

# Transcript of the Sheku Bayoh Inquiry

Thursday, 26 May 2022

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(10.00 am)

PC ASHLEY TOMLINSON (continued)

Questions from MS GRAHAME (continued)

LORD BRACADALE: Good morning. Ms Grahame.

MS GRAHAME: Thank you.

Good morning, PC Tomlinson.

A. Morning.

Q. Yesterday we were about to move on to the footage, so the evidence video timeline, and I'm going to start with that again this morning, and I'm going to play around one minute of footage.

A. Okay.

Q. So it will move by reasonably quickly, so it will be from 7.20.39 to 7.21.38, so it's just one second short of one minute, but we will just -- Ms Smith will get that onto the screen at the moment.

At the same time, could I ask you to look at your spreadsheet and I will just let you know what it is I'm going to ask you to be looking at. So this one minute spans from the bottom of page 3 of the spreadsheet to the top of page 5.

A. Okay.

Q. And if you start towards the bottom of page 3, you will see at 7.20.39 that's when the fish van stops at

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1 Hayfield Road?

2 A. Yes.

3 Q. And we have already seen that and we have gone through  
4 it, but you will see that. There's -- it looks like  
5 there's a person getting out of the driver's side.

6 I think yesterday you said that was yourself?

7 A. Yes.

8 Q. And then you will see that Paton's emergency button  
9 status is turned on at 7.20.42 and then it appears the  
10 person who exited the driver's side door on the smaller  
11 van, that's the fish van, moves around in front of the  
12 smaller van. Do you see that?

13 A. Yes.

14 Q. I think that's what you described to us yesterday that  
15 you were doing.

16 A. Yes.

17 Q. Then if we turn on to page 4 of the spreadsheet you will  
18 see at 7.20.46, that's the first line on page 4, it  
19 says:

20 "A person who had been standing at the rear of the  
21 larger police van ..."

22 We have been calling that the Transit or you called  
23 it the 19.

24 A. Mm-hm.

25 Q. "... moves and walks behind the smaller police van

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1           towards the direction of the roundabout."

2           Now, when we watch the footage I'm going to ask you  
3           if you can see that person, if you recognise who that  
4           was, or if you know who that was.

5           A. Okay.

6           Q. Now, that's one of the things I will be asking you, but  
7           I'm going to ask you these again when we finish. Then  
8           moving on to 7.20.50 you will see that there's an  
9           Airwaves transmission, it's apparently from  
10          PC Alan Paton, but it says "Inaudible" and I'm going to  
11          ask you to listen to that and maybe see if you can  
12          remember hearing it and remember what it said.

13          A. Yes.

14          Q. And then 7.20.52 you will see at that section the  
15          description of what we can see in the CCTV is that:

16                 "There is movement of persons visible through the  
17                 trees towards the grassy area adjacent to  
18                 Hayfield Road."

19          And I'm going to ask you if you can either identify  
20          who those were, or if you can see.

21          A. Yes.

22          Q. Then we will see the Stephen Kay Airwaves transmission  
23          and you will see the description of the CCTV:

24                 "Another person who has been near the rear of the  
25                 larger police van walks towards the smaller police van

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1 rear and then appears to pause momentarily."

2 And I'm going to ask you about that person as well.

3 A. Okay.

4 Q. Then we go on to 7.20.57:

5 "The persons who were at the grassy area visible  
6 through the trees appear to move backwards towards where  
7 the vehicles are."

8 I'm going to ask you about that. Then 7.20.58 to  
9 7.21:

10 "A person behind rear of smaller police van [that's  
11 the fish van] starts moving towards the larger police  
12 van. They are not passed by others."

13 And again I'm going to ask you if you can see that  
14 and tell me who that was.

15 Then 7.21.02 it says:

16 "There is an Airwaves transmission from PC Paton,  
17 'Officers injured PC Short male'."

18 I'm going to ask you if you recognise that voice and  
19 if it is in fact PC Paton.

20 Then 7.21.03 you will see that a number of persons  
21 appear behind the light coloured car that's stopped at  
22 the roundabout and at least one person appears to fall  
23 over to the ground near the pavement on Hayfield Road  
24 and again I'm going to ask you if you could see that  
25 person and recognise them.

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1           Then 7.21.03 to 7.21.13 you will see that there's  
2 a description there of:

3           "The car moves forward quite quickly towards the  
4 roundabout and appears to skid around the roundabout to  
5 face back towards Hayfield Road and at the same time  
6 this is happening it appears the persons near the  
7 pavement possibly stand again or are joined by other  
8 persons and there is some coming together and another  
9 fall towards the ground by one or more of the persons."

10           So that seems to be a second fall.

11       A. Mm-hm.

12       Q. And I will ask you about that. And then 7.21.14 to 17:

13           "A person can be observed moving at the rear of the  
14 smaller police van and moving towards the passenger side  
15 slowly."

16           And I will ask you who that is.

17           Then your emergency status button is turned on,  
18 that's 7.21.19, and then 7.21.21 is an Airwave by you  
19 and you will see that it says in the spreadsheet  
20 "Inaudible shouting" and I'm going to ask you a few  
21 questions about that, so if you listen to that, and then  
22 finally 7.21.34, again you will see an Airwaves  
23 transmission which is said to be inaudible, by you, and  
24 I would like you to help us understand what you were  
25 saying there.

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1 A. Mm-hm.

2 Q. And then you will see at the top of page 5 of the  
3 spreadsheet -- and this is the final moment -- 7.21.38,  
4 this is said to be PC Alan Smith:

5 "Control Bravo 1 officer has been punched to the  
6 back of the head. No obvious serious injuries. Male  
7 secure on the ground."

8 So although it is just one minute of footage those  
9 are the areas I'm going to be asking you about. So as  
10 we go through it I'm going to ask you to focus on the  
11 CCTV and what you can see there and you may find it  
12 helpful if we play that footage, that minute, twice.

13 A. Okay.

14 Q. And then you will see I'm going to ask you lots of  
15 questions about it.

16 A. Yes.

17 Q. Right. I'm going to ask Ms Smith to play that one  
18 minute so that's the period from 7.20.39 to 7.21.38, but  
19 it may be slightly before when we start, but that's  
20 absolutely fine.

21 (Video played)

22 We will listen to that entire message please.

23 (Video played)

24 Thank you very much.

25 PC Tomlinson, would it be helpful for you to see







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1 (Video played)

2 Thank you. You're nodding. Did you see that  
3 movement?

4 A. Yes, I have seen a movement. It's difficult to see  
5 because another tree is kind of unfortunately slap bang  
6 in the centre where we're looking. I would say that the  
7 person to the left of the tree, kind of where the video  
8 is paused just now, is probably Mr Bayoh, given the  
9 position, and you can see kind of movement to the right  
10 of the tree which I'm -- well, I would think would be me  
11 given my position, but I don't know who else would be  
12 there, if that makes sense.

13 Q. Do you want to have a look at it again?

14 A. Please, yes.

15 Q. Would that be best? So that's 7.20.52. If we get it  
16 close enough, that will be absolutely fine. That will  
17 be fine, thank you.

18 (Video played)

19 Thank you. Did that help at all?

20 A. Aye, I would think that was me.

21 Q. So Mr Bayoh to the left --

22 A. Yes.

23 Q. -- and you behind?

24 A. And me to kind of where the tree kind of splits into two  
25 with the branches and you can see the two sort of dots

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1           on the screen, I think it's Mr Bayoh to the left and me  
2           to the kind of right-hand side, but I can't identify  
3           anybody else in and around me. I know there's movement  
4           but I couldn't say who that was.

5       Q.   Okay, that's absolutely fine, thank you. And then  
6           I would like to look at 7.20.57 and the description in  
7           the spreadsheet says:

8                     "The persons who were at the grassy area visible  
9           through the trees appear to move back towards where the  
10          vehicles are."

11          And we're actually right on that second. It might  
12          actually be easier to go back a second or two if we may  
13          and we will show you that. That will be fine, thank  
14          you. So we're looking at 7.20.57. We will play it now.

15                                (Video played)

16          Thank you. And you saw -- did you see the people  
17          moving back the way towards Hayfield Road, away from the  
18          tree area?

