

1 Tuesday, 17 May 2022

2 (10.01 am)

3 LORD BRACADALE: Good morning.

4 Ms Grahame, who is the first witness today?

5 MS GRAHAME: The first witness is Alan Pearson.

6 LORD BRACADALE: Good morning, Mr Pearson.

7 A. Good morning.

8 LORD BRACADALE: You're going to be asked questions by

9 Ms Grahame, but before that, I will put you on oath, so

10 would you raise your hand and say the words of the oath.

11 MR ALAN PEARSON (sworn)

12 LORD BRACADALE: Ms Grahame.

13 Questions from MS GRAHAME

14 MS GRAHAME: Good morning, Mr Pearson.

15 A. Good morning.

16 Q. You're Alan Pearson?

17 A. Yes.

18 Q. And the Inquiry have been provided with all of your

19 contact details and such-like?

20 A. Okay.

21 Q. Thank you. I would like to refer you to your statement.

22 You have kindly given the Inquiry a statement and that

23 is SBPI 00085. But you will see a black folder in front

24 of you as well, Mr Pearson?

25 A. Yes.

1 Q. And you will see that there are hard copies, paper  
2 copies, in that folder. Now, as well as your Inquiry  
3 statement, you should also have a couple of other  
4 statements as well in there, so I just wanted to let you  
5 know if at any time you want to look at the hard copy,  
6 please feel free to do so. They are for your use, if  
7 you wish.

8 A. Right.

9 Q. But when I take you through those documents, it will  
10 also come up on the screen in front of you.

11 A. Okay.

12 Q. And in fact, you will see now that your witness  
13 statement to the Inquiry is on the screen and it says it  
14 was taken via the telephone on Tuesday 5 April; is that  
15 correct?

16 A. Yes, that's correct.

17 Q. And then would you look, please, at the final page and  
18 you will see that paragraph 35 says:

19 "I believe the facts stated in this witness  
20 statement are true. I understand that this statement  
21 may form part of the evidence before the Inquiry and be  
22 published on [our website]."

23 And in fact, you signed all of the pages of that  
24 statement.

25 A. Yes.

1 Q. Thank you. And you will see your signature on the hard  
2 copy in front of you, but for the purposes of displaying  
3 it on the screen, we have redacted your signature.

4 A. Okay.

5 Q. Thanks. Can I take you to Sunday, 3 May 2015, around  
6 7.00 in the morning, and your statement has told us that  
7 at one point you were in Templehall Avenue in Kirkcaldy?

8 A. Yes.

9 Q. And what I'm going to do is bring up a map on screen so  
10 that we can listen to your evidence as we go through,  
11 and that's the scene overview please, Ms Wildgoose.  
12 Now, just to let you see -- tell you what we see on the  
13 screen here, you will see in the -- towards the top  
14 left, just below the top, the street Arran Crescent, and  
15 then parallel to that is a yellow street,  
16 Templehall Avenue?

17 A. Yes.

18 Q. So that's to the left of the screen. And then if you  
19 were to travel east on Templehall Avenue you would come  
20 to a street called Hendry Road that travels from the top  
21 of the screen right down to the bottom.

22 A. Yes.

23 Q. You know this area, don't you?

24 A. Yes.

25 Q. And then the street on the right-hand side of the screen

1 is Hayfield Road?

2 A. Yes.

3 Q. Thank you. So about 7.00 in the morning that day, what  
4 were you driving?

5 A. At the time I had a Ford -- a silver Ford Focus.

6 Q. And you were with your wife in the car?

7 A. Yes, that's correct. I was driving her down to her  
8 sister-in-law's. They were going out for the day.

9 Q. Her sister-in-law or your sister-in-law?

10 A. Her sister-in-law.

11 Q. Okay. And can you tell me where were you -- we  
12 understand your wife drew something to your attention?

13 A. So coming down Hendry Road to the mini-roundabout and  
14 then turn right onto Templehall Avenue, the row of  
15 houses in front, just below Lochlea Grove -- I think  
16 it's called Lochlea Terrace, I actually know the area  
17 pretty well because my mum and dad actually stay in that  
18 estate, and maybe just after the entrance where  
19 Cheviot Road comes up to meet -- I don't know if I could  
20 mark it on this -- can I mark it on that?

21 Q. I was going to say, I'm going to take you though this  
22 quite slowly if you don't mind.

23 A. Yes.

24 Q. You know the area a lot better than we do.

25 A. Okay.

- 1 Q. So you were talking about coming down Hendry Road and  
2 turning right into Templehall Avenue?
- 3 A. Yes.
- 4 Q. And you mentioned a roundabout. Do you want to point  
5 that out? You can touch the screen and a red circle  
6 will appear.
- 7 A. Right, so the mini-roundabout is there.
- 8 Q. Thank you. So you turned right into Templehall Avenue?
- 9 A. Yes.
- 10 Q. And then you have mentioned Lochlea Grove?
- 11 A. Yes, so my parents live in that estate. I think it's  
12 called Lochlea Terrace, the houses on the front, it is  
13 a different street.
- 14 Q. Point that out to us, please.
- 15 A. Can I zoom in or no? Right, okay. So those houses on  
16 the front that face onto Templehall Avenue, I'm pretty  
17 sure they're called Lochlea Terrace, and it was around  
18 about where I have just marked that my wife saw the  
19 individual.
- 20 Q. So that's where the red circle with the number 2 appears  
21 on the screen?
- 22 A. Yes.
- 23 Q. And at that stage, did you see anything yourself?
- 24 A. Not at that point. Obviously early in the morning,  
25 you know, I'm focused on driving a car and it was my

1           wife that turned and looked. I don't know --

2           Q. What did she see?

3           A. She saw a man walking along the street with what  
4           appeared to be a knife in his hand. She then said to me  
5           "That guy's got a knife", and I thought: don't be daft,  
6           you know, it's 7 o'clock on a Sunday morning, you don't  
7           expect anybody to be walking about, but by the time  
8           I had turned to look, I had already driven past, so he  
9           was behind in my blind spot in the car so I didn't  
10          actually see.

11          It wasn't until I dropped Susan off at her  
12          sister-in-law's she says "Go back round and have  
13          a look", so that's what I did.

14          Q. When you say he was in your blind spot, did you see the  
15          man at all?

16          A. I saw someone walking, but, you know, at that stage  
17          I didn't see clothing, you just see a person walking,  
18          you know. At that time in the morning it's -- I don't  
19          even know why she saw it, maybe because she is not  
20          paying attention to driving a car or whatever.

21          Q. Tell us where the man was when you saw him?

22          A. So there used to be a row of trees that divided the  
23          roadside and the pavement. They're all gone now, they  
24          have been taken down sort of -- just right, sorry,  
25          in-between where the 2 is marked I would say because it

1           was past the entrance to Cheviot Road because that  
2           entrance comes up quite quick after the roundabout.

3       Q.   Point out Cheviot Road.  I don't see that on the map  
4           myself.

5       A.   So Cheviot Road is there (indicating) and then it runs  
6           all the way to where number 4 is and then joins  
7           Templehall Avenue again at the top of the hill.

8       Q.   So beside Cheviot Road?

9       A.   Yes.

10      Q.   The entrance?

11      A.   Yes, so ...

12      Q.   So he was on the left-hand side of the street as you  
13           were driving along Templehall Avenue?

14      A.   No, my right.  He was on the right-hand side of the  
15           street between the trees and the houses.

16      Q.   I wonder if you could point out the area where you saw  
17           the man.

18      A.   So obviously at that point I did see a person -- again,  
19           I mean without zooming in, probably where the 2 is  
20           marked, you know, you just see somebody walking past and  
21           that's it, a quick glimpse and then he is too far back  
22           to really see any detail.

23      Q.   Where was he at the time you saw him out of the side of  
24           your eye?

25      A.   How do you mean?

- 1 Q. Well, you're driving along Templehall Avenue --
- 2 A. Yes.
- 3 Q. -- he is on your right-hand side; was he on the road or
- 4 the pavement?
- 5 A. No, he was on the pavement. So between -- so the road
- 6 has a verge, a grass verge and that's where the trees
- 7 used to be. Then the pavement, then the houses, so --
- 8 it was an old school, so the brick wall is still there
- 9 to divide the pavement to the housing estate so, as
- 10 I say, he was between the wall and the trees, walking
- 11 along the pavement on my right.
- 12 Q. And you dropped your wife off?
- 13 A. So --
- 14 Q. And then what did you do?
- 15 A. At the very end of Cheviot Road where it meets
- 16 Morven Grove at number 5, that's where my wife's
- 17 sister-in-law stays and she says to me "Go and go back
- 18 round and have a look". I was like "Right, okay, fine",
- 19 it was 7 o'clock in the morning. I was going to go
- 20 straight home anyway, so I turned -- after dropping her
- 21 off I turned the car, went back along Cheviot Road and
- 22 then back up Sidlaw. I never ever go, sorry, along the
- 23 full length of Cheviot Road because the parking is
- 24 a nightmare, there's cars on both sides of the road so
- 25 I always go up Sidlaw Street.



- 1 Q. What I'm going to do is ask you to draw a line, so  
2 Ms Wildgoose will change the red circle to a line, and  
3 if you drag your finger across the screen, it will draw  
4 one.
- 5 A. Okay.
- 6 Q. So show us where you went from Cheviot Road.
- 7 A. So do I just hold it there? Right, so there and then  
8 back up and then back along to there and at this point  
9 he was nowhere to be seen. I couldn't see him on  
10 Templehall Avenue or Hendry Road and you do get quite  
11 a good visibility of where the White Heather pub is.
- 12 Q. Where is the White Heather pub?
- 13 A. So the White Heather pub is about -- sorry -- about  
14 there.
- 15 Q. Thank you.
- 16 A. And another mini-roundabout there at number 10, so at  
17 the mini-roundabout at number 1, I then turned right to  
18 come back down towards the White Heather pub. I don't  
19 know if I can --
- 20 Q. Do you want to draw -- remove that number 11 with the  
21 red circle and do you want to draw a line showing your  
22 route.
- 23 A. Yes, so from -- so back to the mini-roundabout, so  
24 between the two mini-roundabouts, between 1 and 10, and  
25 then at the mini-roundabout I then went along

1 Hayfield Road because that's the quickest way back to  
2 where I stay.

3 Q. So you turned left?

4 A. Yes, onto Hayfield Road, and then probably it would be  
5 about to there, just past the entrance to the industrial  
6 estate at Hayfield Place.

7 Q. And tell us what you saw when you got to that area?

8 A. So as I was driving along Hayfield Road, I noticed the  
9 man on my left on the pavement walking away from me  
10 towards the hospital, and as I drove along he then  
11 crossed in the road. There was an oncoming car and I'm  
12 sure it was a taxi, but I couldn't tell you what taxi  
13 firm it was, I don't know what the numbers were on the  
14 top of it, and it looked like he was going to flag down  
15 a taxi. Right, okay, fine, nothing untoward.

16 I don't know if the taxi came to a full stop or  
17 whether he was travelling very slow, but it looked like  
18 he then tried to strike the top of the taxi, as if  
19 either hitting it or -- you know, almost like the taxi  
20 wouldn't stop for him, and then the taxi sped off and  
21 that's when he then turned towards and faced me and  
22 almost made the gesture as if he couldn't believe that  
23 the taxi -- you know, like on a night out if a taxi  
24 doesn't stop you sort of go like that (indicating),  
25 you know, and put your arms out and then that's when

1 I saw a knife -- so he is facing me, in his right-hand.  
2 That's when I stopped the car, thought "Okay, I'm not  
3 going any further", reversed back to the entrance of the  
4 industrial estate, Hayfield Place -- I don't know if  
5 I can ... right, so that entrance at number 13.  
6 I reversed the car into the entrance back first, turned  
7 and then went back towards the White Heather pub.

8 There was another few cars coming towards me at that  
9 point, so I sort of flashed my lights, put my hand out  
10 of the window to stop them, and I think it was a guy in  
11 the first car and I says "I would turn around, that  
12 guy's got a knife", but he wasn't like coming towards  
13 the cars, he was just sort of standing there, you know  
14 what I mean.

15 It was quite -- it would maybe take somebody  
16 20 seconds to run that distance, so it's not like he was  
17 in a hurry or anything, and then I just drove off after  
18 that, you know, once I had told the first car -- I can't  
19 even remember what make/colour it was, so driving back  
20 towards Hayfield -- towards the White Heather pub, the  
21 mini-roundabout at number 10, I then turned right --

22 Q. I don't like interrupting --

23 A. No, that's fine.

24 Q. -- but if you don't mind, you have given us a lot of  
25 information, and what I'm going to do is go through that

- 1 a little bit more slowly and ask you some further  
2 questions, if that's okay.
- 3 A. No worries.
- 4 Q. So you have talked about driving into Hayfield Road and  
5 you indicated with line 12 that you stopped at the  
6 junction with Hayfield Place.
- 7 A. Yes, just after it.
- 8 Q. Just after that. And there was a taxi in front of you,  
9 you thought.
- 10 A. Yes, it was coming the other way. It was the only other  
11 car on the road, that's why I noticed it.
- 12 Q. So it was on the other side of the road?
- 13 A. Yes, travelling back towards the White Heather.
- 14 Q. And you saw the man?
- 15 A. Yes.
- 16 Q. Can you describe what the man was wearing?
- 17 A. If I remember correctly, a white T-shirt, what looked  
18 like quite a tight-fitting T-shirt and blue jeans.  
19 That's all I remember. I don't know what kind of shoes  
20 he had on or anything like that.
- 21 Q. Can you describe what height he was?
- 22 A. Maybe 6-foot.
- 23 Q. And build?
- 24 A. Big build. Not fat, but well muscled.
- 25 Q. And he -- what side of the road was he on?

- 1 A. So he was on the left-hand side of the road on the  
2 pavement and then, as I say, crossed into the centre of  
3 the road when the taxi was coming the other way.
- 4 Q. Where did he hit the taxi?
- 5 A. I'm sure it was on the roof, like when you lean in to  
6 talk to a driver to say where you want to go and that,  
7 and it looked as if it was on the roof of the taxi,  
8 above the driver's door to me.
- 9 Q. How did he hit the taxi?
- 10 A. It looked like his fist, you know, sort of with his fist  
11 going down on the roof. That's what it looked like.
- 12 Q. And you have said the taxi continued driving along --
- 13 A. Yes.
- 14 Q. -- the road and the taxi was travelling towards  
15 Hendry Road?
- 16 A. Yes.
- 17 Q. What did the man do? You have given us a brief  
18 description.
- 19 A. So once the taxi sped off, he probably did what anybody  
20 does and turned to face the taxi and to face me --  
21 although not looking at me, but when he turned around,  
22 as I say, he sort of put his hands out by his side, sort  
23 of palms up, but that's when I saw what looked like  
24 a knife in his right-hand.
- 25 Q. Do you see on the desk we have a panel, and I wonder

- 1           would you mind standing up and demonstrating that  
2           gesture so that everyone can see.
- 3       A.   Yes, no worries.
- 4       Q.   Thank you.
- 5       A.   So as the taxi is speeding past he would turn and he  
6           sort of went like that (indicating), knife in that hand  
7           as he is facing me, so in his right-hand, but that was  
8           it. There was no other movement and that's when  
9           I stopped my car thinking "Right, okay, no further".
- 10      Q.   Was he still in the middle of the road at that stage?
- 11      A.   He was, yes.
- 12      Q.   You can sit down now, sorry. And would you be able to  
13           describe the knife that you saw?
- 14      A.   Well, it looked like a kitchen knife, but it didn't look  
15           serrated, so not a bread knife. Maybe -- the only thing  
16           I could maybe compare it to in my kitchen is the turkey  
17           carving knife you use at Christmas, you know. Quite big  
18           in size.
- 19      Q.   What size was it?
- 20      A.   I'm trying to think, maybe 6/7 inches, maybe  
21           (indicating), maybe a bit bigger than that.
- 22      Q.   Thank you. That looks more than 6/7 inches to me?
- 23      A.   Aye, probably a bit bigger.
- 24      Q.   So what size was the blade part?
- 25      A.   Aye, probably that size, I would say.

1 Q. And what size was the handle?

2 A. I couldn't really tell from that distance, you know,  
3 plus when it's gripped in a hand, you wouldn't -- you  
4 couldn't see the end of it, do you know what I mean?  
5 You didn't -- it wasn't poking out the other side of his  
6 hand, you know.

7 Q. What colour was the handle, could you tell?

8 A. I want to say brown, but I'm not 100% sure.

9 Q. Okay.

10 A. It wasn't black -- it didn't look plastic anyway.

11 Q. I would like to show you something now, please.

12 Ms Wildgoose will hand it to you. It is in a plastic  
13 container. You don't need to take it out. You can just  
14 look at it through -- and I'm going to ask you  
15 a question in a moment. You can touch it and in the  
16 meantime Ms Wildgoose will put a photograph on the  
17 screen of what's actually contained in that container.

18 Do you recognise that?

19 A. Not really. To me that's a different knife, but again,  
20 from distance you can't -- I'm not 100% sure.

21 Q. Right, thank you. Ms Wildgoose will take that away.

22 You have described what the man was doing in  
23 relation to the taxi. Did you form any impression at  
24 that time about his mood, or the way he was acting?

25 A. No, up until the point where I saw the knife in his hand

1 I just thought, "Well, the taxi's not going to stop for  
2 this guy, okay, whatever", but obviously with the wife  
3 saying "That man's got a knife", it's kind of always in  
4 the back of your head, you know, "What's going on here?"  
5 and as I say, when he turned to face me and I saw it,  
6 that's when I stopped.

7 Q. How were you feeling at that time?

8 A. I don't know, I mean not scared. As I say, it's not as  
9 if he was coming towards my car, you know, he was just  
10 sort of standing there, but I made a split second  
11 decision just to reverse the car away from the incident.

12 Q. Sorry, the screen has gone back. If we can get the map  
13 back. I think earlier you said to us that when you  
14 reversed along Hayfield Road, you reversed, was it, into  
15 Hayfield Place?

16 A. Yes.

17 Q. And then you went back towards the roundabout at  
18 Hendry Road?

19 A. Yes.

20 Q. You mentioned earlier that you had spoken to other  
21 drivers, another driver. Could you tell us again what  
22 you did?

23 A. So when I turned back into the road there was another  
24 car coming towards me, so I put my window down, sort of  
25 made the gesture to stop, or at least slow down, and



1           then when I got alongside, that's when I said to the  
2           driver that -- I actually pointed over my shoulder "That  
3           guy's got a knife in his hand", and that was pretty much  
4           it as far as I remember.

5           Q.   Were you able to see the man at that stage?

6           A.   In my rear-view mirror, yes.

7           Q.   Where was he?

8           A.   So he was -- sorry, in -- not in the centre line but in  
9           the centre of the lane.

10          Q.   Which lane?

11          A.   So I'm ... I'm looking in the mirror. I want to say the  
12          right lane.

13          Q.   Was he behind your car or --

14          A.   Yes, at that time he was still -- he was behind my car.

15          Q.   So you're driving towards Hendry Road?

16          A.   Yes.

17          Q.   Along Hayfield Road and he is in the lane behind your  
18          car?

19          A.   Yes.

20          Q.   Was he doing -- what was he doing at that time?

21          A.   Nothing, but, as I say, I only looked in my mirror for  
22          a split second, you know.

23          Q.   And the other car that you -- the driver you spoke to,  
24          what did they do?

25          A.   As far as I'm aware they turned in the road where they

1           were, because it is quite a wide road, you probably  
2           could make a three-point turn, no problem, but by that  
3           point I had already driven off, you know, back towards  
4           the roundabout.

5           Q.   When you went back towards the roundabout with  
6           Hendry Road, what did you do?

7           A.   So I turned right to go back up the hill towards -- so  
8           there's -- back towards the original mini-roundabout  
9           that was at number 1.

10          Q.   Do you want to point that out on the screen again?

11          A.   So back up towards that roundabout and then continued up  
12          the road, past the entrance to Hayfield, so past that  
13          entrance, and then there's a bus stop around about there  
14          (indicating), just at the crest of the hill, and that's  
15          where I stopped the car to --

16          Q.   What did you do?

17          A.   So I phoned 999 at that point.

18          Q.   I would like you to listen now to a recording and you  
19          will hear it in the room, and at the same time you will  
20          have -- you should have in your black folder  
21          a transcript in front of you.

22          A.   Right.

23          Q.   So it's -- the recording is PS404 and the transcript is  
24          SBPI -- or perhaps it is -- it may be PIRC 01383.

25          A.   That's that one.

1 Q. And you will see that this is a transcript of what  
2 you're going to be listening to.

3 A. Okay.

4 Q. So I will ask Ms Wildgoose to just play that through and  
5 then I will ask you some questions.

6 (Audio played)

7 Thank you. Does that sound familiar?

8 A. Yes.

9 Q. Is that your voice that we can hear?

10 A. It is, yes.

11 Q. Speaking to someone from Police Scotland?

12 A. Yes.

13 Q. And that's the call that you made when you were sitting  
14 on Hendry Road?

15 A. Yes.

16 Q. Is the transcript accurate?

17 A. I think so. The only thing there was that I never  
18 actually told the handler the size of the knife at the  
19 time, so at the bottom of page 2, the call handler says  
20 "A 9-inch blade", but I never actually said a 9-inch  
21 blade, I just said a knife.

22 Q. So that was information that they provided you?

23 A. Yes.

24 Q. And that -- you're talking about the call handler's  
25 reference:

1                   "Aye, he's got a large knife, a large knife, 9-inch  
2                   blade"?

3           A.   Yes.

4           Q.   So that wasn't your information?

5           A.   No.

6           Q.   Thank you.  And do you see that the -- more than halfway  
7                   down the first page you're said to say "afoa(?)"?

8           A.   Aye, but you would spell it like P-H-O-A, you know.

9           Q.   And then you use the expression:

10                    "It's a big coloured guy, quite well built."

11           A.   Yes.

12           Q.   And the call handler says "He is coloured".  Using that  
13                   word, do you have any sense of if that's a word that --

14           A.   Looking back on it, yes, I shouldn't have used that  
15                   word, I should have just used the term "black man", but  
16                   at the time it just came out.

17           Q.   Thank you.  Can I ask you now to look at an evidence  
18                   video timeline, please.  What we will do here is I'm  
19                   going to put something on the screen, but if we can  
20                   pause it for the moment I'm going to explain to you what  
21                   you're going to see here.

22           A.   Yes.

23           Q.   Now, you will see on the screen in front of you, on the  
24                   top left-hand side, there's a grey area called "Real  
25                   time", 7.13.16.

1 A. Yes.

2 Q. And we heard evidence last week that that's the real,  
3 actual time.

4 A. Okay.

5 Q. And you will see underneath there that there's two dark  
6 red buttons: 101 calls and 999 calls, and at some point  
7 you will see one of them light up.

8 A. Okay.

9 Q. And on the bottom left we have dash cam footage that we  
10 have heard some evidence about from a car that was in  
11 the area, and then in the top right-hand corner is CCTV  
12 footage from Gallaghers pub, which we have also heard at  
13 one point was called the White Heather.

14 A. Yes.

15 Q. And that footage is from a camera that's fixed on the  
16 public house and is looking over to the roundabout and  
17 in the distance is Hayfield Road.

18 A. Yes.

19 Q. So the road that you see spanning that, crossing that  
20 scene is Hendry Road, the roundabout, then you would --  
21 it travels into the distance away is Hayfield Road?

22 A. Yes.

23 Q. I'm going to play some sections of this from what I'm  
24 calling phase 1 of this footage, and it will be from  
25 7.13.15 or 16, to 7.16.36 so it is quite a short

1 segment. What I will do first of all is just play that  
2 in its entirety.

3 While I'm doing that, I wonder if you have  
4 a spreadsheet in front of you?

5 A. This one?

6 Q. Yes. And this is a copy for you to use as we go  
7 through, Mr Pearson.

8 A. Okay.

9 Q. And you will see at the beginning of that spreadsheet on  
10 the left-hand side there's timings given. It says  
11 "Video timings", there's a column on the left which  
12 gives all the timings?

13 A. Yes.

14 Q. And there's another column, if you go further along,  
15 just after halfway, it says "Description of visible  
16 events in video".

17 A. Okay.

18 Q. And you will see that there's a brief description given  
19 there. As I say, what I will do first of all is just  
20 play this footage from the times I have given, so that's  
21 7.13.16 to 7.16.36. Thank you very much.

22 (Video played)

23 Thank you. So if we could rewind just to the  
24 beginning of that. Did you see at the first footage  
25 that -- we have heard evidence that's at

1 Templehall Avenue, the dash cam footage. Did you  
2 recognise that street?

3 A. Yes, looking -- that's Hayfield Road looking towards  
4 Victoria Hospital.

5 Q. Thank you. And did you recognise the man that you saw  
6 in the middle of the road in the first footage?

7 A. Yes, yes.

8 Q. Is that the man you saw?

9 A. Yes.

10 Q. And did we then hear your voice making the 999 call --  
11 part of it --

12 A. Yes.

13 Q. -- not complete, as you have just listened to.

14 Then after you had called the police would you tell  
15 us where you went after that?

16 A. So I was in the lay-by at the top of the hill on  
17 Hendry Road. I maybe sat there for maybe 30 seconds  
18 just after the call. I could hear -- I think I remember  
19 hearing sirens in the distance, but then I drove back  
20 down Hendry Road back towards where the pub is --  
21 I don't know why I did it, to be honest. Maybe just  
22 to -- sort of if the police needed a point in the right  
23 direction, so as I approached the mini-roundabout that  
24 is on Templehall Avenue, I continued straight forward to  
25 the next mini-roundabout --

- 1 Q. I will maybe get the map back on the screen at this  
2 stage, the scene overview. So you have explained to us  
3 that you were quite far up Hendry Road. You turned --
- 4 A. Yes.
- 5 Q. -- and came back down Hendry Road. Which roundabout  
6 were you talking about there?
- 7 A. So those two mini-roundabouts, there and there, so the  
8 first one as I'm travelling down Hendry Road straight  
9 across at the first mini-roundabout and then obviously  
10 where the pub is at the second mini-roundabout, that's  
11 when I saw -- I don't know if it was a police car or  
12 a van, I just remember seeing it coming up the hill and  
13 I thought "Right, okay, they're close enough".
- 14 Q. Where's the hill?
- 15 A. So from the roundabout at number 3 where Wilson Avenue  
16 is, so between 3 and 2 it's quite a -- I wouldn't say  
17 it's a steep hill, but a hill.
- 18 Q. But it's a hill?
- 19 A. Yes, so the police were coming up on that road -- that's  
20 still Hendry Road -- between 3 and 2, and by that --
- 21 Q. Where did the police van go?
- 22 A. So it turned at the mini-roundabout onto Hayfield Road.
- 23 Q. So it turned right?
- 24 A. Yes. But I continued straight on.
- 25 Q. And where were you when you saw the police van coming up



- 1 Hendry Road?
- 2 A. If I remember, I think it turned in front of me so
- 3 I wasn't at the roundabout yet, so I was sort of between
- 4 1 and 2 as it turned into Hayfield Road, and then that's
- 5 it, I just kept going straight, "Okay, fine, police are
- 6 on scene, that's it".
- 7 Q. Okay. Do you remember seeing anything of the man?
- 8 A. No. I had a quick glance but I couldn't see anybody at
- 9 that point.
- 10 Q. Can I ask you to look at a PIRC statement, a statement
- 11 you gave to PIRC. 00067, please. Actually, sorry,
- 12 Ms Wildgoose, I would like the other one which is 00066.
- 13 PIRC 00066. This will be -- you will see this on the
- 14 screen. You will see this is a statement that's been
- 15 prepared. It has your name on it, Alan Pearson.
- 16 A. Yes.
- 17 Q. And if we go down just slightly you will see that the
- 18 statement was taken on 3 May 2015 at 20.55.
- 19 A. Yes.
- 20 Q. So five to 9.00 at night by a DC Miller and a DC Nash at
- 21 your home?
- 22 A. Yes, that's correct.
- 23 Q. Do you remember giving that statement?
- 24 A. Yes.
- 25 Q. And were you given the chance to read over it, or was it

1 read to you?

