

Transcript of the Sheku Bayoh Inquiry

Wednesday, 1 February 2023

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(10.00 am)

LORD BRACADALE: Good morning, Sergeant Mitchell. Would you take the oath please.

SERGEANT ANDREW MITCHELL (sworn)

Questions from MS GRAHAME

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Good morning.

A. Good morning.

Q. You are Andrew Mitchell.

A. I am, yes.

Q. What age are you?

A. 39.

Q. And in 2015, as I understand it, you had eight years' service.

A. Yes.

Q. And now?

A. Just under 16.

Q. And your current role is ...?

A. Uniform Sergeant.

Q. Thank you. You will see right in front of you, you have a blue folder. Please feel free to open it. You will see in that a hard copy of your Inquiry statement and you should also have a copy of a statement that you gave to PIRC, probably at the back.

A. Yes.

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1 Q. At any time if you want to make reference to that, you
2 want to have a look at that, either of those documents,
3 feel free to do so. They're at your disposal.

4 A. Thank you.

5 Q. In addition, in front of you, you will see a TV monitor,
6 or a screen. When I refer to maybe a particular
7 paragraph in your statement it will be brought up on the
8 screen so that everyone with screens can see what it
9 says and if you prefer, if you're comfortable using
10 a screen, you can use that instead of the hard copy.

11 A. Yes.

12 Q. Let's look first of all at PIRC 00025. This is an
13 operational statement that was prepared by you, as
14 I understand, and if we just go down we see your name
15 there, Andrew Mitchell, and it was prepared on
16 3 May 2015 at 14.35 by yourself at Glenrothes Police
17 Station. Do you recognise that?

18 A. I do, yes.

19 Q. And I think this is four pages long and it sets out
20 briefly your involvement with the events that we are
21 looking at in this Inquiry.

22 A. Yes.

23 Q. Thank you. And then you -- I have read through your
24 Inquiry statement and let's just look at that for a very
25 quick moment. This is -- sorry, I don't have the number
26 here. Thank you very much. It is 00229 and it was

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1 a statement taken by the Inquiry team on 14 November
2 last year.

3 A. Yes.

4 Q. And then if we look at the bottom of the last page,
5 which is the 43rd page, I think, we will see that you
6 have signed this on 12 January this year.

7 A. Yes.

8 Q. And in fact, as you will see on the hard copy in the
9 blue folder, you signed every page of this statement.

10 A. I did, yes.

11 Q. And the final paragraph, 229, it says:

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

16 And you understand that that's the case?

17 A. Absolutely, yes.

18 Q. Thank you. Can we go back for a moment to paragraph 6
19 of your Inquiry statement. You mention there that
20 you -- well, you were in Kirkcaldy on 3 May 2015 and you
21 would say that it was a -- you prepared a statement and
22 you call it a "rolling statement".

23 A. Yes.

24 Q. I will come to that in a moment. You started it at one
25 point in the day and finished it towards the end of the
26 day.

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1 A. Yes.

2 Q. And during the day you added more information to that
3 operational statement.

4 A. Yes.

5 Q. And that's what you mean when you say a "rolling
6 statement".

7 A. Absolutely, yes.

8 Q. And it is your operational statement and you:

9 "Had a meeting at 6.30pm with the Duty
10 [Superintendent] and the FLOs to discuss how we got on
11 with the family."

12 So later on 3 May you had also spoken to Mr and
13 Mrs Johnson.

14 A. Yes.

15 Q. And:

16 "It would've been after that that I got the
17 statement finished."

18 And as I understand it, you were doing your best to
19 tell the truth during preparing that operational
20 statement --

21 A. Yes.

22 Q. -- although it was prepared in stages.

23 A. Absolutely, yes.

24 Q. And at paragraph 11 of your Inquiry statement you
25 mention that as part of the process of preparing the
26 statement you spoke to your colleague, Wayne Parker.

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- 1 A. Yes.
- 2 Q. And tell me, when you are preparing your operational
3 statement are you typing that up on a screen?
- 4 A. Yes.
- 5 Q. Right. And you said that you maybe spoke to Wayne
6 Parker about elements of it and you say in paragraph 11
7 you were looking for "a memory jog".
- 8 A. (Nods).
- 9 Q. Tell us what you mean by that.
- 10 A. Just sometimes when you have been sort of involved in
11 a traumatic event you sometimes miss out certain
12 aspects, or forget certain aspects when you're preparing
13 your statement, so you want to make sure you're getting
14 everything, or as much information in as you can.
- 15 Q. Is that why you speak to a colleague, to help you
16 remember?
- 17 A. Yes, the fact that Wayne was there with me at the time,
18 it certainly assisted, yes.
- 19 Q. And what's the position in relation to training where
20 you're speaking to colleagues and adding in information
21 to an operational statement? Do you get training about
22 that, or...?
- 23 A. Basically your normal training is to obviously prepare
24 your statement. If there's anything you can use to
25 assist with obviously your memory of that event then
26 obviously utilise it as best you can and obviously at

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1 that point it was Wayne Parker because he was with me
2 during the whole day.

3 Q. And so during 3 May he was with you the whole day and
4 you helped jog your memory by speaking to Wayne.

5 A. Yes.

6 Q. And I think later in your statement you say you're not
7 exactly sure which parts of your operational statement
8 were as a result of Wayne helping to jog your memory and
9 which parts were just from your own memory.

10 A. Yes.

11 Q. So for the Chair, when he reads the operational
12 statement, he should bear that in mind when he is
13 looking through it?

14 A. Yes, absolutely, yes.

15 Q. Thank you. And then I think in your statement you also
16 mention that the following day, on the 4th, DS Graeme
17 Dursley had asked you to -- the phrase you use is "beef
18 up" your operational statement. Tell us what that
19 meant.

20 A. Just elaborate a wee bit more on certain aspects.
21 Sometimes when you're preparing the statement you leave
22 it quite open and general when you're discussing
23 obviously certain aspects, but with this they obviously
24 wanted us to be a wee bit more comprehensive in what we
25 were preparing as a statement to obviously put in all
26 interactions that we had had with the people involved so

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1 it was basically that's all it was, it just to make it
2 a wee bit more comprehensive.

3 Q. Does that mean just make it a little bit more detailed?

4 A. Yes, absolutely, yes.

5 Q. And that was the following day?

6 A. It was, yes.

7 Q. And explain, how short was your statement the first time
8 you prepared it, on the 3rd?

9 A. I think it was just more to do with the sort of
10 interactions with the family and that as well just to --
11 it wasn't actually that much shorter, in all honesty,
12 there was just certain paragraphs that needed to be
13 a bit more detailed like you said.

14 Q. Do you remember what those paragraphs were?

15 A. I can't recall to be honest, no, sorry.

16 Q. Thank you. And at paragraph 15 of your statement you
17 have said you did your best to tell the PIRC the truth,
18 so when they spoke to you, you gave them this beefed up
19 version of your operational statement and you tried your
20 best to tell them 100% the truth?

21 A. Yes.

22 Q. Thank you. So if there's any difference between your
23 recollection now, today, and your statement
24 from May 2015, have you any views on what the Chair
25 should prefer? You were asked about that here in
26 paragraph 16.

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1 A. Probably the original statement to be honest because it
2 was fresh at the time. Obviously it's been like seven
3 and a half years now since it occurred unfortunately.

4 Q. A lot of people have said --

5 A. Yes.

6 Q. -- their memory would be better then.

7 A. Yes.

8 Q. Right. You were asked a number of questions about
9 training and I would like to begin with paragraph 28 of
10 your Inquiry statement and you say there:

11 "I have had no training in liaison with family of
12 the deceased in deaths investigations."

13 Does that remain the position today?

14 A. Yes.

15 Q. And so in May 2015 you had never had any training at
16 that time from Police Scotland in relation to delivering
17 a death message?

18 A. Just that the sort of basic training we got at the
19 college with regards to how we would deal with certain
20 scenarios so yes, after that it was really to do with
21 experience and to be honest I had dealt with quite a few
22 unfortunately before then.

23 Q. Right. Can you tell us a little bit about the ones you
24 had dealt with? You said you had a bit of experience --

25 A. Yes.

26 Q. -- in 2015. Tell us about the number of times you had

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- 1 delivered a death message.
- 2 A. Probably would have been about five or six, I believe,
3 at that point. It's been a few more after that, but yes
4 probably about five or six.
- 5 Q. And what type of incidents was that involving?
- 6 A. A variety, to be honest. Sometimes we would get sort of
7 requests through from other forces to get in contact
8 with family that are maybe not within their area and we
9 will go out and do that. Certainly I have had a couple
10 of ones that's been like sons or daughters and that as
11 well -- yes, it tends to be family related more than
12 anything else.
- 13 Q. But none relating to deaths in custody?
- 14 A. No, none, no.
- 15 Q. And none in relation to delivering a death message to
16 any members of the black community?
- 17 A. That's correct, yes.
- 18 Q. And I think you say that in your statement.
- 19 A. Yes, yes.
- 20 Q. And you mention at paragraph 26 of your statement that
21 you've got a degree in psychology.
- 22 A. I do, yes.
- 23 Q. So apart from the fact you have not had specific
24 training in Police Scotland, was there anything in the
25 training you received when you were doing your degree
26 that would assist you in delivering a death message?

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- 1 A. I think in all honesty it was just about sort of the
2 human aspect of it, just put yourself in the shoes of
3 the people that you're speaking to. So you obviously
4 try and be -- give as much information as you can, that
5 you have available to you, and obviously picture how you
6 would feel if you were having the message passed to you,
7 so I kind of always try and bring that into it as well,
8 but it's very difficult at times.
- 9 Q. But maybe sharing as much information as you can --
- 10 A. Yes.
- 11 Q. -- and putting yourself into their shoes, so being
12 empathetic or compassionate, something like that?
- 13 A. Yes, we try our best to do that as much as we can, yes.
- 14 Q. Is that something you were doing in 2015 or is that
15 something that you've become more...?
- 16 A. No, I believe I was, yes.
- 17 Q. All right. Can I ask you about paragraph 34 please and
18 I want to ask you about -- we have heard about standard
19 operating procedures, or SOPs, and you said that there's
20 a lot of these things. We have heard that from others,
21 there's a lot of standard operating procedures available
22 in the police service.
- 23 A. Yes.
- 24 Q. And they're on the internet -- intranet --
- 25 A. Yes.
- 26 Q. -- on the servers. And I think you were asked about

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- 1 diversity training and equality and diversity and you
2 said there was some SOP on the internet, but you didn't
3 remember at that time having read it. Is that right?
- 4 A. Yes, basically I think at my stage in 2007 when
5 I started your first two weeks at the college are all to
6 do with diversity and equality training. After that
7 when you start you're obviously directed to SOPs should
8 you require it down the line.
- 9 Q. And we have heard that there's often so many it can
10 be -- some officers don't find it an easy task to keep
11 up-to-date with those, or to have time to read all of
12 those. Is that something you have experienced?
- 13 A. Yes, there are hundreds of them to be honest that are
14 there for obviously to read if you require it. To be
15 honest, after I actually gave this statement to Euan
16 there's a new middle package just came out -- it's an
17 online training package come out on diversity, so
18 I completed that about a week after I spoke to Euan.
19 That's just a new one that's out.
- 20 Q. So when you say "spoke to me" you mean after you gave
21 your statement in November last year?
- 22 A. The Teams statement, sorry, yes.
- 23 Q. And it's called a Moodle training package.
- 24 A. Yes.
- 25 Q. Tell us a little about that.
- 26 A. It's an online training platform that Police Scotland

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1 uses. They use it for a lot of different aspects of
2 going for promotion, training, all that kind of stuff,
3 so they will basically put packages on there and
4 officers are asked to complete it and it keeps a log of
5 all officers that have completed it. So then as
6 a supervisor I can then say to my staff, "We need you to
7 do this" and then it's obviously kept there on record
8 that they obviously have that as part of their cadre.

9 Q. In your role as a sergeant, as I understand it you will
10 have responsibilities for a team of men -- not men,
11 a team of officers.

12 A. Yes.

13 Q. And is it compulsory for you to complete this Moodle
14 package?

15 A. Yes, it is, yes.

16 Q. And it sounds like the police are monitoring whether
17 that's been completed.

18 A. They are, yes. Quite rightly.

19 Q. I'm sure we will hear more about this at some point in
20 the future, but that's very helpful, thank you.

21 So before completing this compulsory Moodle training
22 package, do you remember doing any other diversity and
23 equality training prior to -- sorry, subsequent to being
24 at Tulliallan?

25 A. I can't, no.

26 Q. Thank you. I would like to look now at your experience

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1 in 2015. Could we look at paragraph 35 please and you
2 have said there prior to 3 May 2015 you hadn't been
3 involved in investigating a death in custody before, you
4 didn't have any experience in dealing with a death in
5 police custody before, you had been aware of other
6 investigations, but not personally involved with those.

7 At paragraph 45, I think, you had been -- you were
8 a DC at that time, on that date, and you had been a DC
9 for a couple of months. That's -- you see in the middle
10 of that paragraph?

11 A. No, sorry, it was actually --

12 Q. "I think just [in] fact I had been a DC for a couple of
13 months."

14 A. Yes, it was slightly longer than that to be honest.

15 Q. Right. Do you want to correct that?

16 A. Yes, I think -- was this, is it May 2015? So I would
17 have been 13 months, 14 months it would have been,
18 sorry.

19 Q. All right, so that's not correct?

20 A. Yes.

21 Q. You would like to change that to 13 --

22 A. Yes, apologies.

23 Q. No, that's not a problem. And you weren't based in
24 Kirkcaldy?

25 A. No.

26 Q. You were -- were you based in Glenrothes where you

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1 panned your statement?

2 A. Yes.

3 Q. Right, and now I think since about 2019, as I read your
4 statement, you have been trained as a Crime Scene
5 Manager.

6 A. Yes.

7 Q. But that wasn't your role in 2015.

8 A. No, no, it wasn't, no.

9 Q. That's additional training you have undergone since
10 then.

11 A. I have, yes.

12 Q. Can I turn to your role on 3 May please and if we look
13 at paragraph 41, first of all, and you will see there
14 that you have been asked a number of questions and given
15 an explanation about your involvement in the events of
16 3 May, but just to summarise, as I understand it you
17 were asked to travel to Kirkcaldy that day by Detective
18 Sergeant Dursley, Graeme Dursley, is that right?

19 A. That's correct, yes.

20 Q. And you were asked to do that and if we look at
21 paragraph 52 we will see that it was about 7.40 in the
22 morning.

23 A. Yes.

24 Q. So you have been referred to your notebook and you were
25 asked by DS Dursley at 7.40 to go to Kirkcaldy. And you
26 arrived about 10 past 8 according to paragraph 59. So

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1 a short journey:

2 "[8.10] Attended at [Kirkcaldy Police Station]."

3 Is that "KPS"?

4 A. Yes, sorry, yes.

5 Q. And there you were:

6 "Briefed by DS Davidson..."

7 We have heard that there's a DS Samantha Davidson,

8 was that her?

9 A. That's correct, yes.

10 Q. "...and Dursley..."

11 DS Dursley?

12 A. Yes.

13 Q. And that was:

14 "...with regards to a male assaulting police, who is

15 now in cardiac arrest."

16 So when you arrived at Kirkcaldy shortly after 8

17 that morning, you knew then the man was in a serious

18 condition.

19 A. Yes.

20 Q. And then if we can look at paragraph 56 for a moment,

21 I think you give an explanation here about the briefing

22 and you sort of state what you understood at that time

23 and you said you were:

24 "...worried for the guy, Sheku, and hoped [that he

25 would] pull through."

26 A. That's correct, yes.

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- 1 Q. So you knew he was in cardiac arrest --
- 2 A. Yes.
- 3 Q. -- when you arrived. You didn't know who he was, so
- 4 although you're calling him Sheku now when you gave your
- 5 statement, at that time you didn't know who he was.
- 6 A. No, at that time we never had a clue who he was.
- 7 Q. At that time he was an unknown black male and you
- 8 mention that Kirkcaldy had a small black community and
- 9 then you say:
- 10 "The only inkling was the call from Colette ..."
- 11 And we have heard about Colette Bell:
- 12 "... and that's when we got sent round to that
- 13 address. Nobody knew who he was because there wasn't
- 14 that many black persons who came to the attention of
- 15 [the] police."
- 16 Can I ask you, at that time you weren't working in
- 17 Kirkcaldy, but you clearly knew that it was a small
- 18 black community. How much involvement had you had with
- 19 the black community in Fife, or particularly in
- 20 Kirkcaldy, at that time?
- 21 A. Not a lot, to be honest. There was a couple of guys
- 22 that had come to our attention over the years for
- 23 a variety of things, but certainly not that many at all.
- 24 Q. And even in connection with witnesses that you have come
- 25 in contact with --
- 26 A. Yes, absolutely, yes. Not that many.

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- 1 Q. Not that many.
- 2 A. No.
- 3 Q. Can you remember how many occasions you had come into
4 contact?
- 5 A. I would be guessing.
- 6 Q. And I asked a number of officers if they were doing any
7 community outreach sort of work with the community,
8 black community in Kirkcaldy. Had you ever done
9 anything along those lines?
- 10 A. Not in Kirkcaldy, no. I had been involved with the
11 mosque in Glenrothes previously as a community officer,
12 but certainly not in Kirkcaldy, no.
- 13 Q. And how long had you been a community officer?
- 14 A. That was 2010 to 2012.
- 15 Q. And what had that work involved?
- 16 A. Just -- they actually brought in a -- what was called a
17 "community engagement model" at that time in Fife, which
18 in my opinion was a roaring success. We had a lot of
19 staff at that time. We had dedicated officers to each
20 area. I was given the Auchmuty area at that time in
21 Glenrothes.
- 22 Q. Could you say that again, sorry?
- 23 A. Auchmuty area of Glenrothes, sorry.
- 24 Q. Thank you. No, no, it's my fault.
- 25 A. Which had a sort of mixture of different people within
26 it, different areas, different schools. It was a

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1 really, really busy area and also had the mosque and
2 that as well, so we tried to interact with as many
3 people in the community as we could. We were out on
4 foot pretty much all day, every day, which I appreciate
5 probably is a rarity now, due to the staffing levels
6 that we do have, but it was a good time and we got to
7 know everyone. I would like to think we gained a lot of
8 trust with people. More people spoke to us than ever at
9 that point and it just felt, from an engagement point of
10 view, a really good time to be with the public.

11 Q. So you felt that was a success.

12 A. Yes, absolutely, yes.

13 Q. And you mentioned trust. Was that something that you
14 were able to develop through that?

15 A. Yes. One of the sort of main functions is that we tried
16 to go into the schools as much as we could and speak to
17 the kids and, to be honest, still when I see them now
18 they will still speak to me as teenagers, which
19 obviously you don't really get that as much now, you
20 don't get as many cops going -- because we don't have as
21 many as we would like. So, no it was good, it was nice
22 and yes I made some good friends and that as well, so it
23 was a good time.

24 Q. It sounds like that's had -- the work that you did then
25 has had long-term benefits.

26 A. Yes, it has. An example was a few years back there was

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1 a case where somebody had threatened to fire bomb
2 a mosque in Glenrothes and due to my connections with
3 the people within there we managed to get in touch them
4 quite quickly with regards to assisting them with
5 security and things so, yes, things like that certainly
6 help because I had the contacts from back then, but
7 regards to Kirkcaldy I had never really dealt with it
8 much at all because I pretty much my whole service had
9 been based in Glenrothes.

10 Q. So it sounds like that community work had a positive
11 impact on policing --

12 A. Yes, absolutely.

13 Q. -- even years later?

14 A. Yes, absolutely, 100%.

15 Q. Yes, thank you. Can we look at paragraph 46, please.

16 We were talking about -- you have arrived at Kirkcaldy
17 on 3 May and you have had a briefing and at paragraph 46
18 you say, third line:

19 "It was a wee bit of a muddle at the start because
20 nobody knew what was happening. We didn't have an
21 identity for the guy. We had the call that Colette made
22 to the police after the incident and Sheku being worked
23 on in the hospital. It was stressful and high
24 intensity. I wasn't party to a lot of the discussions.
25 But when senior officers articulated what we needed to
26 do it was clear and concise, and when we asked something

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1 we got an answer."

2 Can you tell us a little bit more about, you know,
3 your initial arrival and you have described it as a "wee
4 bit of a muddle". Can you tell us a little bit more
5 about that?

6 A. Yes, absolutely. We had -- sorry, DI Colin Robson was
7 kind of in the background, if I remember right. He was
8 on the phone with DS Dursley in there and with a few
9 other sort of DCs and other within as well. There was
10 a lot of phone calls getting made. There was obviously
11 certain people were getting directed to do certain
12 things, just the unknown aspect of it all is why
13 I referred to the word "muddle" to be honest because
14 it's not like the TV. You don't come in and straight
15 away know what you're going to do and what you're not
16 going to do. It was just a case of trusting the gaffers
17 to get everything put in place and everything correct
18 and then obviously give us an action or a job to do and
19 then we went out and tried to do it to the best of our
20 ability.

21 Q. And talking about gaffers, bosses, you have mentioned
22 DI Robson. What was his role that day?

23 A. He was SIO, I believe, or the senior investigating
24 officer.

25 Q. Okay. So, as far as you were aware, that day was he in
26 charge of the events?

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1 A. Yes. I believe when I first went in, he was on the
2 phone to the detective super who probably was in overall
3 charge. I'm guessing but I never ever got to see him
4 during the day, but yes he was from a -- from what
5 I seen certainly he was in charge of me that day, yes,
6 Colin Robson.

7 Q. We may hear evidence later in this hearing that the
8 detective superintendent was a Patrick Campbell. Do you
9 recognise that name?

10 A. I recognise the name, but I wasn't aware he was the
11 detective super for that day.

12 Q. Did you have any contact with him at all, Pat Campbell?

13 A. I'm not -- to be fair at 6.30 that night when we went
14 and spoke to a detective super on the floors, I'm not
15 sure if that was possibly him. I had never met him
16 before so that may well be the same person, I'm not
17 sure.

18 Q. Thank you. Before I move on to ask you about your
19 involvement with Colette Bell, can I ask you about
20 paragraph 57 please of your statement. And you say:

21 "We never got a chance to speak to the cops that
22 day."

23 So this is from line 2, do you see it?

24 A. Yes.

25 Q. "We never got a chance to speak to the cops that day.
26 It's quite right because they should be kept separate

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1 anyway. We got bits and bobs of information but nothing
2 more."

3 Were you -- what's your understanding of why the
4 cops should be kept separate? We're talking here
5 presumably about the officers who had been involved in
6 the incident at Hayfield Road.

7 A. Yes. They were all taken to a particular room within
8 Kirkcaldy Police Station -- I don't know if it was the
9 old canteen they were put in -- and obviously they were
10 getting briefed by the sergeant, or spoken to and
11 obviously checked on their welfare and that as well.
12 What I'm meaning by that quite simply is me and Wayne
13 obviously had a job to do and any job that we had maybe
14 would be tainted by what we were getting told by the
15 officers on the scene. We were literally wanting to
16 speak to people without -- with only the information
17 that we were given by our supervisors at that time, so
18 that's what I mean by that.

19 Q. Sorry, did you say the word "tainted" there?

20 A. I mean maybe prejudiced in respect of one point of view
21 I'm getting told by a supervisor information to go and
22 deal with, rather than being told by somebody who was
23 possibly at the scene, so I would rather just -- and
24 that's obviously why we're kept separate.

25 Q. So the information you relied on was what you were given
26 by your superiors.

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- 1 A. Absolutely, yes.
- 2 Q. And can I ask you when you mention "bits and bobs of
3 information", what did you mean by that?
- 4 A. You just -- there was certain things that were in
5 regards to possible assaults on officers and the mention
6 of the knife and just things like that that we had heard
7 but there was obviously not a lot of clarity on it at
8 that point.
- 9 Q. How much discussion was going on generally in Kirkcaldy
10 Police Office that day about the events in
11 Hayfield Road?
- 12 A. There was obviously a lot of speculation because nobody
13 really knew. We had only seen what was obviously on the
14 call card and that as well and for what we're getting
15 told, so yes, there was a fair bit of chat going
16 backwards and forwards.
- 17 Q. And we have heard that call cards can also be called
18 STORM cards, is that right?
- 19 A. Yes, sorry, yes.
- 20 Q. So if we have heard evidence about those and the entries
21 in those that's the sort of thing?
- 22 A. Sorry, that's the same thing, yes.
- 23 Q. And we heard that officers could have access to those
24 until a point where I think an inspector may have said,
25 "Close it down" or...?
- 26 A. "Restricted" would probably be the term that we would

Transcript of the Sheku Bayoh Inquiry

- 1 use, yes.
- 2 Q. Restricted, sorry.
- 3 A. Yes.
- 4 Q. So that type of information would be talked about and
5 speculated, as you say, on.
- 6 A. Yes.
- 7 Q. And to go back to this comment you make in this
8 paragraph about the officers "should be kept separate
9 anyway." Explain what that means, what your
10 understanding was. Why should they be kept separate?
- 11 A. Just we were pretty much told after any sort of incident
12 similar to that they should be kept in a room and
13 obviously spoken to by a supervisor to make sure they're
14 okay, in respect that obviously they shouldn't be going
15 out to other jobs or that, wanting to go make sure they
16 were fine and obviously the enquiry team and obviously
17 the team involved should be kept separate. That's just
18 basically just what I meant by that.
- 19 Q. Maybe you could help us with this now because of your
20 position as Crime Scene Manager and your sergeant
21 status. What are the benefits of keeping officers
22 separate?
- 23 A. Well, there's also the aspect of sort of forensic
24 integrity as well, regards to -- I mean we don't know
25 who has come into contact with who and then if the
26 enquiry team is then going to go and speak to somebody

Transcript of the Sheku Bayoh Inquiry

1 that has possibly been involved in one of the incidents
2 then obviously there would be an integrity aspect in
3 regards to doing any forensics down the line.

4 Q. So you want to preserve forensic integrity?

5 A. Yes.

6 Q. And we have heard some mention of trying to avoid
7 conferral between people who are involved in an
8 incident.

9 A. Yes.

10 Q. Have you heard of that?

11 A. Yes. We would probably refer to it as "contamination".

12 Q. Oh, right. And what would you mean by that?

13 A. Basically meaning that if -- for example if we have had
14 maybe cops have maybe lifted somebody for an assault, we
15 then would -- or been involved in dealing with the
16 victim, we wouldn't then want those same cops dealing
17 with the suspect thereafter, just in case there was
18 obviously a transference of DNA, etc, or touch DNA, so
19 that's another aspect of it.

20 Q. So it could be forensic contamination --

21 A. Yes.

22 Q. -- or in terms of communicating and discussing --

23 A. Sorry, I see what you mean. Yes, absolutely, yes.

24 Q. So that could involve contamination of a different sort?

25 A. Yes, absolutely.

26 Q. Thank you. And let's move on to your involvement with

Transcript of the Sheku Bayoh Inquiry

- 1 Colette Bell, if you don't mind, paragraphs 64 to 67.
- 2 You were -- your role was to deal with Colette Bell on
- 3 3 May --
- 4 A. Yes.
- 5 Q. -- and you were with Wayne Parker, your colleague --
- 6 A. Yes.
- 7 Q. -- and a Calum Clayton.
- 8 A. Yes, that's correct.
- 9 Q. So there were three of you went to visit the home of
- 10 Colette Bell.
- 11 A. Yes.
- 12 Q. And this is a part of your Inquiry statement where you
- 13 start to discuss that. Can I ask you, is it common
- 14 practice for three police officers to be sent to
- 15 someone's house?
- 16 A. It can be. To be fair, it's normally two, but we didn't
- 17 really know what we were going to be -- obviously what
- 18 was going to be happening in that address, so due to the
- 19 fact there was an odd number I think that's the reason
- 20 why three were just sent up to be honest.
- 21 Q. There was -- sorry, say that again.
- 22 A. There was an odd number of DCs within the office, so I'm
- 23 guessing that's probably the reason why three were sent
- 24 up to the address.
- 25 Q. Just no reason really, just --
- 26 A. No, nothing specific.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. -- to give Calum something to do?
- 2 A. It may well be that DS Dursley could elaborate on, but
3 certainly at the time I thought it was just because it
4 was an odd number and we were sent up. We didn't know
5 what we were going to be faced with at the address
6 either, so that may well have been the reason also.
- 7 Q. We have not heard from DS Dursley yet, so we can ask.
8 So you didn't know what you would be facing, but as
9 I understand it we have not heard the evidence of
10 Colette Bell yet, but she had phoned the police to say
11 her partner was missing.
- 12 A. Yes.
- 13 Q. Maybe something had happened.
- 14 A. Yes.
- 15 Q. So I think you say in your statement, when you arrived
16 at the house Colette Bell wasn't home at that point --
- 17 A. No.
- 18 Q. -- and you waited.
- 19 A. Yes.
- 20 Q. Is it normal to wait?
- 21 A. Yes, absolutely. Yes. Obviously she had phoned in
22 initially -- I can't remember the exact wording of the
23 call card, but I think she had come home, found the
24 address in a bit of a mess. I think maybe even the
25 front door was open, I think, when she turned up and
26 there was no sign of her partner, so when we have

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1 arrived there it has been locked. We have then --
2 I can't remember, maybe one of us maybe phoned her or we
3 asked the control centre to give her a phone and then
4 she turned up quite soon after, yes. So yes, it was
5 practice for us to remain there until the person arrived
6 so we can get access to the property and obviously it
7 was locked there as well.