19       A.   Yes. Could we play that again, is that all right?

20       Q.   Yes. 7.20.57. Thank you.

21                                (Video played)

22          Thank you.

23       A.   Having seen the movement of the figure to the right of  
24          that side of the tree, I don't know if that is me  
25          because I don't remember ever moving that far, if that

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1 makes sense.

2 Q. Who do you think it was?

3 A. I'm not sure. I wouldn't be able to say who that is but  
4 I thought it was initially me because of the way the  
5 figure was seen to be kind of standing but then as the  
6 video plays on I'm not actually sure if that is me.

7 Q. All right. And then I would like to look at the time  
8 period 7.20.58 to 7.21 and the description for that  
9 period is:

10 "The person behind the rear of the smaller police  
11 van starts moving towards the larger police van, not  
12 passed by anyone."

13 So I'm now going to ask you to focus your attention  
14 on the vans, if you don't mind, and we will play that  
15 period, 7.20.58 to 7.21. We're going to start at 55  
16 seconds.

17 (Video played)

18 Thank you. Did you see people moving between the  
19 vans?

20 A. Yes, I thought I seen two figures kind of moving from  
21 the small fish van towards the big 19 van. Neither one  
22 of those figures was me, but I wouldn't be able to say  
23 who they are.

24 Q. But neither was you?

25 A. Neither was me because I didn't move towards -- like

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1 I never went from the fish van towards the 19 van.

2 Q. Okay. And then can we go back to 7.21 and I'm going to  
3 ask you to play 7.21.02. We have heard this Airwaves  
4 transmission and we hear "Officers injured PC Short  
5 male" and I'm going to ask you just about that voice if  
6 we can listen to that again.

7 (Video played)

8 Thank you. Do you recognise that voice?

9 A. Yes, that's the voice of PC Paton.

10 Q. Thank you. And then can we go back to 7.21.03 and you  
11 will remember the description here in the spreadsheet  
12 describes:

13 "A car moving forward quite quickly towards the  
14 roundabout and appearing to skid around the roundabout  
15 to face back towards Hayfield Road. At the same time  
16 this is happening it appears the persons near the  
17 pavement possibly stand again or are joined by other  
18 persons and there is some coming together and another  
19 fall towards the ground by one or more of the persons."

20 Sorry, I have gone too far forward there. I should  
21 be on 7.21.03. I'm reading out the wrong thing. Sorry.  
22 7.21.03, so this is where we are on the footage, reads:

23 "A number of persons appear behind the light  
24 coloured car that's stopped at the roundabout and at  
25 least one person appears to fall over to the ground near

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1 the pavement on Hayfield Road."

2 So this is the first time in the spreadsheet there's  
3 mention of a fall.

4 A. Okay.

5 Q. And it says:

6 "A number of persons appear behind the light  
7 coloured car that's stopped at the roundabout and at  
8 least one person appears to fall over to the ground near  
9 the pavement on Hayfield Road."

10 So again, I'm going to ask you to look at the CCTV  
11 and I will ask you if you can identify anyone. And so  
12 that's 7.21.03.

13 (Video played)

14 And if we can stop that there. Now, we were right  
15 on 7.21.03. Do you want to go back and look at that  
16 again?

17 A. Please.

18 Q. Yes. Could we maybe go back to 7.21 or -- that's fine  
19 actually.

20 (Video played)

21 Thank you. Did you see that fall, or would you like  
22 to see it again?

23 A. No, I seen the initial fall and then what looks to be  
24 now a second fall just as we have kind of stopped that.

25 Q. Who is there?

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- 1           A. From my -- obviously my recollection the first fall  
2           would have been PC Short being struck and then falling  
3           to the ground. It's quite difficult to see on the  
4           actual footage because it's so grainy but I would be  
5           close by to the figure that's stood over, or seems to be  
6           standing up, and then, again from my recollection, the  
7           second fall would be the point at which Mr Bayoh has  
8           been taken to the floor so that would be myself and  
9           PC Walker.
- 10          Q. Can we look at that again please. We will just go back  
11          to 7.21, or close to 7.21.03. So you said you were  
12          close by.
- 13          A. Mm-hm.
- 14          Q. Where were you at that point? Were you visible on the  
15          CCTV, or were you behind the police van, one of the  
16          police --
- 17          A. I would have been behind -- I would have thought you  
18          would have seen me on the CCTV footage because  
19          I would -- as I say, when PC Short's been knocked to the  
20          ground, I would have been either running or like very  
21          close by, so I don't know if I can necessarily pick  
22          myself out on the CCTV.
- 23          Q. Well, let's watch that again for a moment, so we're  
24          watching for 7.21.03, but we're starting just prior to  
25          that.

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1 (Video played)

2 Can you see who is there at that time?

3 A. I can't, it's difficult to see, but I would say probably  
4 the figure standing on the left is potentially me. It  
5 is so hard to pick out because of the way that the  
6 video's blurred, but I don't know who the figure on the  
7 right is and I don't even know if that's a figure in the  
8 centre because of the way it's, again, sort of blending  
9 in with the back of the van but no, it's -- it would  
10 be -- aye, it would be a guess to try and pick out  
11 individuals.

12 Q. I'm just wondering if having seen this footage you  
13 wanted to change anything you said yesterday. You  
14 talked yesterday, as I understand it, of you being  
15 closer to Mr Bayoh when he was in the tree/grass area.  
16 He went past you towards PC Short.

17 A. Yes.

18 Q. Who was on the road.

19 A. Yes.

20 Q. And you came from the treed area, the grassy area --

21 A. Yes.

22 Q. -- towards where she had fallen.

23 A. Yes.

24 Q. So if you thought that was you standing on the right,  
25 that wouldn't seem to tie in --

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1 A. No --

2 Q. -- as my understanding of what you said yesterday?

3 A. No, that on the video can't be me on the right because  
4 I wouldn't have passed that point. So aye, what I said  
5 yesterday is what I remember but from this video it's  
6 confusing because it's not clear enough to really figure  
7 out what's going on.

8 Q. All right. So you can't explain what we can see here on  
9 the CCTV?

10 A. Not properly, no, it's -- it's not -- for me it's not  
11 clear enough to accurately give you a description of  
12 what I can see.

13 Q. Looking at that CCTV, how many people do you think are  
14 there?

15 A. I think three, but I don't know like -- see the figure  
16 on the right, I don't ever remember seeing anybody else  
17 so I don't know, like, what distance that figure would  
18 be kind of set back, but, aye, from that I think I see  
19 three people standing.

20 Q. Okay. But you're not able to provide an explanation,  
21 right.

22 We're going to carry on, so from 7.21.03 to 7.21.13.  
23 This is the lengthy description where there's the  
24 mention of the:

25 "... car moving forward quite quickly towards the





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1 Thank you.

2 (Video played)

3 Thank you. When you said you were behind, does it  
4 appear there's a person on the left and a person on the  
5 right there, as we look at the CCTV?

6 A. Yes, I mean it's difficult to see, but that's -- that's  
7 what I think.

8 Q. Which one would be you?

9 A. So if you're looking at the screen just now, I would be  
10 the one on the left because that would be where  
11 Mr Bayoh's legs are.

12 Q. And who would be on the right?

13 A. On the right would be PC Walker.

14 Q. And that -- so what we see there is Mr Bayoh being  
15 brought to the ground?

16 A. Yes.

17 Q. And if we could now look at -- we will just start from  
18 this point and we will continue to around 17 seconds.

19 (Video played)

20 Thank you.

21 Now, can I go back to the spreadsheet. You will see  
22 at 7.21.14 to 17 seconds it says:

23 "A person can be observed moving at the rear of the  
24 smaller police van [that's the fish van] and moving  
25 towards the passenger side slowly."



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1 further, so listening to that now -- now, yesterday we  
2 talked about your emergency status button going on and  
3 you suggested that you pressed the button and said  
4 "We're struggling to control, we need more units", but  
5 listening to that now do you want to maybe revise that  
6 answer?

7 A. No, so see the first time I have actually heard this  
8 audio is obviously through the Public Inquiry and it's  
9 never been disclosed to me before. I remember pressing  
10 the emergency button but hearing it has obviously  
11 allowed me to put myself back there, like mentally, and  
12 I remember pressing it and saying "We need more units,  
13 we're struggling to control", but when you listen to it  
14 obviously that's not coming through, just -- I wouldn't  
15 be able to say what I'm actually even saying here.  
16 I don't think you can make it out. I thought the first  
17 word actually that I could make out was the word "Thank  
18 you" but I wouldn't have been saying thank you, so yes,  
19 I don't know what I'm saying.

