

Transcript of the Sheku Bayoh Inquiry

Friday, 24 June 2022

(10.17 am)

LORD BRACADALE: Good morning.

Ms Grahame.

PC BRIAN GEDDES (continued)

Questions from MS GRAHAME

MS GRAHAME: Thank you.

Good morning, Constable Geddes.

A. Good morning.

Q. On Wednesday we had just completed a section looking at some clips of PC Walker and discussed the conversation that you had with him. I would like to move on now to a later period during the day and this is in the afternoon of 3 May 2015. So this is after it had been known, or people were aware that Mr Bayoh had died.

Can I just remind you of what you have in front of you. You have three transcripts, so we have one for camera 12, which we heard on Wednesday was from the cell corridor, and that's PIRC 01463; we have one from camera 14, which was from the primary charge bar and that's COPFS 05963, and the third is from camera 15 at the secondary charge bar and that's PIRC 01472. Do you is still have those in front of you?

A. Yes, I've got three of them.

Q. That's great. Could we start with the transcript from

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1 camera 15, which is the secondary charge bar. Now, this
2 is the longest clip that I'm going to look at, but let's
3 look first of all at the transcript to get our bearings
4 and if we could start at page 37, I will just briefly
5 take you through this. This is going to be from
6 pages 37 to 44 and we will just briefly look at that.
7 So it starts with you, 13.46.02 you're in the secondary
8 charge bar area, that's on page 37, it's towards the
9 bottom. Some CID officers enter that area and they stop
10 to speak to you, and there's various areas that are
11 inaudible. There's mention of it being, on page 38, in
12 the Daily Record, and mention at the bottom of page 38
13 "Nae place to go" and then on page 39 there are some
14 comments about "There's four", "There's four locus",
15 that type of thing, and then towards the bottom of
16 page 39 a reference to "Bashed a man in the head they
17 killed him restraining him". And then on page 40
18 there's mention of a Facebook photograph and then
19 there's mention at the bottom of page 40 of:

20 "... the boy never had a knife in his hand whether
21 he [dropped] it on the grassy bit but he's been coming
22 at them ..."

23 And there's mention of CS and PAVA.

24 Then 41 there's mention by you of:

25 "... he's flung a punch and it connected to the back

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1 oh her head I'm noo sure if she was on her back or her
2 stomach but he's then went like that stamping on
3 her ..."

4 And some gesturing and then:

5 "... on her stomach so he's stamping on her back."

6 And then at the bottom of page 41 there's a comment
7 by you that:

8 "... he hit him [with] the baton because it didnae
9 matter what they did were daeing they just couldnae
10 control him ..."

11 And they "Couldnae get him [off]".

12 And you appear to be imitating some strikes at the
13 bottom of page 41.

14 Moving on to page 42, there's reference to initially
15 Ashley hitting him over the head and you thought it was
16 "only Ash that hit him" and:

17 "... then apparently it's been them aw that have
18 been in about him."

19 And then page 43, there's mention by you of:

20 "... there's no vote for operational statements ...
21 whether the CID or policing standards will speak to them
22 on tape ... get statements under caution."

23 And then at the bottom of page 43 there's a comment:

24 "And they'll deny it and they'll just jump on to
25 this..."

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Then you say:

"But one of the ACCs that's here are involved in a crime and terrorism whether they just want to the on call ACC out or whatever. Four locus in Kirkcaldy in one night."

And then ultimately you remain at the secondary charge bar and that's the section I'm going to be playing. So it's from pages 37 to 44 and, as I said on Wednesday, you can follow the transcript as we watch this particular clip.

So I will now ask Ms Drury to play the clip but essentially we're moving from 13.46.02 or thereabouts. That would be absolutely fine, so at the moment we're 13.45.52 on PS 00199 and this is the CCTV from camera 15 which is the secondary charge bar and we can see that again on the screen and we can see the back of you on the camera. So let's watch this section until 13.51, which takes us up to page 44.

(Video played)

Thank you very much. Were you able to follow that as we went through?

A. Yes.

Q. Thank you. I would like to ask you some questions about elements that are noted in the transcript, so if we use this transcript as we go through and if we can start on

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1 page 38, please. At the top of the page there's a lot
2 of references that are marked as inaudible. Do you
3 remember how the conversation began?

4 A. I don't even remember that conversation at all.

5 Q. No, all right. You will see that there is mention of
6 the -- it's being in the Daily Record. Do you remember
7 that day when you became aware that it had been in the
8 Daily Record?

9 A. No -- as -- no, I don't know.

10 Q. Okay. When you say at the bottom of page 38 "nae place
11 to go", do you remember what that was in a -- what that
12 was a reference to?

13 A. I don't even remember that conversation with the
14 officers at all.

15 Q. Right. So having looked at the clip of the CCTV and
16 knowing that is you, do you have any recollection now --

17 A. I'm 100% that's me in the footage, but I've got no
18 recollection of that conversation at all any time.

19 Q. Right. Well, let's just carry on going through the
20 transcript. It says there at the top of page 39 -- it
21 is you saying this -- it says "Interviewing my shift".
22 Now, you told us on Wednesday that you were a member of
23 Response Team 4.

24 A. Yes.

25 Q. When you're referring to "My shift", is that what you

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1 mean?

2 A. Yes, it will be Team 4, the officers on Team 4.

3 Q. So you would be aware that at some point during the day

4 people would be interviewing your shift --

5 A. Yes.

6 Q. -- the Response Team 4? And it mentions there "Batoned

7 at the locus", so by this time -- so this is before --

8 after 1.45, you were aware that Mr Bayoh had been

9 batoned at Hayfield Road?

10 A. Yes, yes.

11 Q. And do you remember where that information came from?

12 A. No. I don't know if it was passed over the radio

13 earlier when the event was unfolding, I -- no,

14 unfortunately.

15 Q. We looked on Wednesday at some Airwaves transmissions

16 where there was a reference to the fact he had been

17 batoned to the head.

18 A. Yes.

19 Q. So it could come from the Airwaves transmissions?

20 A. Yes.

21 Q. Or it could have come from your conversation with

22 PC Walker that we looked at on Wednesday?

23 A. Yes, it would be one or other, or probably both.

24 Q. Or both. Could it have come from PC Tomlinson at that

25 time?

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1 A. Well, I've never spoken to PC Tomlinson at that -- no.

2 Q. And then it mentions -- there's discussion between you

3 and someone from the CID "There's four", "There's four

4 locus", "There's one previously and there's four now and

5 they're all in Kirkcaldy". Do you know what that was

6 a reference to?

7 A. I'm guessing there had been four locus in relation to

8 the incident, but as far as I'm aware it was

9 Hayfield Road the incident happened so -- but I don't

10 know whether the four would have been or where.

11 Q. So it may be that there were three other areas, or

12 locus, or loci --

13 A. I would take it from that there was three other areas

14 identified where something had happened.

15 Q. So Hayfield Road would be one of them and there may be

16 three others --

17 A. Yes.

18 Q. -- that the police are investigating or looking at?

19 A. (Nods).

20 Q. And that's information that you had at this time. This

21 is 13.46 --

22 A. That's when the CID just made me aware of that at that

23 point, yes.

24 Q. So it was the CID who said "There's four"?

25 A. Yes.

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1 Q. And then you said "There's four locus?" and that sounds
2 like a question --

3 A. Question, mm-hm.

4 Q. -- that you were asking. So this was the first time --

5 A. That was the first of me being aware that there was four
6 locus.

7 Q. And that was information that came to you from the
8 CID --

9 A. Yes.

10 Q. -- or someone in the CID --

11 A. Or someone who I was speaking to and that --

12 Q. -- an officer?

13 A. -- yes.

14 Q. Thank you. Then it says towards the bottom of page 39,
15 CID again:

16 "Bashed a man in the head they killed him
17 restraining him so there's four ..."

18 And it's marked as inaudible but we know from
19 earlier on that page that they were talking about the
20 four loci.

21 A. Mm-hm.

22 Q. Was it your understanding then at that time Mr Bayoh had
23 been bashed in the head and "they", the officers had
24 killed him restraining him. Was that your understanding
25 at that time?

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1 A. From what the CID officer said, I would think --
2 probably tends to yes.

3 Q. So that was information shared to you -- with you --

4 A. At that point --

5 Q. By the CID?

6 A. Yes.

7 Q. Was that your understanding of the position in Kirkcaldy
8 Police Office at the time, that there was a view at that
9 time that Mr Bayoh had been killed due to the restraint?

10 A. The -- I don't know. I wouldnae say it would have been
11 the restraint that would be a reason that would kill
12 someone, but that wouldn't be my impression they had
13 been killed being restrained, no.

14 Q. So it's only the CID at this stage who are saying:
15 "Bashed the man in the head they killed him
16 restraining him."

17 A. Yes.

18 Q. That's only a view being held by this CID officer at the
19 time?

20 A. I would say so, yes.

21 Q. Not by you?

22 A. No.

23 Q. Were you aware whether that was a prevailing view in
24 Kirkcaldy Police Office at the time or was it only from
25 the CID that you were hearing that?

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1 A. I can't recall where -- I don't know.

2 Q. Can we look at page 40, please. There's then

3 information from you saying:

4 "Apparently they've managed to get an update his

5 flaming Facebook photograph about an hour and a half ago

6 so whether he's away home or not all ..."

7 And then there's an inaudible area. There's mention

8 there of a Facebook photograph. What did you know about

9 that at this time?

10 A. I can't -- I can't recall. As I say, I can't recall

11 this conversation at the time, so I'm not sure what that

12 relates to.

13 Q. Well, thinking back now, do you remember hearing

14 anything or knowing anything on 3 May about the police

15 securing one of Mr Bayoh's Facebook photographs?

16 A. I'm not -- no.

17 Q. You don't remember anything about that?

18 A. No.

19 Q. We have heard that -- from a member of the CID,

20 Samantha Davidson, I think you mentioned you knew her?

21 A. Yes.

22 Q. We have heard evidence from her that that is the way

23 that they managed to identify Mr Bayoh.

24 A. Right.

25 Q. By getting a Facebook photograph. Do you remember

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1 knowing that in Kirkcaldy Police Office on 3 May?

