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Friday, 17 March 2023

(10.00 am)

(Proceedings delayed)

(10.03 am)

DETECTIVE SUPERINTENDENT INSPECTOR NICOLA SHEPHERD

(continued)

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

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

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

Could you withdraw, please, again.

(In the absence of the witness)

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

in considering these I have borne in mind the general difficulty that this witness had in recalling events, the evidence which I have already heard from Chief Superintendent Trickett, and other witnesses, including Kadi Johnson, and also that Garry McEwan has provided a statement and will in due course give evidence.

Against that background, I shall allow the following lines of questioning: the issue of whether during the visit to the family there was a discussion of the post-mortem, the issue of disclosure of the post-mortem results to the lay advisers, the issue of dealing with public concern about the relevance of terrorism, whether the witness already had knowledge and understanding of

1 the diversity information provided by Gill Boulton, and
2 whether the family were asked about the religion of
3 Sheku Bayoh.

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

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

18 As to whether Garry McEwan referred to a machete at
19 the meeting with the family, I already have the evidence
20 of Kadi Johnson, the evidence of
21 Chief Superintendent Trickett, the PIM records, and the
22 evidence of Garry McEwan to come, and that evidence, all
23 of that taken together, would provide a sufficient basis
24 for submission.

25 Given the evidence which this witness has already

1 given in relation to the suggestion that she had
2 a conversation with Gary Wilson, I do not think that
3 I would be assisted by revisiting the issue of
4 discussions between him and this witness.

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

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

9 (In the presence of the witness)

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

13 THE WITNESS: Okay.

14 LORD BRACADALE: Ms Mitchell.

15 Questions from MS MITCHELL

16 MS MITCHELL: I'd like to ask you some questions about the
17 issue of visiting the family, and the question of the
18 post-mortem.

19 Now, yesterday you were asked, and I'll just refresh
20 your memory on this, about whether or not there were any
21 discussions about the post-mortem with the family, and
22 you said:

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

25 Then there's a bit of overspeaking, it says, and

1 then the question put to you:

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

4 "Answer: I don't now.

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

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

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

15 A. That's correct, yes.

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

18 A. Yes.

19 Q. And it's Chief Superintendent McEwan who is informing
20 the Gold Group about their concern, about the family
21 concerns.

22 A. Yes.

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

25 A. It says:

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

4 Q. Now, do you remember conversation around that in
5 particular, the discussions around the mum coming up
6 from London?

7 A. Not now, no.

8 Q. No. Does anything said there about the family craving
9 reassurance on any particular matter assist you in any
10 way?

11 A. It doesn't now, sorry.

12 Q. Would it have been helpful for you to have taken note of
13 that at the time if the family were asking for stuff so
14 that now we would have a better understanding of what
15 happened?

16 A. The notes clearly from the gold which happened in really
17 quick succession after that meeting clearly document
18 that those concerns were raised. I suppose I'm being
19 asked: do I remember it now? No. But I'm quite
20 reassured and confident that soon after that meeting
21 those concerns that were recorded are brought to the
22 attention of the gold, and I think at that meeting also
23 the PIRC. So ...

24 Q. Might I then ask you another question about the
25 post-mortem, and it's in relation to a document which

1 I think is your day notes, and the reference for that is
2 PS09169. If we could scroll down just a little -- oh,
3 sorry, if we scroll up first of all just to orientate
4 ourselves. Do we see that's Thursday 14 May 2015?

5 A. Yes.

6 Q. And this is your daybook; is that correct?

7 A. Yes.

8 Q. Yes, you seemed a little hesitant?

9 A. Sorry, I'm just reading it back. Yeah, it is my
10 daybook, yeah.

11 Q. Now, if we can scroll down slightly, we see, as
12 reflected in your evidence, it says:

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

14 And we see that there:

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

18 So is that you reflecting on that particular issue?

19 A. Can I ask just to go back up again? Sorry. I assume --
20 so, it doesn't look like it's part of a meeting -- that
21 I'm reflecting a conversation. So I'm unsure but it
22 doesn't look like I'm sitting in a meeting at that
23 point.

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

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

3 "Give some clarity to public.

4 "Not necessary to reveal."

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

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

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

8 A. Oh, from the top, sorry?

9 Q. Yes.

10 A. So:

11 "Could have provided some clarity on PM result.

12 Give some clarity to public.

13 "Not necessary to reveal.

14 "I disclosed 2nd PM to advisers. Requested not to
15 further disclosure~..."