20 Q. All right. Then can we look at 7.21.34. We can maybe  
21 just play that. And again you will see on the  
22 spreadsheet that again that's an Airwaves transmission  
23 said to be by you but it's again marked as "inaudible"  
24 and I'm wondering if you can listen to it and tell us  
25 what you were saying this time.

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1 (Video played)

2 We will go back to that please, it's very brief, so  
3 it's 7.21.34. If it's easier to play it from an earlier  
4 moment, that's fine. 30, that's perfect, thank you.

5 (Video played)

6 Right, can you hear any of that? We can turn that  
7 off now, thank you.

8 A. I think I can hear -- well, I know it's my voice but  
9 I don't know what exactly I'm saying. I think the first  
10 word is "We're" but I don't know what the second word  
11 is.

12 Q. All right. Then we heard 7.21.38 which is the entry on  
13 the spreadsheet at the top of page 5, the very top, it  
14 says PC Smith, and by that stage the male is secure on  
15 the ground.

16 Now, I would like to go back to your Inquiry  
17 statement, please, if I may. And you have given  
18 a detailed number of pages regarding the restraint,  
19 paragraphs 30 to 43. That covers two and a half pages  
20 and yesterday we, I think, looked briefly at  
21 paragraph 30 and you started talking about the actions  
22 of PC Walker, wrestling Mr Bayoh to the ground, and you  
23 described it as being a dynamic movement.

24 A. Mm-hm.

25 Q. Do you remember? I would like to look at paragraph 31

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1           now please and we've got that on the screen, and it  
2           says:

3           "Due to the passage of time, I am unable to recall  
4           in great detail the body positions of Mr Bayoh. During  
5           the initial restraint, my recollection is that he was in  
6           the prone position."

7           A. Mm-hm.

8           Q. "I do not know how long Mr Bayoh was in this position  
9           and to state a time would be guesswork and this is both  
10          unprofessional and unhelpful in terms of the public  
11          enquiry. I do recall that due to the level of  
12          resistance being issued by Mr Bayoh his body position  
13          changed several times. Mr Bayoh was able to take  
14          a bench press type position and lift himself from the  
15          ground whilst attempts were being made to restrain him  
16          by PC Walker and I."

17          Now, you say there that he was in the prone  
18          position?

19          A. Yes.

20          Q. And as I understand the definition of prone, that's  
21          lying flat, especially face downwards?

22          A. Yes.

23          Q. And there may be some questions as to whether that  
24          differs from the demonstration you gave us yesterday, so  
25          this is at the point that PC Walker has brought Mr Bayoh

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1           to the ground and Mr Bayoh is on the ground at that  
2           point?

3        A.   Yes.

4        Q.   And so what was your -- when you used the words "He was  
5           in the prone position" in paragraph 31, what was your  
6           understanding of that word "prone"?

7        A.   That he was lying on the ground, but like sort of face  
8           down, if that makes sense.

9        Q.   So that was your understanding as well?

10       A.   That would be my understanding, yes.

11       Q.   And you say the position changed a number of times?

12       A.   Yes, so that position is obviously the position that  
13           initially would have been I suppose the fall position,  
14           if I could call it that, but then that -- because of  
15           Mr Bayoh struggling, that position very quickly changed,  
16           like almost instantly, from being flat on the ground to,  
17           as I kind of demonstrated yesterday, having like that  
18           (indicating) and being able to lift himself up and that  
19           was the opportunity for me to try and take control of  
20           the rest. I don't know how long that all took because  
21           it seemed to -- in my mind it just seemed to last  
22           forever, but I know in reality it was going very fast.

23        Q.   So at the point that you were straddling his legs --

24        A.   Yes.

25        Q.   -- which you demonstrated yesterday, that was when he

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- 1           had his right-hand palm down --
- 2       A.   Yes.
- 3       Q.   -- on the ground.  Up until then he had been prone,
- 4           flat?
- 5       A.   I don't know if he had been --
- 6       Q.   Initially flat?
- 7       A.   Aye, initially flat, but because as I said my initial
- 8           focus was on Mr Bayoh's legs and delivering kind of the
- 9           strikes to the Achilles area so I wasn't paying
- 10          attention to what his upper body was doing, so his legs,
- 11          and then obviously when I've got on his legs and
- 12          straddled them, that's obviously when I have seen what
- 13          I believed was an opportunity to take control of
- 14          a wrist, so at that point when I have obviously glanced
- 15          up he's not been in what I would describe as the prone
- 16          position, he's been in like a press-up style position,
- 17          like that (indicating) so that's what I have tried to
- 18          use to gain some control by putting a handcuff on and
- 19          that would be on the right wrist.
- 20       Q.   Right.  And you mentioned a press-up.  I did want to ask
- 21          you about the phrase "Mr Bayoh was able to take a bench
- 22          press type position and lift himself from the ground
- 23          whilst attempts were being made to restrain him by
- 24          PC Walker and I."
- 25       A.   Mm-hm.



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- 1 Q. Now, when you wrote "a bench press position", what was  
2 your understanding of that?
- 3 A. Like I suppose for me a bench press and a press-up  
4 position are interchangeable. It's the same movement.  
5 So you would lie on a bench and you would bench press in  
6 the gym, so it would be like that, or a press-up  
7 obviously you're lying like that (indicating) but again  
8 it's the same movement, the pushing out of the arms.
- 9 Q. That may be clear. Could you maybe demonstrate both  
10 positions for us.
- 11 A. Yes.
- 12 Q. There may be some issue about what you're talking about.
- 13 A. Okay.
- 14 Q. So I will just ask you to come out and first of all do  
15 a press-up position please.
- 16 A. Yes. (Inaudible - too far from microphone).
- 17 Q. So you're face down with both hands palm flat on the  
18 ground?
- 19 A. Yes.
- 20 Q. Could you now demonstrate a bench press position?
- 21 A. (Inaudible - too far from microphone).
- 22 Q. And you're lying on your back and your arms are moving  
23 vertically upwards away from your chest?
- 24 A. Yes.
- 25 Q. Normally there would be a weight, a bar with weights at

## Transcript of the Sheku Bayoh Inquiry

1           either end. Thank you, that's very clear.

2           So you have used both references today when we were  
3           talking. So when you said in paragraph 31 he was taking  
4           a "bench press type position [lifting] himself from the  
5           ground whilst attempts were being made to restrain him",  
6           do you mean a bench press type position or a press-up  
7           type position?

8           A. It would be a press-up type position. The bench  
9           press -- what I have probably tried to describe there,  
10          or what I have tried to describe there is the movement  
11          of the arms and they're kind of coming from that  
12          position to that position, that's what I'm trying to  
13          describe is that kind of movement.

14          Q. And we may have heard and we may also hear from others  
15          talking about a press-up type position.

16          A. Yes.

17          Q. Is it fair for me to say that you're talking about the  
18          same sort of thing?

19          A. Yes, I mean mostly I go to the gym, I would probably use  
20          them as interchangeable kind of -- I know they're not  
21          interchangeable and obviously one is on the back and one  
22          is on the front but what I'm trying to get at there is  
23          the movement of solely the arms.

24          Q. There's weight trainers all around the world screaming  
25          at the moment.

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Probably.
- 2 Q. So you have talked about "attempts ... being made to  
3 restrain him by PC Walker and I", so was this at the  
4 point he is doing the press-up point position, this is  
5 at the point that you and PC Walker are trying to  
6 restrain him, restrain him to the ground?
- 7 A. Yes.
- 8 Q. Was there only the two of you at this moment?
- 9 A. That I can remember, yes. There was -- I felt like it  
10 was just me and PC Walker.
- 11 Q. Do you remember PC Paton being there?
- 12 A. No.
- 13 Q. No. Is it possible that PC Paton was also there?
- 14 A. I mean I -- PC Walker's back was blocking my position.  
15 I don't ever remember him being there, so I mean it's  
16 possible but again, I don't think I could answer that  
17 because I couldn't actually see past.
- 18 Q. So if the Chair has heard that Mr Bayoh was doing  
19 a press-up with three officers attempting to restrain  
20 him, that's possible but you don't recollect it?
- 21 A. I don't -- no. It's possible but I don't have that  
22 recollection.
- 23 Q. Thank you. How were you trying to restrain Mr Bayoh at  
24 the time he was trying to do his press-up type position?
- 25 A. So it's kind of as I described yesterday. So that's

## Transcript of the Sheku Bayoh Inquiry

1 obviously the position of his right arm (indicating), so  
2 my attempt to restrain would have been to take my left  
3 hand, go around the wrist in a kind of C motion so  
4 you've got that control (indicating) to the movement of  
5 the wrist, and that would allow me my hand -- my  
6 right-hand free because on my right-hand side of my  
7 utility belt is where my handcuffs are positioned, so  
8 once I have taken control and tried to pull that wrist  
9 and the arm back so I can come round and it would be  
10 that motion so I wasn't getting tangled up and put the  
11 top cuff on, onto the wrist, and that would allow me  
12 then to click that in and then bring the arm around and  
13 try and secure in a rear stack.