8 Q. That's good. And actually if we look at paragraph 90 of
9 your statement this is a reference -- an entry in your
10 notebook which is listed here and you have been referred
11 to your notebook and you see you attended at 9 o'clock
12 at Kirkcaldy "NPI". What's NPI?

13 A. "No person in".

14 Q. So that was when you arrived --

15 A. Initially, yes.

16 Q. -- and Colette Bell wasn't there at that time.

17 A. That's correct, yes.

18 Q. And then:

19 "0920 The householder Collette Bell...returned home
20 with 15 week old baby".

21 And we may hear she had not long had a baby --

22 A. Yes.

23 Q. -- so she had turned up with her baby.

24 A. And her mum was there as well.

25 Q. And her mum. We may hear her mum was called Lorraine
26 Bell.

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1 A. Yes.

2 Q. And then 10.30 it says:

3 "Seized locus. Front & back door locked."

4 And then 11:

5 "Returned to [Kirkcaldy Police Station] with Colette

6 Bell & her mother."

7 So that's the sort of roughly the timescale of what

8 was happening that morning.

9 A. Yes, yes.

10 Q. With you and Wayne Parker and Calum Clayton.

11 A. That's correct, yes.

12 Q. Can we go back to paragraph 68 please. Now, after you

13 arrived at the house and you have spoken to Colette, you

14 say:

15 "... we got in touch to say it might be linked.

16 Calum or Wayne found the phone and keys. Colette

17 explained that was her partner's. I noted ... details

18 and Wayne went outside to speak to DS Dursley."

19 He was out "for a wee while". I'm interested in

20 what happens after you have had your initial discussion

21 with Colette and when you say:

22 "We got in touch to say it might be linked."

23 Who you were getting in touch with and what you

24 meant.

25 A. I think it was Wayne. I think from the description

26 Colette gave us of her partner and obviously there was

Transcript of the Sheku Bayoh Inquiry

- 1 a picture of either him or him and his child.
- 2 Q. Sheku Bayoh?
- 3 A. Yes, yes and his child as well within the living room.
- 4 We thought it may well be the same person that's been
- 5 involved because obviously the locus of where the
- 6 incident happened with the police obviously wasn't far
- 7 from there either. So Wayne then went and contacted DS
- 8 Dursley while we stayed with Colette and her mum and the
- 9 child.
- 10 Q. So you mention the distance between the locus at
- 11 Hayfield Road --
- 12 A. Yes.
- 13 Q. -- and Colette's house. What was it about the photo
- 14 that made you think there might be a connection?
- 15 A. It was just from what we were told it was a black male,
- 16 big build and obviously the fact that the phone and the
- 17 keys were sitting there as well. There was a few things
- 18 that we were kind of putting together and thought well,
- 19 this may well be the same guy. The fact that there had
- 20 been a disturbance in the house as well, the door had
- 21 been left open. It just was seeming more and more
- 22 likely that this was unfortunately the same guy.
- 23 Q. And the photo itself --
- 24 A. Yes.
- 25 Q. -- that would show Sheku Bayoh.
- 26 A. Yes.

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- 1 Q. And he was black.
- 2 A. Yes, he was, yes.
- 3 Q. And so was that another connection that made you think
- 4 "I wonder if there's a link"?
- 5 A. Yes, absolutely.
- 6 Q. So from that moment you're thinking there's a possible
- 7 link here?
- 8 A. Absolutely, yes.
- 9 Q. Against what you have already told us that it's a small
- 10 black community in Kirkcaldy.
- 11 A. Yes and the short distance it was to locus as well.
- 12 Q. And the short distance to the locus and then something
- 13 about a mobile phone as well.
- 14 A. Yes.
- 15 Q. You also say in paragraph 68:
- 16 "We didn't know it was connected. There was no
- 17 clarification to us that he'd passed at that time."
- 18 Does that mean you didn't know that Sheku had died
- 19 at that time?
- 20 A. Yes, we weren't aware at that point if he had or not.
- 21 Q. "We were reluctant to pass anything at that time in case
- 22 it wasn't him or wasn't the same circumstances."
- 23 What do you mean by that?
- 24 A. Well, we -- obviously Colette was asking us questions
- 25 with regards to if we knew anything about where he was.
- 26 At that point we obviously knew -- if he was the same

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1 chap that had been involved with an incident with
2 the police, so we obviously fed that back into our
3 supervisor at the time and then Wayne got guidance that
4 what we're going to do is we're going to take the
5 address at that time, obviously with Colette's
6 permission, and ask her to come back to the police
7 station so we could get a statement from her and then
8 hopefully we could give her some more information then
9 when we actually had it.

10 Q. So it was Wayne who fed it back to the supervisor. Who
11 was your supervisor?

12 A. It was DS Dursley at that time, sorry.

13 Q. So he was the supervisor dealing with all of you at the
14 house?

15 A. Yes.

16 Q. And did it -- do you -- were you able to hear the
17 conversation with Wayne or...?

18 A. No, I believe he had left the property to make the phone
19 call.

20 Q. Right. So he was out of the property at that time?

21 A. Yes.

22 Q. So look at paragraph 69, please, and you say:

23 "We wanted to secure the address and put on locus
24 protection."

25 Tell me, first of all, what does it mean if
26 the police secure an address?

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1 A. So we take essentially the address under our care. So
2 we want to make sure that we have complete oversight of
3 that address, so we secure it, make sure there's no one
4 within and then it can only be us that can gain access
5 to it thereafter with our sort of SPA counterparts.

6 Q. So making sure no one is hiding somewhere or --

7 A. Yes.

8 Q. And then what's "locus protection"?

9 A. So basically it's when the police protect an address
10 before obviously the needful is done with it, whether
11 that be an examination or photographs or for whatever
12 reason we may have.

13 Q. Right and you say:

14 "Wayne explained this to Colette. She seemed
15 happy..."

16 Tell me what Wayne explained. What did he say?

17 A. Just basically what locus protection was. He said:

18 "Because it's unknown at the moment, we don't know
19 what happened, obviously the disturbance within the
20 address. What we're going to do in the meantime,
21 obviously with your permission, is to take the address
22 and examine it and then we will obviously give you it
23 back once we have finished."

24 Q. When you say "examine it", what are you hoping to
25 achieve by that examination, what is it you are trying
26 to achieve?

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1 A. It depends on the circumstances, to be honest.
2 Obviously we gave it a search, but we hadn't done
3 anything forensic with it, so to see whether or not
4 there was any maybe blood within the address, any other
5 sort of forensic stuff to suggest that there may be
6 further people within that address as well, or any other
7 sort of matter that maybe shouldn't have been there.

8 Q. All right. Can we look at paragraph 74 please and 75,
9 if it's possible to have them both on the screen. So
10 you talk about:

11 "There isn't any legislation for doing this."

12 So this would be in 2015:

13 "In the initial incident we request the
14 householder's permission to do it. We'd then go down
15 the legal route if they didn't give us permission. We'd
16 have to explain to a Sheriff why we wanted to secure it.
17 We probably would've got it."

18 And that's a reference to seeking a warrant,
19 isn't it?

20 A. Yes.

21 Q. And then:

22 "Colette was understanding at that point. We
23 explained it was an active investigation. She was
24 content with that. If she'd said no we'd have remained
25 at that address until we'd had a warrant granted and
26 then put in place locus protection."

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1 And:

2 "That very rarely happens because we can use our
3 communication skills to explain why it is pertinent and
4 important and almost all the time that certainly works."

5 Tell us a little bit more about what you would do in
6 this situation.

7 A. Well, like I said, we would try and get our point across
8 as best we could to explain why we need to look at the
9 address. If obviously we didn't get the consent of the
10 householder we would then look to remain there and other
11 officers would then apply for a warrant for us. We
12 would have to go in front of a Sheriff and explain why
13 it's pertinent as part of any investigation to let us
14 search the address and examine it.

15 Q. But on this occasion you were able to -- as I understand
16 it you say you got consent from Colette Bell.

17 A. We did, yes.

18 Q. So there was no need to go down --

19 A. No.

20 Q. -- the route of seeking a warrant or anything like that?

21 A. No.

22 Q. Can we look please at SBPI00247. This is a statement --
23 we have not heard the evidence of Colette Bell yet, but
24 this is a statement that we have received from her and
25 at paragraphs 7 and 8, if we could have those on the
26 screen -- we will just briefly look at 7, first of all.

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1 She is talking here about the officers coming into the
2 house and two officers ushered her into the living room
3 and one officer went straight through to the kitchen and
4 then one of the officers went upstairs. Can you
5 remember who was who?

6 A. I went upstairs.

7 Q. You went upstairs?

8 A. Yes.

9 Q. And where was Wayne?

10 A. I think he was with Colette in the living room.

11 Q. Where was Calum?

12 A. I think Calum might have been the one that went into the
13 kitchen, I'm not sure. He certainly was walking in that
14 direction as I was going upstairs, if I remember
15 correctly.

16 Q. And what was the purpose of you all going into different
17 rooms?

18 A. Basically to search to see if anyone was still within
19 the address. She had obviously mentioned in the initial
20 phone call about coming back and finding it in quite
21 a bit of a state so we're going to be looking about for
22 that as well, to find out if we could see any evidence
23 of any sort of crimes within the address, but first and
24 foremost to make sure no one was lying injured in the
25 address, in all honesty.

26 Q. Thank you. She talks about going into the living room

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1 with one of the officers. She says:

2 "I remember them not asking if they could have
3 a look around. That's just what they done. But at the
4 time, I wasn't thinking straight either. I wasn't
5 thinking, and I just thought, 'This must be normal, it
6 must be what they do.'"

7 Is that what happened?

8 A. Not as I recall, no. I'm pretty adamant I remember
9 saying to her "I'm just going to take a wee look
10 upstairs just to make sure there's no one in." And I
11 think she said it was okay, but to be honest at that
12 point we were kind of in the mode we wanted to make sure
13 there was nobody injured in the address it was a --
14 preserving life was more important. So maybe it was
15 skipped across and if it was I do apologise.

16 Q. Then at paragraph 8 she has been asked about a warrant
17 but you already explained there wasn't any -- you didn't
18 take the view there was any need for a warrant --

19 A. Yes.

20 Q. -- at that time, so you didn't have one. And she has
21 said:

22 "No, as soon as they got in the house, one went
23 through into the kitchen, one went upstairs and me,
24 Mum ... and the other two officers went through to the
25 living room. I was aware that they were walking around
26 and kind of going out the house, and in the house, on

Transcript of the Sheku Bayoh Inquiry

1 the phone. But ... they didn't ask."

2 Does that sound like a reasonable description of
3 what was...?

4 A. Yes, it probably was, yes.

5 Q. Can I ask you now about paragraph 71 please. Sorry, we
6 will go back to your Inquiry statement, away from
7 Colette Bell's, and paragraph 71. You mention here
8 something called -- so this is us -- we're back at
9 Colette Bell's address and you talk about them starting
10 a "locus protection book":

11 "If they did have that then we should've signed it.
12 If not then that's a mistake and we should've done
13 that."

14 Can you tell me, first of all, what is a locus
15 protection book?

16 A. It's basically just a hard copy log of all persons that
17 go in and out of the property. Again, it's just to
18 explain that there's aspects in it with regards to
19 people wearing gloves, masks, a suit and obviously stuff
20 to cover your feet and that as well, again, just to
21 preserve the forensic integrity of the address and it
22 just keeps a log of all persons going in and out. What
23 should happen is whenever it's commenced the officers,
24 or anyone that's been in the address before it's
25 commenced or shortly before, should sign a wee bit at
26 the front of it. Again, I can't recall whether or not

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1 that was completed or not at the time and if it wasn't,
2 then that was a mistake.

3 Q. It may look like your signature isn't on that log so --

4 A. Okay, that was a mistake then.

5 Q. All right. So, just to get this in my head, you have
6 gone in --

7 A. Yes.

8 Q. -- you have checked the property with Calum and Wayne,
9 --

10 A. Yes.

11 Q. -- and then does someone else arrive with this log,
12 locus protection book?

13 A. Yes, there's two uniformed officers that arrive. I'm
14 guessing DS Dursley must have get in touch with whoever
15 it was and then they have arrived -- I can't recall how
16 long after to be honest, but I knew one of the officers.
17 I didn't recognise the other one.

18 Q. Who was the one you knew?

19 A. It was PC Liz Newton was one of them and I think it was
20 a male was possibly the other one, but I can't recall.

21 Q. And did they arrive in the gloves and mask and suit that
22 you have talked about?

23 A. No, because they weren't going to be accessing the
24 property at all, so they just stood at the front of the
25 property so I don't believe they ever entered, so they
26 didn't have to.

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- 1 Q. So they remain outside at the perimeter --
- 2 A. Yes.
- 3 Q. -- and they have the book?
- 4 A. Yes.
- 5 Q. But they don't ever go into the property --
- 6 A. No.
- 7 Q. -- to examine anything inside?
- 8 A. No, not at all. They sign the book as well though
- 9 because the log of the people who secure it, there's
- 10 also an entry for that as well, just to show who has
- 11 been looking after the property the whole time.
- 12 Q. Right, and we may also hear other evidence about
- 13 something called a "scene entry log". Is that the same
- 14 thing?
- 15 A. Yes, it's the same thing.
- 16 Q. Same thing. Now, I referred you to your -- the entry
- 17 from your notebook, we looked at the paragraph that
- 18 mentioned that and it said that you went to Kirkcaldy
- 19 Police Office with Colette Bell at about 11 o'clock in
- 20 the morning, so after you had been to her house.
- 21 A. Yes.
- 22 Q. When -- you don't need me to take you back to that
- 23 paragraph, do you?
- 24 A. No, no, that's fine.
- 25 Q. Where in Kirkcaldy Police Office did you take Colette
- 26 Bell when you went back to the police office?

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- 1 A. We used one of the interview rooms.
- 2 Q. And can you explain why you chose to go back to
3 Kirkcaldy instead of staying at her house?
- 4 A. Again it was a directive that we had from our supervisor
5 that day just to bring her back. I'm guessing just
6 because they wanted the locus -- the property itself
7 secure and people out of it.
- 8 Q. Was that DS Dursley?
- 9 A. I believe so, yes. Again that would probably have been
10 part of the conversation he had with Wayne Parker.
- 11 Q. And can I ask you about paragraph 81, please:
12 "I said mum could come in with them obviously with
13 the kid."
14 So is that a reference to Colette Bell's mum?
- 15 A. Yes.
- 16 Q. And the baby?
- 17 A. Yes.
- 18 Q. "Wayne went upstairs to speak to someone, I'm guessing
19 Graeme Dursley ..."
20 That would be on the phone?
- 21 A. Yes.
- 22 Q. "He then came back down. He asked to speak to me. He
23 said the man has passed away. We're not 100% it was him
24 but a good chance so we needed to pass a death message
25 to Colette. We needed to even though we weren't 100%
26 sure. It wasn't ideal to be honest but in a way we had

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1 to pass on. If we held off it wouldn't be fair to
2 Colette or her mum."

3 So I just want to take a moment here and ask you
4 some more questions about this.

5 A. Okay.

6 Q. This is after you have taken them to Kirkcaldy Police
7 Office.

8 A. Yes.

9 Q. Around about 11 in the morning.

10 A. Yes.

11 Q. And you -- your statement says you had said the mum
12 could come in with Colette and the baby.

13 A. Yes.

14 Q. And is that into the --

15 A. The interview room itself, yes.

16 Q. The interview room at Kirkcaldy Police Office.

17 A. Yes.

18 Q. And then Wayne went upstairs in the police office to
19 speak to Graeme Dursley. And did you remain with
20 Colette and her mum and the baby?

21 A. I did, yes.

22 Q. And was that in the interview room?

23 A. Yes.

24 Q. And it was when Wayne came back down from speaking to
25 Graeme Dursley that he said:

26 "[That's] the man's passed away, [although] we're

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- 1 not 100% sure [it's] him."
- 2 Was that the first time that you found out that
- 3 Sheku Bayoh had died?
- 4 A. Yes, it was, yes.
- 5 Q. Can I ask you why you took Colette Bell to an interview
- 6 room with the baby and her mum, instead of some other
- 7 room in Kirkcaldy?
- 8 A. It was probably sort of the biggest room we had
- 9 available at that time to be honest. I thought she
- 10 would be comfortable enough in there. I did ask the
- 11 question at the time as well, but no, it seemed to be
- 12 fine, everybody seemed comfortable enough.
- 13 Q. When you say you asked the question at the time, what
- 14 question?
- 15 A. Just that she was comfortable, when we did arrive, that
- 16 she was okay to be there and she said "Yes".
- 17 Q. Describe what the interview room looked like. I mean,
- 18 is it comfortable surroundings? We see it on the telly
- 19 sometimes, they don't look -- they look a bit bare.
- 20 A. Yes, well they are a bit bare. Comfortable seats.
- 21 There was a table, there was enough room for her to
- 22 bring in the stuff she had for her child as well, so
- 23 that's why we picked that particular room.
- 24 Q. I think you comment that she was still breast feeding
- 25 the baby --
- 26 A. She was.

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- 1 Q. -- so she probably had a lot of things with her, did
2 she?
- 3 A. Yes, she had a few -- she did -- she breast fed her
4 child before we left the address, her home address, so
5 that's why it's taken us a wee bit longer to get back to
6 the station, so at least that had been taken care of
7 anyway before she come down, but she still had quite
8 a wee bit of property with her as well.
- 9 Q. Okay. Can we look again at Colette Bell's statement
10 please. SBPI00247 and paragraph 15, if we may. She
11 says:
- 12 " ... we were taken into a small room. I remember
13 when we went in, looking to the left and seeing a room
14 full of police officers and they were all looking at
15 us."
- 16 Do you remember where that would have been?
- 17 A. No, not at all.
- 18 Q. No?
- 19 A. Possibly to be honest we would have had to have walked
20 past the custody office at Kirkcaldy which to -- in all
21 honesty would have been on the right, on the way down,
22 so she may well have been in reference to that, but that
23 door would have been closed over at that time.
- 24 Q. "We were taken down to the right to a small room, but
25 I didn't really think anything of it. Once we got taken
26 into that small room, they were saying that Mum should

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1 leave the room and that she should take the baby [and]
2 I said 'No, my mum's staying'. The officer had said
3 that he should take ... and I was saying 'You're not
4 taking my baby. I just want to know what's going on
5 with Shek. Where is he? What's happened?' I remember
6 at one point one of the officers saying about how ...
7 had a sniffly nose and that I should try a Calpol
8 plug-in and I just thought, 'Why are you talking to me
9 about my son's sniffly nose? I just want to know what's
10 happening with Shek'."

11 Can I ask you, who was it -- do you accept that
12 somebody said her mum should leave the room --

13 A. No.

14 Q. -- and take the baby?

15 A. No, I don't remember that at all. I think in all
16 honesty we were more than happy for her to be there from
17 a welfare point of view. Certainly if it would have
18 been said, it probably would have been said at the
19 start, but I don't recall that ever getting said at all.
20 I think we were more than happy that she had a wee bit
21 of support there.

22 Q. Do you remember if Wayne said anything along those
23 lines?

24 A. No, definitely not.

25 Q. Were you with him all the time? Could he have said it
26 outwith your hearing?

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- 1 A. No, I was with them -- to be honest the only one that
2 was ever left alone with them was me. I actually did
3 mention the Calpol plug-in thing. That's just
4 a recollection, I did mention that. But I can put that
5 into context if you would like.
- 6 Q. No, no, that's absolutely fine. Can I stick for the
7 moment with the issue about someone trying to take the
8 baby, or the mum should take the baby and Colette saying
9 "No, my mum's staying". If you don't have any
10 recollection of that, can you explain why Colette would
11 say this -- this is a signed statement that she has sent
12 in to the Inquiry.
- 13 A. Yes, absolutely, yes.
- 14 Q. Can you think of any reason how this could have arisen?
- 15 A. I have no idea. The only time that I did take the baby
16 outside but it was only after the death message had been
17 passed because she was quite hysterical, quite
18 understandably, and I said to her "Would you like me to
19 take the baby?" and I took the wee man outside into the
20 hall while we were speaking to her and trying to console
21 her. So I don't know if there has been a wee bit of
22 a mix-up with the timeline there or something like that,
23 I'm not really sure, but that's the only time that there
24 was any mention about the wee man leaving the room.
- 25 Q. So do you think this could have been some confusion
26 arising in the timing, you said?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Possibly, yes.
- 2 Q. So, at a later stage when Colette was in the police
3 station, was there a time when someone suggested to her
4 that her mum should leave the room and take the baby
5 with her?
- 6 A. No, I don't recall that at all.
- 7 Q. No?
- 8 A. No.
- 9 Q. So if this wasn't happening at a later stage and Colette
10 has said it and signed the statement, can you think of
11 any explanation why Colette would have said this?
- 12 A. No, none at all.
- 13 Q. Okay, but as far as you are concerned it's not something
14 you said or suggested?
- 15 A. No because in all honesty we were quite happy for mum to
16 be there. Again, sorry to repeat myself, but just from
17 a welfare point of view. We obviously never knew what
18 was happening at that point and certainly after the
19 death message had been passed we were quite anxious for
20 her to stay to be honest, we felt she needed that
21 support, because obviously we had to get a statement off
22 her thereafter and she was a -- it was moral support for
23 her as well not just for a welfare point of view.
- 24 Q. Okay, and you remember having a conversation about the
25 baby and the Calpol plug-in?
- 26 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. When you were discussing this with her, what were you
2 trying to do?
- 3 A. I was just trying to build a wee bit of rapport. It was
4 whilst Wayne was away. The wee man and my daughter were
5 actually pretty much the same age at the time. We had
6 a wee bit of a rough time at that time with Beth. She
7 had a hell of a time with a blocked nose and we had
8 found Calpol plug-ins and basically we had used them and
9 with the wee man was sniffing quite badly and it was
10 just -- again it was just to build as best a rapport as
11 we could at the time, until obviously Wayne came back in
12 and then after that it wasnae ideal.
- 13 Q. So this conversation about the Calpol was before you
14 passed the death message?
- 15 A. I believe so, yes. That's how I recall it.
- 16 Q. And is building a rapport with people something that you
17 do in your practice, in your sort of job as a --
- 18 A. I try to as best we can. It is obviously quite
19 difficult at times, but yes that's certainly what we had
20 at that stage.
- 21 Q. Because at that time, as I understand it, Colette was
22 there to give a -- as a witness.
- 23 A. Yes, voluntarily.
- 24 Q. Possible witness.
- 25 A. Absolutely, yes.
- 26 Q. Right. Could we go back to your statement please, and

Transcript of the Sheku Bayoh Inquiry

1 again to return to paragraph 81 which we were looking at
2 a moment ago and at the end of that, the last sentence,
3 you said:

4 "If we held off it wouldn't be fair on Colette or
5 her mum."

6 Can you explain why it wouldn't be fair on Colette
7 or her mum unless you passed the information on about
8 Sheku?

9 A. Yes, just -- again just to clarify that. We obviously
10 didn't have 100% ID at the time that Sheku was the man
11 that passed away. However, we had obviously the
12 evidence we had with regards to the description, the
13 address, the sort of disturbance there, the fact that
14 his mobile phone and I believe it was keys were left
15 behind. We had a strong suspicion that it was him.
16 There's obviously been other work that be done upstairs.
17 I wasn't overly party to that and we felt at that time
18 that there was a good chance that it was him, so
19 basically what I mean by that is that we had to pass on
20 what we thought was correct at that time and that's
21 obviously why it was said we can't be 100% sure at this
22 moment in time until he's identified, but there's a
23 strong possibility that Sheku is unfortunately the man
24 that's passed away.

25 Q. And why wouldn't it be fair if you didn't pass on that
26 information to Colette?

Transcript of the Sheku Bayoh Inquiry

1 A. Because we had that information at hand and it felt as
2 if we had to pass it on. We couldn't sit on it until we
3 were 100% sure.

4 Q. And in your experience of these things, do you think
5 it's fair to pass on information to members of the
6 family if --

7 A. Absolutely, yes.

8 Q. -- if a member of their family is deceased --

9 A. Absolutely.

10 Q. -- and the police know about it?

11 A. Like I said before, I would like to think if it was the
12 other way about, the same would be done for myself, so
13 yes, we tried to pass on as much information as we could
14 at that time.

15 Q. And you have used the word "fair". Do you think sharing
16 that as soon as possible is fairer to the families?

17 A. Yes, absolutely.

18 Q. Could we look at paragraph 98. You have said:

19 "[You don't] remember the terms of the death message
20 to Colette [Bell]."

21 Or you didn't when you were giving your statement
22 and it was actually Wayne Parker who had delivered it,
23 who had done the talking --

24 A. Yes, it was, yes.

25 Q. -- if I can say. Can we look at paragraph 95. And we
26 see here:

Transcript of the Sheku Bayoh Inquiry

1 "I have been referred to my statement ..."

2 So this is the operational statement we talked about
3 at the beginning of your evidence and I will read this
4 out:

5 "I was present within interview room [number] 1, the
6 first interview room on the right, when DC Parker passed
7 the death message to her. DC Parker told Colette that
8 from the description Colette had provided to the police
9 of Shek, coupled with the mobile phone found at locus,
10 the police wholly believed that it was her partner Shek
11 had died during this critical incident. I understand
12 that DC Parker was delivering this death message on the
13 instructions of DS Dursley or DI Robson. I wasn't
14 present when this instruction was given. I remained at
15 all times with Colette and her mother whilst DC Parker
16 and DC Clayton were updating the bosses."

17 Is that when Wayne went upstairs at Kirkcaldy --

18 A. Yes.

19 Q. -- and then came back down and told you the man had
20 died?

21 A. Yes.

22 Q. And so he was party to that conversation with the
23 bosses, not you.

24 A. Yes.

25 Q. And it was then Wayne Parker who delivered the death
26 message to Colette in the interview room.

Transcript of the Sheku Bayoh Inquiry

1 A. Correct.

2 Q. And then can we look at paragraph 102 of your statement.

3 Do we see -- now, you have been referred to DS Graeme
4 Dursley's statement here and I'm going to read this out
5 to you, so this is a section taken from his statement:

6 "I have been told DS Graeme Dursley states ...
7 'With regards to the death messages delivered to Colette
8 Bell and thereafter the family. When Colette Bell was
9 within Kirkcaldy Police Office, I spoke to DI Colin
10 Robson, and whilst I did think it was Sheku Bayoh who
11 was dead, at that time there was no formal
12 identification so between me and Colin Robson we
13 delegated Wayne Parker to tell Colette Bell, words to
14 the effect that, 'a black male had been found dead and
15 we suspected that it may be her partner'. We based this
16 on the fact that there was a black male dead and that
17 a gold coloured mobile phone was found at the locus.
18 Colette Bell had previously that morning told DC Wayne
19 Parker that Sheku had an unusual gold coloured mobile
20 phone. The wording of the death message is not recorded
21 anywhere in any format.'"

22 If we could go back up the page there. We see
23 within that paragraph, as I was reading out, halfway
24 down that paragraph 102 he says:

25 "... we delegated Wayne Parker to tell Colette Bell
26 words to the effect that ..."