2 A. I can't remember that, no.

3 Q. You don't remember that now?

4 A. No, no.

5 Q. I mean you have obviously known it at the time?

6 A. I have obviously known it at the time, the fact I have

7 mentioned it there. Whether it has been mentioned in

8 the conversation down to the custody staff and down to

9 us and (inaudible), but it doesn't -- I don't remember

10 it now.

11 Q. You then say at the bottom of page 40:

12 "He's fucked aye. Ash seems all right but there noo

13 theirsel ... even Craig was saying..."

14 So that's a reference to PC Walker and we know from

15 our discussion on Wednesday that you had spoken to

16 PC Walker?

17 A. Yes.

18 Q. So you say:

19 "... Craig was saying that you know the size of

20 Craig, he's a big strapping boy, he couldnae get him aff

21 oh her. Nicole em she's only short tae but they came

22 from the other side..."

23 And we know that Nicole Short is actually small

24 and -- she is 5 foot 1, I think, if my memory serves.

25 A. Yes.

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1 Q. "... and as soon as they got there the boy never had
2 a knife in his hand ..."

3 We have also heard evidence that he didn't have
4 a knife in his hands when the police arrived:

5 "... whether he drapped it on the grassy bit ..."

6 Now, were you aware at the time that a knife had
7 been recovered from Hayfield Road from a grassy area
8 near to the area that --

9 A. I think I did, yes. I can't be 100% sure because
10 I can't remember, but I know there was mention that
11 a knife was recovered at the scene.

12 Q. Right:

13 "... but he's been coming at them ..."

14 Is that a reference to Mr Bayoh coming at
15 the police?

16 A. I would say yes.

17 Q. And what information did you have at that time about
18 Mr Bayoh coming at the police?

19 A. The only information I had would have been when I spoke
20 to Craig and he was saying he was walking towards them,
21 he was coming towards them and wouldn't stop.

22 Q. All right, thank you:

23 "... I don't know how he ended under but they CS'd
24 and PAVA'd him and he just went like that eh..."

25 And then there's a gesture with your left hand in

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1 a wiping motion across your face. That was mentioned on
2 Wednesday when we discussed that at an earlier stage.

3 A. Yes.

4 Q. And I think you accepted that must have come -- that the
5 gestures must have come from a demonstration from
6 someone who was at the scene?

7 A. Yes.

8 Q. And so by this time you knew that there had been CS
9 spray and PAVA spray used on Mr Bayoh by the officers,
10 yes?

11 A. Yes.

12 Q. And that it hadn't had the effect or the impact that the
13 officers had hoped?

14 A. Yes, it basically didn't work.

15 Q. So that was well-known at the time?

16 A. Yes.

17 Q. And then let's turn to page 41, please. And we see that
18 again, you're noted as saying something initially
19 inaudible and then you say:

20 "... and laughed and kept coming straight for
21 Nicole, he's flung a punch and it connected to the back
22 oh her head ..."

23 So by this stage you were aware that there was
24 an allegation that Mr Bayoh had struck Nicole Short to
25 the back of her head?

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1 A. Yes.

2 Q. ... I'm noo sure if she was on her back or her stomach
3 but he's then went like that stamping on her (gesturing
4 stamping motion with his right foot) ..."

5 Now, can I ask you about that passage. Is that
6 information that you received from PC Walker?

7 A. It's the only person I spoke to in relation to the
8 incident, so it would have been, yes.

9 Q. But from your conversation with PC Walker you weren't
10 left sure if she was on her back or her stomach?

11 A. Yes.

12 Q. And then you mention just laughing and then it says:
13 "... on her stomach so he's stamping on her back."
14 So there you appear to be saying something, at least
15 initially, "on her stomach, so he's stamping on her
16 back", but then it's inaudible, so it's inaudible prior
17 to that and inaudible after that, so I'm trying to get
18 a sense of whether you knew from your conversation with
19 PC Walker whether she had been on her back or her
20 stomach?

21 A. I would say from that comment the fact she was lying on
22 her stomach and he stamped on her back, so I must have
23 known from that conversation with Craig that Nicole was
24 lying on her stomach.

25 Q. Thank you. And the CID officer then says:

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1 "Then they hit him?"

2 And you say:

3 "Then he hit him [with a] baton."

4 Now, who is that a reference to, who is the "he"
5 a reference to?

6 A. I would take that -- I don't know. I couldnae say 100%
7 definite, I can't recall who it was, but obviously
8 I know that -- I think Ash was the -- Ash struck him,
9 but I don't know who the "he" would relate to in that,
10 whether it is him or any other officers that were there.

11 Q. We have certainly heard evidence from PC Tomlinson that
12 he struck Mr Bayoh to the head with his baton. We have
13 heard evidence of that, but it sounds like this is
14 information you were aware of by this stage?

15 A. Mm-hm.

16 Q. Again, would that have come from PC Walker?

17 A. It would have been seeing as he is the only person
18 I spoke to.

19 Q. Thank you. Then it goes on to say:

20 "... because it didnae matter what they did or were
21 doing they just couldnae control him."

22 Was that your understanding that the police officers
23 at the scene were not able to control Mr Bayoh?

24 A. Yes.

25 Q. "... and he was just being an arsehole to everyone."

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1 Is that a reference to Mr Bayoh?

2 A. I would say, yes.

3 Q. "Couldnae get him aff, they couldnae restrain, couldnae
4 do nothing."

5 And then you're seen to imitate some baton strikes
6 as you give that description, so again, that would be in
7 relation to your comment about having been -- Mr Bayoh
8 having been hit over -- with a baton?

9 A. Being struck with a baton, yes.

10 Q. Being struck with a baton. Then other officers come
11 into the primary charge bar and we saw that on the CCTV.
12 I thought this was the secondary charge bar so perhaps
13 that's a typographical error because the CCTV that we
14 just watched was from the secondary charge bar?

15 A. Yes.

16 Q. And we saw officers coming in in plain clothes,
17 presumably CID officers, so could that maybe be
18 a mistake? This wasn't the primary that we saw, it was
19 the secondary --

20 A. No. Well, that one next to the custody officer -- one
21 enters and walks to the main one.

22 Q. Oh, right, so it's they are walking in the direction of
23 the --

24 A. So the custody -- yes, the two CID officers on the
25 screen walked from the area of the primary charge bar

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1 and they've came towards me and I was standing at the
2 secondary charge bar. The custody officer walked in
3 from the door, he has walked in the direction of the
4 primary custody --

5 Q. That's my -- I have misread that, thank you for clearing
6 that up.

7 Then you say -- the CID officer says:

8 "It's your worst nightmare because they're just
9 doing their job but it happens in every ... even though
10 you're doing your job."

11 Do you remember that aspect of the conversation?

12 A. Honestly no, I don't recall it at all.

13 Q. And then you say:

14 "We've aw hit."

15 What was that a reference to?

16 A. I've not got a clue.

17 Q. Have you hit somebody with a baton?

18 A. I've -- no, I have only had to smash a window to break
19 into a car when somebody locked their keys in.

20 Q. But you have never used your baton?

21 A. No.

22 Q. In a knife incident or?

23 A. No.

24 Q. Ever?

25 A. Never.

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1 Q. Never in a ...

2 A. No.

3 Q. Have you ever used your spray?

4 A. Three times.

5 Q. What occasions were they?

6 A. One was a male that was self-harming with a knife and he
7 was basically threatening us with a knife and as he has
8 went to cut himself, used the CS to basically try and
9 restrain him because people had to go and get hands on
10 and the fact this boy has got a knife, clearly cutting
11 himself, trying to preserve his life, used the PAVA to
12 -- effectively it did work because he's dropped the
13 knife to cover his eyes after he had been sprayed.

14 Two other times, it didn't work properly, the spray
15 just puffed in front of me and didn't actually reach the
16 person that was probably closer -- so probably the
17 distance between myself and the woman here, so it was
18 not --

19 Q. Was that because of the mechanism or just because it
20 didn't work on the person?

21 A. I don't know, it just might have been a faulty can. It
22 just -- it puffed up as a cloud rather than the jet that
23 was meant to come out, so there's only once I have
24 actually used it and it has worked.

25 Q. Thank you. And then you say:

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1 "Cause, cause initially we thought Ashley hit him
2 over the head and it was only Ash that hit him. We
3 thought for fuck's sake and then apparently it's been
4 them aw that have been in about him."

5 Now, we talked about this phrase on Wednesday and
6 can I just ask you some questions about that. You have
7 said:

8 "Initially we thought Ashley hit him over the head
9 and it was only Ash that hit him."

10 So were you under the impression initially that it
11 was only Ashley Tomlinson that had hit Mr Bayoh?

12 A. Yes.

13 Q. How had you come to that impression?

14 A. The only -- a message was passed over the radio at one
15 point I think saying he had been struck and I think
16 PC Tomlinson's name was mentioned as struck him with the
17 baton so that was all -- I think. I may be wrong with
18 that.

19 Q. I think we looked at that on Wednesday and there was
20 a message that he had been struck over the head,
21 batoned -- I think I referred you to it on Wednesday.
22 It was Acting Police Sergeant Maxwell who had given the
23 message, but there was no mention of Ashley Tomlinson's
24 name as being the officer. We can look at that again if
25 that's of any help.

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1 So it's page 8 of the spreadsheet that we looked at
2 on Wednesday.

3 A. This one?

4 Q. Yes. The combined audio and video timeline.

5 So at 7.26.52, so it's the second-last Airwaves
6 transmission, and it said:

7 "Just for the log ..."

8 It's by Scott Maxwell:

9 "... on attendance this male's attacked PC Short
10 quite violently. As a result he was sprayed with CS and
11 PAVA and batoned. There may be a suggestion that he has
12 been batoned to the head area."

13 You'll see there's no reference there to
14 PC Tomlinson.

15 A. Mm-hm.

16 Q. We have heard evidence from Sergeant Maxwell that that
17 information did come from PC Tomlinson but that wasn't
18 transmitted over the Airwaves as part of the radio
19 calls, so my question for you is how did you know
20 initially that it was Ashley Tomlinson?

21 A. Something's obviously been mentioned at some point but
22 I don't know who it was that mentioned -- when it was
23 mentioned, but someone has obviously said that it was
24 Ash that has struck him to the head.