14 Q. So as you were gripping his right wrist, was his back  
15 pushed up off the ground?

16 A. Well, aye, it must have been because he was -- the way  
17 his -- the way his arm was, he wouldn't have been flat  
18 to the floor because that allowed me to get kind of in  
19 and grab.

20 Q. And when you were trying to grab his right wrist, where  
21 was your left arm?

22 A. So it would have been -- so if you've got that, just  
23 over the top but like grabbing.

24 Q. Where was your elbow?

25 A. My elbow? It would have been straight because

## Transcript of the Sheku Bayoh Inquiry

1 I couldn't -- like, see, to bend my elbow I would have  
2 been off-balance and I would have been falling forward  
3 whereas if I've got that and I've got a straight elbow  
4 it gives me stability because that hand is on the  
5 pavement so I can use that as obviously my base, if that  
6 makes sense, so straight and then it allows me to come  
7 in.

8 Q. So had you leaned over the top of Mr Bayoh's arm, or  
9 under, between his arm and his body?

10 A. I think it would have probably been -- it wouldn't have  
11 been over, it must have been under because I don't think  
12 I had enough reach to get round.

13 Q. So between his arm and his body towards the ground?

14 A. Yes. When you do that there's obviously a natural space  
15 created there and that would have been -- so if you can  
16 imagine this hand not coming from this side but coming  
17 from behind it would have been like that (indicating)  
18 and then to try and pull back.

19 Q. And you were straddling his legs at that time?

20 A. Yes.

21 Q. So what of your weight was on Mr Bayoh?

22 A. Not very much because where I'm grabbing, probably a lot  
23 of my weight was on his wrist to try and -- because  
24 I would have been having to lean as well, you know like  
25 lean across to get that, so my weight would have been

## Transcript of the Sheku Bayoh Inquiry

- 1           primarily on my knees through my hand and then --
- 2       Q.   So you have talked about being on your knees.
- 3       A.   Yes.
- 4       Q.   And you have talked about grabbing his right wrist --
- 5       A.   Yes.
- 6       Q.   -- with your -- you're demonstrating with your left
- 7           hand.
- 8       A.   Mm-hm.
- 9       Q.   So where was the weight of your body, your hips, your
- 10           torso?
- 11      A.   It would have been primarily going through my own knees
- 12           because --
- 13      Q.   Even when Mr Bayoh was pressing up to try and lift his
- 14           body off the ground?
- 15      A.   Yeah, I mean I can't imagine I would put that much of my
- 16           own weight. It probably wasn't the most stable position
- 17           for me to be in, which is why I obviously subsequently
- 18           lost balance when he flicked his legs and that jerking
- 19           movement has caused me then to lose my grip of the
- 20           handcuffs.
- 21      Q.   And what level of force -- can you describe the level of
- 22           force you were using to try and grab his right wrist
- 23           whilst balancing on your knees and leaning through with
- 24           your left hand?
- 25      A.   I was trying to pull -- I was trying to pull the wrist

## Transcript of the Sheku Bayoh Inquiry

1           back and I thought I was using like enough force to do  
2           that but it would have just been through my like -- just  
3           the strength of my bicep muscle, trying to pull back,  
4           but that wasn't enough force to pull back. His hand was  
5           just going kind of --

6           Q. So you don't think you were using any force from your  
7           leg muscles or your back, just from your bicep?

8           A. I don't know how I would use my leg or my back to pull  
9           with my arm.

10          Q. Okay. Did you consider shouting to someone to get an  
11          ambulance?

12          A. At that point I didn't have any opportunity even to do  
13          that. When I have tried to obviously shout on the radio  
14          I thought my messages came through saying "More units".  
15          Obviously from the transmission it's not come through  
16          but at that point there was nothing to suggest we needed  
17          an ambulance. We were still in the process of trying to  
18          control him.

19          Q. Okay. And you were in the process of trying to control  
20          him and that was you and at least PC Walker?

21          A. Yes.

22          Q. Now, in paragraph 33 you say:

23                 "I am unable to say without guessing exactly how  
24                 much weight I applied to Mr Bayoh. My body position was  
25                 on [his] legs and as such the weight and force I applied

## Transcript of the Sheku Bayoh Inquiry

1           would have been focused in this area. It would have  
2           been physically impossible for me to apply all my body  
3           weight to Mr Bayoh given the positions I have described  
4           in point 32. Due to the passage of time I am unable to  
5           say how long I applied restraint to Mr Bayoh.

6           "I am aware from my recollection that Mr Bayoh had  
7           handcuffs applied. I do not recall who applied the  
8           handcuffs or to whom the handcuffs belonged. Due to the  
9           passage of time, I am unable to recall with detail the  
10          way in which Mr Bayoh's handcuffs were applied."

11          So you have talked to us about your handcuffs  
12          bouncing away out of reach.

13          A. Yes.

14          Q. So at some point someone else has produced handcuffs --

15          A. Yes.

16          Q. -- and applied them, is that right?

17          A. Yes, that's correct.

18          Q. But you don't remember who that was?

19          A. No. I was, I think I was surprised actually we had even  
20          managed to -- I say "we" -- that handcuffs had even been  
21          applied. I just remember losing my handcuffs and then  
22          being aware that he now had handcuffs on.

23          Q. Was it PC Walker, as far as you could tell?

24          A. I don't know who it would have been.

25          Q. So had other officers arrived at the point of the



## Transcript of the Sheku Bayoh Inquiry

- 1           handcuffs being applied?
- 2           A. I don't know because basically -- you see when I lost my  
3           handcuffs my focus then was on trying to control his  
4           legs, so I wasn't actually then paying that much  
5           attention and I was trying to actually shout up for more  
6           units. I hadn't -- I mean when you look at the CCTV  
7           I think probably when I have shouted that up they may  
8           already have been there, or certainly the Airwaves  
9           transmissions would suggest that but as I say, it felt  
10          like we were there on our own and it was lasting  
11          forever.
- 12          Q. Okay. Can we look at the next paragraph, paragraph 35:  
13                 "Mr Bayoh was making continued efforts to break free  
14                 from the restraint and using his strength to lift myself  
15                 and PC Walker upwards."  
16                 So at that time he was using his strength to lift  
17                 both you and PC Walker upwards, away from the ground?
- 18          A. Yes.
- 19          Q. And how was he managing to do that?
- 20          A. Just with the kind of like -- the bench press -- the  
21                 press-up position.
- 22          Q. The press-up?
- 23          A. Aye.
- 24          Q. Right?
- 25          A. And where my position was on his legs, you can still --

## Transcript of the Sheku Bayoh Inquiry

1           even with that kind of restraint you can still get  
2           lifted up by a person's legs just because your legs are  
3           quite strong muscles, so actually you do get lifted up,  
4           so that's what I remember feeling, being -- the feeling  
5           of being like moved away from the ground and lifted up.

6           Q. Now, earlier when we looked at paragraphs 33 and 34 you  
7           were talking about the handcuffs being applied?

8           A. Mm-hm.

9           Q. When we're looking at paragraph 35 and Mr Bayoh using  
10          his strength to lift you and PC Walker upwards, were the  
11          handcuffs applied at that moment, or was this -- were  
12          the handcuffs after this moment?

13          A. I couldn't say -- I couldn't say with any degree of  
14          accuracy. I just remember the continued like resistance  
15          to like us trying to restrain him, so I don't know  
16          exactly at what point the handcuffs had been on. The  
17          first I became aware of the handcuffs being on was  
18          obviously when the other units were there but I don't  
19          know exactly what point the handcuffs were applied.

