

Transcript of the Sheku Bayoh Inquiry

Thursday, 2 February 2023

(10.01 am)

SERGEANT WAYNE PARKER (continued)

LORD BRACADALE: Good morning, Sergeant Parker.

A. Good morning.

LORD BRACADALE: Ms Grahame.

Questions from MS GRAHAME (continued)

MS GRAHAME: Thank you. Good morning. Hopefully we can work the technology today and I understand if we keep our mouths close to the microphone, that should help matters.

I would like to talk to you about the death message which was delivered to Colette Bell and I think you took the lead on that --

A. That's correct.

Q. -- at Kirkcaldy on 3 May. We have not heard from Graeme Dursley yet, but we have heard some evidence yesterday in relation to him and if I could ask for his statement to be put on the screen, this is his PIRC statement, 00137, at page 2 and you will see in that large paragraph in the centre of the screen, which I think is the third paragraph, it starts:

"With regards to the death messages delivered to Colette Bell ..."

Do you see that paragraph there?

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1 A. Yes, about mid-way down?

2 Q. About mid-way down --

3 A. Yes.

4 Q. -- and he talks about "Me", ie Graeme Dursley, Colin
5 Robson:

6 "We delegated Wayne Parker to tell Colette Bell
7 words to the effect that [and this is in quotation
8 marks] 'a black male had been found dead and we
9 suspected that it may be her partner'."

10 And that's the end of the quotation marks. Do you
11 agree that that is the wording that was given by Graeme
12 Dursley?

13 A. No, no, not that I recall. Certainly the fact that it
14 states a black male had been found dead, that wasn't the
15 recollection I have.

16 Q. That's fine. I think in your Inquiry statement, if we
17 could look at that now please, and look at
18 paragraph 106, you have been asked about this and gave
19 your details in your Inquiry statement, so we will get
20 that on the screen. Here we are. This is your Inquiry
21 statement, SBPI 00238, and it is paragraph 106. You
22 have said in this:

23 "DS Dursley told me exactly what to say. It was
24 words, bland, and what we had at the time. It was
25 basically a critical incident this morning whereby

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1 a black male had died and we believed it to be her
2 partner, Sheku Bayoh. That's exactly what I passed on
3 to her. It's on page 3 of my statement ..."

4 That was the PIRC statement that we looked at
5 yesterday to discuss. Is that, and does that, remain
6 your recollection of what you said?

7 A. Yes, yes.

8 Q. So a black male had died.

9 A. Yes.

10 Q. Rather than what we see in Dursley's statement, "A black
11 male had been found dead"?

12 A. No. I can't recollect being told that, being found
13 dead. It wouldn't fit in with what had happened at that
14 time either to be fair. That was the recollection I had
15 what I was given on that day and I believe to be, so ...

16 Q. Thank you. And can I ask you to look for me please at
17 Colette Bell's statement, SBPI 00247, and I will ask you
18 in a moment to look at paragraph 16. I think I said to
19 you yesterday we haven't heard from Colette Bell yet --

20 A. Yes.

21 Q. -- but she has signed a statement and sent this into the
22 Inquiry. So if we look at paragraph 16, this reflects
23 her recollection as we understand it at the moment and
24 she is here talking about the delivery of the death
25 message.

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1 A. Yes.

2 Q. And you will see at the end of that paragraph she is
3 talking about what she recollects being told by the
4 officers, that's you and Sergeant Mitchell.

5 A. Yes.

6 Q. "They just said that a passer-by had found him dead on
7 the street."

8 Is that your -- does that bear any resemblance to
9 what you remember telling Colette Bell?

10 A. No, that was -- there was no mention of anyone being
11 found at all. The message was passed as per my
12 recollection and I think there was an explanation after
13 her reaction as I stated yesterday, but there was no
14 mention of any passerby having found him on the street
15 at all, either from myself or DC Mitchell.

16 Q. I was going to ask, was it possible that Andrew Mitchell
17 had said anything along those lines?

18 A. From my recollection, I was in the room -- noting the
19 statement I think I was the only one left in the room by
20 myself with her, but from her statement it says "They
21 said", "they" said, in plural, "a passer-by", so
22 I certainly hadn't said anything and while Andy was in
23 my company he never said anything about a passerby
24 either.

25 Q. We heard yesterday from Andrew Mitchell that after the

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1 death message had been delivered he took the baby out
2 for a short while.

3 A. Yes, yes.

4 Q. And you were left in the room with Colette Bell.

5 A. That's correct.

6 Q. But during that time was anything said by you to
7 indicate that a passerby had found him dead on the
8 street?

9 A. No, not at all.

10 Q. Thank you. Are you able to give any explanation as to
11 why Colette Bell's statement says something different?

12 A. I honestly couldn't. All I can remember from then
13 from -- as we know, it was quite a short statement,
14 a very bland one, as I have said. Her initial
15 reaction -- she obviously was extremely upset and kept
16 saying "It's not him, it's not him, why do you think
17 it's him?" So that was when I give her an explanation
18 as to why we believed it to be Sheku Bayoh at that time,
19 so I give her a rough description, but nothing was
20 discussed where how he was found because, in effect, we
21 didn't know that either. I didn't know that. Andy
22 didn't know that. So we would be pretty much giving
23 information that we weren't party to, so no one said
24 anything about a passerby.

25 Q. Thank you. Can I ask you now to look at Lorraine Bell's

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1 statement, her PIRC statement, 00260. Sorry, that's the
2 wrong number. I can forget that for a moment. I will
3 come to that in a moment. Can I ask you to look at your
4 own Inquiry statement, paragraph 145. That will be an
5 easier approach I think.

6 So in paragraph 145 of your own statement you have
7 been referred to a statement by Lorraine Bell. You will
8 see here paragraph 145 of your Inquiry statement:

9 "I have been told Lorraine Bell states ... the
10 following ..."

11 Lorraine Bell we have heard is Colette Bell's
12 mother. She was with her in Kirkcaldy that day.

13 A. Yes, that's correct.

14 Q. I will just read out what she says. This is in her PIRC
15 statement:

16 "I wish to state that I found some of the points
17 made and questions asked by police to be unusual."

18 And she talks about different questions that were
19 asked. I will just read the whole thing:

20 "... did Sheku pray five times a day, did he eat
21 pork, did he smoke, did he drink alcohol."

22 This is the part I'm interested in:

23 "I could not understand why such things were asked
24 given that we were led to believe that a body was found
25 on the street."

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1 So again, here in this part of her PIRC statement
2 she appears to be suggesting that she and Colette were
3 led to believe that a body was found on the street and
4 again, you have told us that's not your recollection of
5 the death message.

6 A. Yes.

7 Q. Can you explain why Lorraine Bell would be suggesting
8 that that was something she was told?

9 A. I honestly couldn't say. It certainly wasn't discussed
10 anything at all about where the body was found. As
11 I said before, we didn't know where he was found at that
12 time. We knew that he had come across -- police had
13 come across him, but certainly nothing regarding
14 a passerby or anything like that at all.

15 Q. So you're not able to help the Chair understand why --

16 A. I couldn't. The only explanation I would probably give
17 is because you're passing death messages and everything
18 goes over everybody's head. There was a lot of
19 conversation about why we thought it was Sheku at that
20 time and that was the only conversation, only
21 explanation above that message that was discussed, so
22 I couldn't say why that's been said because why would
23 we? He wasn't found by a passerby, so I wouldn't say
24 that.

25 Q. We see that -- as I have gone through these different

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1 statements, Graeme Dursley has talked about a black male
2 being found dead, you have talked about telling Colette
3 Bell that a black male had died, and both Colette and
4 her mum have talked about a passerby finding him dead on
5 the street and can you remember at any point during that
6 time in Kirkcaldy mention of a passerby?

7 A. No, certainly not at the time when I had the briefing or
8 anything after that either.

9 Q. But there was no mention about the police having come
10 into contact with Mr Bayoh at that time?

11 A. No, not at that time. Not at that time.

12 Q. So no information was given about how Sheku had been
13 found or discovered, just that a black male had died?

14 A. That's correct.

15 Q. Looking back now, with all of your experience of
16 delivering death messages, would you be able to help the
17 Chair and explain if you have any thoughts on how the
18 wording of the death message at that point could have
19 been better, could have been improved?

20 A. It's only my opinion, but I'm kind of sort of guessing
21 because I didn't know other information was at hand at
22 that time, so I'm passing a death message on with
23 information that we have at the time, so could it have
24 been improved? It probably could have with them, but
25 I think at that time of what we had, I think we probably

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1 passed the death message -- it could potentially be seen
2 as too soon because it wasn't confirmed at that time but
3 I think purely because the fact that with social media,
4 as we discussed yesterday, if we hadn't have passed what
5 we believed to be Sheku at that time and Colette had
6 found out third party then I'm sure the police would be
7 complaining about -- completely understandable at that
8 point, so I think at that point I think there's going to
9 be not much I can really add to that, to be honest.

10 It is more being in fairness to the investigation
11 itself. As I said yesterday, it has to be a balance of
12 what you give, enough for the family, and enough not to
13 jeopardise the enquiry that's already ongoing because it
14 was already just an hour or two into what had happened
15 at that point.

16 Q. Although you have explained you didn't know the full
17 details, it may have been suggested that it would be
18 a better approach to give the family as much information
19 as possible and to be transparent, to be honest about
20 that.

21 A. Yes.

22 Q. As a general principle, would you agree with that,
23 that's a better approach?

24 A. Yes. In -- generically, if -- for an incident like this
25 it would be -- it would be great to give as much

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1 information as we could. I would love to have turned
2 round and said "Following an incident today on
3 Hayfield Road, police have come across Sheku and during
4 an attempted arrest he has become unconscious", I would
5 have loved to have given that full information. Why
6 they haven't given that, I don't know. I can't comment
7 on that. Me personally, I would have loved to have
8 given that, but I can't say why it wasn't given.

9 I understand why it wasn't given. As I keep saying,
10 you have to tread a fine line between what information
11 is given and what isn't at the time.

12 Q. You have said there you can't see why it was not given,
13 but you understand why it was not given. Can you
14 explain what you mean by that?

15 A. What I mean is, as I said, I wasn't party to the full
16 information there, so I'm only going off what I -- you
17 asked my opinion so in my opinion I would have loved to
18 have given more information. Would it have been
19 jeopardising the enquiry? I don't know. I wasn't the
20 policy decision-maker, so that's decisions made above
21 me, so looking at the hindsight could we have given
22 a bit more? Maybe, but would it have helped the family?
23 I think it probably could have, yes.

24 Q. And the policy decision-maker, is that the SIO, or is it
25 someone else?

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- 1 A. It's usually the SIO as far as I'm led to believe, yes.
- 2 Q. So in terms of anyone who had the authority to make the
3 decision of whether giving more information would impact
4 detrimentally on an investigation, that would be the
5 role of the SIO?
- 6 A. I think so. I think especially in this case it was
7 believed to be, so we're kind of treading a balancing
8 area here, it still might not have been turned out to
9 have been him so if we're giving out more information
10 that we have and it turns out that it wasn't Sheku Bayoh
11 at that time then we're jeopardising another enquiry, so
12 I can see why they have probably done that, but it's the
13 SIO that makes that decision.
- 14 Q. Thank you. And in terms -- yesterday when I was talking
15 to you in the afternoon, you talked about a distinction
16 between the words that are said, or the information
17 given and the delivery methods. So looking back now, do
18 you feel that there's anything that you or your
19 colleague could have done in terms of delivering that
20 death message that would have made that better, or would
21 have improved the situation?
- 22 A. I think we're very limited with the information that we
23 were given, or certainly the death message that we were
24 given to pass, we were very limited to pass it. As we
25 have said yesterday, it's not one of the things that --

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1 it's not -- it's the worst part of policing to give that
2 death message. Could it have been passed better?
3 Probably. On reflection I think it maybe could have,
4 but I think we went over and above to try and pass it --
5 not soften the blow, but have a wee bit of compassion
6 towards the family that they just lost somebody and to
7 give them that short draft which I felt was very, very
8 short, not much detail to it, wasn't great.

9 You always try to put yourself in someone else's
10 shoes. Would I be content with what I was given that
11 day? Me personally I probably wouldn't be. I would
12 have all the questions which were asked that day to me:
13 where did he die? How did he die? Is that him? All
14 them questions I would ask are exactly the same. At
15 that point our hands are tied -- it sounds a horrible
16 thing to say hands are tied, but kind of restricted on
17 what we're told to give and we have to give precisely
18 what was said and we didn't give over and above that.
19 Would I have liked to? Probably yes, on reflection,
20 yes, but at the time we couldn't.

21 Q. So the more information you're given, it makes your job
22 easier and it's answering questions that the family
23 obviously will want to know the answers to?

24 A. Yes.

25 Q. Thank you. Can I ask you about when you came to take

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1 Colette Bell's statement in the interview room. Could
2 you describe for us how it is that you went about taking
3 a statement, what sort of procedure, if you like, did
4 you use?

5 A. Okay. I think during that time I think I had probably
6 been in CID about three or four years at that time, so
7 the majority classed as major incidents are all done on
8 a major incident form.

9 Q. A major incident form?

10 A. A major incident form, yes, which will contain Colette's
11 full statement that I took that day. The whole
12 procedure, as I explained before, you go into explaining
13 what the statement is about, I ask if she is happy to
14 give that statement. She was happy to provide that
15 statement on that day. Is it ideal? It probably looks
16 a bit barbaric from someone looking in from the
17 outside --

18 Q. I will come on to that in a moment, but could you
19 describe the procedure, the sort of -- you have said you
20 would explain what's going to happen.

21 A. So I will have explained -- I know for a fact that
22 I explained the reason for the statement, the rationale
23 why we needed the statement and it was more to do with
24 the movements before that about Sheku and the background
25 between them two and what happened the night before.

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1 It's to get a timeline as to what's led up to this
2 incident, what has been the precursor to setting it off
3 and that was fully explained to her about that.

4 Q. So you're looking to build a picture --

5 A. Yes.

6 Q. -- of what's happened just before, or leading up to the
7 events in Hayfield Road?

8 A. Yes.

9 Q. And you have talked about the major incident form. Is
10 that A4 size?

11 A. Yes, it's A4, yes.

12 Q. And how do you go about noting it? We heard yesterday
13 there's no tape recording, there's no video recording.

14 A. Well, the majority of the time when you're noting
15 a statement like that, especially when it's a serious
16 incident like this, on the end of it once you have
17 finished sometimes we record it on tape and that was
18 probably the reason why we went into the taped interview
19 room to facilitate that, but because at the time she was
20 becoming that upset I didn't deem it appropriate to keep
21 her there for any longer to put it on tape and read
22 through the whole statement again, so we read through
23 and got any amendments, but didn't put it on tape at
24 that time. Would it have benefited her? It might have
25 benefited somehow to show what content there was and

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1 what has been amended, albeit it has been signed and
2 countersigned.

3 Q. So although the plan was to take her to Kirkcaldy to
4 give you the option or the facility to record her
5 statement, that wasn't adopted on the day?

6 A. What do you mean, sorry?

7 Q. You didn't tape it on the day?

8 A. No, I didn't, no, no. That was basically having -- her
9 feelings were paramount because she was getting --
10 towards the end -- it was a long couple of hours to draw
11 out that information, what was required, but it was
12 reiterated during that time we spoke to her it was "Any
13 time you want to stop, we will quite happily stop",
14 especially at that point when we had got the majority of
15 the details at that point, so I didn't feel it was
16 necessary and I went up and spoke to my sergeant and it
17 was DS Dursley and says "Look, we have put her through
18 two hours of this, noting the statement. I don't find
19 it we can keep her any longer and put her through that"
20 and that was agreed on at that time.

21 Q. Okay. You have talked about discussing what was going
22 to happen and the major incident form. So are there
23 conversations or discussions going on around about the
24 actual taking of the statement and noting down the
25 statement?