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1 And then you'll see the apostrophes or speech marks:
2 "...a black male had been found dead and we
3 suspected that it may be her partner."
4 So that's the words that he is using in his
5 statement and he has put them in apostrophes.
6 A. Yes.
7 Q. Can we look at that and can you say, does that
8 description sound like what Wayne Parker was delivering
9 to Colette Bell?
10 A. I can't remember the exact wording that he used, in all
11 honesty.
12 Q. Does it sound like -- does it sound similar --
13 A. Yes, yes.
14 Q. -- to what Wayne Parker said?
15 A. Yes, absolutely.
16 Q. We have not heard from Wayne Parker yet and we can ask
17 him as well.
18 A. Okay.
19 Q. Thank you. What was Colette Bell's reaction?
20 A. She was hysterical, to be honest, quite understandably.
21 Q. I don't need to take you to Colette Bell's statement,
22 but I think she says she just was shouting and screaming
23 and basically collapsed. Does that sound...?
24 A. Yes, pretty much.
25 Q. And at paragraph 82 of your statement you say:
26 "She was really really upset. I took the wee man

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1 outside and held him [there] for about 10 minutes [and]
2 she was crying during that time."

3 A. Yes.

4 Q. I would like to take you to Colette Bell's statement
5 actually now and ask you about paragraph 16 of that
6 please. So this is Colette Bell's statement and I will
7 just ask you if you recognise what she says here. She
8 said:

9 "... the officer said 'There's no easy way of saying
10 this. I'm just going to say it. There's been a body
11 found that matches your partner's description and we
12 think it's Shek'. I think I just collapsed at that
13 point. I think I was just shouting and screaming.
14 I think I was maybe jumping up and down. I was in
15 disbelief. I was in shock, and then I think, once
16 I calmed down a little bit and regained myself a little
17 bit, I had said, 'Well, what's happened to him, has he
18 collapsed, has he got any wounds, has he been hurt, has
19 he been stabbed? What's happened? Where was he found?'
20 They just said that a passer-by had found him dead on
21 the street."

22 Looking at that description from Colette Bell, do
23 you recognise what's said there?

24 A. No.

25 Q. You don't. How does that differ from your own
26 recollection?

Transcript of the Sheku Bayoh Inquiry

- 1 A. To be honest, regards to her actions straight after it,
2 yes, I pretty much witnessed that all. Apart from the
3 jumping on up and down, that may well have taken place
4 when I was outside the room. But it certainly didn't
5 sound like it from what I heard. Regards to the
6 questions that she asked, I can't recall that at all.
7 She may well have asked questions during the statement
8 and that would certainly make sense, but again I can't
9 remember exactly what she asked.
- 10 Q. Is it possible that you were out of the room with the
11 baby and these questions were asked of Wayne Parker?
- 12 A. Yes, yes, possibly, but with regards to the last
13 sentence that certainly was never relayed to her at any
14 point.
- 15 Q. So you don't agree with the final sentence --
- 16 A. No.
- 17 Q. -- which is "They just said that a passer-by had found
18 him dead on the street"?
- 19 A. Because, like I said, the first time we were made aware
20 that he had passed was when we were at Kirkcaldy Police
21 Station and we had already been told before that that he
22 had been in an ambulance heading towards the hospital,
23 so there would have been no reason for us to make that
24 statement.
- 25 Q. Right. Can you give me one second please.
- 26 (Pause).

Transcript of the Sheku Bayoh Inquiry

1 So you don't remember anything being said about him
2 being found on the street?

3 A. No.

4 Q. Not at all?

5 A. No.

6 Q. I just referred you to -- can we look again at your
7 Inquiry statement, paragraph 95. This says that -- can
8 you just give me a moment? I have lost my place.

9 A. Yes.

10 (Pause).

11 Q. Sorry about that, I lost my paragraph and there are so
12 many of them I just couldn't find it there for a moment.

13 A. Not a problem.

14 Q. Can we go back again to paragraph 102 of your statement.
15 Thank you. You will see if we look, this is the Graeme
16 Dursley statement. We have not heard yet from Graeme
17 Dursley, but as part of this I asked you earlier about
18 the words halfway down that paragraph that's in
19 quotation marks:

20 "... a black male had been found dead and we
21 suspected that it may be her partner."

22 So it appears there that according to DS Graeme
23 Dursley's recollection in his statement that the death
24 message delegated to Wayne Parker was to tell Colette
25 Bell that a black male had been found dead and where it
26 says in it her statement that we looked at a moment

Transcript of the Sheku Bayoh Inquiry

1 ago -- she says she was told Sheku was found dead on the
2 street by a passer-by. So would you accept that at
3 least part of what she says would be correct, that she
4 had been told that he had been found dead?

5 A. I don't remember Wayne ever saying those words,
6 genuinely.

7 Q. Right. So when I asked you about paragraph 102 earlier
8 you -- let me just check what you said because we've got
9 the transcript, obviously. I want to be clear.

10 I thought you said it sounded similar to what was said.
11 I'm not trying to catch you out --

12 A. No, that's fine.

13 Q. -- I'm just trying to work out -- you said earlier you
14 thought it sounded similar.

15 A. Yes, absolutely.

16 Q. And now you're saying you don't remember.

17 A. It's the found dead aspect. I don't understand why that
18 has been said because that was never the case.

19 Q. You don't remember. Do you think Wayne Parker -- we
20 might speak to him about it --

21 A. Yes.

22 Q. -- because he was the one that delivered the death
23 message.

24 A. Yes, absolutely.

25 Q. But from your recollection you said it sounded similar,
26 but now you just can't remember?

Transcript of the Sheku Bayoh Inquiry

1 A. Regard to the wording it's similar, but with regard to
2 the found dead aspect, no.

3 Q. The detail?

4 A. Yes, that detail in particular.

5 Q. All right. So you don't remember mentions of
6 a passer-by.

7 A. No.

8 Q. You don't remember mention of the words "found dead".

9 A. Mm-hm.

10 Q. Is that fair to say?

11 A. Yes, that's fair, yes.

12 Q. Can we go back to Colette Bell's statement please at
13 paragraph 18. So this is the statement of Colette Bell,
14 paragraph 18, and I will read this out, it says:

15 "I am asked whether, after they told me Sheku had
16 died, whether they offered me any support or for you to
17 have a break. No. I was crying and shouting, and they
18 were just quiet. I think my mum was comforting me.
19 I think once I settled down a little bit they then said,
20 'I know this is really difficult for you but we're going
21 to have to take a statement from you'. I said 'I'm not
22 giving a statement. I just want to go and see Shek.
23 Why would I need to give a statement? I just want to
24 know what's happened.' I remember them saying that they
25 were looking for somebody in connection with it, but
26 I can't really remember the sequence of when they had

Transcript of the Sheku Bayoh Inquiry

1 said that. I just remember when I was asking what's
2 happened to him, they had said, 'We are looking for
3 somebody.'"

4 Do you remember either yourself or Wayne saying that
5 you were looking for somebody?

6 A. No.

7 Q. Can you explain why that would be Colette's
8 recollection?

9 A. Certainly during the conversation we will have said that
10 it was still an ongoing investigation and we're
11 obviously trying to make contact with witnesses to try
12 and ascertain exactly what's happened. That was
13 essentially the party line. But no, we never said at
14 any point we're looking for somebody in connection with
15 his death.

16 Q. When you say it was "the party line", what do you mean
17 by that?

18 A. I mean that's essentially the line we kept going back to
19 because we only obviously had certain information at
20 that point and there were still a lot of witnesses to be
21 spoken to, including officers, so we never knew really
22 anything else about of apart from that, so that's why we
23 kept going back to that same line.

24 Q. At that time, did you know that he had come into contact
25 with the police?

26 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And that he had been alive when he first came into
2 contact with the police?
- 3 A. Yes.
- 4 Q. But then he had died.
- 5 A. Yes.
- 6 Q. And you have talked about sharing information with the
7 family as soon as possible. Can you explain why you
8 didn't tell Colette Bell that he had died having come
9 into contact with the police?
- 10 A. It was a direction from our supervisors that we weren't
11 to mention anything to do with the police contact until
12 it was properly investigated.
- 13 Q. And when you say a direction from your supervisors, who
14 do you mean?
- 15 A. It was relayed to us by DS Dursley. I don't know who
16 has then passed it on to him, but certainly from where
17 I was told it was from him.
- 18 Q. And who told you that?
- 19 A. It would have been -- to be fair the initial
20 conversation obviously when we got briefed earlier in
21 the morning and told about the incident, he hadn't
22 passed away at that time so we had never obviously
23 directly been told, but we were told at that point not
24 to mention any police contact.
- 25 Q. When you say "We were told at that point not to mention
26 police contact", what point are you talking about?

Transcript of the Sheku Bayoh Inquiry

- 1 Because obviously you talked about the briefing --
- 2 A. Yes.
- 3 Q. -- when you first arrived. You have talked about Wayne
- 4 going upstairs when you brought Colette back to
- 5 Kirkcaldy and he had a conversation with DS Dursley.
- 6 What point is it that you were told not to mention
- 7 police contact?
- 8 A. The initial briefing was -- but certainly after we had
- 9 found out he had passed there was no change on that at
- 10 all. The next point we were told not to mention it was
- 11 before we went and spoke to his sister.
- 12 Q. And who was it that told you not to mention police
- 13 contact?
- 14 A. Again, it came through DS Dursley.
- 15 Q. And that was at the initial briefing?
- 16 A. Yes.
- 17 Q. What's the reason for that?
- 18 A. I think the fact that it was still being investigated at
- 19 that point. Obviously we didn't really know the full in
- 20 and outs, so it was obviously for when we did understand
- 21 to then give a clear picture later on.
- 22 Q. But what's wrong with saying, "He was alive and then he
- 23 died, but there's been police contact"?
- 24 A. Mm-hm.
- 25 Q. What's wrong with telling families that that is the
- 26 actual truth of the matter?

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1 A. Yes, to be honest, I don't know. I really don't know.
2 That was just the decision that was made that day.

3 Q. Looking back now, you have talked about the importance
4 of telling families the information --

5 A. Yes.

6 Q. -- and accurate information. What's the downside of
7 saying something, hiding something from families about
8 the fact there was police contact?

9 A. You then lose their trust.

10 Q. And what's the impact of losing trust?

11 A. Massive because the rapport then goes out the window,
12 essentially.

13 Q. The what goes out the window?

14 A. Sorry, the rapport with the family then goes out the
15 window, so it's hard then to build any sort of
16 relationship after that for us to essentially work
17 together to get to the bottom of it.

18 Q. You have talked to us today about the value of the
19 community work you did.

20 A. Yes, absolutely.

21 Q. And how that has got long-term effects --

22 A. Yes, 100%.

23 Q. -- and it helps police work, it helps investigations.

24 A. Mm-hm.

25 Q. What do you think about a decision being taken that
26 don't -- hides something, hides some truth about

Transcript of the Sheku Bayoh Inquiry

- 1 a situation from the families where a member of the
2 family has died?
- 3 A. Yes, it's not the best.
- 4 Q. Can I ask you -- we will stay with this statement that's
5 on the screen. This is Colette Bell's statement,
6 paragraph 18, and you have described to us how upset she
7 was and her mum was comforting her and she has asked
8 a number of questions. She says -- do you remember her
9 asking questions, either of you or Wayne or both of you
10 about what had happened?
- 11 A. Yes.
- 12 Q. We have heard somebody suggest it's quite common for
13 families to want to know what's happened when they hear
14 that.
- 15 A. Absolutely, yes.
- 16 Q. Were you able to give her any more information?
- 17 A. Just that it was an active investigation and we're still
18 trying to speak to people to ascertain what's happened.
19 We just kind of had to keep going back to that and
20 apologise for that fact as well.
- 21 Q. So what was the extent of the information you gave
22 Colette Bell at that time?
- 23 A. Only that it was a male that had passed away. We
24 believed it to be Sheku and we're still investigating as
25 part of a critical incident.
- 26 Q. And did you give her any additional information --

Transcript of the Sheku Bayoh Inquiry

- 1 A. No.
- 2 Q. -- about what happened?
- 3 A. No.
- 4 Q. Even when she is asking questions about that?
- 5 A. No.
- 6 Q. How did that make you feel?
- 7 A. It wasn't great because, like I said, to get the rapport
8 and obviously to get the statement we then required from
9 her with regards to Sheku and his life it was then
10 difficult to have that trust between us. I still felt
11 the rapport at that point was okay. However, obviously
12 we weren't letting her know everything that we knew at
13 that time. Not that it was much more, but only that
14 obviously he had come into contact with police and
15 obviously died thereafter.
- 16 Q. And I think later in your statement you talk about it
17 took more than a couple -- a couple of hours really for
18 the statement to be taken.
- 19 A. Yes.
- 20 Q. And that it was DC Parker, Wayne, who noted it.
- 21 A. It was, yes.
- 22 Q. And was he asking the questions, or were you asking the
23 questions and Wayne would be noting it?
- 24 A. No, he was asking the questions and noting it.
- 25 Q. Okay, right. And you were there to observe.
- 26 A. Yes, just as corroboration.

Transcript of the Sheku Bayoh Inquiry

1 Q. And if we look at paragraph 83 and go back to your
2 Inquiry statement, you have described there that:

3 "It's one of the worst jobs on the force to take
4 a statement when someone they know has passed away."

5 And does that really sum up your feelings on the
6 matter?

7 A. Yes, I have always felt the way about sudden death
8 statements, to be honest. As best practice and
9 essentially the SOP tells you it is best practice
10 because it's obviously trying not to delay the grieving
11 process for the family essentially but yes, it's never
12 easy to get a statement straight after. It's not nice
13 at all. It's a pretty rubbish part of the job.

14 Q. You talk about a SOP, an S-O-P.

15 A. Yes.

16 Q. Which one says take a statement straight away? Do you
17 remember?

18 A. I'm pretty sure it's in the sudden death one, if
19 I remember correctly, yes. It's certainly always been
20 a directive I have had off any supervisors, so.

21 Q. And you say that's best practice.

22 A. Yes.

23 Q. From your own personal experience, what is it that you
24 think about that practice and that directive, that SOP?
25 Feel free to be frank about this.

26 A. I don't like it. However, I understand it. Obviously

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1 for -- obviously this is quite a unique scenario, but in
2 a sort of sudden death where someone has passed away we
3 have to try and create a rapport and get that presented
4 to the fiscal essentially within 24 hours or at the time
5 so we obviously try and paint as best a picture as we
6 can on the sort of antecedent history or lifestyle or
7 events that have happened. It's best for us to get that
8 as quickly as we can and then obviously present that to
9 the appropriate fiscal, who will then obviously make a
10 decision thereafter whether or not they require
11 a post-mortem or they're happy enough to issue the death
12 certificate.

13 Would I like that to be delayed a wee bit sometimes?
14 Yes, absolutely but I suppose in a positive side, if
15 there is such a thing, it sort of means then the family
16 can get on with things. I know again this is a unique
17 scenario and obviously that wasn't the case here, but
18 normally you can just take the statement and we then
19 leave them contact details and then get in touch
20 thereafter with regards to information and that and we
21 don't have to obviously delay that in any way because
22 we're getting the statement straight away, but yes, it's
23 not something I particularly enjoy, but I do understand
24 it.

25 Q. Why -- you have mentioned a delay might be helpful. Why
26 would you think that would help?

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1 A. Because I'm speaking from my own point of view and like
2 I go back to earlier on, speaking that I like to
3 sometimes put myself on other's side, the last thing
4 I want to see is two folks sitting in uniform, hi-vis,
5 asking me questions about my family member that's passed
6 away, when all I want to do is grieve or cry or shout or
7 do whatever. So that's kind of what I mean by that.

8 Q. And what information was it that you were going to get
9 from Colette Bell -- or that you did get from Colette
10 Bell that was urgent or needed dealt with straight away?

11 A. I think we were -- a normal statement would be based on
12 sort of lifestyle of that person, their relationship,
13 all we can about that person, but again it was quite
14 pertinent to find out what had happened that morning as
15 well.

16 The description of events with regards to how Sheku
17 came about coming into contact with police was still
18 particularly unknown, barring obviously a few calls that
19 had been made by the public. So we never knew what had
20 happened the night before. And obviously she told us
21 I think it was a boxing fight that was on the night
22 before and he'd been with a couple of friends and in the
23 house. So again, we never knew that until we had spoke
24 to Colette. So it helped us to paint a picture and then
25 obviously feed that back up to the supervisors who were
26 trying to put obviously an understanding of what had

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- 1 happened and obviously prepare their own document as
2 well to then feed on later on with what had happened.
- 3 Q. When you mention the words "lifestyle" and
4 "relationship", what sort of things were you interested
5 in, in relation to Colette Bell and Sheku?
- 6 A. It's basically just to get to know him, family,
7 brothers, sisters, mum and dad, where they grew up,
8 children, it's other stuff that may affect the lifestyle
9 with regards to smoking, drugs, alcohol. Again, all
10 standard questions you would ask in any sort of sudden
11 death statement.
- 12 Q. And why would that help in relation to the investigation
13 into his death?
- 14 A. Again, it would help paint a picture of that person then
15 when we are presenting to the fiscal so that they know
16 rather than us just giving them information on
17 description of events they actually hopefully get to
18 know that person as well and what better to do that than
19 obviously his partner.
- 20 Q. And when you mention lifestyle would that include
21 religion or culture?
- 22 A. It could do, yes, yes.
- 23 Q. And did it on this occasion?
- 24 A. I can't remember, to be honest. It may well have been
25 asked with regards to -- I know obviously particular
26 religions need obviously the body back within a certain

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- 1 time and obviously there's a process to go through, but
- 2 I genuinely can't remember that question getting asked.
- 3 Q. Okay. Do you think that type of thing should have been
- 4 asked?
- 5 A. It probably should have been asked if it wasn't asked,
- 6 yes.
- 7 Q. Yes. And looking back now, is that the sort of thing
- 8 you would have asked -- that you would ask now?
- 9 A. Yes, absolutely and I will take responsibility for that
- 10 as well because I'm not doubting during this statement
- 11 I probably did ask her a couple of questions even though
- 12 Wayne was taking the lead and yes, if it wasn't asked it
- 13 probably should have been asked, absolutely.
- 14 Q. Thank you. And again, with things like relationship
- 15 questions, is that the sort of thing that you might have
- 16 asked on the day?
- 17 A. Yes, we did ask Colette how long they had been together.
- 18 Yes, nothing too elaborate to be honest. Obviously they
- 19 had a child together and just information surrounding
- 20 that, but we wouldn't need overly much to put in the
- 21 report that we had.
- 22 Q. Okay, thanks. Just so people know, Colette was there
- 23 voluntarily --
- 24 A. Yes.
- 25 Q. -- to give a statement.
- 26 A. Absolutely.

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- 1 Q. It wasn't recorded.
- 2 A. No.
- 3 Q. It's not like she was a suspect or anything along those
4 lines.
- 5 A. No, not at all, no.
- 6 Q. And did you consider Colette's welfare at that time?
- 7 A. We tried to as best we could. We did -- I know she said
8 we never, but we did ask her if she wanted to take
9 a break, offered a beverage and that as well if she
10 wanted one, but again at that stage there's not really
11 anything you can say or do that's going to make them
12 feel any better so probably, and I'm not saying she's
13 missed it out on purpose, she's maybe just not
14 remembered that that's been said because to be honest
15 I don't know if I would take everything in that was
16 getting said to me just after a traumatic event like
17 that, in all honesty.
- 18 Q. And was the baby still there and her mum still there?
- 19 A. Yes, the baby was taken out, like I said before, for
20 about ten minutes, taken outside, just out in the
21 corridor while her mum stayed with her, and then we
22 brought him back in when she'd sort of calmed back down
23 because I don't know if she just needed to sort of give
24 him a -- and she just sat sort of cuddling him between
25 her and her mum for the rest of the statement.
- 26 Q. So they shared the baby between them?

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- 1 A. Yes, that's how I recall it, yes.
- 2 Q. Right. And did you consider maybe giving her a longer
3 break between telling her about Sheku's death and
4 starting to take the statement?
- 5 A. Yes. To be honest, as you can tell from the time that
6 it took to note it, there was quite a bit of a gap
7 there. I can't remember how long, to be honest, but
8 I don't think it took the whole two hours to note that
9 statement from start to finish. I think there was
10 a fair wee gap in-between to give her a wee bit of time
11 to compose herself.
- 12 Q. What do you mean by "a fair wee gap"?
- 13 A. I just mean I don't think we started straight away. I
14 don't think we just passed it on, she stopped crying,
15 and then we started noting details. I think we then
16 obviously tried to get again the rapport building with
17 her again before we started that. I didn't think it was
18 really fair to sort of jump back into the quick fire
19 questions.
- 20 Q. I'm going to just ask one last question and then move
21 on.
- 22 A. Yes.
- 23 Q. We have had a lot of other statements received from the
24 Inquiry and a senior officer has said she would describe
25 it as insensitive to pass a death message and then take
26 a statement rather than just having a conversation and

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1 she thought having -- taking that statement in an
2 interview room is also insensitive. From what you have
3 said today I think you would probably agree.

4 A. Yes.

5 Q. You don't like doing it that way?

6 A. No, I don't like doing it at all but again that's what
7 we were asked to do. She seemed happy enough -- not
8 happy, but content enough to give us a statement at the
9 time and so we just kind of went with it.

10 MS GRAHAME: I'm conscious of the time.

11 LORD BRACADALE: Very well. We will have a 20-minute break.

12 MS GRAHAME: Thank you.

13 (11.29 am)

14 (Short Break)

15 (11.55 am)

16 LORD BRACADALE: Yes, Ms Grahame.

17 MS GRAHAME: Thank you. I was asking you about Colette Bell
18 and I would like to go to another paragraph in her
19 statement to ask you for some comments on it. It is
20 SBPI00247 and paragraph 19, please. So she is
21 describing being in the Kirkcaldy Police Office:

22 "I am asked how I ended up giving the police
23 a statement when I had said I did not want to give
24 a statement. They had said that if I was to give
25 a statement, then I would be able to go and see him ..."

26 That's Sheku Bayoh:

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1 "... because he would need to be identified. So,
2 they had said, 'If you get the statement done, then
3 we'll see about you going to see him,' and mum had kind
4 of been saying, 'Let's just do the statement and then
5 maybe you'll get to see him after'."

6 Do you remember that conversation?

7 A. No. No, I don't. I do remember there would have been
8 a conversation around identification of Sheku at some
9 stage, but certainly never made it sound as if you do
10 the statement, we will then go thereafter, because that
11 was obviously never going to be the case in this
12 scenario.

13 Q. Why do you say it was never going to be the case?

14 A. Because he was obviously still at the hospital at that
15 time. I have guessed with my obviously knowledge at
16 that point that there was going to be some sort of
17 examination completed first before that could take
18 place, so I knew it was never ever going to be that day.
19 Certainly normal sudden deaths as well, you would have
20 probably a couple of days before formal identification
21 is ever taken and then it's then at the direction of the
22 Procurator Fiscal as well just to make sure that they're
23 100% happy that the person that's in the sudden death
24 report is the person that's obviously passed.

25 Q. So in relation of what you have just said, by this
26 stage, you knew that the man had died?

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- 1 A. Yes.
- 2 Q. You have passed the death message to Colette Bell?
- 3 A. Yes.
- 4 Q. You said in the normal course of events there would be
5 an examination, is that a post-mortem examination?
- 6 A. Yes.
- 7 Q. Is that the sort of thing you're talking about?
- 8 A. Yes, sorry, yes.
- 9 Q. Or an autopsy some people will call it.
- 10 A. Yes, absolutely.
- 11 Q. Not at all. You said, did you, that you thought there
12 would be a couple of days before there would be
13 identification?
- 14 A. I don't think I said that at the time because to be
15 honest, we never knew at that point how long it was
16 going to take. I can say a sudden death would normally
17 be presented to Procurator Fiscal, it can take between
18 two, three, even longer than that days. So I would hate
19 to give a timeframe for that.
- 20 Q. From your experience now, how long would it normally
21 take for there to be a post-mortem where there has been
22 a sudden death, unexplained or ... you don't know why
23 the person died?
- 24 A. It really depends, it sounds really silly to say, but
25 the backlog that they have at the mortuary as well and
26 obviously what the fiscal is dealing with at that moment

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1 in time. Regards to this one, I can imagine it would
2 have been a priority. But again, I'm not sure how that
3 part of the investigation went, so I don't even know
4 when he was identified.

5 Q. And when you say "a priority", what do you mean?

6 A. Well, obviously we passed the death message not being
7 100% clear on his identity. So if I was part of that
8 investigation from a senior level, I would be guessing
9 that I would be wanting to do that sooner rather than
10 later, just to clarify that it is who we think it is.

11 Q. So when you say do it sooner rather than later, you mean
12 get identification --

13 A. Yes.

14 Q. -- confirmed?

15 A. Yes.

16 Q. Before the post-mortem is carried out?

17 A. Yes.

18 Q. And do you remember if Wayne had any conversation about
19 "give a statement and you can see Sheku after that"?

20 A. No, I don't remember that being said at all and it's not
21 really something we would say. It then sounds as if
22 we're almost bargaining with her and that certainly
23 wasn't the case that day at all.

24 Q. Right. If that wasn't the case, can you give any
25 explanation why Colette may have said this, or been
26 confused or --

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1 A. I don't know if it has just got mixed up in the
2 conversation that we have had about identification down
3 the line. Again, like I said earlier on, with the
4 trauma that day, it may well have just got mixed up with
5 the events that's happened. But yeah, I can't be clear
6 on why she said that to be honest.

7 Q. So as far as you remember, what was said to Colette
8 about identification?

9 A. It would -- I don't remember exactly what was said, but
10 as part of any statement like that and obviously when
11 it's unclear identification, it would have been said to
12 her, "We're probably looking at some stage down the line
13 to have you identify the body, just to confirm that it
14 is Sheku", and obviously we have mention of other family
15 and that as well and we will (inaudible) because
16 sometimes they want two persons to do the identification
17 as well.

18 Q. And we also have a record of a statement Lorraine Bell
19 gave to PIRC, so that's the mother.

20 A. Yes.

21 Q. And she says -- I won't take you to that at the
22 moment -- that Colette was asked -- or Colette asked if
23 she would be able to see Sheku and the police officer
24 said immediately that Colette could see Sheku. Do you
25 remember giving Colette that reassurance that she would
26 be able to see Sheku?

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1 A. No. I don't even remember that question getting asked,
2 but generally, we would have said along the lines of the
3 formal identification process and that can take a wee
4 bit of time, but I genuinely can't even remember that
5 conversation.

6 Q. From your own experience, can you understand that family
7 members would like to see the person?

8 A. Oh, absolutely. Yes, 100%, yes.

9 Q. Why is that?

10 A. I think that's the -- it's almost the saying goodbye, it
11 assists with any sort of grieving process. Even in the
12 most -- further occasions where, let's say, you have car
13 crashes and things where we kind of advise these people,
14 it's maybe not the best thing, but they still want that
15 last goodbye. Obviously, the mortuaries do their best
16 at times to make the body look more presentable and will
17 often ask if they will stand at a particular side due to
18 injuries and such-like. So again, that can take a wee
19 while as well, so that's why we never try and give any
20 sort of timeline, because we never knew at that point,
21 injuries, etc, or what the process was going to be.

22 Q. Did you at that time have any expectation that this
23 would be discussed by others with the family?

24 A. Yes.

25 Q. Who would that be?

26 A. Probably the family liaison officers, the FLOs.

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- 1 Q. And do you have experience of family liaison officers
2 discussing things with the family?
- 3 A. I have been present when they have been having
4 discussions with family, yes, but I'm not formally
5 trained on it myself.
- 6 Q. And when FLOs are involved, is it the sort of topic that
7 they will cover about identification and --
- 8 A. It should be, yes. It should be.
- 9 Q. Do they give the families information about what will
10 happen when they go to view a body at the mortuary?
- 11 A. Yes, absolutely. Really it should be everything sort of
12 post-event that they should explain to them as best they
13 can and answer any questions that the family obviously
14 have as well.
- 15 Q. And that's your experience of FLOs from --
- 16 A. Absolutely.
- 17 Q. -- other situations?
- 18 A. Yes, I have even known FLOs to even arrange funerals and
19 such-like as well on certain occasions when the family
20 have been really struggling. So yeah, there is an array
21 of different jobs that they will do to assist just in
22 that obviously period of grief.
- 23 Q. If we hear from other people that FLOs are more treated
24 as part of the investigative team, do you have any
25 comment about that?
- 26 A. Yes. Sometimes, yes, sometimes the FLOs will be asked

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1 to maybe take statements from family members and that as
2 well. I have known for that to happen before, yes, but
3 certainly first and foremost from my certainly belief is
4 that it's more a welfare thing and an information
5 passing team that they are.

6 Q. So is it possible in cases involving a sudden death to
7 delay family statements until the FLO is in place?

8 A. Yes, it certainly has been -- certainly the most
9 experience I have is more murder investigations and that
10 tends to be the sort of scenario they use for that, yes.