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

17 "... Specific question as to body release date. No
18 evident withdrawal from current groups."

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

21 A. Now, no.

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

24 A. My reflection then, having seen that now, then -- so

25 I~...:

1 "Could have provided some clarity on PM result.

2 Give some clarity to public."

3 Not sure the context round about that:

4 "Not necessary to reveal."

5 Q. "Not necessary to reveal.

6 "I disclosed second PM to advisers."

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

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

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

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

14 Q. Can you tell us anything about that?

15 A. I don't recall doing it, but certainly that would --
16 that infers that I have. So I assume that's what I've
17 done.

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

19 A. The purpose of informing the lay advisers, so going back
20 to that community impact assessment, that we had
21 identified trigger points, one of which was the funeral,
22 so if I'm reflecting back, the discussions with the lay
23 advisers at that point, one of the issues we were
24 looking -- or they were looking for information from was
25 on the funeral. My recollection is not detailed enough

1 to probably give you too much more about that, but other
2 than the fact that I would have thought that was
3 relevant to informing them that if there was a second PM
4 then the funeral wouldn't be known.

5 Q. Are you able to tell us now whether or not you disclosed
6 details of the post-mortem or just the fact that it was
7 a post-mortem?

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

10 Q. What does it then mean:

11 "Requested not to further disclose."?

12 A. I assume I have recorded the fact that I've asked --
13 I've told them in confidence that there's a second
14 post-mortem.

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

16 A. No.

17 Q. And what would be the point in requesting them not to
18 further disclose, ie to tell them and them alone about
19 that?

20 A. Because that's -- that was the point of their role that
21 I was using them for at that point, which was to give us
22 advice in the lead-up and once we got to the point of
23 that funeral. So the trigger points in the community
24 impact assessment were going to be that funeral, so they
25 would quite readily be asking questions as to what we

1 knew and what the process and timing would be. So to
2 allow me to answer that, my natural response would have
3 been if there's a second PM my knowledge would be then,
4 "Until that's complete, I probably can't provide you the
5 details of the funeral". But that was -- I've not
6 recorded that there's been anything over and above the
7 actual fact that there's a second post-mortem.

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

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

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

18 A. Mm-hm.

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

1 A. Yeah.

2 Q. -- giving that in evidence?

3 A. Yeah.

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

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

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

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

14 Q. That was the reason?

15 A. Yeah.

16 Q. PIRC had now taken over.

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

21 A. In my role as local area commander, I was quite clear
22 where my roles and responsibilities lay. And my
23 understanding from gold right from the outset was the
24 conduit into PIRC, was -- certainly from comms, was
25 going to come through Corporate Comms. So that was my

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

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

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

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

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

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

22 A. Yes.

23 Q. I'm just saying --

24 A. Okay, yeah.

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

1 you did that.

2 A. Okay.

3 Q. And I take it you don't have any recollection of doing
4 that?

5 A. Not from the gold meetings, no.

6 Q. Okay.

7 Your understanding was the way that you were to
8 intromit with PIRC was through comms?

9 A. Yes, or --

10 Q. Yes, carry on.

11 A. -- you know as part of the investigation, I think
12 I spoke yesterday that the Major Investigation Team were
13 also the point of contact for the PIRC in terms of the
14 investigation, so there was a number of routes. So
15 I think I said yesterday that when I had questions of
16 background information for the family, I put that to the
17 Major Investigation Team at the community reassurance
18 groups so that could then go to the PIRC and then that
19 would be the natural feedback to me. So I suppose there
20 was more than one, when I put it in that context.

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

23 A. I would have to go back to the Community Impact
24 Reassurance Group meetings -- in relation to the CT
25 aspect?

1 Q. Yes.

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

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

15 A. I suppose in terms of active steps. So the meeting that
16 I'm referencing that the Scottish Police Federation
17 raised, "Other members of staff have asked this
18 question", then there was an action given to Corporate
19 Comms in my presence. So active, whether I issued that
20 action, I was aware it was issued, I was aware it was
21 discussed, CT, at that first gold meeting.

22 So, just in terms of my levels of assurance that
23 that was being raised, I have to take confidence from
24 the fact that these actions were given out, you know,
25 there was actions at other Community Impact Reassurance

1 Group meetings in relation to some of the issues we
2 couldn't ask that were taken by -- Gordon Crosan takes
3 one, from looking back at the minutes, to take back to
4 Corporate Communications. Certainly Alan Seath has
5 conversations with Corporate Communications about some
6 of the points that we can't answer. But certainly in
7 relation to the CT, that action was given to Corporate
8 Comms, and it's their role to take that back to PIRC.