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- 1 A. In what respect?
- 2 Q. So your explanation of what was going to happen, that's
3 not in the statement, it's not taken down.
- 4 A. No, it wouldn't -- primarily it's just a precursor.
5 I find in anyone who is an officer or experienced
6 copper, detective constable, and explain that you don't
7 just go into a statement. You have a wee conversation
8 about what we were looking for, so it's basically to
9 make them aware of when you you're asking questions
10 about do they drink, do they take drugs, their
11 lifestyle, it's setting up a picture of the person and
12 the background. So a lot of people find a lot of the
13 questions bizarre what we ask, but it's the generic
14 questions that we have to ask, so it's basically
15 explaining to people that we're asking these questions,
16 not for a specific reason, but we ask these to everyone
17 what they know, the background information of a partner
18 or a lost one.
- 19 Q. We heard your colleague Sergeant Mitchell talk about
20 trying to build rapport with someone.
- 21 A. Yes.
- 22 Q. And he talked about asking lifestyle questions. You
23 have used that word as well and said that you get
24 information about the background.
- 25 A. Yes.

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1 Q. For people who have not been interviewed, have not had
2 a statement taken by the police, could you give us some
3 examples of the types of questions that you would ask.

4 A. The majority of things -- because this was a live
5 enquiry so you'll be looking for information for both
6 parts 1, the gentleman that has died at that time so we
7 will be needing information regarding that for the PF
8 and the information, the background information what's
9 happened the night before, so it has to be a combination
10 of both what we require.

11 So lifestyle wise it would be his relationship with
12 Colette, how long they have been together, children,
13 family members, local family members, because --
14 especially because of the fact that it was an erratic
15 male it would definitely be -- I will have documented
16 drugs and alcohol. More than likely religion, if
17 I haven't it would probably have been discussed by the
18 FLOs because that's covered by the FLOs as well.

19 It's just building up a picture of his background.
20 Past medical history sometimes. He was quite a young
21 guy, so that would be sort of touched on probably, but
22 everything that we discussed will be contained in that
23 statement for Colette Bell.

24 Q. So once you have discussed these lifestyle questions, if
25 I can call it that as a shorthand, or background

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- 1 questions, are you noting down everything that's said
2 from the beginning, or are you having a general
3 discussion and then later going back and saying --
4 asking specific questions and noting down the answers?
- 5 A. It should be chronologically -- usually it's information
6 that we need first and then having antecedents, which is
7 the background. It depends which way I have done the
8 statement, if I started it off -- usually I start off
9 and have a discussion of "What's the relationship
10 between yourself and Sheku, how long have you been
11 together, where do you live, how many children do you
12 have?" Then on such and such a date, 2 May, "The night
13 before, on 2 May, just go through what was your
14 movements on that night and where was Sheku at that
15 time?" and then the statement will start from there.
- 16 Q. And is every single thing that's said by Colette noted
17 or do you try and put it into some sort of order and
18 structure?
- 19 A. Yes, it will not be -- most times it will not be exactly
20 verbatim as to what somebody says. There will be
21 relevant points that we have to pick out and there will
22 be stuff that is probably not required. So, it's like
23 we did yesterday, we went on a bit of a tangent
24 sometimes and that tends to happen and if I documented
25 everything, I'd end up with major incident forms which

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1 are 70 sheets thick, so it's irrelevant and keep it --
2 and you have to be succinct like we are trying to be
3 today and directed and keep it on the points that you
4 have. I have points that I have to get, so I keep it
5 very on them points. If there's anything relevant that
6 she puts in there I will add that, but at the end of
7 that, we go through the whole statement, so that's
8 covered. So if there's anything that she feels she
9 discussed that wasn't in there, she can say "Well, we
10 never discussed that" and then I will just put an
11 addendum on the bottom and add it.

12 And certainly on the flip side of that, if there's
13 anything that's in there that she feels shouldn't be in
14 there, I can score that out and I'll initial it at the
15 side and Colette will initial at the side as well.
16 There's a couple of amendments, spelling mistakes more
17 than likely and they'll be amendments like that.

18 So I wouldn't put everything in, but things that
19 were relevant -- I feel are relevant. At that time I
20 had the experience to decide what was relevant and what
21 wasn't, but we will have that fallback that if we read
22 through that statement and she feels that there is
23 anything I missed and usually when we corroborate
24 statements like that, the officer next to me will say
25 "We haven't covered that" and vice versa, I have done

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1 that in the past, but if she feels at that point that
2 she hasn't -- she has the opportunity to add anything
3 she feels that has been missed and at that time she is
4 quite happy and has signed at the bottom and I'm signing
5 at the bottom to make sure there is nothing else being
6 added on the bottom of that.

7 Q. So it's only relevant things that go in the statement?

8 A. Yes.

9 Q. You are the one that will decide what's relevant.

10 A. Yes, yes.

11 Q. You have told us that Colette Bell was there for quite
12 a while and she was upset.

13 A. Yes.

14 Q. And it became -- I think did you say it was increasingly
15 difficult or became difficult? You felt you couldn't
16 keep her there much longer.

17 A. No, I didn't feel -- from a personal point of view and
18 both Andy will probably agree the same, she settled down
19 and she was giving a fantastic account of what happened,
20 she kept on track all the way throughout, mum was with
21 the baby. Towards the end she was getting upset and
22 I thought that's really enough, we've covered enough
23 with what we have. We had the opportunity -- I had the
24 essentials of the movements of the timeline so I didn't
25 feel pushing her any more to get any more from that.

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1 There isn't -- her statement is not the end of it. That
2 statement is the stuff what we need, what the fiscal
3 needs of the movements for that night leading up to it.
4 So once I think I have enough there, I have
5 an opportunity to say "Right, that's enough, we can stop
6 there".

7 I didn't feel we would gain any more information
8 that would be advantageous and at that point I felt she
9 was getting to a point of being so upset that it wasn't
10 fair on her. We had been there long enough and I made
11 that decision that we just cut it short. I made her
12 aware we may need you to come back and -- another
13 officer might need you to come back in the following
14 days to just fine probe certain points, they might have,
15 but we might have enough. It depends on what the fiscal
16 wants and that was when I decided just to stop it there.

17 Q. You spoke earlier about making the decision not to read
18 through the whole statement and put it on tape.

19 A. Yes.

20 Q. But given the procedure and given your concerns about
21 the time this had taken, did Colette Bell have
22 an opportunity to read through the whole statement even
23 though it wasn't on tape and make those changes if she
24 wished to do so?

25 A. Yes. As I said, I read -- if we read it back and record

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1 it on tape, if we read it back to -- I read it back to
2 Colette in its entirety, sat to the side of her and as
3 we went through we made amendments together and she
4 signed at the bottom of every sheet as I read through it
5 and that's how it's usually done.

6 Q. Was she aware that the statement would really only
7 contain things that were relevant to yourselves and the
8 investigation?

9 A. Yes. As I said, she was -- the majority of statements
10 that I note people can go off on tangents and start
11 discussing other stuff. I can't add that. Is it down
12 to what I deem what we need? I knew what we needed at
13 that point, it was a timeline of movements which I had,
14 and as I said to her towards the end "If there's
15 anything that you want to add to this, anything you can
16 add it, if you feel if missed anything" and that's
17 an opportunity I give a chance to everyone that I have
18 got a statement from. "If there's anything you want to
19 add, write it at the bottom of that. Do you feel that
20 I've missed anything at all?" And she didn't think she
21 had missed anything at all at that time and that was
22 when I signed the bottom and she countersigns it as
23 well.

24 Q. Thank you.

25 We have heard some mention of family liaison

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1 officers, we have discussed that briefly with you.

2 A. Yes.

3 Q. Was there any particular reason why you couldn't wait to
4 get a statement from Colette Bell until maybe the family
5 liaison officers were available?

6 A. Again, that's not my decision. It's best in any sort of
7 crime that you deal with to get an account, as we're
8 dealing with today. If you got a statement from me
9 in June which I have done, that account from there if
10 you ask me to give a statement now I probably wouldn't
11 remember 70% of that. I remember certain points which
12 I have done and as we discussed, I will be reliant on
13 that statement from there, so it proves that
14 recollection from people immediately after that, albeit
15 it's traumatic.

16 As I said before, being from a nursing background,
17 is that great or you want to get the best version of
18 events? You're going to get a clearer version of what's
19 happened. Is it fair on the person? As I said before,
20 I it might seem a bit barbaric, we have just passed
21 a death message, wanting a witness statement, it -- does
22 it sit right with me? It doesn't, but we give her every
23 opportunity "It doesn't have to be done today, if you
24 feel it has to be done tomorrow, that's fine, if you
25 want to stop at any point" -- we give that opportunity

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1 to everyone, if you want to stop. We do not, just
2 because it's in a police station where we're noting the
3 statement, it doesn't mean that you're held there and
4 she wasn't held there as a suspect or anything which
5 was-- she knew that.

6 Q. So we have heard from a lot of people that events --
7 statements given closer to the time are often clearer,
8 more accurate --

9 A. Yes.

10 Q. -- and you would agree with that, for everyone?

11 A. Yes, completely.

12 Q. And I asked Sergeant Mitchell yesterday were offers of
13 refreshments and comfort breaks given to Colette Bell
14 during that period of time that she was in Kirkcaldy
15 Police Station?

16 A. Yes.

17 Q. And was it made clear to her that she could have a break
18 at any time?

19 A. Yes, it was made quite clear she could have a break at
20 any time, she could stop at any time, I said that. From
21 the initial devastating death message that we passed,
22 she was extremely upset, we sat and sort of -- she
23 calmed down eventually and when we had got into the
24 statement and the movements and that she kind of settled
25 down a wee bit and I said to her -- she got upset about

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1 halfway through and I said "Any time you want to stop,
2 we will quite happily stop if you want" and she just
3 wanted to get it finished, to get it done and dusted.

4 Q. How long was there between delivering the death message
5 and starting the statement taking?

6 A. I don't -- I would honestly I would be guessing, but she
7 became upset and mum was wanting to console her and Andy
8 to be fair took the child -- he said "If you don't mind
9 I will just take the baby with me so you can console
10 her". He took the wee one outside and mum was obviously
11 consoling her for a wee while and I just stood and
12 waited until they had settled down a little bit and then
13 discussed -- I basically explained "This isn't the best
14 time, I know it's not, but we have to note a statement
15 about the movements of what's happened to give some
16 explanation as to what has happened before this
17 incident."

18 I explained it in a way we were trying to get some
19 explanation as to why this has happened. It might be
20 beneficial and the sooner we get it the better. It was
21 that just chat with Colette herself to explain why we
22 needed it and she agreed and was happy to extend that
23 time but she was under no illusion at any time that she
24 was wanting to stop -- I reiterated it about four or
25 five times through the statement, just to be sure.

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1 Q. Andrew Mitchell thought he was out of the room for
2 around ten minutes with the baby and then came back in
3 and the process started. Would you disagree with that?

4 A. I honestly couldn't say. I would be -- would it have
5 been ten minutes? It could have been. Them sort of
6 things, especially when someone is that upset, it could
7 have been longer, it genuinely could have been less
8 time. I don't know. I would be guessing. I would be
9 guessing.

10 Q. Can I ask you about something that Colette Bell has said
11 in her statement, her Inquiry statement, SBPI 00247, and
12 I would like you to look at paragraph 18 please. 247.
13 It is paragraph 18. Again, this is after the death
14 message is delivered and she says, line 3 at the end:

15 "I think once I settled down a little bit they then
16 said ..."

17 And this is in quotation marks:

18 "... 'I know this is really difficult for you but
19 we're going to have to take a statement from you'.

20 I said 'I'm not giving a statement. I just want to go
21 and see Shek. Why would I need to give a statement?

22 I just want to know what's happened.'."

23 Do you remember Colette Bell saying that she didn't
24 want to, why would she give a statement?

25 A. No, no, that's not the case. We had a full discussion

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1 between Colette and myself and Andy about why we needed
2 to take a statement. If any time she said that she
3 didn't want to provide a statement, I couldn't force her
4 to give a statement. She was fully aware that at any
5 time that we could stop and we could revisit this, it
6 didn't have to be noted at that time, but it would be
7 beneficial and it was the benefits that were suggested
8 to her -- if she said no at that time I can't turn
9 around and say -- and demand a statement from somebody.

10 Q. When you mention benefits, what do you mean?

11 A. With regarding the time, time of giving the statement
12 and getting the best evidence from that time.

13 Q. Benefits for the police?

14 A. Yes. Timescale, yes.

15 Q. Was it said at any point to Colette Bell that if she
16 gave a statement she would be able to go and see
17 Sheku Bayoh?

18 A. No. We can't -- I can't promise things like that.
19 I can't. So I would never have said that and I've never
20 said that to anybody.

21 Q. Who would be in charge of that decision?

22 A. It will be -- it's not me dropping the -- or passing the
23 buck to anyone, it's -- all these decisions are policy
24 decisions that I wouldn't be making, so any decisions
25 for that would come above me. I wouldn't have any say

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1 in that at all.

2 Q. Above you in the Police Service --

3 A. Yes.

4 Q. -- or maybe the Crown?

5 A. Rank-wise above me, yes, and they will be discussed with
6 the PF because if there's forensics to be done with
7 Sheku at that time then they have to decide when the
8 family can see the body after that as well.

9 Q. Right. Could we look at paragraph 19 which we can just
10 start to see on this page:

11 "I am asked how I ended up giving ..."

12 This is Colette Bell's statement:

13 "I am asked how I ended up giving the police
14 a statement when I had said I did not want to give
15 a statement. They had said that if I was to give
16 a statement, then I would be able to go and see him
17 [that's Sheku Bayoh] because he would need to be
18 identified. So they had said 'If you get the statement
19 done, then we'll see about you going to see him,' and
20 mum had kind of been saying 'Let's just do the statement
21 and then maybe you'll get to see him after'."

22 And when you look at that paragraph, as described by
23 Colette Bell, do you recognise that description?

24 A. No. That wasn't the case. This -- police and
25 statements doesn't work like this. It's not a form of

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1 bribery. It's not a pay-off to "We will let you see the
2 body if we can note a statement", it doesn't work like
3 that. I've never ever discussed that. In the past
4 I have had people who did not want to provide
5 a statement, I have said "That's fine, I will give you
6 a ring tomorrow. If you are quite happy, if it's
7 settled by tomorrow we'll get another statement from
8 you." If anyone throughout my career says "I do not
9 wish to give a statement", it's stopped in its track at
10 that point. That was not discussed at all, at all.
11 It's disappointing to be fair that that's been
12 suggested, especially what we went over and above what
13 we discussed with her.

14 Q. Can you explain why she would be saying that?

15 A. I honestly don't know. I honestly do not know.

16 Q. Do you remember any sort of discussion about the
17 identification of Sheku Bayoh?

18 A. We had touched on ID. She asked me when they would be
19 able to see the body. I said "Before any of that
20 happens," I described the routine of PMs and
21 identification and I said "What might happen--"

22 Q. Post-mortems?

23 A. -- yes, post-mortems. "What might happen is, I have no
24 doubt we will need to speak to his family and then
25 whoever is next of kin will have to decide who wants to

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1 identify him. Once that's done -- a family member might
2 not want to do it and one family member might, but you
3 might be called upon to do that. Would you be able to
4 do that?" and she said she would be happy to do that.
5 That was the only time the discussion was about that and
6 we have to cover that in every time we speak to a member
7 of the family or the deceased, to discuss the FLOs and
8 the whole procedure.

9 Q. So explaining that was part of the discussion in the
10 interview room?

11 A. Yes, yes.

12 Q. And can I ask you to look at -- go back to your Inquiry
13 statement please, and paragraph 142. You have been
14 referred to the PIRC statement from Lorraine Bell here
15 and I will read out what is stated within that
16 statement:

17 "One of the plain clothed officers returned into the
18 room along with ... and it was then suggested/asked if
19 Colette was in a position to provide a statement.
20 Colette herself agreed to give the statement. I was
21 present when she said this. Colette also in my presence
22 asked the plain clothed police officers if she would be
23 able to see Sheku. The police officers said immediately
24 that Colette could see Sheku."

25 That's a description from Lorraine Bell, from her

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1 PIRC statement, and your reply in relation to that was:

2 "The first part was accurate, we asked if she felt
3 okay to give a statement. I don't think her mum spoke
4 to us at all."