20          Q. Can I look at paragraph 39 please, so this is towards  
21          the bottom of that page and it says:

22                 "During the restraint, I recall that PC Alan Smith  
23                 attempted to apply a fast strap (leg restraint) to  
24                 Mr Bayoh. I am aware of this because I recall my leg  
25                 being pulled backwards and felt pressure being applied

## Transcript of the Sheku Bayoh Inquiry

1           as if it was being gripped or wrapped. I recall being  
2           confused about what was going on and shouting in the  
3           direction of PC Smith someone had grabbed my leg having  
4           mistaken it for that of Mr Bayoh's. I was aware other  
5           officers had arrived during the restraint but my focus  
6           was on trying to maintain control of Mr Bayoh's legs.  
7           Due to the passage of time, I am unable to recall in any  
8           further detail what individual officers were doing."

9           A. Mm-hm.

10          Q. "I was aware PC Walker was also carrying out restraint  
11          of Mr Bayoh."

12                 So I think you mentioned leg restraints yesterday.

13          A. Yes.

14          Q. And are fast straps the same as leg restraints?

15          A. Yes, again probably just an interchangeable term, yes.  
16                 I would just call them fast straps.

17          Q. Right. And it was PC Smith that was attempting to apply  
18          the fast straps?

19          A. As I recall, yes.

20          Q. So he had arrived at this point?

21          A. Yes. I don't know when he had arrived. I just remember  
22          being aware of PC Smith, as I say, when my leg was  
23          grabbed, because I didn't actually know who had grabbed  
24          it, what was going on, and I remember being really  
25          confused because I had no idea why my leg was now being

## Transcript of the Sheku Bayoh Inquiry

- 1           like grabbed.
- 2           Q. You have described your position. You have described
- 3           PC Walker's position. Where was PC Smith in relation to
- 4           both of you?
- 5           A. So when -- you mean when my leg was grabbed?
- 6           Q. When he arrived and you have talked about him attempting
- 7           to put on the fast straps.
- 8           A. So the first I have been aware obviously of PC Smith is
- 9           when my leg's been grabbed and then I've kind of looked
- 10          around as I have been shouting "Someone's got my leg",
- 11          so PC Smith would have been at the feet area, so behind
- 12          my leg and towards the feet.
- 13          Q. So by this stage you are not simply straddling Mr Bayoh
- 14          with your knees --
- 15          A. No.
- 16          Q. -- you have moved into the next position --
- 17          A. Yes, I've moved into the next -- yes.
- 18          Q. -- which you demonstrated yesterday with your legs to
- 19          the side.
- 20          A. Yes, so you would splay your legs out to give you more
- 21          balance, otherwise you become again unbalanced, so
- 22          I tend to kick one leg forward and then bend one leg and
- 23          then that gives you a greater kind of like surface area
- 24          contact with the road, and it stops you getting like
- 25          moved about as much.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And that's what you demonstrated yesterday?
- 2 A. Yes.
- 3 Q. So it was at that point that PC Smith has arrived, or --
- 4 A. Yes.
- 5 Q. -- you're aware of him, and you're aware of him trying  
6 to apply fast straps?
- 7 A. Yes, but the fast straps I think initially were being  
8 applied to me.
- 9 Q. Right. Well, you have said -- you have used the words  
10 your legs were "gripped or wrapped" -- sorry "my leg  
11 being pulled backwards and [I] felt pressure being  
12 applied as if it was being gripped or wrapped". What  
13 does that mean?
- 14 A. So like the grip -- I wasn't sure if it was -- so see  
15 when you apply fast straps you have to wrap them round  
16 and you basically wrap them round tightly, but  
17 I couldn't figure out if it was the wrapping I could  
18 feel or whether someone had come across and grabbed --  
19 when I refer to my leg I actually probably mean my ankle  
20 more, so it's like that (indicating). I remember  
21 feeling that getting grabbed.
- 22 Q. So it was one ankle that got grabbed?
- 23 A. Yes.
- 24 Q. And you may have felt the wrap, as in the leg strap, the  
25 leg restraints, being applied, the fast straps?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes, I don't know if it was just simply the grab or the  
2 leg restraint.

3 Q. I wonder if you could look at some fast strap leg  
4 restraints please. Do these look familiar to you?

5 A. Yes. They're normally in a little pouch. I think  
6 yesterday I kind of described having them docked here  
7 (indicating) on my body armour. They wouldn't normally  
8 come out like this either because they're all now  
9 tangled up.

10 Q. Sorry.

11 A. No, that's all right. The way I store them is -- so  
12 they're effectively a long strap, Velcro, hooks on one  
13 side and loops on the other, and you tend to either have  
14 it rolled up in a way that all the hooks are on the  
15 outside for both straps, otherwise you end up in  
16 a situation where you then --

17 Q. Stick together?

18 A. Yes. So the idea is once they're wrapped -- once  
19 they're wrapped, if they're wrapped in the packet like  
20 that (indicating) so all the straps -- all the hooks are  
21 to one side, what it allows you to do is very quickly  
22 open and then you would -- I don't know how to  
23 demonstrate it, but you would effectively then like wrap  
24 them and so in naturally doing that the hooks then meet  
25 the loops and it sticks together.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Would you find it easier if you came out into the middle  
2 and maybe put your legs out in front of you yourself and  
3 demonstrated for the Chair and the Assessors?
- 4 A. Yes, I can do that.
- 5 Q. Thank you. Remember, I will have to speak for the audio  
6 to be picked up.
- 7 A. Okay.
- 8 Q. Just really as a demonstration for the Chair and the  
9 Assessors -- so you are sliding them underneath your own  
10 legs. Is the smooth side touching your trousers?
- 11 A. It doesn't really matter which side. I have just done  
12 that because it's sticking to the carpet (Inaudible -  
13 too far from microphone) stick on my trousers. It would  
14 then ... (indicating).
- 15 Q. So they're quite -- they stick together quite  
16 effectively?
- 17 A. Yes, they stick together so that is -- that is me now.
- 18 Q. And that ties someone's legs together?
- 19 A. Yes.
- 20 Q. So they're slid under the legs and wrapped round the  
21 legs?
- 22 A. Yes.
- 23 Q. And that's the -- that's the sensation that you felt,  
24 was it, when it was --
- 25 A. (Inaudible - too far from microphone).

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. -- your leg was -- your ankle was gripped or wrapped?
- 2 A. Yes.
- 3 Q. Thank you. Come back to the microphone please.
- 4 Could we briefly look at PIRC 263, page 5,
- 5 paragraph 6. I think in your PIRC statement, so that's
- 6 page 5, paragraph 6, the one that begins "The
- 7 ambulance", there we go. I think you say that the fast
- 8 straps were to his lower knee. Let me just see if I can
- 9 find that position. Yes, so it's line 10 of that
- 10 paragraph, so that's the paragraph beginning "The
- 11 ambulance had already arrived ...".
- 12 A. Yes.
- 13 Q. And it is line 10, so it's just three up from the
- 14 bottom -- sorry, slightly further up than that:
- 15 "We put him onto a stretcher on his back still
- 16 handcuffed to the front and one fast strap to his lower
- 17 knee."
- 18 A. Mm-hm.
- 19 Q. So is that the position that the fast straps had been
- 20 applied, that you could see?
- 21 A. Yes, I mean if that's -- I don't remember now where they
- 22 were applied but if that's what I said in my statement,
- 23 that's where they have been applied.
- 24 Q. Did you have two fast straps in front of you but you
- 25 used one on yourself?



## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, just -- I couldn't like -- I'm not flexible enough  
2 to get like further down.
- 3 Q. No, absolutely no problem. What I meant was the one you  
4 used, that was one fast strap?
- 5 A. Yes, sorry, that was just one fast strap.
- 6 Q. Thank you.
- 7 A. You could link them together, like, if you've got an  
8 individual that's particularly large.
- 9 Q. So they stick to each other as well as sticking to  
10 things?
- 11 A. They can stick to each other, yes, you could make  
12 a longer strap as well, but that in instance we just  
13 used the straps individually.
- 14 Q. Thank you. That can be taken off the screen.  
15 So once the handcuffs are applied and then the fast  
16 strap or fast straps are applied, was it at that point  
17 that the officers had control of Mr Bayoh?
- 18 A. Yes, effectively.
- 19 Q. Now, we have heard that you pressed your emergency  
20 button at 7.21.19.
- 21 A. Mm-hm.
- 22 Q. And I just want to be clear, what were you doing -- what  
23 position were you in when you pressed your emergency  
24 button?
- 25 A. So I had gone from -- my recollection is I had gone from

## Transcript of the Sheku Bayoh Inquiry

1           the straddle position to the like lying --

2       Q.   The lying?

3       A.   The kind of lying across because what that does is it

4           allows me obviously to balance but then use my free hand

5           to push and then I can then brace myself like that

6           (indicating), but it also -- being in that position it

7           does allow me to use my hand to access my radio, if,

8           you know, if I needed to use it.

9       Q.   So Mr Bayoh was already on the ground by the time you

10           pressed your emergency button?

11      A.   Yes.

12      Q.   How long had he been on the ground by the time you

13           pressed that button?

14      A.   I don't know.

15      Q.   Right.  Can you give us an estimate?

16      A.   As I say, for me it felt like we had been there forever,

17           but I don't know.  We were talking maybe seconds, but

18           that would just be a guess.

19      Q.   All right.  I don't want you to guess.

20      A.   No, that's the thing, I couldn't say with any accuracy.

21      Q.   Right.  How long after you pressed your emergency button

22           did you remain over Mr Bayoh's legs?

23      A.   Until the fast straps had been applied.

24      Q.   And once they had been applied, what did you do?

25      A.   So I then went to basically the side, so like if

## Transcript of the Sheku Bayoh Inquiry

1           Mr Bayoh was lying I would then have gone to the side,  
2           I don't know if it was left or right, but I've got to  
3           a side so that when we roll Mr Bayoh onto his side that  
4           gives me access then to, 1, assist in the rolling and  
5           then, 2, to then carry out a search.

6           Q. So you get off his legs?

7           A. Yes.

8           Q. He is then rolled to the side?

9           A. Yes.

10          Q. Which side was he rolled onto?

11          A. I think left because -- I would need to maybe refer back  
12          to my original statement. Whatever side it was on,  
13          I searched the pocket of the opposite side.

14          Q. Right and when you say you searched the pocket, what  
15          were you looking for?

16          A. A knife.

17          Q. What did you find?

18          A. Chewing gum and -- so that was in -- I think it was  
19          his -- from what I remember I think it was in his  
20          right -- like right -- that pocket (indicating),  
21          whatever you would call that pocket, right trouser  
22          pocket, and there was also a gold mobile phone, but  
23          I don't --

24          Q. Where was that?

25          A. But I don't remember the mobile phone coming out of

## Transcript of the Sheku Bayoh Inquiry

1 a pocket. I remember it being already out so I wasn't  
2 sure if it was Mr Bayoh's or if it was like a member of  
3 the public, or if it was one of the cops' phones.

4 I just remember I think it was gold.

5 Q. Okay. Did you find any knife?

6 A. No, but I didn't also have time to search the opposite  
7 side.

8 Q. So he was on one side and you searched the pocket on the  
9 opposite side?

10 A. The opposite side, yes.

11 Q. The side that was exposed?

12 A. The side that was exposed, yes, so it gives me  
13 an opportunity to carry out a search.

14 Q. Now, can we look at paragraph 44 of your statement  
15 please. This says:

16 "Due to the passage of time my recollection as to  
17 the exact point Mr Bayoh lost consciousness is no longer  
18 clear. From my recollection, Mr Bayoh was handcuffed to  
19 the front in a palm to palm position wearing leg  
20 restraints."

21 So this is the point at which the handcuffs and the  
22 leg restraints are on?

23 A. Yes.

24 Q. "I recall Mr Bayoh was on his side having been searched  
25 for possession of a knife."

## Transcript of the Sheku Bayoh Inquiry

- 1                   That was by you?
- 2       A.   Yes, that was by me, yes.
- 3       Q.   "At this time I would have been somewhere near
- 4           Mr Bayoh's legs.  As soon as it was recognised Mr Bayoh
- 5           had lost consciousness, CPR was carried out immediately.
- 6           I did not continue to restrain Mr Bayoh at this time,
- 7           however I remained vigilant to the fact he could regain
- 8           consciousness and may need to be restrained again if he
- 9           continued resisting his arrest."
- 10      A.   Yes.
- 11      Q.   I'm interested in when he stopped moving.
- 12      A.   Mm-hm.
- 13      Q.   So you describe him being moved onto his side?
- 14      A.   Yes.
- 15      Q.   Had he stopped moving prior to being moved onto his
- 16           side?
- 17      A.   No, I don't think so.  So like the leg restraints being
- 18           applied to the legs because that's the area I was at,
- 19           immobilised the legs, so for me the legs had obviously
- 20           stopped thrashing about to the extent that they were
- 21           initially, but I wasn't obviously at the up -- like the
- 22           upper half of Mr Bayoh, so I couldn't say the point at
- 23           which obviously he lost consciousness.
- 24      Q.   So you don't remember when he lost consciousness?
- 25      A.   No.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Do you remember when he stopped moving?
- 2 A. No.
- 3 Q. Or stopped struggling?
- 4 A. No because it all happened -- like I said, the restraint
- 5 all happened so quickly and we were in so many different
- 6 positions, it's difficult to like pick out exactly when.
- 7 Q. Looking back now, was your impression that he had lost
- 8 consciousness before he was turned on his side or after?
- 9 A. After.
- 10 Q. After. Why do you say that?
- 11 A. Because -- I'm sure that an officer, I can't remember
- 12 who and again I would have to rely on my original
- 13 statement, I'm sure someone was checking because there
- 14 was an officer at the head, you know, checking that.
- 15 Q. Who was that?
- 16 A. I want to say it was PC Smith.
- 17 Q. We may hear that PC Paton was towards the head of
- 18 Mr Bayoh.
- 19 A. Aye, I know there was an officer at the head. I thought
- 20 it was PC Smith but I could be mistaken on that.
- 21 Q. But you say:
- 22 "As soon as it was recognised Mr Bayoh had lost
- 23 consciousness ..."
- 24 A. Mm-hm.
- 25 Q. So how soon was it that it was recognised he had lost

## Transcript of the Sheku Bayoh Inquiry

1           consciousness after he was turned on his side?

2           A. Again I don't know. I wouldn't -- it would be a guess  
3           if I kind of gave an answer.

4           Q. And who started CPR?

5           A. From what I remember, I think it was PC Walker, I think.

6           Q. Okay. And again can we look briefly at your PIRC  
7           statement, page 5, this time it's paragraph 2, and it  
8           says:

9                       "Craig Walker started CPR. Alan Paton and  
10           Alan Smith tried to apply the mouthpiece which would  
11           allow them to give breaths. They couldn't manage to get  
12           it in properly. I think they were carrying out SPELS  
13           30/2, but Alan Smith got contaminated with something  
14           from the man and rinsed out his mouth with his hand  
15           sanitizer before getting a glass of water from  
16           a resident nearby. Craig and Alan Paton did the CPR  
17           between them and they were getting tired. I heard Craig  
18           mention that there were broken ribs from the CPR he  
19           heard breaking."

20                      Now, this isn't mentioned in your Inquiry statement  
21           but is it fair -- yesterday you told us your memory was  
22           fresher when you gave this statement to PIRC on  
23           4 June --

24           A. Yeah.

25           Q. -- 2015, so would this paragraph be correct?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, to the -- aye.
- 2 Q. And would the -- if the Chair is looking at this, should  
3 he prefer this statement?
- 4 A. He should prefer my original statement, yes, because it  
5 was fresh in my mind at the time.
- 6 Q. Right. So do you -- reading that now, that paragraph,  
7 do you remember this happening?
- 8 A. No, not really.
- 9 Q. No. Tell us what SPELS is.
- 10 A. So SPELS is -- I can't remember what actually the  
11 acronym stands for but it's basically like you're --  
12 I think it might actually stand for Scottish Police  
13 Emergency Life Saving, or Life Support or something.  
14 It's basically something I would refer to as first aid,  
15 like the first aid we get taught, and that includes  
16 obviously like placing bandages on people, tourniquets,  
17 treating them if somebody goes into shock, finding out  
18 body positions and things like that to put people in the  
19 recovery position, and the reference to 30/2 at the back  
20 of that is when you carry out CPR, so it's 30 chest  
21 compressions to two breaths, so that's what I mean when  
22 I say 30/2.
- 23 Q. Right and then there was an issue with PC Smith.
- 24 A. Mm-hm.
- 25 Q. We have not heard from PC Smith yet, although we should



## Transcript of the Sheku Bayoh Inquiry

1           be hearing from him soon. And you say:

2           "I heard Craig mention that there were broken ribs

3           from the CPR he heard breaking."