11 Q. So where there's a suspicious death or an unexplained
12 death, and if it's been treated as a homicide, the
13 family can give statements to the FLO rather than other
14 officers?

15 A. Yes. That would be my belief, yes, absolutely.

16 Q. And do FLOs have particular training in dealing with
17 family members?

18 A. Yes.

19 Q. And does that help support family members, have regard
20 to their wellbeing?

21 A. It should do, yes. I believe it used to be a two-week
22 course, or three-week course, I think it was at
23 Tulliallan. I'm not sure exactly where it is now.

24 Q. That's not training you have ever undertaken?

25 A. No, it's not, no.

26 Q. Do you understand why you were selected to deliver the

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1 death message to Colette Bell?

2 A. I don't know if it was just per chance to be honest
3 because we were the only DCs that were there that day.
4 A few others had already been given jobs. We were
5 obviously coming outwith Kirkcaldy, so I -- there may
6 well have been another reason that I'm not aware of, but
7 certainly I think it was only me myself, Wayne and Calum
8 that were left, I believe, for jobs.

9 Q. So it wasn't that you were holding yourself out as
10 having special skills or experience in any way?

11 A. No. Certainly not, no.

12 Q. You were the three that were left?

13 A. Yes.

14 Q. And can I move on, please and, ask you about
15 paragraph 121 of your Inquiry statement, please. Now,
16 you were asked about a period later in the day at this
17 point, still 3 May, but you say in paragraph 121:

18 "Just before 3 o'clock DS Dursley asked us to go
19 to ... and speak to Sheku's sister."

20 So you have been dealing with Colette Bell in the
21 morning.

22 A. Yes.

23 Q. You spent a couple of hours in Kirkcaldy Police Station
24 taking her statement. And what were you doing between
25 Colette leaving Kirkcaldy Police Office and then being
26 contacted by DS Dursley about your next task?

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- 1 A. I think in all honesty we would probably be grabbing
2 a bite to eat and then starting the rolling statement.
3 I think it said 14.35, if I remember right, so that
4 would probably tie in with when we started that.
- 5 Q. So again DS Dursley contacts you -- and still working
6 with Wayne Parker?
- 7 A. Yes.
- 8 Q. Has Calum -- he is off doing something else now, is he?
- 9 A. Yes, I'm not sure what he was doing at that stage.
- 10 Q. So in the afternoon it's just you and Wayne?
- 11 A. Yes.
- 12 Q. And he asked you to speak to Sheku's sister and her
13 husband Ade. We heard from Kadi yesterday.
- 14 A. Yes.
- 15 Q. So it's Mr and Mrs Johnson.
- 16 A. Okay.
- 17 Q. As I understand it, paragraph 122, you don't remember
18 exactly what DS Dursley asked you to say:
- 19 "... at that point they were pretty convinced it was
20 Sheku."
- 21 Had you become more convinced as the afternoon went
22 on?
- 23 A. Certainly our supervisors had. I don't know what else
24 had been added into the mix at that point, but yes,
25 there were.
- 26 Q. Who were the supervisors?

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1 A. Again DS Dursley and DI Robson.

2 Q. And:

3 "They were content with the information they got
4 from Colette earlier from a sudden death report."

5 What does that mean, content with the information
6 they got from a sudden death report?

7 A. I think probably, like we discussed earlier on, the
8 deceased's events the night before that led him into
9 being in that address and we know that he had obviously
10 left that address in the morning would fit in with how
11 close it was to the locus and that as well, the
12 information around the mobile phone and the description
13 of him as well. I'm guessing that's what --

14 Q. So the address, you mean Colette Bell's address?

15 A. Yes.

16 Q. We have heard that Sheku Bayoh lived at that address as
17 well with Colette?

18 A. Yes.

19 Q. If we can move down the page, please:

20 "Pass the death message and nothing else specific.
21 Didn't need a further statement because of the one we
22 had from Colette Bell. The thinking was more [that] the
23 FLO would do that, they would take the statements later
24 on. That tends to be what happens. The next of kin
25 being the sister. That's a decision above my pay
26 grade."

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1 Could you just explain a little bit about what you
2 are talking about in this paragraph?

3 A. Yes. So I think what we were saying was that we weren't
4 needing to get another statement from the family as they
5 felt they had enough. However, they knew that with the
6 FLOs going in, there will probably be further
7 information that may be requested and they would then
8 note that down in statements or such-like. But again,
9 it was something that was decided by my supervisors and
10 up from that as well.

11 Q. So in relation to the other family members it would be
12 the FLO who would take those statements?

13 A. Yes.

14 Q. That was the initial plan at that stage?

15 A. That's what the thought process was at that point, yes.

16 Q. So when you went to the Johnsons, you knew you weren't
17 going to have to take statements from them?

18 A. Yes.

19 Q. And look at paragraph 123:

20 "I took the lead on this one because Wayne spoke to
21 Colette."

22 So when it came to the Johnsons, his sister, Kadi
23 Johnson, you were the one that was doing the talking?

24 A. Yes.

25 Q. And I think later in your statement you mention that
26 Wayne had formerly been a nurse, is that correct?

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- 1 A. He had been, yes.
- 2 Q. So if we have heard that one of the officers had
3 a medical or a nursing background, that would be Wayne?
- 4 A. Yes.
- 5 Q. And you were the one with the Johnsons who did most of
6 the talking?
- 7 A. Yes.
- 8 Q. Thank you. And you took the lead. You said:
9 "I said her brother had sadly passed [away]. I said
10 it was an ongoing investigation and we couldn't pass on
11 more information at this time. I can't remember exactly
12 what I said it's been that long ago. I couldn't guess."
13 Was it the same message, death message, that you had
14 given to Colette earlier in the morning?
- 15 A. I can't remember the wording, to be honest, but it was
16 certainly along those lines as what's been passed here.
17 There was certainly no mention of "found body" in the
18 message that I passed.
- 19 Q. You don't remember saying anything like that?
- 20 A. No, certainly not.
- 21 Q. Can you give us any indication of what you actually said
22 to the Johnsons when you passed on a death message?
- 23 A. Again, it was along those lines that it was a -- he had
24 sadly passed away. There was an active investigation at
25 the moment. We were obviously still looking to speak to
26 further witnesses to ascertain exactly what's happened

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1 but, at this moment in time, there's nothing else I can
2 really pass on to you.

3 Q. Had your instructions changed by the time you went to
4 see the Johnsons at all?

5 A. Not at that point, no.

6 Q. Had your superior Dursley or Robson suggested to you
7 that any further information should be shared with the
8 Johnsons than had been shared with Colette?

9 A. No, because they were still investigating -- sorry,
10 conversations going on with the hierarchy at that point
11 that we weren't quite sure exactly what was going to get
12 passed during the day to the family. So they wanted us
13 to just keep it the same as we had with Colette.

14 Q. So that was still being decided, as you said, above your
15 pay grade?

16 A. Yes.

17 Q. So if we look again at paragraph 102, I referred you to
18 this just before the break, this was the statement from
19 DS Graeme Dursley, and you will see the death message
20 that he:

21 "... delegated to Wayne Parker to tell Colette Bell,
22 [halfway down this paragraph], words to the effect that,
23 'a black male had been found dead and we suspected that
24 it may be her partner'."

25 Does that bear some resemblance to the death message
26 that you shared with the Johnsons?

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- 1 A. No.
- 2 Q. So you changed the death message?
- 3 A. Yes.
- 4 Q. And what had you said then if you knew that you had
5 changed it?
- 6 A. Just that I never said at any point he had been found
7 dead, because that certainly hadn't been -- from my
8 knowledge, at that point, he obviously hadn't been found
9 dead. He was travelling in an ambulance to the
10 hospital. So I certainly knew that not to be true.
- 11 Q. So you knew that he hadn't been found dead?
- 12 A. Yes.
- 13 Q. Hadn't been found dead in the street by a passerby?
- 14 A. No.
- 15 Q. You knew that that wasn't true?
- 16 A. Yes.
- 17 Q. So what information were you able to share with the
18 Johnsons? If you knew that wasn't true and you didn't
19 share that, but you also knew that you were to avoid
20 saying anything about police contact?
- 21 A. Very little.
- 22 Q. Right.
- 23 A. To be honest.
- 24 Q. Of that very little can you give us an indication of
25 what it was that you did say?
- 26 A. Again, I just had to keep coming back to saying it was

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1 an ongoing investigation and there were a number of
2 witnesses that had to be spoken to before we could pass
3 any more information.

4 Q. Did Wayne say anything to the Johnsons?

5 A. Again, there was probably a conversation there, but
6 I can't remember exactly what he was saying. But he was
7 certainly saying similar to what I was saying.

8 Q. Was he with you all the time?

9 A. Yes, barring a couple of times when I went out to --
10 I actually think that was the second visit, to be
11 honest, when I went out to speak to DS Dursley on the
12 phone, on the radio.

13 Q. So the first time he was with you?

14 A. Yeah, aye, we were both in there the whole time in the
15 living room.

16 Q. We heard you were both in the living room, do you
17 remember that?

18 A. Yes, I do, yes.

19 Q. So yesterday, we heard from Kadi Johnson and she talked
20 about this first visit where the first death message was
21 shared with her and her husband. And her recollection
22 is that the person who did most of the talking, which we
23 understand now to be you --

24 A. Yes.

25 Q. -- was that, "There's no easy way to say it, but Sheku
26 has passed away", do you remember if you said that?

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- 1 A. No.
- 2 Q. You don't remember --
- 3 A. I don't remember using that wording, to be honest, but
- 4 I do remember obviously passing the message.
- 5 Q. If Kadi said that you had said, "There's no easy way to
- 6 say it, but Sheku has passed away", would you disagree
- 7 with her?
- 8 A. No, it's probably a strong possibility that's what was
- 9 said, but I can't remember my exact wording.
- 10 Q. No, that's fine. And she told us that she was very
- 11 upset.
- 12 A. Yes, she was, yes, understandably.
- 13 Q. She also told us that her husband Ade Johnson had been
- 14 asking the officers, "How did Sheku die?" Do you
- 15 remember him asking that?
- 16 A. Yes.
- 17 Q. You said that's quite a common reaction?
- 18 A. Yes, it is, absolutely.
- 19 Q. And that the officers said that they were looking for
- 20 two guys. Do you remember saying anything about that?
- 21 A. No, that was never said at any point, no.
- 22 Q. So if Kadi has told us that, can you explain why she
- 23 would -- that would be her recollection?
- 24 A. I have no idea.
- 25 Q. I mean, it's not correct, as I understand it, that
- 26 the police were looking for two guys?

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- 1 A. No, we weren't and that's why I don't understand why it
2 would have been said. Certainly made mention to
3 witnesses needing to be spoken to, but never of
4 a specific in any number or anyone in connection with
5 either was mentioned.
- 6 Q. Looking for two guys doesn't sound like you're just
7 looking for witnesses to speak to?
- 8 A. Yes.
- 9 Q. I mean, it's not true that the police were looking for
10 two guys --
- 11 A. No.
- 12 Q. -- in connection with the death?
- 13 A. No, certainly not. We weren't, no.
- 14 Q. That was never the position?
- 15 A. No, definitely not.
- 16 Q. And Kadi's evidence yesterday was to the effect that
17 Sheku had been found lying on the road and that an
18 ambulance had been called. Again, we see a reference
19 here to him being found lying on the road.
- 20 A. Yes.
- 21 Q. Do you remember any of that being discussed?
- 22 A. No, I don't remember that being said at all.
- 23 Q. Can you think of any reason why she would have said that
24 to us yesterday?
- 25 A. No clue.
- 26 Q. She said that it was -- you were there for about

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- 1 ten minutes the first time, would you agree with that?
- 2 A. Yes, it probably would have been that, yes.
- 3 Q. And that essentially you said, "If we've got any more
4 information, we will let you know", and that was really
5 all that they were told?
- 6 A. I don't remember at that point if we mentioned the FLO
7 maybe getting in touch at that point. I can't recollect
8 whether or not that was possibly discussed in the first
9 visit. I know it was definitely discussed in the second
10 visit, but I don't know whether it was discussed in the
11 first visit as well. But I certainly did say that we
12 would be in touch.
- 13 Q. Okay. Tell me about the second visit that you have
14 mentioned. How did that come about?
- 15 A. In what respect?
- 16 Q. So you have left the house after the first visit?
- 17 A. Yes.
- 18 Q. And I think in your statement you talk about being in
19 touch --
- 20 A. Oh, right, sorry. Okay, I understand now.
- 21 Q. -- with Kirkcaldy.
- 22 A. Yes, we went back. We had obviously passed on the
23 message --
- 24 Q. You went back to Kirkcaldy?
- 25 A. Yes, we went back to Kirkcaldy Police Station after we
26 passed on the message. When we went back in, as

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1 I recall it -- and I might be wrong, as I recall it, I'm
2 sure that DS Dursley asked us to go back up to the
3 address. He asked us to pass on that our chief super at
4 that time, Garry McEwan, was looking to go up and have
5 a meeting with the family. He would pass on some more
6 information at that point and whether or not they were
7 amenable to that as well, and that's what we were asked
8 to do the second time.

9 Q. Can we look at paragraph 130 of your statement, please.
10 You say here -- so this is after you have left, after
11 the first death message visit:

12 "I then got a point-to-point private call on the
13 radio. The words I remember - 'Andy you're not going to
14 like this but I've arranged a statement'. I took my
15 notebook to the back end where I take my smaller notes.
16 He read it out to me. I said you're right I'm no happy
17 with that. He said that's what we have to do. I was
18 told the FLOs were either en route or being briefed,
19 I can't remember. Then radio was terminated."

20 I would like to look at this with you.

21 A. Yes, absolutely.

22 Q. So you get a point-to-point private call on the radio.
23 We heard evidence a while ago that those are one-to-one
24 calls between officers.

25 A. Yes, they are, yes.

26 Q. They're not recorded on the airwaves transmissions as

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1 other calls are. Did you know that?

2 A. I know they don't go out over the airwave, but I believe
3 they are recorded somewhere, yes.

4 Q. We may have heard already that that's not the case, that
5 these have not been recorded.

6 A. Apologies.

7 Q. But we can look into that if you think otherwise. You
8 say -- so where were you when you got this call on your
9 radio?

10 A. Yes, there was a wee bit -- sorry, a wee bit of pretext
11 before that. So we went up to obviously speak to the
12 Johnsons again and we had relayed across with regards to
13 the chief super coming out to speak to them, but then we
14 were there again for a further, I don't know, it must
15 have been a good -- it felt like a long time, but it
16 might only have been about five, six, seven minutes and
17 we hadn't heard anything further.

18 We were told we were going to get a phone call when
19 we were there to confirm the time. So I went and phoned
20 DS Dursley, I think I used my mobile phone for that, to
21 be honest, out in the hall or maybe outside the address
22 and asked what was happening and he said that nothing
23 had been decided yet, but they would be in touch.

24 Then -- again, I can't remember exactly how long
25 it's been after that, but then got the -- my radio
26 started beeping enough to say that a point-to-point call

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1 was coming through, one of the one-to-one calls, and DS
2 Dursley asked me to make myself free to speak. So
3 I went out into the hall and that's when he relayed that
4 information, basically saying, "You're not going to like
5 this but this is a statement that's been prepared".

6 Q. I will come on to that in a moment, but just so I'm
7 clear about what's happening when, so I don't make any
8 mistakes, you have had the first visit to the Johnsons
9 and you have given the first death message?

10 A. Yes.

11 Q. You then leave, you go back to Kirkcaldy Police Office
12 you said?

13 A. Yes.

14 Q. And how long are you at Kirkcaldy Police Office?

15 A. Not long, not long at all.

16 Q. Who do you speak to when you're there?

17 A. I think it's DS Dursley and DI Robson, if I remember
18 right. Definitely DS Dursley was there, but I think
19 DI Robson might have been there as well.

20 Q. And that's you and Wayne Parker?

21 A. Yes, correct.

22 Q. What were you discussing at that point when you're back
23 at Kirkcaldy?

24 A. What they said, they said they were looking for us to
25 relay a message to the family that our chief super
26 Garry McEwan was wanting to go out and chat with them,

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- 1 have a meeting with them, and hopefully pass on some
2 more information to them as well.
- 3 Q. So that's a conversation about Garry McEwan?
- 4 A. Yes.
- 5 Q. And you're told to go back to the Johnsons and tell them
6 that he will be in touch?
- 7 A. Yes.
- 8 Q. So you then return to the Johnsons' house, you and Wayne
9 Parker, and you're in the house when you then get the
10 point-to-point?
- 11 A. Yes.
- 12 Q. So you have gone back and told them about Garry McEwan
13 coming to speak to them and then you get the
14 point-to-point?
- 15 A. Yes.
- 16 Q. And that's from Dursley?
- 17 A. I think -- yes, it was. The point-to-point was, yes.
- 18 Q. And you go out into the hall to have a private
19 conversation with him?
- 20 A. Yes.
- 21 Q. And he says, "You're not going to like this, but I have
22 arranged a statement." Why is he saying you're not
23 going to like this?
- 24 A. Because we had told the family that obviously the chief
25 super was coming out to speak and I think he had said as
26 part of that as well that he wasn't coming. He didn't

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1 like the statement and he felt it was a bit too open to
2 perception to be honest and once it was read out to me,
3 I felt the same as well. It lacked any sort of clarity
4 around the events and I just knew that the minute I read
5 it out to the family that they wouldn't be happy and
6 they would probably kick off, quite understandably,
7 because it never explained anything. It was very open
8 to perception in my opinion.

9 Q. Right, well, I'm going to ask you about that answer to
10 just get more of an explanation.

11 A. Absolutely, yes.

12 Q. But let's look at the wording of what you were told to
13 talk about. Let's look at paragraphs 144 and 145, first
14 of all. And I think 144 has been taken from your
15 notebook and it is just repeated here, and it says:

16 "I have been referred to my notebook ... at
17 page 40 ..."

18 Then you have put this in quotation marks, it says:

19 "'Following an incident this morning in the
20 Hayfield Road area of Kirkcaldy, officers from
21 [Police Scotland] have been attempting to arrest
22 Sheku Bayoh, during which time he has become
23 unconscious, conveyed to hospital by [the Scottish
24 Ambulance Service] & despite best efforts by hospital
25 staff died shortly after 9am.

26 FLOs this evening.'"

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- 1 Now, is that what you noted during that
2 point-to-point call with Dursley?
- 3 A. I did, yes.
- 4 Q. So that's the wording of the statement that Dursley told
5 you he had prepared and that he wanted you to share with
6 the Johnsons?
- 7 A. Yes.
- 8 Q. And that was on the afternoon of 3 May?
- 9 A. Yes.
- 10 Q. And that was during the second visit you had to the
11 house?
- 12 A. Yes.
- 13 Q. Right. So the wording has changed. Would you say
14 that's changed quite significantly from what you said
15 originally?
- 16 A. Yes, yes.
- 17 Q. So more information to be shared with the family and
18 this was to be shared prior to Garry McEwan turning up
19 at the house?
- 20 A. Yes.
- 21 Q. You still didn't know when that was going to happen?
- 22 A. No. I'm trying to remember whether or not that was when
23 he said he wasn't coming and that was why we had to read
24 out the statement. I can't remember exactly what was
25 said to be honest.
- 26 Q. We heard yesterday from Kadi that she had been told he

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1 was maybe in a meeting at some point?

2 A. Yes.

3 Q. Do you have any recollection of that?

4 A. I can't recall the discussion after that to be honest.

5 I only said that I don't think he was coming.

6 Q. So that's in the notebook, that's what you noted down at
7 the time?

8 A. Yes.

9 Q. And I think in your statement to the Inquiry, you say
10 Dursley might have used the word "medical staff" and you
11 wrote down "hospital"?

12 A. Yes.

13 Q. But apart from that that's what he said to you. You
14 have talked about:

15 "He didn't like that statement. It was too open and
16 too open to perception."

17 Can you explain what you mean by that?

18 A. The first time the family said after we read that out
19 was, "You killed him then, the police killed him" and to
20 me there's no clarity there in any of that paragraph to
21 confirm what's happened. I just felt as if a wee bit
22 more information could have been shared to try and
23 negate that then reaction from the family to be honest.
24 I'm not saying I know exactly what should have been said
25 or what could have been said to make the matter any
26 better, but I just felt as if it was too bland and it

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- 1 probably should be more specific.
- 2 Q. And obviously now with the experience you have now, what
3 sort of information, if you had been preparing
4 a statement, would you have liked to share with the
5 family?
- 6 A. I would probably have made mention of the earlier calls
7 we had had in from the public with regards to obviously
8 the state that Sheku was in with regards to the mention
9 of the knife and things. Obviously how they had tried
10 to get him under control, but couldn't. Just a wee bit
11 more specific in that respect and then obviously
12 explaining thereafter what had happened. And obviously,
13 I believe cops were doing CPR on him in the ambulance as
14 well. Obviously, no one wanted him to pass, you know
15 what I mean. So I just think they wanted to be a wee
16 bit clearer on that, just to show what exactly we were
17 aware of that day and what we had done to obviously try
18 and save his life as well.
- 19 Q. So your instincts very much would have been about
20 sharing more information?
- 21 A. Yes, absolutely, yes.
- 22 Q. What do you think the benefits are of sharing more
23 information with the family?
- 24 A. Again, you lose all trust there completely with the
25 family.
- 26 Q. If you don't share?

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1 A. If you don't share, yes. I appreciate some things maybe
2 had to be kept for whatever -- until clarity, further
3 clarity on that with regards to maybe the contact and
4 there was obviously mentions of the knife being
5 presented or not being presented and there was another
6 thing about the possible stamp or whatever. Again,
7 nothing was obviously cemented at that point. We never
8 knew. It was all sort of whispers. But I just think
9 they could have added a wee bit more information there,
10 just to give the family a wee bit more information of
11 exactly what happened. But I appreciate it must have
12 been difficult to come up with that statement to be
13 fair, but ...

14 Q. And we noted earlier that you had said, "You're right,
15 I'm no happy with that", and why were you not happy?

16 A. Certainly for the discussion that we had had at
17 Kirkcaldy Police Station, I believed that the Chief
18 Superintendent was coming up to speak with the family
19 and could have passed on that information, but obviously
20 probably in more detail. The fact that then we were up
21 there to then deliver that, I knew what the reaction was
22 going to be and I could understand why the family
23 reacted the way they did. I just -- I was experienced
24 enough to know that the family were never going to be
25 happy with that statement getting read and then us
26 unable to add any further information to it as well. It

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1 left too many unanswered questions, that statement, in
2 my opinion.

3 Q. And you have said you understand why the family reacted
4 as they did?

5 A. Absolutely.

6 Q. Why do you say that?

7 A. Because, like I said, from the back of that, there's so
8 many questions that could be asked that we couldn't
9 answer at that point in time. And certainly it felt as
10 if we were just essentially a dartboard at that point.
11 And again, I can't blame the family for that, because
12 I can understand why they were upset. At the end of the
13 day, they had lost a brother and a brother-in-law and
14 then they're getting given essentially a bland statement
15 like that when really we should have been giving more
16 information. Again, in my opinion, I may well be wrong.

17 Q. And then you said you were a dartboard, what do you mean
18 by that?

19 A. Well, we were then open to direct hits after that. In
20 all honesty, we couldn't answer. We couldn't answer any
21 questions because we never really knew.

22 Q. And from what you said earlier, am I right in thinking
23 you're saying that you thought it would be more
24 appropriate for Garry McEwan to be delivering a second
25 message?

26 A. Not necessarily him himself. I mean, the only thing

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1 that kind of annoyed me a wee bit was the fact that we
2 had already told the family that he was coming to pass
3 on more information. We then went back again to
4 essentially say, "No, I'm giving this information now".
5 So again, we're breaking another element of trust there,
6 because, like I say, it's almost impossible to build up
7 rapport with a family when you're passing messages on
8 like that. But to then essentially go and -- I'm not
9 saying lie, but then change the goalposts a wee bit,
10 it's -- yes, it's difficult. Very, very difficult.

11 Q. You say "not saying lie". How did you feel about the
12 whole situation?

13 A. Well, to be honest -- I mean, what's said there has
14 happened, however it's just a small snippet of the story
15 of what happened that morning, and I just felt as if we
16 could have -- I'm sorry to keep repeating myself, but
17 I just feel as if we could have given a wee bit more.
18 I'm not truly sure what we could have said, but I do
19 think further information could have been added there,
20 or it could have been delivered, maybe somebody from
21 above my level as well that might have added a wee bit
22 more credence to it as well, especially after we had
23 essentially promised the family that our essential
24 leader of Fife was coming out to speak to them.

25 So again, I don't know where that decision was made
26 thereafter that that wasn't happening. And again, I can

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1 only apologise that that never happened later on. But
2 certainly that's -- yes, it's difficult, really
3 difficult.

4 Q. So you think that giving more complete information would
5 have helped with that relationship with the family?

6 A. Yes. Yes, I do.

7 Q. And you have talked a lot about trust and building
8 rapport. Do you think that would have helped with the
9 family?

10 A. I think so. I'm not saying we would have had a great
11 relationship after that, but I think it would have been
12 a good starter to try and build a better rapport and
13 then continue on from there and we could feed them in
14 more information as we got it as well, from the
15 investigation as it was carried out.

16 Q. And that would have been your preference based on your
17 own experience?

18 A. Yes, yes.

19 Q. Did you have concerns that the family weren't being told
20 the whole truth?

21 A. I wouldn't say the whole truth. I just feel as if more
22 information could have been passed. I mean,
23 I appreciate at that point in time -- because obviously
24 the people that are passing me this information aren't
25 the cops that have been out to the initial event as
26 well, ey, and obviously there was witnesses probably we

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1 wanted to see who had seen part of it as well. All that
2 hadnae been looked at yet, CCTV hadn't been looked at
3 yet, witnesses hadn't really been spoken to yet. We
4 only had snippets of information. So I wouldn't say
5 they weren't -- what they got there was the truth,
6 that's pretty much broken down in a nutshell that's what
7 happened.

8 But again, not to repeat myself, but I feel as if
9 more probably could have been given to add clarity
10 around what was going to be happening next as well.

11 All we were pretty much told to say was that the
12 FLOs -- that's why I put that, the FLOs this evening,
13 that was just an abbreviation. The rest, it was
14 obviously verbatim that was read out, but the FLOs is
15 just in relation to -- I was asked to tell them that the
16 FLOs would be making contact with them this evening, and
17 again, we would be passing on further information to
18 them.

19 Q. So part of your concern was that this was just too brief
20 an explanation?

21 A. Yes, absolutely.

22 Q. Do you think this had the potential to be misleading in
23 some way about what had actually happened?

24 A. No. Like I said, what's happened is pretty much what's
25 happened there, but I just felt it could have been
26 expanded upon.

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- 1 Q. Okay. Can I ask you when you first realised, or first
2 became aware that there were concerns that the death of
3 Sheku Bayoh might be related in some way or connected in
4 some way with his race?
- 5 A. That's never been the case.
- 6 Q. You have never thought that was the case?
- 7 A. No, never, at all.
- 8 Q. Were you aware from your discussions with the family
9 that they had raised this issue?
- 10 A. I think Mr Johnson made mention of it after I read out
11 that statement, basically said, "He's killed him, he's
12 killed him because he was black" was said after, but
13 that was the first time that race had been mentioned.
- 14 Q. First time that it had been mentioned in your hearing?
- 15 A. Yes, by anyone, as I remember correctly.
- 16 Q. Had Dursley or Robson or anyone else mentioned it in
17 Kirkcaldy Police Office with you?
- 18 A. No, not at all.
- 19 Q. Were you aware of the content of the STORM cards or some
20 of the conversations, the phone calls to the police, the
21 999 calls had mentioned that it was a black man
22 involved?
- 23 A. As part of the briefing, it was mentioned, yes.
- 24 Q. That's when you first arrived at --
- 25 A. Yes, yes. I can't remember exactly what was said.
26 I hadn't actually even seen the call card before I came

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1 down, but certainly as part of the briefing that was
2 read out, yes, part of it.

3 Q. And you have talked today about people talking about and
4 speculating about what had happened, you have talked
5 about whispers. Were there any whispers that you were
6 aware of, or speculation about whether this was race
7 related?

8 A. Definitely not, no.

9 Q. No one was mentioning that to you?

10 A. No, not at all.

11 Q. So the first mention was Ade Johnson when he said, "You
12 killed him because he was black"?

13 A. Yes.

14 Q. And I think we see that, just for completeness, at
15 paragraph 133.

16 Did you mention -- obviously you have talked about
17 being in communication with Graeme Dursley. Did you
18 mention to Dursley that this had been raised by Ade
19 Johnson?