5 At 144:

6 "About Colette seeing Sheku, that's not accurate.
7 If that was said, it would have been explained that an
8 identification would be required and that she could see
9 him then. That wouldn't be a promise I made or ever
10 would make. If that was asked I would say she probably
11 couldn't see him. We would never not allow her to see
12 him, but within the realms of forensic integrity, that
13 would never have been offered at that moment."

14 Again can you just elaborate on that for me, please.

15 A. It's pretty much exactly what I have just discussed. We
16 will have discussed the whole process about
17 identification and that she may be required to ID Sheku
18 at that time because there will be two members that will
19 be required and if it's the case that one of the close
20 family members can't do it then she may be called upon
21 to do it. That was the only discussion about it. At no
22 point did I say she couldn't see him, at some point she
23 would be able to, but at the moment -- she probably
24 wouldn't be able to at the moment until we find out
25 exactly what's happened forensic wise. That had been

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1 fully explained to her at the point and no offers of
2 seeing the body or anything would ever have been given
3 and never has been throughout my whole career. We
4 cannot make that offer. It is not my decision to make,
5 so I cannot make an offer that I cannot come through
6 with and in these instances that in itself would create
7 a problem. I cannot offer something that I cannot give,
8 so I would not have offered that at all.

9 Q. So at no point you were giving incentives --

10 A. No, not at all.

11 Q. -- to try and encourage Colette Bell to give
12 a statement?

13 A. No, no.

14 Q. And when you say at 143:

15 "I don't think her mum spoke to us at all."

16 Does that mean you don't think she spoke to you at
17 all, or are you saying she just didn't speak?

18 A. I -- honestly from my recollection I can't remember
19 actually hearing her mum speak at all. She had the baby
20 in the corner, next to Colette. I can't remember --
21 I remember saying something to Colette about giving the
22 statement and that was it I think, that was all it was.

23 Q. Can you give any explanation as to why it would appear
24 that both Colette Bell and her mother would think there
25 was some discussion about Colette seeing Sheku if she

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1 gave the statement, or after she gave the statement?

2 A. As I said, the only thing I can think is we have given
3 an explanation about identification and things like that
4 and the routine of it. I don't know if they have picked
5 us up wrong, but we certainly explained to quite an
6 extent about the whole procedure because they have
7 questions, they have never been involved in this sort of
8 thing before, it's her partner passed away. We have
9 been giving them information about how the whole formal
10 procedure of ID works, which we did at the time. Has
11 that been picked up the wrong way? I potentially think
12 she probably has picked it up the wrong way. Again
13 I can totally understand why, I can totally understand
14 why she has, but we do not make -- I can't say we can
15 give you something which I can't. I can't give that,
16 I don't make that decision to see a body, it's not my
17 choice so I wouldn't offer that.

18 Q. I would like to go back to the lifestyle questions. Can
19 we look for the moment at Colette Bell's statement, SBPI
20 00247 again, and this is her Inquiry statement and it's
21 at paragraph 22 please. We have already looked at this
22 to some extent. I would like to go back to this. This
23 is Colette Bell saying in her statement:

24 "... they asked questions about Sheku himself, if he
25 was religious; if he was a Muslim, how religious was he?

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

16 Can I ask you about the specific questions here and
17 I think it's fair to say that you say later in your
18 statement the questions weren't asked and you are
19 definite that you didn't ask these questions.

20 A. Yes.

21 Q. And is that the same for your colleague, Andrew
22 Mitchell?

23 A. Yes.

24 Q. Neither of you asked these questions?

25 A. Which specific questions are you referring --

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1 Q. Let's go through them, if that's okay.

2 A. Okay.

3 Q. So the first one she mentions is "They asked questions
4 about Shek himself, if it he was religious, if he was
5 a Muslim..."

6 A. We might have asked his religion, as we discussed
7 before. It's relevant, we have to ask that regarding
8 deaths, it has to be. Would I have asked if he was
9 religious, yes, I probably would have.

10 Q. "Did he pray?"

11 A. No. That's not relevant to what -- I wouldn't ask that.

12 Q. Okay, and you don't remember asking "Did he pray?" or
13 "How often did he pray?"

14 A. It doesn't -- when we're asking religious questions it's
15 about a person's religion. We don't then probe if they
16 pray or don't pray. It doesn't ask if they're
17 practising or not, whether that -- it's just the
18 religion we're asking at that time. It just basically
19 gives the FLOs a chance to know exactly what religion
20 they are first, so I wouldn't ask that. That's -- on
21 this incident it doesn't -- I wouldn't ask that because
22 it's not relevant to what's happened. If it had been --
23 if the incident had occurred in his place of prayer,
24 like in a mosque, if it occurred in there, then my
25 question would have been "How often does he go to

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1 mosque? How often does he pray?" because that's
2 relevant to the incident. Where the incident has
3 happened is on Hayfield Road. I wouldn't ask any
4 questions regarding how many times he prays because it's
5 not relevant to that if you understand what I mean so --

6 Q. Yes and you have said the questions about if he was
7 religious may be relevant for the family liaison
8 officer?

9 A. Yes, yes.

10 Q. Any other reason why that might be relevant?

11 A. For burials and that, different religions have different
12 sort of routines and you have to try and abide by that
13 as much as you can, depending on, as I say, it will
14 always come down to the forensics and getting the body
15 identified and stuff like that, so different religions
16 have different routines for bodies being buried within
17 certain time frames, so you need to ask that, you have
18 to ask that, so ...

19 Q. And if you're asking to maybe pass that information on
20 to the FLOs -- we will come on to that later -- is that
21 something that you would note down in the statement or
22 not? Is that necessary to be noted down in the
23 statement?

24 A. It depends if -- if we noted down -- it's fine if I
25 haven't noted it down I have probably missed it, but it

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1 will be discussed with the FLOs, they will probably ask
2 "Did he discuss religion?" and if it gives them a double
3 chance to back it up. So if I have missed it -- I'm not
4 perfect. If I've missed it then fine, that's was one of
5 the points that I probably need to hit. If I have
6 missed it, that's fine, that will be my fault and I will
7 take that on the chin, but we get another chance with
8 the FLOs to have a chat with the family "Have you
9 discussed that?" and they will speak to the family about
10 it. It's in their list to speak to them anyhow, so...

11 Q. Thank you. The next question, "Did he drink?"

12 A. Yes, I would have asked that. As I said before, drink
13 and drugs, especially the fact that it was erratic
14 behaviour, could it account for -- what would account
15 for that? Drugs or alcohol, so we have to discuss that.

16 Q. So is that relevant to the investigation?

17 A. Yes, yes.

18 Q. "Did he eat bacon?"

19 A. No, I -- I find that bizarre. Why would I ask that?
20 I just find that really bizarre.

21 Q. Do you remember asking anything along those lines?

22 A. No, no, I wouldn't.

23 Q. Andrew Mitchell?

24 A. No, no.

25 Q. And then she carries on:

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1 "They were asking if I got on well with his family.
2 I was asked if his family had a problem with me being
3 white. Did they have a problem with me not being
4 a Muslim?"

5 Do you remember asking questions about his family?

6 A. Will I have asked about his family? I will have, but
7 I wouldn't have asked if they have a problem with her
8 being white. Why would I ask that? This doesn't -- if
9 there had been -- if the incident had occurred between
10 Sheku's family and Colette and the incident has happened
11 in their house or whatever, then that may have been
12 relevant between a dispute between the family, I would
13 have asked that, I would have had to have asked that.
14 It's trying to get back -- to not go on a tangent here,
15 why would I ask that question? I don't feel it's
16 relevant. Why is it relevant? I don't know.
17 I wouldn't ask that. It certainly wouldn't -- if I have
18 asked that specific question, that would be in the
19 statement, but I wouldn't ask that, it's not relevant to
20 the enquiry.

21 Q. So you don't remember asking that question?

22 A. No, I certainly didn't and I wouldn't. Even looking
23 back now and reflecting, with even more experience that
24 I've got now, I wouldn't ask that. If I was given this
25 information from the start and said "Go and note

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1 a statement from Colette Bell regarding a gentleman that
2 has been attempted arrested and then he has later been
3 found -- later died, unfortunately, in the hospital",
4 would I note that? No I wouldn't. I wouldn't ask that,
5 I wouldn't.

6 Q. Okay. Do you remember Andrew Mitchell asking anything
7 along those lines?

8 A. No, no. We wouldn't. We wouldn't ask that. As I keep
9 saying, it's not relevant to the -- to what we had in
10 front of us.

11 Q. The next question "Did they have a problem with me not
12 being a Muslim?", "they" being the family.

13 A. I didn't know if she was Muslim because I didn't ask
14 her. So I wouldn't have said "Did they have a problem?"
15 if I hadn't asked her. I didn't ask her religion.

16 Q. "Did Shek want me to become a Muslim?"

17 A. That's not what I asked -- that's not relevant.

18 Q. "They were asking was Shek ever violent to me, they were
19 asking if Shek was a violent person, if he had any
20 enemies..." Do you remember asking questions along
21 those lines?

22 A. I may have asked if he had any enemies. At that point
23 we didn't know what has happened before that, so I may
24 have asked that, but I certainly haven't asked if it he
25 was violent to her at all because that's -- this isn't

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1 a domestic that we're dealing with, so if it had been
2 a domestic I would have asked that, but there's no
3 suggestion of that at this moment so I wouldn't have
4 asked that.

5 Q. What about a question asking if he was a violent person,
6 would that not have been --

7 A. I could have asked that because purely for the fact that
8 he had a knife in his hand and does he have a precursor
9 to violence or anything attached to a knife or is this
10 a one-off? We have to make some sort of -- we have to
11 ask if he has a degree of violence or any previous
12 regarding that so I might have asked that. More than
13 likely, yes.

14 Q. So at this time you were aware that there was
15 an allegation that he had had a knife?

16 A. At that point we knew about the call cards that had come
17 in with regarding the knife, so when I went -- I knew
18 there had been -- as I said before, there had been
19 numerous -- there was the initial call when we left the
20 station and when we got to Kirkcaldy there had been
21 numerous calls regarding the knife and an erratic male.
22 So would I have asked "Is he a violent person?" I would
23 probably have to ask that. I would have to ask that.

24 Q. Then "...if he had lots of friends, if he was
25 popular..." Is that the sort of question that you might

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- 1 have asked?
- 2 A. I might have asked that because that's to build up
3 a picture of him in the area, so that shows you, as
4 I say, a picture of what he was like in the community,
5 so we have to ask that sort of question.
- 6 Q. "... Was there anybody out to hurt him..." Would you
7 have asked that?
- 8 A. Not to hurt him. I probably would have worded it in
9 a different way. I would have probably said "Has he had
10 any issues with anyone recently, has there been any
11 fallings out with anyone?" Because, again, we've got
12 a disturbance in the house, we don't know what's
13 happened in there beforehand, so I would probably have
14 asked "Has he fallen out with anyone recently?" I would
15 have definitely have asked that. If I haven't I would
16 be surprised.
- 17 Q. So maybe not using those exact words --
- 18 A. No.
- 19 Q. -- but something along those lines would have been
20 asked.
- 21 A. Yes.
- 22 Q. Thank you. Can I ask you to look back again at your own
23 Inquiry statement and I would like to look at
24 paragraph 145. Again, you have been referred to
25 a statement that Lorraine Bell gave to PIRC and I will

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1 read this out:

2 "I wish to state that I found some of the points
3 made and questions asked by police to be unusual. What
4 I been by this is reference to matters such as:- did
5 Sheku pray five times a day, did he eat pork, did he
6 smoke, did he drink alcohol. I could not understand why
7 such things were asked given that we were led to believe
8 that a body was found on the street. I also thought it
9 was inappropriate that police made reference to racial
10 issues including questions about whether Sheku perceived
11 that Colette and he faced problems in a mixed race
12 relationship."

13 And you -- you say at 146:

14 "These questions weren't asked, definitely not."

15 Now, I think we have gone through a number of these
16 that were mentioned in Colette Bell's statement. Again,
17 we see reference to prayer, eating pork, we see
18 a reference here to being asked questions about problems
19 in a mixed race relationship.

20 Can you explain why Lorraine Bell's statement also
21 mentions these elements?

22 A. I honestly cannot say because that was not discussed.
23 I can't even see why it would be discussed. Me
24 personally I don't see why it would be discussed and if
25 it was that would probably be added in the statement,

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1 but it definitely wasn't discussed. I cannot see the
2 relevance of whether Sheku did pray five times a day.
3 What relevance does that have to coming into contact
4 with police? That has no relevance, so I wouldn't ask
5 it. Anyone -- any DC or investigator if you ask them,
6 you wouldn't ask that question. It isn't relevant.

7 Q. Could Andrew Mitchell have asked these questions?

8 A. No, I very much doubt it, no. And Andy --

9 Q. If Andrew Mitchell had asked these questions what would
10 your reaction have been, on the basis you don't think
11 any of this is relevant?

12 A. I would have probably said "That's not really relevant
13 to what we need" and explained why we wouldn't have
14 needed it, not played it down but explained it probably
15 wasn't relevant, we wouldn't need that, so we don't
16 really need about whether he prays five times a day or
17 not. I would have had to have said that because if he
18 had asked the question I would probably have had to
19 document what he had asked.

20 Usually if I have missed something the corroborating
21 DC will interject if I have missed something during
22 that, but the normal routine is towards the end of the
23 statement I will turn to whoever is corroborating and
24 vice versa and say "Is there anything I missed? Is
25 there anything that you want to ask the person?" and at

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1 the end Andy didn't ask anything, so he didn't ask that
2 at all either.

3 Q. And tell us why would you be saying to a colleague "We
4 don't need to ask that, it's not relevant"? Why would
5 you shut down a colleague in that way, if he was asking
6 questions about praying, or pork, for example?

7 A. I would probably -- to be more polite and not shut him
8 down in front of somebody, I would probably say "We will
9 discuss that at the end" and at the end of the statement
10 and we will conclude it and I will say "What relevance
11 are you trying to point at here?" and I would ask why
12 you want to pursue that and probe that and if there was
13 a reason behind it then fine we will go back and say
14 "Right, my colleague asked you before, asked you
15 a question about this, can we just go back to that," but
16 if I didn't find it relevant I would probably say "We
17 will speak about this at the end" and just carry on
18 where I was and get back with my train of thought, but
19 if he thought it was pertinent then I would have to
20 address it and ask him outside and say "Right, why did
21 you find that pertinent? Have I missed something?" And
22 then probably go back and note the statement again,
23 continue where we left off, but at no point did Andy say
24 anything like that and certainly I never asked any of
25 that.

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1 As I keep saying, there would be no need to ask
2 that. Why would I ask that? I wouldn't.

3 Q. What would your concern be if questions such as this
4 were asked about pork and prayer, what would your
5 concern be about the nature of those questions?

6 A. It's probably probing into something that we didn't
7 require. Is it going further into -- we only -- if
8 anything, we only need to know what his religion was
9 and, as I said before, if we went into any more depth
10 about how many times did he pray, did -- I didn't feel
11 that relevant to what we needed. Would someone else
12 feel that relevant? They might do, but I don't think
13 it's relevant. Going in and asking him if he -- was it
14 pray five times a day and did he eat pork? I wouldn't
15 ask that and it's delving into information that you
16 don't need.

17 Q. I understand that you say it's not relevant, it wouldn't
18 be relevant to this investigation.

19 A. Yes.

20 Q. But why would it be necessary to take somebody out at
21 the end of the statement and have a quiet word with them
22 outside? What is your concern here?