2 A. I think -- I think they read it back. I'm not overly  
3 sure.

4 Q. Right. Could you go up a little please, Ms Wildgoose.  
5 Sorry, down, so that -- thank you. Were you asked to  
6 sign that statement at any time?

7 A. I can't remember.

8 Q. Okay. Would you have been trying your best to tell  
9 the police the truth at that time?

10 A. Yes.

11 Q. How would your memory have been then compared to now?

12 A. Fairly fresh in your mind, but at that point, I didn't  
13 know that the person had passed away, you know, you just  
14 think it's just a police incident, you know, maybe just  
15 an arrest and that's it.

16 Q. Could I ask you, Ms Wildgoose, to turn to page 2,  
17 please. So this is at the very top of the page, you  
18 will see the first word on that page is "This road".

19 A. Mm-hm.

20 Q. And I would like to go down to paragraph 3, please,  
21 which is near the bottom of the page and that paragraph  
22 starts:

23 "I drove back down towards Gallaghers and seen  
24 the police van coming ahead of me and turning onto  
25 Hayfield Road."

1 Do you have that?

2 A. Yes.

3 Q. I'm going to read this out if you don't mind:

4 "As I drove through the roundabout I seen the male  
5 with the knife walking or standing at the bus stop on  
6 the left as you drive along the road. I seen the police  
7 van stop at him and both doors opened and that's all  
8 I seen. The male with the knife did not brandish it or  
9 act in a threatening way on the two occasions I seen  
10 him."

11 That's noted in the statement you gave PIRC on  
12 3 May, the day this happened. Would that have been the  
13 truth?

14 A. To my recollection, yes.

15 Q. Seeing that now, do you remember that?

16 A. I can't say I remember the van stopping, I genuinely  
17 can't say I remember seeing the individual at this time.

18 Q. Obviously the Chair is looking at everything that we  
19 have for you, Mr Pearson, and we understand it was  
20 a while ago, but if what you have said today is  
21 different from what you said to PIRC on 3 May 2015,  
22 which version do you think the Chair should prefer?

23 A. Probably the one taken on the day it happened.

24 Q. Yes, thanks.

25 Then can I ask for a moment if we could look at the

1 next PIRC statement, which is 00067, and you will see  
2 this is another statement given by you and if we can  
3 just go down the page slightly, and you will see that  
4 was taken on 22 June 2015 at 17.45 by Investigator  
5 Ross Stewart in the presence of Trainee Investigator  
6 Stuart Taylor and that was also taken at your home  
7 address. Do you remember giving that statement the  
8 following month?

9 A. I must admit no, I don't.

10 Q. Right. I'm going to ask you to look at a passage in  
11 this statement which is on page 3 and Ms Wildgoose will  
12 just go through that, and I'm going to read out the  
13 first three paragraphs, and then I will ask you some  
14 questions:

15 "As I was at the roundabout I got a clear view down  
16 Hayfield Road when I saw the same black male walking  
17 back towards the direction of Gallaghers pub. That is  
18 he was walking towards me. I got a clear view of this  
19 male and I cannot say that I saw him in possession of  
20 a knife or anything that looked like a knife at this  
21 time.

22 "I am certain that I saw this black male holding  
23 a knife in his left-hand when I saw him earlier on  
24 Hayfield Road but I did not see him with a knife when  
25 the police arrived."

1           Do you have any recollection of telling PIRC this  
2           when you saw them on 22 June?

3       A. I can't recall. That might have been but I genuinely  
4           can't recall anybody coming to the house a month after  
5           that.

6       Q. If we were to hear from one of the investigators that  
7           they did come to your house on that date, 22 June at  
8           that time, and this is the statement that you provided  
9           then, have you any reason to think that they wouldn't be  
10          correct?

11      A. No, I wouldn't.

12      Q. And on that day, again, were you -- if they come and say  
13          you gave them a statement, would you have been trying  
14          your best to give your best recollection?

15      A. Yes.

16      Q. Thank you. Do you have any recollection at all today of  
17          seeing the man in Hayfield Road that second time?

18      A. Just when he was facing me, when I stopped the car.

19      Q. When you were on Hayfield Road --

20      A. Yes.

21      Q. -- rather than when you were driving down Hendry Road to  
22          the roundabout?

23      A. Yes.

24      Q. Right. Could you just give me one moment?

25      A. Yes.

1 MS GRAHAME: Thank you. (Pause).

2 Thank you very much, Mr Pearson, that's been very

3 helpful. Thank you.

4 A. Okay.

5 LORD BRACADALE: Thank you.

6 Are there any applications in respect of this

7 witness? No, thank you.

8 Well, thank you very much, Mr Pearson, that's the

9 end of your evidence. You are now free to go.

10 A. Okay, thanks.

11 LORD BRACADALE: Now, Ms Grahame, who is the next witness?

12 MS GRAHAME: The next witness is Simon Rowe.

13 (Pause).

14 LORD BRACADALE: Good morning, Mr Rowe.

15 A. Good morning.

16 LORD BRACADALE: You're going to be asked questions by

17 Ms Grahame who sits at the end of the table, but before

18 that, I will ask you to take the oath. Would you raise

19 your hand please.

20 MR SIMON ROWE (sworn)

21 LORD BRACADALE: Ms Grahame.

22 Questions from MS GRAHAME

23 MS GRAHAME: Thank you.

24 Good morning.

25 A. Good morning.

1 Q. Good morning, Mr Rowe. We have your name and your  
2 contact details in the Inquiry, so I don't need you to  
3 say those out loud today.

4 A. No problem.

5 Q. We're going to put in front of you on the screen your  
6 Inquiry statement that you have provided to us and  
7 Ms Wildgoose will be doing that in a moment, it is  
8 SBPI 00018, but as we do that, do you see a black folder  
9 in front of you at the moment? There's going to be  
10 a hard copy of that in front of you as well, so if you  
11 feel at any time you want to refer to your statement, or  
12 anything there, you've got the hard copy and you have  
13 freedom to refer to it. When I'm going through it,  
14 I will tell Ms Wildgoose and she will bring it up on the  
15 screen.

16 A. No bother.

17 Q. But you will probably only be able to see the specific  
18 passage that I'm interested in.

19 Could we look at -- we see there that the witness  
20 statement from yourself was taken on 8 December last  
21 year and could we look at the final page, please.  
22 Sorry, the final paragraph would be better, thank you.  
23 Yes. So this is page 6. You will see paragraph 17 that  
24 says:

25 "I believe the facts stated in this witness

1 statement are true. I understand that this statement  
2 may form part of the evidence before the Inquiry and be  
3 published on the Inquiry's website."

4 And then you will be able to see in the hard copy,  
5 and we can see on this copy, that you signed that, but  
6 the version on the screen has been redacted, Mr Rowe, so  
7 that no one can see your signature.

8 A. No problem.

9 Q. But you accept that that was signed by you?

10 A. Yes, yes.

11 Q. Thank you. And then just below that please, if we can  
12 go down slightly, you also provided a map, a satellite  
13 view, on 5 April this year with some marks on it. Thank  
14 you.

15 Are you happy with your statement?

16 A. Yes.

17 Q. Thank you. Can I ask you about 3 May 2015 and, first of  
18 all, Templehall Avenue. I understand you were working  
19 as a taxi driver?

20 A. I was, yes.

21 Q. And what were you driving?

22 A. A Ford transit taxi.

23 Q. What colour was that?

24 A. Silver.

25 Q. And it was a quiet morning, I think you said in your



1 statement.

2 A. Yes.

3 Q. Was there much traffic about?

4 A. Very little, very little.

5 Q. And you were at work --

6 A. Yes, yes.

7 Q. -- looking for customers, were you?

8 A. I had started work at 4 o'clock that morning, so I had

9 been sitting up at Templehall, a rank at Templehall, and

10 I'd decided to move along towards the hospital just

11 before 7 o'clock.

12 Q. And I think you described yourself as nosey, but I might

13 say observant?

14 A. Yes.

15 Q. Right. And tell us what you saw in Templehall Avenue?

16 A. As I was driving along Templehall Avenue towards the

17 end, just before I turned off to the left for

18 Alloway Drive, I had seen Mr Bayoh crossing the road at

19 the bottom of Alloway Drive, heading towards the

20 mini-roundabout on Hendry Road.

21 Q. I think what we will do is bring a map up on the screen.

22 I'm using the scene overview. Now, are you able to see

23 Hendry Road goes from north to south in the middle of

24 this map. Templehall Avenue is on the left and you have

25 already circled it, that's excellent.

- 1 A. It has disappeared.
- 2 Q. It's disappeared. Press again. So tell us what you  
3 have circled?
- 4 A. That's where I first saw Mr Bayoh, he was crossing the  
5 road, just at the bottom of Alloway Drive. I was  
6 travelling east along Templehall Avenue.
- 7 Q. So you were along Templehall Avenue travelling towards  
8 Hendry Road?
- 9 A. Yes, that's correct.
- 10 Q. And where was Mr Bayoh when you saw him?
- 11 A. Crossing the road at the bottom of Alloway Drive, just  
12 pretty much bang on in the middle of the circle that  
13 I have placed.
- 14 Q. At the junction?
- 15 A. Yes.
- 16 Q. When you say crossing the road, what road was he  
17 crossing?
- 18 A. It's hard to explain here because Alloway Drive would  
19 come right down to the junction there of  
20 Templehall Avenue, but I have noticed that it doesn't  
21 actually say Alloway Drive.
- 22 Q. No, if we follow that white road up we can see it comes  
23 to Alloway Drive?
- 24 A. Yes, it comes to Alloway Drive.
- 25 Q. So where was he when he was crossing the road? What

1 road was it he was crossing? Was it Templehall Avenue  
2 or Alloway Drive?

3 A. No, he was crossing the junction of Alloway Drive, on  
4 the pavement.

5 Q. Right, thank you. Describe him for us at that time,  
6 please?

7 A. A black gentleman, white T-shirt, dark trousers, jeans,  
8 not quite sure what the garments were.

9 Q. What height was he?

10 A. I think I have said in my statement 5'11 to 6-foot.

11 Q. And describe his physique.

12 A. A muscular build; he obviously looked after himself.

13 Q. What was he doing?

14 A. Walking towards Hendry Road mini-roundabout.

15 Q. Was he carrying anything?

16 A. Yes, he was carrying a knife.

17 Q. Describe how he was carrying that?

18 A. In his left hand.

19 Q. And could you hold -- you have gestured with your left  
20 hand. Can you hold that up slightly so everyone can  
21 see?

22 A. (indicating).

23 Q. Was he holding the handle?

24 A. Yes.

25 Q. When you say he was holding a knife, how -- can you

1 describe for us how he was holding it? You have said he  
2 was holding it in his hand?

3 A. As he was walking it was in his left hand, so just with  
4 a walking motion.

5 Q. Right. Could you describe the knife for us?

6 A. Large blade. Size-wise I can't remember from my  
7 statement if I have given a size or not, but it was  
8 a large bladed knife.

9 Q. I wonder if you could look at something for me, please.  
10 Ms Wildgoose will hand a plastic container to you. You  
11 don't -- you can hold it, you don't need to take  
12 anything out, and at the same time she is going to put  
13 on the screen a picture of what's inside that container.  
14 Do you recognise that item?

15 A. I personally couldn't say if it that was the knife or if  
16 it wasn't the knife. All I saw was a large bladed knife  
17 so I couldn't say yes or -- I couldn't confirm or deny  
18 if that was the knife.

19 Q. Do you remember now the length of the blade that you  
20 saw?

21 A. Large. I would have said 6/7 inches.

22 Q. Thank you. What was your impression of the man at that  
23 time?

24 A. As I said, Mr Bayoh was walking down the road. He was  
25 walking with purpose, I would say. He definitely wasn't

1           strolling, he was -- like he had somewhere to be or  
2           somewhere to go is the best way to describe it.

3       Q.   What speed were you doing?

4       A.   20 but, as I said, when I -- obviously when you're  
5           a taxi driver you're kind of looking for business  
6           everywhere so you kind of slow down, so maybe 15 to 20.

7       Q.   How far were you from Mr Bayoh?

8       A.   In metres maybe 20 metres. From obviously being on the  
9           road in my taxi to where Mr Bayoh was on the pavement  
10          I would say probably 15 to 20 metres.

11      Q.   And then did you pass him?

12      A.   Yes.

13      Q.   And after you saw him, what is it you did?

14      A.   I phoned the police.

15      Q.   And why did you call the police?

16      A.   Because I -- obviously there was a man walking round the  
17          streets with a knife.

18      Q.   And do you remember which number you used to call  
19          the police?

20      A.   I do, actually. I had a bit of a panic and I ended up  
21          phoning 101. To this day I don't know why I phoned 101,  
22          but I phoned 101. I got the police nonetheless but I'm  
23          thinking now 999 would have been -- I think it was  
24          because I had seen a police -- I was behind a police van  
25          earlier on in the shift and I'd seen the 101 on the back



1 Q. And you gave the information to the police that it was  
2 a big kitchen knife?

3 A. Mm-hm.

4 Q. And is that the call you then made from your car with  
5 the hands-free?

6 A. Yes, that's correct.

7 Q. Could I ask you to look at some evidence video timeline  
8 please. I'm going to look at a very short segment of  
9 this from phase 1, which is 07.09.20 to -- so that's 9  
10 minutes past 7.00 in the morning, 20 seconds to 33  
11 seconds. You will see -- before we do that I will just  
12 explain to you what we see on the screen. On the  
13 left-hand side at the top you will see a grey rectangle  
14 which says "Real time" and it is 7.09, at the moment it  
15 says 24, that's fine. Then there's some dark red  
16 numbers underneath: 101 calls and 999 calls.

17 A. Yes.

18 Q. When a 101 or a 999 call is made you, will see that  
19 light up.

20 A. No problem.

21 Q. And then beneath that there is some dash cam footage  
22 that we have heard comes from Templehall Avenue that was  
23 taken from -- that was fitted to the windscreen of  
24 a car. So we will just play that, it's a very short  
25 segment, just for a few seconds.

1 (Video played)

2 Thank you. Is that the man that you saw?

3 A. That is, yes.

4 Q. We have heard that's Templehall Avenue. Do you  
5 recognise that?

6 A. Yes, yes.

7 Q. Is that far from where you saw Mr Bayoh?

8 A. I saw him probably about 150 metres previous back --  
9 further back.

10 Q. When you say further back, do you mean closer to  
11 Hendry Road or ...?

12 A. No, closer to the Templehall area, the Templehall shops.

13 Q. Thank you. After you made your call to the police, what  
14 did you do?

15 A. I went back to work. I just -- after I had made my  
16 phone call I drove along Hendry Road and there's a taxi  
17 rank at the health centre at the hospital and I went and  
18 parked up there.

19 Q. Did you have conversations with any of your colleagues?

20 A. When I first arrived at the taxi rank there I had picked  
21 up a customer very quickly, somebody had come across  
22 from the hospital and jumped in the back of the car, so  
23 I went and continued to do said job.

24 Q. Where were you when you next saw Mr Bayoh?

25 A. Once I dropped the hire off in Miller Street which is



1           the top end of Kirkcaldy, I had driven along Dunnikier  
2           Way to the top end of Hendry Road --

3       Q. I wonder if I could get the map back on the screen, the  
4           scene overview and you can point out where -- right.

5       A. Is there any way we can zoom out?

6       Q. There we go.

7       A. A little bit more. More yet still.

8       Q. It would be absolutely fine if --

9       A. Yes, it's going to be a struggle to ... on the top right  
10           of the screen there, West Gallatown, that was the area,  
11           towards the top of that area I dropped off.

12      Q. So I can see that in the top right. You can put a red  
13           circle around that.

14      A. It is actually a little further up to the right.

15      Q. All right, but it is from that general area?

16      A. That general area.

17      Q. Then can you tell us where you were when you saw the  
18           man. We can zoom in again if that's easier.

19      A. Yes.

20      Q. Right. I wonder if we could zoom in, please,  
21           Ms Wildgoose.

22      A. I will have to try and move that now.

23      Q. You can move these circles about. If you touch the red  
24           circle again you can move it round and adjust the  
25           position.

- 1                   So the red circle with the 2 in it is now at the  
2                   junction with Hayfield Road and Hayfield Place?
- 3           A.   That's correct.
- 4           Q.   Where was the man when you saw him?
- 5           A.   He'd just literally past the junction, in-between the  
6                   junction and the cemetery, but quite close after the  
7                   junction of Hayfield Place.
- 8           Q.   Could you point out the cemetery please?
- 9           A.   The cemetery is the big grey area that you see, so it's  
10                   there (indicating).
- 11          Q.   So when you say "Past the junction" you mean ..?
- 12          A.   More -- closer to where I have put the number 2 is where  
13                   I saw Mr Bayoh last.
- 14          Q.   Can you describe him at that time.
- 15          A.   When I saw him for the second time?
- 16          Q.   Yes, on the second time.
- 17          A.   He was walking back towards Hendry Road.
- 18          Q.   What side of the street was he on?
- 19          A.   He was on my left, as I was heading east so he was on  
20                   the left-hand side of me.
- 21          Q.   So you're on Hayfield Road heading east, that's to the  
22                   right-hand side of the screen, and he is on the other  
23                   side of the road from you?
- 24          A.   Yes, left-hand side.
- 25          Q.   What direction is he moving in?

- 1 A. Back -- heading back west --
- 2 Q. Towards --
- 3 A. -- along --
- 4 Q. -- Hendry Road?
- 5 A. Yes.
- 6 Q. How far away was he from you at that time?
- 7 A. Under 10 metres.
- 8 Q. Did you notice anything about his demeanour at that
- 9 stage?
- 10 A. No.
- 11 Q. Could you see the knife?
- 12 A. No.
- 13 Q. Were you aware of any other vehicles in the street at
- 14 that time?
- 15 A. There was other vehicles on the road at that time, but
- 16 colours and makes, I couldn't tell you.
- 17 Q. Where did you go after that?
- 18 A. I went back and sat at the taxi rank at Whytemans Brae
- 19 Health Centre.
- 20 Q. And did you have a conversation with one of your
- 21 colleagues there?
- 22 A. Yes.
- 23 Q. What's his name?
- 24 A. Andrew O'Connor.
- 25 Q. And what you were you saying?

1 A. That I had seen a gentleman with a knife walking about  
2 the streets.

3 Q. Did you tell him anything about what Mr Bayoh had been  
4 doing?

5 A. No, as I said, when I saw Mr Bayoh he was technically  
6 just walking.

7 Q. I wonder if you could look please at another statement  
8 for me and that's PIRC 00010, and you will see that this  
9 is a statement with your name on it, Mr Rowe, and if we  
10 can go down the page slightly, you will see it was taken  
11 on 4 May 2015 at 19.25, so 25 past 7.00 in the evening,  
12 and it was taken by Investigator Kareen Pattenden, at  
13 your home.

14 A. Yes.

15 Q. And as well as Ms Pattenden, you were in the presence of  
16 DSI Dodd and Mrs Emma Rowe?

17 A. That's correct.

18 Q. And if we can just ask you before we move on, do you  
19 remember giving that statement?

20 A. Yes.

21 Q. Do you remember the PIRC investigator and the  
22 police officer being in your house?

23 A. Yes.

24 Q. And were you trying your best to tell the truth that  
25 day?

1 A. Oh, of course.

2 Q. How was your recollection then on 4 May compared to now?

3 A. You would -- I would like to think that as it was fresh  
4 at the time back in 2015, it would be better than seven  
5 years later.

6 Q. Thank you. And do you remember on that day if you were  
7 given the chance to either read over your statement or  
8 to have it read out to you to make sure you were happy  
9 with the statement?

10 A. I believe it was read out to me.

11 Q. Right. And were you asked to sign it or confirm that  
12 you were happy with the statement?

13 A. That I can't remember.

14 Q. Right. I would like you to -- I think first of all  
15 I would like you to look at -- if you could give me  
16 a moment. Unfortunately I have not put the number on.  
17 Hold on a second, please. Sorry, if you could just give  
18 me one moment.

19 (Pause).

20 I have written down "Penultimate paragraph",  
21 Ms Wildgoose, so it is probably at the end and if you  
22 could go down slightly -- go down the page slightly.

23 This paragraph says:

24 "I then continued on my way to Kirkcaldy  
25 Hospital ..."

1           And then the second line says:

2           "I then made my way back along Dunnikier Way and  
3           down Hendry Road towards the garage. I did this as  
4           I thought maybe he was en route to the garage and  
5           I became concerned. I neared the roundabout and made my  
6           way down Hayfield Road. As I did this, I observed the  
7           same male on the left side of the road in-between  
8           Hayfield Place and the bus stop. I could see this male  
9           straight on, he was walking up the street towards the  
10          bus stop. I did not see any knife in his hands at this  
11          time. As I continued past him, a marked police car with  
12          sirens on and blue flashing lights passed me.  
13          I continued on, parking at the health clinic where  
14          I stopped and had a short conversation with  
15          Andy O'Connor and minutes later I saw an ambulance with  
16          sirens and blue lights pass me."

17                 Do you remember saying that to the PIRC  
18                 investigator?

19          A. Yes.

20          Q. And was that correct?

21          A. Yes.

22          Q. And you mention the bus stop. I wonder if we could go  
23          back to the map for a moment and I would like you to  
24          point out on Hayfield Road where the bus stop was in  
25          2015.

- 1 A. The bus stop is roughly --
- 2 Q. So if you could point out the bus stop. If you need to
- 3 move any of those other circles to do so, please just
- 4 tell us.
- 5 A. Roughly there, where I have placed number 4.
- 6 Q. So you have now repositioned the circle with number 4.
- 7 A. Yes.
- 8 Q. And which side of the road was the bus stop on?
- 9 A. The left side where the green grass area is.
- 10 Q. Right, so if you were travelling from Hendry Road along
- 11 Hayfield Road it would be on the left-hand side?
- 12 A. That's correct.
- 13 Q. Near the grass area. Then I would like to ask you
- 14 something else that you mentioned in your statement
- 15 please, if we could go back to your statement, your
- 16 Inquiry statement please, and paragraph 13. Thank you,
- 17 so this is your Inquiry statement, paragraph 13, and you
- 18 will see that on the screen. You say -- you refer to
- 19 your PIRC statement and say:
- 20 "I remember noting that it was raining at this time
- 21 and he looked to be soaking wet."
- 22 Describe what the man was wearing on his top half?
- 23 A. A white T-shirt.
- 24 Q. What were other people wearing that day?
- 25 A. I honestly can't remember.

1 Q. Do you remember what the weather was like?

2 A. Overcast, I would have said at the time. I don't  
3 remember having my windscreen wipers on at the time, so  
4 I don't know if it was actually raining at the time.

5 Q. Do you remember I showed you some footage a moment ago?

6 A. Mm-hm.

7 Q. And we could see windscreen wipers on a vehicle --

8 A. Yes.

9 Q. -- where the dash cam was taken?

10 A. Mm-hm.

11 Q. Did that help you remember what the weather was like at  
12 all?

13 A. Yes.

14 Q. How was his clothing compared to other people who were  
15 around that day?

16 A. In what way?

17 Q. He was dressed in a T-shirt and jeans; how did that  
18 compare to what other people were wearing?

19 A. Well, the customer I had picked up from the health  
20 centre at Whytemans Brae had a jacket on.

21 Q. Could we go back to the footage, please. At 7.19.41.  
22 Ms Wildgoose will just take a moment to get us to that  
23 stage.

24 (Video played)

25 So if you look at -- stop there, please. Stop,





1           you have mentioned the left hand, you have mentioned the  
2           right-hand. When you first saw the man on  
3           Templehall Avenue, what hand was the knife in?

4           A. Left, furthest away from me.

5           Q. When you saw the man later, what hand was the knife in?

6           A. I didn't see a knife when I saw him later on.

7           Q. You didn't see a knife then. So it was definitely the  
8           left --

9           A. Left hand, yes.

10          Q. -- when you saw him when you were on Templehall Avenue?

11          A. That's correct.

12          MS GRAHAME: Right. Thank you very much. I've got no  
13          further questions for you.

14          LORD BRACADALE: Are there any applications in respect of  
15          this witness?

16                 Thank you, Mr Rowe, that's the end of your evidence.

17                 You are now free to go.

18          A. Thank you very much, sir.

19          LORD BRACADALE: Now, Ms Grahame.

20          MS GRAHAME: The next witness will be Linda Limbert.

21          LORD BRACADALE: Perhaps before she gives her evidence we  
22                 could have a short break then. It is 11.15 now. We  
23                 will have a 15/20-minute break at this point.

24                 (11.17 am)

25                                 (Short Break)

1 (11.41 am)

2 LORD BRACADALE: Good morning, Ms Limbert. You're going to  
3 be asked questions by Ms Grahame, but before that I will  
4 ask you to take the affirmation. Would you repeat these  
5 words after me.

6 MS LINDA LIMBERT (affirmed)

7 LORD BRACADALE: Ms Grahame.

8 Questions from MS GRAHAME

9 MS GRAHAME: Ms Limbert didn't raise her right-hand, and  
10 actually I'm not sure if that's --

11 LORD BRACADALE: It's not the practice to raise the hand  
12 when giving an affirmation.

13 MS GRAHAME: Exactly. I'm forgetting. Thank you.

14 Ms Limbert, can I go straight to your statement,  
15 please, I think that might be the best place to start.  
16 So this is SBPI 00079 and we see there that your name is  
17 Linda Limbert and you have provided the Inquiry with  
18 a statement on Thursday, 28 April. That was the date  
19 that the Inquiry team have noted there; is that right?

20 A. Yes.

21 Q. And can you go down the page slightly, Ms Wildgoose, and  
22 we've got all your contact details, they are known to  
23 the Inquiry, and you tell us that you are a qualified  
24 nurse.

25 A. I am, yes.

1 Q. What is your job?

2 A. Presently I'm -- I work in a minor injury unit at  
3 St Andrews one day a week. I retired in November but  
4 I have taken on a part-time job one day a week.

5 Q. And in 2015 where were you working?

6 A. I was a staff nurse in the emergency department at the  
7 Victoria Hospital in Kirkcaldy.

8 Q. Thank you. I'm going to take you through some of the  
9 things that you have already told us in your statement.  
10 As I do that, particular paragraphs will come up on the  
11 screen in front of you, but I just want to draw to your  
12 attention the black folder in front of you and there's  
13 hard copies there, so if you prefer to look at a hard  
14 copy and see what else is in your statement, please feel  
15 free to do so. That's at your disposal.

16 A. Okay.

17 Q. But if I'm going to ask you a specific question, it will  
18 come up on the screen and you will be able to see that.

19 A. Yes, that's fine.

20 Q. Am I right in saying that you provided the statement to  
21 the Inquiry team in response to some questions that were  
22 asked of you?

23 A. Yes.

24 Q. And can I confirm that you -- could we look at the last  
25 page, please, Ms Wildgoose. You will see at

1 paragraph 55 it says:

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

6 And although you can't see your signature there on  
7 the screen, you will see in the black folder that the  
8 copy you have shows your signature.

9 A. Okay.

10 Q. And you signed every page of this statement, haven't  
11 you?

12 A. Yes, I have, yes (inaudible).

13 Q. And you signed it on 6 May this year. Right. Thank  
14 you.

15 I would like to begin by asking you some questions  
16 about your journey to the hospital on 3 May 2015 and you  
17 have told us a little bit about that in your statement  
18 and that's available for the Chair to consider. How  
19 were you travelling to work that day?