20 A. Yes.

21 Q. When did you do that?

22 A. When we got back to the police station after that.

23 Q. That was after the second visit?

24 A. After the second visit, yes.

25 Q. And tell us about that conversation with Dursley?

26 A. To be honest, he looked quite shocked, to be fair, when

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1 I told him.

2 Q. Where were you when you had this conversation?

3 A. In the CID office at Kirkcaldy.

4 Q. Maybe let's look at paragraph 138. So you mention being
5 in the CID office:

6 "We were shell shocked at this point."

7 Were why were you shell-shocked?

8 A. What do you mean?

9 Q. You say:

10 "We were shell shocked at this point."

11 A. I think we were just -- it certainly hadnae went through
12 my mind at any point that it was even a reason and just
13 when that was brought up, it just kind of -- yes, it was
14 a wee bit shocking to be honest.

15 Q. Dramatic?

16 A. Yes, it had been a pretty traumatic day anyway for all
17 involved, but then for that to be given as some sort of
18 reason for him passing away was -- yeah, it wasnae nice.

19 Q. So when Ade Johnson mentioned that to you, made that
20 suggestion, that was something that you found -- caused
21 you to feel --

22 A. Yes, I didn't like it, to be honest.

23 Q. Why was it that you didn't like it?

24 A. I just -- it's just something I've never really came
25 across at all in the police. I don't like it anyway.
26 I mean, we deal with it regularly with members of the

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1 public and such-like, but it's certainly no anything
2 that ever occurs within our offices or anything like
3 that.

4 We're there to deal with it and obviously penalise
5 these people that make these comments or do things that
6 are race related like that, but certainly for him to
7 then come out and say that the police were responsible
8 and that was the reason, it was a wee bit hurtful to be
9 honest. But again, it was difficult then to be hard on
10 the family, because I knew they were hurting from -- in
11 their own respects, they have lost a brother, lost
12 a brother-in-law, so I knew not to take it personally,
13 but it wasnae nice.

14 Q. You're talking about allegations about the motivation of
15 things being race related?

16 A. Yes, sorry. You explain it a lot better than I do.

17 Q. No, no. You mention DS Dursley and DI Robson. Were
18 they both there in the CID room?

19 A. Yes, they must have been, to be fair.

20 Q. And you say:

21 "I think I probably told them the comment of what
22 Ade said just to show them how upset they were. That
23 mindset was resonating with the rest of the family as
24 well. That was the comment that that's when he's been
25 killed then, because ..."

26 Is that "he was black"?

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- 1 A. Yes.
- 2 Q. So it wasn't just a comment from Ade Johnson. Did you
3 get the impression that the family were concerned?
- 4 A. Certainly no one at that point in the room was
5 disagreeing with him, so that's where I kind of felt
6 that it then may well be resonating with the rest of the
7 family as well. Again, it was only a sort of guess at
8 that point that everybody else was feeling that, because
9 no one questioned him or argued with him.
- 10 Q. And that was the response of the family after the second
11 death message?
- 12 A. Yes, yes.
- 13 Q. And to what extent do you think that second death
14 message created or gave rise to this feeling that the
15 family had?
- 16 A. I mean, the -- because of the lack of information
17 certainly it didn't sound great with regards to
18 the police contact. However, certainly nothing in that
19 statement to give reason for that comment that
20 Mr Johnson made, in my opinion.
- 21 Q. So the statement didn't say that was the reason?
- 22 A. Yes.
- 23 Q. But that was the family's initial reaction?
- 24 A. It was Mr Johnson's. I can't speak for the rest of the
25 family.
- 26 Q. But they didn't disagree with him?

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1 A. No, they didn't disagree at the time, no.

2 Q. Can I ask you about -- you have talked in your statement
3 later -- let's look at paragraph 225 -- about issues to
4 do with race. 225 to 227. You are asked a number of
5 questions about training you have had and awareness
6 about race. You have told us earlier today about the
7 Moodle training programme that you have recently
8 completed.

9 You say at 225:

10 "Race played no part whatsoever in my actions on the
11 day. There was nothing about Sheku Bayoh's family that
12 was different than what I was used to. I'm aware
13 certain religions need bodies treated. Until I went to
14 that address and see Ade's comment, it wasn't something
15 I was aware of worried about. I was treating them the
16 same as anybody else. Looking back now that's the same
17 way to do it."

18 Did you have an awareness in May 2015 about the need
19 to be aware of issues regarding religious sensitivities
20 or cultural issues to do with families?

21 A. Yes.

22 Q. And you would realise the Johnsons were a black family?

23 A. Yes.

24 Q. And that Sheku was a black man?

25 A. Yes.

26 Q. And so were you aware that that may give rise to some

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- 1 sensitivities or you would have to be aware and
2 considerate towards maybe different ideas?
- 3 A. Yes, absolutely.
- 4 Q. So when you say, "Race played no part", do you mean that
5 when you arrived at the Johnsons, you didn't have regard
6 to those sensitivities, racial sensitivities --
- 7 A. No, not at all.
- 8 Q. Do you want to explain a little better?
- 9 A. Yes, sorry, I obviously didn't write that too well
10 there. What I mean is I would like to think that no
11 matter who the person is or what religion they are or
12 the colour of their skin, I'd like to think that I treat
13 everyone the same and that's basically what I mean by
14 that. I was raised to say I'd like to treat others the
15 way I have been treating myself. So certainly that's
16 what I meant by that, but obviously it's not overly
17 clear.
- 18 Q. And I wanted to give you a chance to explain that.
- 19 A. Yes, thank you.
- 20 Q. So you're saying you treat everyone the same but does
21 that mean that you actually need to treat some people
22 differently to be fair to them?
- 23 A. Yes, that can be --
- 24 Q. To be compassionate?
- 25 A. Yeah, that can be (inaudible overspeaking). I mean
26 religion was never mentioned at that point and

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1 obviously, I'm aware -- I believe it is the Muslim
2 people who need to obviously deal with bodies
3 differently thereafter and that as well. But certainly,
4 at that point, no -- I don't believe anybody had asked
5 what religion Sheku was, like obviously were made
6 mention of earlier on. But yes, maybe a better
7 awareness of that and maybe we should ask the question
8 earlier to see if there was something we could have done
9 differently and assisted more.

10 Yes, obviously, I appreciate you have to sometimes
11 speak to people or deal with them in slightly different
12 ways, but I'm meaning that from a welfare point of view,
13 try and treat everyone the same as best you can.

14 Q. So you're trying not to discriminate against people?

15 A. Yes, absolutely.

16 Q. But you're trying to understand they may have
17 a different way of wanting to be dealt with?

18 A. Yes.

19 Q. And you said you didn't ask about Sheku Bayoh's
20 religion. Looking back now, do you think it would have
21 helped if you would have been able to have that type of
22 conversation with the family, or would you not have felt
23 comfortable raising those issues?

24 A. No, I generally would have felt comfortable. It was
25 certainly nothing that came into my head. Race or
26 religion hadn't even been a factor in anything, to be

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1 honest, in any of my thought process of that day.
2 I knew that the FLO would most likely go down that line
3 of questioning as well with regards to the body getting
4 dealt with later on. Yes, maybe if that would have
5 helped with the family and the rapport, then yes,
6 absolutely I would have done that if I had known that
7 would have been the case.

8 Q. You have mentioned the FLO, the family liaison officers.
9 Thinking back to that day, were you thinking, "I will
10 leave all that sort of thing to the family liaison"?

11 A. I genuinely -- it never even came into my head at that
12 point and maybe it should have, but it never. I was
13 just trying to deal with the family as best I could at
14 the time.

15 Q. Looking back now, do you think if you had had training,
16 maybe done the Moodle training at that time, or
17 equivalent, if you had maybe had family liaison
18 training, do you think you would have been better
19 equipped to respond to the needs of Mr and Mrs Johnson
20 and the family?

21 A. Possibly, yes, possibly.

22 Q. Looking back now, do you think -- what sort of things
23 could you have done differently that day?

24 A. I genuinely don't think I would have changed anything
25 that day. We had the information that we had. We
26 passed on whatever we were told to pass on and we tried

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1 to be as honest and upfront as we could. Yes, I don't
2 think I would have changed anything for that day to be
3 honest.

4 Q. We have heard evidence about ranks in police service and
5 the hierarchy.

6 A. Yes.

7 Q. To what extent do you have personal discretion on how to
8 do something compared to the instructions you get from
9 senior officers? Can you help me understand what would
10 get priority there: your instructions or your own
11 personal --

12 A. Instructions absolutely. We are a ranked organisation
13 and we pretty much do what we're told. Do we get
14 certain discretion in particular things? Absolutely.
15 But if we're told to do something, we do it. If we
16 don't agree with that, we can sometimes have
17 a conversation, depending on who that supervisor is, or
18 line manager is, like any job. But at the end of the
19 day, if you're told to do something, you do it. Simple
20 as.

21 Q. So even in a situation where you have described today
22 about maybe not liking something or not agreeing with
23 something and thinking there's maybe a better way, to
24 what extent are you hindered in just doing what you want
25 to do?

26 A. I think you can see from that statement and the

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1 conversation I had with DS Dursley, I have obviously
2 mentioned that he has prepared that statement, I have
3 got no doubt in my mind that that's been given to him by
4 again someone probably up the rank as well. So yes, did
5 that hinder our rapport with the family? Yes, I would
6 certainly say so. But again, I was told to do it, so we
7 had to do it and then --

8 Q. And I think you said -- we commented on one of your
9 passages in your statement, "That's above my pay grade",
10 is that the sort of attitude --

11 A. Yes, it sounds like I'm passing the buck and I really
12 don't mean to sound like that. It's just at the end of
13 the day, we're a rank -- or a ranked organisation and if
14 you're told to do something, you do it. So that's what
15 I did.

16 Q. You mention in paragraph 226, the second sentence:

17 "Since then there's been high profile stuff in
18 America that exploded in social media."

19 So we're talking about since 2015.

20 A. Yes, absolutely.

21 Q. "It certainly wasn't a worry at that time. I haven't
22 seen anything like it since then in the media in deaths
23 and certainly not in a minority. It wasn't a discussion
24 that we had, we were too busy dealing with other stuff."

25 Can I look at that paragraph for a moment. Can you
26 help us understand at that time what was your

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1 awareness -- describe your awareness of public concern
2 about race as a factor when the police were in contact
3 with black people? What was your general awareness?
4 I have asked a lot of officers about that. You know,
5 you have talked about social media. What did you know
6 in 2015 about --

7 A. To be honest, I don't think it was anywhere near as bad
8 as it was in the years after that, to be honest. It
9 wasn't a massive factor, in my opinion. But again, I'm
10 not a black male or a Muslim male, or whatever, so I've
11 never obviously have to face that from the other side.
12 But certainly, from my point of view, it's not something
13 I have ever encountered or seen, but certainly since
14 then with obviously the stuff that's happened in America
15 and different places, it has certainly opened eyes
16 around the world, that's for sure.

17 Q. And in 2015 what level of awareness did you have about
18 things that were maybe even happening down south in
19 England involving racial tension between the police and
20 black males?

21 A. I wasn't aware of anything specific. I know obviously
22 in certain areas like Bradford and things there's
23 obviously been a number of issues and that before, but,
24 yeah, there was nothing really overly specific.

25 Q. Had you at that time had any training -- we have heard
26 about officer safety training and we have heard about

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1 things can sometimes come to your attention in emails or
2 through SOPs. Did you have any awareness about things
3 that were happening down south in relation to racial
4 tensions amongst the police and black men?

5 A. I can't really remember. I know that there'd obviously
6 been a couple of investigations involving minority
7 persons that had possibly been like murders and things,
8 that obviously there have been complaints against
9 the police with regards to the investigations
10 thereafter. Yes, certainly probably before that point
11 we had been sent them through and obviously had a read
12 of them then, but apart from that ...

13 Q. In 2015 were you aware of the Stephen Lawrence murder?

14 A. Yes, yes. I was, yes.

15 Q. Had you had training about that and lessons that could
16 be learned from that?

17 A. I'm pretty sure that was brought up when we were at the
18 college. I'm sure. I can't remember exactly when, but
19 certainly, yes, I remember something getting sent
20 through regarding it. It's obviously been all over the
21 TVs and that as well, to be fair.

22 Q. Would you have been more aware of it in 2015 than you
23 are now or similar?

24 A. That case in particular?

25 Q. Yes.

26 A. Probably not.

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- 1 Q. When you say in 226:
- 2 "It wasn't a discussion that we had. We were too
- 3 busy dealing with other stuff."
- 4 Can you tell me what you mean by that?
- 5 A. Yes, mainly just to clarify that there was no mention of
- 6 the colour of his skin having any impact, or being
- 7 a factor in any way on that day. We were just dealing
- 8 with it as we would deal with any other incident. We
- 9 just -- it was a unique incident anyway, barring the
- 10 colour of Sheku's skin. It was just -- I'd never come
- 11 across anything like it with anyone being involved in
- 12 a scuffle with the police and then obviously then
- 13 passing away later on after that, so it was -- so that's
- 14 basically what I mean by that. The race to me was never
- 15 ever a discussion. It was just dealing with this unique
- 16 scenario in which somebody died after coming into
- 17 contact with police.
- 18 Q. I think you said at the outset this morning you had
- 19 never been involved in a death in custody before.
- 20 A. No, certainly not, not like that, no.
- 21 Q. When you talk about the "discussion we had", you're
- 22 talking about with senior officers?
- 23 A. Yes.
- 24 Q. Or with anyone else in this Kirkcaldy Police Office?
- 25 A. Yes, just obviously between the briefings we've got and
- 26 the direction from supervisors and the conversations

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1 that me and Wayne had, it was more directed on the job
2 we had to do rather than the ethnicity or any other
3 matter.

4 Q. And I want to ask you about the final words that you
5 say:

6 "We were too busy dealing with other stuff."

7 And it may be that -- I'm wondering what you had in
8 mind when you're using the phrase "other stuff". It
9 sort of sounds like none of these things were very
10 important.

11 A. No, they obviously were important. I generally just
12 mean in the respect of we were dealing with a very
13 unique incident. It was obvious that we had to make
14 contact with family members and loved ones. That was
15 what we were concentrating on, not the colour of the
16 guy's skin, and that's mainly what I mean by that. It
17 should have been worded better, I do apologise for that,
18 but certainly that's what's meant. It's nothing else
19 more -- nothing else like that at all.

20 Q. So you don't mean anything derogatory by those words?

21 A. No, certainly not, no.

22 Q. And when you talk about being too busy --

23 A. Yes.

24 Q. -- if it was to be suggested that you're not
25 prioritising race and the investigation in that
26 regard --

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1 A. Yes.

2 Q. -- would you disagree with that, that you just hadn't
3 considered it at all?

4 A. No, I just hadn't -- that's it in a nutshell. I hadn't
5 considered it. The investigation was a priority, it was
6 the main thing. The colour of his skin had never been
7 a factor in my eyes at that point. We just wanted to
8 get the job done to the best of our ability.

9 Q. And when we're thinking about who was there that day and
10 the roles that everyone had, whose job would it have
11 been, as far as you were aware, to think about the lines
12 of investigation, the different hypotheses that you had
13 maybe been working on investigating the death of
14 Sheku Bayoh? Whose job would that have been?

15 A. The earlier part I'm going to guess probably the senior
16 investigating officer, the SIO, probably DI Colin
17 Robson, but I've got no doubt in my mind that he was
18 probably getting directed from the detective super that
19 day as well. Certainly if there are any sort of high
20 profile incidents that could come in, the detective
21 super will certainly always have an input in any
22 investigation, early doors.

23 So, yes, again I never heard any conversations.
24 I seen the DI on the phone a couple of times and I knew
25 from the way he was speaking, because I heard him saying
26 "sir", that he must have been speaking to somebody of

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1 rank anyway so I always kind of guessed it was
2 a detective super.

3 Q. So DI Robson referring to someone as "sir" would be
4 speaking to a more senior officer?

5 A. Yes, absolutely, yes.

6 Q. And you have talked about the senior investigating
7 officer, the SIO, being the person in charge of the
8 lines of investigation.

9 A. Yes.

10 Q. Investigating the death.

11 A. Yes.

12 Q. And they would be the one who would decide on what
13 different aspects of the investigation should be
14 pursued?

15 A. And prioritised.

16 Q. And prioritised. And you would be the officer, or one
17 of the officers, who would be going out doing the
18 individual tasks.

19 A. Absolutely, yes.

20 Q. Under direction from your sergeant.

21 A. Yes.

22 Q. Can I ask you about paragraph 152. You have been told
23 that Garry McEwan states:

24 "About 1645 DS Dursley informed CI Shepherd that two
25 detective officers had attended at the home of the
26 deceased's family and were met with a highly charged,

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1 emotional and at times confrontational environment.

2 I thereafter spoke to both officers (DCs Mitchell and
3 Parker) and informed that the family demanded my
4 attendance 'to get answers'."

5 Can I ask you about that? First of all, would you
6 agree with that description about it being a charged,
7 emotional and at times confrontational environment?

8 A. I would certainly say it was highly charged and
9 emotional. I don't know whether I used the word
10 "confrontational" to be honest. I mean I know
11 Mr Johnson's comments that he made, but I never found
12 that as confrontational. I could understand why they
13 were angry and why they were emotional so again it's
14 probably maybe just perception. I don't know if that's
15 what maybe DC Parker's felt at the time. We all
16 obviously react slightly different to different
17 scenarios so that's maybe what he thought, but certainly
18 I didn't feel it was confrontational to be honest.

19 Q. It says that you had some sympathy for the family at
20 that time.

21 A. Yes, absolutely, yes.

22 Q. And at 154, if we can just move down the page please:

23 "I have been told DS Graeme Dursley states:
24 'I previously gave instructions to DCs Parker and
25 Mitchell when they delivered the pre-prepared statement,
26 which in effect was the 3rd message. I knew that my

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1 detectives would get bombarded with questions from the
2 family on the back of this prepared statement and
3 I specifically told them not to answer any questions
4 directed at them as they were not in a position to
5 answer'."

6 And I think that's what you have said.

7 A. Yes.

8 Q. Just to be clear on that, we have not heard from
9 DS Dursley, but my understanding is the first message,
10 death message, was given to Colette Bell by you and
11 Wayne?

12 A. Yes.

13 Q. You then went to the Johnsons first and gave them
14 a death message.

15 A. Yes.

16 Q. And then you went back to give them a second, so that
17 was three death messages --

18 A. Essentially, yes.

19 Q. -- you and Wayne delivered that day?

20 A. Yes.

21 Q. And that will be what he means when he says the third
22 message.

23 A. Third message, yes, absolutely.

24 Q. So there wasn't another occasion when you went back to
25 the Johnsons?

26 A. No, that's what he will mean, yes.

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1 Q. Thank you. So he says here he specifically told you not
2 to answer any questions directed at you and again was
3 that something that made you feel less than happy?

4 A. In all honesty I didn't know that much more, barring
5 a couple of wee things, so I probably wasn't in
6 a position to answer in all honesty, but, yes, it was --
7 it still wasnae -- it wasnae any easier.

8 Q. And was there any attempt by you to explain to the
9 family or give them an explanation about when the
10 questions they had would be answered by the police?

11 A. To be honest I kept kind of harping back to the FLOs
12 because I know they are often a sort of conduit, the
13 right word, between the sort of senior investigating
14 officers and the family to try and offer that support
15 then and pass on information and such-like, so I kept
16 kind of harping back to them because it's really all we
17 could do at that point. We knew they were coming back
18 in later on tonight. I was hoping by that stage they
19 could pass on further information, answer some more of
20 their questions which they quite rightly had, but, yes,
21 again without passing the buck, I did keep coming back
22 to mentioning, "Hopefully the FLOs will be able to
23 answer that for you but there's still an active
24 investigation" and -- I must have repeated myself
25 countless times to be honest.

26 Q. So from your perspective that day did you think the

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1 attendance of a family liaison officer would be
2 important for the family?

3 A. Absolutely, yes.

4 Q. And your ongoing relationship with the family?

5 A. Yes, absolutely.

6 Q. Without suggesting too much to you, did you think it was
7 important that the FLO be with the family sooner rather
8 than later?

9 A. Yes, absolutely, yes.

10 Q. I'm conscious of the time. I do have a few more
11 questions.

12 LORD BRACADALE: We will stop for lunch there then.

13 2 o'clock.

14 (1.00 pm)

15 (The luncheon adjournment)

16 (2.04 pm)

17 LORD BRACADALE: Ms Grahame.

18 MS GRAHAME: Thank you. Good afternoon. We were just
19 coming on to -- I was just going to ask you some
20 questions about evidence that we have received from Ade
21 Johnson, so Kadi's husband, and we have not heard from
22 him yet. We hope to hear from him, but we've got
23 a signed statement from him, which is evidence that's
24 before the Chair, and I would just like to ask you for
25 some comments.

26 A. Yes, no problem at all.

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1 Q. Could we look at your statement, first of all, your
2 Inquiry statement, and you have already been asked about
3 this, at paragraph 158. It says:

4 "I have been told ..."

5 This is Ade Johnson's statement, he said:

6 "'The officers came into my living room and they
7 informed me that Sheku was no longer with us and that he
8 had been pronounced dead in the ambulance on the way to
9 the hospital. My wife was present at the time. I asked
10 how did he come into contact with the ambulance. They
11 said a phone call had been made by a member of the
12 public who lived close to Sheku's house. I asked where
13 was Sheku at the time the call was made to the
14 ambulance. They (police) said close to Sheku's house.'"

15 Looking at that -- and this is a statement from Ade
16 Johnson to the PIRC on 13 May 2015, so that's the date
17 that he gave that statement to PIRC, and that's
18 a section of it that's in quotation marks.

19 I just wondered if you had any comments about if
20 that was his recollection at the time, how that compares
21 to your recollection about what was said?

22 A. Yes, I don't remember making any mention of that he was
23 pronounced dead in the ambulance on the way to the
24 hospital, because what I knew at the time that he went
25 to hospital, to be honest, rather than in an ambulance.
26 So no, that certainly wasn't said.

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1 Regards to the phone call made by a member of the
2 public, I wasn't party to any of that information at
3 that point, so I don't see any reason why I would have
4 said that. I wasn't aware of who had phoned an
5 ambulance for Sheku.

6 Q. You hadn't had any information at the briefing about
7 members of the public had phoned in?

8 A. No, I don't remember -- I have been told a member of the
9 public had phoned in with regards to obviously his
10 behaviour beforehand, but not regards to like the sort
11 of ambulance stuff and that as well.

12 Q. Right. I mean, in fairness to you in the last sentence
13 here, it says, "They, the police", he doesn't identify
14 individual officers.

15 A. Yes.

16 Q. I mean, in terms of your conversation with Mr Johnson,
17 does it ring any bells for you?

18 A. No.

19 Q. And can I ask you to look at another statement, the
20 statement to the Inquiry by Mr Johnson, SBPI00248, and
21 I'm interested in paragraph 3. So we're now turning to
22 Mr Johnson's Inquiry statement here and this was signed
23 on 25 January this year, and he says:

24 "The first thing they said was that they were sorry
25 to tell us that Mr Bayoh had left us or passed away.
26 I can't remember the exact words. I asked the question

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1 what happened, and they replied that a member of the
2 public called an ambulance, he was lying on the side of
3 the road and the ambulance picked him up. It was on the
4 way to hospital that he had passed away. They said
5 a Family Liaison Officer would be contacting us."

6 So this is Mr Johnson's recollection about the first
7 thing that was said when he was told that Mr Bayoh had
8 passed away. Again, looking at that, does that bear any
9 resemblance to your recollection?

10 A. No, it doesn't, no.

11 Q. Can you give any explanation why there would be
12 a difference in his recollection and yours?

13 A. I can't, sorry.

14 Q. Okay. So from what you remember now, at that first
15 visit for the death message, were you aware that members
16 of the public had phoned in about Mr Bayoh?

17 A. Yes.

18 Q. Prior to him going to Hayfield Road?

19 A. Yes, I'm sure that was mentioned at the initial
20 briefing.

21 Q. So that was something you were --

22 A. Yes.

23 Q. -- aware of. And what was the extent of your awareness
24 at that time? What did you think they had phoned in
25 about?

26 A. To be fair, I can't remember them elaborating any

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1 further than that. It just said that they had concerns
2 for a male that was out in -- I'm sure there was mention
3 that he was in possession of a knife. But again,
4 I can't recall anything further than that.

5 Q. But that's something you were aware of at the time?

6 A. Yes.

7 Q. That you went to the Johnsons' house?

8 A. Yes.

9 Q. Thank you. Again, in this statement, we see a reference
10 at the very bottom of page 1, in paragraph 3, reference
11 to:

12 "... he [Sheku Bayoh] was lying on the side of the
13 road and the ambulance picked him up."

14 Do you have any recollection of that being said?

15 A. No, definitely not.

16 Q. By you or Wayne Parker?

17 A. No, no, definitely not.

18 Q. Can we look at paragraph 159, please. Again, going back
19 to your Inquiry statement:

20 "We may have mentioned members of the public had
21 phoned in about the incident. In a roundabout way we
22 might've said that. We maybe did say close to the
23 house. It was in the living room."

24 Can you tell me what you mean by this paragraph, you
25 might have mentioned members of the public had phoned in
26 about the incident?

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1 A. Yes, when they have asked us questions about it, we may
2 well have said that we had been made aware of the
3 initial incident by members of the public. Yes, again,
4 it might have been mentioned that it was close to the
5 house. Can't really recall. With regards to the living
6 room, it's where we were when we were having that
7 conversation, so that's why that is there.

8 Q. Is it quite difficult now to remember the exact words?

9 A. Aye, it's extremely difficult. I have kind of went over
10 it quite a few times, obviously between us, it's just --
11 it gets a wee bit warped sometimes about exactly what
12 discussion was had. But yes, I'm pretty sure I probably
13 did mention that members of the public had phoned in,
14 but certainly never made any mention that the public had
15 phoned an ambulance. That certainly was never said at
16 any point.

17 Q. And then looking at paragraph 160, you say:

18 "I don't remember saying the ambulance part. My
19 awareness was that he died in the hospital not the
20 ambulance. I remember saying he had sadly passed and it
21 was identified as him. I remember saying I can't tell
22 you much else at this point, it's an ongoing
23 investigation. That's what we kept repeating because
24 that's all we were allowed to say and what we knew."

25 And when you say, "That's what we were allowed to
26 say", what do you mean by that?

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1 A. Basically directed from our supervisors.

2 Q. Is that what you referred to earlier?

3 A. Yes, yes.

4 Q. And can I ask you now to look at paragraph 164. And
5 again, we're talking about Ade Johnson's PIRC statement
6 and it says:

7 "I asked was he in a car accident. They said no.
8 I asked was he in a fight. They said no. I asked was
9 he stabbed. They said no. I asked so how did he die.
10 They said they did not know. I asked if his friend
11 Zahid was dead too, but they said no he was fine. The
12 police officers said they were looking for two guys and
13 that they (police) were going to a friend's house called
14 [Martyn] ..."

15 Then it puts in brackets "(witness Dick)". We will
16 hope to hear from a witness called Martyn Dick later in
17 this hearing:

18 "... I asked if the partner (Colette Bell) knows and
19 they said yes. They asked us to contact Colette as
20 [she] seems to know more about what happened as she had
21 been talking to Zahid."

22 If we just go back to the top of that page, so
23 Mr Johnson recollects asking a number of questions about
24 what had happened and the circumstances and suggesting
25 things to you. Do you remember that part of the
26 conversation?

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- 1 A. See, I remember him asking questions. I can't remember
2 exactly what he said, to be honest.
- 3 Q. But you do remember him asking a number of questions?
- 4 A. Yes, absolutely, he was asking a number of questions.
5 Again, understandably, at the time.
- 6 Q. So you wouldn't disagree with Mr Johnson?
- 7 A. No, not necessarily, no.
- 8 Q. And do we see that what he says is that the police were
9 looking for two guys and he mentions Zahid and he
10 mentions Martyn Dick? I wondered from the briefing in
11 the morning that you had had, were you aware that
12 the police were looking for two men, Martyn Dick and
13 Zahid Saeed, to take statements from?
- 14 A. No. Possibly it may have got mentioned at a separate
15 briefing from what I was at, but certainly from what my
16 job role was that day, they weren't mentioned in it at
17 any point.
- 18 Q. So you weren't aware that the police were looking to
19 speak to Martyn Dick or Saeed Zahid?
- 20 A. No. I don't know if that had maybe come up in Colette's
21 statement, possibly those names, and that's maybe why it
22 was maybe mentioned, but certainly I never mentioned
23 those names at any point.
- 24 Q. So if there is any reference to the police looking for
25 two guys, as far as you're aware, it wasn't any -- there
26 was no connection to Martyn Dick or Saeed Zahid?