23 A. My concern is what relevance did they find about it,
24 first of all, did they find that relevant? If there's
25 a reason behind that, then fine, but if someone asks

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- 1 "Did he pray five times a day?" Why would we need that?
2 I wouldn't have any ill feelings that they're trying to
3 do something that's perceived as racism, which is what
4 you're trying to hit at, I know. I wouldn't
5 automatically think he is asking a racist question, but
6 I would ask him "Is there a reason why you're asking
7 that?" That would be why I would be asking. "Is there
8 a relevance that I'm missing here?" It wouldn't be the
9 fact -- I would automatically think there's a reason
10 behind you asking that.
- 11 Q. You're absolutely right. I was wondering if you could
12 recognise that the way this might be perceived by
13 a member of the public is that the underlying basis for
14 this question may be a racist basis.
- 15 A. Yes, you can see from the undertones from these questions
16 there's an element of it and that was never discussed.
17 I can categorically say, as I say, I would not ask these
18 questions so I do not see why I would. There's no way
19 I would ask these questions.
- 20 Q. So in your role, you are capable of understanding that
21 that could be perceived --
- 22 A. Yes.
- 23 Q. -- in a certain way by the public?
- 24 A. Yes, completely.
- 25 Q. And if you were concerned about that and that perception

Transcript of the Sheku Bayoh Inquiry

1 being gained by a member of the public who is maybe
2 giving a statement or in the room with someone giving
3 a statement, you would do -- what would you do?
4 A. I would address -- like I said, I would take them
5 outside and address it and ask "Why did you ask that
6 question?" Because if there's an innocent explanation
7 as in relevance to the thing then completely
8 wholeheartedly I will go back in -- as long as it is
9 explained to me. But if someone had said -- especially
10 those two questions I would be like "Why are you asking
11 that?" and it's not to draw attention to the officer and
12 embarrass them, I'm happy to discuss it at the end of
13 it, because at certain times when you ask questions that
14 are quite uncomfortable, but I will have to address it
15 at the end and say "Why was that?" and if there's an
16 innocent thing to it, that's fine then I will document
17 that, but if there's an undertone of that then I will
18 have to address it, I will have to address it, but that
19 was not discussed at any time, either by myself or DC
20 Mitchell, which I find bizarre, absolutely bizarre.

21 The only thing that was probably discussed with
22 anything regarding ethnicity or anything like that was
23 regarding his religion and that was it. We didn't need
24 any of that information and I wouldn't ask it at all.

25 Q. Okay, thank you. So it's not exclusively a question of

Transcript of the Sheku Bayoh Inquiry

1 relevance to the investigation, you will also, as part
2 of your duties and as part of your role, consider issues
3 of how things can be perceived?

4 A. Yes.

5 Q. Whether that's intended or not by the person asking the
6 question.

7 A. Yes.

8 Q. Thank you. Is there anything else in relation to
9 Colette Bell and the events in the interview room --
10 looking back now, is there anything that you would like,
11 on reflection, to maybe have altered, or is there
12 anything you think you could have done better that might
13 help the Chair?

14 A. Reflecting back now, my personal opinion of me --
15 I reflect on everything, every single day, every single
16 week, it's to improve your practice, to get better. You
17 have to. That's how things progress in policing and
18 whatever business. I think on the day, looking back,
19 which I have done since is, I would have probably not
20 enforced but suggested we take a break halfway through,
21 but on that flip side we had nearly all the information
22 at that point, I thought "If we get it now that will be
23 it" and we can basically stop this now for today and not
24 put her through any more -- not duress, but any more of
25 that statement to have at that time.

Transcript of the Sheku Bayoh Inquiry

1 I think I made -- I was compassionate the way we
2 brought her down with mum and child to provide that
3 support structure for when she was in there, huge
4 explanation given to her and I'm -- I can't emphasise
5 that enough, massive explanation before that statement
6 was given to her, even before when we were in Kirkcaldy
7 Police Station I went to the custody sergeant at the
8 time and says "I'm needing to clear this -- the enquiry
9 office, the corridors of any cops, anyone", there was
10 no one in there when I went through because I -- we know
11 what officers and people speaking are like, I wanted
12 that clear for her coming through so there was nobody
13 there chatting about anything, so she didn't feel
14 uncomfortable. I took them measures in place and would
15 I do it again? Yes, I would, just to provide her the
16 comfort as no police looking in on her when we went into
17 that place, so --

18 Q. We didn't look at a paragraph of her statement yesterday
19 that said as she was coming in she saw through a door
20 officers looking at her, but you had made arrangements
21 to --

22 A. Yes, that would have been probably the custody sergeant
23 because there is a glass panel as we went past the
24 interview room, but everyone else had been cleared
25 completely.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Was that an arrangement you had made?
- 2 A. I had already made sure when we got to the station
- 3 I went in before we went in and cleared the whole
- 4 corridors of all the cops that were there and any PCSOs
- 5 went through the custody area; it was just the custody
- 6 sergeant that was at his desk. So there would not be
- 7 any officers that I remember there going through.
- 8 Q. So looking back now your concern is the length of time
- 9 you spent with her?
- 10 A. Yes, yes.
- 11 Q. Now you would change that?
- 12 A. Yes, I would -- I had made the offer but, as I say, on
- 13 a few occasions "Would you like a break?" and I think
- 14 she just wanted it done and dusted that day. I probably
- 15 would have suggested "I think we had better take
- 16 a break" and if I had have taken a break, she probably
- 17 might have spoke to mum and says "Right, that's -- she
- 18 has had enough." I think probably would have. Looking
- 19 back, would I have done that? Yes, I think I probably
- 20 would have.
- 21 Q. If you were doing it today --
- 22 A. Yes.
- 23 Q. -- you would do it differently?
- 24 A. Yes, I would probably have made sure she had a break,
- 25 just to make sure.

Transcript of the Sheku Bayoh Inquiry

1 Q. Thank you. I would like to move on to when the death
2 messages were delivered to Mr and Mrs Johnson, Ade and
3 Kadi Johnson. And we have heard -- and you mentioned
4 this yesterday -- that there were two death messages,
5 two visits --

6 A. Yes.

7 Q. -- where death messages were delivered. Can we look at
8 your Inquiry statement first of all at paragraph 150.
9 I think this relates to the first death message. And
10 you have said here -- we know that it was the Johnsons
11 that you went to:

12 "The death message was the same as what we told
13 Colette. The only difference was that we said it was
14 Sheku Bayoh, not 'believed to be' because we had
15 confirmation of ID."

16 A. Yes.

17 Q. And so that -- you basically said the same thing
18 initially, other than --

19 A. I didn't pass that. It think it was Andrew -- DC
20 Mitchell passed that one, yes.

21 Q. We have heard yesterday that it was Sergeant Andrew
22 Mitchell who took the lead with the Johnsons.

23 A. Yes.

24 Q. And essentially the same death message was given to the
25 Johnsons at that first visit.

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. You have said here that the change was that you now had
3 confirmation of ID.

4 A. Yes.

5 Q. I think we heard yesterday that it was after 3 o'clock,
6 about quarter past 3 when you arrived for the first
7 visit --

8 A. The exact time will be in my notebook because that's
9 where I got my timings from, the exact time that we
10 arrived at the house and noted Kadi's details at that
11 time.

12 Q. Thank you. Can I ask you to look at your colleague
13 Andrew Mitchell's Inquiry statement, if we can have that
14 on the screen. Here we are. It's at paragraph 122.
15 Now, I think Andrew Mitchell says:

16 "[He] can't remember exactly what DS Dursley asked
17 us to say." He can't remember the exact words:

18 "I think at that point they were pretty convinced it
19 was Sheku. They were content with the information they
20 got from Colette earlier from a sudden death report.
21 Just details from them all. Pass the death message and
22 nothing else specific. Didn't need a further statement
23 because of the one we had from Colette Bell."

24 And there was thinking about the FLOs at that stage.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. So as I understand his evidence yesterday, he didn't
2 remember exactly the words that were used, but
3 essentially the position hadn't changed from when you
4 delivered the first death message to Colette Bell.

5 A. Yes.

6 Q. Would you agree with that?

7 A. Yes. I think the only difference was it was confirmed
8 that it was Sheku at that time. We didn't have any
9 "believed to be", it was "has died" and that was it. It
10 sounded quite blunt, but that has to be that, it was
11 confirmed at that point.

12 Q. Can I ask you to look at your own Inquiry statement
13 again please and at paragraph 184. This is a quote from
14 a statement that Ade Johnson gave to PIRC about the
15 first visit, so it is paragraph 184:

16 "I have been told Adeymi Johnson states ... the
17 following: 'The officers came into my living room and
18 they informed me that Sheku was no longer with us ...'."

19 So this is Ade Johnson's statement:

20 "... and that he had been pronounced dead in the
21 ambulance on the way to the hospital. My wife was
22 present at the time. I asked how did he come into
23 contact with the ambulance. They said a phone call had
24 been made by a member of the public who lived close to
25 Sheku's house. I asked where was Sheku at the time the

Transcript of the Sheku Bayoh Inquiry

1 call was made to the ambulance. [And] they (police)
2 said close to Sheku's house."

3 So that's a quote from Ade Johnson's PIRC statement
4 and you will see that he has said he was told that Sheku
5 had been pronounced dead in the ambulance on the way to
6 the hospital and that a phone call had been made by
7 a member of the public who lived close to his house and
8 I think at paragraph 185, this is your comment on that
9 quotation:

10 "No, that's definitely not the first message given
11 by Andy."

12 That's Andy Mitchell?

13 A. Yes.

14 Q. "We didn't know any of that. That's definitely not what
15 we said. Andy had basically just said Sheku had died.
16 Certainly in the second message ..."

17 That's the second death message, I think:

18 "... Andy [Mitchell] mentioned the ambulance, but
19 not the first one."

20 A. Yes, I think there has probably been a bit of confusion
21 by the family between the third message that was passed
22 because at that point we were given again the bland
23 statement. I think there's probably confusion between
24 that and then the one that was given Andy over the radio
25 by the looks of it, yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. So just to be clear, in terms of the police perception,
2 Colette Bell receives the first death message --

3 A. Yes.

4 Q. -- the first time you visit the Johnsons is the second
5 death message.

6 A. Yes.

7 Q. And the third is the second visit to the Johnsons.

8 A. Yes.

9 Q. But as far as the Johnsons are concerned, they were
10 visited twice.

11 A. Yes.

12 Q. The first time was effectively the second death message,
13 from your perspective.

14 A. Yes.

15 Q. And the second time for the Johnsons is the third
16 message that you're talking about.

17 A. Yes, yes.

18 Q. Thank you. I would also like to look at the Inquiry
19 statement from Ade Johnson and that's SBPI 00248. Now,
20 we have -- at paragraph 3 please. We have not heard
21 evidence yet from Mr Johnson, but we have a signed
22 Inquiry statement available to us for today's purposes,
23 so just for completeness I would like to put this
24 paragraph to you and get your comment.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. So paragraph 3 of Ade Johnson's Inquiry statement says:
2 "The first thing they said was that they were sorry
3 to tell us that Mr Bayoh had left us or passed away.
4 I can't remember the exact words. I asked the question
5 what happened, and they replied that a member of the
6 public called an ambulance, he was lying on the side of
7 the road and the ambulance picked him up. It was on the
8 way to hospital that he had passed away. They said
9 a Family Liaison Officer would be contacting us."

10 So if we can just come back down slightly so that
11 you can see that. So you will see there that in the
12 Inquiry statement that Mr Johnson has given us he gives
13 a description in that paragraph. Looking at that
14 description we see references to the member of a public
15 calling an ambulance, we see a reference to Mr Bayoh
16 lying on the side of the road, the ambulance picking him
17 up and on the way to hospital he had passed away.

18 A. Mm-hm.

19 Q. Again, can you comment on whether that, or any part of
20 that, was part of that first visit to the Johnsons?

21 A. No, no. From the very start of policing, death
22 message -- death messages to be passed has to be very
23 precise so telling someone someone has left us or passed
24 away it's never ever -- unless you made an error, which
25 we didn't on the day and that day it was specific, but

Transcript of the Sheku Bayoh Inquiry

1 you have to tell a family member someone has died, not
2 "passed away" or "maybe has died"; "has died". It has
3 to be specific. At no point did anyone say "He has left
4 us" or "passed away", it was just "has died". It was
5 very precise, so there wasn't any way of misconstruing
6 it, it was the words "died" that will have been passed,
7 not "passed away".

8 Q. Then when it says a member of the public called an
9 ambulance, was there --

10 A. I -- none of that would have been discussed. It
11 couldn't have been discussed because we still at that
12 point didn't know. We had only just found out and we
13 had to pass the death message to Colette that he had
14 died in hospital, so as far as I'm concerned he has died
15 in hospital. I knew he had become unconscious next to
16 the road. I didn't know the full circumstances about,
17 at that time, how he had come into contact with police,
18 anything like that, or how the ambulance had come there.
19 So that wouldn't have been discussed because we still
20 didn't know the full story at that point until the last
21 death message and then we had the full picture of the
22 incident itself.

23 Q. So at this point, this is the first visit to the
24 Johnsons, you knew he -- Mr Bayoh had become unconscious
25 at the side of the road.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. But did you share with the Johnsons that he had been
3 found lying on the side of the road?
- 4 A. No because he hadn't been found lying so I would be
5 giving information that we didn't have and weren't aware
6 of. It would be purely speculation because I didn't
7 have that information, so Andy never said that at all,
8 anything like that.
- 9 Q. Did you or Andrew Mitchell say anything about him lying
10 on the side of the road?
- 11 A. No, that wasn't ever discussed.
- 12 Q. And did you say anything about an ambulance picking him
13 up?
- 14 A. No.
- 15 Q. Or that he had passed away on the way to the hospital?
- 16 A. No because, as I have said, we only knew when he had
17 died it was in hospital so I don't know where the
18 ambulance is coming from, I don't understand that.
- 19 Q. Could you look at paragraph 155 of your own Inquiry
20 statement please. So it's 155. Here:
- 21 "I was asked by PIRC ..."
- 22 So this is you recollecting your statement to PIRC,
23 which we looked at yesterday.
- 24 A. Yes.
- 25 Q. "... if I said he was found at the side of the road.

Transcript of the Sheku Bayoh Inquiry

1 I didn't know that, I thought he might have been found
2 on the grass."

3 A. Yes.

4 Q. Can you tell me what you mean by that, that you thought
5 he might have been found on the grass?

6 A. I thought -- at that point when we found out, were made
7 aware of that, he had become unconscious and then taken
8 to hospital, I thought they had made contact with Sheku
9 on the grass. I didnae know it was on the road that
10 this occurred at the time so ...

11 Q. When you say when they had made contact with
12 Sheku Bayoh, what do you mean by "Contact"?

13 A. When they had basically approached him to speak to him.
14 I thought it was on the grass. I didnae know he was on
15 the road at all.

16 Q. How did you know that?

17 A. It was a discussion on the phone saying when we came
18 back, when we said that -- passed the death message
19 there was obviously chat about the whole -- partial bits
20 of the incident that he has come across -- the cops have
21 come across him on the grass outside of Hayfield Road
22 and I probably picked up on that, so I wasn't even aware
23 that he became unconscious on the road. I thought it
24 was on the embankment at the side of the road.