25 Q. By that stage obviously you had talked to PC Walker and

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1 we looked on Wednesday at a number of officers returning
2 before 8 o'clock in the morning, that was Paton, Walker
3 and Maxwell, but because you have said here:

4 "Initially we thought Ashley hit him over
5 the head ..."

6 Then you heard "They had all been in about him", and
7 you said on Wednesday the "in about him" phrase came
8 from your understanding of your conversation with
9 PC Walker. I'm trying to work out how you got the
10 information that it was Ashley Tomlinson before you then
11 changed your mind after your conversation with
12 PC Walker?

13 A. I can't recall where the information came from, but it's
14 mentioned at some point or I wouldnae have been saying
15 that Ash is the one that struck him to the head, so
16 I don't know where it came from, but somebody has
17 mentioned it.

18 Q. So if you formed an initial impression that it was
19 Ashley Tomlinson who had struck him over the head with
20 a baton, that would have been from someone who was at
21 the scene or someone who has passed that information to
22 you?

23 A. Yes.

24 Q. And that would have been prior to you speaking to
25 PC Walker?

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1 A. Yes.

2 Q. Thank you. But then after your conversation with
3 PC Walker, it was through that conversation that you
4 then discovered they had all been "In about him"?

5 A. Yes.

6 Q. "In about him" doesn't sound like a very controlled
7 police procedure. Do you want to explain to us again
8 what you mean in relation to "In about him"?

9 A. I would say me, if you're in about someone it's --
10 they're trying to restrain him, they're trying to get
11 control of him.

12 Q. So again, it's very much about controlling somebody,
13 perhaps in quite a vigorous, active way?

14 A. Yes.

15 Q. It's not a passive or controlled way?

16 A. No, it's not "in about him" as in setting about him to
17 assault someone, it could be taken in that way; just say
18 that they're "in about him", to try and get -- and
19 restrain him, get him handcuffed.

20 Q. And I think in fairness to you, you have given some
21 information about this in your Inquiry statement which
22 you will still have in the black folder, and you were
23 asked about this at paragraph 102 of your Inquiry
24 statement and you will see you have given an explanation
25 at 103 and you talk about:

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1 "In about them, round about him trying to restrain
2 him, trying to control him, trying to get him up in
3 handcuffs or whatever. Certainly, there's different
4 ways you can look at it, I suppose. If you're 'in about
5 somebody', for me, for a policing side of it, you're
6 trying to restrain them, you're trying to get a hold of
7 them and get them to stop them doing what they're
8 doing."

9 And that's your understanding of that phrase?

10 A. That's my -- yes.

11 Q. Thank you. Then at the end of page 42 of the transcript
12 the CID officer talks about "So they'll all need" and
13 it's inaudible after that, so that's on page 42 of the
14 transcript, camera 15. What did the CID officer mean
15 "They'll all need", what was it they would all need?
16 You have then said "Sorry", and I think at that point
17 you leaned in to the CID officer.

18 A. I -- I don't know.

19 Q. You don't know?

20 A. Without knowing the full question he asked me, I don't
21 know.

22 Q. And he then goes on to say:

23 "They'll all need to be ..."

24 And you say:

25 "They're that's the thing we're wondering if then

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1 that the CID will end up ... yeah."

2 And you say:

3 "'Cos there's no vote for operational statements
4 whether the CID or policing standards will speak to them
5 on tape get statements under caution."

6 And can I just ask you about that. You spoke about
7 statements under caution on Wednesday so I don't need
8 you to explain that distinction again with operational
9 statements, but this phrase here, "There's no vote for
10 operational statements", who told you there had been
11 a vote?

12 A. I can't recall that. I don't know.

13 Q. There's nothing about this in the STORM call cards,
14 there's nothing about this in the Airwaves
15 transmissions. Is there any other source where you
16 could have heard "There's no vote for operational
17 statements"?

18 A. No, the only place -- if I heard it it would have been
19 in general conversation with anybody mentioned that day
20 about the talk of the steamie, that people will be
21 talking about different stuff, people will be going in
22 and out doing their duties, different people could have
23 been speaking to different people, information could
24 have come from any place and at some point during
25 conversation that may have come up and I've heard it,

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1 picked up on it, but I cannae identify that phrase with
2 any one particular person because I don't know where it
3 was first mentioned, where it came from.

4 Q. Did you have -- was any part of your conversation with
5 PC Walker about there being no vote for operational
6 statements?

7 A. I don't -- I can't -- I don't know, I can't remember.

8 Q. We have heard evidence from PC Walker, amongst others,
9 that they didn't give -- they didn't write operational
10 statements on the day and we have also heard other
11 evidence from many of the officers others that they took
12 legal advice and they didn't give witness statements
13 until 4 June so nothing on 3 May or any of the days
14 after that in May in relation to either operational
15 statements or witness statements to PIRC.

16 So I'm wondering, you know, the officers having
17 agreed not to -- or decided not to give those
18 statements, whether you were aware at that time that
19 there had been some sort of vote, maybe in the canteen,
20 or within the officers who were at the scene?

21 A. I don't know.

22 Q. You don't know. But certainly at this time of the day,
23 before 2 o'clock in the afternoon, you appear to be
24 discussing with the CID officer that there was no vote
25 for operational statements.

Transcript of the Sheku Bayoh Inquiry

1 A. From that transcript, yes.

2 Q. And then further down that page, page 43, the CID
3 officer says:

4 "You don't want to say anything, do you, when's it
5 happening."

6 And you say:

7 "It's happening right at the moment."

8 And the CID officer says:

9 "And they'll deny it."

10 And then over the page:

11 "They'll just jump onto this."

12 Can I ask you what this is in reference to:

13 "You don't want to say anything, do you ..."

14 What do you think he meant, the CID officer, or she,
15 what do you think they meant by:

16 "You don't want to say anything, do you"?

17 A. That's only something they could answer. I don't know.

18 I cannae put words into their mouths if they have made
19 that comment, I don't know.

20 Q. So what about the comment you made:

21 "It's happening right at the moment"?

22 A. Whether that's -- I would -- again, because I can't
23 remember -- the only thing I would -- because they were
24 talking about giving statements, whether it's happening
25 just now that they're giving the statements or they're

Transcript of the Sheku Bayoh Inquiry

1 having this potential vote whether they're going to give
2 statements there and then. That's all I can take from
3 that but I can't remember.

4 Q. We have heard evidence from the officers that they were
5 unclear on 3 May about their status and when I say
6 status, I mean were they being treated as witnesses, or
7 were they being treated as suspects, and the impression
8 they had, or they were unclear, they were confused, they
9 were uncertain about that, so you have just been talking
10 about no vote for operational statements and you have
11 talked about statements under caution as an alternative,
12 and on Wednesday I think you explained that operational
13 statements are a police matter to register what you have
14 done and what your involvement has been in an incident,
15 and statements under caution will often be given by
16 suspects.

17 A. They can also be given by witnesses.

18 Q. But commonly it's suspects, as I understand it.

19 A. More often than not it would be suspects, but then also
20 witnesses.

21 Q. And some of the officers have spoken about this
22 distinction as well, and against the background of their
23 confusion, or uncertainty about their status, whether
24 they were witnesses or suspects, is it possible that
25 this reference to them denying it could be because, as

Transcript of the Sheku Bayoh Inquiry

1 many of them have said, if they're being treated as
2 suspects and being asked for a witness statement, that
3 they would not wish to give that statement? We have
4 heard from another officer, a Scottish Police Federation
5 representative, that she had given advice not to give
6 statements to the officers until their status was
7 confirmed.

8 So could this be something against that background,
9 the confusion about their status, the advice from the
10 SPF not to give statements until their status was
11 confirmed and only if they were being treated as
12 witnesses not suspects?

13 A. That's only something they would be able to answer
14 because I didn't have part of that conversation so
15 I don't know what advice they were given and what advice
16 they weren't given so I --

17 Q. Does it make sense to you?

18 A. It does make sense to me, yes, but it's not something
19 I could answer.

20 Q. All right. Then if we could look at page 44, you're
21 saying at the top of this page:

22 "But one of the ACCs that's here are involved in
23 a crime and terrorism whether they just want to the
24 on call ACC out or whatever. Four locus in Kirkcaldy in
25 one night."

Transcript of the Sheku Bayoh Inquiry

1 Can I ask you what's an ACC?

2 A. Assistant chief constable.

3 Q. How senior is that person?

4 A. Very high.

5 Q. And you say:

6 "One of the ACCs that's here are involved in a crime

7 and terrorism".

8 Do they have specialist areas, the ACCs?

9 A. I would -- they do, yes.

10 Q. Is there one that is involved in crime and terrorism?

11 A. There's different departments. I would guess they

12 would.

13 Q. You're not aware of any of that?

14 A. No, it's -- it's a rank I'm never likely to get to

15 anyway so it's not something that I look into. I just

16 know it's one of the main bosses has come out and part

17 of his role was dealing with crime and terrorism.

18 Q. Do you know who the ACC who came out was?

19 A. No, no.

20 Q. But one of the roles of that officer who had come out to

21 Kirkcaldy Police Office was terrorism?

22 A. Yes.

23 Q. Is crime and terrorism an area, a department, or is

24 it --

25 A. They're different, they're different, but you may have

Transcript of the Sheku Bayoh Inquiry

1 the same person in charge of both departments, both
2 areas, depending how the structure of the -- who deals
3 with what, but unfortunately I don't know how they do
4 that.

5 Q. Right. You say "One of the ACCs that's here", does that
6 mean there was more than one in Kirkcaldy on 3 May?

7 A. There might have been but I can't remember.

8 Q. But it would appear that on this day you were aware that
9 there was at least one ACC in Kirkcaldy Police Office
10 and that they were involved in "a crime and terrorism",
11 what that may mean?

12 A. Yes.

13 Q. And then you say:

14 "Whether they just want to the on call ACC out or
15 whatever."