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1 A. No.

2 Q. And can I ask you about what you say in paragraphs 177
3 and 178. We see at 177, Mr Johnson states -- and this
4 is in his PIRC statement given in 2015:

5 "It was the other officer who referred to his
6 notebook, basically he read from his notebook ..."

7 So I think this is the second visit --

8 A. It will be, yes.

9 Q. -- that's being described here:

10 "... holding it in a way his colleague could read it
11 as well. He told me there was a warrant out for the
12 arrest of Sheku and that they were trying to arrest him
13 and he was refusing. Then they had to make a forceful
14 arrest. It was during that process they (police)
15 realised he was unconscious. They tried to resuscitate
16 Sheku."

17 And at 178, you say:

18 "That's absolutely not accurate, not one part of
19 that is true other than I was reading out a part of my
20 notebook and Wayne was seeing it. I don't know if there
21 was a warrant for him. I never passed any of that
22 information. None of that detail of police involvement.
23 We never went into specifics at all over or above that
24 statement. We never said anything else."

25 I want to talk to you about these paragraphs.

26 A. Yes, absolutely.

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1 Q. So this -- previously I have asked you about things and
2 you have said, "Well, people were upset" and you said
3 you don't really remember, but here you are actually
4 saying, "Not one part of that statement is true". So
5 I want to go through the lines of that statement just to
6 be clear.

7 A. Yes, absolutely.

8 Q. You do accept that you had your notebook out and you had
9 the death message written in there?

10 A. Yes, that's when I was reading out the verbatim message,
11 so obviously DC Parker could see it at the same time
12 what I was reading out.

13 Q. We talked about that before lunch where Dursley --

14 A. Yes.

15 Q. -- had given you that at the point-to-point
16 conversation.

17 A. Yes.

18 Q. And where Mr Johnson says:

19 "He told me there was a warrant out for the arrest
20 of Sheku and that they were trying to arrest him and he
21 was refusing."

22 What do you say about that?

23 A. I will be honest, completely honest, the first time I
24 have ever heard a warrant mentioned for Sheku, I don't
25 even know if he had a warrant, was when I was -- spoke
26 to you in November last year. That has never ever been

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1 said to me in any conversation that I have had or read
2 or seen anything from his death. I was not aware of any
3 warrant, if there even was one.

4 Q. So again, looking at that paragraph 177, we see that
5 there's a reference there from Mr Johnson to "police".
6 He doesn't identify the individual officer that is said
7 to have said this, but the description he is giving
8 appears to be attributing that to yourself.

9 A. Okay.

10 Q. Because you're the one with the notebook.

11 A. Yes.

12 Q. And you're reading out.

13 A. Yes, absolutely.

14 Q. When you say, "It's not true", are you saying that --
15 and I just want to be clear. Are you saying that
16 Mr Johnson is telling a lie here, or are you saying that
17 he is misremembering or confused, or what's your
18 explanation for this?

19 A. All I can tell you is categorically myself or DC Parker
20 did not say that within that house. Whether or not the
21 FLOs maybe made mention of that later on, possibly, but
22 certainly it wasn't mentioned by us at any point.

23 Q. Certainly I think you can take it from me at the moment,
24 there was absolutely no warrant out for the arrest of
25 Mr Bayoh that day. That is not correct.

26 A. Okay.

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1 Q. Can I ask you to go back, please, and look at 163. You
2 say here, halfway down this paragraph:

3 "There was a lot of awkward back and forward."

4 This is the discussion that you have had with the
5 family:

6 "I don't like lying to people or providing nonsense
7 so there may well have been more. I remember saying it
8 was an active investigation, people to speak to about
9 what had happened and we'd pass on that information when
10 we could."

11 You say, "I don't like lying to people or providing
12 nonsense", are you -- how often are you asked to lie to
13 people?

14 A. No, that's not what I mean there. I'm meaning more that
15 when I was trying to answer the questions, I was
16 obviously trying to be -- or I was being as honest as
17 I could. I couldn't really be more comprehensive with
18 my answers, because I never knew anything really
19 further, only snippets that I had possibly heard in the
20 office and such-like, which I mentioned earlier on, so
21 that's what I mean by that. I certainly wasn't asked to
22 lie at any point during that day and I certainly didn't
23 lie at any point in that day either.

24 Q. I was going to ask you, did you feel you were lying to
25 the family?

26 A. No, no, not at all. I felt obviously, mentioned in the

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1 statement earlier on, I feel as if we weren't
2 elaborating enough on information that we did have. But
3 certainly never lied at any point in that day and never
4 lied any day since either.

5 Q. But you weren't in a position to give as much
6 information to the family as you would have liked?

7 A. Yes.

8 Q. So to that extent, you were not able to be as frank with
9 the --

10 A. Yes, yes.

11 Q. Thank you. I would like to move on and ask you some
12 questions about statements by Kadi Johnson, Mrs Johnson.

13 A. Okay.

14 Q. Can we look, please, first of all, at your Inquiry
15 statement, 199 to 201. Here you have been referred to
16 a statement from Mrs Johnson which she gave to PIRC on
17 2 June 2015 and it says:

18 "The police officers were sitting side by side.
19 The officer reading his notebook ..."

20 So again, this is the second visit that's being
21 described here:

22 "The officer reading his notebook, positioned the
23 notebook in such a way his colleague could clearly read
24 it also. I can remember being told 'the police have
25 been involved in a forceful arrest and during that time
26 they realised Shek was unconscious and ambulance was

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1 called and died by the time he got to the hospital'."

2 And at paragraph 201, you say:

3 "Regards to the forceful arrest, I read out the
4 statement from the notebook but not forceful arrest.
5 And I didn't say where he died. The hospital staff is
6 from the statement which made me think it was in the
7 hospital that he died."

8 Can I ask you about this reference to "forceful
9 arrest". Do you remember -- I mean, this is obviously
10 a statement that Mrs Johnson gave to PIRC in 2015.

11 A. Yes.

12 Q. And her recollection at that time would have been
13 fresher to the events. Can you explain, did you use the
14 words "forceful arrest" when you were speaking to the
15 family in the house?

16 A. No. I read verbatim what was in my notebook and
17 I believe I said "attempted arrest" was the only sort of
18 comments around arrest, but certainly the phrase
19 "forceful arrest" was never used.

20 Q. Was there anything said to you during that second visit
21 that could have given Mrs Johnson the impression that
22 you used the words "forceful arrest"?

23 A. Not that I can recollect.

24 Q. Can you explain why she would say this? I did ask her
25 yesterday and she said her recollection was clear on
26 this. Can you explain why she would --

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1 A. I've got no idea. As I say, I read that out verbatim
2 which has obviously been shared earlier on. That's
3 exactly what I read out. That was the only statement
4 I had.

5 Q. Did you use the word "force" at all?

6 A. No, not that I recollect.

7 Q. Did Wayne Parker?

8 A. No, not that I can remember.

9 Q. Anyone else in your hearing use the words "forceful
10 arrest"?

11 A. Not that I can remember.

12 Q. Can I put paragraph 202 to you, so we can have that on
13 the screen. Again, this is a paragraph from
14 Mrs Johnson's statement to PIRC:

15 "'By that time we all got upset because by that
16 reading we thought the police had killed him (Sheku).
17 I thought this because I said to the police officer from
18 a nursing background ..."

19 You told us earlier that would be Wayne:

20 "... you are from a nursing background, I am from
21 a nursing background, I said this is a black boy you
22 have killed, we are from a big family and this is not
23 going to go down well. Ade was asking questions about
24 who phoned the ambulance. They said a passer-by and
25 the police had phoned for an ambulance. I have used the
26 word killed because they (police) have used the words

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1 'forceful arrest' and this is my perception of what has
2 happened.'"

3 So this is Mrs Johnson's explanation of her
4 perception at the time. Do you remember a discussion
5 where the Johnsons were told a passerby and the police
6 had phoned for an ambulance?

7 A. I can't recall that at all.

8 Q. And she is saying here:

9 "I have used the word killed because they (police)
10 have used the words 'forceful arrest' ..."

11 Do you remember any use of or reference to the words
12 "forceful arrest" by anyone in the living room?

13 A. No, definitely not.

14 Q. Can we look at a statement from Mr Johnson, SBPI00248,
15 please, at paragraph 11. So this is the Inquiry
16 statement that Mr Johnson has signed and provided to the
17 Chair, paragraph 11:

18 "At that time, we all erupted in the house. We were
19 very angry because the question was, why did you lie to
20 us? You knew, and you sat here and lied to us. We
21 tried to ask what the forceful arrest was. Immediately
22 we asked questions that we're asking today. Was
23 anyone's knee on his neck? What was it? Was there
24 pressure on the back? And we were asking all those
25 questions regarding a forceful arrest. I think they
26 panicked because everybody was so angry, and they said

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1 they had to leave, and they left."

2 So again, the words "forceful arrest" are appearing
3 here in relation to the second visit. Again, do you
4 have any recollection of what's being said in this
5 paragraph by Mr Johnson?

6 A. No. I don't remember any of those questions at all.
7 I remember them being quite angry. Again, as I say, it
8 was understandable, but I certainly don't remember those
9 specific questions.

10 Q. Right. Can I ask you to look at paragraph 206 of your
11 Inquiry statement again, please. So it is 206. This
12 relates to you were asked to comment on Lorraine Bell's
13 statement to PIRC and it said:

14 "'I do recall at least one visit by the two plain
15 clothed officers who we had dealings with in the earlier
16 part of the day.'"

17 So that would be you and Wayne?

18 A. Yes.

19 Q. Because you dealt with Colette earlier in the day?

20 A. Yes, absolutely, yes.

21 Q. And Lorraine Bell is her mother:

22 "All I can say about the two officers is that one
23 had a Newcastle Upon Tyne accent ..."

24 Who would that be?

25 A. That would be DC Parker.

26 Q. "... and the other had a shaved head."

Transcript of the Sheku Bayoh Inquiry

1 You had the same hairstyle then.

2 A. That would be myself, yes.

3 Q. "I recall that the officer with the Newcastle accent
4 said that Sheku's arrest was forceful. This was a shock
5 to me and came very much out of the blue."

6 Do you remember Wayne Parker using the word
7 "forceful"?

8 A. No, definitely not.

9 Q. Do you remember being in the room with him when he
10 mentioned something along those lines?

11 A. No.

12 Q. And then can I also refer you to Colette Bell's
13 statement, this is her Inquiry statement, SBPI00247.
14 Sorry, paragraph 32. So this is the Inquiry statement
15 provided by Colette Bell and she is talking about being
16 in the home of the Johnsons and a conversation then.
17 And she says:

18 "I think Ade had said at that point to get the chief
19 of police because I think he worked with him, so he knew
20 him. So, he was asking to see him. I think when he
21 came to the house it was him who had said that it had
22 been a forceful arrest, that CS spray and pepper spray
23 had been used, that batons had been raised and used.
24 I remember him saying that when they got there, Shek had
25 gone towards them with the knife. I remember them
26 saying that he had hit a female police officer, and

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1 I remember thinking, 'There is absolutely no way that
2 they are talking about Shek.'

3 As I understand it, when she is talking about this
4 person, that is a reference to Garry McEwan. We have
5 heard that he had a personal connection to Ade Johnson,
6 Mr Johnson, and I think you have mentioned Garry McEwan
7 already today?

8 A. Yes, I have, yes.

9 Q. Now, it is Colette Bell's recollection -- we have not
10 heard from her yet, but according to paragraph 32, she
11 seems to be referring -- she calls him the Chief of
12 Police and I think Garry McEwan is a very senior
13 police officer, isn't he?

14 A. He was at the time, yes.

15 Q. He was at the time. Her recollection is that it was him
16 that had used or made reference to "forceful arrest".
17 Were you present when Garry McEwan had his discussion
18 with the Johnsons?

19 A. I'll be honest with you, I wasn't even aware that he had
20 went out to the address. That was the first time I had
21 been made aware of that. So no, I wasn't present at the
22 time, no.

23 Q. So if Colette Bell is correct and the words "forceful
24 arrest" were used by Garry McEwan as opposed to you or
25 Wayne Parker --

26 A. Yes.

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1 Q. -- were you or were you not in the room at that time?

2 A. No, we weren't there when Garry McEwan was there.

3 Q. Right, thank you. In fact, we certainly know from what
4 we have heard so far that in Hayfield Road, there
5 certainly was a use of force and sprays were discharged
6 and baton was used, so there was force used during that
7 arrest.

8 A. Yes.

9 Q. That's not inaccurate or untrue?

10 A. No, no, definitely not.

11 Q. I don't think there's any dispute about that.

12 A. Yes, yes, absolutely.

13 Q. Thank you. I have a few other little questions I would
14 like to ask you.

15 Can I ask you to look at Colette Bell's statement,
16 paragraph 22, her Inquiry statement please, SBPI00247.
17 It is paragraph 22 and I would like to look at this
18 paragraph. This is back to the Kirkcaldy Police Office
19 and when you were having your -- you were taking
20 a statement from Colette Bell.

21 A. Yes.

22 Q. And part of that discussion in the interview room.

23 A. Yes.

24 Q. So it's earlier in the day:

25 "Then they asked questions about Shek himself, if he
26 was religious; if he was a Muslim, how religious was he?"

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1 Did he pray? How often did he pray? Did he drink? Did
2 he eat bacon? I remember I wasn't really thinking.
3 I just kept answering all these questions. They were
4 asking if I got on well with his family. I was asked if
5 his family had a problem with me being white. Did they
6 have a problem with me not being a Muslim? Did Shek
7 want me to become a Muslim? They were asking was Shek
8 ever violent to me, they were asking if Shek was
9 a violent person, if he had any enemies, if he had lots
10 of friends, if he was popular, was there anybody out to
11 hurt him, did he have anybody that would want to hurt
12 him? I was saying, 'No, Shek's the most gentle, most
13 loving, most popular man. Nobody would want to hurt
14 him. He had loads of friends, he was well-known in the
15 community.'

16 So looking at that paragraph there, there's a number
17 of questions that Colette Bell recollects that were
18 asked of her in the interview room. And I'm
19 particularly interested in the comments, first of all,
20 about questions being asked if Colette and Shek got on
21 well with his family:

22 "I was asked if his family had a problem with me
23 being white. Did they have a problem with me not being
24 a Muslim? Did Shek want me to become a Muslim?"

25 Do you remember any part of the conversation that
26 involved that topic of conversation?

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1 A. No, not at all, because again, it would have no bearing
2 on the statement that was getting noted. So it wouldn't
3 make any sense, to be honest, so no.

4 Q. Earlier today, we talked about lifestyle questions --

5 A. Yes.

6 Q. -- and building rapport --

7 A. Yes.

8 Q. -- and putting people at ease.

9 A. Yes.

10 Q. Was any part of that conversation maybe discussing her
11 relationship with Shek?

12 A. Yes, I can imagine that was asked. Again, I can't
13 recollect, hopefully DC Parker may be a little bit
14 better than me, but certainly we had asked what the
15 relationship was like. I don't remember him asking if
16 he was violent, but that may well have been asked. With
17 regards to him drinking alcohol, that would have been
18 asked as well. Again, that's a sort of lifestyle thing.
19 But with regards to the sort of religious questions and
20 that as well, I don't remember any of that getting
21 asked. And again, with regards to him praying, eating
22 bacon, no relevance whatsoever, so I don't really see
23 why that would have been asked.

24 Q. So certainly looking back now, looking at these
25 questions, a number of them you think would have
26 absolutely no relevance whatsoever to an investigation

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1 at that time?

2 A. Yes, and I think I would have remembered had it been
3 asked because it wasn't relevant at all.

4 Q. But whether or not they were said, many of them wouldn't
5 have any relevance?

6 A. No, no.

7 Q. And can I ask you now to look at PIRC 00260 and this is
8 a statement -- sorry, I won't ask you to look at that.
9 I will ask you to look at your own statement. Sorry,
10 I'm juggling around different statements. Your own
11 statement, paragraph 115. Sorry about that.

12 And if we look at 115, we will see that you are
13 asked about Lorraine Bell's statement. So this is
14 a statement that Colette's mother gave to PIRC and it
15 says:

16 "I wish to state that I found some of the points
17 made and questions asked by police to be unusual. What
18 I mean by this is reference to matters such as: did
19 Sheku pray five times a day, did he eat pork, did he
20 smoke, did he drink alcohol. I could not understand why
21 such things were asked given that we were led to believe
22 that a body was found on the street. I also thought it
23 was inappropriate that police made reference to racial
24 issues including questions about whether Sheku perceived
25 that Colette and he faced problems in a mixed race
26 relationship."

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1 Again, tell me, do you remember any of those aspects
2 being raised, that are raised by Lorraine Bell in her
3 statement?

4 A. With regards to asking if he smoked or drinking alcohol,
5 yes, that would have been asked. But again, no, I don't
6 recall any of the rest of that getting asked and I don't
7 see why myself or Wayne would ask that anyway.

8 Q. And then in paragraph 116, you say:

9 "None of the questions were unusual. The praying
10 things, I don't remember that being asked and I don't
11 know why it would be relevant. I don't remember Wayne
12 asking."

13 Can I ask you what you mean when you say, "None of
14 the questions were unusual"?

15 A. No, I don't understand that bit.

16 Q. This is your statement.

17 A. Yes, I think I mean in more for the questions that we
18 asked during the time of the statement, none of them
19 were unusual that we asked, like those ones. Apologies.

20 Q. So you're not specifically referring to the questions --

21 A. No, no, I'm meaning more the statement in general, the
22 questions we were asking in regards to lifestyle and
23 other matters.

24 Q. So the questions that were actually asked by you or
25 Wayne on the day were not unusual?

26 A. Yes.

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1 Q. Would you think that the reference to some of the
2 questions that Lorraine mentions, do you think they are
3 unusual questions?

4 A. Yes, 100%. Whether someone prays or not is not relevant
5 for a statement to be honest.

6 Q. So let's look at those questions and you can tell me
7 which ones you think would be unusual. You have already
8 said a lot of them wouldn't be relevant anyway, but
9 where she says:

10 "Did Sheku pray five times a day ..."

11 Unusual?

12 A. Yes.

13 Q. Irrelevant?

14 A. Yes.

15 Q. "... did he eat pork ..."

16 A. Same again.

17 Q. Unusual and irrelevant?

18 A. Yes.

19 Q. "... did he smoke ..."

20 A. Yes, I don't remember it getting asked, but it would
21 have been asked, because it's a normal lifestyle
22 question. We would have asked for any statement similar
23 to that.

24 Q. "... did he drink alcohol."

25 A. Again, we would ask that and we would also ask about
26 drugs as well.

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1 Q. And then later any questions about Sheku and Colette
2 being in a mixed race relationship?

3 A. Again, no relevance whatsoever to the investigation at
4 that point, so it wouldn't have been asked.

5 Q. And would that also be an unusual question to ask?

6 A. 100%, yes.

7 Q. Thank you. Can I ask you again about another paragraph
8 in your Inquiry statement, which is paragraph 30.

9 Now, in terms of displaying this, there are some --
10 there is an element of that, I think, which has been
11 redacted, but I'm going to read out the whole paragraph.
12 So if you listen along with me, it says:

13 "For lessons learned from other police forces,
14 I believe there were case studies sent by DCU. There
15 was a case involving [a Chinese national] in Edinburgh
16 or Glasgow, a death. Also a death down south as well.
17 There was information sent out about these cases. There
18 was no obligation to read it."

19 Now, this is in an early part of your statement and
20 it's about training, and you're talking about the type
21 of training you have had in the Police Service and
22 awareness --

23 A. Yes.

24 Q. -- and I asked you earlier about your awareness of
25 situations down south, or you talked about America, that
26 type of thing.

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- 1 A. Yes.
- 2 Q. So tell me what you recall about a case involving
3 a Chinese national in Edinburgh or Glasgow?
- 4 A. I don't know whether we were still Fife Constabulary at
5 the time, but we used to get sort of case studies sent
6 through, again just for awareness and obviously the
7 learning points and that as well. I can't remember the
8 specifics of it, to be honest, but we were obviously
9 sent it to give it a read obviously just for awareness.
10 I don't know whether it was an inquiry similar to this
11 one, to be honest, but I remember that, but it's been
12 years and years ago since we were sent them. I don't
13 remember ever getting sent them since we moved to
14 Police Scotland.
- 15 Q. Would your memory have been better in 2015?
- 16 A. Yes, it would have been.
- 17 Q. If I suggested to you that this related to the death of
18 a Chinese man called Simon San, in August 2011, would
19 that ring any bells?
- 20 A. Yes, that does ring a bell, yes.
- 21 Q. So that would be something you would be aware of in
22 2015?
- 23 A. Yes.
- 24 Q. The death of a Chinese national?
- 25 A. Yes.
- 26 Q. And were you aware in 2015 about that being perhaps

Transcript of the Sheku Bayoh Inquiry

1 quite a high profile matter because of the race related
2 aspect of it?

3 A. Yes.

4 Q. So you were aware in 2015 that deaths could occur in
5 relation to race?

6 A. Yes.

7 Q. And then can I ask you also about another racially
8 motivated murder. Do you remember the Chhokar case?

9 A. I remember the name, but I cannae remember the ins and
10 outs.

11 Q. We will probably hear more evidence about this later.

12 A. Okay.

13 Q. But just to prompt your memory, my understanding is that
14 there was a trial initially which collapsed in about
15 1999, and then a second trial in 2000, and there had
16 been a number of investigations and public comments made
17 by Lord Advocates and VIPs about the nature of how it
18 had been investigated and prosecuted by the Crown.
19 There were a number of criticisms, very public
20 criticisms about that.

21 A. Yes.

22 Q. And then there was a third trial in 2016. So, in 2015,
23 when the events were happening on 3 May, I think there
24 had been a double jeopardy application, it was very high
25 profile. And ultimately, I think it took about
26 18 years, but there was a conclusion it had been

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1 a racially motivated murder. Do you remember much about
2 that at the time?

3 A. No, I don't, to be honest. I think it might have been
4 one of the things that maybe was discussed in the
5 college in 2007 with regards to it, because it does --
6 it's a sort of vague memory of it, but I can't generally
7 remember the ins and outs.

8 Q. All right. Could you just give me a moment, please.

9 A. Yes.

10 (Pause).

11 Q. I have been asked to clarify one last thing about the
12 Chhokar case. It was marred, the police investigation
13 was marred, subsequently discovered that it had been due
14 to institutional racism. Do you remember anything about
15 that?

16 A. No, I don't, no.

17 Q. Do you remember about the implications of that being
18 shared with you as a police officer?

19 A. Maybe it was, but I genuinely can't remember.

20 Q. We may hear more evidence about that in the future.

21 A. Yes.

22 Q. Thank you so much.

23 LORD BRACADALE: Are there any Rule 9 applications? No.

24 Well, thank you very much, sergeant, for coming to
25 give evidence to the Inquiry.

26 A. Thank you, sir.

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1 LORD BRACADALE: I'm going to rise briefly in order that the
2 next witness can be introduced and you will be free to
3 go then.

4 A. Thank you, sir.

5 (2.43 pm)

6 (Short Break)

7 (2.49 pm)

8 LORD BRACADALE: Good afternoon, Sergeant Parker. Can I put
9 you on oath before you give your evidence, please.

10 A. Yes.

11 SERGEANT WAYNE PARKER (sworn)

12 Questions from MS GRAHAME

13 MS GRAHAME: You are Wayne Parker?

14 A. Yes, that's correct, yes.

15 Q. What's your current rank?

16 A. It is sergeant.

17 Q. In 2015 were you a detective constable?

18 A. I was, yes.

19 Q. How many years' service do you have now?

20 A. It is just under 16 years now.

21 Q. And do you have a Newcastle accent?

22 A. I do, yes.

23 Q. Thank you. And, in 2015, did you have about eight years
24 service?

25 A. Yes, that's right, yes.

26 Q. And were you working on 3 May 2015 with Andrew Mitchell?

Transcript of the Sheku Bayoh Inquiry

- 1 A. I was eventually, yes.
- 2 Q. I don't know if you have seen any of the evidence that
3 we have taken in the Inquiry, but you will see a blue
4 folder sitting in front of you. That should contain
5 a hard copy of the statement that you have given to the
6 Inquiry team and any earlier statements as well.
7 I think there's an operational statement, a PIRC
8 statement that you have given.
- 9 A. Okay.
- 10 Q. Please feel free to refer to those at any time that you
11 wish. They're for your use. When I'm referring to
12 a particular paragraph and maybe asking for more
13 details, it will come up on the screen in front of you.
14 So if you're comfortable using the screen, you don't
15 need to look at the folder.
- 16 A. Okay.
- 17 Q. But it's there if you do want to look at it.
- 18 A. Okay.
- 19 Q. Can I ask you, first of all, to look at your operational
20 statement, which is PIRC 00023. I think you will see
21 that this is your operational statement that you wrote
22 yourself on 3 May 2015 and it says at 5 o'clock in the
23 afternoon.
- 24 If we can go down the page a little bit. It was
25 prepared by you at Levenmouth police station.
- 26 A. Yes.

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- 1 Q. Is that -- you recognise that?
- 2 A. Yes.
- 3 Q. Let's just quickly go through that, just scan through
4 it, and I think it's only a couple of pages long really,
5 is it? Well, I shouldn't say a couple, but actually it
6 is maybe two, and then at the end, there's a third page
7 with some blank confidential information. So it's
8 a brief statement. Can you tell us what the purpose of
9 preparing that was?
- 10 A. Yes. Usually at the end of an incident where you're
11 involved in an enquiry, if the enquiry is still ongoing
12 when you are terminated duty, the majority of DCs,
13 detective constables, prepare an operational statement,
14 which is the pertinent points for that officer for that
15 day, which is so much as a brief one, which can usually
16 be expanded on at a later date. It's for report
17 purposes for the fiscal and to assist enquiring officers
18 as to what's been done that day.
- 19 Q. So you were just putting down the briefest of details --
- 20 A. Yes.
- 21 Q. -- on that day?
- 22 A. Yes.
- 23 Q. Which you could then expand on in the future?
- 24 A. Yes.
- 25 Q. And I think if we go back to your -- well, I don't need
26 you to do this at the moment, but I think in your

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1 Inquiry statement to the Chair, you have said that you
2 were doing your best on 3 May 2015 to give a true and
3 accurate note of what you had been involved in?

4 A. That's correct, yes.

5 Q. And I think you also say at paragraph 8, which we will
6 look at later, is that your recollection of events then
7 would have been better than it is now?

8 A. Yes.

9 Q. Many officers have said their memory then would have
10 been better.

11 A. Yes, I think due to the passage of time, definitely,
12 yes.

13 Q. Now, we have heard from your former colleague, Andrew
14 Mitchell, that he had been asked by his sergeant to beef
15 up his operational statement. And his was also brief,
16 although not as brief as yours, but he was asked to add
17 to it in terms of the detail, the connection with the
18 family. Were you asked to beef up your statement?

19 A. I can't remember having to beef it up, but I can
20 remember being told I could probably expand on what we
21 had, a bit more detail, timings, and such like that.
22 I'm quite fastidious about timings for my notebook, it
23 has all the timings within that, so added timings and
24 a bit more -- expanded on certain points.

25 Q. So this statement that we see here, was that expanded
26 upon by you?

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- 1 A. I think it was expanded on when we had been made aware
2 by PIRC -- I think at the time wanted a follow-up
3 statement, so I expanded on that.
- 4 Q. So when we look at the later statement -- this is dated
5 2 June and it's PIRC 00024, please. If we could look at
6 that. This is a separate statement, although it has
7 been moved very quickly onto the screen, and this is
8 dated 2 June 2015 at 17.05, and it was taken by DSI
9 Brian Dodd at Kirkcaldy Police Office. So this is taken
10 on a later date.
- 11 A. Yes.
- 12 Q. And this is from PIRC. And when you talked a moment ago
13 about expanding, was this the statement in which you
14 expand on your involvement on 3 May?
- 15 A. Yes. It was, yes. It covered the points that --
16 probably the ones that PIRC was wanting to ask around
17 and just more expanding on certain of the points --
18 pertinent points of our involvement. So that was the
19 one we expanded on for that date.
- 20 Q. Can I ask you something else? Andrew Mitchell has said
21 that when he prepared his own operational statement,
22 that he would be typing it, be sitting in a room and
23 maybe get his memory jogged through a conversation with
24 you. Do you remember that happening, having
25 a discussion about your statements or ...?
- 26 A. Yes. Every individual officer completes their own

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1 statement, it's their recollection of events and
2 obviously my pertinent points regards to Andrew would be
3 completely different and rightly so. We were probably
4 sat at the table just around from each other, because
5 everyone is in that room. He probably asked me timings,
6 can I remember what time we went there, can I remember
7 this time or can I remember what we had done there.