25 Q. Do you know Hayfield Road, the area?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, yes.
- 2 Q. Have you worked in Kirkcaldy before?
- 3 A. Yes, I have.
- 4 Q. And when you say this was known to you, was
5 a discussion, who talked to you about this?
- 6 A. It was just a discussion in the office when we were up
7 there about just -- you get a brief update of what's
8 going on and "Right we want you to pass the death
9 message, this is what we're saying at the moment" so you
10 get a wee brief update of what's going on, not fully
11 aware of the whole picture or who has been spoken to,
12 but "This is what's happened this morning", so we were
13 aware from the first briefing in the morning of the full
14 briefing from the beginning, so we knew roughly the
15 context of how the initial contact with police had
16 occurred at that time anyhow.
- 17 Q. Who had given you that brief update in the office?
- 18 A. It will probably have been either DS Dursley or
19 DI Robson when we were up in the office because it's
20 quite a confined area so everyone who is back from the
21 enquiry teams will get a wee update as to what's
22 happening.
- 23 Q. And when you talk about the death message, you have
24 talked about there being three that you delivered that
25 day.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Which one are you talking about when you talk about you
3 had got this brief update in the office?
- 4 A. It will be just before the second one probably because
5 that's when we had confirmation of ID.
- 6 Q. So just before you went to the Johnsons' house?
- 7 A. Yes.
- 8 Q. You had had this brief update from either Graeme Dursley
9 or DI Robson.
- 10 A. That's my recollection, that we knew a wee bit more at
11 that point.
- 12 Q. And you have talked -- I think yesterday afternoon you
13 talked about having seen the call cards and being aware
14 of the calls coming in. Were you listening in at all to
15 the airwaves transmissions?
- 16 A. We were getting bits and pieces. It was all traffic
17 about transporting and everything like that so we were
18 listening to bits and pieces that was calls coming in
19 regarding it, but the majority of time we were trying to
20 concentrate -- during the statement we probably had one
21 radio off, in fact we might have had both radios off at
22 that time during the statement probably, so we will not
23 be aware of much during that time, but certainly when we
24 were at the house.
- 25 Q. Can you help the Chair understand the timing that you

Transcript of the Sheku Bayoh Inquiry

- 1 were looking at the call cards.
- 2 A. Yes. I only looked at the call card the very first
3 thing that morning, the very first call card, so I was
4 aware in between leaving Levenmouth and coming to
5 Kirkcaldy there was obviously a discussion in the
6 briefing that those calls have come in since then about
7 a male seen on the road with a knife and so I think it
8 was about one or two or three at that time at that
9 point. So I hadn't seen them call cards and hadn't
10 accessed them. We got that briefing then and then went
11 out to the first house.
- 12 Q. When you were en route from Levenmouth were you
13 listening to any airwaves messages?
- 14 A. Yes, yes. So we were aware what was coming in at that
15 time as well.
- 16 Q. And what time were you in the vehicle travelling to
17 Kirkcaldy, just to remind us?
- 18 A. It will probably be -- I think the call card came in the
19 back of 7 so we were probably travelling from Levenmouth
20 the back of 7 up until about 8 o'clock I think. It
21 would probably have been a 20-minute journey or
22 something around about that frame.
- 23 Q. So when you were listening to the radio and the airwaves
24 transmissions, were you tuned into the events that were
25 going on at Hayfield Road?

Transcript of the Sheku Bayoh Inquiry

1 A. I think one of us was on the channel, I think, and the
2 other two were still on Levenmouth and were transferring
3 to Kirkcaldy channel, so we probably heard the events as
4 they were unfolding a wee bit.

5 Q. Sorry, I know that you were with Calum Clayton --

6 A. Yes.

7 Q. -- at Levenmouth and Andrew Mitchell came from
8 Glenrothes, was it?

9 A. Glenrothes, yes. He will have been on that channel.

10 Q. So, in terms of the journey from Levenmouth to
11 Kirkcaldy, would that just be you and Calum Clayton?

12 A. Yes.

13 Q. One of you was on the radio?

14 A. I honestly can't remember if we were on the radio or
15 not. I can remember it's routine that you transfer to
16 the channel when you're going into that area anyway so
17 one of us will transfer onto the channel and I cannot
18 exactly remember who it was, whether it was me or Calum,
19 I don't know, but the call cards --

20 Q. Who was driving?

21 A. I can't remember. I honestly can't remember who was
22 driving.

23 Q. Was there a normal practice in terms of driving?

24 A. Not really, you just sort of share the driving, usually
25 one day you drive and the next person will drive, so

Transcript of the Sheku Bayoh Inquiry

1 but ...

2 Q. All right. Do you remember anything else about what you
3 were listening to on the journey to Kirkcaldy?

4 A. No. We would probably have been listening to
5 the channel to find out what the updates were and what's
6 been happening, no doubt. Looking back, can I remember?
7 I can't, but I have the information so I will either
8 have been listening to the radio and had it from the
9 briefing as well, so ...

10 Q. But during that journey from Levenmouth you have been
11 sent to Kirkcaldy to assist.

12 A. Yes.

13 Q. You know it's in connection with this incident.

14 A. Yes.

15 Q. You're tuned in -- one of you is tuned into the radio
16 listening to the airwaves messages.

17 A. Mm-hm.

18 Q. At the time you're listening in, has the incident with
19 Mr Bayoh completed or is it ongoing?

20 A. It's already happened by then. By the time we were
21 heading up he was probably being conveyed to hospital by
22 then, so all the initial incident with police was -- at
23 the locus was completed, so probably the traffic at that
24 time was getting officers to secure the area. That will
25 have been probably the traffic, so the actual incident

Transcript of the Sheku Bayoh Inquiry

1 itself had already occurred. I think he had already
2 travelled to the hospital at that point because when we
3 went down to the first house I think he was still in the
4 hospital being -- receiving medical attention at the
5 time.

6 Q. So I'm just trying to get a picture in my head. You
7 talked about seeing the call cards, which were the
8 emergency calls from members of the public --

9 A. Yes, yes.

10 Q. -- about a man with a knife.

11 A. Yes.

12 Q. And at some point you were asked to go and assist.

13 A. Yes.

14 Q. But by the time you're asked to assist, the incident is
15 over?

16 A. I think it was just, yes.

17 Q. You were just about to say there "It was just
18 about ..."?

19 A. I think the incident had happened -- I can't remember
20 exactly what the wording of the call card was, but the
21 incident with Sheku had happened and I think he was
22 being conveyed at that time so when we got there all
23 officers had the information to get the briefing about
24 what had happened, so we got the briefing about I think
25 he was being conveyed to the hospital at that point when

Transcript of the Sheku Bayoh Inquiry

1 we were travelling.

2 Q. All right. Thank you. Can I ask you -- we were going
3 to look at paragraph -- we did look at paragraph 155 --
4 to go back to this comment "Found on the grass",
5 "I thought he might've been found on the grass". PIRC
6 had asked you:

7 "...if I said he was found at the side of the road."

8 We know that there is a grassy area on Hayfield Road
9 next to the road. Is that something that you had in
10 mind when you were delivering the death messages?

11 A. Not really because we wouldn't disclose that at the
12 time. He hadn't been found there. I wouldn't say he
13 had died next to grass or mentioned the grass on the
14 side of the road, because he died in the hospital, so
15 that wouldn't have any significance in the death message
16 that we passed at that time so that wouldn't be
17 discussed, where he was found.

18 Q. Now, I started this passage of evidence when I was
19 talking about Ade Johnson's Inquiry statement and he had
20 talked about a member of the public calling an
21 ambulance, Mr Bayoh lying on the side of the road and
22 the ambulance picking him up and on the way to the
23 hospital he has passed away. Can you give any
24 explanation why Ade Johnson's statement would say that
25 that was information shared by you and Andrew Mitchell?

Transcript of the Sheku Bayoh Inquiry

1 This is your return visit to the Johnsons' house and
2 the time at the bottom of the notebook is "15.40 when we
3 reattended", so this is the second time you go back and
4 you record the time of that second visit there as
5 40 minutes past 3, 20 to 4.

6 A. Yes.

7 Q. And that was on 3 May 2015.

8 A. Yes.

9 Q. Now, yesterday when I was asking Sergeant Mitchell about
10 this second death message to the Johnsons, I referred to
11 his Inquiry statement and that's SB -- the second --
12 sorry, the Inquiry statement for Andrew Mitchell and it
13 is paragraph 144. I think probably a quick route to
14 this message is by going to that statement, so that's an
15 Inquiry statement from Sergeant Andrew Mitchell.

16 Well, what I will do is -- we have heard evidence
17 about this yesterday --

18 A. Okay.

19 Q. -- and what I will do is I will read out the statement
20 from the typed version I have in front of me and we can
21 get it on the screen another time.

22 A. Okay.

23 Q. But Sergeant Mitchell had spoken about this yesterday.
24 We also had a look at his notebook yesterday and that
25 was on the screen and it said:

Transcript of the Sheku Bayoh Inquiry

1 "... 'Following an incident this morning in the
2 Hayfield Road area of Kirkcaldy, officers from PS
3 [Police Scotland] have been attempting to arrest
4 Sheku Bayoh, during which time he has become
5 unconscious, conveyed to hospital by SAS [Scottish
6 Ambulance Service] and despite best efforts by hospital
7 staff, died shortly after 9 am~...'"

8 Now, Sergeant Mitchell explained to us yesterday
9 that he had written down "Hospital staff", although
10 Graeme Dursley, when he had been sharing that message
11 with him, had said "Medical", so that was the only
12 variation from what he had been given by Graeme Dursley.
13 Then at the end of that in his notebook and in the
14 statement it said:

15 "'... FLOs this evening'."

16 Here it is. It was paragraph 144. You will see
17 there that this is Sergeant Mitchell's Inquiry
18 statement?

19 A. Yes.

20 Q. Paragraph 144 and that's the text that he read out from
21 his notebook in --

22 A. It would probably be easier to see his notebook because
23 I know exactly what he said because he tilted the
24 notebook and I was reading it as he said it, so I pretty
25 much --

Transcript of the Sheku Bayoh Inquiry

1 Q. Would you like to see the notebook?

2 A. Yes, that would be easier probably.

3 Q. That's PS18502 at page 40. There we are. We can see
4 that on the screen now and this is Andrew Mitchell's
5 handwriting.

6 A. Yes.

7 Q. And it says, as I have just read out from the statement
8 "Following an incident this morning ..."

9 Is that image that we see on the screen of the
10 notebook the image that you were looking at?

11 A. Yes, that's the one. He came back into the room and he
12 read basically verbatim as it was from the notebook and
13 I sat and followed it as he read it, so as passed is
14 exactly the same as what was on that notebook there.

15 Q. Thank you. And I think if we go back to your Inquiry
16 statement, at paragraph 160, you actually use the same
17 words that you have just used today. You say towards
18 the end of that paragraph:

19 "He read it verbatim from his notebook."

20 And we have heard other evidence that when that
21 message was shared with the family, that you were both
22 sitting on the couch in the living room and
23 Sergeant Mitchell was reading from his police notebook?

24 A. Yes, I remember that specifically because he tilted it
25 when I was sat next to him so I could read it as well.

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1 Q. Can you just confirm then that the wording that we saw
2 in the notebook is the wording that was read by
3 Mitchell?

4 A. Yes. I can't speak to what was given to DC Mitchell
5 from DS Dursley. I'm just speaking to what was in
6 Andy's notebook was exactly the same as what he read
7 that was on that notebook.

8 Q. And apart from the wording in the notebook, was there
9 any conversation beyond that about the circumstances, or
10 what had happened --

11 A. No.

12 Q. -- to Mr Bayoh?

13 A. No. We kind of stood by what we were told from the
14 very, very start, not to give any more information above
15 that and again that was as much as we were able to give
16 that, and the only discussion after that was regarding
17 family contact with FLOs, an explanation about FLOs and
18 that. That was it.

19 Q. So although at the end of the notebook it said, "FLOs
20 this evening", tell us about the conversation that you
21 had about family liaison?

22 A. Yes, so what happens -- as I discussed before, we will
23 touch on subjects within the history and family and
24 religion and stuff like that. FLOs are more a link
25 between families and the whole processes and to support

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1 the family. This was fully explained to Colette and it
2 was said that she would probably be allocated a FLO as
3 would family members as well be offered it. We
4 discussed that with Kadi and Ade about the FLO procedure
5 and that they would be coming tonight and we will be
6 basically giving them a discussion as to what we had
7 spoken to you about today and brief the FLOs
8 effectively before they come.

9 Q. You have used the words that the FLOs would support the
10 family?

11 A. Yes.

12 Q. We may hear evidence later in this Inquiry that some
13 officers consider FLOs to be part of the investigative
14 team. Would you agree that that's also part of the
15 FLOs' job, getting information from the family that may
16 assist the investigation?

17 A. Yes, I'm sure families are providing information that
18 would assist the investigation, but their primary
19 function is a liaison officer for the family to support
20 them and liaise between the police. That's what that
21 role is but if there's any information that comes
22 forward then I'm sure they would get that from family
23 members as well.

24 Q. So their primary role is not to assist the
25 investigation?

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- 1 A. No.
- 2 Q. Thank you. Can I ask you did you, as part of that
3 discussion, or any discussion you had with the Johnsons
4 that day, explain or tell them that the police were
5 looking for somebody, or looking for two guys?
- 6 A. There was no suggestion at any point of anyone
7 outstanding at all. I don't know where that would come
8 from.
- 9 Q. Can you explain in any way why the family might have got
10 that impression?
- 11 A. The only way that I would probably think that they may
12 have got that impression is we discussed that there was
13 an investigation ongoing and that maybe witnesses need
14 to be contacted. That's the only way I can think that
15 they maybe picked up that the wrong way. I know that
16 routinely we always discussed that, there's an
17 investigation ongoing and there may be witnesses to be
18 spoken to during this investigation. Nothing about
19 anyone -- I wasn't aware of anyone that was outstanding,
20 certainly not as suspects, at all.
- 21 Q. We may hear that the police wanted to take statements or
22 speak to Martyn Dick and Zahid Saeed about Mr Bayoh.
23 Was there any discussion with you and the family about
24 those two gentlemen?
- 25 A. No. The only way that Mr Zahid and Mr Dick came into

Transcript of the Sheku Bayoh Inquiry

1 our knowledge was through Colette's statement. The only
2 way I think that they've got that knowledge is probably
3 from Colette coming to the house and disclosing that
4 because it certainly wasn't given by us. They were all
5 actions to be allocated and spoken to so we wouldn't
6 have divulged what witnesses were at that point, so the
7 only opportunity they've got them names from will have
8 been from Colette being at the house.

9 Q. So part of the statement-taking in the interview room
10 with Colette Bell, you had learned about Martyn Dick and
11 Zahid Saeed.

12 A. Yes.

13 Q. And that was an action point for the police to
14 investigate?

15 A. Yes.

16 Q. So that was information that you knew about when you
17 went to speak to the Johnsons?

18 A. Yes.

19 Q. Is there any way that you or Sergeant Mitchell could
20 have shared information about those two gentlemen,
21 Mr Dick or Zahid?

22 A. No, it's not our place to share that information. As
23 I keep going back to it, it's an ongoing enquiry.
24 I wouldn't routinely disclose what witnesses were
25 outstanding because therein lies a problem, the family

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1 might contact the witnesses and then we will not get the
2 full disclosure from the statements. It's trying not to
3 muddy waters between anyone speaking to them beforehand.
4 That's the only way I can try and explain it. But we
5 would not divulge any witnesses, we can't, and the only
6 way I can think that them names were produced was from
7 Colette because Colette was the one that gave us the
8 names and she was at the house at that point.

9 Q. Could we look at Colette Bell's Inquiry statement
10 please, at paragraph 18. You will see it says towards
11 the sort of latter half of that paragraph:

12 "I remember them saying ..."

13 Do you see that there?

14 A. Yes.

15 Q. "I remember them saying that they were looking for
16 somebody in connection with it, but I can't really
17 remember the sequence of when they had said that.
18 I just remember when I was asking what's happened to
19 him, they had said, 'We are looking for somebody'."

20 Do you remember any conversation to that effect --

21 A. No.

22 Q. -- with Colette Bell?

23 A. She had mentioned something about she had received
24 a call from Zahid but there was no one that we were
25 looking for, there was no one else that was -- there was

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1 no one that we were aware of that we were looking for.

2 I wasn't part of that side of the enquiry. We were just
3 there to note a statement, so I didn't know that there
4 was anyone outstanding from that at all.

5 Q. At the time you were with Colette Bell were you looking
6 for Zahid, or were the police looking for Zahid to give
7 a statement?

8 A. Not at that point. Once we have finished the
9 statements, from that statement I've no doubt that
10 there's been actions that have been developed. What
11 that means is there will be officers sent out to contact
12 Martyn Bell [sic] and Zahid Saeed from there, so at that
13 point -- he will have been an outstanding witness, he
14 has already been mentioned by Colette when we went to
15 the house first thing that morning saying she had been
16 in contact with him by phone.

17 Q. Thank you. Can we go back then, sorry, to your Inquiry
18 statement please, paragraph 186. Now, this is where you
19 have been referred to Ade Johnson, Mr Johnson's PIRC
20 statement and we looked at this briefly earlier. You
21 will see around halfway down in this paragraph
22 Mr Johnson says:

23 "The police officers said they were looking for two
24 guys and that they (police) were going to a friend's
25 house called Martyn (witness Dick) I asked if the

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1 partner (Colette Bell) knows and they said yes. They
2 asked us to contact Colette as he seems to know more
3 about what happened as she had been talking to Zahid."

4 So this is a PIRC statement that Mr Johnson gave to
5 them and the reference there -- we have not heard from
6 Mr Johnson in evidence yet, but the reference there
7 says:

8 "The police officers said they were looking for two
9 guys~..."