20 A. By car.

21 Q. And was that your own car?

22 A. Yes.

23 Q. Can you tell us what colour it was?

24 A. Silver.

25 Q. Silver. And what type, what make, model?

- 1 A. It's a Peugeot 208.
- 2 Q. And in paragraphs 9, 10 and 11 of your statement -- and  
3 Ms Wildgoose will just bring them up on the screen. We  
4 won't see all of them on the screen at once but you can  
5 see where we are. You have told us that you saw a black  
6 male crossing Hayfield Road?
- 7 A. That's right, yes.
- 8 Q. Would you be able to tell the Chair just a little bit  
9 about where you were when you first saw that man?
- 10 A. So you come along Templehall Avenue and turn right to go  
11 down the hill, there's a little mini-roundabout and then  
12 you turn left to go into Hayfield Road and he was  
13 crossing Hayfield Road and was on the road which  
14 prevented me from turning left to drive along, so I had  
15 stopped my car, more or less on the roundabout, if you  
16 like, at that point.
- 17 Q. I would quite like to look at a map, if you don't mind.
- 18 A. Yes.
- 19 Q. So Ms Wildgoose will play a scene overview and just so  
20 you can see what's on the screen, going from top to  
21 bottom, north to south, is Hendry Road.
- 22 A. Yes, that's right.
- 23 Q. You see the yellow line going down, and on the right of  
24 that is another yellow line which is Hayfield Road?
- 25 A. Yes.

- 1 Q. And that's in the middle of the page, west to east, and  
2 so you have told us you were near a mini-roundabout.  
3 Can you point out where the mini-roundabout was, just  
4 touch the screen?
- 5 A. Yes, here.
- 6 Q. So that's at the end of the Hayfield Road at the  
7 junction with Hendry Road?
- 8 A. Yes.
- 9 Q. What direction had you come from?
- 10 A. Down the way.
- 11 Q. Down Hendry Road?
- 12 A. Down Hendry Road, yes.
- 13 Q. And where were you intending to go?
- 14 A. Left along Hayfield Road (inaudible overspeaking).
- 15 Q. And you've mentioned you stopped?
- 16 A. Sorry?
- 17 Q. You mentioned you stopped the car?
- 18 A. I stopped the car just at the roundabout, just before  
19 I turned -- I couldn't turn left because he was on the  
20 road.
- 21 Q. What -- why couldn't you stop -- why couldn't you turn  
22 left into Hayfield Road?
- 23 A. Because the chap was on the road.
- 24 Q. Where on the road?
- 25 A. In the middle of the road. He had crossed from where

- 1           the houses are across the road and was on the road.
- 2       Q.    Could you point on the map to where the houses are?
- 3       A.    Sure.
- 4       Q.    So as you have turned towards Hayfield Road, they were
- 5           on your right?
- 6       A.    They would have been on my right if I had turned onto
- 7           Hayfield Road, yes.
- 8       Q.    And you say he crossed the road?
- 9       A.    And he crossed from that side to ...
- 10      Q.    Was he in your lane when you turned into Hayfield Road?
- 11      A.    I never turned into Hayfield Road.
- 12      Q.    When you stopped at the roundabout, was he in the
- 13           left-hand lane as you (inaudible overspeaking) --
- 14      A.    Yes.
- 15      Q.    -- Hayfield Road? Describe the man.
- 16      A.    From what I remember, it was a black male, and
- 17           I remember he wore a white T-shirt and I think he had
- 18           dark trousers on. That's all I really remember of what
- 19           he looked like.
- 20      Q.    What about his height?
- 21      A.    He was -- to be honest, I can't remember that, but he
- 22           was well built, he was a big, you know ...
- 23      Q.    Did you notice anything else at that point? What was he
- 24           holding?
- 25      A.    Well, what I thought was a knife in his hand and he



1           started to approach my car and that's when I saw what  
2           I said was a knife.

3       Q.   What hand was the knife in?

4       A.   From what I remember, I think it was his right-hand.

5       Q.   And how far were you from him when you saw the knife?

6       A.   He was almost approaching my car and touching the door  
7           handle, so I don't know how far that would be, but from  
8           me to you probably.

9       Q.   Sorry, I didn't hear that.

10      A.   From -- you know --

11      Q.   Between us?

12      A.   Yes.

13      Q.   From me to you, did you say?

14      A.   Yes, I think so.

15      Q.   Can you describe the knife?

16      A.   I thought -- I thought I could draw it at the time and  
17           I drew what I thought I saw. Flat and shiny, is what  
18           I remember, and large.

19      Q.   When you say "large", what do you mean?

20      A.   Well, I thought it was -- I thought it was quite large.  
21           I think I said -- I think I said it was about  
22           20 centimetres, but I don't know.

23      Q.   Thank you. You mentioned the door handle. Tell us  
24           which door handle you're referring to?

25      A.   He approached my passenger side of my car.

- 1 Q. Is that the front passenger side?
- 2 A. Aye, my front passenger side, aye.
- 3 Q. Was he as close as the door? Did he get to the door?
- 4 A. He never got to the door, no, because I took off,  
5 literally. I drove over the -- it's a little white  
6 mini-roundabout and I drove over that to get --
- 7 Q. How far was he from the door when you drove away?
- 8 A. In my mind, almost touching it.
- 9 Q. How did you feel at that point?
- 10 A. Very frightened.
- 11 Q. Other than approaching the front passenger door, what  
12 was the man doing?
- 13 A. He was just, like, he was charging at my car with his  
14 arms flailing about is the only way I could describe it  
15 anyway.
- 16 Q. Could you explain to the Chair what you mean when he was  
17 charging?
- 18 A. Running fast and flailing his arms about.
- 19 Q. What do you mean when you say "Flailing his arms about"?  
20 Could you demonstrate that for the Chair?
- 21 A. Yes, just throwing his arms about like this (indicating)  
22 sort of thing. That's the only way I could describe it  
23 really.
- 24 Q. Okay. And did you form any impression at that time as  
25 to his mood or his demeanour?

- 1 A. No, just that he was frightening and I could have --  
2 I felt like, you know, I had to get away and that was  
3 what I did and then I just drove down a little bit down  
4 the road and stopped and phoned the police at that  
5 point.
- 6 Q. So what direction did you go in?
- 7 A. Back.
- 8 Q. You said a little bit down the road; what did --
- 9 A. Back down Hendry Road.
- 10 Q. So if we look at the map again which remains on the  
11 screen, you told us about the roundabout. You had come  
12 down Hendry Road, you were at the roundabout before you  
13 turned left onto Hayfield Road. Are you saying you're  
14 still on Hendry Road?
- 15 A. Still on Hendry Road. I drove over the mini-roundabout  
16 and it's Hendry Road all the way down into the town.
- 17 Q. What did you do after you drove further down  
18 Hendry Road?
- 19 A. I stopped my car and I looked in my mirror because I was  
20 frightened he would follow me, and then I phoned  
21 the police at that point.
- 22 Q. Can you point out on the map where you stopped your car?
- 23 A. Just at the junction, just before Myrtle Crescent  
24 really, just about -- just up before the junction.
- 25 Q. Just before the junction that we can see with -- is that

- 1 Myrtle Crescent?
- 2 A. Yes.
- 3 Q. Thank you. When you -- before I turn to the call, when  
4 you were at the roundabout and you saw the man come  
5 towards the front passenger seat, was there anything you  
6 did at that point before you drove off?
- 7 A. The only thing that I did was because I didn't know that  
8 I was locked in my car at that point, what I remember is  
9 my previous car I have buttons and I just did like that  
10 (indicating) to put my buttons down to try to make sure  
11 that nobody could get into my car, but that particular  
12 car doesn't have that and that was probably why I took  
13 off, because I didn't realise I was locked in my car at  
14 that point in time.
- 15 Q. So you're gesturing with your right elbow?
- 16 A. Yes, I went to just put the button down because my  
17 previous car had a button. It was an older car; this  
18 was a newer car.
- 19 Q. Did that button automatically close all the doors --  
20 lock --
- 21 A. Yes, I think -- later on I found that out, yeah.
- 22 Q. I would like to ask you, after you -- no, before I do  
23 that, do you think you would recognise the knife again?
- 24 A. I don't know.
- 25 Q. I wonder if you could look at something for me,

1 Ms Wildgoose will hand it to you, it is in a plastic  
2 container, and at the same time if we give Ms Wildgoose  
3 a moment, she will put a photograph on the screen of  
4 what's actually in the container. You can pick it up  
5 and touch it. We won't be taking it out. Ms Wildgoose  
6 will put a photograph on the screen.

7 Do you recognise that?

8 A. That's similar to what I drew.

9 Q. Thank you. Well, let's look at a handwritten version of  
10 a statement which is PIRC 00526, please. You will see  
11 that this has your name on the front. It's a statement  
12 by PIRC, the Police Investigations and Review  
13 Commissioner. Do you see their logo at the top?

14 A. Yes.

15 Q. And it says on the right-hand side "Witness statement",  
16 and the names -- personal details given are your name,  
17 Linda Limbert. Do you see that?

18 A. Yes.

19 Q. And then if we can look at the final page, page 4, and  
20 do we see that it says on the screen:

21 "I have provided this sketch to help with my  
22 description of the knife that the man was carrying."

23 A. Yes.

24 Q. And there's a drawing on the left there.

25 A. Yes.

1 Q. Who did the drawing?

2 A. I did the drawing.

3 Q. You did the drawing. And then further down on that page  
4 it says:

5 "I wish to confirm to the best of my knowledge that  
6 this is a true and accurate statement of my  
7 observations."

8 A. Yes.

9 Q. Do you see that? And now what I would like to do is  
10 move on to the call and what we're going to do now is  
11 play an audio tape which you will hear in this room and  
12 at the same time, you should have a transcript in front  
13 of you which will be in the black folder and  
14 Ms Wildgoose will arrange for that to be done. So the  
15 audio tape is PS 00006.

16 (Audio played)

17 Is that the call you made to the police?

18 A. Yes.

19 Q. And was that a 999 call?

20 A. Yes.

21 Q. And is that your voice speaking to an operator from  
22 Police Scotland?

23 A. Must be.

24 Q. And you said a moment ago you were on Hendry Road when  
25 you made that call?

- 1 A. (Nods).
- 2 Q. You're nodding.
- 3 A. Mm-hm, yes.
- 4 Q. And during the tape, the audio tape, it says:
- 5 "Aye, he's a black man, he's got a white coloured
- 6 T-shirt on and he's carrying a huge big, big knife and
- 7 he nearly ... [something]."
- 8 And I wonder, do you remember what it was you were
- 9 telling the operator at that point?
- 10 A. Just approaching my car, I think, just trying to get in
- 11 my car, you know what I mean, that's what he was ...
- 12 Q. Okay, and when you said to the operator:
- 13 "Because when I realised what he was trying -- to
- 14 stop me and I realised what he had in his hand I just
- 15 drove."
- 16 And is that what you told the police?
- 17 A. Yeah, just -- I mean, I just literally drove over that
- 18 mini-roundabout and -- to get away.
- 19 Q. Where was the man when you last saw him at that stage?
- 20 A. At the roundabout really, you know, but there's not much
- 21 difference -- not much distance I suppose between him
- 22 crossing the road and being on Hayfield Road and then
- 23 stepping towards my car. It would just be ...
- 24 Q. I wonder if I could ask you to watch part of an evidence
- 25 video timeline, please. Ms Wildgoose will arrange this.

1           There will be something on the screen and I will just  
2           explain to you. So you will see in the top left-hand  
3           side of the screen that it says "Real time" 7.13, so  
4           that's 7.13 on the morning of Sunday 3 May, at  
5           49 seconds after the hour. You will see that there's  
6           two buttons there, one for 101 calls and one for 999  
7           calls, and when a call is made to one of those numbers,  
8           it will light up, and then you will see four tiles or  
9           windows in front of you on the screen and they will all  
10          be playing at the same time.

11                 The bottom left is dash cam footage taken on  
12          Templehall Avenue from a vehicle that was driving there.

13          The middle bottom is from an iPhone, iPhone footage.

14   LORD BRACADALE: Ms Grahame, is it not Hayfield Road? You  
15          said Templehall Avenue.

16   MS GRAHAME: Yes, sorry. Yes, sorry, I'm at the wrong time.  
17          Thank you very much. This is at Hayfield Road, sorry.

18                 So the bottom left is dash cam footage from  
19          a vehicle. You will see in the left-hand bottom there's  
20          a -- you can see part of a bus stop on the left. The  
21          middle one is iPhone footage. Again, you will see in  
22          the middle at the bottom, from the same vehicle. The  
23          bottom right-hand footage is from a van and the top  
24          right-hand side of the screen is footage from a camera  
25          fixed on Gallaghers -- CCTV footage from Gallaghers pub,









- 1           it was about quarter past 7 when I phoned the police.
- 2       Q.   And so the figure we see there moving with the white
- 3           top, is that the man that you saw coming from
- 4           Hayfield Road?
- 5       A.   I think so, yes.
- 6       Q.   And was that your car that was --
- 7       A.   I think so, yes, at that time.
- 8       Q.   Thank you. Did your car come to a stop -- when you said
- 9           "Stop", did it stop or did it pause?
- 10      A.   I might have -- I mean I slowed down, I couldn't turn.
- 11           I thought I stopped, but it would only be -- it all
- 12           happened in seconds so -- I think I stopped just for
- 13           a second or two seconds. I mean I realised as he was
- 14           approaching my car I drove off.
- 15      Q.   Thank you. After you called the police, did you go to
- 16           work?
- 17      A.   Yes.
- 18      Q.   Thank you. When did you arrive at the hospital?
- 19      A.   Five minutes after -- no more than five minutes after
- 20           I would ...
- 21      Q.   Did you find a different route to get there?
- 22      A.   Yes.
- 23      Q.   And how were you feeling when you arrived?
- 24      A.   Quite shaken.
- 25      Q.   And did you speak to anyone about what had happened?

1 A. I wouldn't know -- I wouldn't remember who, but yeah, my  
2 colleagues when I got to work, yeah, when I was on  
3 the ...

4 Q. And then I wonder if we could go back to your Inquiry  
5 statement, please, and we will look at paragraphs 17 to  
6 23. You won't see all of them on the screen, but you  
7 will see at paragraph 17 you start talking about the  
8 shift that you were on at the hospital.

9 A. Yes.

10 Q. And if we can just pan down slightly from 19, further  
11 down the page, go on to the next page, and do we see  
12 that you tell us in the statement about Sheku Bayoh's  
13 arrival at the hospital?

14 A. Yes.

15 Q. Do you remember how it was he was brought to the  
16 hospital?

17 A. In an ambulance, on a stretcher.

18 Q. What was your involvement with him when he arrived?

19 A. Well, I had been allocated to accept an emergency that  
20 was coming in, that we knew was coming in for  
21 Hayfield Road and ...

22 Q. And what part of the hospital was he treated in?

23 A. In resus, the resuscitation room, he was in cubicle 1.

24 Q. Did you recognise him at that stage?

25 A. When he came in? Yeah. I mean I don't know him, but

1 I recognised him as the guy that I had just seen in the  
2 street.

3 Q. At the roundabout?

4 A. Yes.

5 Q. Describe how he was at that time?

6 A. He was unresponsive and he had had ongoing CPR from  
7 ambulance and police at the scene.

8 Q. Were police present?

9 A. Plain clothes police were present I recall, yeah.

10 Q. What did they tell you about his condition?

11 A. They didn't. It was the paramedic, Alan, that did the  
12 handover. What exactly he said, I couldn't recall at  
13 the time until I read my statement and then --

14 Q. Is that your original PIRC statement?

15 A. Yeah, I think -- I can't remember where it is what  
16 I said, but it was after I re-read my statement, yeah.

17 Q. And when you mentioned the paramedic, was that  
18 Alan Finlayson?

19 A. I think so, yes. I can't remember Alan's second name.

20 Q. Can you tell us what your role was in the treatment of  
21 Sheku Bayoh?

22 A. Just involved in the full resus, so helping the doctors  
23 and taking my turn doing CPR.

24 Q. And have you given us details about all of this in the  
25 statement, paragraphs 24-31?

- 1 A. I think so, yes.
- 2 Q. Do you remember now what information you were given  
3 about the patient (inaudible overspeaking)?
- 4 A. I would need to read it -- yeah, I would need to read  
5 it.
- 6 Q. Are you --
- 7 A. Because I did -- I remember that he did have handcuffs  
8 on but I didn't remember what they were until I read my  
9 statement.
- 10 Q. Where was he handcuffed?
- 11 A. His hand -- at the front.
- 12 Q. To the front?
- 13 A. On his -- you know.
- 14 Q. Did you have any discussions about the handcuffs when he  
15 arrived at the hospital?
- 16 A. Not that I -- I wouldn't remember. No, I mean you had  
17 to get them off, obviously, so that we could get access.
- 18 Q. Did the handcuffs interfere in any way with the  
19 treatment that was provided at the hospital?
- 20 A. No, they had to be removed, but I wouldn't say they  
21 interfered but for the -- they had to come off.
- 22 Q. And you have talked about providing CPR and you weren't  
23 the only person. Can you tell us a little bit about the  
24 CPR that was given at the hospital?
- 25 A. Just -- well, what do you want me to say? We just do --

- 1           we do CPR.
- 2           Q. Is it more than one person that was providing --
- 3           A. There's more than one person. There's somebody doing
- 4           chest compressions, there's somebody doing the airway
- 5           until we've got the definitive airway or you know, like,
- 6           intubated him.
- 7           Q. When you say someone doing airway, what does that
- 8           actually mean?
- 9           A. It means somebody has an AMBU bag and a mask and
- 10          attached to oxygen and you do 30 compressions to two
- 11          breaths initially until you have your definitive airway
- 12          and then you can do continuous compressions after that.
- 13          Q. So that's a mask placed over the mouth of the person?
- 14          A. Yes.
- 15          Q. And are you pumping a bag?
- 16          A. Yes, an AMBU bag it's called.
- 17          Q. An AMBU bag. And does that pump oxygen into their
- 18          lungs?
- 19          A. Yes.
- 20          Q. Were you helping with that?
- 21          A. I wasn't involved in airway; it was a doctor that was
- 22          doing the airway.
- 23          Q. But you were doing the CPR?
- 24          A. I helped do CPR at intervals, yes.
- 25          Q. Is CPR when you're compressing someone's chest?



- 1 A. Doing compressions on someone's chest, yes.
- 2 Q. Was there anything about -- we have heard that Mr Bayoh  
3 was black; was there anything about the fact he was  
4 black that you needed to consider when he arrived at the  
5 hospital and was assessed and treated?
- 6 A. Not that I'm aware of.
- 7 Q. We may hear in the future about a condition called  
8 sickle cell anaemia; was that something you needed to  
9 consider?
- 10 A. It wasn't something that I considered, no, not as  
11 a nurse, no. I was just getting on and dealing with his  
12 resuscitation.
- 13 Q. So the priority for you was the resuscitation?
- 14 A. Absolutely, yes.
- 15 Q. Was he restrained or held in handcuffs when he arrived  
16 at the hospital?
- 17 A. Yes, he had handcuffs on when he arrived, yes.
- 18 Q. How long did he have them on?
- 19 A. Seconds, just as long as it took us to get them off.
- 20 Q. What about any other restraints, to his leg?
- 21 A. I don't recall anything else.
- 22 Q. You have talked in your statement in relation to  
23 paragraphs 35 to 38 -- you will see the heading of these  
24 paragraphs is "Respiratory arrest and cardiac arrest".  
25 Can you explain to the Chair what the difference is?

- 1 A. Just what I wrote. Respiratory is when the patient has  
2 stopped breathing for a prolonged period of time and  
3 cardiac arrest when the blood flow stops and the heart  
4 is no longer working. Is that -- I don't know.
- 5 Q. So is respiratory arrest restricted to the lack of  
6 breathing?
- 7 A. Yeah.
- 8 Q. But the cardiac arrest is the failure of the blood to  
9 flow through the system?
- 10 A. Yeah, I would say that's ...
- 11 Q. Can you have one without the other?
- 12 A. Yeah, I think so, yes.
- 13 Q. So you can stop breathing but your blood still flows?
- 14 A. Your heart could still be beating for a little while.
- 15 Q. And what's the purpose of CPR? Is that to keep the  
16 blood flowing?
- 17 A. Keep the blood flowing and obviously oxygenating the  
18 blood as well so it is oxygenated blood that's getting  
19 pumped round the body.
- 20 Q. So the CPR allows the oxygen to go into the body and mix  
21 with the blood and move around the body?
- 22 A. If there's oxygen --
- 23 Q. Even if the person is not breathing independently?
- 24 A. Independently.
- 25 Q. Thank you.

- 1 A. No bother.
- 2 Q. How long did you remain with this patient, Mr Bayoh?
- 3 A. Until life was pronounced extinct.
- 4 Q. Can I ask you some questions about a machine that was  
5 used. Now, this is at paragraphs 42 and 43 and  
6 the heading here is "LUCAS machine", is that how you say  
7 it, LUCAS?
- 8 A. Yeah.
- 9 Q. And you say you would call it a Thumper; is that how  
10 it's known in the hospital?
- 11 A. Yes, I think so.
- 12 Q. So if we hear people using alternative terms should we  
13 understand that's the same thing?
- 14 A. Fine, yeah.
- 15 Q. Tell us how -- what you do with this machine?
- 16 A. It's in two halves and you put one underneath their body  
17 and one on top and then there's a piece of it that  
18 gets -- presses on your chest wall and it automatically  
19 pumps -- so it's a sort of mechanical CPR.
- 20 Q. Can I ask you to look at paragraph 5, please. I think  
21 this may be a typo in my notes. Can we look at the PIRC  
22 statement, please, 00018. I'm looking at the wrong  
23 statement, Ms Limbert. If you could just give us  
24 a moment, Ms Wildgoose will bring that up on the screen.
- 25 This is the PIRC statement that you mentioned

1 earlier. If we could just go back to the first page for  
2 a second, you will see that this was taken on  
3 13 May 2015 at 13.45 and if you could go down the page  
4 slightly, Ms Wildgoose. You will see it was taken --  
5 not that far, sorry. You will see it was taken by  
6 a DSI Miles within the A&E department at  
7 Victoria Hospital in Kirkcaldy. Do you remember giving  
8 this statement to DSI Miles on that date, 13 May?

9 A. I remember I gave a statement at the hospital, yes.

10 I wouldn't know who to but ...

11 Q. Right, thank you. And again, were you asked to confirm  
12 that this statement was accurate? Was it maybe read  
13 over to you, or were you allowed to read through it?

14 A. Yeah, I think so.

15 Q. Were you asked to sign it or just to confirm that it was  
16 correct?

17 A. I can't remember but I think I would have signed it,  
18 I think. I can't remember.

19 Q. Thank you.

20 A. I don't --

21 Q. Can we turn to page 2, Ms Wildgoose, please, and  
22 paragraph 5. You will see on the screen in front of you  
23 that there's a paragraph that begins:

24 "Jackie James was shouting the 2-minute cycle after  
25 which adrenaline is administered by a doctor."

1                   Do you see that?

2           A.   Yes.

3           Q.   And it says:

4                   "I had held his right arm to get IV access to his  
5                   right arm but the access only lasted momentarily and  
6                   then I got IV (intravenous) access to him via his left  
7                   arm. I honestly do not know where else was tried as  
8                   everything is happening quickly. We had some problems  
9                   to get the Thumper machine around his chest so the  
10                   manual compressions were continuing in-between. On the  
11                   1st occasion the Thumper was on too low on his chest,  
12                   and on the 2nd occasion, the clips weren't successfully  
13                   applied so rather than waste time manual CPR would  
14                   continue."

15                   I would like to ask you first of all do you remember  
16                   giving that statement at the time to the officer?

17           A.   I wouldn't remember anything I said seven years down the  
18                   line, but that's what I have said, that's ...

19           Q.   Thinking back now, do you remember that there were  
20                   issues with the Thumper machine?

21           A.   To be honest, I don't remember, but it's -- it can  
22                   happen, yes.

23           Q.   Can I ask you about the final sentence:

24                   "On the first occasion, the Thumper was on too low  
25                   on his chest ..."

1           Can you tell us where would the Thumper normally be  
2           on a person's chest?

3           A. On your chest, like more up here, rather than lower  
4           down, so just between your nipples, just in the centre  
5           of your chest.

6           Q. Between the nipples and you said it was too low so that  
7           would be below the nipple area?

8           A. Yes, I think so, yes.

9           Q. And then on the second occasion on that statement you  
10          say the clips weren't successfully applied. Tell us  
11          about the clips; what are they?

12          A. Well, it's in two halves so you have to put one part  
13          underneath and then one part on top and then you just  
14          clip it on really, that's essentially that, so I can't  
15          actually remember why they couldn't go on. It may have  
16          caught on clothing, it could have been anything,  
17          a reason like that, if he has been wearing something and  
18          that's maybe not went through properly. I don't know.

19          Q. Do the clips go round the person or onto the clothing?

20          A. No, they're just attached to the machine. The machine  
21          is like in two halves and you just clip.

22          Q. So are the halves independent, they're not hinged in any  
23          way?

24          A. I think they are hinged, yes.

25          Q. Oh, they are hinged?

- 1 A. I think they are. Yes, I think so. I can't remember.  
2 I have not worked in A&E for that long now so I don't  
3 know.
- 4 Q. But in any event, manual CPR continued at that time?
- 5 A. Yeah.
- 6 Q. So did that allow you to continue moving the blood round  
7 his system?
- 8 A. Hopefully, yes, if ...
- 9 Q. So was it a problem that the Thumper machine was too low  
10 and then the clips weren't successfully applied? Was  
11 that a problem or was it okay that the CPR continued  
12 manually?
- 13 A. No, it's okay that we can carry on with the CPR but we  
14 did get the Thumper on, if I recall rightly, but only at  
15 the latter end of the resus, not at the beginning.
- 16 Q. Oh, right, so that all worked later?
- 17 A. Yeah.
- 18 Q. Okay.
- 19 A. I don't know what else to tell.
- 20 Q. When he first arrived at the hospital -- I appreciate it  
21 was 2015, but now do you remember him having any  
22 injuries to his head or his face or his body?
- 23 A. I don't -- I don't recall anything that I can think of,  
24 no.
- 25 Q. Was there anything that you're aware of that the doctors

- 1           did that could have caused injuries to Mr Bayoh?
- 2       A.   Doing CPR could cause it, getting IV access can cause
- 3           like wounds if you like, holes in your arm where you're
- 4           getting a cannular in so that you can get access to
- 5           a vein for medications.
- 6       Q.   What sort of injuries could CPR cause?
- 7       A.   Well, you could fracture ribs doing that.
- 8       Q.   What ribs could be fractured with CPR?
- 9       A.   I don't -- I wouldn't honestly know what ribs could be
- 10           fractured, but obviously that would have to be
- 11           determined later, but it has been known to fracture ribs
- 12           and I know I have -- doing CPR, it can happen.
- 13       Q.   We may hear from others about that later.  What type of
- 14           injuries can be caused when you are attempting to gain
- 15           IV access?
- 16       A.   Bruising, holes where you have used the cannular,
- 17           I think there was an attempt to get an arterial line in
- 18           his groin, so there would be a wound there, and then
- 19           I know there was a wound -- one attempt that I have read
- 20           from my statement that made access on one arm, but it
- 21           failed it must have tissue, so we tried access on
- 22           another arm.  So he would have three wounds that I know
- 23           of anyway.
- 24       Q.   When you are attempting to gain IV access, where on the
- 25           person's arm are you trying to -- where on Mr Bayoh were



1           you trying to get access?

2           A. Normally in the crease of your elbow, groin if we're  
3           trying to get access to an artery, or radius trying to  
4           get access to an artery, or they may go in at the neck  
5           if they were trying to get access.