8 It's just to jog what we have done for that day,
9 because there's a lot going on from that morning all the
10 way through to termination of duty. So it's more -- not
11 directing each other, more trying to remember what we
12 had done that day and especially -- in fact, you will
13 see in my notebook, I've got timings for everything.
14 Just to remember what time I went everywhere.

15 Q. And so, to that extent, you would have helped him
16 complete his operational statement?

17 A. Not so much help more, if he said, "Can you remember
18 what time we went there?" So I think I've got a time in
19 my notebook (inaudible) and that's probably about it.

20 Q. Do you remember now any specific parts where you
21 assisted Andrew Mitchell with jogging his memory in that
22 way?

23 A. No, no definitely not, not now.

24 Q. Okay. And equally, do you remember any specific parts
25 where your conversation with him maybe helped to jog
26 your memory in relation to your statement?

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1 A. Maybe the -- I think because the to-ing and fro-ing back
2 and forth from addresses, we would probably have
3 discussed that. I can remember, did we go back at that
4 time, which way did we come, did we come back to the
5 station or not, that sort of thing, nothing that's going
6 to impact on the specific evidence, it's just more the
7 timeline of where we went because it was back and
8 forward all day.

9 Q. Andrew Mitchell has told us about various events that
10 happened during that day and the sequence of those
11 events.

12 A. Yes, probably the sequence, that's more so that the
13 joggling of the sequence of things, because, as I say, we
14 were at various different points and back and forward
15 a few times, so -- but I have no doubt we probably
16 discussed the sequence of events.

17 Q. Yes. And then can we look, please, at your Inquiry
18 statement now, which is SBPI00238. You see this is your
19 witness statement. It says:

20 "DC Wayne Parker

21 Taken by ... by MS Teams

22 On Wednesday 2 November 2022."

23 So this is the Inquiry statement that you have given
24 to the Inquiry.

25 A. Yes.

26 Q. And it is 48 pages long and although we will not see

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1 it -- if we move to the very last page, although we
2 won't see, because of redactions, your signature, you
3 will be able to tell in the hard copy in front of you in
4 the folder that you have signed every page.

5 A. Yes, I did, yes.

6 Q. And on the last page, we will see that you signed that
7 on 13 January this year, is that correct?

8 A. Yes.

9 Q. And the last paragraph is 250 and it says:

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

14 And that was your understanding when you signed it?

15 A. Yes, I understood that at the time.

16 Q. Thank you. Can I ask you -- let's look at paragraph 34,
17 that sort of area. You were asked initially about the
18 training that you had had yourself and the nature --
19 your background.

20 A. Yes.

21 Q. And we have heard evidence that you used to be a nurse,
22 or have a nursing background?

23 A. Yes. I was a nurse prior to joining the police. I was
24 a nurse for 8 or 9 years.

25 Q. That's quite a change in career.

26 A. Yes, just a wee bit.

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1 Q. Why was that?

2 A. I had initially went to join the police, but I had quite
3 a bad accident, so I couldn't get into the police at the
4 time because of damage to my leg. So fortunately
5 enough, I went to an orthopaedic ward and was operated
6 on, joined the police after that, so -- which was very
7 lucky.

8 Q. I see. That's good.

9 A. But no, I think the training I received from there --
10 certainly people speak about transferable skills and, in
11 my job, it's been quite beneficial throughout my career,
12 even more so now.

13 Q. And in what way have -- can you identify or give us some
14 examples of transferable skills that you have found
15 beneficial?

16 A. Yes. Whilst I was in the hospital, I was a lead for
17 teaching sort of junior nurses and then latterly in the
18 last part of my training was teaching third-year doctors
19 and degree level students, clinical skills and patient
20 treatment, how to -- just active listening skills with
21 people at the time, which is a huge beneficial thing,
22 especially for this in passing death messages.

23 I think the problem with death messages -- it was
24 a lot easier in hospital, because predominantly a lot of
25 people come into hospital quite ill and it's not
26 expected that they're going to pass away, but it's

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1 certainly in the back of people's minds.

2 But in policing, it's not the case. You could be
3 turning up at somebody's door, who has just seen that
4 partner, a loved one, the night before, and you're
5 turning up and saying that they have died, which is
6 quite different. But it's just prepared me a lot better
7 to pass them death messages, albeit it's probably the
8 worst part of the job that we have.

9 Q. And I think at paragraph 34, you say you haven't had
10 specific training in liaison with family members in
11 a death case:

12 "... but I was in a position where I had been
13 a nurse so I had that toolkit to use. I had an
14 empathetic side. It's been commented on by families.
15 It's harder in policing because people aren't expecting
16 people to pass away whereas in hospital they might be
17 more expecting their family members to die. My bosses
18 know about this toolkit. I'm not a family liaison
19 officer ... but I have those skills for that empathetic
20 side of people."

21 So when you say that your bosses know about this
22 toolkit, a couple of questions: which bosses are you
23 talking about?

24 A. Throughout my career, my senior management have been
25 reporting and positively regarding, especially cases of
26 just emotional sort of incidents very much like this,

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1 the death of a loved one, a high risk missing person,
2 I have been involved in a lot of cases like that,
3 because I tend to have that sort of way of speaking to
4 folk who need that information. And it's all about, to
5 be honest, information, providing families with
6 information about the incident that's happened.

7 Q. And how much experience of delivering death messages did
8 you have prior to 3 May 2015?

9 A. Within the police or prior to that?

10 Q. Let's start with the police.

11 A. I couldn't put a number on it to be honest. There's
12 various ones you get within force and then outwith force
13 from other areas, neighbouring areas that want family
14 members contacted, which is kind of a lot harder when
15 you haven't been involved in it, because you haven't got
16 that basis of the family knowledge and you're going in
17 sort of cold feet to a family that you don't know. So
18 I couldn't put a number on it. A few, because I was in
19 the community team straight out of probation, so in the
20 community team, you tend to help a lot more with that
21 sort of side of things.

22 Q. In the eight years service you had before 3 May 2015,
23 although you might not be able to put a number on it,
24 can you tell us how often you had maybe had to deliver
25 a death message?

26 A. It's kind of guessing how long is a piece of string, I'm

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1 being honest. I couldn't. I would probably have to
2 look back and try and recollect a lot of the ones that
3 stand out, you probably remember a few of them.
4 Probably up to about ten maybe in that time and usually
5 maybe one or two a year if that.

6 Q. Had any of them been deaths in custody?

7 A. No.

8 Q. Had you delivered a death message to a black family
9 before?

10 A. Not that I'm aware of, no.

11 Q. You have talked a moment ago about having a toolkit
12 through nursing. Can you tell me a little about the
13 toolkit?

14 A. I think the majority -- I think the majority of everyone
15 I think has got that sort of -- if you haven't got that
16 human side to you, then there's something sort of wrong,
17 but I was in nursing for the right reasons. I enjoyed
18 that sort of side of it where it's being there for
19 people and showing that sort of compassion to what's
20 happened and having that empathy side. And not so much
21 speaking at people, listening to what they have to say
22 to you. It's a sounding board a lot of the times but
23 just actually being there.

24 Q. And can I ask you about any training you had had in race
25 awareness? I think paragraph 36, you were asked about
26 this in your statement. You say you have had training

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1 in race awareness and you mention your nursing
2 background. Can you tell us a little bit more about any
3 race awareness training you had?

4 A. Yes, I had, prior to police, obviously being in the
5 hospital, you come across all diverse backgrounds within
6 the hospital. In the police -- I'm just trying to think
7 about this the other day. When we first started
8 training, I think it's within the first period during
9 the first month, we get a lot of diversity training and
10 protect the characteristics, sort of race, religion,
11 gender and age sort of thing. And it is emphasised and
12 backed up a lot, as it is now, which I really don't
13 agree with, and Moodle packages, which is online, but
14 it's obviously monitored. But a lot of that is backed
15 up on a yearly basis which is -- I think there was
16 a recent one that came out this week. I came off annual
17 leave so there was one this week as well on diversity
18 actually.

19 Q. You said you don't agree with Moodle. We have not heard
20 much about Moodle, I'm sure we will hear more, but --

21 A. No, that's my personal opinion.

22 Q. Tell us about it.

23 A. I think it's -- I'm a very kind of old school
24 face-to-face teaching from when I taught at the
25 university. I think online Moodle packages have their
26 place, ie distance learning and things like that, but in

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- 1 policing, it's quite hard to keep track on how much
2 degree of knowledge is taken in. But that's my opinion.
- 3 Q. Do you think those online packages create a barrier to
4 learning and absorbing that information?
- 5 A. I think it's more the absorbing. The sort of cyclical
6 aspect of learning doesn't sort of conform to that. You
7 can read through it and probably not take it in. But
8 I think everybody has their different ways of learning.
9 It doesn't suit mine. I'm very sort of classroom,
10 face-to-face, so I find it quite hard to learn that way
11 from computers.
- 12 Q. All right. You mentioned that you had had training in
13 race awareness when you were a nurse?
- 14 A. Yes.
- 15 Q. What about when you were in the police force or
16 police service?
- 17 A. That was in your first -- as I say, the first few months
18 about the race awareness during that time and different
19 races and cultures and genders and that as well during
20 that time. It was the very start of the training
21 I think it was.
- 22 Q. So by the time you had eight years' service had you had
23 any additional training in race awareness?
- 24 A. I'm trying to think back. I think -- I'm sure there was
25 something annually throughout that period, but I can't
26 really pin down exactly when it was, but there was

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- 1 definitely training throughout.
- 2 Q. At paragraph 38, if we can look at that, you say:
- 3 "... there was definitely one last year ..."
- 4 A race training course maybe. Could you tell us
- 5 a bit more about that?
- 6 A. It was -- I think that was on the intranet. I know
- 7 things come up and they've highlighted things on the
- 8 intranet, regarding diversity and race awareness, I'm
- 9 sure it was last year.
- 10 Q. Did you do that course, attend that course?
- 11 A. Probably read through it, yes.
- 12 Q. How long did that take?
- 13 A. Honestly, I couldn't tell you.
- 14 Q. Was it lengthy or was it a short --
- 15 A. I honestly -- I would be lying if I said so, I couldn't
- 16 really say how long it was, it was short or not. A lot
- 17 of the Moodle packages can be anything from -- take over
- 18 a few days or up to a couple of hours to do them. So
- 19 they're all very dependent on content.
- 20 Q. Are they generally done when you're on duty?
- 21 A. Yes.
- 22 Q. Can I ask you to look at paragraph 44. You have said
- 23 here, by May 2015, you didn't have any experience in
- 24 investigating a death in police custody.
- 25 A. Yes.
- 26 Q. So this was your first involvement in this type of

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1 situation?

2 A. Yes, it was.

3 Q. Had you been involved in any cases which involved the
4 death of a black man?

5 A. I'm trying to think. No, I don't think so. Probably I
6 would have to look through my CID stuff, just to make
7 sure. But no, not that I'm aware of, not in Fife.

8 Q. Can I ask you to look, please, at paragraph 61:

9 "We have to be transparent anyway. The public have
10 to have a degree of comfort that we're transparent.
11 There wasn't any suggestion that morning that there was
12 criminality."

13 62:

14 "I wouldn't deal with it differently because the man
15 was black. All creed, colour, whatever, it didn't
16 change how I dealt with it. Him being black didn't make
17 a difference. I don't think anyone else did anything
18 different because he was black. We just had a male in
19 contact with the police. My personal opinion and
20 personal value and everyone I worked with, I've not come
21 across anyone who deals with people of different
22 ethnicity different. A male with a knife was all it
23 was. I had comfort that more than one person reported
24 him having a knife. On this occasion there were many
25 calls coming in. It was a male with a knife acting
26 erratically."

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1 Can I ask you a little bit more about this.

2 A number of officers have given evidence that they're
3 saying, "We treat everybody the same", but do you
4 understand that people from different backgrounds may
5 need to be treated slightly differently?

6 A. Yes. I think more so -- this is kind of going back to
7 again being a nurse and especially being a male nurse
8 and a sort of -- it's a female dominated area and a lot
9 of patients in the ward I was in -- it was a female
10 ward --

11 Q. Sorry, give me a moment. There's a lot going on here,
12 isn't there?

13 (Pause).

14 We don't have to worry about any of this. It's not
15 going to interrupt us.

16 We have heard from others that, to be fair to
17 everybody, you may need to tailor the way you deal with
18 people.

19 A. Yes.

20 Q. It sounds like you understand that from, at the very
21 least, your nursing background?

22 A. I think more so now. I think it's because I taught
23 nurses at the time. I do the same now with my
24 probationers. One size doesn't fit all. It sounds like
25 a generic sort of thing, but one size doesn't fit all.
26 People come in all different shapes and sizes, races,

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1 gender, age, whatever.

2 You can't say treat everybody the same, because
3 I don't, I personally don't and I never have. And
4 that's the way, how I have worked as a nurse and it has
5 benefited me throughout my police career to get to the
6 rank that I am now. And I impart that on my cops that
7 I teach on a daily basis, because you can't say,
8 "I treat everybody the same", because you don't.
9 I don't personally treat everybody the same.

10 A prime example for that is we --

11 Q. Before you give me that example, could I ask you to pull
12 the microphone slightly closer to you, because as you
13 sit back, you're further away from it and I want to make
14 sure that the transcriber can get absolutely everything
15 written down.

16 So you were just about to go and give us an example.

17 A. Yes. A lot has to be led by a patient, I think when
18 I was in sort of patient led care. In policing, it
19 pretty much reflects that a lot of the times, especially
20 dealing with serious incidents, the person who is
21 getting the statement noted can actually say, "I don't
22 want a female officer, I don't want a male officer, can
23 I have" -- and they're well within their rights to say
24 that. With certain religions, it will be very, very
25 similar.

26 In an incident we had during the last week, we have

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1 a person who is transitioning from male to female, and
2 they have an option how to be searched, whether it be
3 male or female, that is their choice. As long as the
4 officer is happy and comfortable with doing that, then
5 it has to be led by that person at the time, because if
6 that person says, "I am male" and they are being
7 searched by a female, then you are then imparting on
8 their human rights and everyone can't be treated the
9 same.

10 So that's the way that I deal with everything, not
11 everyone is the same.

12 Q. So there's not one uniform way of doing anything?

13 A. No.

14 Q. You try to keep account of individual's preferences?

15 A. Yes.

16 Q. Perhaps their religion?

17 A. Mm-hm.

18 Q. Their gender or their sex or preferences that they
19 express?

20 A. Yes. You can't go wrong if you just align it with
21 what -- what I have tried to explain to the guys is
22 you're looking at protected characteristics and that's a
23 lot to start off with to understand that when you speak
24 to people.

25 Q. Just to stop you there, protected characteristics,
26 you're referring to the Equalities Act?

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- 1 A. Yes.
- 2 Q. So you tell people that you work with bear in mind
3 protected characteristics?
- 4 A. Yes. Especially when I work -- I work in St Andrews, we
5 have quite an expanse across the world of students from
6 every single country, which is in this small place, so
7 you're getting every single race, religion, everyone in
8 this compact place, which is the bubble of St Andrews.
9 So you have to be aware of that, especially working in
10 that area as well.
- 11 Q. So is this something that you come across personally in
12 your work on a regular basis?
- 13 A. It depends who you deal with. As I say, if it comes
14 across, then you have to be aware of how you treat these
15 people on an individually basis, not as a general one
16 size fits all.
- 17 Q. So not one size fits all?
- 18 A. No.
- 19 Q. But more bespoke or tailored to that particular person?
- 20 A. Yes, yes.
- 21 Q. Right. So although you have said in paragraph 32,
22 "I wouldn't deal with it differently because the man is
23 black", you would take account of people's individual --
24 if you're dealing with a black person, you would take
25 account of perhaps their religion or their preferences
26 or cultural preferences that they had expressed?

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1 A. Yes. You take cognisance of that. If you're aware of
2 that, if you're aware the person is presenting as black,
3 then there may be an inkling that there may be
4 a religion or something impacting on your decisions
5 after that. So you would have that in the back of your
6 mind thinking how you would be dealing with that
7 obviously.

8 But when I first seen the call card, my -- from
9 a risk assessment point of view, it was male with
10 a knife. The colour of the gentleman's skin doesn't
11 come into it at that point. And that's not what we're
12 dealing with. That's not a risk factor to me. That's
13 nothing -- as I say, everyone is dealt with
14 individually, but not differently, just because someone
15 is described as black on a call card. It's a male with
16 a knife.

17 That's where I'm personally speaking from now as
18 a risk assessment point of view, as a sergeant as well
19 now.

20 Q. So you're more experienced, you've got higher rank now
21 than you did in May 2015.

22 A. Yes.

23 Q. Was this something that you were aware of in 2015, that
24 you should treat people in a different way if it --

25 A. Yes, I have kind of -- as I have touched -- I have
26 carried that throughout my career, from ten years of

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1 nursing into policing. And, as I say, it has stood me
2 in good stead since then and I have been positively
3 reported on from numerous high risk miss per cases and
4 people passing away, from family members.

5 Q. Just for the transcriber's benefit, you said a miss per
6 case, and that's a missing person, isn't it?

7 A. Missing person, yes. You kind of revert to police speak
8 sometimes.

9 Q. And you mentioned that you had seen the call cards. We
10 have heard of STORM cards as well. They're the same
11 thing?

12 A. Yes.

13 Q. When did you first see the call cards or the STORM cards
14 in relation to this incident involving Mr Bayoh?

15 A. So my base post on that day was Levenmouth. In the
16 morning, part of our duties is to review call cards
17 that's come in from the night before. So say if there
18 are call cards, what's happened in the Fife area. That
19 morning, before the morning briefing, I saw the call
20 card come in. I think through experience a lot of cops
21 will tell you the same, a lot of what's on the call card
22 is not necessarily what's happened. So when you get one
23 call card that comes in and says, "Male with a knife",
24 you think, "Right, hang on a minute", and then you wait
25 until you get a bit more information and then you make
26 your decision from there.

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- 1 That one that had come in and then we got a phone
2 call shortly after saying there had been an incident in
3 Kirkcaldy with the night shift, and my sergeant came
4 through, can we head to Kirkcaldy.
- 5 Q. Sorry, I didn't catch that. Sorry, I just didn't catch
6 what you said. You said the night shift came in and
7 you ...?
- 8 A. The night shift had an incident that had come in through
9 the hours, into the early hours of the morning, and
10 there had been a phone call to officers saying -- I had
11 already seen the call card beforehand -- saying there
12 had been an incident, could we come through to give
13 a hand with the day shift.
- 14 Q. So you were asked to go through to Kirkcaldy that day --
- 15 A. Yes.
- 16 Q. -- to help the day shift on 3 May?
- 17 A. Yes.
- 18 Q. Who asked you to go through?
- 19 A. I think it was DS Dursley came through and said to
20 myself and Calum Clayton that we were needed in
21 Kirkcaldy, we were to head through for a briefing.
- 22 Q. So you and Calum Clayton were asked by DS Dursley at
23 that time?
- 24 A. Yes.
- 25 Q. And where was Andrew Mitchell? Was he with you or --
- 26 A. No, I think he was stationed in Glenrothes at the time.

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- 1 Q. But you came together when you got to Kirkcaldy, the
2 three of you?
- 3 A. Yes, we all met in Kirkcaldy for the briefing in the CID
4 room, yes.
- 5 Q. And who was in charge when you got to Kirkcaldy that
6 day?
- 7 A. From my recollection, I think -- I'm sure it was the
8 DI Robson. I think it was DI Robson was there. The DS
9 from the night before, who was Sammy Davidson, who
10 I think is an inspector now, and DS Dursley, who is an
11 inspector now as well. That's a face I recognise at
12 that point then.
- 13 Q. So when you arrived at Kirkcaldy, there was DI Robson?
- 14 A. Yes.
- 15 Q. You think he was in overall charge?
- 16 A. Yes.
- 17 Q. There was DS Samantha Davidson?
- 18 A. Yes.
- 19 Q. You called her Sammy?
- 20 A. Yes.
- 21 Q. And DS Dursley, we have heard of Graeme Dursley.
- 22 A. Yes.
- 23 Q. And there was a briefing --
- 24 A. Yes.
- 25 Q. -- we understand at that point when officers arrived in
26 the morning.

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1 A. Yes.

2 Q. Do you remember what was said to you at the briefing?

3 A. Yes. I can't remember exactly what was said. I think
4 the rough information that we had was basically there
5 had been an initial call came in, which I had seen on
6 the call card. I wasn't aware of any other ones after,
7 but we were listening to the radio and there had been
8 a couple of calls after that regarding a male that was
9 acting erratically with a knife.

10 So there's been in the morning -- there's been a
11 following couple of call cards. Following that, cops
12 have attended. There's been -- they have attempted an
13 arrest on the male and then he has come to the ground.
14 He has been -- I think the wording was he became
15 unconscious at that time and he has been taken away by
16 an ambulance and he has been taken to hospital. That
17 was what we had at that time. That was basically the
18 crux of what happened as far as it was.

19 Along with that, because the location of where on
20 Hayfield Road it had occurred, there was another call
21 card in the Kirkcaldy area, which was very, very close,
22 both timeframe and the location, it was probably about
23 a couple of hundred metres in the direction of where the
24 male had travelled from. It was for insecure premises,
25 the female had rung in that the house was insecure. It
26 was tentatively connected between the two, because the

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1 male had come from that area. And I'm only surmising
2 because of the presence of the knife, we thought this
3 might actually be the location of where an incident has
4 possibly happened.

5 So that was the tenuous sort of link at that time
6 and that's what we received. And then from the
7 briefing, I think it seems like a lot going on at the
8 time, so the DCs are just waiting to be -- the way it
9 sort of works out is that you get put in enquiry teams,
10 so you have investigative strategy, which is basically
11 to keep the enquiry ongoing, you get separated into
12 groups to have your own strand of an enquiry. So we
13 were given to contact the female who was at the house
14 there. And that was our objective for that day, for
15 that morning.

16 Q. And we have heard that you and Calum and Andrew went to
17 the house of Colette Bell.

18 A. That's right.

19 Q. And she was the female who had made the call to
20 the police --

21 A. That's correct.

22 Q. -- about an insecure property?

23 A. Yes.

24 Q. Can I ask you to look at paragraph 55, please. Well,
25 54, first of all. I think you say in your statement
26 that, at that time, you did not know if the man was

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1 deceased. You just say that at the very last line of
2 paragraph 54, and then it goes on to the next page.

3 So at the time of the briefing, you didn't know that
4 Mr Bayoh had died.

5 A. Mm-hm.

6 Q. That's correct?

7 A. That's correct, yes.

8 Q. And you were to secure the house, which was a source of
9 the incident. So, at that time, you thought you knew --
10 or you thought there was a connection?

11 A. I think there was a reasonable suggestion there was
12 a tenuous link to sort of -- from there it looks like we
13 would totally go and secure. At that point, it wasn't,
14 it was just a tenuous link. It could have been
15 unrelated, but I think because of the locality and the
16 time period, especially the time when the male has been
17 seen and the house is insecure, at that time, there was
18 a potential that it could be the source of where the
19 incident has happened. So we were sent up to establish
20 that.

21 Basically, at that time, I think that call was being
22 treated as a concern for a female who has reattended
23 a house that's insecure and that was the concern there.

24 Q. During the briefing, was there any discussion about
25 the police looking for two men?

26 A. No.

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1 Q. Do you remember any discussion during the briefing about
2 the police looking for a man called Martyn Dick or a man
3 called Saeed Zahid?

4 A. No, I hadn't heard any names mentioned at that point at
5 all. The only time I became aware of their names was
6 during the statement from Colette Bell. That's the only
7 time I came into recognition of that.

8 Q. So that would be later on that day?

9 A. Yes, yes.

10 Q. We will come on to that in a moment. During that
11 briefing, I think at paragraph 55, you say:

12 "... [did you] know of any of my colleagues
13 considering, that this was an investigation into
14 potential criminality by police officers. No,
15 definitely not."

16 So at that time of the briefing in the morning of
17 3 May, were you aware of anyone talking or speculating
18 about criminality on the part of the police?

19 A. I certainly wasn't aware of any criminality being
20 suggested at all at that point. I knew -- I can't sit
21 here and say I didn't know anything was ongoing. I knew
22 that cops had been held back. I was told of cops being
23 held downstairs, but I only presumed that because they
24 were involved in the incident. But I knew there was
25 officers from night shift still there. That's all
26 I knew. I never heard -- I didn't hear anything of

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1 criminality wise. But that's not unusual, a lot of
2 times, to secure clothing from people regarding an
3 incident that's ongoing. So I didn't think anything at
4 the time.

5 Q. When you say, "Cops being held back", what do you mean
6 by that?

7 A. So the night shift from the previous evening who were
8 involved, I was aware that the officers had been
9 involved in the incident were downstairs and that was
10 just through I heard coming up the stairs that the cops
11 are still here.

12 Q. Were people talking about the incident in Kirkcaldy that
13 day?

14 A. It wasn't so much talking about it. It was more I heard
15 officers are being kept back and that's all I heard
16 on -- because our sort of path on that, we went straight
17 into the briefing, got the briefing, allocated our task
18 and then went straight out. And I'm not going to sit
19 here and say that you don't hear police chat. It's like
20 any office, you come out and you hear bits and pieces.
21 Kirkcaldy is quite a windy city, so there was lots of
22 officers down there, and obviously saying, "Why are the
23 cops being kept down from night shift?" So obviously,
24 I was aware as we left that there was somebody being
25 kept on. So that was my only awareness regarding that.

26 Q. So there was discussion going on in Kirkcaldy?

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- 1 A. Yes.
- 2 Q. Were you aware, at that time, at the time of the
3 briefing on the morning, of anyone considering
4 a possible racial element, or a racial angle to this
5 incident?
- 6 A. No, no.
- 7 Q. Was anyone considering possible racial discrimination on
8 the part of the police?
- 9 A. No, not that I was aware of at all.
- 10 Q. Who would have been considering those things, if they
11 were being considered?
- 12 A. It will probably have been assessed by the SIO. The SIO
13 probably does the policies and the decisions from when
14 the inquiry starts up. It will be taken into these kind
15 of -- they use a kind of police investigative hypothesis
16 as to what's happened. Whether they put that into that,
17 I don't know. I can't speak for what they had in the
18 SIO log, I don't know.
- 19 Q. We may actually hear from another witness about
20 investigative hypotheses where they think about the
21 possible causes of the death and they investigate each
22 of them to either rule them out or rule them in.
- 23 A. It has to be -- there has to be -- it is investigated
24 certainly from -- that's me being CID through the
25 majority of my career until recently. You have to sit
26 on the fence regarding everything. You can't just walk

Transcript of the Sheku Bayoh Inquiry

1 up to someone and say, "That's happened and that's why".
2 Every eventuality has to be taken into account until
3 it's chalked off, until you get the actual inquiry
4 itself. So every avenue has to be sort of pursued, if
5 you know what I mean.

6 Q. So the police who are doing the investigation have to
7 keep an open mind?

8 A. Open mind, yes.

9 Q. About all the possibilities?

10 A. Yes.

11 Q. And investigate those to either rule them in or rule
12 them out?

13 A. Yes.

14 Q. And is that the normal approach that you would expect
15 during an investigation where someone has died?

16 A. I would. Yes, I would, definitely, yes.

17 Q. And could you look at paragraphs 57 and 58, please. You
18 say:

19 "At the outset of an investigation, we're wanting to
20 secure any evidence. The primary thing with policing is
21 to preserve life. On this occasion the gentleman has
22 passed away. We were to secure locuses of the potential
23 deceased and the locus where the incident happened and
24 any witnesses. We couldn't rule out criminality on the
25 part of police officers. We can't rule anything out at
26 the start. At the time the male has been taken away it

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1 could've been anything."

2 So, at that stage, in the investigation, were you
3 personally thinking, "We can't rule out anything,
4 including criminality on the part of the police"?

5 A. Of course you can't. As I have said before, we have to
6 be transparent. This isn't the -- I'm under no
7 illusion, this isn't the 1970s, this is 2023, and there
8 has to be transparency. It's to provide confidence from
9 the public and you have to be up and above board with
10 stuff like this to keep that confidence from the public.