10 Do you remember anything being said to Mr Johnson
11 when you went to his house to deliver the death message
12 about looking for two guys?

13 A. No, at no point -- on both occasions that we were at the
14 house there was no mention of any two guys or
15 outstanding suspects or whatever it is he is implying
16 there, but there was no mention of any two guys at all.

17 Q. You will understand that there may be concerns expressed
18 that if the police were saying they were looking for two
19 guys, that would misrepresent or mislead in some way?

20 A. Yes. There was no misrepresentation and no misleading
21 at all. I knew at that point there was no one
22 outstanding suspect wise, we weren't looking for any two
23 guys. That was not mentioned at all. Categorically
24 definitely not.

25 Q. Thank you. When we look at this paragraph, 186,

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1 Mr Johnson describes asking questions, a number of
2 questions:

3 "I asked was he in a car accident. They said no.
4 I asked was he in a fight. They said no. I asked was
5 he stabbed. They said no. I asked so how did he die.
6 They said they did not know."

7 Then he goes on to ask about Zahid, his friend. Do
8 you remember Mr Johnson asking a series of questions?

9 A. It wasn't necessarily asking, it was just as soon as we
10 passed the death message we probably couldn't get a word
11 in edgeways for about -- it was just a barrage of
12 questions and for every one we were saying, "We can't
13 give you any more information than what we have given
14 you at the moment, any updates will come first from
15 either the police or the FLO, but this is all we can
16 give you at the moment. We can't make any reference to
17 any other -- anything else that's happening." And
18 I could understand his reaction, but as I say it was
19 just a barrage of -- there was immediately reference to
20 Baltimore at the time and, "The police have killed him",
21 and that was the first reaction to the death message,
22 that was the initial first reaction.

23 Q. I will come on to that later. So do you remember him
24 asking questions as he describes in this statement?

25 A. I think he must have asked lots of questions and

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1 understandably so and we couldn't answer any of them, to
2 be fair. He was asking where he died and stuff, where
3 he died, how he died, had he been stabbed and the answer
4 from both Andy and I was, "We don't know, we don't
5 know", and that point we didn't know what was the cause
6 of death, which we couldn't, and again we would be
7 speculating and we can't do that. We couldn't answer
8 any of them, we couldn't give them that information. As
9 I have said before, we can't give any more information
10 than what that whole death message says, so there was no
11 answers to any of them, which kind of made the
12 frustration even more.

13 Q. Can I ask about the question:

14 "I asked was he in fight and they said no."

15 We may hear evidence from Colette Bell that she
16 explained to the police when she contacted that he had
17 been in a fight or an argument with his friend
18 Zahid Saeed. Was that information that you did have at
19 that time?

20 A. We had information from her statement, yes.

21 Q. But, according to this statement that we're looking at,
22 part of which we're looking at here, he said --
23 Mr Johnson asked if Sheku was in a fight and was told
24 no. Was there any attempt by you to explain what you
25 had heard from Colette Bell?

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1 A. No. We can't -- I can't divulge what she has given in
2 her statement. We cannot do that. Has that come out
3 from Colette? Colette will have to explain that because
4 we didn't divulge any of her statement at all. All --
5 if he has asked the question, "Has he been in a fight?",
6 the answer would have been, "We don't know, we don't
7 have that information, I can't tell you that", and if it
8 has been divulged then it has come from Colette because
9 it's certainly not come from Andy or I.

10 Q. So you would say, "I don't know", rather than "No"?

11 A. Yes.

12 Q. Is it possible that you said, "No, he has not been in
13 a fight"?

14 A. No, definitely not. It will have been, "I don't know",
15 which was the answer I just put to every question, "We
16 don't know, we can't tell you that, we don't have that
17 information". I'm sure it made him all the more
18 frustrated that we couldn't answer his questions, and
19 I can understand that, but we cannot provide any more
20 information at that time.

21 Q. Can you explain why Mr Johnson's version to PIRC at this
22 time seems to differ from your own position?

23 A. I can't explain that. I can just assume there's
24 a mix-up between the third message and the second
25 message because there was no mention of any ambulance

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1 before that last message and, knowing that Colette was
2 in the house before we got there, I have no doubt -- I'm
3 under no illusion that they will have asked Colette
4 exactly what's happening.

5 So has there been information transferred by
6 Colette? I don't know, I'm merely speculating, but I'm
7 sure they will have had the same questions for Colette,
8 who has been in the house before we had returned on the
9 third occasion. I've no doubt they will have asked her
10 numerous questions, which they did to us as well. Has
11 she disclosed anything? I probably would have because
12 she is classed as a family member so she would have
13 probably told them what she has spoken to the police
14 about. That's the only reason I can think they have had
15 that information because it has certainly not come from
16 us on that occasion.

17 Q. When was Colette Bell in the house with the Johnsons?

18 A. We returned -- we had left and we returned to come back,
19 she was in the house.

20 Q. She was there by the time you returned?

21 A. Yes, yes.

22 Q. Can you provide any explanation why Colette Bell
23 mentions having the impression that the police were
24 looking for somebody and being told that and Ade Johnson
25 mentions the police were looking for two guys, or having

Transcript of the Sheku Bayoh Inquiry

1 that perception or that understanding; why they both
2 mention that? Can you explain why that would --

3 A. There's no suggestion in the whole enquiry from the very
4 start to finish that I'm aware of that there was anyone
5 else involved.

6 Q. Can you remember if Sergeant Andrew Mitchell said
7 anything along the lines that would give the impression
8 to the family that you were looking for somebody or two
9 guys?

10 A. No, not at all. We were both -- it sounds an awful
11 expression, but we stood our ground and it's a horrible
12 circumstance to be in that the family want answers, we
13 can't get them -- give them that answers to that. As
14 I said before, I would like to but we can't because of
15 the enquiry and there's been no mention of them two guys
16 or whoever by neither Andy nor myself at all during the
17 whole enquiry.

18 Q. Okay. Can I ask you to go back to paragraph 163 of your
19 Inquiry statement. So this is in your Inquiry
20 statement:

21 "PIRC asked me about warrants for Sheku Bayoh.
22 I don't know where that came from. There was no mention
23 of warrants or anything like that. There was no mention
24 of involvement of any persons. They said it's early on
25 in the Inquiry and that's all we could say to them.

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1 That's all we could give. We're duty bound to only give
2 them what we have been told to give."

3 When you say, "Duty bound to give what you have been
4 told to give", is that a reference to what you said
5 yesterday about the instructions from your senior
6 officers?

7 A. Yes.

8 Q. Can I ask you about warrants. We may hear, or have
9 heard that the family were under the impression that
10 they were told by the police that there were warrants
11 out for the arrest of Mr Bayoh. Is that something that
12 you were involved in speaking to the family about?

13 A. No, never. I didn't even know he was on warrant to be
14 honest, if it he was or he wasn't. There's no mention
15 of any warrant in it at all.

16 Q. Can we look at PIRC 04350 at page 2 please. I would
17 like you to look at a PIRC statement from Mr Johnson, so
18 this is a statement that Mr Johnson gave to PIRC
19 in May 2015, page 2. You have been referred in your
20 Inquiry statement to some paragraphs and sections.

21 A. Okay.

22 Q. And there's -- on page 2 there's a section that -- just
23 keep going. It starts:

24 "It was the other officer who referred to his
25 notebook~..."

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1 (Pause).

2 Four lines down. There, sorry, is that page 3?

3 I think my numbering may be out slightly. So four lines
4 down:

5 "It was the other officer who referred to his
6 notebook ..."

7 Do you see that there?

8 A. Yes.

9 Q. "It was the other officer who referred to his notebook,
10 basically he read from his notebook, holding it in a way
11 his colleague could read it as well."

12 You have talked to us about that.

13 A. Yes.

14 Q. "He told me there was a warrant ..."

15 This is Mr Johnson:

16 "He told me there was a warrant out for the arrest
17 of Sheku and that they were trying to arrest him and he
18 was refusing. Then they had to make a forceful arrest.
19 It was during that process they (police) realised he was
20 unconscious. They tried to resuscitate Sheku. I asked
21 a question again 'who called the ambulance?' they went
22 quiet. I asked the question again but this time, if
23 the police were present, who called the ambulance? They
24 said the police. I then asked when the police met
25 Sheku, was he alive. The answer was yes. At this point

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1 my wife, Kadi, Colette and Lorraine became very
2 emotional and angry. The officers then said a family
3 liaison officer would be in contact."

4 So can I ask you about that section of Mr Johnson's
5 PIRC statement:

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

9 Now, we have been told -- we have heard evidence
10 that most of the talking and the lead in relation to the
11 death messages for the Johnsons was by
12 Sergeant Mitchell.

13 A. Yes.

14 Q. But can you tell us from that description given by
15 Mr Johnson, do you recognise that reference there to
16 an officer saying there was a warrant out for the arrest
17 of Sheku, they were trying to arrest him and he was
18 refusing?

19 A. No, there's absolutely no mention -- Andy made no
20 mention of any warrant or any -- what is it it says?
21 Forceful arrest. There was no mention of any forceful
22 arrest. There was an attempted arrest in the sudden
23 death message, but there was no mention of any forceful
24 arrest.

25 Q. Right. Can I now turn to Colette's Inquiry statement,

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1 which is SBPI 00247, paragraph 11 please. So this is
2 Colette Bell's Inquiry statement here and if we could
3 just see the remainder of that. Sorry, let me just
4 see -- could you go back up please, sorry. I have maybe
5 got the wrong number noted down here. I will get that
6 checked.

7 In the meantime, can I -- while that's being done
8 can I ask you to look at paragraph 217 of your own
9 Inquiry statement. Thank you. This is where you're
10 referred to another PIRC statement, this by
11 Kadi Johnson, Mrs Johnson, and she says:

12 "The police officers were sitting side by side. The
13 officer reading his notebook, positioned the notebook in
14 such a way his colleague could clearly read it also.
15 I can remember being told 'the police have been involved
16 in a forceful arrest and during that time they realised
17 Shek was unconscious and ambulance was called and died
18 by the time he got to the hospital'."

19 So again we're talking about the second death
20 message --

21 A. Yes.

22 Q. -- to the Johnsons, the officers, yourself and Mitchell,
23 sitting side by side and her recollection when she spoke
24 to the PIRC was that she had been told there had been --
25 the police have been involved in a forceful arrest.

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1 A. It's not the terminology that I would use. If I was
2 stating that we were arresting someone, someone was
3 arrested, not "Forceful arrest". The death message
4 says, "Whilst attempting an arrest", there was no
5 mention of "Forceful". And, as I have said, as they
6 said, he has read from his notebook and I have basically
7 read verbatim as he has presented that death message,
8 very succinct to the word of what he delivered and
9 nothing was mentioned about a forceful arrest anywhere
10 within that death message that Andy delivered at all,
11 not -- never ever mentioned.

12 Q. Can I ask you to look at Lorraine Bell -- well, actually
13 I can read this out, it's very short. Lorraine Bell's
14 statement to PIRC, which is 00260, said that:

15 "An officer with a Newcastle accent said
16 Sheku Bayoh's arrest was forceful. This was a shock and
17 came out of the blue."

18 So again Lorraine Bell used the word "Forceful"?

19 A. The one thing that stands out was I never delivered the
20 death message so I never spoke when it was passed, so
21 I wouldn't -- I wasn't party to the death message from
22 DS Dursley, so how could I say the arrest was forceful
23 when I had no information about it?

24 Q. Did you contribute anything during that time?

25 A. No, no.

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1 Q. Finally I would like to go back to Colette Bell's
2 statement, SBPI 00247, and if we could look at
3 paragraph 32 for the moment. Now, as I have said we
4 haven't heard from Colette Bell. This is her signed
5 statement. She talks about:

6 "I think Ade had said at that point to get the Chief
7 of Police because I think he worked with him, so he knew
8 him."

9 Just to pause there for a moment, we have heard
10 other evidence that Ade Johnson had known
11 Garry McEwan --

12 A. Yes.

13 Q. -- through I think Mr Johnson's work.

14 A. Yes.

15 Q. "So, he was asking to see him. I think when he came to
16 the house it was him who had said that it had been
17 a forceful arrest, that CS spray and pepper spray had
18 been used, that batons had been raised and used.
19 I remember him saying that when they got there, Shek had
20 gone towards them with the knife. I remember them
21 saying that he had hit a female police officer, and
22 I remember thinking, 'There is absolutely no way that
23 they are talking about Shek'. I thought, 'There's no
24 way that Shek would hurt a woman. There's no way that
25 he would hit a woman'."

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1 So just to stop there, it appears from what I can
2 see in this statement from Colette Bell that she has
3 signed and sent into the Inquiry that her recollection
4 is that it was the Chief of Police, as she describes
5 him, that -- for these purposes she doesn't use the name
6 Garry McEwan, but we have heard evidence about that --
7 that it was him that had said there had been a forceful
8 arrest and discussed CS spray and pepper spray and
9 batons.

10 Can I ask you when the Chief of Police -- if we
11 assume that's Garry McEwan for my purposes, were you
12 present when that conversation was taking place with the
13 Johnsons between Garry McEwan and the Johnsons?

14 A. No. I didn't even realise that he had gone actually
15 back to the house. I didn't realise that up until
16 I have been told, so that's something new to me.

17 Q. So were you aware when you were delivering the death
18 messages to the Johnsons about the use of CS spray,
19 pepper spray --

20 A. No.

21 Q. -- or batons?

22 A. No. I didn't have any idea of what was used at that
23 point at all.

24 Q. Now, I apologise for my typing, can we look at
25 paragraph 31 please, which is just above. This is what

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1 I was going to refer you to earlier and this was in
2 connection with the point about a warrant. So just to
3 put this into context, this is again Colette Bell's
4 Inquiry statement, paragraph 31, and she is talking here
5 about:

6 "The police came back that day when I was at the
7 house. I can't remember the timings because things were
8 just a blur. I was just on autopilot. I think they had
9 said there had been a warrant out for Shek's arrest and
10 I think it was then that they had said they had received
11 phone calls about him, so they were going to arrest him.
12 I am asked how we responded to that. Just very
13 confused. We were just thinking, 'I think they've got
14 the wrong person' and, 'That's just not Shek at all'."

15 Again, can you think of any explanation why
16 Colette Bell's recollection, apparent recollection from
17 the statement, is that she was told that there had been
18 a warrant out for Shek's arrest?

19 A. When -- she is referring to when someone has come back
20 to her house, I don't know when that is because it's
21 kind of confusing when that's supposed to be, what day
22 that was.

23 Q. If you assume for the purposes of my questions this is
24 the return visit for the second death message to the
25 Johnsons.

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1 A. Right, okay.

2 Q. And by that time she is in the house and you have
3 returned to the house to deliver the second death
4 message to them.

5 A. Right, okay.

6 Q. So again, can you think of any explanation why she would
7 be left with that impression?

8 A. Not at all. It was new to me. I remember being asked
9 during my statement about a warrant and that was in --
10 I didn't know of any warrant that was in effect at all,
11 and to this day I probably don't know whether there was
12 a warrant in effect or not. So there was definitely no
13 mention of any warrant at all at any stage.

14 Q. Please take it from me that there was absolutely no
15 warrant out for the arrest of Mr Bayoh on that date
16 and -- thank you.

17 Can I ask you one last thing about delivering the
18 death messages please. I would like to ask you about
19 the timings of the death messages. You have obviously
20 talked about your own experience and what works well and
21 what you feel doesn't work well. We have heard evidence
22 that the incident in Hayfield Road began around 7.20 in
23 the morning, thereabouts. You are delivering this
24 second death message to the Johnsons at -- you arrive at
25 15.40 when you reattend and from what you have said this

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1 is the first time that the family are hearing that
2 officers from Police Scotland had attempted to arrest
3 Mr Bayoh --

4 A. Yes.

5 Q. -- and that during that time he became unconscious and
6 he was conveyed to hospital by the ambulance service.

7 A. Yes.

8 Q. So that's the more detailed death message that they had
9 received that time. Can you explain why there was
10 a delay between the events happening in the morning and
11 you delivering that information to the Johnsons at some
12 time after 3.40 in the afternoon?