6           Q. And in the area of the groin, what area are you  
7           referring to?

8           A. Like which side do you mean?

9           Q. Would it be at the front of the body?

10          A. Oh, yeah, at the front, yes.

11          Q. At the front of the body in the groin area?

12          A. Yeah.

13          Q. Do you remember with Mr Bayoh which side?

14          A. As far as I remember I was mostly on his right side  
15          I feel when I was in there.

16          Q. So it would have been his right side?

17          A. Yeah, I think it would, yeah, because he would be lying  
18          on the trolley, yeah. Yeah, yeah.

19          MS GRAHAME: If you could just give me a moment.

20                    Thank you very much, Ms Limbert. That's been very  
21                    helpful. Thank you.

22          LORD BRACADALE: Are there any applications in respect of  
23                    this witness? Thank you.

24                    Thank you very much, Ms Limbert, for your evidence.  
25                    You are now free to go.

1 A. Thank you.

2 (Pause).

3 LORD BRACADALE: Ms Grahame, the next witness?

4 MS GRAHAME: The next witness will be Colin Gill and will be  
5 taken by my learned junior, Ms Thomson.

6 LORD BRACADALE: Good morning, Mr Gill. You're going to be  
7 asked questions by Ms Grahame who sits at the end of the  
8 table. Before that I will administer the oath. If you  
9 raise your hand, please.

10 MR COLIN GILL (sworn)

11 LORD BRACADALE: Ms Thomson. Sorry, I said Ms Grahame, in  
12 fact Ms Thomson is going to ask you questions.

13 A. Thank you.

14 Questions from MS THOMSON

15 MS THOMSON: Thank you, sir.

16 What is your full name, please?

17 A. My name is Colin Gill.

18 Q. How old are you, Mr Gill?

19 A. I'm 41 years old.

20 Q. I believe that you are an Airwave services coordinator  
21 with Police Scotland, is that correct?

22 A. That's correct.

23 Q. And you're based in Glasgow?

24 A. Yes.

25 Q. And that your role involves the analysis of use of

1           Airwaves by Police Scotland?

2           A. That's part of my role, yes.

3           Q. Part of your role. Am I correct to understand that your  
4           role is a civilian one?

5           A. That's correct.

6           Q. So you're not a police constable?

7           A. I'm not a serving police officer, no.

8           Q. And that you have held this particular position since  
9           2014?

10          A. That's correct.

11          Q. Although you have worked in this area since 2008?

12          A. That's also correct, yes.

13          Q. And that you hold a university degree, a bachelor of  
14          science in computer science?

15          A. Correct.

16          Q. Mr Gill, there's a black folder in front of you and  
17          inside that folder you will find a copy of a statement  
18          that you gave to a member of the Inquiry team on  
19          18 March 2022. Do you see that there?

20          A. Yes, I see that.

21          Q. If we could have that on the screen, please,  
22          Ms Wildgoose, it's SPBI 83.

23                 Can I take you, please, to page 17 and paragraph 40.

24                 It is the final paragraph on the page and it reads:

25                 "I believe the facts stated in this witness

1 statement are true. I understand that this statement  
2 may form part of the evidence before the Inquiry and be  
3 published on the Inquiry's website."

4 Do you see that?

5 A. Yes.

6 Q. And on the copy before you, do we see your signature at  
7 the bottom of the page?

8 A. I do, yes.

9 Q. And the date, 9 May 2022?

10 A. (Nods).

11 Q. In fact have you signed every page of the statement?

12 A. Yes, that's correct.

13 Q. Before you did so, Mr Gill, were you given the  
14 opportunity to read over the statement?

15 A. I was, yes.

16 Q. And you were happy with it, you didn't make any changes  
17 to it?

18 A. I may have made a couple of amendments to -- this  
19 particular statement was provided by an audio call.  
20 I believe in the -- during the transposition of that  
21 there was a couple of words that were incorrectly  
22 transposed which I asked to be corrected.

23 Q. I see. So any corrections that may have been made to  
24 the statement were carried out before you signed it?

25 A. Correct.

- 1 Q. You didn't need to take your red pen to it, as it were?
- 2 A. No, that's correct.
- 3 Q. All right. Also in front of you should be a copy of
- 4 a statement that you gave to an Investigator Taylor of
- 5 the Police [Investigations] & Review Commissioner on
- 6 14 February 2018.
- 7 A. Yes, I see that.
- 8 Q. Do you have that to hand?
- 9 A. I do, yes.
- 10 Q. It is not my intention to take you to either of those
- 11 statements, but they are there before you, and if you
- 12 would find it helpful to refer to them when you're
- 13 giving your evidence, you're free to do so.
- 14 A. Okay, thank you.
- 15 Q. I want to begin by asking you some questions about
- 16 police Airwave. Am I right to understand that Airwave
- 17 is a communications network used by the police and
- 18 indeed some other emergency services?
- 19 A. Yes, so it's the primary method of communications
- 20 between police and other emergency services in
- 21 Great Britain, so Scotland, England and Wales.
- 22 Q. I'm going to ask you some questions about how it works.
- 23 What equipment would an officer need to make or receive
- 24 a communication over Airwave?
- 25 A. So every officer is issued with a personal handheld

1           radio. They typically wear that on a carrying device on  
2           their shoulder and that Airwave radio is assigned to  
3           that officer for the duration of their duties and they  
4           can use that for the purposes of making and receiving  
5           Airwave calls.

6           Q. Are there also radios within the police vehicles?

7           A. That's correct, yes.

8           Q. Where are they positioned within the vehicle, do you  
9           know?

10          A. It does vary on the type of vehicle depending on what  
11          space is available within that vehicle, but they're  
12          typically placed in the dashboard area of the vehicle  
13          where the drivers or the passengers can see which talk  
14          group is currently being listened to, which channel of  
15          radio is currently broadcasting.

16          Q. Are they fixed rather than handheld?

17          A. They are fixed in vehicles, yes.

18          Q. I'm going to ask you some questions now about the  
19          different ways that an officer can use a radio to  
20          communicate over Airwave. You mention a number of these  
21          different facilities in your statement and I would like  
22          to ask you firstly about a group call. What's a group  
23          call?

24          A. So a group call is a one to many call where one party of  
25          that call can speak at any given time and many people

1           can listen to it, so the speaking party can be an  
2           individual officer, it could be a call from a vehicle  
3           radio broadcast by that officer, or it could be the  
4           control room who broadcast on that particular talk group  
5           and, as I say, one person can speak at one time on  
6           a group call, so the speaking party will pass their  
7           message and multiple people will be able to hear it.

8           Q. So one person speaks and many or multiple individuals  
9           receive the transmission?

10          A. That's correct.

11          Q. Who are the multiple or many individuals who receive  
12          that transmission? Is that what a talk group is?

13          A. Yes, that's what a talk group is. So when the officers  
14          turn their devices on they will move to a particular  
15          talk group. Sometimes these are geographically-based,  
16          depending on where the officer is working. Sometimes  
17          that might be by function for certain specialist  
18          officers and the officers will move to -- they will have  
19          a selection of talk groups that they use routinely and  
20          they will move to the appropriate talk group for that  
21          particular duty or area that they're covering and  
22          anybody that is affiliated to or listening to that talk  
23          group will hear any messages that are passed on that  
24          talk group.

25          Q. Are you familiar with the Kirkcaldy 1 talk group?

1 A. So at that point in time, that was the talk group that  
2 was used to cover the area of Kirkcaldy.

3 Q. It covered Kirkcaldy; did it cover a wider geographical  
4 area than that?

5 A. I don't have that knowledge, I'm afraid.

6 Q. So should we understand that officers working within  
7 a team would have a talk group that was common to  
8 them --

9 A. That's correct.

10 Q. -- within their particular geographical area. Would you  
11 expect their radios, their handheld radios, to be tuned  
12 to that particular talk group?

13 A. That's the normal operation, yes.

14 Q. That would allow officers to hear transmissions made by  
15 other users of that talk group as well as any  
16 transmissions from the control room to that particular  
17 talk group?

18 A. That's correct.

19 Q. Are transmissions over talk group monitored by  
20 supervising officers?

21 A. They can be. They can be monitored by the shift  
22 sergeant or sometimes the inspectors and the control  
23 room supervisors can also listen to those talk groups.

24 Q. And can any officer who is tuned into that particular  
25 talk group make a group call?



- 1 A. That's correct.
- 2 Q. How does an officer make a group call? What would he or  
3 she have to do to the radio in order to put out a group  
4 call?
- 5 A. So on the device itself there's a button to the side  
6 which is called the push-to-talk button. The officer  
7 would press and hold the push-to-talk. When they do  
8 that the device issues them a tone, it beeps,  
9 effectively, to confirm that the connection has been  
10 made and that's their indication to start speaking.  
11 When they release the button again the device beeps to  
12 indicate that they have released the button and that's  
13 the end of their call.
- 14 Q. Can more than one person speak at the same time?
- 15 A. Not on a group call. If the talk group is busy when  
16 somebody else attempts to press the button they will get  
17 basically a warning tone called an IDEs(?) tone,  
18 indicating that they can't broadcast because someone  
19 else is already broadcasting.
- 20 Q. If an officer made a call to their talk group out of  
21 doors on a windy day, might that affect the audibility  
22 of the transmission to those who were listening to it?
- 23 A. It can do. The environmental factors play a part in  
24 what can be heard on the talk group, so wind noise, for  
25 example, road noise can affect the quality of the

1 speech, vehicles travelling at speed, the presence of  
2 lights -- not so much lights but sirens in the  
3 background, again, that kind of noise can be transmitted  
4 on the talk group.

5 Q. And if the control room made a call to a talk group and  
6 a member of that talk group was outside trying to  
7 receive that message on a windy day, again, could the  
8 environmental conditions affect the audibility of the  
9 transmission?

10 A. Absolutely.

11 Q. You have told us about the group call function. Can you  
12 tell the Chair now about point-to-point.

13 A. Yes, so point-to-point is a function where two devices  
14 can communicate directly with one another. There is  
15 effectively a calling party and a receiving party, so  
16 you -- each of the Airwave devices has an individual  
17 short subscriber number or an ISSI number which is  
18 effectively like a telephone number for that device, but  
19 it is 7 digits long. The officers would make  
20 a point-to-point call by dialing the ISSI number of  
21 another party, so you would dial the ISSI number of the  
22 person that you wish to speak to and press the  
23 push-to-talk button to activate the point-to-point call.  
24 The receiving party then -- their device rings almost  
25 like -- again like a mobile phone and they again press

1 the push-to-talk button to answer the call.

2 They can then have a conversation between one  
3 another using the push-to-talk at the start of each of  
4 their sentences and that call is between those  
5 individuals, it's not like a group call, it's not  
6 overheard by others on a talk group, so it is an  
7 individual call between those two officers.

8 Q. As you say, it's more akin to making a mobile telephone  
9 call.

10 A. It's similar.

11 Q. The difference perhaps being that there is still a need  
12 to press the push-to-talk button before speaking?

13 A. That's correct, and again, it is a one at a time -- it's  
14 not a duplex call, so in a telephony call you can  
15 effectively speak at the same time as the other party;  
16 within point-to-point, it's not, it's a single call, so  
17 again one person presses and speaks and the other  
18 listens and then they respond.

19 Q. I see, so there's no scope for people talking over one  
20 another.

21 A. No, there's not.

22 Q. It is one at a time. Did I understand correctly that  
23 again to make such a call, you would be using the same  
24 button, the push-to-talk button before you speak?

25 A. That's correct.

1 Q. And you said these calls were not monitored, so the area  
2 control room, for example, wouldn't be able to hear any  
3 transmissions made point-to-point?

4 A. The only exception to that is where one of the parties  
5 of the call is the area control room, which is also  
6 a function that's available to the area control room.

7 Q. Moving on from point-to-point, can you tell me about  
8 outgoing and incoming telephone calls?

9 A. Yes, so the devices are capable of making telephone  
10 calls. They can make an outbound telephone call to any  
11 telephone number. There are some premium service  
12 numbers that we restrict for obvious reasons, but the  
13 ability to call landline or mobile telephone numbers  
14 exists from those devices.

15 The devices can also receive inbound telephone calls  
16 from numbers within Police Scotland's network, so they  
17 couldn't receive a telephone call from -- directly from  
18 a member of the public or from your own mobile phone,  
19 but they can receive calls from Police Scotland desk  
20 phones, for example.

21 Q. Okay. So incoming calls only from the Police Scotland  
22 network, but outgoing calls to any number?

23 A. Correct.

24 Q. Again, are the outgoing and incoming telephony monitored  
25 by control room or would they be private calls?

1 A. They would be private calls.

2 Q. You have told us, Mr Gill, about voice communications,  
3 so we've got the group call, point-to-point, incoming  
4 and outgoing telephone calls. Am I right to understand  
5 that the police radios can also be used to send data  
6 communications --

7 A. That's correct.

8 Q. -- via Airwave. Can you explain to the Chair please how  
9 that works.

10 A. Certainly. There are two primary functions for data.  
11 There is the ability for the devices to send a short  
12 data code or a status message. Predominantly those are  
13 used by officers to provide a very short and quick  
14 update as to their status, so they have arrived at  
15 scene, or they're marking themselves clear from that  
16 particular scene and they do that through pressing and  
17 holding a button, a specific button on the device, and  
18 that sends a short coded message through to our command  
19 and control systems within the control room and those  
20 messages can be used to update command and control with  
21 the officer's status, without them having to broadcast  
22 that they have arrived. They can do that at the touch  
23 of a button.

24 The second function is the sending of SDS messages,  
25 more akin to text messages, and we predominantly use

1           that for automatic resource location, so the devices are  
2           set up to send via SDS message the ARL messages to show  
3           the location of the officer's radio at that given time.  
4           It uses GPS to capture the data and sends that via  
5           a text message to automatic resource location.

6           Q. So that happens automatically --

7           A. It does.

8           Q. -- without an officer having to purposefully update  
9           control room as to their whereabouts?

10          A. Correct.

11          Q. And may I take it that the purpose of that is so that  
12          the control can map the location of officers --

13          A. That's correct.

14          Q. -- at any given time. So those messages, the status  
15          messages and the SDS messages are all received by the  
16          control room?

17          A. They are received within -- yes, within systems, yes.

18          Q. Returning to the status messages, are these pre-set  
19          codes (inaudible overspeaking) --

20          A. So there's a -- yes, sorry to interrupt, yes, there's  
21          a national configuration for status messages. All the  
22          devices are programmed in the same manner so that the  
23          buttons, they are typically the numbered keypad buttons  
24          on the devices, are allocated a specific status message  
25          so that officers are familiar with which button does

1           what status.

2           Q. So you gave the example earlier of arrival at scene, so  
3           that might be, for example, that a particular numerical  
4           button corresponds to "Arrival at scene"?

5           A. Yes, that's button 1 in the circumstances.

6           Q. Can you give other examples of what the status messages  
7           are?

8           A. Yes, so we use button 4 for "clear", which means they  
9           are available to be moved on to other duties. Button 8  
10          is typically for refreshment. They're the predominant  
11          ones that are used.

12          Q. I want to move on now to ask you about the emergency  
13          activation button and I want to ask you questions about  
14          what happens after that button has been activated.

15                 Do the area control room know if an officer has  
16          activated their emergency button?

17          A. Absolutely.

18          Q. How do they know?

19          A. When the officer presses the emergency activation button  
20          it sends a message, it sends a status message, an  
21          emergency activation status to the control room which  
22          would automatically update command and control where the  
23          officer is assigned to an incident. That incident is  
24          automatically upgraded to a priority incident by the  
25          presence of the emergency activation status coming

1 through.

2 Where they are not assigned to an incident it  
3 automatically creates one for that officer, as an urgent  
4 assistance incident where the officer requires urgent  
5 assistance. That happens automatically at the press of  
6 that button.

7 The devices are also configured to open up the  
8 microphone of the device on the talk group that they are  
9 affiliated to and it starts to automatically broadcast  
10 without the officer having to push the press-to-talk  
11 button and it does that for periods of time.

12 Q. So it becomes hands-free --

13 A. Yes.

14 Q. -- essentially. I will ask you more about that in just  
15 a moment.

16 You have explained how the area control room come to  
17 know when an officer has pressed the emergency  
18 activation button. What about other officers in the  
19 same talk group; would they know that it happened?

20 A. They get similar signalling, so the devices that are on  
21 the same talk group will receive an audible tone. Their  
22 screens typically turn a kind of red colour to indicate  
23 that there's an emergency activation ongoing and the  
24 devices themselves vibrate to indicate that there is an  
25 emergency activation ongoing.



1 Q. Does this happen both on a handheld set and also on the  
2 vehicle sets?

3 A. It does.

4 Q. You explained that after the button has been activated,  
5 it allows the person who has pressed the button to  
6 broadcast on the Airwave for a period of time, I believe  
7 it to be around 10 seconds; is that correct?

8 A. That's correct.

9 Q. And that's referred to in your statements as a hot mic?

10 A. That's correct, yes.

11 Q. So that allows an officer to speak, the Airwave is his  
12 or hers; what would happen if somebody else tried to  
13 make a transmission during that 10-second period?

14 A. The only person that can override the 10 seconds of hot  
15 mic, as it were, is the control room, so the control  
16 room maintain the ability to override at all times and  
17 that's to allow coordination of resources. They have  
18 the ability effectively to cut off the 10 seconds of  
19 hot mic and sometimes that can be done inadvertently  
20 where the controller instinctively reacts to the  
21 emergency activation and presses their button to seek --  
22 to assure that the officer is okay.

23 Where another officer attempted to broadcast during  
24 the emergency activation if the hot mic is open they  
25 will get the call denied tone, indicating that the talk

- 1           group is in use and that they need to wait.
- 2       Q.   And at the end of that 10-second period, the Airwave  
3           returns to normal, as it were, and anyone could make  
4           a transmission?
- 5       A.   The functionality is restored.  Until the actual  
6           emergency activation is cleared by the device that  
7           started it, all of the activity that happens thereafter  
8           is classed as an emergency activation and effectively  
9           the calls within that period of time whilst the talk  
10          group is still in its emergency state will be recorded  
11          as part of the emergency activation until the officer  
12          clears it on their device.
- 13      Q.   How would an officer clear it on his or her device?
- 14      A.   So on the -- as you will look at the device, the screen  
15          on the right-hand side under beneath the screen of the  
16          device there's a soft key which would display "Exit" and  
17          they press and hold that button to cancel the emergency  
18          activation.
- 19      Q.   Do the control room have the facility to clear the  
20          emergency status?
- 21      A.   They have the ability to acknowledge it, but they can't  
22          clear it from the device, so the officer that started  
23          the emergency activation must clear it from their  
24          device.
- 25      Q.   Can I ask you to look at a photograph of a handheld

- 1 radio set.
- 2 A. Sure.
- 3 Q. This is PIRC 01176. This is a police radio. Is this  
4 familiar to you?
- 5 A. Yes, absolutely.
- 6 Q. I wonder if you can help us to understand the different  
7 parts to it. I think we can see a screen on the front,  
8 that's probably quite obvious, but you will find,  
9 Mr Gill, if you press the screen a little circle will  
10 appear and that will perhaps allow you to point  
11 different things out to us.
- 12 A. Sure.
- 13 Q. So just for the avoidance of doubt if you could perhaps  
14 point to the screen so we can all be clear as to the  
15 location of the screen.
- 16 A. Sure.
- 17 Q. And this is the screen that you have explained that  
18 during an emergency activation by another radio within  
19 the same talk group will turn red?
- 20 A. That's correct.
- 21 Q. And there will be flashing, is that right?
- 22 A. The -- the screen itself will go red. It doesn't -- the  
23 screen doesn't flash but it will illuminate in a red  
24 colour as opposed to -- it's normally a kind of blue  
25 colour.

- 1 Q. Sorry, I misunderstood. I think you perhaps said it  
2 vibrates?
- 3 A. It vibrates, yes, it does.
- 4 Q. All right, that's my mistake.  
5 So that's the screen. We have heard much about the  
6 push-to-talk button. Where is that?
- 7 A. So that's this button here (indicating).
- 8 Q. That's the button you have explained would be used both  
9 for group calls and for point-to-point and am I right to  
10 understand that the only time that an officer would not  
11 need to have their finger or thumb on that button during  
12 a group call would be after they have activated the  
13 emergency button?
- 14 A. That's correct.
- 15 Q. When they have this hands-free hot mic period for about  
16 10 seconds?
- 17 A. Yes.
- 18 Q. Do we see the emergency button on this radio?
- 19 A. It's just slightly out of view. It's actually -- it's  
20 on the top of the device, in-between the rotary dial  
21 that you will see there and the antenna itself. It is  
22 located on the top of the device and is orange in  
23 colour.
- 24 Q. The rotary dial, is that just beneath the circle with  
25 three --

1 A. That's correct, just beneath circle 3.

2 Q. What's the purpose of that?

3 A. It allows for volume adjustment, so it turns the radio  
4 volume up and down.

5 Q. You mentioned there being a button that would clear the  
6 emergency status of a telephone.

7 A. That's correct.

8 Q. Sorry, of a radio. Where do we see that?

9 A. That's that button there. (indicating).

10 Q. I think those were the main ones that you spoke about in  
11 your evidence but are there any other buttons that are  
12 of significance that perhaps I haven't drawn your  
13 attention to?

14 A. The only other difference is around about the use of  
15 telephony. When dialing a telephony call, it is more  
16 like a mobile phone where the officer dials the full  
17 telephone number and then they would press the green key  
18 to dial the call and then again, the red key there to  
19 end that call, and then the keypads display the  
20 numerical buttons 1 through 9 are for the sending of  
21 messages and other functions.

22 Q. Thank you. We can take that down, Ms Wildgoose, thank  
23 you.

24 Finally, I would like to ask you just a few  
25 questions about the recording of voice communications.

1           You have explained that both voice communications and  
2           data communications can be made over Airwave. As far as  
3           the voice communications are concerned, are they  
4           recorded?

5           A. There's two sources of recording of Airwave activity.  
6           We have a functionality called bulk recording which --  
7           a service that we procure from Airwave which allows us  
8           to maintain clean recording of particular talk groups  
9           and by "clean" what I mean by that is that it monitors  
10          the talk group and records absolutely all traffic that  
11          it hears on that talk group, and then we have a second  
12          source of recording, which is the operator workstation  
13          recording within the control room and that will record  
14          all the voice activity that they are involved in.

15                 The controllers will multi-task, they will have  
16          multiple talk groups potentially on screen at any time.  
17          They can also receive inbound calls and sometimes the  
18          audio can be slightly confusing as to what is being  
19          listened to if all of that is happening at the one time,  
20          and so we use bulk recording to be able to strip out the  
21          talk groups and be able to listen to them cleanly to  
22          give us an indication of what the officers on the ground  
23          heard. They don't have that ability to multi-task and  
24          to have multiple streams of audio coming in; they only  
25          have the one talk group that they're listening to, so

1           that's where we use bulk recording to provide that clean  
2           kind of evidential copy of audio recording.

3       Q.   I see, so you could, for example, strip out everything  
4           other than the transmissions made to, let's say, the  
5           Kirkcaldy 1 talk group --

6       A.   That's correct.

7       Q.   -- on 3 May 2015?

8       A.   Yes.

9       Q.   So that would give you a recording of those Airwave  
10           transmissions, the voice transmissions, and would strip  
11           out everything else that might have been going on in the  
12           control room at that time?

13      A.   Correct.

14      Q.   You said earlier that point-to-point calls between two  
15           officers wouldn't be recorded, but if a point-to-point  
16           call was to or from someone in the control room, that  
17           would be recorded?

18      A.   Yes, that would be recorded in that second source that  
19           I described, the workstation recording. There would be  
20           an audio recording of that call from the control room.

21      Q.   Is that because you record every voice transmission made  
22           by an individual within the control room?

23      A.   That's correct.

24      Q.   So it matters not whether they are making a group call  
25           or a point-to-point, or whether they make an outgoing

1 call or they receive an incoming call, that will be  
2 recorded?

3 A. That will be recorded in the control room, yes.

4 Q. So it would only be private calls between two officers,  
5 point-to-point, or regular telephony that wouldn't be  
6 recorded?

7 A. That's correct.

8 Q. So we should understand then that any group calls over  
9 a talk group will be recorded in the manner that you  
10 have described, and for the avoidance of doubt, would  
11 that also include any emergency transmissions made after  
12 activating the emergency button?

13 A. That's correct.

14 Q. Earlier in your evidence when I first asked you about  
15 the handheld sets you made a gesture and you patted your  
16 shoulder to indicate where they are located --

17 A. Yes.

18 Q. -- on an officer's uniform. Can you elaborate on that,  
19 please?

20 A. Yes, so the devices are fitted with some form of  
21 shoulder attachment device and effectively the officer  
22 has a clip on -- on their uniform. It's typically in  
23 the shoulder area, sometimes it is slightly further down  
24 on their chest, and that allows the radio to effectively  
25 dock onto their uniform so that they don't need to hold



1           it in their hands.

2           MS THOMSON: I have no further questions for you. Thank you  
3           for your time.

4           LORD BRACADALE: Are there any applications in respect of  
5           this witness?

6           Well, thank you very much, Mr Gill, for coming and  
7           giving evidence. You are now free to go.

8           A. Thank you.

9           LORD BRACADALE: Before we stop for lunch I want to stress  
10          to legal representatives the importance of complying  
11          with the timetable for making Rule 9 applications. The  
12          timetable requires sufficient time for the Inquiry  
13          solicitors to process the applications, for Counsel to  
14          the Inquiry to consider and respond to them, and where  
15          the legal representative, having received the response  
16          of Counsel to the Inquiry, wishes the application to be  
17          placed before me, then I require sufficient time to  
18          consider it and, if necessary, to consult with the  
19          Assessors and then issue a decision and in addition, if  
20          any additional documentary productions are required, the  
21          evidence manager requires sufficient time to include  
22          documents in the day's bundle.

23          So it is important to comply with the timescale and  
24          I'm sure you will all bear that in mind. So thank you  
25          very much.

1                   We will sit again at 2 o'clock.

2                   (1.00 pm)

3                                   (The luncheon adjournment)

4                   (2.01 pm)

5                   LORD BRACADALE: Now, Ms Grahame, the next witness?

6                   MS GRAHAME: The first witness this afternoon will be

7                                   Kara Ferrier and she will be taken by my learned junior

8                                   Ms Thomson.

9                   LORD BRACADALE: Before you are asked questions, Ms Ferrier,

10                                   would you say the words of the affirmation after me.

11                                   PC KARA FERRIER (affirmed)

12                   LORD BRACADALE: Ms Thomson.

13                                   Questions from MS THOMSON

14                   MS THOMSON: Thank you. What is your full name, please?

15                   A. Kara Louise Ferrier.

16                   Q. Is that Constable Ferrier?

17                   A. Yes.

18                   Q. May I ask your age?

19                   A. I am 48.

20                   Q. And how many years' police service do you have?

21                   A. 25.

22                   Q. Constable Ferrier, in front of you there is a black  
23                                   folder and within it you will find a statement that you  
24                                   gave to a member of the Inquiry team on 28 February of  
25                                   this year.

1 I wonder, Ms Wildgoose, if we could put that up on  
2 the screen, it is SBPI 33 and if we might turn to page 6  
3 and paragraph 31. What we see on the screen, constable,  
4 is a copy of the statement that is before you in hard  
5 copy and you will see that at paragraph 31 it reads:

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

10 Do you see that?

11 A. Yes.

12 Q. And on the hard copy before you, do we see your  
13 signature at the bottom of the page?

14 A. Yes.

15 Q. It has been redacted on the version that we see on the  
16 screen, but you've got the signature on the hard copy in  
17 front of you?