11 Q. You're talking about how you have to be transparent now
12 in 2023. How -- what do you think in 2015 the
13 attitude -- it wasn't the 70s then either, but had they
14 moved away from that attitude from the 70s, or --

15 A. I can honestly say you get -- from any profession you
16 get classes of prehistoric -- for want of a better word,
17 in a profession. I've never -- I have seen people who
18 have retired and things like that, but I don't think
19 policing is what it was in them days, certainly from the
20 days -- I've got family members who were officers in
21 that era, but it's not -- I have certainly not seen
22 anything that reflects anything -- and it has to improve
23 as things go on. I've no doubt it has improved from
24 2015, but I can't see it -- well, that must change from
25 then. I still think even then as a young cop everything
26 was transparent then, but more so now I think and

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1 I think it has to improve as things go, it has to.

2 Q. And do you see the benefits of that transparency --

3 A. Yes, completely.

4 Q. -- in your daily work?

5 A. Yes.

6 Q. We have heard some evidence that that transparency can

7 build trust and build rapport with members of the

8 public.

9 A. Yes.

10 Q. And building that trust and that rapport can have

11 long-term benefits in investigations as well as other

12 ways.

13 A. Yes.

14 Q. Would you agree with that?

15 A. Yes, I would to a certain extent. However, on the

16 flip-side of that it can be that some sort of negative

17 impact of an enquiry sometimes -- I have been on

18 enquiries where a lot of information has to be withheld

19 for a certain time and it sounds awful.

20 Me personally I would love to go into the family on

21 the first day and say, "This is what's happened", but it

22 would have been a negative impact on the enquiry because

23 no one knew at that time. As I said before, we have to

24 be transparent to a degree. We -- me as a DC was

25 directed by the SIO's policy and if it meant me giving

26 any further information that impacts on the outcome of

Transcript of the Sheku Bayoh Inquiry

1 this enquiry then I wouldn't be doing my job properly
2 either, so it has to be a balance I think. That's my
3 personal view, there has to be a balance.

4 Q. Let me just ask you a few more questions about that.
5 You said there could be enquiries where there are
6 particular circumstances where you would want to
7 withhold information.

8 A. Yes.

9 Q. Could you give the Chair an example of where it might
10 be, or you think it might be appropriate to withhold
11 information?

12 A. I think when -- if you're looking for an outstanding
13 suspect here and you're divulging information regarding
14 a certain crime and it's going to impact on you getting
15 any further evidence on that person, or sufficient for
16 you to get that person into custody then you would have
17 to retain information.

18 On that morning I think no one knew what we had, we
19 had to have that open mind and I think, as you can see
20 from the messages, as identification has been confirmed
21 the messages have changed. Could we have been better at
22 it? I think we probably could have, but it's a learning
23 curve for everyone and I can totally understand why they
24 withheld certain parts of it, but I think a degree of
25 being honest with the family in passing that death
26 message to both Colette and Kadi at that time was before

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1 it got out into the social media because everyone is
2 aware how quick things -- I think the worst possible
3 thing for a family is finding out third-hand from the
4 public, which is awful.

5 Q. We may hear that the speed at which social media and
6 information is out there, that has become even more of
7 a priority as the years have gone by. Is that the sort
8 of thing you're referring to?

9 A. Yes, yes.

10 Q. Where information is very quickly disseminated?

11 A. Yes.

12 Q. When we're thinking about enquiries where it may be
13 appropriate, or there may be circumstances where it's
14 appropriate to withhold information, would -- in your
15 experience would it have impacted this enquiry or this
16 investigation on 3 May to have shared with the family
17 that Mr Bayoh died after coming into contact with
18 the police?

19 A. This is my personal opinion regarding it, so this
20 probably isn't a police opinion. I think it probably
21 would have benefited the family, if I'm being honest,
22 because when we passed that last message we got -- the
23 family sort of exploded and rightly so. The aggression
24 towards us was more borne out of frustration because of
25 lack of information and I could totally empathise with
26 that because I would be exactly the same, I would want

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1 information.

2 So it's never easy to pass that sort of thing and
3 I think that initial morning when we passed that
4 information, what would we have lost? Personally
5 I don't think that much. At least it would have been
6 upfront and honest and they wouldn't have been provided
7 with information from social media, or given another
8 death message, then another death message. That's my
9 personal opinion. Looking back on it in hindsight is
10 great; at the time you have to make operational
11 decisions that fit the investigation but ...

12 Q. You have said a lot there. Can I ask you to go through
13 that again. You have said that delivering that second
14 death -- we have heard from Andrew Mitchell this morning
15 about the first death message being delivered to the
16 Johnsons and then the second. You said the family's
17 reaction was borne from frustration because of lack of
18 information and is that in your experience what gave
19 rise to the problem?

20 A. Yes. I didn't take anything personally the way they
21 reacted. It's raw emotion. I've lost a cousin this
22 year and the lack of information, it just -- it tears
23 families apart and they just want information and I knew
24 what they wanted and we tried to explain as much as we
25 could. We are restrained under a "You will provide this
26 and nothing more, nothing less", and that is what we had

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1 to keep saying, "We can only give you this because it is
2 an ongoing ..." I would have loved to have given them
3 more information to put their mind at rest a little bit.
4 It wouldn't have given them any consolation but it would
5 have answered a few questions as to what's happened that
6 day because we left them with nothing very much to be
7 honest.

8 Q. And how would that have helped -- from your own personal
9 experience of this, how would it have helped the family?

10 A. I think it would have been -- if -- for me if they had
11 been given a wee bit more context from the start it
12 wouldn't have been this shock factor of -- even though
13 I don't think we're trying to mislead them with those
14 messages because there was a reason why the message
15 changed as information came in to us, confirmation of
16 identification. Once that identification was confirmed
17 it probably would have been easier to have just said,
18 "This is what's happened this morning, following an
19 incident whereby he was contacted by police and
20 an attempted arrest on Sheku Bayoh has resulted him
21 becoming unconscious." If that had been disclosed
22 probably earlier, it wouldn't have had the family
23 thinking, "Why are we being given yet another
24 explanation to it?"

25 I think their concerns were throughout the whole --
26 as an expansive time period throughout that day -- that

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1 timeline for that day, having them messages passed over,
2 must have impact on them, sitting there waiting, and we
3 have come to give another death message within
4 ten minutes which is different from the one previous, so
5 I have no doubt I would have been exactly the same.
6 I would have been frustrated.

7 Q. You say you would have disclosed it if it had been
8 disclosed earlier. How much earlier would you think
9 a death message should have been disclosed?

10 A. I'm merely just suggesting from my opinion what might
11 have helped and might not have helped so ...

12 Q. What benefits can there be from disclosing a -- or
13 providing a death message earlier, or as early as
14 possible?

15 A. I think once identification is confirmed I don't see any
16 reason why we couldn't have just passed it then, saying
17 "This is what's happened". There has to be an
18 investigation into it, so I can understand that there
19 has to be a way of between the both -- but obviously
20 that's -- it isn't my decision to make that.

21 Q. We have heard different evidence from different people
22 about how they maybe weren't 100% sure that the
23 identification was that it was Sheku Bayoh and then we
24 have heard other information about they were almost 100%
25 sure, or they were convinced, or they could see there
26 was a link, and when you say when the ID is confirmed

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1 there should be a death message, what do you mean by
2 confirmed? Are you talking 100% or something less than
3 that?

4 A. Yes, realistically -- I think to go to a family without
5 the full context of what happened there has to be
6 a positive ID, a confirmed 100% identification, whether
7 it be from a friend, family member, or potentially
8 a social media image or anything like that, just to
9 confirm 100%.

10 On the flip-side of that, the first time we went we
11 did not have that 100%. We had -- a lot of things were
12 suggesting that it was him. We were just about there
13 due to the -- there were numerous things, I'm sure we
14 will discuss them anyhow, that suggested it was him and
15 I think passing that death message -- we had to do
16 something, to speak to Colette regarding that, rather
17 than her find out it was him an hour or two later. We
18 had to say who we believed it to be. We couldn't
19 (inaudible) definite at that point so we had to give
20 something at that point.

21 Q. Having shared that death message with Colette Bell --
22 not being 100% but having been asked to share that
23 message with her, why was there not then a corresponding
24 message given to the Johnsons at that time?

25 A. I don't know.

26 Q. You don't know?

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1 A. I couldn't comment. I honestly couldn't comment on
2 that. We were given that task to pass that death
3 message and then we spent three hours speaking to
4 Colette and she was great that day. I asked her on
5 numerous occasions, "If you want to stop, I'll quite
6 happily stop", but it was probably about two or three
7 hours we sat with her after giving the death message, so
8 I couldn't fault her that day for sitting through with
9 us in that room with her baby and her mum.

10 I don't know what decision was made in between that
11 time, could it have been passed, I don't know. I can't
12 comment on when the confirmation was made during that
13 time period. So I was away for about -- both Andy and
14 I were away with Colette for about three, three and
15 a half hours easily.

16 Q. So whose decision would it have been on that day about
17 the timing of the death message to the Johnsons?

18 A. It depends who has come at the time. I think the senior
19 investigator at the time will have been the SIO, so it
20 will have been an inspector at the time and I don't know
21 who has taken over. I knew there was a super that came
22 who I didn't recognise at first, so I don't know what
23 time he had arrived and if he had indeed taken over
24 control of the enquiry, so I don't know. I couldn't
25 comment on that.

26 Q. We may hear at some point in the hearing that there was

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1 DI Robson and there was Detective Superintendent
2 Pat Campbell.

3 A. Yes.

4 Q. Do you know who the SIO was on 3 May?

5 A. I believe it was Colin Robson initially and then
6 I briefed Pat Campbell, the Superintendent Pat Campbell
7 I should say, at the FLOs meeting at the end of the day.
8 That was the only time I met him and I didn't know if he
9 was taking over at all, I wasn't made aware of that, and
10 that was us terminating duty at that point.

11 Q. What time was that?

12 A. Probably the end of the day. My timings are in my
13 statement I'm sure somewhere.

14 Q. I can go over that tomorrow, but if I say about 6.30 in
15 the evening when you had a meeting with the FLO and
16 Pat Campbell, would that be roughly about right?

17 A. It will be around about that time, yes.

18 Q. So as far as you were concerned, up until that point you
19 thought DI Robson was the SIO?

20 A. Yes.

21 Q. Senior Investigating Officer.

22 A. Yes.

23 Q. And it would have been his decision to decide what the
24 death message was and when it was delivered?

25 A. Yes. Whoever is SIO at that point -- I don't know.
26 When we had been given that task to speak to Colette, he

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1 was the SIO at that point, so I don't know if he was
2 relinquished from that and someone else took over, but
3 at that point he was SIO as far as I was concerned.

4 Q. We may have heard about the involvement of DS Graeme
5 Dursley at that time, involved in giving instructions
6 and discussing the death message from Andrew.

7 A. Yes.

8 Q. And I wondered what was your awareness of Dursley's role
9 that day, what his responsibilities were?

10 A. I think they were both -- him and DI Robson were both
11 working together and basically allocating the tasking
12 from there, so basically both working together, albeit
13 the usual routine is inspector is the SIO and then the
14 DS allocates the job from there, so routinely you're
15 sometimes briefed by the DI and the DS at the same time.

16 Q. Right, okay. You mentioned earlier -- I have slightly
17 gone away from it, but you mentioned earlier that you
18 were told to provide -- when you were delivering the
19 death message to the Johnsons -- provide "no more and no
20 less". That's the words you used.

21 A. Yes.

22 Q. Who gave you the instruction to provide no more and no
23 less?

24 A. I'm trying to remember now. Was it DS Dursley? I think
25 it was DS Dursley that had spoken to us and that's --
26 a death message is -- you can't give any more

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1 information than what you're given. As I said before,
2 you would like to give more in certain circumstances,
3 but you're kind of restrained because of that
4 investigation and if you're told to give that, that is
5 all you give. And certainly respecting what I said
6 earlier about two other suspects, I don't know where
7 that's come from because we had no idea there was
8 anybody else involved at all at that point and there
9 obviously wasn't either.

10 Q. When did DI Dursley -- or I think he was DS then
11 perhaps.

12 A. Yes, DS.

13 Q. When did he give that instruction to provide no more, no
14 less?

15 A. I can't remember, but he said it that day I can
16 remember. I task it myself. I say it when I tell my
17 cops to go and give a death message, if it's required:
18 no more, no less than what there is. Some death
19 messages -- you kind of assess what it is. If it's
20 a sudden death in a family, it's expected, there's no
21 issue with giving how they were found that night,
22 whatever, but on that day we're told no more, no less
23 than what we have been given.

24 Q. Do you know why you're told "no more, no less"?

25 A. I can only assume because of the investigation which was
26 ongoing. It was still in the sort of early stages of

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1 it -- in the early stages of it and I can only surmise
2 that's probably because of that, but that's not for --
3 that wasn't my decision, so it's probably down to policy
4 at the time.

5 Q. We will maybe need to hear other evidence about this.

6 A. Yes.

7 Q. In the first death message that you gave to Colette
8 Bell, for example, there was no mention of police
9 contact.

10 A. No.

11 Q. Or Sheku having come into contact with the police.

12 A. No.

13 Q. Do you know why that wasn't mentioned in the first death
14 message?

15 A. No, no idea. I was just told to pass that message and
16 that was it.

17 Q. Were you told not to mention that there had been contact
18 with the police?

19 A. All I got was just give that as per read and nothing
20 more. That's all we can give at the moment until we
21 clarify ID on it as well, that was it.

22 Q. How did you -- you have talked about transparency and
23 the benefits of that. You have talked about being
24 upfront and honest.

25 A. Yes.

26 Q. You have used those words. How did you feel about being

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1 asked to pass a death message where there's no mention
2 of the fact the police were in contact with the person?

3 A. I didn't know the full context of what had happened,
4 what else had gone on since we first got there. So we
5 were away at the house so in between that time anything
6 could have happened, so I really could only make
7 a decision on the information that I had prior to that.
8 If I had had any more information regarding it and what
9 had come in then I would probably be better placed to
10 make a better decision, but that wasn't my decision at
11 that time. Did it sit right with me? Probably not
12 because I have always been the one to give them that wee
13 bit of comfort towards what's happened and, as I said
14 before, I can understand why they maybe retained that
15 sort of information, but as the reasons behind that
16 I don't know.

17 Q. You said it didn't sit right with you and that you would
18 have given a bit more information, given the family
19 comfort. Do you think giving more information can be
20 comforting for families in your experience?

21 A. Yes, I think so. I think therein lies the problem,
22 I think that lack of information is probably where the
23 frustration was coming from. As I say, it's not me
24 trying to offload this onto someone else's decision
25 because I'm in that position now where I make that
26 decision, so it's not an easy one, it's not took

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1 lightly, certainly not when there's other things that
2 have been happening behind the scenes that we haven't
3 seen so I couldn't comment why it was withheld. From
4 a human aspect, is it nice? No, it's not nice, but from
5 a policing aspect sometimes it has to be done
6 unfortunately.

7 Q. In this particular set of circumstances can you think of
8 reasons why it had to be done on this occasion?

9 A. I think we didn't know the full context of what's
10 happened. We've got -- at that point we now had two
11 locuses where the deceased was and the house where we
12 end up deciding that was probably the incident started
13 from, or whatever started, because there was
14 a disturbance there, so we still didn't know what had
15 happened there, so I can understand why they didn't give
16 it, but what information is coming between that time,
17 I don't know.

18 Q. Looking back at that death message which you delivered
19 to Colette Bell on 3 May, do you think that could have
20 been done better?

21 A. From the delivery method from Andy and I?

22 Q. I will come to that later. Do you think the phrasing or
23 the actual message itself?

24 A. I think from -- once I passed the death message to
25 Colette she obviously was distraught and it's
26 understandable, she had just found out her partner died

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1 and she kept saying, "It can't be him, it can't be him"
2 and trying to explain to her, "This is the reasons why
3 we believe it is him", because the timeline between the
4 two houses, the incidents have sort of occurred a very,
5 very similar timeframe, he is missing, we have seen --
6 it's not trying to say -- it wasn't exact it was
7 guaranteed because it was a black man had then become
8 unconscious and transferred to hospital and died.

9 It was believed to be her partner at that point and
10 that was what was passed over and the reasons why it was
11 believed. It was confirmed -- she said he has a gold
12 phone with him and that was confirmed that that was at
13 locus where he was found. Lots of those strands that
14 gave us reasons to suggest quite highly that it was him
15 and just trying to explain that after we had passed the
16 death message because the death message was very bland,
17 she had loads of questions that we couldn't answer and
18 the main one was, "It's not him, it's not him". I said
19 "Look, these are the reasons why we believe it to be
20 him", and I don't think we could have passed it any
21 better. We tried to explain it as much as we can.
22 Especially in them sort of emotional times, everything
23 was just going over her head, she was distraught, the
24 baby was there. Fortunately her mum was there with her
25 as well which give her some sort of comfort.

26 Q. Can I take you back before we finish today about when

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1 you go to the house of Colette Bell and can you explain
2 your understanding at that time about why you wanted to
3 secure the house --

4 A. Yes.

5 Q. -- and tell us a little about that.

6 A. Okay. Can I take a drink of water first, is that okay?

7 Q. Yes, please do. I will take one as well.

8 (Pause)

9 I also understand that -- do you know that there's
10 a transcript of what's being said prepared and sometimes
11 the transcriber is having difficulty picking up what
12 we're saying.

13 A. Right, okay.

14 Q. So I'm going to sit very close to the microphone. I'm
15 going to ask you to do the same. Will you be able to do
16 that?

17 A. Yes, I'm fine. I don't think I can get any closer. It
18 will be up my nose I think.

19 Q. And I think it's late in the day and we're maybe
20 speaking a bit quickly as well.

21 A. Okay, yes.

22 Q. So, I have been warned.

23 A. I will slow down.

24 Q. I will get into trouble unless we manage to work this
25 out.

26 A. Okay.

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1 Q. So let's go back just before we finish today about --
2 and talk about going to the house of Colette Bell.
3 A. Yes.
4 Q. And I would like to know what your position was when you
5 arrived. We have heard that three officers arrived.
6 A. Yes.
7 Q. Yourself, Andrew Mitchell and Calum Clayton.
8 A. Yes.
9 Q. Three officers. I'm wondering why three officers turned
10 up at the house and if you can speak slowly as we go
11 through it.
12 A. I will. I can honestly say I don't know. It might be
13 the reason the fact that you're sent out in pairs
14 normally for enquiry teams. It was an odd number.
15 I would like to think we probably had three because of
16 the call that came in. So we have two call cards that
17 have tenuous links between the two of them, a female --
18 so if we deal with the call we're sent to with Colette
19 and it's individually by itself, there's a female that's
20 rung in and found her house insecure and there's
21 evidence of a disturbance within. I'm not trying to
22 relate this to what's happened to Sheku, I'm taking this
23 on its own, just by itself. My risk assessment is at
24 that point I have a female who has got a child, found
25 the house insecure, there's a disturbance inside, I'm
26 worrying is anyone in that house, do we have concerns

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1 for that, so we may -- immediately we got to the house,
2 the house was locked at the time. I'm thinking "Right,
3 hang on a minute, is there anything else happening
4 here?" So we rang her I believe at the time and she
5 came within about five or ten minutes with her mum.

6 I have spoken to Colette asking "Right, you rang in
7 regarding your house being insecure, is that right?"
8 "Yes." And she explained that her partner was missing,
9 that the house had been a mess inside. I said "Are you
10 quite happy for us to go in purely out of safety for
11 yourself?" As I have said before, to protect life, that
12 is our job. Under section 20 of the Reform Act, to
13 protect life, we have legislation to go in that house if
14 need be --

15 Q. Okay, you are speeding up again.

16 A. Yes, sorry.

17 Q. So, you are there to -- your number 1 priority is
18 protecting life?

19 A. Yes, yes. So I had to be confident that there was
20 no one in Colette's house because she has obviously got
21 concerns enough to ringing the police and say "My house
22 is insecure and there's a disturbance within" so --

23 Q. How did you satisfy yourself that there was no one in
24 the house?

25 A. I spoke to Colette and said "Are you quite happy for us
26 to go in first?" she says "Yes, I'm fine" I said "I'm

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1 not really wanting you to go in the house with a 15 week
2 old child and your mum and someone's in that house." I
3 says, because potentially what could be there and it has
4 happened in the past.

5 Q. So that was a risk, a potential risk as far as you were
6 aware?

7 A. Yes. I think the risk -- there's obviously a risk
8 because she has rung in, so that risk has come from her
9 ringing the police and we have come out to try and help
10 with that. My concern that there was someone in the
11 house, there's potential. In the back of our minds
12 we're thinking "Is this in relation to the male that's
13 further down the street?" which is literally a couple of
14 hundred metres away. Has this been the site of where an
15 incident might have started? So we don't know and as
16 I said before you have to have an open mind as to what's
17 happened.

18 Colette was quite happy with that. Because she had
19 a child I didn't want her going down the house and being
20 faced with some male that's in there, some female or
21 whoever is in that house. "So what we're going to do is
22 we will make sure the house is empty before you go in so
23 everything is safe for you." I have stood with her at
24 the doorway while I sent the other two DCs, one upstairs
25 and one through the kitchen into the living room. They
26 cleared the house and no one was within. I was quite

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1 happy at that point. I said "Are you quite happy for us
2 to come in and give us an explanation, a rough
3 explanation as to what's happened?" Her partner had
4 gone missing the night before and explained who he was,
5 description of him and showed a photograph and that was
6 when I fed back to DS Dursley stating potentially that
7 this might be a link between the incident that's
8 happened on Hayfield.

9 Q. So the three of you arrive.

10 A. Yes.

11 Q. Wait for Colette Bell.

12 A. Yes.

13 Q. She arrives with her mum Lorraine Bell and her baby.

14 A. Yes.

15 Q. And you have said you waited outside while the other two
16 went in to check the house.

17 A. Yes.

18 Q. How long were you outside?

19 A. Not long. The reason why I stayed outside was just to
20 provide security for her and the wee one. We didn't
21 know who was there. There was still potential there
22 were people in that house. We didn't know what was
23 going to be in there, so it's an unknown risk to be
24 honest.

25 Q. If we have heard that you went into the living room,
26 was-- that's not -- with the two other officers, that's

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1 not the case then, is it?

2 A. I honestly can't remember. I remember I had her waiting
3 at the door to make sure she hadn't gone in to make sure
4 no one was in there. I might have looked in the living
5 room because the living room was literally at the front
6 door to the right as you go in. I remember it rightly,
7 so straight -- there's a straight view from the living
8 room through the kitchen to the back door which was
9 open. The living room door is to the right and we have
10 looked in to make sure there is no one in there and
11 someone has gone to the kitchen and then come back and
12 checked the living room.

13 Q. And did someone go upstairs?

14 A. Yes.

15 Q. And so once you have checked -- had the property checked
16 did you go in -- did all the officers go into the house
17 at that time?

18 A. Yes. We were still within the house and Colette was
19 saying that she needed to feed the baby and I said
20 "Where do you feel comfortable?" So she went into the
21 living room and got stuff for the child at that point
22 and that's where she gives us a brief sort of thing that
23 her partner had been missing since last night. His pal,
24 his friend -- I think it was that -- I think she
25 mentioned the name Saeed at that point, saying he had
26 rang and that they were back at the house or something

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1 around -- I think it's in her statement. And she
2 returned to the house and it had been insecure and there
3 was disturbance because there was stuff strewn in the
4 kitchen and into the garden when we arrived.

5 Q. And you have said the back door was open.

6 A. Yes.

7 Q. And we have heard that you took her to Kirkcaldy Police
8 Office for a statement, to give a statement?

9 A. That's correct, yes.

10 Q. Was there a reason why you couldn't take the statement
11 in her house?

12 A. Initially it was trying to get the right sort of order
13 of what's happened. I spoke to DS Dursley about the
14 connections between his description, she is stating he
15 has been missing since last night, the gold phone that
16 she says he has on his person which was found next to
17 his body at Hayfield and I said this is a suggestion
18 that this could be one and the same man that's gone
19 missing, her partner. At that -- I was speaking to DS
20 Dursley as I say. I can't remember if he said then that
21 he had passed away then and we need to try and secure
22 the house now because there's a potential point of where
23 the incident may have started and that's why we have
24 gone back.

25 Q. So is that the reason, you wanted to secure the house?

26 A. Yes, I believe so.

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- 1 Q. And that was a conversation you had with DS Dursley.
- 2 A. Yes.
- 3 Q. And what was the authority, the legal authority on which
4 you seized the house?
- 5 A. We spoke to Colette (inaudible) entering the house, so
6 at that point, entering the house, it wasn't an issue.
7 I think under general seizure under common law we can
8 seize any evidence if that's pertaining to a house,
9 albeit it will be seized at that time, but obviously if
10 we're needing to search and get warrants they will be
11 asked for and more than likely granted on the back of
12 that as well.
- 13 Q. Did you seek a warrant for that house to be searched?
- 14 A. I didn't personally. I secured the house as I was
15 directed and that was my last time I was in the house
16 after that.
- 17 Q. When you say you secured the house, what does that mean?
- 18 A. We basically closed the front door, back door and put
19 a cop on either entrance just to secure it, secure
20 evidence basically because there is reasonable doubt --
21 I should say reasonable to suggest that that's the point
22 of where the incident potentially happened or started.
- 23 Q. And we have heard some evidence about a locus protection
24 book or a scene entry log.
- 25 A. Yes.
- 26 Q. Is that something you remember being asked to sign?

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1 A. It will be asked to bring -- to have been brought down,
2 more than likely, and we will have probably left by that
3 point. So routinely we will have documented both
4 within -- with our operational statement that we have
5 been in the house, so that would routinely cover that
6 and when the log is started, it's started and time
7 dated. Usually noted on your notebook if you start
8 a log at that time or within the start of the log a name
9 put in it, whoever starts it. I think it was two
10 community officers who came up on that day.

11 Q. And was there any difficulty when you took Colette to
12 Kirkcaldy Police Office for her mum or her baby to come
13 with her?

14 A. No, it wasn't an issue at all. We spoke and Colette was
15 quite -- and I said "Look, there's no issue at all" and
16 I said "If you're needing anything for the child, that's
17 fine, you can bring the wee one and your mum can come
18 out as well." Her mum wasn't potentially going to be
19 a witness so that wasn't going to impact on her giving
20 a statement at all, so just purely for her welfare I
21 didn't see any reason why we couldn't and there was --
22 none of my gaffers were contradicting that either, they
23 were quite happy with that, so.

24 Q. Is this something that you discussed with your gaffers?

25 A. No, I made that decision myself. I don't think they
26 would have -- to be honest, when we got back, I informed

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1 that we brought her up just to give her the support and
2 they were quite happy with that. So there wasn't any
3 issue at all.

4 Q. You didn't have any concerns or try and stop her mum or
5 her baby coming?

6 A. No, I don't think that would have been fair on her to be
7 honest, having to say "You can't bring your mum or your
8 child", especially the fact that it's a 16 week old
9 child and mum -- it's ideal in those circumstances to
10 have somebody like that. Especially the fact that we
11 are potentially going to pass a death message to someone
12 and if she's sat there without her mum, I don't think
13 that would be great, to be honest.

14 Q. And is that something that was in the back of your mind
15 already --

16 A. Yes.

17 Q. -- when you took her to Kirkcaldy?

18 A. Yes, because I knew on the back of that we would
19 probably have to get movements of Sheku through that
20 night, but what's led up to the incident so I knew from
21 previous experience that we're going to have to
22 potentially get a statement if she is able to get one.

23 Q. And if we -- we haven't heard evidence from Colette Bell
24 so far, but if we were to hear that she felt there was
25 some hesitation about her mum and her baby coming with
26 her which she resisted, would you remember anything

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1 along those lines?

2 A. No, no, definitely not. I don't think -- that sort of
3 thing, as I have said before, you have to be flexible
4 with that and it would probably have been suggested that
5 her mum come, to be honest if anything, certainly from
6 us and definitely if you have worked with Andy or I in
7 the past, you probably couldn't get any two cops that
8 are that helpful. We have both been in the community
9 teams before and that. I genuinely think we couldn't
10 have suggested anything better than that to help her
11 welfare, albeit taking her to a station for a statement
12 is not great, but we couldn't do it in that house
13 because it was the potential locus, so --

14 MS GRAHAME: Thank you very much. I'm conscious of the time
15 now.

16 LORD BRACADALE: We will stop there then and sit at
17 10 o'clock tomorrow.

18 (4.02 pm)

19 (The Inquiry adjourned until 10.00 am on Thursday,
20 2 February 2023)

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