13 A. I honestly can't comment. I would be speculating on
14 what's happened in-between that timeframe. As I say, my
15 specific job at that time from the morning, from passing
16 the first death message -- I can't comment on what
17 information is coming in-between that timeframe and what
18 decisions have been made, so I couldn't say why there
19 had been such a delay. There's obviously a reason why
20 but I wasn't party to it at that time.

21 Q. Can you explain in your own experience what impact it
22 has on families if there is a delay in sharing
23 information with them about why their loved ones died?

24 A. That in itself would have been a huge impact because we
25 discussed yesterday with social media now from the space

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1 of 20 past 7 in the morning to 15.40 is a huge lapse of
2 time. No one will disagree with that, by which time I'm
3 sure it will have been all over Kirkcaldy what has
4 happened and arms and legs put on it.

5 To reassure the family the police should have gotten
6 there earlier and nipped that in the bud and given them
7 information that they wanted so they weren't hearing the
8 worst-case scenarios, which I have no doubt they have
9 heard horrendous stories, and good stories as well, but
10 it would have probably cut that short at that point.
11 But why was that decision made to delay it? I don't
12 know. Was there a reason behind it? I have no doubt
13 there was reasons but I can merely speculate on the
14 reasons, what has happened. So I don't know why it was
15 left. Would it have benefited to be earlier? Of course
16 it would, definitely, definitely.

17 Q. Who could we talk to about why that decision was
18 delayed?

19 A. It will be either SIO policy or who -- I don't know
20 if -- I think you said the Super was in at that point,
21 I don't know who it was, Pat -- I can't remember his
22 second name now.

23 Q. We talked about Pat Campbell.

24 A. Yes, I don't know if he was directing it by that point
25 so I don't know who was in charge. You will have to

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1 find out who made that decision, it is a policy decision
2 which has to be documented, I have no doubt, I envisage
3 that would have to be. But it wasn't a decision that
4 I could make or comment on or criticise to be honest
5 because -- as other things that are happening in the
6 background and reasons why it has been delayed.

7 Q. Can you tell us why, from your own experience, why is it
8 better to get information to families sooner -- earlier
9 as you put it -- rather than later?

10 A. It stops them filling in the gaps. They have found out
11 someone has died. They have a thousand -- as you have
12 seen from Ade Johnson, he had about a thousand questions
13 to fire at us. Was he upset? Yes, he was. Was he
14 angry? Completely understandable. Would that have sort
15 of quelled the fire of his anger if we had given him the
16 answers? Of course it would. It wouldn't have given
17 him any comfort, the fact that he has died, but it would
18 have made it a bit early easier for the family to
19 understand the surrounding circumstances around it.
20 Being given a blank death message, it would be quite
21 hard for a family to take and if information had been
22 provided at that time, it would have been easier for
23 them.

24 Q. Looking back now, if you had had the choice, or if the
25 decision had been yours -- and I appreciate it wasn't --

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1 how soon would you like to and do you think it would be
2 better to deliver a death message?

3 A. You have put me on the spot a bit now. This is merely
4 my opinion.

5 Q. Of course.

6 A. It doesn't go back on Police Scotland, it's just my
7 opinion. The enquiry where -- knowing now what
8 I know -- at that time I probably wouldn't have been
9 able to decide. Knowing what I know now, and there was
10 no one outstanding at the time or anything like that,
11 specifically a gentleman who is in contact with
12 the police, become unconscious and went to hospital,
13 it's tragic, absolutely tragic. As soon as they
14 identified that gentleman and established that there was
15 nothing else criminality over and above that,
16 a precursor to that, or no one else involved, then the
17 death should have been passed then.

18 That is my opinion. There was no -- you weren't
19 going to lose anything at that point. If we established
20 that that was -- there was no one else involved and it
21 wouldn't impact on the integrity of the enquiry, would
22 we have lost anything then? No. Would it have helped
23 the family and supported them? I have no doubt it would
24 have.

25 Q. Thank you. I said I would come back to ask you some

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1 questions about the family liaison officers, if I may.

2 I think yesterday afternoon you mentioned having
3 a briefing, or a meeting and I think I suggested about
4 half past 6 in the evening.

5 A. Yes.

6 Q. I think in your operational statement you do say half
7 past 6. You say that you were asked to attend
8 a briefing in Kirkcaldy Police Office with
9 Superintendent Pat Campbell and the nominated FLOs.

10 A. Yes.

11 Q. Can you tell me a little bit about that briefing, or
12 that meeting?

13 A. So the briefing is just to provide a background of the
14 contact that we have had that day with the family
15 members and which family members and which family
16 members have been provided with a death message and what
17 information that would support them in contacting the
18 family. A lot of it is information that would help
19 them, ie the reaction of the family and how they -- what
20 reception they were going to get at the houses from the
21 family members.

22 Q. Do you remember who those family liaison officers were
23 that were at that meeting?

24 A. I honestly don't because I had never met the ones that
25 were there before. It was the first time I had met

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1 Superintendent Pat Campbell as well, so there was --
2 I think there was about three or four FLOs at the time
3 that were at the table, ones I had never met before.

4 Q. I have been given a couple of names. Can I ask you if
5 you remember them. A DS Kevin Houlison(?)?

6 A. No.

7 Q. And a PC Sarah-Jane Bell?

8 A. I knew there was a female but I never recognised it --
9 didn't get names at the time.

10 Q. Were these FLOs from the Police Service or were they
11 from PIRC?

12 A. I honestly don't know. I honestly don't know at the
13 time. I couldn't recollect where they were from.

14 Q. And you have said there were more than two.

15 A. Yes.

16 Q. Did you understand that they would be sharing the
17 responsibility, or were they going to different members
18 of the family, or what was your understanding at that
19 time?

20 A. Basically from my point of view as a DC we were just
21 given information regarding the family and any direction
22 from there would come from their DS or whoever in how
23 they were allocated, contact with families. I have no
24 doubt their routine -- it maybe I stand corrected -- is
25 they put one for each family. It's probably -- in my

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1 experience it's family-led, so if the family -- if
2 there's two separate families and the family wants the
3 same FLO for both families, it has to be led by the
4 family. But if they want two separate ones, that's
5 fine, but they can obviously be -- if there is issues
6 between family members then they probably use separate
7 ones, but if the family feels it's appropriate to use
8 one, then I have no doubt that will have been offered as
9 well.

10 Q. Who was it then that arranged that meeting, or asked you
11 to attend it?

12 A. I can't remember if it was DS Dursley or DI Robson at
13 the time who said, "Can you brief the Super and the FLOs
14 about your contact with the family and what we have
15 passed so far". That was it.

16 Q. So we should maybe ask them a little bit more
17 information about that?

18 A. Yes.

19 Q. Do you remember when you were asked to attend that
20 briefing?

21 A. It was as soon as we -- probably as soon as we came
22 back. We were preparing -- I can't remember exact
23 timings but I know we came back and started compiling
24 a statement, an operational statement at that point and
25 then we were asked to go up because it was, as I say,

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1 I can't remember what time we left Kadi and
2 Ade Johnson's house. It was probably about 5.00 or
3 something like that. As you say, I think it was 6.30
4 you were saying was the meeting with the FLOs, so they
5 would have got everybody around the table and then
6 requested us to go up and give a briefing on the family.

7 Q. So the second visit to the Johnsons began at 3.40.

8 A. Mm-hm.

9 Q. How long would you say you spent there for that second
10 visit?

11 A. I would be guessing. I would have to check my notebook.
12 The majority of the time I will put it finished and left
13 so I might have put the timings down for leaving but
14 I was there quite a while. It was just the questions we
15 couldn't really ask and then we were basically -- when
16 we left then I'm not sure how long it was, to be honest,
17 I would be guessing.

18 Q. During the period you were at the Johnsons, that second
19 visit, were you just simply repeating that you couldn't
20 answer for the whole time?

21 A. Yes. We -- as I said before, I would have loved to give
22 them any more information, to give them that comfort,
23 but we couldn't give any more than we were told and Andy
24 passed that message as it was scripted and as he
25 received it. I sat and watched him give it and he

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1 didn't give anything more than what was provided.

2 Q. So what was the purpose of you being there for the
3 duration of that visit once you had passed that death
4 message?

5 A. Our job at that point is pass the death message and just
6 ask, "Is there anything you want to ask us before we
7 leave? We will give you a wee explanation of the FLOs
8 and that they will be in contact with you about --
9 regarding support from the FLOs", and that would have
10 been it, that would have been our contact from there,
11 and, "Is there anything we can do?", at that point. And
12 there was nothing at that point. I think it was just --
13 they didn't want to speak to us at that point basically,
14 if I'm being brutally honest, it was just the anger that
15 was from them coming towards -- we couldn't answer
16 anything, couldn't provide or satisfy any questions so
17 it wasn't going to benefit us to stay there any longer
18 because the questions were just getting repeated and
19 repeated and repeated.

20 It's a horrible set of circumstances, both for the
21 family and for us to be in, because we cannot give it
22 and it's being asked again and it just escalates to
23 a point at where it will damage the relationship between
24 police, which we probably had already at that point.

25 Q. You have said that you would say, "Ask us anything

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1 before we go", but then you can't say anything, you
2 can't give them any more information?

3 A. Yes.

4 Q. Do you think saying that, "Ask us anything", but then
5 not being able to share any more information is damaging
6 to --

7 A. No, it was -- I think you have to take it in context.
8 It was more, "If there's anything we can do regarding
9 the process of what's going to happen next", so they're
10 aware of what happens now, they're just not left on
11 a limb, the police have left and that's it, we are not
12 going to speak to you any more. So they're aware that
13 the FLOs are coming, they're aware that other officers
14 will be coming and they will be supporting them for
15 that.

16 My duty that day, to support Kirkcaldy was -- that
17 was in effect my operational statement for that whole
18 day and that was -- I in effect wouldn't have any
19 contact with the family after that so I left them under
20 no illusion that this wasn't us leaving you now, there
21 was now the position that the FLOs would take up their
22 duty on the back of us and continue that link between
23 them and the police. So they knew when we left that
24 that wouldn't be the last involvement of the Police.
25 They knew the FLOs were coming and what their

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1 involvement would be.

2 Q. At that time was it your understanding that it would be
3 the police that would provide the FLOs or PIRC who would
4 provide the FLOs?

5 A. I honestly don't know who was providing them at the
6 time. That was being decided in the background from my
7 point of view. I didn't know who was going to be
8 provided them.

9 Q. In relation to the FLOs arriving, you weren't present
10 when they arrived?

11 A. No.

12 Q. Did you -- from your own experience did you have any
13 concerns about the fact they weren't there already?

14 A. The FLOs?

15 Q. Mm-hm.

16 A. To be honest I think it's probably easier for the FLOs
17 to go after the death message has been passed, right,
18 because I certainly wouldn't want to speak to someone
19 who had just told me that my loved one has passed away
20 and died, so they have to be -- not a separate entity,
21 but a different part from that. I think that's
22 beneficial. They don't have that of passing the death
23 message to a family and then, "Oh, by the way we're here
24 to support you". I think that -- from my point of view
25 it's probably easier for the FLOs to get that rapport

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1 with the family.

2 Q. Thank you. Can I ask you now to look at your Inquiry
3 statement again please, paragraphs 245 and 246. Right,
4 245:

5 "I have been asked if I was concerned about how
6 Sheku Bayoh's race might be a factor in the public
7 perception of the events and if anything was done in
8 light of that. It's pretty obvious that it's going to
9 be. With everything you see at that time. There's
10 a lot from America with hate crime, police brutality in
11 Baltimore at that time. Because he's [black presumably
12 that should read] it's going to be reported on and there
13 will be a media strategy to deal with that."

14 Then at 246 you say:

15 "If it had been a white man killed in Kirkcaldy,
16 that's been numerous, would it generate as much press?
17 No I don't think so. Because he's from an ethnic
18 minority it will probably generate more press. I wasn't
19 aware of it on that day. Any day no matter what, deaths
20 will generate a lot of press. We knew it would be huge
21 in the press because of that."

22 I would like to ask you some questions about that.

23 A. Yes.

24 Q. You say you knew it would be huge in the press.

25 A. Yes.

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1 Q. Is that from the minute you knew Mr Bayoh died?

2 A. Yes. Any death is horrific in itself, albeit when it is
3 connected with the police it's even worse. It is.
4 There's no hiding the fact. Especially at that
5 timeframe which we had from Ade at the time, there was
6 immediate reference to Baltimore and it was obviously
7 highly in the press in America regarding that as well,
8 so there was no doubt -- and being honest as I can here,
9 it was going to be in the press, no matter which way you
10 look at it. It would have to be.

11 Q. So the fact there was a death --

12 A. Yes.

13 Q. -- of a person?

14 A. Yes, yes.

15 Q. That there had been contact with the police, that would
16 add to the press interest?

17 A. Yes.

18 Q. And the fact that Mr Bayoh was black?

19 A. Yes.

20 Q. So, once you knew he had actually died in the morning on
21 3 May, would you say it was -- you knew there would be
22 a lot of press?

23 A. Yes.

24 Q. And you knew at that stage the public perception would
25 be that his race might be a factor?

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- 1 A. Yes, yes.
- 2 Q. And you say it was pretty obvious?
- 3 A. Yes.
- 4 Q. You have commented on the situation in America and you
5 have mentioned Baltimore a couple of times and I did say
6 I would come back to that. Can I ask you to look at
7 your original operational statement, which is PIRC
8 00023, and I think it's -- hopefully I'm right this
9 time -- it's page 5, it's generally the last sort of
10 paragraph or the last section of the last page of the
11 statement rather than the PDF. This is it here. I'm
12 not having a lot of luck with my references today, am I?
13 No, right, I'm going to start again.
- 14 Can I ask you what was your understanding -- how did
15 the situation about Baltimore arise in the conversation?
- 16 A. It was immediately after DC Mitchell had passed the
17 death message, Ade just became quite irate and I think
18 he stood up actually and shouting at us, "It's just
19 Baltimore over -- it's just like Baltimore, the police
20 have killed him", and that was the first sort of
21 reaction we got.
- 22 Q. That was the first reaction from Mr Johnson?
- 23 A. Yes.
- 24 Q. Was that at the first death message?
- 25 A. It was the second one because that was only mentioned,

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1 the police contact was the final, the third death
2 message.

3 Q. Why the mention of Baltimore?

4 A. At that time, if I'm trying to look back now, there was
5 a black man that was involved with police that had died
6 as well under police contact I think it was at that time
7 as well in Baltimore and there was a lot of --

8 Q. In around May 2015?

9 A. At the same time, yes. Around about that -- them weeks
10 at the time.

11 Q. And was that because of alleged police brutality?

12 A. Yes, and racism, I think it was, at the time in America.

13 Q. And race was a factor --

14 A. Yes, yes.

15 Q. -- in relation to Baltimore?

16 A. Yes.

17 Q. So not only you had your own understanding of the public
18 perception and the press interest that would be
19 generated in the morning, the family raised the issue of
20 race in the afternoon?

21 A. Yes.

22 Q. Did you share that with your superiors that the family
23 were concerned?

24 A. Yes, I showed them -- I told them about their immediate
25 reaction regarding that, about -- when we passed the

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1 death message, we were met with that reaction straight
2 away. So that was passed when we got back.

3 Q. Who did you pass that to?

4 A. It will have been passed to the SIO and the briefing as
5 well, the FLO, because they have to be made aware of the
6 family's sort of emotions at that time. They're
7 obviously going to be still distraught in how they have
8 reacted to the message. It usually helps them when they
9 first meet the family members to speak to them.

10 Q. You say it would have been passed to the SIO.

11 A. Yes.

12 Q. Did you pass that information to --

13 A. I honestly can't remember. It would have normally been
14 fed back. We have to provide some degree of information
15 and I have no doubt we have been asked by either
16 DS Dursley or DI Robson, "How did it go with the
17 message?" And that will have definitely been passed
18 back, I guarantee that, because immediately when you
19 come back as an SIO -- and I have been one before -- you
20 have to find out what was the reaction from them and how
21 we're going to deal with that.