16 Is there an on call ACC at any one time?

17 A. I'm guessing there must be. I don't know.

18 Q. You don't know if there's an on call ACC?

19 A. I would say there probably will, but I don't know --
20 I just don't know.

21 Q. You don't know?

22 A. No.

23 Q. That's not something that you have to deal with as
24 a custody officer?

25 A. No. No, no, no.

Transcript of the Sheku Bayoh Inquiry

1 Q. And you're not aware if there's an ACC that can be
2 called on call, or if -- or otherwise?

3 A. Personally, no.

4 Q. But you do know, or you did know on this date that one
5 of the ACCs was here, ie in Kirkcaldy Police Office?

6 A. Yes.

7 Q. And that he was involved in terrorism?

8 A. Yes.

9 Q. Thank you. Then we will leave that for the moment,
10 thank you.

11 I would like to ask you about your contact with
12 PC Tomlinson, so if we could look at camera 15 and the
13 transcript for that, that's the one that we just looked
14 at, but this time look at page 58, and you will see on
15 page 58 at the very bottom of that page that there is
16 a reference at 16.15.18 and it says:

17 "PC Ashley Tomlinson enters custody facility and
18 walks in direction of the primary charge bar and cell
19 corridor."

20 And then at 16.15.53 on page 59:

21 "PC Tomlinson enters secondary charge bar area
22 carrying [a] sleeve of polystyrene/plastic white cups
23 and exits out of the main door of the custody facility."

24 So I'm going to ask Ms Drury to play that clip.
25 It's a very short clip, it's under a minute. So that's

Transcript of the Sheku Bayoh Inquiry

1 from 16.15.18, or thereabouts. Again, we will see on
2 the screen as Ms Drury gets to the right position that
3 this is the secondary charge bar area that we see on the
4 screen and we're going to go to 16.15.18, or just prior
5 to that if possible. Why don't we just leave it there
6 for a moment. That's one second after. We see this
7 gentleman coming in the door --

8 A. Yes.

9 Q. -- from the right-hand side. Do you recognise that as
10 PC Tomlinson?

11 A. Yes, I do.

12 Q. We have heard from PC Tomlinson that on 3 May 2015 he
13 had dark hair and glasses and we will just carry on.

14 (Video played)

15 Can we just continue listening to that. We see that
16 PC Tomlinson has walked from the right-hand side of the
17 screen towards the primary charge bar area and we will
18 hear part of a conversation, so if we could just go back
19 slightly, Ms Drury, and play that again. Thank you. We
20 will listen to it even after PC Tomlinson has gone out
21 of shot.

22 (Video played)

23 Did you hear part of a conversation off-screen --

24 A. Yes.

25 Q. -- off the camera. Who was that speaking?

Transcript of the Sheku Bayoh Inquiry

1 A. I would say it's my voice, that was me.

2 Q. That was you and you were speaking to -- I heard it say

3 "There's Ash" or "Here's Ash".

4 A. I said "Are you all right Ash?"

5 Q. And was that the extent of your conversation with him?

6 A. Yes.

7 Q. And then is that you walking back to --

8 A. No, that was one of the PCSOs from the back shift that

9 was taking over from me to let me go home.

10 Q. So were you at the primary charge bar area at that

11 stage?

12 A. I certainly must have been down in that area, yes.

13 Q. Right. And was this the first time that you had seen

14 PC Ashley Tomlinson on that day?

15 A. Yes.

16 Q. And then can we look, please, at camera 12, the

17 transcript first of all for that, so let's move on to

18 the cell corridor transcript for camera 12 and if we

19 look at page 44, and you will see on page 44 that there

20 is 16.15.27 at the top and it says:

21 "Unidentified PCSO exits cell ..."

22 What's a PCSO?

23 A. It's a civilian custody care officer.

24 Q. Sorry, I didn't hear that?

25 A. It's a custody care officer.

Transcript of the Sheku Bayoh Inquiry

1 Q. Custody care.

2 A. Employed -- police sometimes do the role, but their
3 primary -- only role is the care and welfare of the
4 custody as well.

5 Q. And is that something that your duties extend to also?

6 A. I'm also trained in that, yes.

7 Q. To care for the custodies?

8 A. Yes.

9 Q. So you look after their welfare?

10 A. Yes.

11 Q. And treat them with dignity and respect?

12 A. Yes.

13 Q. Thank you.

14 "Unidentified PCSO exits cell corridor in direction
15 of Charge Bar as PC Ashley Tomlinson enters. He can be
16 seen to enter the storeroom and then exit carrying one
17 sleeve of plastic/polystyrene white cups.

18 "PC Tomlinson exits cell corridor in direction of
19 Charge Bar leaving unidentified officer 1 outside of
20 observation cell. Nothing of note said."

21 So if we could just look at the clip on PS 00196.
22 This is from 16.15.27 or thereabouts.

23 (Video played)

24 If we could just rewind that slightly. So the
25 officer here enters from the bottom right-hand side of

Transcript of the Sheku Bayoh Inquiry

1 the screen, and do you recognise that as PC Tomlinson?

2 A. Yes.

3 Q. So he's come from the secondary charge bar area, through
4 towards the primary charge bar area into the cell
5 corridor?

6 A. Yes.

7 Q. And then if we could maybe have that back on the screen,
8 do we see that he enters one of the doors on the
9 right-hand side.

10 A. The store room.

11 Q. Now you said on Wednesday, I think, the red trolley and
12 the black bucket, in-between that the door leads to
13 a store?

14 A. Yes.

15 Q. And then do we see him coming out of that with some
16 white plastic cups?

17 A. Yes, we do.

18 Q. And you weren't party to any conversation with him in
19 the cell corridor --

20 A. No.

21 Q. -- as he does that.

22 And then he exits again back towards the primary
23 charge bar area, bottom right-hand side of the screen,
24 and you have explained to us on Wednesday that that
25 would allow him then to move back to go to the canteen

Transcript of the Sheku Bayoh Inquiry

1 area --

2 A. Yes.

3 Q. -- within the Kirkcaldy Police Office. Thank you.

4 So can we look now please at your Inquiry statement,
5 paragraph 99, please. You will see it's at the bottom
6 of the page there and it says:

7 "But I genuinely have only spoken to the two people,
8 that was Craig and Ash, the only time I've seen them at
9 the station, and I've never spoke to anybody else about
10 that. The only guys that were involved in it that was
11 there was the only ones I've seen at the station."

12 And just thinking about that now, you also explained
13 to us on Wednesday you had actually seen and spoken to
14 Acting Police Sergeant Maxwell?

15 A. Yes, to get my radio.

16 Q. So you had actually spoken to Maxwell in relation to an
17 Airwave radio?

18 A. Mm-hm.

19 Q. Did you have any conversation with Acting Police
20 Sergeant Maxwell, as he was then, in relation to the
21 events at Hayfield Road?

22 A. Not to my knowledge, no.

23 Q. But you did see him?

24 A. I did see him, yes, when he had come to get my radio.

25 Q. And you saw PC Hays. We spoke earlier on Wednesday

Transcript of the Sheku Bayoh Inquiry

1 about PC Hays receiving the transmission and him leaving
2 to go to Hayfield Road?

3 A. Yes.

4 Q. Do you remember that?

5 A. Yes.

6 Q. Did you see him when he came back?

7 A. I don't recall him coming back. I didn't see him, no.

8 Q. We have heard that Constable Mark Hay was with
9 Nicole Short at the hospital and returned back with her?

10 A. Right, I ...

11 Q. Right. Could we look again, please, at the STORM cards,
12 if that's possible, PS 00232. If we could look at
13 page 6, or page 6 of 13, halfway down that page at the
14 time is 10.01.44 -- I think we did look at this on
15 Wednesday, but let's just refresh our memories. It says
16 PC Hay:

17 "That's myself and PC Short heading back to
18 Kirkcaldy station."

19 And that's recorded on 3 May at 10.01 in the
20 morning. So it would appear that he did return and we
21 have certainly heard evidence that he and Nicole Short
22 did return to Kirkcaldy. Did you see him at any point
23 that day? No?

24 A. No, not after he left in the morning to go out to ...

25 Q. All right, thank you. And then you mention in your

Transcript of the Sheku Bayoh Inquiry

1 Inquiry statement that you also got in touch with
2 PC McDonough who had been at the scene. Do you remember
3 that?

4 A. Yes, I sent him a text message at night just asking him
5 if he was okay.

6 Q. Now, on Wednesday you told us that PC McDonough was your
7 probationer?

8 A. Probationer.

9 Q. And you were his tutor constable?

10 A. Yes.

11 Q. What -- tell us about the text messages or text message
12 that you sent?

13 A. Just one text message, just asked "Are you okay", and he
14 replied back "Yes", and that was it, only contact
15 between him.

16 Q. No further contact with him?

17 A. No.

18 Q. You didn't have any conversations with him in Kirkcaldy
19 on the day?

20 A. No, no.

21 Q. And did you see -- we discussed Samantha Davidson who
22 was the CID officer. Do you remember having any contact
23 with her during the day on 3 May?

24 A. I don't recall having contact with her, no.

25 Q. Okay, right.

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1 So paragraph 100 of your Inquiry statement you say:

2 "It's obvious that Craig has told me more than
3 I thought he's told me. From my memory, I've literally
4 thought I was only talking to him for seconds. What
5 I've said, I've only said to him 'who hit him?', 'we all
6 did' and it's just been in passing at the door. But
7 clearly it's sounding like I've had a longer
8 conversation with him, so I may well have been there for
9 a bit longer, but time-wise I have not got a clue."

10 So I think by the -- as you reach the conclusion of
11 your Inquiry statement, you -- although initially you
12 thought it was just seconds that you spoke to PC Walker,
13 I think by the end you accept that that was a longer
14 conversation?

15 A. Yes.

16 Q. And I think on Wednesday when we looked at the footage
17 from you speaking initially to PC Walker to you coming
18 back into the primary -- secondary charge bar, was about
19 3 minutes, and you said you were talking to him during
20 that time?

21 A. Yes.

22 Q. So it was a longer conversation?

23 A. Yes, it clearly was longer than I actually thought it
24 was.

25 Q. During the course of the day on 3 May you were obviously

Transcript of the Sheku Bayoh Inquiry

1 in Kirkcaldy Police Office, you have a lot of
2 interaction with people coming in and out of the primary
3 and secondary charge bar and the custody area, the cell
4 corridor.