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

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

15 A. I couldn't answer that. I think that would have to
16 be -- Corporate Comms would have to confirm what came
17 back. I don't have a recollection of somebody coming
18 back to me to say -- an explanation of that.

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

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

25 Q. I take it following on from what you just said you then

1 don't then remember, yourself, passing on that message
2 to anyone to be able to reassure --

3 A. I don't remember that.

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

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

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

14 Q. I see, sorry, apologies.

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

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

21 Then it goes on to say:

22 "... reassurance measures put in place ... [for] ...
23 the Islamic community."

24 But I would like to look at this first sentence that
25 I've read out. What do you understand it to mean by

1 community, but the --

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

4 " ... links with Bayoh's perceived ethnicity or
5 religion~...?"

6 A. The fact that Mr Bayoh was black, the fact that history
7 tells us that deaths in police custody are clearly going
8 to have an impact. Mr Bayoh was black, that is going to
9 have an impact, undoubtedly, on concerns within the
10 community. That's how I'm interpreting that.

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

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

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

17 Q. Can you understand what it means?

18 A. I suppose it's making an assumption round about the
19 Islamic community and places of worship where, you know,
20 if we talk about -- my point I suppose is Mr Bayoh's
21 perceived ethnicity, and up until this point none of
22 that was confirmed, so there's probably some
23 generalisations and assumptions within that, that -- and
24 I don't know when it was written -- as to how that's
25 then been formed. So that would be my observation, is

1 it's quite general comments and assumptions round about
 2 faith and ethnicity where -- that was the points I was
 3 constantly raising with the MIT, was to have that
 4 determined, so ...

5 Q. You've talked about his perceived ethnicity and faith.
 6 This is headed up, "Islamic community", and it talks
 7 about:

8 "The public and press interest in relation to
 9 ethnicity or religion, which in turn has the
 10 potential~..."

11 Ie his ethnicity or religion:

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

13 So it's the matter of his ethnicity or religion
 14 raising concerns in the community. Then it goes on to
 15 consider how that could be dealt with and suggests that
 16 reassurance measures should be put in place for the
 17 Islamic community.

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

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

24 Q. Okay. In that paragraph, do we see that there is
 25 concern for the Islamic community? I'll give you time

1 to read the whole paragraph first.

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

4 Q. Yes, that there is concern for the Islamic community, or
5 may be concern.

6 A. Yes.

7 Q. What was the basis of that concern?

8 A. From that paragraph?

9 Q. Yes.

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

12 Q. And I'm asking you: can you help the Inquiry by
13 explaining why that might be? Do you know why that
14 might be?

15 A. Why it's perceived?

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

17 A. I'm not following the question.

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

23 A. Yes, you know, the impact on the community in a wider
24 sense was absolutely recognised. The fact that Mr Bayoh
25 was black, that he was certainly reported to me to be of

1 Muslim faith, that there would automatically then be
2 potential community tensions within those communities
3 and beyond those communities. So I absolutely recognise
4 that those were factors that could have the potential to
5 raise concern.

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

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

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

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

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

1 that you had done in that.

2 What I want to ask you about is going back to the
3 specific circumstance of this particular case. When you
4 were going to go and see the family, you took advice
5 from Gill Boulton?

6 A. Yeah.

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

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

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

18 A. It would be fair to say.

19 Q. Did you already know those things that you were being
20 told about?

21 A. Yes.

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

25 A. Not that I can recollect now.

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

8 Yesterday, just to refresh your memory, it says:

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

13 Then your answer was:

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

16 [Day 51, page 165, line 18]

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

22 A. I don't recall asking that.

23 Q. No.

24 Had you asked that, and that was something which
25 might have been of relevance, would you have imagined

1 writing that down in your notebook?

2 A. Potentially.

3 LORD BRACADALE: Mr Henry, if you want to come over.

4 (Pause)

5 Superintendent, you're going to be asked questions
6 by Mr Henry, junior counsel for the Coalition for Racial
7 Equality and Rights.

8 Questions from MR HENRY

9 MR HENRY: Thank you.

10 Superintendent, there are two matters that I would
11 wish to ask you questions about. The first one relates
12 to a meeting of the lay advisers subgroup on 22 May,
13 which I think you were present at. I wonder if we could
14 have the minutes of that meeting up on the screen.
15 That's document PS08934.