18 A. That's correct.

19 Q. In fact, have you signed every page of that statement?

20 A. I have.

21 Q. Do we see that the date of the statement bears to be  
22 4 December 2022, which I think must be a mistake?

23 A. Yes. Is it possibly 12 April 2022 when this statement  
24 was sent to me to be signed?

25 Q. It could well be. It was certainly given, or the

1 process of preparing the statement began at the end  
2 of February, so that's possible. I don't think it  
3 matters, but are you satisfied you've got the hard copy  
4 in front of you, that's your statement --

5 A. Yes.

6 Q. -- that's your signature --

7 A. Yes.

8 Q. -- even if the date is perhaps wrong.

9 Did you have the opportunity to read over it before  
10 you signed it?

11 A. Yes.

12 Q. And you're happy with the content of the statement?

13 A. Yes.

14 Q. Constable, you should also have in front of you an  
15 operational statement that you prepared yourself on  
16 28 July 2015. Do you see that?

17 A. Yes.

18 Q. We don't need to put that up on the screen but can  
19 I simply make you aware that both of those statements  
20 are available to you, they're evidence before the  
21 Inquiry and if you would find it helpful to refer to  
22 them when you're giving your evidence, you're free to do  
23 so.

24 A. Okay.

25 Q. Can you cast your mind back to 2015. You were then,

1 I believe, a detective constable with the major  
2 investigations team?

3 A. That's correct.

4 Q. Based at Kirkcaldy police office?

5 A. Mm-hm.

6 Q. At that time am I right to understand that you held the  
7 role of intelligence officer?

8 A. That's correct.

9 Q. What did that role involve?

10 A. Interrogating and researching the police systems.

11 Q. Now in your operational statement -- I won't take you to  
12 this but in your operational statement, you say that on  
13 28 July of 2015 you were asked to research published  
14 briefings on the Police Scotland intranet and the  
15 Scottish Intelligence Database relating to threats to UK  
16 police officers?

17 A. Yes.

18 Q. In your Inquiry statement you explain that you don't  
19 actually remember being asked to do that.

20 A. No.

21 Q. But that your operational statement is true and  
22 accurate.

23 A. Yes.

24 Q. You go on to explain that you researched police systems,  
25 day in, day out, and so it could be hard to remember the

1           specifics?

2           A.   Yes.

3           Q.   In your operational statement you say that during your  
4           research you found a message published on  
5           16 January 2015 from Detective Chief Constable Iain  
6           Livingstone entitled "Police personnel threat level  
7           increased to severe". Do you recall that?

8           A.   Yes.

9           Q.   Can I ask Ms Wildgoose that we put PS 01314 on the  
10          screen. Is this the message from 16 January 2015 from  
11          DCC Iain Livingstone that you found and that you refer  
12          to in your operational statement and your Inquiry  
13          statement?

14          A.   Yes.

15          Q.   Do we see the top line of the briefing reads  
16          "Police Scotland", then there's an arrow, "News", and  
17          another arrow, "Police personnel threat level increase  
18          to severe"?

19          A.   Mm-hm.

20          Q.   Can you assist the Chair by advising where you found  
21          this briefing?

22          A.   This was on the Police Scotland intranet.

23          Q.   Who would have access to the Police Scotland intranet?

24          A.   All employees of Police Scotland.

25          Q.   Police officers and civilian staff?

1 A. Mm-hm.

2 Q. So all police constables serving as constables within  
3 Police Scotland at the time that this briefing was  
4 issued would have had access to it --

5 A. Yes.

6 Q. -- via the intranet.

7 Do we see that the heading is "Police personnel  
8 threat level increase to severe."

9 A. Yes.

10 Q. And the briefing is dated 16 January 2015?

11 A. Mm-hm.

12 Q. It's in relatively short compass, constable. Can I ask  
13 you to read the briefing out?

14 A. Mm-hm:

15 "The terror threat level specific to police  
16 personnel working in the UK has increased to severe.  
17 This means that an attack on Police Service personnel is  
18 highly likely.

19 "In a message to all Police Scotland officers and  
20 staff, Deputy Chief Constable Iain Livingstone said it  
21 was imperative that all personnel familiarise themselves  
22 with safety advice and adhere to those measures.

23 "Further detailed guidance and advice has been  
24 published to minimise risk and mitigate potential  
25 threats. He said 'the threat level regarding personnel

1           who work from the Police Service in the UK has increased  
2           from substantial to severe. This means that an attack  
3           focused on the Police Service is assessed as highly  
4           likely. The overall threat level to the UK from  
5           international terrorism remains at severe. The purpose  
6           of this message is to raise awareness of the threat  
7           level increase but also of the precautions all personnel  
8           must take to keep themselves and colleagues safe. There  
9           is no intelligence to suggest a specific or direct  
10          threat to Police Scotland personnel. Our officers and  
11          staff are used to confronting risk and danger and are  
12          well trained in how to protect themselves and the  
13          public. However, I wish to remind all officers and  
14          staff in the strongest possible terms that they should  
15          take sensible and proportionate steps in relation to  
16          their own personal safety and maintain a heightened  
17          awareness of safety of all colleagues.'

18                 "A further aide memoire, 'Terrorism: a safe  
19                 response' is also available and should be read by all  
20                 officers and staff."

21         Q. Thank you. We can take that away the screen now, thank  
22             you, Ms Wildgoose. In your operational statement and  
23             your Inquiry statements you refer to another briefing  
24             that you found during the course of your research,  
25             a "Stay Safe" message published on 19 February 2015. Do



1           you recall that?

2           A.   Mm-hm.

3           Q.   I wonder if we can bring that up on screen, please.  It  
4           is PS 09749.  We see that this briefing is entitled  
5           "Stay Safe - message from Assistant Chief Constable  
6           Ruaraidh Nicholson", and it is dated 19 February 2015.  
7           Is this the second message that you found during the  
8           course of your research?

9           A.   Yes.  Can you scroll up -- yes, that's it.

10          Q.   And this is the message referred to in your statement?

11          A.   Yes.

12          Q.   You say in your statement that again this was located on  
13          the Police Scotland intranet, is that correct?

14          A.   Yes.

15          Q.   And so again would have been available to all serving  
16          officers and civilian staff.  Can I ask you simply to  
17          read the first three paragraphs.

18          A.   Okay:

19                 "As you are aware, the threat level to the UK from  
20                 international terrorism remains at 'severe' and more  
21                 specifically the threat level to the Police Service  
22                 sector has also been raised to 'severe'.  This means an  
23                 attack is highly likely, although it is uncertain what  
24                 form it may take.  We have witnessed the recent attacks  
25                 in Copenhagen, Paris, Australia and Canada and we can

1 clearly recall the murder of Fusilier Lee Rigby on the  
2 streets of Woolwich.

3 "Intelligence suggests that the current threat comes  
4 from an opportunistic attack by self-organised Islamist  
5 extremist groups or individuals."

6 Q. Thank you. So we see that this briefing, issued about  
7 a month after the previous briefing that we looked at  
8 a few moments ago, seeks to remind staff about the  
9 increase in the threat level and it references recent  
10 events across the world related to terrorism, is that  
11 correct?

12 A. Correct.

13 Q. Both of these briefings were published on the  
14 Police Scotland intranet?

15 A. (Nods).

16 Q. Which was one of the places that you carried out your  
17 research. Do I understand correctly that you also  
18 carried out a search of the Scottish Intelligence  
19 Database?

20 A. Mm-hm.

21 Q. Did you find anything of relevance there?

22 A. No, nothing.

23 MS THOMSON: I have no further questions. Thank you.

24 LORD BRACADALE: Any applications in respect of this  
25 witness? No.

1 Thank you, Constable Ferrier, for giving evidence.

2 That's your evidence and you're now free to go.

3 (Pause).

4 And the next witness, Ms Grahame?

5 MS GRAHAME: Inspector Steven Stewart.

6 LORD BRACADALE: Good afternoon, Inspector Stewart. You're  
7 going to be asked questions by Ms Grahame at the end of  
8 the table. Before you are asked questions would you say  
9 the words of the affirmation after me.

10 INSPECTOR STEVEN STEWART (affirmed)

11 LORD BRACADALE: Ms Grahame.

12 Questions from MS GRAHAME

13 MS GRAHAME: Thank you. You are -- good afternoon. You are  
14 Inspector Steven Stewart.

15 A. That's correct.

16 Q. And we have on note all your contact details, I won't be  
17 reading those out, but in addition in advance of this  
18 morning we have been sent a CV from you, is that  
19 correct? Were you aware of that?

20 A. No.

21 Q. No? All right. I think we have been sent it from  
22 Police Scotland. We will deal with that later.

23 Could I ask you to look, please, on the screen at  
24 Inquiry statement SBPI 84. Now, when I'm referring to  
25 this document, inspector, it will come up on the screen,

1 but when I'm referring to it, it may be only certain  
2 paragraphs that are visible. So do you see the black  
3 folder in front of you on the desk?

4 A. Yes.

5 Q. Please feel free to open it. That contains hard copies  
6 of your statement, so if you wish at any time feel free  
7 to look through it, or refer to it.

8 Looking at the screen for the moment, do we see that  
9 this is a witness statement from you taken by the  
10 Inquiry team on 17 March 2022?

11 A. Yes, that's correct.

12 Q. And would you look, please, at the final page. Do you  
13 see the final paragraph says:

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

18 A. Yes.

19 Q. And although we don't see your signature on the screen,  
20 in the hard copy am I correct in saying that you signed  
21 every page on the statement?

22 A. Yes, I have signed every page, including the last page.

23 Q. Thank you. And having done so, you're happy for this  
24 statement to be published on our website?

25 A. Yes.

1 Q. Thank you. Now, we have heard from some other people  
2 that they also have statements given to PIRC, but you  
3 were not asked to provide any operational statement, but  
4 you did provide a PIRC statement, is that right?

5 A. Yes, that's correct.

6 Q. I will come on to that later, thank you.

7 You work in the ACR, the area control room at  
8 Bilston Glen, is that right?

9 A. I did at the time of the incident.

10 Q. At the time in 2015, May 2015?

11 A. Yes.

12 Q. And I think in your statement at paragraph 16 you  
13 describe this as a well oiled machine. You will see  
14 this on the screen in a moment. You will see the last  
15 two lines:

16 "... it's a well oiled sort of machine that kicks  
17 in."

18 A. Yes.

19 Q. Is that a fair description? Now, you have given us  
20 a lot of detail in your statement and I don't want to go  
21 through that line by line, but I wonder if you would be  
22 able to explain to the Chair how a call moves through  
23 the system, because in your statement you have referred  
24 to service centre advisors, controllers, supervisors and  
25 local officers and I wonder if you could just help the

1 Chair understand the way the calls move through the ACR,  
2 the area control room.

3 A. Yes, certainly. So the control room is based for the  
4 east area of Scotland at Bilston Glen, just outside of  
5 Edinburgh. The area control room is split into two  
6 parts: a service centre where calls from members of the  
7 public and partner organisations come in through 101 or  
8 999. These calls are answered by service centre  
9 advisors who take details of the incident -- of the  
10 call, create an incident if required, carry out any  
11 frontline resolution or sign-post the partners if  
12 appropriate, but incidents that are created for police  
13 attendance are created on the STORM command and control  
14 system and then they're transferred over to the second  
15 part of the control room, which is the actual area where  
16 the dispatchers, the police controllers are, and the  
17 incidents are electronically transferred over for the  
18 controllers who have control of a specific geographical  
19 area, for example, the South West area of Edinburgh if  
20 that's where that incident is based, and then these  
21 controllers assess the incident, look at the  
22 information, look for a resource depending on the  
23 priority of the call, and pass the incident out for  
24 local officers to attend and that's essentially what  
25 happens in that regard.

1           There are supervisors in the service centre and the  
2           control room who provide the oversight and also in the  
3           east area control room there is an overview facility  
4           where myself as a duty officer would work alongside  
5           a sergeant, a research officer and a comms officer.

6           Q. It sounds like a busy place?

7           A. Yes.

8           Q. So calls come in from different areas in Scotland and  
9           they come into the ACR, the control room, and you said  
10          they create -- the service centre advisors create an  
11          incident?

12          A. Yes.

13          Q. And what does that actually mean?

14          A. So there's a set template and what they do is they're  
15          typing that information on the job as to just what the  
16          nature of the call is to the police, so if it was  
17          a missing person they would take details from the person  
18          who had phoned in and they would populate that screen  
19          with the relevant information which would then be used  
20          as an incident to transfer across to the control room  
21          side of the centre.

22          Q. And you spoke about if it's for police attendance, so if  
23          the police have to actually attend the incident, then  
24          you said it goes to STORM and on to police controllers?

25          A. Yes, so STORM is the command and control system that's

1           there, so an incident gets created on STORM and gets  
2           transferred across to the control room, so it's an  
3           electronic transfer of a job, so if I was typing  
4           information on, if I took the call from the member of  
5           the public, I was typing information on, it would get  
6           transferred to you as a controller if there was a need  
7           for police to attend. You would assess the incident,  
8           decide which resources you were going to send and then  
9           you would radio up the police officers on the ground or  
10          supervisors to say you had an incident regarding  
11          a missing person in the south-east area of Edinburgh and  
12          you look for resources to dispatch to that.

13        Q. And when you talk about resources, what do you mean?

14        A. Police resources, so local policing resources, it could  
15          be any kind of resources, community policing resources,  
16          response officers, CID officers, plain clothes or  
17          specialist resources depending on the nature of the  
18          incident.

19        Q. And what are specialist resources?

20        A. So I would say specialist resources are -- there's  
21          a range of specialist resources. I would describe them  
22          as roads policing officers, the armed response vehicles,  
23          public order officers, mounted officers, the force  
24          helicopter, negotiators, dog units, um ...

25        Q. When you say armed response vehicle, is that commonly



- 1           shortened to ARV?
- 2           A. Yes, that's correct.
- 3           Q. And then the controllers consider resources and maybe
- 4           contact local officers?
- 5           A. Yes, that's correct.
- 6           Q. Right. So you mentioned supervisors who have oversight;
- 7           what was your job in the ACR that day on 3 May 2015?
- 8           A. So I was the duty officer, so I had overview of the
- 9           whole service centre and the area control room, so my
- 10          responsibility was to make sure that calls were
- 11          resourced and attended by local policing officers, by
- 12          specialist resources if required.
- 13          Q. So you were in charge of the team of service centre
- 14          advisors --
- 15          A. Yes.
- 16          Q. -- who were receiving the calls, and also the
- 17          controllers?
- 18          A. Yes.
- 19          Q. And supervisors?
- 20          A. Yes.
- 21          Q. Right. And you were called the duty officer?
- 22          A. Yes, that's correct.
- 23          Q. So were you in overall charge of the ACR on 3 May 2015?
- 24          A. Yes.
- 25          Q. Thank you. I want to ask you about something you say in

1 paragraph 10 of your statement, please. You talk about  
2 grading types of calls, grade 1 and grade 2 and 3, and  
3 I wonder if you could explain to the Chair what's  
4 involved in that process.

5 A. Okay, so when I worked there the calls were graded and  
6 they were grade 1, grade 2 and 3. That's since changed  
7 to immediate, priority and routine, I think it is,  
8 I have not worked there for a while. So your grade 1  
9 calls were your urgent, emergency calls that required  
10 immediate attendance within a very short period of time,  
11 so they were your high end emergency calls requiring  
12 immediate response. Grade 2 still needed a prompt  
13 response but not necessarily an immediate dispatch, and  
14 grade 3 tended to be more routine calls where the risk  
15 was not so significant and it could take a -- you know,  
16 they could be attended further down the line when  
17 resources were available, or it suited the individual.

18 Q. Could you give the Chair an example of a grade 1 call  
19 that had immediate priority?

20 A. Yes, so it could be a high risk missing person, it could  
21 be a robbery, it could be the incident that I'm here for  
22 today, it could be a fire call, it could be a road  
23 traffic accident where someone had been knocked down.  
24 A serious incident that required an immediate police  
25 response.

- 1 Q. And could you give him an example of a grade 2 call?
- 2 A. Yes, you know, it could be a house break-in where the  
3 perpetrators had left the scene and the people were safe  
4 but it needed a quick response for the members of the  
5 public. Yes.
- 6 Q. If someone phones in saying they have seen someone with  
7 a knife, is that always a grade 1 call or could it be  
8 a grade 2 call?
- 9 A. I would suggest that would always be a grade 1 call,  
10 depending on the information that was passed, but if  
11 there was any threat, risk of harm then I would suggest  
12 it would always be a grade 1 call.
- 13 Q. Does it make any difference to the grading if that  
14 person with the knife is damaging cars as opposed to  
15 threatening people?
- 16 A. I think someone in possession of a knife is always going  
17 to be a grade 1 call, just because of the potential  
18 risks associated with someone having a weapon in  
19 a public place.
- 20 Q. Thank you. Can you explain to the Chair how they are  
21 dealt with. So a grade 1 call, first of all, how is  
22 a grade 1 call -- what's the response to that type of  
23 call?
- 24 A. So it would be an immediate response -- so a grade 1  
25 call, what would happen is the information would be

1           phoned in by a member of the public, the details would  
2           be noted on the -- or recorded on the STORM command and  
3           control system by the call taker, the service centre  
4           member of staff and then that information would get  
5           transferred very quickly to the controller side of the  
6           control room, and then they would put the call-out to  
7           local policing officers almost immediately, so local  
8           officers, local supervisors were aware of the urgent  
9           call in their area. They would look for resources to  
10          dispatch to that grade 1 call.

11         Q. If it is a grade 2 call, how does the response differ?

12         A. The grade 2 would be taken in the same way, but when it  
13          reached the controller, the controller would be looking  
14          at it, making that assessment of risk, understanding  
15          what the call encapsulated, and then they would allocate  
16          resources, so they might not allocate a resource  
17          immediately but they would be looking to allocate  
18          a resource. They may allocate a resource immediately if  
19          they had a resource free.

20         Q. So what factors -- you have talked about assessing risk  
21          and you have talked about allocating resources  
22          immediately. What factors will the controller take into  
23          account when they're deciding how to respond to the  
24          call?

25         A. I mean I would say threat, risk and harm. Threat to

1 members of the public, threat to individuals, threat to  
2 people in the vicinity and then the level of risk. So  
3 if there was weapons involved, the level of risk would  
4 be higher potentially and then the overall harm that  
5 could be done. So a threat, risk and harm risk  
6 assessment is probably a good way to describe it.

7 Q. And largely it is risk to people or threat to people?

8 A. Yes.

9 Q. So if there's a difference between how -- if there's  
10 multiple calls coming in and different service centre  
11 advisors grade them differently, perhaps 1 or 2, how is  
12 that situation resolved?

13 A. Okay. So from my recollection there you would --  
14 I would hope that the jobs would be linked. Certainly  
15 in overview if there were grade 1 calls coming into  
16 a certain area in respect of a specific incident, they  
17 would be flagged up to me in the overview and if  
18 something was misgraded, a 2 as opposed to a 1, I would  
19 still hope that that would be picked up just because of  
20 the proximity.

21 Q. So where there's a variation, you will go with the  
22 grade 1 grading --

23 A. Oh, yes, yes.

24 Q. -- rather than the grade 2?

25 A. Yes.

- 1 Q. So if we hear that a call was graded grade 2 but  
2 an officer took the view it should be a grade 1, there  
3 wouldn't be any problem with treating it in that way?
- 4 A. No. I mean a call can be upgraded as well, so if it  
5 came in as a grade 2 and then there was additional  
6 information that came into the service centre, text  
7 would be added on the incident sort of demonstrating the  
8 additional sort of risk factor. So you can increase  
9 a grade as well, so it's possible to do that.
- 10 Q. And is that something that you would have authority to  
11 do, or to control?
- 12 A. The controller would do that. I think the service  
13 centre advisor could actually change the grading of it  
14 as well if they felt that it merited that sort of more  
15 immediate response.
- 16 Q. So it's not necessary for someone in your position as  
17 duty officer to alter the grading?
- 18 A. No, no. I wouldn't alter the grading of a call.  
19 I wouldn't think so.
- 20 Q. And if we hear that Acting Sergeant Maxwell upgraded  
21 a call from grade 2 to grade 1, is there any difficulty  
22 with that?
- 23 A. So was Acting Sergeant Maxwell a local policing officer  
24 or a controller?
- 25 Q. He is not a controller; he is a local officer.

1 A. Yes. Well, he couldn't physically upgrade a call from  
2 a grade 2 to a grade 1, he might intimate that he  
3 thought it was a more serious incident or a more serious  
4 call and there would be absolutely nothing wrong with  
5 a local supervisor on the ground making that call.

6 Q. Thank you. Could I ask you to look at paragraph 45,  
7 please. You will see this on the screen. As part of  
8 the process of taking your statement, you were asked to  
9 look at a transmission where it says -- there was  
10 a transmission from Acting Police Sergeant Scott  
11 Maxwell:

12 "Control from 411. I want all units to attend that.  
13 Bearing in mind officer safety, an ARV and a dog as  
14 well."

15 So he is a local officer from Kirkcaldy and you are  
16 at Bilston Glen in the control room, but you have no  
17 difficulty with him making the request for an ARV or  
18 a dog unit as well?

19 A. No, I mean he is the local supervisor on the ground,  
20 I would certainly take into consideration his views and  
21 thoughts.

22 Q. And is there any question about the authority that he  
23 has to request an ARV?

24 A. I mean he can request an ARV, but ultimately on that day  
25 it was myself as a trained tactical firearms commander

1           who would be the individual who authorised and deployed  
2           armed -- ARVs to an incident.

3       Q.   Tell us what a trained tactical firearms officer does?

4       A.   So as a trained tactical firearms commander I went on  
5           a course and I was accredited, went through a training  
6           process and I was in the control room on a 24/7 basis.  
7           We always had an ITFC as a duty officer, they went hand  
8           in hand, because you were that initial sort of response,  
9           or assessment for serious incidents involving firearms  
10          or weapons, or violence.  So if an incident came into  
11          the control room in terms of a live incident, someone in  
12          possession of a handgun, someone in possession of  
13          a knife or an axe, I would make that determination based  
14          on my training as to whether or not it was a declared  
15          firearms incident and then I would deploy ARV resources  
16          to deal with that and brief them on the way and advise  
17          them of tactics and sort of control these specialist  
18          resources to the incident.

19       Q.   So you have had special training to allow you to become  
20          a tactical firearms commander?

21       A.   Yes.

22       Q.   And that provides you with the authority to deploy ARVs  
23          to an incident?

24       A.   Yes.

25       Q.   But is that specialist training that you have had that



1 provides you with that authority?

2 A. Yes.

3 Q. It's not something that any officer can -- has the  
4 authority to deploy?

5 A. No, just myself. So the officer who has said this is  
6 obviously looking for sort of additional resources to  
7 attend based on the information he has received.

8 Q. Thank you. I would like to begin by looking at some  
9 enhanced video timeline, some footage that we have, and  
10 this will allow you to hear the first contact from the  
11 control room to the officers on 3 May 2015.

12 You will see on the screen, just briefly to explain  
13 to you, you will see that on the top left-hand side  
14 there's a real time clock in grey which says 7.16 in the  
15 morning and 22 seconds, and beneath that there are some  
16 buttons which you will see light up when a call is  
17 received into the control room. At the moment the 999  
18 call button is lit up. On the left-hand side at the  
19 bottom of the screen we see some dash cam footage which  
20 has been cross-checked with the real time clock. It is  
21 taken from a vehicle which is on Hendry Road. Then on  
22 the right-hand side we see footage from a CCTV camera  
23 positioned in a nearby pub called Gallaghers pub.

24 As we play this you're going to hear the audio and  
25 I appreciate that at this moment in time you would have

1           been in the control room in Bilston Glen, but we're  
2           going to listen to the audio on this. While we do that  
3           I wonder if I could also ask you to look at  
4           a spreadsheet which is on the table just to your left  
5           and I would like to explain to you -- now, you will have  
6           this in front of you throughout my questions to you, but  
7           let me just explain what we have in front of you.

8           You will see on the left-hand side there is a column  
9           which gives video timings. Do you see that?

10          A. Yes.

11          Q. It starts at 07.09.20, so that's 9 minutes past 7.00 in  
12           the morning and 20 seconds and the first line is 7.09.20  
13           to 7.09.33, do you see that?

14          A. Yes.

15          Q. That's page 1 of the spreadsheet and as you go along  
16           that row, you will also see a description of visible  
17           events in the video and then there's a small thumbnail  
18           description given of what can be seen on the footage, so  
19           this is tied to what you will see on the screen, so if  
20           you look towards 7.16.22, you will see that in the  
21           second column it says -- for audio timings you will see  
22           that it says there was a call from Con 1 that says  
23           "Control 4, 41 Charlie"; do you see that?

24          A. Yes.

25          Q. So you should -- when we play this tape you should be



1           you know from listening to that who made the call from  
2           Con 1 at 7.16.32?

3           A. I think it would have been PC Scott Masterton.

4           Q. Scott Masterton?

5           A. I think it was Scott Masterton, that's my recollection.

6           Q. Was he Con 1?

7           A. I think he was.

8           Q. Can I ask you as you look at the words written down --  
9           it says:

10                 "I need you to divert to Hendry Road, a disturbance  
11           ongoing, male armed with a knife. African-looking male  
12           chasing. Someone may be carrying a knife. Described as  
13           big with muscles, about 6 feet tall wearing a white  
14           T-shirt and dark coloured jeans. There's another job  
15           coming in about it. Stand by."

16                 I wonder if we could listen to that again please.  
17           7.16.32 please, Ms Wildgoose. Thank you. I'm going to  
18           be asking you a question about the words  
19           "An African-looking male chasing, someone may be  
20           carrying a knife". So when you are listening to it,  
21           will you listen to those words, please, thank you. So  
22           this will start at 32.

23                                 (Audio played)

24                 Thank you. There seems to be quite a big gap  
25           between "... a knife. African-looking male chasing" and

1           then a big gap before the words "Someone may be carrying  
2           a knife". Did you hear that?

3           A. Yes.

4           Q. Yes. So this isn't a call saying "Someone is chasing  
5           people with a knife", it's "Chasing" -- a male chasing  
6           and then someone may be carrying a knife. I'm trying to  
7           understand how -- what that would -- what that message  
8           means.

9           A. I mean, I have not heard this message until just there,  
10          so it's obviously describing the male -- the male who is  
11          involved in the incident. It suggests there that it's  
12          chasing someone, but it doesn't say who, "may be  
13          carrying a knife", and then the description that the  
14          controller has obviously -- they must have read from the  
15          incident or been passed about build, height and clothing  
16          and then obviously another incident is coming in,  
17          a similar incident, or another call coming in I think is  
18          what he is saying, "stand by", and I would presume that  
19          he was saying stand by because he was going to look at  
20          the next incident that was coming in to see if it  
21          matched or reflected or was linked or related to it.

22          Q. Do you think this has the potential to be confusing  
23          about whether the person has a knife or the person is  
24          chasing someone with a knife?

25          A. I mean, I don't know. For me the key thing is that

1           someone may be carrying a knife, you know. I suppose it  
2           could be confusing if there is a pause, but the way  
3           I read it is that there's a male walking and it talks  
4           about him being armed with a knife and then chasing  
5           someone, maybe carrying a knife, so I suppose -- yes  
6           I can understand what you are saying about that.

7   LORD BRACADALE: Can I just be clear about what Control 1 is  
8           doing here. Is he reading the text that's come through  
9           from the other side?

10   A. Yes, I think he is, sir, I think he will be reading --  
11           he will be reading the incident and then speaking out  
12           over the radio to the officers, passing the description  
13           of what he has seen written down.

14   LORD BRACADALE: Thank you.

15   A. If that makes sense.

16   MS GRAHAME: Thank you.

17           Can we go back to your statement, please,  
18           paragraph 11. You see here you're talking about  
19           3 May 2015.

20   A. Yes.

21   Q. And you talk about having specific responsibility -- so  
22           line 4 of that paragraph:

23           "... specific responsibility for control and  
24           coordination of specialist resources, which would  
25           include firearms ... dog unit ..."