5 Did you hear anyone expressing concerns about
6 Mr Bayoh and his welfare?

7 A. I can't recall, I don't know.

8 Q. You don't know. Can I ask you about paragraph 111 on
9 your Inquiry statement, please. This is a section of
10 your statement where you talk about PIRC interviews.
11 Now, at 111 you say:

12 "In the first interview I wasn't impressed with the
13 male interviewer from PIRC, his whole attitude. He was
14 the stereotypical TV bad cop trying to lay down the law,
15 whereby the female was sitting there not saying very
16 much. I was told if I didn't tell him the truth and all
17 that he could make things difficult for me, it can
18 affect my career and everything. I'm thinking, I was
19 sitting working in an office and heard stuff on the
20 radio and I'm getting threatened with my career. It did
21 not impress me at all."

22 Now, we looked on Wednesday at your first statement
23 with PIRC and you should have that in the black folder
24 in front of you actually. This is the one dated 14 July
25 I believe -- sorry -- yes. 14 July 2015 and it's

Transcript of the Sheku Bayoh Inquiry

1 PIRC 00355.

2 A. Yes.

3 Q. And it was Investigator Kareen Pattenden and DSI Keith
4 Harrower was present. So can you give the Chair
5 a little bit more information about your concerns when
6 PIRC interviewed you?

7 A. Certainly my concerns is about the first thing that the
8 male said to me was that if I don't speak to them and
9 tell them the truth it can cost me my job, I can go to
10 jail, and I just straight away felt the boy's coming in
11 threatening to me for something I wasn't at, wasn't
12 involved with, and I just didn't like his attitude, the
13 way he spoke to me in relation to that.

14 Q. And did you feel he was quite heavy handed with you at
15 that first interview?

16 A. Yes, yes.

17 Q. And how did you feel -- how did you react to that
18 approach?

19 A. Not being impressed with his attitude, as I always say,
20 I answered every single question honestly and
21 truthfully, if you know me I do waffle a lot, I will
22 fill in blanks, typical stereotypical person, I talk.
23 I made the conscious decision that any question they ask
24 me, I will answer them honestly, truthfully, 100% and
25 then try and cut out the waffle. I was only going to

Transcript of the Sheku Bayoh Inquiry

1 answer what I was asked and that was it.

2 Q. So it stopped you talking instead of having, presumably
3 the desired effect?

4 A. Yes.

5 Q. Can we look at paragraph 113. You then -- so at 113 and
6 114 you again express concerns about them showing you --
7 we will wait until we have that on the screen, 113 and
8 114. We won't see all of them together, but you have
9 the hard copy and it says:

10 "PIRC showed me the CCTV of Kirkcaldy Police Station
11 in the second interview."

12 So the second interview was the one that we looked
13 at on Wednesday, was 23 July 2015, so this was just over
14 a week later after your first interview and it was
15 investigator Kareen Pattenden and DSI Harrower again.
16 So you say:

17 "PIRC showed me the CCTV of Kirkcaldy Police Station
18 in the second interview."

19 Is this the sort of CCTV that you and I have been
20 going through on Wednesday and today?

21 A. Yes.

22 Q. Right:

23 "I think it was the Craig Walker comment they were
24 saying me. I never told them about that but I remember
25 that they did because when the boy spoke to me he made

Transcript of the Sheku Bayoh Inquiry

1 a point when I said to Craig 'who hit him?' he went 'we
2 all did'. And I sort of done an 'air quotes' gesture
3 with my fingers and the boy made some sort of reference
4 to me making that comment, so when they came back the
5 second time the boy made reference to it."

6 When you're talking about "The boy", are you talking
7 about DSI Keith Harrower?

8 A. Yes, because I didn't know his name. I apologise if
9 I was offending him calling him the boy but I didn't
10 know his name.

11 Q. We have heard other people use this phrase; is this
12 quite a commonly used phrase in Fife?

13 A. Yes.

14 Q. "The boy"? We have heard it's a reference to a male?

15 A. Yes.

16 Q. So if you had known DSI Keith Harrower's name, you may
17 have referred to him by his name?

18 A. Yes.

19 Q. And 114:

20 "I wasn't impressed with the boy's attitude, truth
21 be told. It's the way he's coming out and he made that
22 comment at me as if I'm making something up. So when he
23 came back and he said 'oh, I've now watched the tapes'
24 and it said that on the tape it shows me talking to
25 Craig Walker, to which I said, 'I know, I told you

Transcript of the Sheku Bayoh Inquiry

1 that'. And he said 'No, you didn't'. So that's when
2 I went back to him and I said, 'I did, because that's
3 when he went 'we all did', and I done that comment to
4 him again.

5 "He then left the room which I only assumed he'd
6 went and phoned someone else, who confirmed at that
7 point that I did tell him that in the first statement
8 because they hadn't even brought me the first statement.
9 Speaking to me the second time I wasn't very impressed
10 in the fact they're trying to say I never told him
11 something the first time which I clearly did because to
12 me he hadn't done his homework. He has not been
13 prepared enough. The fact he has come back and only
14 asked me a question about something that he already had
15 the answer to."

16 Could you explain to the Chair what your concerns
17 were in relation to the second interview that you had
18 with PIRC?

19 A. My concerns were the fact that he's asked me a question
20 in the first statement which I have answered to him.
21 He's came back for a second interview to ask me about
22 something that he had already asked me in the first
23 statement. He then clearly hasn't researched it and
24 checked it read what he has given initially to come back
25 to ask me again about something he's already got so

Transcript of the Sheku Bayoh Inquiry

1 I felt his -- the way he's conducting his inquiry, it's
2 not the best.

3 Q. So you had concerns about the way PIRC were approaching
4 that second interview with you?

5 A. Yes.

6 Q. And even more widely you say you had concerns about the
7 way he was conducting the Inquiry?

8 A. Yes. He has come back to ask me a question that was
9 already answered in the first one and even when they
10 came back to clarify something they never brought the
11 first statement, which would be written in front of him,
12 they could have read it in front of us, rather than
13 going out the room and phoning someone, so to me they
14 have not been fully prepared in what they're trying to
15 do, especially in the involvement with me. I can't
16 speak on how the involvement with anyone else is but my
17 dealings with them wasn't very impressive.

18 Q. And just to be clear, did you have a copy of the
19 statement?

20 A. No.

21 Q. So it would not have been possible for you to bring
22 a copy of the statement?

23 A. No.

24 Q. It would only have been PIRC that had retained the copy?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. Or the original?

2 A. Yes.

3 Q. And was that a statement that you signed or had read

4 over to you and confirmed?

5 A. Yes. I think I signed the bottom of every page once

6 they go through it just to confirm and if there were any

7 errors I would mark it and they would be amended, but

8 every page like these ones have a signature at the

9 bottom.

10 Q. But that was in the hands of PIRC?

11 A. Yes.

12 Q. Thank you. I would like to ask you some questions about

13 race now. I don't know if you have seen other evidence

14 of the hearing --

15 A. I have not watched any of it at all.

16 Q. All right. Well, these will be new to you. You have

17 touched on some of the topic as we have gone through the

18 transcripts and I have asked you certain specific

19 questions, but can I ask you about training, first of

20 all. On Wednesday you said you had 21 years' service

21 and would that mean you joined as a probationer in 2001?

22 A. Yes.

23 Q. And many officers have given evidence about receiving

24 training at Tulliallan on equality and diversity when

25 they started their police service. Is that something

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1 that you did?

2 A. Yes.

3 Q. What did that course cover, do you remember now?

4 A. Everything relating to any -- people of different race,
5 different genders, different backgrounds, it just covers
6 how different cultures -- how their religions that -- it
7 just covered all the backgrounds that gave you a wee bit
8 of insight into other people and their cultures, how
9 they have different ways of life, how they live.

10 Q. Thank you. Do you remember how long that aspect of the
11 course took?

12 A. I don't think it was an all-day -- it might have been an
13 all-day course, but I'm not 100% sure.

14 Q. You have told us that you have been trained to work in
15 the custodies as a custody officer. Did you have to get
16 additional training for that role --

17 A. Yes.

18 Q. -- that covered equality and diversity?

19 A. I think I did, yes. I think it's much the same
20 training. Honestly I can't remember, it's been that
21 long ago that I done my custody training.

22 Q. Do you remember when it was?

23 A. I want to say 2013 -- I think it was around about 2013,
24 2015 I started doing custody work.

25 Q. So in the two years prior to the events we have been

Transcript of the Sheku Bayoh Inquiry

1 talking about?

2 A. Yes.

3 Q. From your recollection of it now -- I appreciate it was
4 a while ago -- do you remember an aspect of that
5 training being equality and diversity?

6 A. I remember it was part of it, yes.

7 Q. You have told us that part of your role is to treat
8 custodies with dignity and respect?

9 A. (Nods).

10 Q. So do you think there would have been an element of
11 equality and diversity training as part of your custody
12 training?

13 A. There would have been. Obviously we have people with
14 different religions, different beliefs and obviously we
15 have to accommodate everybody's -- as best we can.
16 Everything's not 100% that we can do, but we try and
17 accommodate it as best we can for everybody's beliefs
18 and religions that come into custody.

19 Q. And we see -- we saw on some of the video clips as we
20 were watching them the custodies being given a lunch, or
21 food, or a snack of some sort?

22 A. Yes.

23 Q. So unlike perhaps other officers, part of your role will
24 be accommodating people's different preferences --

25 A. Yes.

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1 Q. -- or needs?

2 A. Yes, if there was halal meals or such-like, if people
3 are vegetarian, there is a wide variety of meals that
4 people in custody can get.

5 Q. So that's something that you're aware of in your role as
6 a custody officer?

7 A. Yes.

8 Q. And was that something you were trained in relation to?

9 A. You get -- on the courses you get told about it and over
10 the years the different -- they change the meals that
11 they had as time changed, once it was getting pointed
12 out that not everybody that comes into custody is
13 getting accommodated for, changes were made as it went,
14 as I say, the halal meals, people that are vegetarian.
15 Before it was just a bland meal that used to get brought
16 in from the hospital and perhaps you would get bacon
17 rolls or pie and chips sort of thing but then they
18 changed and we brought in pre-prepared meals.