16 I'm interested in a couple of paragraphs on page 2
17 of this document, Superintendent. If we see the second
18 full paragraph there, which starts:

19 "Sayed mentioned ..."

20 Do you see that there?

21 A. I do, yeah.

22 Q. "Sayed mentioned that the death had featured in
23 a Glasgow newspaper, purchased generally by the Muslim
24 community and that the article had criticised the
25 police. He did not go into detail however said that he

1 would email a copy of the article to
2 Chief Inspector Shepherd. He went on to say that he had
3 links to the African community in Glasgow and that
4 certain sections of that community were concerned that
5 the police had done something wrong."

6 The next paragraph goes on to say:

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

14 Superintendent, I'm interested in the reference to
15 the comment about the link to the African community in
16 Glasgow and that certain sections of that community were
17 concerned that the police had done something wrong.

18 Do you have any recollection of this meeting or that
19 comment being made?

20 A. Not now, no.

21 Q. Looking at the minutes of that meeting, when it stated
22 that there was a concern raised that sections of the
23 African community in Glasgow were concerned that the
24 police had done something wrong, what do you think was
25 meant by that?

- 1 A. On recollection, I don't -- I don't recall it, but
 2 I think it would be fair to say that clearly the lay
 3 adviser had concerns that he thought we should know
 4 about.
- 5 Q. And you see in response to this you said that you would
 6 take a task to prepare and send out a form of words to
 7 elected members. Would those be the elected members in
 8 Kirkcaldy that you discussed yesterday?
- 9 A. I wouldn't have assumed so, simply because he was being
 10 specific to Glasgow.
- 11 Q. Are you able to recall what, if any, actions you took or
 12 Police Scotland took to address the concerns of the
 13 African community following this meeting?
- 14 A. Specific examples, no. I think that question could be
 15 readily answered, though, by Safer Communities, who were
 16 clearly overseeing, you know, the local and national
 17 reassurance activities that were ongoing.
- 18 Q. We see there reference to you taking a task to prepare
 19 and send out a form of words to elected members; other
 20 than that, are you able to recall any specific tasks you
 21 took to address those concerns?
- 22 A. I don't, but given that somebody's raised them, then
 23 I would have escalated them to Safer Comms.
- 24 Q. That would be a matter for Safer Communities?
- 25 A. Absolutely, yes.

1 Q. The second matter that I want to ask you about,
2 Superintendent, is more generally: as I think you stated
3 to my learned friend Ms Mitchell, Mr Bayoh was black,
4 you've also discussed yesterday that he was Muslim and
5 there was a lot of questions yesterday about Mr Bayoh's
6 faith, and interactions and dealings and considerations
7 in relation to his faith community.

8 In May 2015, were you aware, whether in England or
9 perhaps the USA, of any incidents where black men had
10 died following incidents with the police or contact with
11 the police?

12 A. Yes.

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

16 A. Yes.

17 Q. I'm just interested in your views, Superintendent, on
18 whether, looking at the community engagement and
19 community impact work that you carried out, whether you
20 think that there was sufficient focus or sufficient
21 engagement with the black community, as opposed to the
22 Muslim community, into any concerns or impact on that
23 community?

24 A. Again, I would probably direct -- that question would be
25 best answered by Safer Communities in terms of,

1 you know, was it sufficient, you know, the role that
2 Safer Communities were performing was to look at that
3 whole national and, you know, local communities to then,
4 you know -- the strategy they had was then what would
5 need to be done and ultimately then they would assess
6 what would be done and then they would then assess: is
7 that sufficient, given what's been identified? So they
8 would be, you know, that was their role.

9 Q. In terms of the work, the community engagement or the
10 community impact and reassurance work that you carried
11 out following Mr Bayoh's death, in your own view, do you
12 think that there was sufficient attention given to any
13 concerns or needs of the black community as opposed to
14 the Muslim community?

15 A. Again, similar to my last point, so Safer Communities,
16 as part of that strategy, were devising, you know, means
17 with which to engage, gather and assess information.
18 That included all those communities, and that was local
19 to Kirkcaldy as well as taking that responsibility
20 nationally. Was it sufficient? I don't think I'm --
21 I would be able to answer that.

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

23 A. That was their role.

24 MR HENRY: Thank you, Superintendent.

25 THE WITNESS: Thank you.

1 MR HENRY: Thank you, sir.

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

5 (The witness withdrew)

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

8 (10.44 am)

9 (The hearing adjourned)

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