1           And I'm wondering if you could help the Chair in  
2           explaining what factors you would have regard to when  
3           you choose to deploy firearms or a dog unit?

4       A.   Again, it would be threat, risk and harm facing members  
5           of the public, that would be my consideration, but  
6           I would use a model, a national decision-making model  
7           which as a firearms commander I was trained to use to  
8           understand an incident, what was happening, what the  
9           threats could possibly be, who was involved in the  
10          incident.  It's about making an initial risk assessment,  
11          a threat assessment which is prioritised, and then  
12          I work through various sections of it covering sort of  
13          policy and powers, the criteria for the deployment of  
14          armed officers, whether or not that's met, and then  
15          I would work through the various tactical options that  
16          would be available to me, so I would work through that  
17          model as information was coming in and sometimes that  
18          would change maybe actions that I would take.

19       Q.   And so when you say it could change, are you keeping  
20           this under constant review depending on the information  
21           being fed to you?

22       A.   Yes.  It's -- I mean they talk about spinning the model  
23           all the time and it updates all the time, so if new  
24           information was to come to light that increased the  
25           threat, or negated a threat then I would obviously have

- 1 to consider that in my working strategy, the way that  
2 I was prioritising the threats.
- 3 Q. So you will be adapting your strategy depending on the  
4 information coming in?
- 5 A. Yes, and it could change several times in an incident  
6 over the course of an incident, if it was a longer  
7 incident.
- 8 Q. Thank you. Would you look at paragraph 13, please. You  
9 have talked about the armed response vehicles, ARV  
10 crews, and you have said in that paragraph -- please  
11 feel free to look through it -- that they were available  
12 in Edinburgh, Stirling, and Edinburgh Airport and we're  
13 talking about 3 May 2015?
- 14 A. That's correct.
- 15 Q. There was no ARV available in Fife.
- 16 A. Not on that morning, no.
- 17 Q. And can you explain why there wasn't one there?
- 18 A. It would just have been to do with armed policing  
19 resources, how they resourced the ARVs on that  
20 particular shift.
- 21 Q. Is there often one in Glenrothes?
- 22 A. There is a car in Glenrothes sometimes, but not on this  
23 particular day.
- 24 Q. You say a car; is that an ARV?
- 25 A. Sorry, yes, an ARV.



1 Q. No, I don't want to make any mistakes.

2 How long would it take if you needed an ARV in Fife,  
3 and particularly in Kirkcaldy, how long would it take  
4 for an ARV to respond if you were calling them from the  
5 area control room in Bilston Glen and they were based in  
6 Edinburgh?

7 A. I mean I looked at this at the time and shortly  
8 thereafter, but it was about 27 miles by road from  
9 Edinburgh Fettes to Kirkcaldy, so it was a Sunday  
10 morning, so they would have been able to travel quite  
11 quickly, but it was still going to take 25 minutes.  
12 Stirling is probably about 40 miles, I think, so again,  
13 there's that 30 to 35-minute travelling time and even  
14 Dundee, which wasn't in my area, but if necessary,  
15 I could have gone to Dundee, I mean that's still  
16 30 miles from Kirkcaldy, so the timescales of ARVs  
17 attending Kirkcaldy on that morning as a minimum would  
18 have been about 25 minutes to 30 minutes, I would  
19 suggest.

20 Q. But Edinburgh was the closest location --

21 A. Yes.

22 Q. -- where any ARV was available?

23 A. Yes, and within Edinburgh as well there was an OFC as  
24 part of that resource, so that's an operational firearms  
25 commander, so that would be the individual I would

1           liaise with directly in terms of briefing and deploying  
2           and tactics that I wanted to be carried out on the  
3           ground, so the OFC -- it would be my preference that the  
4           OFC would go with his or her resources.

5       Q.   And is that the person you had contact with on 3 May  
6           that year?

7       A.   Yes.  It was my communications officer in the control  
8           room that made them aware of an incident that was  
9           happening in Kirkcaldy at the time.

10      Q.   And what's her name?

11      A.   That was Michelle Hutchinson was the communications  
12           officer at the time.

13      Q.   Thank you.  Could I ask you to look at paragraphs 16 and  
14           17 of your statement.  You mention the National  
15           Decision-Making Model.

16      A.   Yes.

17      Q.   And I wonder if you could explain to the Chair a little  
18           bit about this.  I think we may have a diagram that we  
19           could show as you go through this which Ms Wildgoose  
20           will put on the screen.  So it is my understanding --  
21           and you will see at the top of the page PS 13182,  
22           National Decision Model pdf, do you see that?

23      A.   Yes.

24      Q.   And there's a diagram.  I wonder if you could talk -- do  
25           you recognise this diagram?

1 A. Yes.

2 Q. I wonder if you could talk through it to explain it to  
3 the Chair, please.

4 A. Yes, certainly. I mean this is a model that  
5 police officers across Scotland use. It's not just  
6 myself as a firearms commander, but operational  
7 officers, detectives, everybody should use this as  
8 a sound basis for sort of decision-making, so right at  
9 the very, very top it has got "Gather  
10 information/intelligence", so in any kind of incident  
11 I would deal with I would be looking for information  
12 that was coming in in terms of phone calls, 999 calls,  
13 to try and build a picture of what was actually  
14 happening at the incident. Any intelligence as well  
15 that was held on police systems, so if we knew it was an  
16 individual who was involved in the incident we could  
17 look at intelligence to see where that person stayed, if  
18 they had markers for violence, if there were firearms --  
19 known to carry firearms. So you're building that  
20 picture about the incident that helps to inform your  
21 decision-making. It helps you move on to the next part,  
22 which is your threat and risk assessment and your  
23 initial working strategy, as I would call it.

24 So with the -- with that, you have looked at the --  
25 you know, I would use that -- as part of the gathering

1 information/intelligence I would look at the victim  
2 location, time, proximity and the subject in terms of  
3 who they were, what their capabilities were, what their  
4 identification was and what their possible intent was  
5 and then you move on to the threat that's being posed.

6 So in terms of the threat I would be looking at who  
7 was making the threat, what it entailed, who was likely  
8 to be at risk, who was immediately at risk and that  
9 helped you to develop an initial working strategy which  
10 was prioritised. So I would rank them in priority of  
11 who I thought was most at risk and I would have to -- my  
12 working strategy would have to reflect that, so normally  
13 at the top of a working strategy it would be any victim  
14 or potential victim, then it would be public in the  
15 vicinity, and then it would be local policing officers  
16 who were attending, if they were attending, and then it  
17 might be emergency service responders, armed policing  
18 and then it might be the subject below that and you  
19 would rank them in that order, but if information and  
20 intelligence came in, it might change the circumstances.

21 Your working strategy would then go on to cover,  
22 you know -- you would want it to locate -- identify and  
23 locate and contain the individual, search -- stop them,  
24 search them, recover any weapon and then return to  
25 normality so that working threat and risk assessment

1           would change throughout the course of an incident if it  
2           was longer.

3       Q.   So as you're working out your strategy more information  
4           could come in to you that means you want to alter or  
5           amend that strategy?

6       A.   Yes, yes.  I have mentioned that the subject might be at  
7           the bottom of the strategy but that might change should  
8           the individual decide to sit down and hold a gun or  
9           a knife or anything to themselves and be a threat to  
10          themselves, so they would -- the strategy would then  
11          change and most of --

12      Q.   So the situation is evolving depending on --

13      A.   Yes.

14      Q.   So at any time more information comes in you go back to  
15          look at your strategy again?

16      A.   Yes.

17      Q.   And then once you have developed your strategy, before  
18          any other new information comes in, you have here  
19          "Consider powers and policy"; what does that mean?

20      A.   Yes, so you're looking at whether or not the criteria  
21          for the deployment of officers, armed officers, is met  
22          and that's either a yes or a no, and there's  
23          a definition that we learned and you have it on an  
24          aide memoire and then you're looking up what offences  
25          has been committed, what powers you have to arrest

1           someone or search an individual, you're looking at  
2           a proportionate response in terms of force, you're  
3           looking at just what actions you would take in terms of  
4           that, whether it is proportionate, lawful, accountable,  
5           necessary and least intrusive, so you would work your  
6           way through your powers and policies.

7           Q.   So once you've got your strategy, you're thinking about  
8           in some ways the legal position --

9           A.   Yes.

10          Q.   -- and the policies, would that be Police Scotland  
11          policies?

12          A.   Yes.

13          Q.   Would it cover standard operating procedures?

14          A.   Yes, yes, you would take them into consideration.

15          Q.   We may hear some of them are called SOPs or SOPs?

16          A.   Yes.

17          Q.   And what are standard operating procedures?

18          A.   It's the guidance to operational officers (inaudible  
19          overspeaking).

20          Q.   And is that officers who are local officers who might  
21          attend an incident?

22          A.   It could be guidance for any officers.  There are SOPs  
23          for everything in Police Scotland, so it would be --

24          Q.   And is everyone who is a police officer trained in those  
25          SOPs?

1       A. Yes, so SOPs are on the police intranet and they're  
2       refreshed and updated and published as new information  
3       comes in, so the expectation is that you would have to  
4       keep up-to-date with SOPs.

5       Q. And so against that background, again, assuming no  
6       further information has come in, if we look at the next  
7       row it leads to "Identify options and contingencies".  
8       What does that mean?

9       A. So that's -- you're identifying your sort of tactical  
10      options, what's available to you. There's generic  
11      options that help you in your decision-making process,  
12      so you might decide to wait and try and gather more  
13      information or intelligence, understand what's  
14      happening, that might be a course of action which is  
15      appropriate for a specific incident, then you could take  
16      mitigating action and that might be removing members of  
17      the public or witnesses from a location to try and  
18      reduce risk to them. Then there's observations and that  
19      could be visual observations and physical observations,  
20      getting eyes on a person, CCTV if there was any and  
21      then, you know, investigative assessment is another one.  
22      There's a list of seven of them. Investigative  
23      assessment and that's when you're going forward to look  
24      at the situation, to understand what's going on, to get  
25      that information fed back to you, which again all feeds

1           into your decision-making process and then there's  
2           containment, communication and then decisive action,  
3           what you're going to do, so you've got a list of seven  
4           generic options is what I was trained in and you use  
5           what's most appropriate, or you could use six out of the  
6           seven, or three out of the seven, depending on which  
7           most -- is appropriate, and then you have your  
8           contingencies for --

9           Q.   Would -- sorry to interrupt.  Would decisive action  
10          include restraint?

11          A.   It would be, I would say, decisive action would be  
12          intercept the subject, challenge the subject and arrest  
13          the subject.  It wouldn't necessarily be restraint, but  
14          it could be if a subject struggled, for instance.

15          Q.   And that would be number 7 on the list?

16          A.   Yes, yes.

17          Q.   And then it says, "Take action and review what  
18          happened".

19          A.   Yes, you would put your tactical options you were going  
20          to decide what you would do, so I would brief the armed  
21          response officers, tell them what I wanted them to do so  
22          we would take that course of action and try and  
23          understand if it worked whether it was successful or if  
24          we maybe needed to do something else, and that was the  
25          important part, to make sure that you were continuing to



1 take the right course of action.

2 Q. But at any time, more information could come in which  
3 then means you go back to the beginning?

4 A. Yes, and you just spin it all the time and at the centre  
5 of it is the code of ethics which is what you should  
6 underpin your decision-making and your practice in.

7 Q. And that's the code of ethics that applies to all  
8 police officers?

9 A. Yes, yes.

10 Q. Could I ask you to go back to your statement, please,  
11 and look at paragraph 18. You talk about specialist  
12 resources and you -- towards the latter half of that you  
13 say:

14 "They needed to make an initial assessment on  
15 attending the scene, feedback to me and then that would  
16 inform my decision-making process, which would then  
17 determine whether or not I deployed armed officers or  
18 dog units or whoever else."

19 Can you explain a little bit more about this  
20 paragraph?

21 A. Yes. So for me it was probably important that the  
22 officers that were attending the incident made that  
23 initial dynamic risk assessment and fed back what was  
24 actually happening on the ground in front of them, what  
25 the threat was to them or members of the public, whether

1 or not the individual continued to have a weapon or not  
2 and again that would all feed in to the level of threat  
3 that they were facing and whether or not, you know,  
4 there was a requirement for specialist officers,  
5 armed -- ARVs or dogs -- to be deployed.

6 Q. So a moment ago when we were looking at the National  
7 Decision-Making Model, information on the scene from the  
8 local officers could be information that's feeding into  
9 that National Decision-Making Model?

10 A. Information from the scene is probably vital to come  
11 back to me as a commander in the control room. There  
12 was no CCTV, open space CCTV covering Kirkcaldy at that  
13 time, so sometimes in Edinburgh you can actually see the  
14 CCTV, you can see what's happening in front of you and  
15 that helps you, so you need that professional eyes on  
16 that assessment of risk and threat that all officers  
17 should be able to provide back to the control room.

18 Q. So just to be clear, inspector, although we have seen  
19 CCTV from Gallaghers pub off Hayfield Road, that's not  
20 CCTV that was available to you in Bilston Glen?

21 A. No, there was no CCTV available on the morning of the  
22 incident that covered that incident, so I was ...

23 Q. So you relied on officers at the scene to share  
24 information with you?

25 A. Yes, I would -- yes. I wanted that information.

- 1 Q. And you said that was vital. How is that information  
2 shared from officers at the scene?
- 3 A. So it would be an update, a radio update to the control  
4 room, so it would be fed back to the controller and that  
5 would be broadcast for the attention of certain other  
6 officers who were attending the incident to make them  
7 aware of what was going on, but it would also be shared  
8 with supervisors, local supervisors, control room  
9 supervisors and myself as well.
- 10 Q. So we have heard about a talk group within the Airwaves  
11 system, Kirkcaldy 1, and is that the system that you --  
12 or the group that would be allowed to communicate with  
13 you in the control room?
- 14 A. Yes, so on -- so if local officers were on Kirkcaldy 1  
15 and they radioed back on Kirkcaldy 1, everybody who was  
16 monitoring Kirkcaldy 1 would be able to hear that update  
17 and understand what was going on.
- 18 Q. And that being -- that including the area control room?
- 19 A. Yes, because we were then monitoring Kirkcaldy 1.
- 20 Q. As well as other officers in the area?
- 21 A. Yes.
- 22 Q. Who were monitoring and everybody can hear those  
23 messages?
- 24 A. They should be able to hear these messages.
- 25 Q. And the words you use there in paragraph 18 are "Initial

1           assessment", and then when you described it you talked  
2           about a dynamic risk assessment; are they the same  
3           things?

4           A. Yes, yes, so I would say that for me they are. It's  
5           that -- the initial attending at the incident, what's in  
6           front of you, so it's -- it is -- yes, it's probably the  
7           same, I would use it as the same, so it's an initial  
8           when you arrive there, make that dynamic risk assessment  
9           to understand what's going on and feed it back.

10          Q. And the feedback is the call on the police radio to  
11          control room?

12          A. Yes.

13          Q. So that's what you're waiting for?

14          A. Yes.

15          Q. Can I ask you now to listen to some more audio with the  
16          enhanced video timeline. We're going to move on to  
17          phase 2 which you will see on the spreadsheet in front  
18          of you. We're going to play from 07.17.04 to 07.20.12.  
19          07.17.04 is part of phase 2. You will see it on page 2  
20          of the spreadsheet.

21          A. Okay.

22          Q. And we will begin -- it will start almost immediately  
23          when we start playing this at 7.17.04. "Con 1" it says  
24          on page 2 of the spreadsheet; do you have that?

25          A. Yes.

1 Q. And you should be able to hear the call that's described  
2 in the column. Thank you.

3 (Video played)

4 Thank you.

5 Thank you. So that's a number of Airwaves  
6 transmissions that we can hear. Does that go to all  
7 units who are linked into the talk group who are en  
8 route to Hayfield Road?

9 A. Yes, if that was broadcast on Kirkcaldy 1 they would  
10 hear that.

11 Q. Do you see at 7.19.17, so that's on page 2, if you could  
12 go back for a minute, Con 1 -- you told us earlier that  
13 was Scott Masterton who is speaking.

14 A. Yes.

15 Q. Who was speaking when Con 2 was played?

16 A. So that's Michelle Hutchinson, I believe, my  
17 communications officer and overview at the time.

18 Q. So that's the lady that you mentioned earlier today?

19 A. Yes.

20 Q. And do we see at 7.17.23 -- and you will see that that's  
21 on page 2 of the spreadsheet --

22 A. Yes.

23 Q. -- that there is a transmission from Acting Police  
24 Sergeant Scott Maxwell which says:

25 "I want all units to attend that. Bearing in mind

1           officer safety is there an ARV and a dog as well  
2           please?"

3           Is that him asking control room for an update  
4           effectively on the ARV and the dog?

5       A. I think he is initially requesting -- he is requesting  
6           it there and I think then later on he is maybe asking  
7           for an update.

8       Q. So the initial request from Maxwell to control is at  
9           7.17.23?

10      A. Yes.

11      Q. Thank you. And then at 7.19.17, which is just lower  
12           down the page, do we see Scott Masterton as Control 1  
13           saying:

14           "I believe a dog unit is en route".

15      A. Yes.

16      Q. And is that the control room sharing that information  
17           over the Airwaves with the officers?

18      A. Yes.

19      Q. And Con 2, Michelle Hutchinson, at 7.19.23, she is then  
20           saying:

21           "Be aware, organising an ARV as well. Stand by."

22      A. Yes.

23      Q. And she again from the control room is sharing that  
24           information --

25      A. Yes.

1 Q. -- over the Airwaves transmission with the officers who  
2 are en route?

3 A. Yes, that's correct.

4 Q. I would like to move on to phase 3 please. No, sorry,  
5 I should ask, first of all, there was an issue about the  
6 locus and whether there was a mistake about the locus,  
7 or where the officers were to attend. Were you aware in  
8 your role of any confusion at that stage about where the  
9 locus was?

10 A. No, I wasn't aware of that. I mean I had been elsewhere  
11 in the control room and I ran up to the overview, so  
12 I probably tuned in -- probably about 07.18 to 07.20 is  
13 when I'm in the overview, so I hadn't heard on the  
14 morning ...

15 Q. So 07.18, that would have been at a time maybe at the --  
16 do we see that on page 2, 07.18, about two-thirds of the  
17 way down the page?

18 A. Yes.

19 Q. Where did you join?

20 A. I don't know the specific time that I joined, but  
21 I didn't hear any of the transmissions that had been on  
22 Kirkcaldy 1 until I jumped in at the overview and  
23 started to make an assessment of what was going on. My  
24 comms officer was listening to the talk group, we were  
25 looking at the incident, the information on the incident

1           and I was running through my model and then just before  
2           I transmitted, around 7.20.13, that was when I actually  
3           jumped on to Kirkcaldy 1 talk group.

4       Q.   I will come on to that in a moment, thank you.

5           When it says "All units are attending", what does  
6           that actually mean to a police officer?

7       A.   So that suggests to me that the supervisor on the ground  
8           is having all resources that are available to attend  
9           that call, so it would be several vehicles I would  
10          imagine.

11      Q.   All resources being police officers?

12      A.   Yes.

13      Q.   All who are available in the area?

14      A.   Yes.  So it would be the response team probably and  
15          anyone else who was nearby.

16      Q.   Thank you.  In your position in the control room, would  
17          you have any expectation or information about the number  
18          of units that would be attending?

19      A.   In the control room we can see -- yes, because the  
20          controller's got responsibility for looking at the  
21          resources, looking after them, so there's a mapping  
22          system, so they can see on the mapping system which  
23          resources would attend and so the controller would know  
24          who was free, who was involved with another incident,  
25          who they had to tell to breakaway to attend an incident.



1 Q. So that's also something that you have some control  
2 over?

3 A. Yes, yes.

4 Q. Thank you. I would like to move on to the first call  
5 that you made over the Airwaves transmission. So this  
6 is on page 3 of the spreadsheet and you have already  
7 identified it starts at 07.20.13, and this is phase 3.

8 Now, this is a call that lasts from 13 seconds to 21  
9 seconds. We have heard evidence last week that the  
10 timings are accurate to within 1 second. So what  
11 I would like to do now is play that Airwaves  
12 transmission, please.

13 (Audio played)

14 Thank you. So you refer to an initial assessment?

15 A. Yes.

16 Q. And when we looked at your statement you referred to  
17 that as a dynamic risk assessment and that's what you  
18 described earlier for us?

19 A. Yes.

20 Q. That was your expectation that that would be done by the  
21 first officers at the scene?

22 A. Yes.

23 Q. And you then talk about feedback and again you have  
24 described to us that that's transmitting information  
25 back to you?

1 A. Yes.

2 Q. And that allows you then to engage with the National  
3 Decision-Making Model process --

4 A. Yes.

5 Q. -- that you have talked about. Now, in your -- I will  
6 come back to this in a moment, but in your statement --  
7 I don't think we need to go to it straight away -- you  
8 talk about a "Stay Safe" message.

9 A. Yes.

10 Q. Can you explain to the Chair what you mean by a "Stay  
11 Safe" message?

12 A. Yes. It's a message -- it's a message that is given to  
13 officers who are attending an incident involving  
14 firearms or weapons or violence and it is about that --  
15 the need to keep yourself safe. In fact it's not --  
16 it's for every officer. Every officer should know what  
17 a stay safe message is and there's trainings and  
18 briefings on it and it is about attending an incident  
19 where there is potential risk and it's above all keeping  
20 yourself safe, considering your safe approaches, any  
21 kind of safe exit, use of cover, whether or not you  
22 actually deploy or go and then there's different parts  
23 of it: see, tell and act. So "see" is you're looking at  
24 providing that sort of visual update as to what's  
25 actually happening right in front of you and what the

1 threat is, is the male in possession of a knife or  
2 a handgun, what are they doing, what are your immediate  
3 concerns. "Tell" is, you know, the description, where  
4 they currently are, what they're doing, what the risks  
5 are, whether or not you think specialist officers would  
6 be required to deal with that situation, and then the  
7 final part is updating the control room, updating your  
8 colleagues as to what's happening, whether you're not  
9 going to -- whether you're going to take any sort of  
10 action at the time or just observe or contain, or if you  
11 are going to take any action, if it's safe to do so.

12 So --

13 Q. So let me just go through that with you a little more  
14 slowly. As the officers are approaching the incident,  
15 they have been provided with information over the  
16 Airwaves transmission and on this occasion it was about  
17 a man with a knife.

18 A. Yes.

19 Q. And so that is information that they are taking in  
20 through the Airwaves.

21 A. Yes.

22 Q. And in addition to that, you then said you're looking at  
23 your approaches and your exits, so again, is that  
24 information that they are absorbing as they approach the  
25 scene?

1 A. It's information I would suspect them to be absorbing.  
2 I mean they should be thinking about that when they're  
3 going to an incident. I can only speak for myself,  
4 I can't speak about the people who attended the incident  
5 but if I was going to an incident like that I would be  
6 thinking about these things.

7 Q. Escape routes and --

8 A. Yes.

9 Q. You said "Use cover", what does that mean?

10 A. I mean that's -- it's primarily if it was a firearms  
11 incident, you would want to stay behind -- out of sight,  
12 behind cover so you couldn't be shot at, effectively.  
13 But again, if you are attending an incident with a knife  
14 it might be that you attend in your vehicle and you stay  
15 in your vehicle, or you get out and you stand behind the  
16 vehicle, that kind of thing.

17 Q. But at that stage all options are open to the officers,  
18 it's for them to make that initial assessment?

19 A. Yes, and we're all trained through officer safety  
20 training to sort of make assessments like that.

21 Q. Quickly?

22 A. Yes, quickly. It's a dynamic risk assessment. Whether  
23 or not it's safe to go forward and deal with someone, or  
24 you need to wait until additional resources come and  
25 that could be the sort of local officers or specialist

- 1           officers if they arrive.
- 2       Q.   So one of the options for officers is just to wait and  
3           do nothing?
- 4       A.   One of the options is, yes, but -- yes.   Attending  
5           officers could do that.   Wait is one of the sort of  
6           generic tactical options that I could have in the  
7           control room as well, but I felt on this particular  
8           incident waiting wasn't an option on that morning  
9           because someone was reported to be carrying a knife in  
10          a public place at 7 o'clock in the morning and we were  
11          just unsure what was going to happen.
- 12       Q.   So it wasn't an option for you --
- 13       A.   Yes.
- 14       Q.   -- it wasn't a grade 3 call where you have the option to  
15          wait and do something later?
- 16       A.   Yes.
- 17       Q.   Or even a grade 2 or 3 call; it was a grade 1 call, so  
18          you were going to do something straight away?
- 19       A.   Yes.
- 20       Q.   Yes.   But those options, such as wait, remained possible  
21          for the officers who were going to attend?
- 22       A.   Yes.   I mean they could have paused and assessed the  
23          circumstances, wait for back up, I suppose, and shouted  
24          back to the control room to say: this is what we can see  
25          in front of us, this is what's happening, we're being

1           threatened/we're not being threatened, the person is in  
2           possession of a knife/the person is not in possession of  
3           a knife, there's no members of the public nearby, we  
4           feel it's safe to approach, that kind of thing.

5       Q.   And what you're describing is part of the initial  
6           assessment and then you expected that to be fed back to  
7           the control room?

8       A.   Yes.

9       Q.   Can you give us any -- or give the Chair any indication  
10          of the length of time that that type of dynamic risk  
11          assessment would take to carry out?

12      A.   It just depends on the circumstances. I mean it is  
13          a case of driving up and seeing the individual in front  
14          of you, maybe from a distance, to -- and looking to see  
15          what they're doing, what they're in possession of, what  
16          they're behaving like. It's that -- it could be  
17          seconds.

18      Q.   Are calls about knife incidents common in that area --  
19          in Kirkcaldy, in Fife?

20      A.   Calls to knife incidents are common across  
21          Police Scotland, so local officers do attend knife calls  
22          on a regular basis and make sort of risk assessments  
23          when they go.

24      Q.   When you say "regular", can you help us understand what  
25          that means? Is it weekly, daily?

- 1 A. Across Police Scotland I would say daily knife calls.  
2 I couldn't say for certainty across Kirkcaldy.
- 3 Q. In Bilston Glen in 2015 how regularly did you have knife  
4 calls coming in?
- 5 A. I would make assessments in relation to knife calls  
6 regularly, violent calls, calls with weapons. There  
7 was -- it was a daily -- or a shift occurrence normally  
8 when I was in the control room.
- 9 Q. How many shifts are in a day?
- 10 A. Three, so early, night -- back shift and night shift.
- 11 Q. Thank you. Did you get any feedback?
- 12 A. I didn't on that morning.
- 13 Q. Nothing at all?
- 14 A. No.
- 15 Q. If we hear evidence that one or other of the officers  
16 didn't hear the message that you transmitted at 7.20.13  
17 would you have -- what was your expectation in terms of  
18 them doing an initial assessment anyway, even if they  
19 hadn't heard that message?
- 20 A. I suppose I would have expected them to go and -- if  
21 someone was reported to be in possession of a knife, to  
22 stop short, slow up and provide that update, not just to  
23 myself in the control room but to colleagues that were  
24 attending as well, and to supervisors as well, but  
25 I don't know the circumstances of that day. They may

1           have turned a corner and been confronted by the male at  
2           that time, almost an immediate sort of confrontation  
3           because they were looking for him at the time. So  
4           I don't know the circumstances of how quickly it  
5           happened for them.

6           Q. In terms of your expectation that the local officers  
7           will carry out an initial assessment, is it your  
8           understanding that all police officers are trained in  
9           carrying out these types of assessment?

10          A. Yes. From officer safety training I know that we do the  
11          NDM and we do the -- you know, knife scenarios. We have  
12          done it for years and years, personally when I have  
13          attended officer safety training, so that is taught and  
14          trained in your yearly refresher training.