19 Q. So do people get a preference at all or do they get to
20 express --

21 A. They will get a choice. Usually there's about 9 or 10
22 different choices of meals that can be -- there's serial
23 bars for breakfast and I think there's curries, there
24 was vegetarian meals, there was chicken -- I can't
25 remember how to pronounce it, but there's a various

Transcript of the Sheku Bayoh Inquiry

1 selection of meals, cottage pie, lasagne, there's a wide
2 selection of everything, again, vegetarian and halal if
3 preferred.

4 Q. And do you, as the person sort of supervising or in
5 charge of the custodies, or involved with the custodies,
6 do you have a record of different preferences, dietary
7 preferences?

8 A. The people that would come in you would ask them when
9 you went around because you'd go around and first ask if
10 they wanted a meal, if they would like something to eat
11 and you would usually have a sheet printed off. The
12 majority of the meals were already marked as vegetarian
13 or halal meals so they were just -- I'm not saying they
14 were basic, but the meals were basically suitable for
15 everybody. Some of them obviously weren't suitable for
16 vegetarians, some might not have been suitable for
17 people that had halal meals, but we had a list and
18 everybody that was given -- asked -- whatever the case,
19 we would make something and "There you go, that's yours,
20 this is what we have, if you've got any special
21 needs" -- which they get asked when they get booked into
22 custody, if they have any special dietary requirements,
23 they would then tell us when they come into custody so
24 we would know, when it comes to mealtimes, what not to
25 offer them.

Transcript of the Sheku Bayoh Inquiry

1 Q. Thank you. And just to be clear for some people who are
2 listening, can you have people in custody overnight in
3 the cells?

4 A. Very regularly, yes.

5 Q. Oh, regularly, right.

6 A. Quite often for weekends as well.

7 Q. So you do need to provide a breakfast for people?

8 A. Yes.

9 Q. If they have been kept in overnight.

10 A. Yes.

11 Q. And we may hear that there are observation cells. Are
12 they different from a normal cell in the custody
13 corridor?

14 A. Yes. You have seen in the video at one point the
15 officer sitting, it's a glass-fronted observation cell.
16 More often than not it's people that would go in there
17 are suspected -- might have concealed items on their
18 person and it's just to keep them under observation to
19 make sure they're not going to extract potentially drugs
20 and eat them, or it may well be someone that is special
21 risk, suicide risk, they need constant observation so
22 they can be watched at all times by officers to make
23 sure that they're safe and looked after when they're in
24 custody.

25 Q. So it's easier, is it, for an officer to observe someone

Transcript of the Sheku Bayoh Inquiry

1 from an observation cell than a normal cell?

2 A. Yes, because the observation cell you always have one or

3 two officers sitting outside the cell watching them.

4 Q. So we actually saw on a couple of the clips on Wednesday

5 and today an officer sitting beneath the camera --

6 A. Yes.

7 Q. -- to the left, besides a cell with maybe a larger door

8 or a more obvious door?

9 A. Yes, the whole thing is all glass-fronted.

10 Q. And is that an observation cell?

11 A. Yes.

12 Q. For one person or more --

13 A. Yes, only one person.

14 Q. For one person?

15 A. You would only put one person in a cell at a time.

16 Q. How many observation cells do you have in Kirkcaldy

17 Police Office?

18 A. There is two -- the one next door to it, so it's

19 a smaller door to the side, but that's also

20 glass-fronted as well.

21 Q. Right. So the one we could see besides the officer

22 sitting outside, is that observation cell 1 or ...?

23 A. Yeah, yes. The cells are numbered 1 to 10 on the male,

24 then you've got the observation one, but 10 is also the

25 second one with the glass door that you -- that's the

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1 observation cell, but that one is primarily observation
2 cell.

3 Q. And just to go back to training for a moment, during
4 your 21 years' service, you have talked about training
5 at Tulliallan and some training perhaps as a custody
6 officer. What other equality and diversity training
7 have you had in those 21 years?

8 A. I would have to say unfortunately not very much, other
9 than -- two or three times throughout the year we had to
10 go back on different courses, if there are amendments
11 get made to the courses we go back and get refresher
12 training just to keep our own minds aware of what is
13 expected of us as an organisation, as well as us as
14 individuals doing our job --

15 Q. Right. We have heard about some of the refresher
16 training and that it involves OST training?

17 A. Yes.

18 Q. So officer safety training, techniques being taught, but
19 I'm specifically interested in equality and diversity
20 training. Do you remember any equality and diversity
21 training?

22 A. It has been a few years since I done my last training,
23 but I think there's Moodle packages as well online that
24 they can still go on and if you manage to get downtime
25 as a response police officer you can go on and refresh

Transcript of the Sheku Bayoh Inquiry

1 yourself at any time you want on the training packages.

2 Q. We have heard that officers can -- there's a lot of
3 guidance and SOPs and such-like available online?

4 A. Yes.

5 Q. Through the police system?

6 A. Yes.

7 Q. How much downtime do response teams get in your
8 experience?

9 A. Sometimes less than zero. You can easily go from --
10 I have seen many times a day shift starting at
11 7 o'clock, I'm always one, it was an early start to the
12 shift, I have been out on calls at 6.45 in the morning
13 before my shift even started to still being held on --
14 official finishing time then was 4 o'clock but when the
15 back shift come in, you've still been out at calls at
16 the back of 4, 5 o'clock, so time-wise, especially in
17 Kirkcaldy -- other smaller places may be slightly
18 different, but in Kirkcaldy you can easily go all day
19 with not even being in the station for a meal break, let
20 alone to come and look on the computer and do something.

21 Q. So Kirkcaldy is a busy place for the response team?

22 A. Yes.

23 Q. And we have heard that the guidance and assistance is
24 available on the system for Police Scotland. Is that
25 system accessible anywhere other than Kirkcaldy Police

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1 Office, for the officers who are working there?

2 A. Now they have their mobile devices that some people take
3 them home and use them and do training on that, I don't
4 know but they can access (inaudible) so if they're at a
5 locus protection, they might be sitting in a car hours,
6 all out through the night, you have got the SCoPE and
7 you can log on through your mobile device and you get
8 access to training and stuff on that as well.

9 Q. In 2015?

10 A. In 2015, no.

11 MS GRAHAME: No. I appreciate we had a slightly later
12 start. Do you wish to have the morning break now?

13 LORD BRACADALE: How long, roughly, would you have to go?

14 MS GRAHAME: I've got quite a bit to go.

15 LORD BRACADALE: A bit to go. So in that case we will have
16 a break now then. 20 minutes.

17 (11.33 am)

18 (Short Break)

19 (11.58 am)

20 LORD BRACADALE: Ms Grahame.

21 MS GRAHAME: Constable Geddes, there has been a lot of
22 publicity this week in the news about a men's club
23 culture in Police Scotland and a report by the DCC in
24 Northern Ireland who is recommending more equality and
25 diversity training for officers. Is that something that

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1 you're aware of?

2 A. No, I've not heard anything about that.

3 Q. Oh, you have not heard anything about it?

4 A. No.

5 Q. One of the things that was discussed arising out of that

6 publicity was that after the Macpherson Report into the

7 death of Stephen Lawrence, all officers across the UK

8 were required to attend three days of equality and

9 diversity training. Now that inquiry report came out in

10 1999, so it would have been just prior to you starting

11 with the police. I just wanted to ask had you

12 experienced that three days of equality and diversity

13 training or not?

14 A. I couldn't say if it was three days. I did -- there was

15 some diversity training, but I can't remember how long

16 it was for.

17 Q. Right, thank you. Have you been taught as part of the

18 training you have had about unconscious bias, or how to

19 guard against unconscious bias?

20 A. I would say I probably have, yes, but again, I don't

21 know how long ago the course for that would have been

22 and what would have been mentioned but so I --

23 Q. Do you understand anything about the concept of

24 unconscious bias?

25 A. Personally, probably not, no.

Transcript of the Sheku Bayoh Inquiry

1 Q. Right, okay. Have you personally ever made assumptions
2 about a person on the basis of the colour of their skin?

3 A. No.

4 Q. We have heard from other officers that there were no
5 black officers or ethnic minority officers in Kirkcaldy
6 Police Office in May 2015. Can you give us an
7 indication of how many black or ethnic minority
8 custodies you would deal with in your role as a custody
9 officer?

10 A. Not a lot. There's -- no, probably primarily the
11 custodies that come in, they will have been white.

12 Q. Right. But you presumably have dealt with some?

13 A. There's been a few males and females that have been in,
14 yes, but not very many.

15 Q. Right. We have seen on the CCTV that -- and you have
16 said yourself you're a sociable man and you have had
17 a chat with other officers. As part of your work in
18 Kirkcaldy up to 2015, or even after 2015, have you ever
19 encountered any racist jokes or comments being made in
20 your hearing?

21 A. No.

22 Q. In Kirkcaldy?

23 A. No.

24 Q. Have you ever encountered any jokes or comments about
25 Islam?

Transcript of the Sheku Bayoh Inquiry

1 A. No.

2 Q. About terrorists?

3 A. Not that I can think of, no.

4 Q. Are you aware of any officers making assumptions about

5 terrorists being black or Middle Eastern?

6 A. No.

7 Q. Or making any assumptions about members of other ethnic

8 minorities in Scotland?

9 A. No.

10 Q. Were other officers speaking about it being a possible

11 terrorist incident in May 2015, on 3 May?

12 A. I don't know what other officers were saying because

13 I only know what was suggested with the officers I was

14 working with at the time in the custody office and we

15 were probably four or five people in that office that

16 worked, so I don't know what other officers were

17 thinking about it.

18 Q. So your experience that day related to people who were

19 in the office?

20 A. Yes.

21 Q. In your area, besides the custodies?

22 A. Yes.

23 Q. Have any -- you have talked about being on Response

24 Team 4. Have any of the colleagues that you have worked

25 with in Response Team 4 ever displayed behaviour of that

Transcript of the Sheku Bayoh Inquiry

1 sort, made racist comments --

2 A. No.

3 Q. -- or jokes or otherwise?

4 A. No.

5 Q. How would you react if you heard someone making what was

6 or what could potentially be considered a racist

7 comment?