4        A. Yes.

5        Q. So do you remember that?

6        A. Having read this, again I can't remember. This is

7           obviously fresh in my mind at the time, but like this

8           part of it now looking back I can't really remember.

9           But Craig wouldn't have been saying it like to me. He

10          would have been saying it to the other officer carrying

11          out CPR, but I don't know who that -- Alan Paton, sorry.

12        Q. Well, we have heard that Alan Smith was involved with

13          CPR.

14        A. Okay. So aye, they would have been communicating with

15          each other.

16        Q. Right, okay. At this point in time when CPR is being

17          performed, do you remember where PC Paton was?

18        A. No.

19        Q. Right. Where were you?

20        A. I think I was near Mr Bayoh's legs, or stood up near his

21          legs, like I was either kneeling down near his legs or

22          stood up near his legs.

23        Q. Right. We will come back to that, but I would quite

24          like to -- I will stay with this statement for the

25          moment please and I would like to go back to page 3. We

## Transcript of the Sheku Bayoh Inquiry

1           looked at some of that yesterday.

2           A.   Okay.

3           Q.   I would like to look at the final paragraph.  I'm going  
4           to read a number of paragraphs from the bottom of page 3  
5           onto page 4, so if you have the copy in front of you or  
6           you can see it on the screen, I'm going to read it all  
7           and then I'm going to ask you some questions, if that's  
8           okay.  So we will start at the bottom of page 3:

9                        "I struck him with my baton once to his head.  It  
10           was to the left hand side to his head, diagonally from  
11           the back of the head to his jaw.  He stopped stomping on  
12           Nicole at that point.  I think I hit him again which was  
13           about 2 or 3 times in total to the head area.  He turned  
14           around and took up a boxing sort of stance, with both  
15           fists clenched in at his chest.  I thought he was going  
16           to attack me again so I struck him 2 or 3 times with my  
17           baton to his arms.  At that time I thought he was trying  
18           to kill me now after killing Nicole.  Craig Walker came  
19           in at this point and grabbed the man like a bear hug and  
20           wrestled him to the floor.  Craig was trying to control  
21           his arms so I tried to get a hold of his legs, which  
22           were kicking out in the air.  I struck the back of his  
23           legs at his achilles area a few times but he didn't stop  
24           and it failed to control him.  I threw my baton to one  
25           side and jumped on the legs to try to control him.

## Transcript of the Sheku Bayoh Inquiry

1           "The man was face down, Craig was on his back trying  
2           to control him and I was on his upper thighs straddled  
3           over him trying to control his legs and facing his head.

4           "He started to bench press both of us and was  
5           incredibly strong. I tried to pull his right arm to  
6           stop him doing this and he started to pull me in. He  
7           was overpowering us and we were struggling to keep him  
8           on the floor. I would say Craig is about 20 stones, and  
9           he was still too powerful for us. He kept pulling me in  
10          and I pushed the emergency button for assistance.

11          "My thoughts now were to try and get one of the  
12          handcuffs on him to control his arm, but he again  
13          flicked his legs, causing me to lose balance and drop my  
14          handcuffs. I managed to get back onto the back of his  
15          legs and at this point other officers started to  
16          arrive."

17          I would like to look back at page 3, to the final  
18          paragraph. I'm just going to go through these  
19          paragraphs and ask you if you want to comment on  
20          anything.

21          A. Yes.

22          Q. So you say:

23          "I struck him with my baton once to his head ... He  
24          stopped stomping on Nicole at that point. I think I hit  
25          him again which was about 2 or 3 times in total to the

## Transcript of the Sheku Bayoh Inquiry

1 head area."

2 Now, yesterday when you were giving your evidence  
3 you talked about that first strike with the baton.

4 A. Yes.

5 Q. And you said:

6 "It didn't stop him, so I delivered two more baton  
7 strikes to that general area ..."

8 A. Yes.

9 Q. "... I don't know where [it] connected ... but that  
10 stopped him."

11 And you talked about that.

12 So yesterday you seemed to indicate that the first  
13 baton strike didn't stop him and that's why you  
14 delivered two more.

15 A. Yes.

16 Q. In this statement you seem to be saying you struck him  
17 and he has then stopped stomping on Nicole and then you  
18 hit him again two or three times in total to the head.

19 A. Yes. My fear there is that he was going to continue  
20 because just because he had stopped, he didn't change  
21 his body position, he didn't move and my fear was that  
22 he was going to actually, as I kind of described  
23 yesterday, reload and again deliver another stomp.

24 Q. Right. So in this statement you say:

25 "... I hit him again 2 or 3 times in total to the

## Transcript of the Sheku Bayoh Inquiry

1 head area. He turned around and took up a boxing sort  
2 of stance ..."

3 A. Yes.

4 Q. So it was only after the third strike with the baton  
5 that he changed his position?

6 A. Yes, that he basically came away from a position that  
7 I would say was ready again to stomp on Nicole, ready in  
8 a position to further injure or kill Nicole.

9 Q. Right. I'm trying to work out in relation to the  
10 stomping how many stomps had taken place prior to the  
11 first strike to the head with the baton?

12 A. I know there were two stomps, but I don't know if it  
13 was -- if he had stomped twice already, or whether it  
14 was stomp and then as I have struck it was a second  
15 stomp, if that makes sense.

16 Q. Is that something you can remember clearly now?

17 A. Not now.

18 Q. Okay. So should the Chair prefer this version, or ...?

19 A. I would prefer the original version, yes.

20 Q. The original version. And then you have said:

21 "... I was on his upper thighs straddled over  
22 him ..."

23 Now, yesterday I think I understood you to say it  
24 was in the middle of his legs and his knees were under  
25 your bum.

## Transcript of the Sheku Bayoh Inquiry

1 A. Mm-hm.

2 Q. Here you seem to be talking about upper thighs -- sorry,  
3 if we go down slightly, you will see the second  
4 paragraph on page 4, you say:

5 "... I was on his upper thighs straddled over  
6 him ..."

7 So again, should the Chair prefer --

8 A. Yeah.

9 Q. -- your evidence yesterday or the evidence here?

10 A. I would go with my original statement, yeah. It's  
11 obviously just been a -- because I can't remember, but  
12 I thought I recalled yesterday I thought it was more the  
13 knee area, but if I have said that in my original  
14 statement, that will be it.

15 Q. That's fine. I'm just clarifying so the Chair knows  
16 what to prefer.

17 A. Yes.

18 Q. Then you talk about:

19 "Craig was on his back trying to control him and  
20 I was on his upper thighs straddled over him trying to  
21 control his legs and facing his head."

22 And yesterday you talked about Craig being on  
23 Mr Bayoh's upper body towards his left-hand side. Is  
24 there any difference between what you said yesterday and  
25 what you have said there, because you say Craig was on

## Transcript of the Sheku Bayoh Inquiry

1           his back trying to control --

2       A. No --

3       Q. -- him.

4       A. Aye. I see it says obviously he was on his back. He

5           wasn't fully on his back because if he had been fully on

6           his back I would never have been able to reach and get

7           the arm so when I say he was on his back it's in that

8           general area, like. So to kind of help you understand,

9           there was no way Craig could have been lying on his back

10          because I would never have been able to reach round

11       Craig and get a position on Mr Bayoh's right wrist.

12       Q. So in this case you have given more detail yesterday --

13       A. Yes.

14       Q. -- and that should be preferred. And then you said the

15       man was face down and I think you have explained that

16       today?

17       A. Yes.

18       Q. In detail. And then you say:

19                "I would say Craig is about 20 stones, and he was

20                still too powerful for us."

21       A. Yes.

22       Q. "He kept pulling me in and I pushed the emergency button

23       for assistance."