22 Q. So the concerns of the family about that would be
23 considered to be of some importance to you?

24 A. Yes, yes.

25 Q. And when you talk about a discussion with Dursley or

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1 Robson, would that be you and Sergeant Mitchell together
2 having that conversation?

3 A. Yes, because if you're taking the lead -- if Andy has
4 given the message it will be the reaction to Andy's
5 message so Andy will have spoken to -- and I will
6 probably have reiterated the point, "Yes, this is
7 exactly what -- this is the reaction we had, and we
8 couldn't give any more information, there has been an
9 absolute barrage of questions which we couldn't answer,
10 the family asking for a lot of information", and that
11 will have been passed over and given to the FLOs as
12 well. So they're aware of what we have given the
13 family.

14 Q. Can we look at your own Inquiry statement,
15 paragraph 220. Here we are. You are talking -- you
16 have been asked here to talk about Kadi Johnson. You
17 have been referred to part of her PIRC statement:

18 "I remember her saying the police had killed him.
19 I remember mention of police brutality. As soon as we
20 passed that message it was an assumption that the police
21 had killed him."

22 That was an assumption made by the Johnsons, the
23 family?

24 A. Yes.

25 Q. "They constantly talked about Baltimore and Kirkcaldy

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- 1 and we were trying to appease them. She may have
2 mentioned about being a big family, I can't remember."
- 3 So was this part of the conversation you were having
4 with the family --
- 5 A. Yes, yes.
- 6 Q. -- after the second death message was delivered?
- 7 A. After the second death message, yes.
- 8 Q. So were the whole family concerned about police
9 brutality at that time?
- 10 A. The only ones that were mentioning it, I think it was
11 just -- from my personal recollection was just Ade and
12 Kadi that were saying it but I can't remember there was
13 not many -- it was just all shouting at the time and to
14 try and appease them I was to trying to explain to them
15 that we don't know what's happened, it's early on in the
16 investigation. We need to find out and get to the
17 bottom of it and find out exactly what's happened but we
18 don't know at this point. But it was just an assumption
19 that Police had killed him straight away.
- 20 Q. Was there any connection being made by the family
21 between police brutality and the things that you have
22 been talking about, and the arrest being forceful, the
23 arrest of Sheku Bayoh being forceful?
- 24 A. There was no mention of anything forceful -- anything at
25 that point when we passed that death message and him

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1 mentioning Baltimore, but there was obviously the
2 mention of police have killed him and that was --
3 I don't know what else was said over and above that, it
4 was just -- it just -- a haze after that it was just
5 anger and questions which, as I say, it's understandable
6 but I mean we couldn't answer it.

7 Q. And again, what was your response to these concerns that
8 the family were expressing about police brutality?

9 A. As I said at the time, we didn't know what happened.
10 Albeit he has died, there has to be an enquiry on the
11 back of that and you have to allow for that enquiry and
12 we had to try and explain that to them, that this
13 enquiry has to be let to run its full course and then we
14 will find out, try not to jump to any conclusions yet or
15 listen to what is going on in the press or any
16 third-hand information. It was just trying to reiterate
17 to the family on each occasion, "This is early in the
18 investigation", that's all we can say at the time to
19 explain the whole thing.

20 Q. Did you reassure the family that the police would keep
21 an open mind about all the options, all the possible
22 scenarios?

23 A. This was fully explained when we were trying to appease
24 them regarding that. We can't as police just pass
25 a death message and walk out of someone's house, it

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1 doesn't work like that. It's extremely inhumane to do
2 that to anybody. So we were there for quite a while
3 trying to explain the whole process around it and trying
4 not to get them to jump to any conclusions, that the
5 enquiry was ongoing and it would be open-minded, as
6 I said, they were ...

7 Q. Did you provide any reassurance to the family at that
8 point that the possibility of police brutality would be
9 part of the investigation and would be considered by
10 the police?

11 A. All we said was it would be fully investigated. At this
12 point the sort of -- the brick wall was sort of going up
13 towards us and it was almost like we were being
14 shepherded out the house.

15 Q. So you did reassure the family that it would be fully
16 investigated.

17 A. Yes.

18 Q. And that would be your belief at the time?

19 A. Yes, definitely.

20 Q. We have heard other evidence, quite a lot of evidence in
21 the Inquiry from officers who have suggested that race
22 had absolutely nothing whatsoever to do with the events
23 in Hayfield Road. Many of the witnesses have given
24 evidence indicating that race was just not a factor that
25 was considered by them. Some say they didn't even

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1 consider it.

2 When you yourself so clearly see the relevance and
3 the public perception, when you yourself clearly
4 understand the concerns of the family, what was your
5 understanding about what the police would do in relation
6 to these concerns from the family and the possible
7 public perception that race may have been a factor?

8 What did you believe or understand the police would do
9 in the investigation in connection with those concerns?

10 A. You would probably expect someone -- either the FLO or
11 whoever to pick this up and liaise with the family and
12 explain the whole procedure and if -- of the concerns of
13 this and what the police would be doing regarding it.

14 Q. So you think that would come from the FLO?

15 A. It would come through either -- someone to give them
16 a full feedback and link on what was going on and it
17 would be beneficial to explain the whole process to them
18 and an update as to where the enquiry was and I'm not
19 sure whether that was provided at all.

20 Q. You have talked to us about the role of the SIO and his
21 importance in policy and directing the investigation.

22 A. Yes.

23 Q. Do you also see that he or the SIO would have had a role
24 in dictating or directing the investigation to address
25 those concerns?

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1 A. I have no doubt that would have been a policy action at
2 some point but I don't know. As I say, I'm speculating
3 what -- I have no doubt but I hope there would be here.

4 Q. That is something you would have hoped would have
5 happened?

6 A. Yes.

7 Q. Obviously not something in your role, that you would
8 have been doing?

9 A. No, not in my role at that time.

10 Q. Because your role ended at the end of 3 May, didn't it?

11 A. Yes.

12 Q. We have had another Inquiry statement sent in it and
13 I would like to read a comment from this and ask you if
14 it maybe meets what you think:

15 "Race is in the back of your mind when you're
16 thinking about all possibilities. In terms of
17 hypotheses one would have been that the male had been
18 treated differently because he was a black male.
19 I can't remember having a conversation with anybody else
20 about it but the feeling I got was that everybody was
21 thinking along the same lines as me, that it was
22 a possibility that the actions of the police officers or
23 a police officer was because Mr Bayoh was black."

24 Is that akin to the sort of things that you were
25 thinking, that that is a possibility that would have

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1 been explored as one of the hypotheses of the
2 investigation?

3 A. Yes, as I said to you yesterday, you have to go into
4 that open-minded and because he is black it has to have
5 some reflection on what your hypothesis is and if
6 initially you have a hypothesis that race may be
7 involved, then they have to investigate and find out to
8 discount it. So I have no doubt -- everyone has
9 hypotheses or hypotheses for a reason, they're purely
10 just what you think may be involved, not definite, so
11 until they are discounted you obviously have to have
12 that open mind from the outset.

13 Q. And that is a reflection of having an open mind --

14 A. Yes.

15 Q. -- about all the possibilities --

16 A. Yes.

17 Q. -- hypotheses, if we could call them that?

18 A. Yes.

19 Q. And the investigation has to consider, as you say,
20 what's in and what's out?

21 A. Yes.

22 Q. But you don't rule anything out at the beginning?

23 A. Yes.

24 Q. Thank you. Did you have any other discussions on 3 May
25 with anyone, either Dursley or Robson or any other

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1 officers in Kirkcaldy, where you were discussing or
2 considering the possible racial element to the events at
3 Hayfield Road?

4 A. We were pretty much separated on that investigative
5 strand so when you're out -- we were out and then back
6 with Colette around about lunchtime-ish, around about
7 that, and then there wasn't much -- I can't remember
8 exact timings, but we were in and out of the office
9 pretty sporadic and feeding back what we had. I can't
10 remember having any conversations with anyone, just
11 feeding back information what we had at the time. Not
12 off the top of my head, I can't remember.

13 Q. And after that did you return to your own police office
14 in Levenmouth?

15 A. Yes, yes.

16 Q. Could you just give me a moment please.

17 A. Yes.

18 Q. Thank you.

19 (Pause).

20 Sorry, I have been asked to ask one last question.
21 Just to clear something up, did you have a meeting on
22 4 May? So we have been talking about your involvement
23 being on the 3rd, but there may be reference to you
24 having had a meeting, you and your colleague Mitchell,
25 Sergeant Mitchell, at 2.30 on 4 May in relation to the

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1 FLOs. Do you remember any such meeting?

2 A. No, honestly I have no recollection. If I was on duty
3 that day it would probably be documented in my notebook
4 more than likely but I cannot remember if I had
5 a meeting the next day or not. I honestly can't
6 remember.

7 Q. Do you remember having -- you have talked about the
8 contact with the FLOs and the briefing at 6.30 on the
9 3rd. Do you remember any other meeting that you may
10 have had with the FLOs?

11 A. No. I genuinely can't remember when. I would probably
12 have to check my notebook from that date. It will be
13 documented if I did.

14 Q. Okay, well, I won't ask you to do that and I'm sure we
15 can clear this up quite easily at a later stage. Thank
16 you very much. I have no further questions.

17 LORD BRACADALE: Any Rule 9 applications? Ms Mitchell.

18 Sergeant Parker, will you withdraw to the witness
19 room while I hear a submission.

20 (The witness withdrew)

21 Yes, Ms Mitchell.

22 Application by MS MITCHELL

23 MS MITCHELL: Yes, there are four relatively brief questions
24 or issues that I would like to discuss.

25 LORD BRACADALE: Do these arise from your written

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1 application?

2 MS MITCHELL: No, they arise from things that were said by
3 the witness in his evidence.

4 The officer said that the death message has to be
5 very precise and it had to be specific and he explained
6 that he was following the orders of Inspector Dursley
7 and what question I would like to put to this witness
8 was if we take it that DS Dursley's statement had been
9 precise and specific and it is correct to say that he
10 did say words to the effect that a black male had been
11 found dead, can he think of any reason why he wouldn't
12 follow that order and pass it on? And of course where
13 we get that information from is DS Dursley's own
14 statement, statement 00137 at page 2.

15 Ruling

16 LORD BRACADALE: It seems to me that having regard to
17 Dursley's statement and the evidence of both Mitchell
18 and Parker taken as a whole, there's more than
19 sufficient evidence for me to form a view about this
20 particular very interesting chapter of the evidence so
21 I wouldn't be minded to allow you to explore that at
22 this stage.

23 Application by MS MITCHELL (continued)

24 MS MITCHELL: The next question arises about the phrase
25 "keep her", "I don't think we can keep her any longer

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1 and put her through that". I was wondering if we could
2 raise with the witness what he meant by "keep her", and
3 secondly why he had to go to DS Dursley to tell him that
4 he felt that he couldn't keep her any longer. This is
5 of course against a background where Colette Bell had
6 indicated in her evidence, in her statement, as the
7 Inquiry will come to hear, that she didn't want to give
8 a statement at that time.

9 LORD BRACADALE: And what's the next item?

10 MS MITCHELL: The next item is in relation to the
11 relationship between Colette and Sheku Bayoh. The
12 witness gave a long explanation of why he wouldn't have
13 asked questions about -- that were irrelevant and said
14 that that wouldn't be relevant to the enquiry and
15 I would like to put it to him that there were questions
16 that he asked that may have been relevant, for example
17 did he ask if they had argued, did he ask whether she
18 had stayed at home the night before, because we know in
19 evidence that she had gone to visit her mum, and did --

20 LORD BRACADALE: Do these feature in Colette's statement?

21 MS MITCHELL: What features in Colette's statement was that
22 because her partner was going out she was going over to
23 visit her mum and stay over and what I'm trying to put
24 to this witness is the witness said, "There would be no
25 reason to ask any questions about their relationship,

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1 Bayoh family has a few questions for you.

2 A. Okay.

3 SERGEANT WAYNE PARKER (continued)

4 Questions from MS MITCHELL

5 MS MITCHELL: If I might take you to your part of the
6 evidence where you were talking about the end of the
7 interview with Colette and we have noted you as
8 saying -- and this is at paragraph 15.13 of the
9 evidence:

10 "... 'Look, we have put her through two hours of
11 this, noting the statement, I don't find that we can
12 keep her any longer and put her through that', and that
13 was agreed on at that time."

14 Can I ask you to explain what you meant by "Keep her
15 any longer"?

16 A. With regard to taking the statement. We had no -- she
17 wasn't a suspect or anything like that, she was merely
18 a witness at that point to provide information, so at
19 any time she was allowed to go. In my words probably
20 trying to -- picking on the word at the time, it's
21 basically I didn't feel it appropriate to keep her any
22 longer for that, to put her under any more stress than
23 she was under, and it's trying to look after the
24 wellbeing of her and I think we had gleaned as much
25 information as we needed at that point so ...

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- 1 Q. Can I ask why did you have to go to DS Dursley to tell
2 him that you felt you couldn't keep her any longer; why
3 couldn't you just let her go?
- 4 A. I have to update my management and say, "I think we've
5 got enough at the moment", and I think he would probably
6 rely on me to say is it -- at that time, "Do you think
7 she is okay to get any more from her?" Or the fact, "Do
8 you think that's enough? I don't think it's fair to
9 keep her any longer". I think it was in fairness to her
10 that I said to him, "I don't think we should keep her
11 any longer", at that point, "We've got enough of what we
12 need, I think. She's getting more emotional now and
13 there's nothing more we're going to glean from her".
14 So --
- 15 Q. But was there a reason you had to go to DS Dursley at
16 that point?
- 17 A. Because he is my line manager. I had make him aware of
18 what decision I was saying I suggested so I couldn't
19 just turned round, "By the way we have just let her go".
20 I had to clarify at what point we've got everything we
21 need and if he was happy with that, does he agree with
22 my decision and I would go from that point.
- 23 Q. Did you go over the statement with him?
- 24 A. At that point I can't remember if I did or not. I think
25 I said I would cover the points that were needed. I'm

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- 1 sure we discussed it at some point.
- 2 Q. Okay. If I might move on. You have told the Inquiry
3 that when you interviewed Colette you were trying to get
4 all the information that you could and as part of that
5 you were tracing what had happened throughout the
6 previous night. You have also explained to the Inquiry
7 at this stage you had very little information about what
8 had happened and that was one of the reasons you wanted
9 to interview her at such a difficult time.
- 10 A. Yes.
- 11 Q. Did you ask her where she had stayed the night before?
- 12 A. Not that I'm aware of, no. If I had it will be
13 documented. If I ever asked a question, I will have put
14 it in there because if I have deemed that question
15 relevant, I will look into the question -- the reply to
16 it.
- 17 Q. Did you not consider where her movements were the night
18 before relevant to the enquiry?
- 19 A. It should have been, yes, it was her partner that was
20 missing, yes.
- 21 Q. But it's your evidence that you wouldn't have asked her
22 what her movements were the night before?
- 23 A. It's -- sorry, you lost me there.
- 24 Q. What her movements were the night before and up to when
25 she made the phone call saying that he was missing?

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- 1 A. Did I ask that or ..?
- 2 Q. Did you ask her?
- 3 A. I don't know if I did or not. If I have not asked that
4 then I probably should have and that will be my missed
5 opportunity to get more information.
- 6 Q. If I might press that further. Might you have asked her
7 why she hadn't stayed in her house the night before, if
8 you had found that out?
- 9 A. Probably, yes. And probably a wee bit more after that,
10 yes.
- 11 Q. Would you have been interested then in further exploring
12 the relationship between Sheku and Colette?
- 13 A. Yes, I think the assumption was that she was -- probably
14 assumed that she had probably been at her mum's because
15 we couldn't get a hold of her on the phone and delved
16 into that, yes, probably would have, yeah, if I had
17 asked that.
- 18 Q. And might it be in that context that a question arose
19 whether or not Sheku perceived that he and Colette faced
20 problems in a mixed race relationship?
- 21 A. If that were the case I'm sure she would have discussed
22 that, asked if there was anything else that she wanted
23 to discuss, so I'm sure she would have disclosed that,
24 of her concerns at that time about that.
- 25 Q. I'm not asking if she had any concerns. I'm asking

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