8 A. I would be pulling them up on it, which I have done to

9 people in the past, because these things -- comments, it

10 doesn't matter what person is, race, colour, creed,

11 they're not acceptable.

12 Q. You have told us that you have an obligation to treat

13 people with respect?

14 A. Yes.

15 Q. And would you consider that contrary to your own

16 personal obligations?

17 A. Yes, and I have challenged people in the past for making

18 what I perceive to be racist, offensive comments.

19 Q. What were the circumstances of these events?

20 A. This wasn't involving police officers, but I was at

21 a Scotland rugby match and I think Scotland were playing

22 Western Samoa and someone in front of me made a comment

23 about getting to the "black bastards", of which

24 I proceeded to skelp him on the back of the head and

25 told him if he's going to talk like that he can get out

Transcript of the Sheku Bayoh Inquiry

1 of here because I'm none -- because it's just completely
2 unacceptable. It was someone in the crowd around about
3 me, it wasnae someone I knew.

4 Q. So you actually physically chastised them for that
5 comment?

6 A. Yes. I probably shouldnae clouted them in the lug but
7 they're a family stand and someone coming out with
8 comments like that which -- it's not acceptable.

9 Q. How would you deal with someone who was in Kirkcaldy
10 Police Office, say a fellow officer?

11 A. If someone had made some sort of comment like that the
12 first thing I would do would tell them it's an
13 unacceptable comment to make and if they continued to
14 make these sorts of comments, I would then be reporting
15 it to my supervisor.

16 Q. Who would your supervisor be?

17 A. My sergeant that would have been in charge of that shift
18 at the time.

19 Q. The custody sergeant, I think you mentioned on
20 Wednesday.

21 A. Yes, if I had have been working in custody. If it was
22 a custody officer that said that, I would be mentioning
23 it to my custody sergeant. Had I been back on response,
24 I would have mentioned it to the response sergeant.

25 Q. Right. And we have heard evidence from other officers

Transcript of the Sheku Bayoh Inquiry

1 about the importance of rank and seniority in the Police
2 Service. If it was a more senior officer to you, would
3 you feel that inhibited your ability to challenge that
4 behaviour?

5 A. It shouldn't. Potentially to go to another officer of
6 either the same rank or higher and make them aware of my
7 concerns.

8 Q. All right. So would you say anything at the time, or
9 would you go and speak to someone of equivalent rank to
10 them?

11 A. If someone says it in front of me I would say it's not
12 an acceptable comment and they shouldn't be coming out
13 with comments like that. However, if they said
14 something again, clearly they wouldn't be listening to
15 what I've said, so I would then report it to another
16 either officer of the same rank or higher.

17 Q. But your initial reaction wouldn't be just to ignore it?

18 A. Correct, no, I would say something.

19 Q. But you may take it further if it appears they weren't
20 listening to you?

21 A. If it continues, yes.

22 Q. We have a statement -- we have not heard from DI Robson
23 yet, but we have a statement to the Inquiry from
24 DI Robson and you mentioned his name on Wednesday as
25 someone who was in charge in Kirkcaldy Police Office on

Transcript of the Sheku Bayoh Inquiry

1 3 May and his statement speaks of him having heard
2 inappropriate racist jokes. Is that something that you
3 have heard in Kirkcaldy Police Office?

4 A. No.

5 Q. Never?

6 A. No.

7 Q. Do you remember on Wednesday I completed my questions to
8 you at the end of the day and I said I wanted to ask you
9 one final question in case I forgot and we were talking
10 about whether you had custodies in the cell corridor
11 that day who may have been black or Asian or -- I'm
12 interested if any were members of an ethnic minority and
13 I think your answer was:

14 "To my knowledge I, don't -- no, I can't answer that
15 question just now. No, I don't know."

16 You didn't remember?

17 A. I'm not sure who was in custody that day.

18 Q. Now, on Wednesday you told us that there were two
19 officers in Kirkcaldy Police Office who had travelled
20 from Edinburgh to be in Kirkcaldy that day?

21 A. Yes.

22 Q. You told us that?

23 A. Yes.

24 Q. And you said they were on constant observations on one
25 of the custodies?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. So you obviously remember that?

3 A. Yes.

4 Q. That's the evidence you gave on Wednesday. And am
5 I correct in understanding that there was a -- let's say
6 a high-profile prisoner, a custody who was under
7 observation that day and kept in an observation room?

8 A. Yes.

9 Q. And in fact, you have told us today, and we have seen on
10 the CCTV, that there was an officer sitting outside the
11 observation room.

12 A. Mm-hm.

13 Q. Is that one of the Edinburgh officers?

14 A. Yes.

15 Q. What rank were the Edinburgh officers?

16 A. I think they were PCs, same as me, police constables.

17 Q. Same as you. And we're also aware that there was
18 another unidentified officer within the custodies --
19 involved with the custodies that day, escorting a male
20 custody from the other observation room, so someone else
21 that was involved with that.

22 Now, I'm not going to ask you to identify that
23 officer. They had a particular role, but I don't need
24 to know the details of that at this stage, that's been
25 redacted from the transcript that we have been looking

Transcript of the Sheku Bayoh Inquiry

1 at.

2 Can I ask you to look, first of all, at camera 12
3 transcript, please, and I'm interested in page 35 of
4 this transcript. And you will see at the top of page 35
5 the time is 12.47.46. You will see it says:

6 "PC Geddes enters cell corridor carrying out custody
7 duties. He is followed by an unidentified ...
8 officer ..."

9 That's the officer with the particular role that we
10 have been talking about:

11 "... who is present to escort a prisoner contained
12 within observation cell 2."

13 And then it says at 12.48.10:

14 "... officer and prisoner exit cell corridor in
15 direction of charge bar."

16 Then it says 12.48.14:

17 "Prisoner reenters cell corridor and is directed by
18 PC Geddes on where ... is to go. PC Geddes ..."

19 Now, although that's redacted we know that you're in
20 the male cell corridor. It's only male custodies in the
21 male cell corridor, can I assume that?

22 A. Usually, yes. Sometimes the females would be going
23 round the male side, but it would just depend how busy
24 it is.

25 Q. Oh, right. Do you remember that day, if there were any

Transcript of the Sheku Bayoh Inquiry

1 females?

2 A. Off the top of my head, no.

3 Q. How common is it for females to be in the male cell
4 corridor?

5 A. It's not unusual. There might be work getting done down
6 the female side so we put them in the male, or they
7 would just -- if they'd put them in the observation
8 cell, they're in the observation cells on the male side.
9 There are no observation cells on the female side, so it
10 is still common practice that you would put male and
11 female on the same side but ...

12 Q. Oh, right:

13 "PC Geddes follows ... back out of the cell corridor
14 in the direction of the charge bar."

15 So you see at 12.47 you appear to be within the
16 custody area, this is the transcript for the cell
17 corridor, and the other officer, unidentified, and the
18 prisoner are exiting the cell corridor in the direction
19 of the charge bar and you are involved with that.

20 Then can we look at the transcript for camera 15 and
21 this is a later time, if we can look at page 48, and
22 camera 15 is the secondary charge bar and the time I'm
23 interested in, which is on page 48, is 14.04 and you
24 will see, 14.04.40:

25 "Custody officer 1 and PC Geddes appear to be

Transcript of the Sheku Bayoh Inquiry

1 distracted by voices coming from the interview room ..."

2 Then a redacted section:

3 "Officer and ... prisoner), this results in
4 PC Geddes out of camera view, however custody officer 1
5 remains in camera view."

6 Then at 14.04.57:

7 "PC Geddes back in camera view continues to converse
8 with [redacted] officer and custody officer 1 as he
9 walks in direction of main door and exits custody area."

10 So you appear to be having a conversation at that
11 stage with an unidentified officer and custody
12 officer 1, do you see that?

13 A. Yes.

14 Q. And there's reference there to the prisoner and if you
15 take it from me at the moment that that's the prisoner
16 that's been in the observation room in the cell corridor
17 that we looked at earlier.

18 Now, I'm not going to be playing this CCTV to you.
19 You may be aware that some things are not cleared to be
20 made public on the screen, so I won't be playing this to
21 you, but I have some snapshots that I would like you to
22 look at and there's four of them. Now, you will have
23 a copy of these, a hard copy, they will be handed to you
24 just in a moment but before Ms Drury hands them to you
25 I want to say something and the Chair will have a copy

Transcript of the Sheku Bayoh Inquiry

1 of these. There is no need for the work of this Inquiry
2 to identify the person, so if you know the name of this
3 person, you don't need to say it out loud.

4 A. Okay.

5 Q. Because obviously we are under an obligation to keep
6 matters private if they're not necessary for our work.

7 So I'm going to -- with that warning in mind, if you
8 could bear that in mind, I'm going to ask Ms Drury to
9 hand you the photographs, please, and you will see four
10 of them, and these have been taken from CCTV, cameras 12
11 and camera 15, and if you could -- feel free to look
12 through them and then I'm going to ask you some
13 questions.

14 (Pause).

15 Thank you. Do we see that there's a person in these
16 photographs that appears to be getting escorted by you
17 and another officer --

18 A. Yes.

19 Q. -- from the cell corridor, through the secondary charge
20 bar area?

21 A. Yes.

22 Q. And being brought back -- brought back by you, as
23 I understand it, to the cell corridor.

24 A. I'd say these four pictures were someone getting taken
25 out.

Transcript of the Sheku Bayoh Inquiry

1 Q. Oh, right, but in the photos you can see that a person
2 is being escorted?

3 A. Yes.

4 Q. And would you agree that that person is not white?

5 A. It may well be, yes. Mm-hm.

6 Q. You agree? And do you remember now, looking at these
7 snapshots of the CCTV footage, his race or his
8 ethnicity?

9 A. I don't even remember dealing with this gentleman that
10 day.

11 Q. Right. Looking at those photographs now, are you able
12 to assist us by expressing any view about the person's
13 race or ethnicity?

14 A. I would say he's certainly -- he's not a white male.
15 I don't know what -- I couldn't say what nationality --
16 sorry, ethnic origin he is, but I would say he's
17 certainly not a white male.