15          Q. And so insofar as we see your message from 7.20.13,  
16          would it be fair to say that that's really a reminder of  
17          what they're already trained to do?

18          A. Yes, but it was important that they got that reminder  
19          because I would have imagined that they would be rushing  
20          to the incident, so it was important for me to -- I felt  
21          important to get that back out to them, just so they  
22          took that on board and that's what -- yes, that's what  
23          I did.

24          Q. Is that something you often do, just provide a reminder  
25          to officers when they're responding to an incident?



1 A. Yes, the control room would do that, yes.

2 Q. Thank you. I would like to move on to phase 3.

3 LORD BRACADALE: Just before you do that. You used an

4 acronym, I think it was NDM or something, I think the

5 stenographer had difficulty picking it up.

6 A. Oh sorry, NDM, so that's the National Decision Model we

7 looked at earlier.

8 LORD BRACADALE: Thank you.

9 MS GRAHAME: I would like to move on to phase 3, please, and

10 this -- we have already heard your first message, that's

11 from 7.20.13, it's on page 3 of the spreadsheet.

12 I would like you -- we will play this in a moment and

13 you will see -- I'm going to play it for a few seconds

14 to cover an entry which you will see at 7.20.23, where

15 it says "Police van stops on Hayfield Road within FOV

16 [which is field of vision] of CCTV"; do you see that?

17 A. Yes.

18 Q. So I think we will go back slightly, Ms Wildgoose, just

19 to the initial call, the start of phase 3, 7.20.13. You

20 have just listened to that a moment ago and then we will

21 play that and I will ask Ms Wildgoose to stop. Thank

22 you.

23 (Video played)

24 Can we pause it there, please, and did you see

25 the police van coming round the roundabout and turning

1 right into what we have heard is Hayfield Road?

2 A. Yes, I did.

3 Q. And did you see it stopping at 7.20.23?

4 A. Yes.

5 Q. Thank you. Do you also see on the screen, inspector --

6 I have not referred you to this previously, there is  
7 a reconstruction tile at the top in the middle of the  
8 screen and we have heard evidence from a company called  
9 ALI who have reconstructed what can be determined from  
10 the CCTV, and you will see that there's a bus stop shown  
11 on the reconstruction tile with now at 7.20.31 a white  
12 van displayed stopped there and then two blue dots near  
13 to that.

14 A. Yes, I see that.

15 Q. And this is now 7.20.31. I would like to go back to  
16 7.20.23, if that's possible. Maybe go back just  
17 slightly. We will watch this again and you will also  
18 see not only the van on the CCTV at the bottom of the  
19 screen, but you will see the van appear in the  
20 reconstruction tile, and I wonder if you could just play  
21 that so that the inspector can watch this, please.

22 (Video played)

23 So you see the van turning round and then stop,  
24 thank you. And so that's stopped now. It's 7.20.23 and  
25 the van appears to have stopped at the bus stop. And we



- 1 A. I can't recall -- I can't remember.
- 2 Q. But it acknowledges it in the control room --
- 3 A. Yes.
- 4 Q. -- that an emergency button has been pressed?
- 5 A. Yes.
- 6 Q. So from the vehicle stopping at 7.20.23, to 7.20.42 when
- 7 Paton's emergency button is turned on.
- 8 A. Mm-hm.
- 9 Q. Still remaining in phase 3, I would like to carry on
- 10 playing the footage, and I would like it to go to
- 11 7.20.56, and then I will ask you some questions.
- 12 (Video played)
- 13 So from the button being activated at 7.20.42 we
- 14 then see a Stephen Kay acknowledging that somebody has
- 15 activated the emergency button and that's at 7.20.56.
- 16 Who is Stephen Kay?
- 17 A. I don't know.
- 18 Q. You don't know. Is he one of the local -- he is not in
- 19 the control room?
- 20 A. I don't know, I'm sorry.
- 21 Q. You don't know him, right.
- 22 A. No.
- 23 Q. So someone on Kirkcaldy 1 has acknowledged that the
- 24 emergency button has been activated, yes?
- 25 A. Yes.

- 1 Q. And that's something that you can hear and other  
2 officers can hear during that call?
- 3 A. Yes.
- 4 Q. Can you explain why, if the emergency button is pressed  
5 at 42 seconds past 20 minutes, why it takes 16 seconds  
6 or a while for Stephen Kay to acknowledge that it has  
7 been pressed?
- 8 A. I mean everybody would hear it when it was pressed  
9 initially.
- 10 Q. So there wouldn't be any delay in hearing that at the  
11 time?
- 12 A. No, no, everybody -- I heard it that morning. Everybody  
13 hears it who is on Kirkcaldy 1 and then it has an open  
14 mic to allow the officer to speak without having to  
15 press his radio, so the mic is open so everybody would  
16 have heard it at the time that it was activated. Maybe  
17 that individual was just acknowledging that he had heard  
18 that his --
- 19 Q. Is there any sort of process whereby emergency buttons  
20 when they are pressed are acknowledged, or is it because  
21 everyone can hear it, it's just known to everybody on  
22 the team chat?
- 23 A. Yeah, everybody would hear it, but you know --
- 24 Q. So there's no necessity for that to be acknowledged at  
25 any time?

1 A. No. The control room were all aware of the fact that it  
2 had been pressed and so would local officers. Yes, you  
3 would hear it.

4 Q. Okay. I'm going to ask Ms Wildgoose now to play another  
5 section of the audio, from 7.20.42, if we could maybe go  
6 back slightly and just repeat what we have done, 7.20.42  
7 to 7.21.21. So again, this is just under a minute  
8 starting at 7.20.42. You will see you can follow that  
9 on the spreadsheet if you wish, from 7.20.42.

10 (Video played)

11 Thank you. So we heard there the transmission  
12 "Officer injured, PC Short, male", and is that something  
13 that Con, the control room are monitoring?

14 A. Yes.

15 Q. And we see that it was acknowledged by Con 1,  
16 Scott Masterton, at 7.21.09, is that right? No, sorry,  
17 the call is made at 7.21.02, "Officer is injured, PC  
18 Short, male", that's on page 4 of the spreadsheet.

19 A. Yes.

20 Q. And then it is acknowledged -- yes, I was correct,  
21 7.21.09, Con 1, Scott Masterton says "Control  
22 acknowledged, officer injured"?

23 A. Yes and, I see that Stephen Kay is obviously the  
24 sergeant who was based at Dunfermline so he has  
25 obviously heard that, I would imagine.

- 1 Q. So Stephen Kay is actually a local officer based in  
2 Dunfermline?
- 3 A. Yes, I'm just reading from the spreadsheet. That's  
4 maybe an officer based at Dunfermline who has maybe  
5 heard that as well.
- 6 Q. And you're referring to the entry at 7.20.56?
- 7 A. Yes, yes.
- 8 Q. And then if we can also look at 7.21.19. We see on the  
9 spreadsheet PC Ashley Tomlinson's emergency status is  
10 turned on.
- 11 A. Yes.
- 12 Q. When in the ACR you hear the words "Officer injured",  
13 what happens? Nothing?
- 14 A. No, I --
- 15 Q. Does that trigger any action on your part?
- 16 A. I mean yes. I mean, you know, you want -- you need to  
17 make sure that there's sufficient resources there,  
18 there's a supervisor there or going, any kind of sort of  
19 medical -- you know, is there a requirement for any kind  
20 of medical assistance, an ambulance, or you want an  
21 update essentially as to the extent of the officer or  
22 anybody else that's been injured at the time just to get  
23 that understanding.
- 24 Q. And if you are -- you can organise that from the control  
25 room?

1 A. Yes, yes. Control room would --

2 Q. If an ambulance is required?

3 A. Yes.

4 Q. Up until this point, has anyone fed back to you?

5 A. No.

6 Q. I would like to carry on playing until the end of

7 phase 3, please, which will take us to 7.21.38. And

8 again, you can listen to this, so at the moment we're

9 7.21.20 and Ms Wildgoose will continue playing to

10 7.21.38.

11 (Video played)

12 So you will see that the final call from phase 3, as

13 I'm calling it, at 7.21.30 ends with a transmission from

14 PC Smith saying:

15 "Officer has been punched to the back of the head.

16 No obvious serious injuries. Male secure on the

17 ground."

18 A. Yes.

19 Q. So phase 3, beginning on page 3 of the spreadsheet,

20 7.20.13, with your call, your transmission, the "Stay

21 safe" message, do you see that?

22 A. Yes, yes.

23 Q. 7.20.13 until page -- the top of page 5 of the

24 spreadsheet, 7.21.38, with PC Smith saying:

25 "Male secure on the ground".



1 A. Yes.

2 Q. Right. And within that phase we see that the first  
3 police van stops on Hayfield Road. We saw that -- at  
4 the bus stop -- at 7.20.23. Do you see that on the  
5 spreadsheet? That's again on page 3.

6 A. Yes.

7 Q. So the first police van stops at 7.20.23 and the man is  
8 on the -- secure on the ground at 7.21.38.

9 A. Yes.

10 Q. And these timings are accurate to within 1 second.

11 A. Yes.

12 Q. During that period, from the first van stopping to the  
13 "man secure on the ground", is, to within a second  
14 accuracy, 75 seconds. There's evidence produced to the  
15 Chair that during that time that Mr Bayoh has been --  
16 there has been three discharges of spray, CS or PAVA,  
17 an officer has attempted to baton him, another officer  
18 has batoned him to the head and the body, and another  
19 officer has shoulder-charged him to the ground within  
20 that period.

21 Do you have any comments about how that timescale  
22 ties in with what you have said to us today about  
23 initial assessments or dynamic risk assessments?

24 A. I mean just that those at the control room weren't aware  
25 that that activity had taken place on the ground from

1           when they first arrived because that information wasn't  
2           fed back, but there's obviously been that arrival at the  
3           scene and it appears from what you have shown me today  
4           the officers have come into contact with the male almost  
5           immediately.

6           Q. How much time would you think is required to do an  
7           initial assessment or a dynamic risk assessment?

8           A. Certainly, you know, you -- if it was me, I would be  
9           wanting to pull my van or my car up a distance away so  
10          I could see the individual, see what they were doing,  
11          see what they were behaving like, whether or not I could  
12          see a weapon or not, and then maybe make an approach  
13          after that, so I had that space and distance between --  
14          just to get an understanding and relay that message  
15          back, but that's just me when I look at the  
16          reconstruction.

17          Q. How long would you anticipate that observation period  
18          lasting?

19          A. It could be quite quick. I mean it was a fast moving  
20          incident so it would be quite quick, but it would be  
21          a case of having a look but -- and seeing what was going  
22          on and deciding what you thought that threat you were  
23          facing was and then shouting back up over the radio, so,  
24          you know, it could be 10 seconds, it could be longer.

25          Q. Could you give me one second, please?

1 (Pause).

2 Sorry, I just wanted to check something there.

3 I would like to ask you about a later Airwave  
4 transmission by Officer Maxwell and could we play it  
5 from -- perhaps from the top of page 5 actually, which  
6 is the end of phase 3, 7.21.38. This is from the  
7 message of Alan Smith, "male secure on the ground", and  
8 I would like to play this phase, which is phase 4, to  
9 the end, which is to 7.25.17, so it's a slightly longer  
10 area of footage and Ms Wildgoose will do that and you  
11 can follow it on the spreadsheet if you wish, or you can  
12 look at the screen. Thank you very much, Ms Wildgoose.

13 (Video played)

14 Thank you. So to put this into context, this next  
15 question, inspector, this phase that we have just  
16 listened to, phase 4, starts with the man being secure  
17 on the ground and ends with the man being unconscious,  
18 and I would like to now ask you about a particular  
19 Airwave transmission that we will just simply look at on  
20 the spreadsheet if you don't mind. It's on page 8, so  
21 it's the page after the one that we have just finished  
22 looking at and it is about a third of the way down and  
23 it is an Airwaves transmission by Acting Police Sergeant  
24 Maxwell and it says -- you will see it at 7.26.52, so  
25 this is after the period when the man is unconscious.

1           7.26.52 on page 8 and it is Sergeant Maxwell saying:

2           "Just for the log, the initial on attendance, this  
3           male's attacked PC Short..."

4           Can you see that?

5           A. Yes.

6           Q. I'm going to ask Ms Wildgoose to play that part of the  
7           recording, so this is at 7.26.52.

8                                (Video played)

9           Thank you. Were you able to follow that?

10          A. Yes.

11          Q. So that's information that's being fed back to you from  
12          Sergeant Maxwell?

13          A. Fed back to the control room.

14          Q. Sorry, yes, fed back to the control room, yes.

15          A. Yes.

16          Q. And you see it starts with the words "Just for the log"  
17          and if you can take it from me for the moment, there's  
18          no other Airwaves transmission on this spreadsheet that  
19          start with the words "Just for the log", and I'm trying  
20          to understand what that actually means when an officer  
21          says "Just for the log"?

22          A. Okay, so it's almost like police jargon, so the log --  
23          the log will mean the command and control log of the  
24          incident so my take on that is that APS Maxwell is  
25          saying: just for the log can you put on the incident

1           that this is what's happened on initial attendance, the  
2           officer has been assaulted or attacked, so that's him  
3           saying retrospectively -- he has maybe spoken to the  
4           officers there, I don't know, but just for the log is:  
5           can you record it on the incident, is my interpretation  
6           of that.

7           Q. So it's a retrospective transmission, perhaps through  
8           information that he has received from other officers?

9           A. Yes, who were there initially and saw -- or were there  
10          at the time and have subsequently told him.

11          Q. And he is then feeding that back to the control room so  
12          there's a record of it?

13          A. Yes.

14          Q. Thank you. Now I'm conscious of the time but I would  
15          like to just very briefly move back into the dynamic  
16          risk assessment paragraphs in your statement,  
17          paragraphs 25 and 26. This is the statement we referred  
18          to earlier, so you're talking about the dynamic risk  
19          assessment and the NDM, National Decision Model, and you  
20          have given quite a lot of information to the Chair in  
21          those paragraphs.

22                 Part of the passage refers to giving people space  
23                 and time to speak to them. That's the words taken --  
24                 I don't know if we can get that onto the screen. Yes,  
25                 so it's right in the middle of the screen now. It's

1           just the paragraph immediately above number 26 and you  
2           say:

3           "The reality is because it's quick time that they'll  
4           have been going to the incident, they'll have been  
5           searching, they'll have seen and I would suspect if the  
6           male has a knife or not a knife then they would decide  
7           what they're going to do."

8           Do you see that paragraph?

9           A. Yes.

10          Q. And then it says:

11          "... then they take from there in terms of feeding  
12          back. So it will be done really, really quickly.  
13          They'll decide whether or not they can deal with the  
14          individual. We're all trained in communication,  
15          tactical communication, it's part of our OST. Tell  
16          people to stop, stand back, sit down, put the knife  
17          down, do whatever, so you get all that, give people  
18          space and time to speak to them. Every police officer  
19          is a negotiator effectively, but not to the extent that  
20          the specialists are, but you're using your communication  
21          skills all the time."

22          Do you see that that's what you have said there?

23          A. Yes.

24          Q. And I would just like to ask you about that. When  
25          you're talking about giving people space and time to

- 1 speak to them, what do you mean by that?
- 2 A. If you're approaching an individual who was maybe  
3 distressed, upset, or had issues, just standing back and  
4 speaking to them to give them that little bit of space  
5 to understand what is happening for them. Sometimes  
6 that can work effectively in terms of de-escalating, but  
7 on other occasions it doesn't, depending on the mindset  
8 of the individual, or if they're under any -- if they  
9 have mental health issues or any behavioural issues, or  
10 are under the influence of alcohol or drugs, but it is  
11 that standing back, giving them a bit of space and time  
12 to see if you can speak to them to calm things down.
- 13 Q. And when you're using the words "Speak to them", what  
14 sort of tone of voice are you envisaging? You have  
15 talked about calming things down.
- 16 A. Yes. So it would -- I mean again I would -- I'm just  
17 thinking about myself, it would be a case of asking them  
18 if they're okay, what was wrong, where they were going,  
19 you know: what's been happening to you, are you okay, do  
20 you have anything in your hands, have you got a knife,  
21 where is it, you know, tell me what's been happening to  
22 you and we will try and get this resolved, and we need  
23 to speak to you to understand what's going on but tell  
24 me what's been happening for you today. That's the sort  
25 of personal way I would approach it.

1 Q. And when you use the word "space", what are you thinking  
2 of? What do you mean by that "space"?

3 A. Physical space, so you're not right on top of them,  
4 giving them that distance. So you've got your own  
5 reactionary gap as well to protect yourself, but you've  
6 got that space so you're not right on top of them,  
7 closing them down in a manner that could instigate  
8 conflict or concern for them, just to give them that  
9 space.

10 Q. You have used the expression "reactionary gap"?

11 A. Yes.

12 Q. What do you mean by that?

13 A. So just in terms of, again, officer safety training,  
14 you're taught to have a reactionary gap if you're  
15 approaching someone or dealing with someone who is maybe  
16 potentially violent, so you can stand back and maybe use  
17 your PPE, maybe use your hands just to stay back, but  
18 there is that gap so people can't close you down as  
19 quickly as if you were right in front of them for your  
20 own safety.

21 Q. And PPE is your equipment?

22 A. Yes, it's your vest, your handcuffs, your baton, your  
23 PAVA spray, leg restraints.

24 Q. And you also talked about time. What do you mean when  
25 you used the word "Time" in your statement?



1 A. I suppose it's space and time, so it's about giving them  
2 that space to stay back and the time -- if it takes  
3 a bit of time to understand what's going on then -- yes,  
4 so be it, but it's giving that opportunity to  
5 potentially de-escalate the situation as opposed to sort  
6 of rushing in.

7 Q. And in this paragraph you also mention OST; is that  
8 officer safety training?

9 A. Yes, yes.

10 Q. Are these skills that all officers in Police Scotland  
11 are taught --

12 A. Yes, yes.

13 Q. -- as part of the training package that's provided by  
14 the organisation?

15 A. Yes.

16 Q. And can these skills be adopted even if the person is  
17 holding a knife?

18 A. Yes. I would certainly say the space and the time, yes,  
19 staying back and maybe -- you know, it might be  
20 an opportunity to -- almost like try and use your  
21 communication skills, your negotiating skills to ask the  
22 individual to put the knife down, or whatever, but it  
23 depends on the circumstances. It's variable, sometimes  
24 it can have a positive outcome and other times,  
25 you know, it doesn't matter what's said, the individual

1           might have a particular mindset and -- or there might  
2           need to be that sort of intervention earlier on, just  
3           depending on the circumstance. So I don't know the  
4           circumstance that happened.

5           Q. No, no, but it's an option that officers are taught --

6           A. Yes.

7           Q. -- that they can attempt, if the circumstances are  
8           right?

9           A. Yes, I mean if someone's got a knife you're trained --  
10          officer safety training -- if someone has a knife the  
11          main thing is to create that distance between yourself  
12          and them. You utilise cover and transmit what you're  
13          seeing in front of you to other officers so that they're  
14          aware if they're attending that someone has a knife.

15         MS GRAHAME: Thank you. I'm very conscious of the time.

16                 I'm not going to finish this witness in the next  
17                 15 minutes, or even half an hour. I've got quite  
18                 a large number of questions still to ask.

19         LORD BRACADALE: I think what we will do is we will take  
20                 a break at this point and we can assess how best to go  
21                 forward with this evidence.

22         MS GRAHAME: Thank you.

23                 (4.01 pm)

24   (Short Break)

25                 (4.16 pm)

1 LORD BRACADALE: Inspector, we normally rise about now but  
2 I think we will sit on for another hour or so to see if  
3 we can get through your evidence. Ms Grahame.

4 MS GRAHAME: I will be as quick as I can, inspector.

5 LORD BRACADALE: Just a moment, I think Ms --

6 MS MITCHELL: (Mic turned off).

7 LORD BRACADALE: So you want me to adjourn for that purpose.

8 MS MITCHELL: (Mic turned off).

9 LORD BRACADALE: Very well, I will allow that.

10 (4.17 pm)

11 (Short Break)

12 (4.22 pm)

13 LORD BRACADALE: Now, Ms Grahame.

14 MS GRAHAME: Thank you. Could I ask you to look again at  
15 your Inquiry statement, please, paragraphs 34 and 35.  
16 Paragraph 34 talks about the criteria for deployment of  
17 armed response officers being considered by you for  
18 a fast moving incident and you talk about having  
19 professional eyes on the ground at the location. Is  
20 that the police officers that you're referring to?

21 A. Yes.

22 Q. And they are to:

23 "... provide a live time update which would then  
24 inform my decision-making further and the next course of  
25 action."

1           Is that that information feeding into the control  
2           room which allows you to adopt the National  
3           Decision-Making Model?

4           A. Yes.

5           Q. "For me, given the immediacy of the incident, the local  
6           officers with their training were the initial persons to  
7           attend the incident for me with a stay safe warning to  
8           tell me what was going on, to feedback information and  
9           then if the male was behaving in a way that was  
10          threatening or aggressive or brandishing a weapon or  
11          whatever it would be, a case of instructing them to stay  
12          back and then tell me what they could see, give me an  
13          update and then I would take it from there."

14          So this is where you're talking about even if  
15          someone is behaving in a threatening and aggressive  
16          manner or brandishing a weapon, that it would be open to  
17          you to say "Stay back, tell me what you can see, give me  
18          an update", and you would take it from there?

19          A. Yes.

20          Q. And what do you mean by "You would take it from there"?

21          A. If I felt the threat was significant enough towards the  
22          officers or members of the public, and that kind of  
23          conduct was happening, aggressive behaviour, with  
24          a knife or threatening behaviour, then I would take  
25          command of the incident, I would give them instruction

1 to pull back at a distance to keep observations on, to  
2 keep themselves out of immediate risk in terms of space  
3 and distance and it would -- for me it would be a --  
4 depending on the circumstances, it would be a declared  
5 firearms incident and resources, ARVs and dog unit would  
6 have to come from Edinburgh or Stirling, but Edinburgh  
7 would be my -- was my choice for this incident.

8 Q. So even if someone's threatening, or behaving  
9 aggressively with a weapon, it is an option for the  
10 officers on the scene to create space and distance  
11 between that person and themselves?

12 A. Yes.

13 Q. And you can take control of that incident if they feed  
14 back that information to you?

15 A. I could if it was a declared firearms incident, if I was  
16 declaring that. Normally it would sit with local  
17 officers, local supervisors on the ground, but if I felt  
18 that it needed me to take charge of it from a firearms  
19 perspective, I would probably then be listening to what  
20 they were saying anyway and making sure that they were  
21 keeping that distance from the individual anyway.

22 Q. And you mentioned a dog unit a moment ago. What  
23 involvement would you have in organising a dog unit?

24 A. It would be the overview would get in contact with a dog  
25 unit and ask them to attend the incident.

1 Q. And when you say the overview, would that be yourself,  
2 or would it be Michelle or Scott?

3 A. It would be the comms officer that would more than  
4 likely do that.

5 Q. So probably Michelle -- sorry, I forget her second name?

6 A. Hutchinson, yes, it was. It was her I think that  
7 contacted the dog unit.

8 Q. So on 3 May 2015 it was the communications officer that  
9 instructed the dog unit to attend?

10 A. That's my recollection, yes.

11 Q. Thank you. And then paragraph 35, please. This spans  
12 two pages:

13 "It is one of those situations where if they had  
14 stopped and said 'he's brandishing a knife, we're not  
15 going to get out of our vehicles, he's walking towards  
16 the vehicles, this isn't safe for us to deal with', then  
17 I would have taken charge of it, command of it, and  
18 I would have instructed the local officers what I wanted  
19 them to do until specialist officers, possibly including  
20 the ARVs, arrived."

21 And could you go up the page slightly, Ms Wildgoose,  
22 so I can read that:

23 "It would have been a declared firearms incident  
24 with ARVs going, me briefing them on the way, me telling  
25 the uniformed officers at the locus to stay back but

1 keep a visual observation on the individual and give me  
2 any updates whatsoever."

3 So in terms of that strategy, you would have been  
4 coordinating with the ARVs, asking the officers at the  
5 scene for feedback, considering any specialist officers  
6 you wanted to attend, and you said you could have  
7 declared a firearms incident with ARVs. What does that  
8 actually mean?

9 A. It's just that it's the formal sort of declaration of an  
10 incident, so everybody knows that it's a firearms  
11 response where I would have control of it, command of  
12 it, so that I would then take control of the incident  
13 from local policing and I would issue instructions and  
14 guidance and advice to officers to keep safe or -- and  
15 to get these sort of live time updates back so I could  
16 understand what was going on on the ground and then  
17 armed officers would be authorised to deploy from  
18 Edinburgh. They would listen out on Kirkcaldy 1 as well  
19 and then I would brief them as they were going on  
20 a separate firearms channel with the tactics that  
21 I wanted them to employ when they got to that location.

22 Q. All right, thank you. In 2015, did armed officers have  
23 access to tasers?

24 A. Yes, that was one of their less lethal options but local  
25 policing officers didn't at that time.

1 Q. And would it have been possible for you, on 3 May 2015,  
2 to deploy armed response -- an armed response vehicle to  
3 attend at Hayfield Road?

4 A. Yes.

5 Q. And according to what you have said in paragraph 35,  
6 when this is going on in the control room, you are  
7 expecting individual officers at the scene to be  
8 carrying out visual observations?

9 A. Yes, I mean I'm looking -- I would be looking for  
10 officers at the scene to be looking to tell me what was  
11 actually happening at the location, if that makes sense.

12 Q. Okay. And then the paragraph goes on to say:

13 "Again, even within that, they ..."

14 I think this is a reference to the ARVs:

15 "... they could have been on their way and got as  
16 far as Dunfermline and the guy could have put the knife  
17 down. It just depends how the actual incident unfolds.  
18 But it wasn't like that. It was a case of they arrived,  
19 they were requested to feed back whether or not they  
20 could deal with the individual and they subsequently  
21 went on to deploy and arrest him. What then happened  
22 after that I have no direct knowledge of."

23 A. Yes.

24 Q. Thank you. Can you give us an indication: if officers  
25 had fed back from the scene about what they were seeing



1           and observing and how long that would take you then --  
2           if you take a decision you're going to take control, how  
3           long does it take you to make that decision between  
4           an officer saying "This is what I can see" and you  
5           taking a decision to take control?

6           A. If I was given information from officers at the scene  
7           that they were facing a threat or someone was  
8           approaching them with any kind of weapon, I would  
9           instruct them to take back and I would tell them -- make  
10          it known there and then that I was taking charge, I was  
11          declaring it as a firearms incident, I would take  
12          command and this is what I wanted them to do and  
13          (inaudible) them to stay safe.

14          Q. Two things I would like to ask you. When you say "Take  
15          back" is that the creating space, move away from the  
16          person?

17          A. Yes.

18          Q. And when you say you would declare it a firearms  
19          incident, there may be people saying "But there wasn't  
20          a gun involved", and being a little confused. Is it  
21          okay for you to declare a firearms incident even if  
22          someone says there's not a firearm in the sense of  
23          a gun?

24          A. Yes, I mean the definition -- the College of Policing  
25          definition about the criteria for the deployment of

1 firearms officers to an incident talks about reason to  
2 suppose that persons are in possession of, or have  
3 immediate access to a firearm or other lethal weapon, so  
4 it could be a knife, it could be an axe, it could be  
5 a bow and arrow, it could be (inaudible overspeaking).

6 Q. So a knife is a potentially lethal weapon --

7 A. Yes.

8 Q. -- and could trigger the ARV?

9 A. Yes.

10 Q. I will come on -- I will come back to that in a moment.

11 Can I ask you about something different. There's  
12 evidence before the chair about a nearby psychiatric  
13 hospital in the area?

