members; other
3 than that, are you able to recall any specific tasks you
4 took to address those concerns?

5 A. I don't, but given that somebody's raised them, then
6 I would have escalated them to Safer Comms.

7 Q. That would be a matter for Safer Communities?

8 A. Absolutely, yes.

9 Q. The second matter that I want to ask you about,
10 Superintendent, is more generally: as I think you stated
11 to my learned friend Ms Mitchell, Mr Bayoh was black,
12 you've also discussed yesterday that he was Muslim and
13 there was a lot of questions yesterday about Mr Bayoh's
14 faith, and interactions and dealings and considerations
15 in relation to his faith community.

16 In May 2015, were you aware, whether in England or
17 perhaps the USA, of any incidents where black men had
18 died following incidents with the police or contact with
19 the police?

20 A. Yes.

21 Q. Were you aware of any concerns that the black community
22 would have in relation to deaths of a black man
23 following police contact?

1 A. Yes.

2 Q. I'm just interested in your views, Superintendent, on
3 whether, looking at the community engagement and
4 community impact work that you carried out, whether you
5 think that there was sufficient focus or sufficient
6 engagement with the black community, as opposed to the
7 Muslim community, into any concerns or impact on that
8 community?

9 A. Again, I would probably direct -- that question would be
10 best answered by Safer Communities in terms of,
11 you know, was it sufficient, you know, the role that
12 Safer Communities were performing was to look at that
13 whole national and, you know, local communities to then,
14 you know -- the strategy they had was then what would
15 need to be done and ultimately then they would assess
16 what would be done and then they would then assess: is
17 that sufficient, given what's been identified? So they
18 would be, you know, that was their role.

19 Q. In terms of the work, the community engagement or the
20 community impact and reassurance work that you carried
21 out following Mr Bayoh's death, in your own view, do you
22 think that there was sufficient attention given to any
23 concerns or needs of the black community as opposed to

1 the Muslim community?

2 A. Again, similar to my last point, so Safer Communities,
3 as part of that strategy, were devising, you know, means
4 with which to engage, gather and assess information.

5 That included all those communities, and that was local
6 to Kirkcaldy as well as taking that responsibility
7 nationally. Was it sufficient? I don't think I'm --
8 I would be able to answer that.

9 Q. That's another matter for Safer Communities?

10 A. That was their role.

11 MR HENRY: Thank you, Superintendent.

12 THE WITNESS: Thank you.

13 MR HENRY: Thank you, sir.

14 LORD BRACADALE: Superintendent Shepherd, thank you very
15 much for coming to give evidence to the Inquiry. When
16 I rise in a moment, you'll be free to go.

17 (The witness withdrew)

18 LORD BRACADALE: That completes, then, this part of this
19 hearing of the Inquiry, and we'll now adjourn.

20 (10.44 am)

21 (The hearing adjourned)

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