18 Q. And not black?

19 A. Not black, no.

20 Q. So can you think -- can you express any view about his
21 race or ethnicity?

22 A. Well, he may be an Asian gentleman.

23 Q. Thank you. Or Middle Eastern?

24 A. Middle Eastern, yes.

25 Q. Thank you. So from these snapshots, would you agree

Transcript of the Sheku Bayoh Inquiry

1 that there's at least -- on 3 May 2015 -- there was at
2 least one person in the cells who was a member of an
3 ethnic minority in Scotland?

4 A. Yes.

5 (Pause).

6 Q. Would you be able to keep those photographs down, sorry.
7 As you flick through them I understand parts of the
8 image can be viewed and we can deal with that later with
9 added pixellations, but if you could, for the moment,
10 just keep those down. I'm very grateful.

11 Can we look back again, please, at camera 12 and the
12 transcript for that, please, so this is the camera that
13 relates to the cell corridor we looked at a moment ago,
14 but I would like to look at page 10 again, please. We
15 looked at this on Wednesday, you will remember. You
16 will see at the top it was part of a conversation that
17 you were having with PC Harris just prior to
18 Sergeant Maxwell coming in to ask for the Airwaves
19 radio, and you will see at the top you are said to say:

20 "Aye, that's what we're wondering noo because the
21 ISIS attack and that on a female on Friday big boy ..."

22 Inaudible. You will remember we had a discussion
23 about that on Wednesday and after that it says by
24 PC Harris:

25 "ISIS staying in the station."

Transcript of the Sheku Bayoh Inquiry

1 And then you assist with the cell checks. Do you
2 remember discussing that page on Wednesday?

3 A. Yes.

4 Q. Now, you see that comment "ISIS staying in the station",
5 in fairness to you if we look at your Inquiry statement
6 for a moment, which is in your hard copy, you will also
7 see you were asked about this at paragraph 73 and
8 I asked you about paragraph 73 on Wednesday and we
9 explored what you understood the comment to mean, "ISIS
10 staying in the station", you will remember that
11 I referred you to that.

12 A. Mm-hm.

13 Q. And you spoke about intelligence.

14 A. Mm-hm.

15 Q. You thought that it came from intelligence. And then on
16 Wednesday when we were exploring it, you explained that
17 anyone actually linked with terrorism of any sort would
18 go direct to Glasgow. You told us that the
19 antiterrorism unit was based in Glasgow?

20 A. Yes.

21 Q. And when I asked you about whether you see a lot of
22 terrorist activity, or people accused of terrorist
23 activity in Kirkcaldy, you said that that wasn't
24 something you dealt with in the cells and you confirmed
25 that was never dealt with in Kirkcaldy Police Office.

Transcript of the Sheku Bayoh Inquiry

1 A. Mm-hm.

2 Q. So whatever we know, the people in the cells in
3 Kirkcaldy Police Office are not accused of terrorist
4 activity?

5 A. (Nods).

6 Q. You agree?

7 A. Yes.

8 Q. So looking at this comment again by PC Harris "ISIS
9 staying in the station", looking at that now,
10 Constable Geddes, does it appear that PC Harris may be
11 making a derogatory comment against someone who is in
12 the cells, staying in the station, and describing that
13 person as a member of a well-known terrorist group,
14 ISIS?

15 A. You would need to ask him if that's what his intention
16 was, but I -- I can't say if that's what he was meaning,
17 I don't know.

18 Q. You don't know. Did it not appear to you on 3 May that
19 he could be making a derogatory comment in the cell
20 corridor?

21 A. Looking back now, it may well have been, but that's not
22 something I'm aware of.

23 Q. Right, so looking back now, in light of what I have told
24 you, you think that could be seen as a derogatory
25 comment against someone?

Transcript of the Sheku Bayoh Inquiry

1 A. I would say some people could take it that way, yes.

2 Q. You did not challenge that comment at the time. Can you

3 explain why you didn't challenge that comment at the

4 time, knowing that there would be nobody from ISIS or

5 accused of being a member of ISIS staying in the

6 station?

7 A. No, I can't give a reason why because I can't remember

8 that conversation anyway.

9 Q. Well, I'm asking you not to remember that

10 conversation --

11 A. No.

12 Q. -- but to look back now and seeing that a comment is

13 being made about ISIS staying in the station, why that

14 wasn't challenged by you when you knew that no one from

15 ISIS was in Kirkcaldy Police Office that day?

16 A. I don't know why I never said anything to him.

17 Q. Right. It may be that people watching will say "You

18 have told us you would challenge that type of comment

19 but on this occasion you didn't"; is there a reason why

20 you didn't?

21 A. I don't know, I can't --

22 Q. Looking back now at what we see here on the transcript

23 and what I have told you and you know, do you think you

24 should have challenged that comment?

25 A. I should have, yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And given that PC Harris is a constable, how would you
2 have challenged that comment?

3 A. I would have said it straight to his face. He shouldn't
4 be making comments like that.

5 Q. Thank you. Can I ask you just some other general
6 questions about concerns about the use of force by
7 the police.

8 We have seen you on the CCTV and we have seen in the
9 transcript that there were conversations about lethal
10 force having been used by PC Tomlinson, or others, and
11 we don't need to go over that again, but were you aware
12 at that time from your own general knowledge that the
13 public had concerns about the use of force by
14 police officers, particularly against black men?

15 A. No, no, I can't say I do.

16 Q. You weren't aware of any public concerns about that?

17 A. I was -- no, at this time, no.

18 Q. And in 2015?

19 A. I can't remember but no.

20 Q. So you didn't have any awareness about concerns of
21 situations that had occurred in England, or abroad, such
22 as America?

23 A. Oh, the -- (inaudible) it's ... I'm not sure what the
24 answer is, but there would have been the Lee Rigby type
25 incidents. Again -- and where we are in Scotland I've

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1 not had any real concern because I suppose up until then
2 we've never really had any incidents like that occurred
3 in Scotland, so it's not a thing that I've thought too
4 much about.

5 Q. We may have heard other evidence about whether there is
6 sufficient training or adequate training in relation to
7 incidents and events that occur in England or abroad and
8 whether that's shared with officers in Police Scotland.
9 Do you remember ever having had any training or guidance
10 given about these sorts of incidents happening
11 elsewhere, outwith Police Scotland, learning lessons
12 from other situations which have arisen?

13 A. I think some of the things at the time they changed
14 because we used to be single-crewed quite a lot and the
15 decision was made that officers now will be
16 double-crewed, so you've all got corroboration when you
17 go out to something so that if anything did happen, of
18 any nature, you're always going to have two officers
19 there so that if something does happen to one there's
20 another one there to help them, so you would stop going
21 to things single-crewed, every place we went was
22 double-crewed.

23 Q. So to protect the officers --

24 A. To protect the officers --

25 Q. -- in case something happened.

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1 A. -- in case something happened.

2 Q. But in terms of sort of general learning about other
3 incidents involving the use of force, or the use of
4 restraint by police officers in England, or in other
5 parts of the UK or abroad, do you feel that you were
6 being given information about that and guidance?

7 A. I don't know if we were. I don't know.

8 Q. But not something that you -- that was being emphasised
9 to you, to the extent that you can remember it today?

10 A. No.

11 Q. All right, thank you.

12 You have told us today about how the menu has
13 changed for people with certain dietary preferences or
14 requirements. You have told us about the -- well, maybe
15 you're not entirely clear about the number of minority
16 ethnic custodies you would have had at any one time.
17 Did you have a general understanding, either in your
18 role as a custody officer or in your role as a member of
19 the response team, of the black community in Kirkcaldy?

20 A. Kirkcaldy to my knowledge doesn't have a large black
21 community anyway, so I've had next -- very little
22 involvement with any black community.

23 Q. You were about to say -- were you about to say "next to
24 nothing" there or --

25 A. Yes, aye.

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1 Q. And is that either as witnesses, as suspects, as victims
2 of crime, or as custodies? Because you have told us you
3 have had some contact --

4 A. There's some contact. There is -- there has been a few
5 black people in custody, but they're very little --
6 we've had hardly any involvement with black people
7 because they don't have a big community in certainly
8 Kirkcaldy.

9 Q. And they have not crossed your path certainly in any
10 role?

11 A. Not very often. No, I mean I'll see people when I'm out
12 and about, if I go to the football, go to the ice
13 hockey, you will see people of different ethnicities,
14 but it's not on a day-to-day basis that you'd be seeing
15 people.

16 Q. So you have said not very often, not a day-to-day basis.
17 Can you help the Chair understand how regularly, or how
18 rarely you would come across someone from the black
19 community with any status?

20 A. Very rarely at all. Next to nothing. Potentially
21 shop -- if you go to the shop, shopkeepers, you will
22 have people of -- that own the shops, but that's about
23 it.

24 Q. Oh, right. And have you ever done any work with the
25 black community in Kirkcaldy?

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1 A. Me personally, no.

2 Q. Are you aware of any other officers in the response
3 team, or in Kirkcaldy Police Office generally doing any
4 work with the black community?

5 A. Not to my knowledge.

6 Q. Can I ask you as part of either your training or just
7 your general experience, are you aware of any
8 stereotypes about black people, either that black men
9 might be perceived as more likely to resist, or be less
10 compliant, or more likely to be violent?

11 A. No.

12 Q. Or more likely to be -- have superhuman strength or
13 size?

14 A. No.

15 Q. Those aren't assumptions, are they, that you would hold
16 about a black man?

17 A. No. No. Every person is just -- is a person.

18 MS GRAHAME: Could you just give me one moment, Constable
19 Geddes.

20 (Pause)

21 That concludes my examination.

22 LORD BRACADALE: Are there any Rule 9 applications, either
23 in the room or remotely? No.

24 Very well. Thank you very much, Constable Geddes,
25 for coming and giving evidence to the Inquiry. I will

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be rising in a moment and then you will be free to go.

The Inquiry will sit again on Thursday, 30 June at 2 pm. Please note it's 2 pm on Thursday, 30 June.

(The Inquiry adjourned until 2.00 pm on Thursday,
30 June 2022)

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PC BRIAN GEDDES (continued)1

Questions from MS GRAHAME1