14 A. Yes.

15 Q. And that dealt with patients with mental health  
16 problems. How would information about the existence of  
17 a psychiatric hospital in the area be communicated to  
18 you in Bilston Glen?

19 A. It would either be through the officers on the ground  
20 who had that local knowledge, or officers within the  
21 control room that were aware of the hospital at that  
22 location, that's how it would be communicated to me.

23 Q. Is that sort of information available to you on your  
24 overview screen?

25 A. If it was on the incident, yes. I would like to think

1           it would be made available to me, but it would probably  
2           come down to local knowledge or looking up Google Maps  
3           or -- it would be local knowledge of the people in the  
4           control room that there was a hospital there.

5       Q.   Or information shared by the officers at the scene who  
6           knew the area --

7       A.   Yes.

8       Q.   -- via the Airwaves?

9       A.   They would be the ones that were best placed to give me  
10          that information.

11      Q.   If someone had absconded from the hospital, either the  
12          psychiatric hospital or the nearby Victoria Infirmary,  
13          how could that information be shared with you?

14      A.   And had it been reported to the police and an incident  
15          was created we would look at the incidents that were in  
16          and around that time to see if there was any links and  
17          that was one of the things that we did in the control  
18          room at the time -- the overview at the time, was to  
19          look at the different calls that had come in, the  
20          incidents that had come in in relation to the report to  
21          try and marry them up and tie them up to see whether or  
22          not they were related and linked together to give us an  
23          understanding of just what was going on, so if there was  
24          someone reported to be missing from a local psychiatric  
25          hospital, you would like to think you would pick that up

1           and think: could it be this individual that's missing  
2           from the hospital?

3       Q.   So part of your job is to see connections between  
4           reports --

5       A.   Yes.

6       Q.   -- or other information that you have in the control  
7           room?

8       A.   Yes, and the officer that was in there, called the RAID  
9           officer, they were looking at these kind of jobs. We  
10          were all probably looking to see if there was anything  
11          that we could link together.

12      Q.   If you had that information available to you, is that  
13          the sort of information you would share over the  
14          Airwaves with officers about to attend the scene?

15      A.   Yes. I mean we would phone the hospital to ask who was  
16          missing, what their description was, when had they left,  
17          where were they last seen and, you know, what was the  
18          risk, or their understanding of risk to members of the  
19          public and then that information would be important to  
20          be passed out to local attending officers to help them  
21          in their risk assessment when they come across an  
22          individual as well.

23      Q.   And who is it that would phone the hospital to ask those  
24          questions?

25      A.   The controller, Control 1 would have been busy, so it

1           might have been a supervisor, or it might have been  
2           someone in the overview that would have taken that  
3           responsibility to do that, just to check.

4       Q.   And is it possible for officers travelling to a scene to  
5           contact control and say "Could you check.  There's  
6           a local psychiatric hospital, can you check what the  
7           up-to-date position is?"

8       A.   Yes, it could be.

9       Q.   And if it's not anyone who has absconded from a hospital  
10          but say it is a missing person, if there's been a report  
11          about a missing person, is that also information that  
12          you will be checking and communicating to officers?

13      A.   Yes.

14      Q.   Thank you.  I would like now to play an audio tape,  
15          PS 02017, and you may see, inspector, in the black  
16          folder a transcript.  This is a call and the time of it  
17          is 09.12, so on 9.12.35 on 3 May 2015.  We will just  
18          wait a second.

19                While we're waiting on that, what I might do is just  
20          finish up some other questions.  When we looked at the  
21          spreadsheet earlier, I asked you about the Airwaves  
22          transmission at 7.17.23, which is the message from  
23          Scott Maxwell asking about a dog unit being available  
24          and an ARV, so that's 7.17.23.  And at 7.19.12 --  
25          7.17.23, that's on page 2.  7.19.12 --

- 1 A. Yes.
- 2 Q. -- he asks for an update on the availability and I think  
3 I went through with you, Con 1:  
4 "I believe a dog unit is en route."
- 5 A. Yes.
- 6 Q. Had you instructed the deployment of the dog unit?
- 7 A. Yes, so between these times I got back into the  
8 overview. I wasn't aware of the 7.17.23 request,  
9 I personally never heard that, but based on the  
10 incident, the way it was unfolding, the information that  
11 was coming in, I asked Michelle Hutchinson to make  
12 contact with a dog unit and also to make the ARVs aware  
13 of an incident that was happening in Kirkcaldy.
- 14 Q. And where was the nearest dog unit?
- 15 A. I think it was in Edinburgh. I know there was only one  
16 on for the area and I think it was in Edinburgh.
- 17 Q. And is there normally more?
- 18 A. It could depend but one dog unit for an area on a Sunday  
19 morning is proportionate, or is -- you know, it happens,  
20 but sometimes there could be more on, depending on the  
21 time of week and incidents that were happening.
- 22 Q. Thank you. Do you have any impression of how long it  
23 would normally take a dog unit on a Sunday morning to  
24 travel from Edinburgh to Kirkcaldy?
- 25 A. Yes, I mean it's 27 miles, so it would take 25 minutes

1 at least, I would suggest is what I would think. Maybe  
2 faster, maybe faster, but 20 minutes.

3 Q. Do you think it could be faster perhaps on a Sunday  
4 morning when the roads are quiet?

5 A. Yes, yes.

6 Q. Well, we may hear further evidence about that.

7 Can I ask you also to look at the other element at  
8 7.19, the -- Michelle Hutchinson, Con 2, control 2, said  
9 she was:

10 "Organising an ARV as well. Stand by."

11 That was just shortly after the transmission on the  
12 dog unit.

13 A. Yes.

14 Q. What is meant by "organising"?

15 A. So the language that she has used there, she -- I have  
16 asked her to contact the ARVs at Fettes to make them  
17 aware of the sort of developing incident that was  
18 happening in Kirkcaldy, so she has done that and she has  
19 responded on the radio to say that she is organising  
20 an ARV as well, which is different from an ARV is  
21 authorised to attend in a firearms capacity. It's just  
22 confirming that she has made contact so they're aware --  
23 specialist resources, dog unit and ARVs, are aware of  
24 what's going on and listening out.

25 Q. So there's contact, they're on standby?

1 A. Yes.

2 Q. But they have not actually at that moment been deployed  
3 to attend and leave Edinburgh and travel to Kirkcaldy?

4 A. Yes. I mean it was a collapsing timeframe. All that  
5 was happening very, very quickly so it was a case of  
6 making them aware so they could get ready to get to  
7 their vehicles to potentially be deployed to that  
8 incident as it was unfolding.

9 Q. Thank you. Can we now please play the audio tape. So  
10 it is PS 02107 and you will have a transcript in front  
11 of you, which you can follow as you listen to the audio  
12 tape, and then once we have listened to it all and the  
13 Chair and the Assessor will have a copy -- once we have  
14 listened to it all, I will ask you some questions. So  
15 this is a call recorded at 9.12.35 on 3 May 2015.  
16 Ms Wildgoose.

17 (Audio played)

18 Were you able to follow that --

19 A. Yes.

20 Q. -- as we played it? So who is speaking, is that you,  
21 Inspector Stewart?

22 A. Yeah, that's myself and Stephen Kay who was the  
23 inspector at the time.

24 Q. So is Stephen Kay the one that we mentioned when we saw  
25 his name on the spreadsheet?



- 1 A. Yes.
- 2 Q. So he is a local officer from Dunfermline?
- 3 A. (Nods).
- 4 Q. And this is a conversation that you had with him at 9.12  
5 on 3 May?
- 6 A. Yes.
- 7 Q. And I would like to ask you, first of all -- let's look  
8 at this expression on page 2 of the transcript "He is  
9 the size of a house". What's your impression of someone  
10 who is the size of a house?
- 11 A. Just someone who is hugely built, massively built.
- 12 Q. Can you give us any more -- could you give us a range of  
13 what you mean when you say "massively built"?
- 14 A. That description for me is just someone who is really  
15 well built, powerful, tall, broad, muscly, big build is  
16 what I think Stephen is describing.
- 17 Q. How tall? Can you give me an idea of a range?
- 18 A. If I was -- 6-foot plus is what I think of when I think  
19 about someone that size.
- 20 Q. Not someone 5 foot 10?
- 21 A. No.
- 22 Q. 12 stone 10?
- 23 A. No.
- 24 Q. And you talk about "the guys", presumably the  
25 police officers, being on the scene "So quickly, too

- 1           quick actually". What did you mean when you said that?
- 2       A. Just that they were there very, very quickly at the
- 3           locus, too quick for specialist resources or armed
- 4           resources to be deployed from Edinburgh, so, you know,
- 5           they have had to deal with the incident which was right
- 6           because it was important that officers were there, but
- 7           it didn't really give any opportunity for specialist
- 8           resources to assist them with the incident, but they
- 9           were off really, really quickly in terms of their
- 10          actions and just going into the incident.
- 11       Q. So you weren't in a position to support them from the
- 12          control room?
- 13       A. Not with specialist officers that were going, but
- 14          because it happened so quickly, even with that sort of
- 15          advice or any kind of guidance that could be offered
- 16          other than just a very, very quick jump on the talk
- 17          group to remind them of the need to make that initial
- 18          risk assessment and feed the information back.
- 19       Q. You're talking about the call that we have referred to
- 20          earlier and listened to earlier that you had made about
- 21          "Do an initial assessment and feedback"?
- 22       A. Yes.
- 23       Q. And you have said you never received any feedback?
- 24       A. No, I didn't.
- 25       Q. There's a point in the transcript where you talk about

1 officers sitting at 80% or 90%. I could hear that but  
2 I don't see it on the transcript. What did you mean by  
3 that?

4 A. Sorry, I can't --

5 Q. You didn't hear that?

6 A. I didn't hear that.

7 Q. We will leave that. Then you were told by Stephen Kay  
8 that the man had ran at them with a knife. I understand  
9 that at this stage you didn't have any information about  
10 the circumstances?

11 A. No. I mean it wasn't even confirmed for me that the man  
12 had a knife.

13 Q. Thank you. Then just slightly further down you talk  
14 about for you:

15 "... that's an ARV job, a dog job, but it's  
16 obviously the time they have obviously come across him."

17 Again, you're mentioning the time. What were you  
18 meaning when you said that?

19 A. It was one of these incidents where the time was the  
20 critical factor in it in as much as the officers were  
21 deployed to the incident immediately. Because it was  
22 nearby they were there so quickly and they have  
23 obviously decided to deal with him, or deal with the  
24 threat that they were faced at the time before any kind  
25 of specialists or any other officers could be there to

1 support them, so the time was a critical factor in this  
2 incident.

3 Q. And then you go on to say:

4 "And the thing is as well, when you've got someone  
5 going down the street with a knife you still have -- my  
6 view is cops still have to go even if they park around,  
7 stop the car at the end of the street to say 'I can see  
8 him, this is what's happening to him', but see when you  
9 look at the times, the time stamps, I suspect it's even  
10 happened quicker than the time stamps, but it's over  
11 in -- it's over in 3 minutes or something like that,  
12 almost for the first call."

13 Can you explain what a time stamp is, first of all?

14 A. It's just almost like the things on the side of the --  
15 of that sheet, it's all just on the actual STORM log,  
16 it's just times that are recorded when information comes  
17 in, just ...

18 Q. So this is really what you were talking about earlier  
19 this afternoon, about stopping the car, the police  
20 vehicle, you have said there at the end of the street,  
21 or a distance away, and then observing from that  
22 position?

23 A. Yes.

24 Q. Yes. And that's something that the officers on the  
25 scene could have created, that space and that distance,

1 and that time?

2 A. They could have.

3 Q. Thank you. I would like to play another call, please,  
4 which is PS 02134 and this is a call at 9.25 on the same  
5 day, so 15 -- not quite 15 minutes later. Again, you  
6 should have a transcript before you for that showing  
7 that and I think we will play that, if we can, quite  
8 loudly if possible.

9 (Audio played)

10 Right. Do you recognise the voices on this one?

11 A. Yes, it's myself and Steven Bisset who was a sergeant on  
12 the Fife control area at the time.

13 Q. And there's two things I would like to ask you about.  
14 The first thing is on the second page of your  
15 transcript, so it's you speaking and you say:

16 "It was over before it started type thing. They  
17 have basically gone out straight onto him. They sort of  
18 heard that -- I put out a message -- he had put out  
19 a safety message but by that stage just the next thing  
20 the emergency button is activated. I think what's  
21 happened is they have come across him straight away, got  
22 out the car and he's run at them and he's a big guy,  
23 a massive by all accounts, and I think he has probably  
24 been under the influence of the drink or something like  
25 that and he has been in possession of knives, so they

1           have just had to react instantaneously so there's no  
2           time for anything but ..."

3           Is that information that you're sharing with Bisset  
4           that you have received from Kay?

5       A. Yes. I think it's from Kay and from probably other  
6           information that's come through the internal control  
7           room side of things.

8       Q. So information that's circulating --

9       A. Yes.

10      Q. -- about the incident that's come to your ears through  
11         in the control room?

12      A. Yes, yes.

13      Q. And then on the last page you say at one point:

14                 "It's just a case of keeping quite tight-lipped  
15                 about it."

16                 What did you mean by that?

17      A. Probably just because it's a significant incident, just  
18         to make sure that staff on the ground -- everybody's got  
19         social media, phones, accounts and some things if it --  
20         when they're significant it's really important that it  
21         stays within the control room or within the police and  
22         not shared out informally through people texting out or  
23         doing anything like that. That's just -- having read  
24         that, that's what I think I meant.

25      Q. Can we go back to your statement please, paragraph 51,

1 and here you're explaining:

2 "I'm considering the threat, the risk, what  
3 resources are appropriate to deploy in the circumstances  
4 of the incident. I'm not controlling what happens on  
5 the ground locally unless it becomes a firearms  
6 incident, in which case I take charge of the incident in  
7 its entirety."

8 That's in line with what you have already told us  
9 this afternoon:

10 "But what you have is you've got your resources,  
11 your training and your timescales. They're the three  
12 critical things that feature centrally in this  
13 particular incident for me. What resources are  
14 available, immediately available and can attend to  
15 either mitigate the threat that's out there with the  
16 male with the knife, what training do they have in terms  
17 of dealing with an individual, and we have that through  
18 our OST ..."

19 And you have explained that's officer safety  
20 training:

21 "... what protective equipment they have, what  
22 communication skills they have and the fact they're  
23 given a stay safe warning from the control room and  
24 a warning by their own sergeant at the time who is also  
25 attending the incident. And then what are the realistic

1           timescales for this and the reality with this particular  
2           incident was that there's none in terms of the time.  
3           The time is a significant ..."

4           Can we go on to the next page:

5           "... feature in the whole thing because there's no  
6           time essentially. Local officers are en route, about to  
7           go off at the scene and we are waiting for some kind of  
8           update or feedback on what they're seeing in front of  
9           them in terms of threat, risk and harm which will then  
10          inform the next course of action."

11          Was it your understanding when you prepared this  
12          statement that the -- as you said in this audio message,  
13          that the man had gone at them with a knife and they had  
14          to react instantaneously?

15          A. No, that's -- no, that's --

16          Q. That's separate?

17          A. Yeah. I mean I -- I had no knowledge that -- so  
18          I didn't -- there was nothing to say that the man had  
19          gone at them with a knife. I wasn't aware that the man  
20          had gone at them with a knife.

21          Q. All right, thank you. Can we move on to paragraph 54  
22          please. You have given the Chair a description of  
23          certain factors that are risk factors or factors that  
24          can be taken into account when you're assessing risk and  
25          threat. Is it a factor -- a relevant factor that



1 officers attend incidents in pairs rather than  
2 individually?

3 A. Yes. I mean the majority of time now officers are  
4 paired up, it's for officer safety and it tends to be  
5 the method of patrol, certainly on a response vehicle  
6 where they're attending dynamic and serious incidents.

7 Q. Thank you. Paragraph 55, which is on page 29, page 29.  
8 In this section of your paragraph -- of your statement,  
9 I should say, you have talked about escape routes and  
10 cover and considering risk, we have already gone through  
11 that today. There's no mention in here of  
12 police officers running someone over with a police van.  
13 In your experience, is that an acceptable option for  
14 officers under any circumstances?

15 A. Sorry, could you just ask me that again, please? I'm  
16 not quite sure.

17 Q. Yes, of course. So in this paragraph you're talking  
18 about different options for officers and factors that  
19 are important in relation to assessing threats and  
20 such-like. There's no mention in this part of your  
21 statement about police officers running someone over  
22 with a police van, and I wondered if that is an  
23 acceptable option for officers when they attend a scene  
24 to run into somebody with a police van.

25 A. It wouldn't be certainly something that would be

1           expected to be done. I mean, you know, but I -- I don't  
2           know what the -- it depends on -- I suppose it depends  
3           on the incident that you have, but, you know ...

4       Q. If somebody -- if calls have come in that somebody has  
5           a knife and officers attend, is it acceptable that they  
6           simply just run that person down?

7       A. No.

8       Q. No.

9       A. No.

10      Q. Thank you. Can I ask you about paragraph 56, please.  
11           This is headed up "Terror threat levels". You have said  
12           in -- you have explained in this part of your statement  
13           you didn't view this as a terrorist incident based on  
14           the information you had at the time on 3 May. You knew  
15           the man was black, but that hasn't altered your view  
16           about the fact -- you took the view it wasn't  
17           a terrorist incident?

18      A. I was working on the information and intelligence that  
19           was available and fed back, but there was nothing to  
20           suggest during that incident that it was  
21           a terrorist-related incident at all.

22      Q. Thank you. And had any of the officers who were going  
23           to attend the scene been concerned that they were  
24           attending a terrorist incident, what would you have  
25           expected them to do in relation to their communications

- 1 with the control room?
- 2 A. Their concerns should have been voiced, or would have  
3 been voiced.
- 4 Q. Right. And would there be any reason why they couldn't  
5 do that before they attend or at the point they attend?
- 6 A. No, it would just be a radio message that they would  
7 transmit.
- 8 Q. Thank you. Could you look at standard operating  
9 procedure, please, PS 10985. This is called Armed  
10 Policing Operations. You will see the front page. This  
11 is 118 pages long and I'm not going to take you to all  
12 of those pages, but you will see this is the SOP for  
13 armed policing operations and I would like to ask you  
14 about section 10, which I think is on page 20.  
15 Paragraph 10.2, is this the "reason to suppose" mention  
16 you made earlier in your evidence?
- 17 A. Yes.
- 18 Q. And does it also say that it can include a potentially  
19 lethal weapon? We see that just above halfway on the  
20 screen?
- 21 A. Yes.
- 22 Q. Potentially lethal weapon, which you have told us could  
23 be a knife?
- 24 A. Yes.
- 25 Q. Thank you. And then could we look at section 9,

1 paragraph 9.9. Is this area of responsibility, area  
2 control room duty officer, that is your role on 3 May,  
3 that was your role?

4 A. Yes.

5 Q. So this is the section of the SOP that would deal with  
6 the way you conducted your work on that day?

7 A. Yes, it would be.

8 Q. Thank you. Right. Can you tell us, did it make any  
9 difference whatsoever to the work that you were doing in  
10 the control room that Mr Bayoh was black?

11 A. No.

12 Q. Are you aware of certain stereotypes regarding black  
13 people, say, for example, we have heard in the audio  
14 that he was the "size of a house" and that there may be  
15 these stereotypes that black people are bigger, or more  
16 aggressive or less compliant?

17 A. I am aware of stereotypes like that. I mean there was  
18 something in the press today about tasers being used  
19 down south and there's research been done that black  
20 people are more likely to be tasered by police officers.  
21 That was in the news today, so ...

22 Q. In that -- you have obviously done a lot of training,  
23 specialist training, and have you done equality and  
24 diversity training?

25 A. I actually run an equality and diversity team just now

1           in my current role, so I have done equality and  
2           diversity and inclusion training.

3       Q.   What training are you giving officers in relation to  
4           black stereotypes, or you have mentioned situations down  
5           in England? Tell us a little bit about that?

6       A.   I mean in terms of hate crime, I review hate crime on  
7           a daily basis. In terms of -- it's about officers --  
8           I suppose it's about officers being aware and members of  
9           the public being aware of prejudices that they might  
10          hold, what discrimination is, what a hate crime is, what  
11          a hate incident is.

12      Q.   Were you part of training in that field in 2015?

13      A.   No.

14      Q.   No. I understand that I -- in error I said that we had  
15          been provided with your CV previously. I understand  
16          that in fact it is not a CV, it's SCoPE records?

17      A.   Yes.

18      Q.   Does that make sense?

19      A.   Yes.

20      Q.   And it is information about the training you have had  
21          and that type of thing?

22      A.   Yes.

23      Q.   And if we have now been provided with your SCoPE records  
24          that's something that we can refer to and consider your  
25          training and your experience?

1 A. Yes.

2 Q. And how many years' experience do you have as  
3 an officer?

4 A. 29 and a half.

5 MS GRAHAME: Thank you. Could you just give me one moment.

6 (Pause).

7 I appreciate I have kept you here very late today,  
8 inspector, but there may be other matters to be dealt  
9 with but I'm now finished, thank you.

10 LORD BRACADALE: Are there any applications in respect of  
11 this witness?

12 UNKNOWN SPEAKER: (Mic turned off).

13 LORD BRACADALE: Do you want me to adjourn for that purpose?

14 UNKNOWN SPEAKER: (Mic turned off).

15 LORD BRACADALE: Very well. Before I adjourn, is there  
16 anybody else? No.

17 Oh, Ms Mitchell?

18 MS MITCHELL: (Mic turned off).

19 LORD BRACADALE: To consider it -- yes, well I will rise  
20 briefly to consider it.

21 (5.09 pm)

22 (Short Break)

23 (5.15 pm)

24 LORD BRACADALE: I think the general order of submissions  
25 should be the same as the general order of the opening

1 speeches so, Ms Mitchell, I think you would be first.

2 MS MITCHELL: Yes, my Lord. I just would like to ask if

3 I can ask questions in relation to --

4 LORD BRACADALE: I should advise you, before you start, that

5 real time transcription stops at 5.15, but the

6 transcription will then be made up tomorrow morning from

7 the recording.

8 MS MITCHELL: I see.

9 LORD BRACADALE: I don't think we need real time

10 transcription necessarily.

11 MS MITCHELL: I would hope not, no.

12 LORD BRACADALE: Yes.

13 Submissions by MS MITCHELL

14 MS MITCHELL: My Lord, I just want clarification in respect

15 of a question which arose -- Senior Counsel to the

16 Inquiry asked the officer:

17 "What training are you giving officers in relation

18 to black stereotypes, or you have mentioned situations

19 down in England? Tell us a little bit about that?"

20 And the officer responded:

21 "I mean in terms of hate crime, I review hate crime

22 on a daily basis. In terms of -- it's about officers --

23 I suppose it's about officers being aware and members of

24 the public being aware of prejudices that they might

25 hold, what discrimination is, what a hate crime is, what

1 a hate incident is."

2 And I would like to have the officer answer the  
3 question, "What training are you giving to officers in  
4 relation to black stereotypes for suspects of  
5 offences?", not those who have crimes committed against  
6 them, so the officer has answered the question in terms  
7 of the questions of hate crimes against people, black  
8 people, and I want to know what training is being given  
9 in relation to black suspects and stereotypes.

10 LORD BRACADALE: Very well. I shall allow you to ask that.  
11 Ms McCall?

12 Submissions by MS MCCALL

13 MS MCCALL: Yes, thank you, sir.

14 I put in a written Rule 9 application in respect of  
15 this witness that contained in total 16 questions. I am  
16 grateful to Senior Counsel for the Inquiry for asking  
17 the majority of those, but there's a significant section  
18 of that which I had understood in an email from the  
19 Inquiry team were lines of questioning that would be  
20 explored with this witness that have not been. I don't  
21 know, sir, whether you have my written application  
22 available to you.

23 LORD BRACADALE: No. It never came to me because it didn't  
24 require to.

25 MS MCCALL: Yes. The matter concerns -- it arises because



1 of the Inquiry's Terms of Reference to explore systems  
2 of operating and consider whether those may have played  
3 a part in Mr Bayoh's death and one of the issues that  
4 arises is the means by which communications about the  
5 situation on the ground are transmitted through  
6 the police control room to the Ambulance Service.

7 There is -- we have heard evidence already of acting  
8 Sergeant Maxwell communicating with the control room and  
9 advising them that Mr Bayoh was sprayed and may have  
10 been batoned to the head, and the Inquiry will hear  
11 evidence from Sergeant Maxwell that he did that for the  
12 log, the STORM record, but also so that the ambulance  
13 would be informed, and the Inquiry may hear that the  
14 paramedics who attended never got that information prior  
15 to their arrival at the scene.

16 So I had proposed in my application to ask this  
17 witness -- because I have made an inquiry with the team  
18 as to the appropriate witness for this and I was told it  
19 was this one -- about the role that the area control  
20 room plays in transmitting information from Airwaves to  
21 the Ambulance Service, whether that's --

22 LORD BRACADALE: Sorry, the role the control room ..?

23 MS MCCALL: The role the control room plays in transmitting  
24 information received over Airwaves from officers to the  
25 Ambulance Service and whether that's direct to the

1 paramedics, or through an ambulance control.

2 The second question was assuming they do transmit  
3 information to the Ambulance Service, what procedures,  
4 SOPs and so on, are in place to provide guidance on when  
5 and what information obtained from officers in the field  
6 should be passed to the Ambulance Service.

7 LORD BRACADALE: So assuming they do transmit information to  
8 the Ambulance Service ..?

9 MS MCCALL: What procedures are in place to provide guidance  
10 on when and what information obtained from officers in  
11 the field should be passed to the Ambulance Service.

12 LORD BRACADALE: To provide guidance on what? Sorry, say  
13 that a little more slowly.

14 MS MCCALL: On when and what information obtained from  
15 officers in the field should be passed to the  
16 Ambulance Service.

17 The next question is how is information transmitted  
18 between the control room and the Ambulance Service,  
19 police control room and the Ambulance Service, and  
20 whether and how those contacts are recorded.

21 The final question I proposed was -- you will  
22 remember, sir, the evidence of Sergeant Maxwell's  
23 transmission about Mr Bayoh having been sprayed and  
24 perhaps batoned on the head, whether that is information  
25 that the controller at ACR should have passed to the

1           Ambulance Service, whether he did pass that to the  
2           Ambulance Service and, if not, why not.

3           LORD BRACADALE: Right. Ms Grahame, do you want to comment  
4           on these submissions?

5           MS GRAHAME: Yes. I accept that those questions were given  
6           by Ms McCall in her Rule 9 application and I had  
7           intended to ask them, and didn't have any objection to  
8           asking them, but in my desire to complete in  
9           a reasonable time I overlooked those particular  
10          questions.

11          LORD BRACADALE: Thank you very much for that frank reply,  
12          Ms Grahame.

13                 I'm going to continue until Thursday morning for the  
14                 purpose of allowing Ms Mitchell and Ms McCall to ask  
15                 these questions. It clearly will take longer than is  
16                 appropriate today and I'm not going to do it without the  
17                 benefit of real time transcription, so perhaps you could  
18                 return to your seats and once that's done the witness  
19                 can be brought back in.

20                 (Pause)

21                 Inspector Stewart, I'm afraid we're not going to be  
22                 able to complete your evidence tonight. There are some  
23                 further questions that need to be posed. For  
24                 administrative reasons the Inquiry cannot sit tomorrow,  
25                 so could you return to continue with your evidence at

1 10 o'clock on Thursday morning?

2 A. Yes, sir.

3 LORD BRACADALE: Thank you very much indeed.

4 The Inquiry will now adjourn until Thursday morning  
5 at 10 o'clock.

6 (5.25 pm)

7 (The Inquiry adjourned until 10.00 am on Thursday,  
8 18th May 2022)

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