24                Now it may be suggested that you're mentioning

25       PC Walker's weight there, you think it's about 20

## Transcript of the Sheku Bayoh Inquiry

1 stones, because you were trying to describe the weight  
2 that was on Mr Bayoh and yet he was still overpowering  
3 you and PC Walker.

4 A. Mm-hm.

5 Q. Did you want to say anything about that?

6 A. No, I'm not trying to suggest that Craig's --  
7 PC Walker's full 20 stones was on Mr Bayoh, but kind of  
8 obviously give you a better understanding, I'm not  
9 saying that PC Walker was stick thin and, you know, like  
10 easy to move around, you know. Craig is obviously  
11 a larger gentleman and as such wouldn't be very easy to  
12 move around, so that's what I'm trying to like describe  
13 there. I'm not saying that 20 stone was on him. I'm  
14 saying that, you know, 20 stone of an individual's very  
15 difficult to shove out of the way which is obviously  
16 what I mean by that.

17 Q. All right, thank you. Then remaining on page 4 of that  
18 statement, paragraph 6:

19 "That was the first time I remember seeing  
20 Alan Paton."

21 A. Mm-hm.

22 Q. Let's just get that so page 4, paragraph 6, starts:

23 "That was the first time ..."

24 So it's -- there we go:

25 "That was the first time I remember seeing



## Transcript of the Sheku Bayoh Inquiry

1 Alan Paton."

2 Do you see that paragraph?

3 A. Yes.

4 Q. And you say:

5 "I remember Alan Smith trying to put fast straps on  
6 the man, but he grabbed my leg by mistake and I asked  
7 him what he was doing. The man was still face down and  
8 still struggling."

9 A. Yes.

10 Q. So that was Mr Bayoh was still face down and still  
11 struggling?

12 A. Yes.

13 Q. At the point that Alan Smith was trying to put fast  
14 straps on him?

15 A. Yes.

16 Q. Thank you. Right, and staying on page 4 please, can we  
17 look at paragraph 7:

18 "Craig shouted for someone to check for a knife."

19 There we are:

20 "I checked the right side from his waist to ankle  
21 and by that time he had been rolled onto his side and  
22 was handcuffed from the front, palm to palm."

23 Do you see that?

24 A. Yes.

25 Q. Do you remember that now?

## Transcript of the Sheku Bayoh Inquiry

1       A. Yeah, aye -- aye. I just remember whatever side he had  
2       been rolled onto I was able to access the opposite  
3       pocket.

4       Q. And then you mention the chewing gum --

5       A. Yes.

6       Q. -- in the right-hand pocket and the gold coloured mobile  
7       phone you mention as well.

8       A. Yes.

9       Q. You then go on to say:

10                "When he was on his side I took hold of the fast  
11               strap to control his legs."

12       A. Yes.

13       Q. How did you take hold of that?

14       A. So if you imagine that there's a set of legs in-between  
15       that it would have just been a case of like that  
16       (indicating) and that's just to stop Mr Bayoh rolling  
17       and basically face planting the road. It's just a way  
18       of stabilising a person that's on their side.

19       Q. And you say:

20                "I was there with Craig to my left controlling his  
21               upper body. I was controlling his legs. Alan Smith and  
22               Alan Paton were at his head area."

23       A. Yes.

24       Q. So by this point, which is the final paragraph on page 4  
25       of your PIRC statement, you seem to be saying

## Transcript of the Sheku Bayoh Inquiry

1 Craig Walker was to your left --

2 A. Yes.

3 Q. -- controlling his upper body, that's Mr Bayoh's upper  
4 body.

5 A. Yes.

6 Q. You were controlling his legs, you have described  
7 holding onto the fast straps and then PC Smith and  
8 PC Paton were at Mr Bayoh's head area.

9 A. Yes.

10 Q. And is that your recollection?

11 A. Again, at the present time I don't recall it was  
12 PC Paton being there, but if I have said it in my  
13 original statement he must have been there.

14 Q. Right. And then can we turn on to page 5 of your PIRC  
15 statement please, just at the top, paragraph 1 and you  
16 say:

17 "The man had calmed down and wasn't moving or  
18 struggling. Alan Smith went down and put his ear to the  
19 man's mouth and confirmed he was breathing. He wasn't  
20 responding so Alan Smith or someone asked for an  
21 ambulance. Shortly after that Alan Paton said that the  
22 wasn't breathing", maybe the man wasn't breathing.

23 "Alan Smith checked and confirmed this so we rolled him  
24 onto his back to carry out CPR."

25 So this is the point at which from his -- he is on

## Transcript of the Sheku Bayoh Inquiry

- 1 his side and then he has moved on to his back?
- 2 A. Yes, that's correct.
- 3 Q. So by this time he had calmed down, he wasn't moving or  
4 struggling by this stage?
- 5 A. Mm-hm.
- 6 Q. And it's at that point PC Smith bends down, put his ear  
7 to Mr Bayoh's mouth and he confirms at that point he  
8 wasn't breathing.
- 9 A. No, I think initially Alan -- PC Smith bent down and put  
10 his ear to the man's -- sorry, Mr Bayoh's mouth and he  
11 confirmed he was breathing.
- 12 Q. Sorry, he was breathing.
- 13 A. Yes.
- 14 Q. He wasn't responding, so Alan Smith or someone asked for  
15 an ambulance.
- 16 A. Yes.
- 17 Q. And shortly after that Alan Paton said that he wasn't  
18 breathing.
- 19 A. Mm-hm.
- 20 Q. Sorry, I misread that. So it was PC Paton that noticed  
21 that he wasn't breathing.
- 22 A. Yes.
- 23 Q. According to this recollection.
- 24 A. Yes.
- 25 Q. Do you remember this now, reading this paragraph?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Again I still don't really remember that.
- 2 Q. But you have described already that this version was  
3 fresher?
- 4 A. This would be, yes, this is more accurate, yes, because  
5 as we kind of go on I don't really -- I don't now  
6 remember the ambulance arriving at all, obviously it  
7 does arrive and I've got some involvement with that but  
8 I don't remember that just now.
- 9 Q. Okay. So looking between sort of the end of page 4 and  
10 the beginning of page 5 of your PIRC statement, you talk  
11 about Mr Bayoh being on his side and taking hold of the  
12 fast straps and the position of everyone.
- 13 A. Yes.
- 14 Q. And you then immediately go on to say:  
15 "The man had calmed down and wasn't moving or  
16 struggling."
- 17 And looking at that now, I'm trying to get a sense  
18 of the timing of that. By the time he is turned onto  
19 his side, he is no longer struggling or moving, is that  
20 right?
- 21 A. Aye, if I have said that in my original statement, yes.
- 22 Q. So by the time he is turned onto his side he is not  
23 moving or struggling?
- 24 A. If I'm on -- I wouldn't know if his upper body was  
25 moving or -- like I said, I'm on the legs so that's the



## Transcript of the Sheku Bayoh Inquiry

1           which your emergency button has been pressed on. You  
2           see that on the previous page.

3           PC Smith has transmitted on the Airwaves that the  
4           male is secure on the ground.

5           A. Mm-hm.

6           Q. And 7.21.38 you will see the description:

7           "A white man enters the roundabout from north  
8           Hendry Road and turns right to go south on Hendry Road.  
9           It pauses behind the other light coloured vehicle that  
10          is stopped at the entrance."

11          And you will see as we move down page 5, can I refer  
12          you to the right-hand side column. Now, I have not  
13          referred you to this yesterday or today, but you will  
14          see this is actually -- we have heard this is the source  
15          of what you can see and you will see that there's  
16          Gallaghers' CCTV listed there. That's the footage at  
17          the bottom of the screen that we looked at earlier  
18          today. And you will also start to see references to  
19          Snapchat, first of all 7.22.10, Snapchat, and then  
20          another one two down. And as we look at the screen  
21          you're going to see on the screen some images appear  
22          which are actually taken from Snapchat footage, so  
23          that's what I'm going to ask you to look at as we look  
24          through the footage.

25          A. Okay.

## Transcript of the Sheku Bayoh Inquiry

1 Q. It won't last for a long time but you will expect it, it  
2 will be coming, and I'm going to ask you. So there's  
3 that section and then there's another section. I'm  
4 going to go through both of them.

5 A. Okay.

6 Q. But the first section is 7.21.38 between phase 4, which  
7 is 7.21.38 to 7.25.17, but the Snapchat footage actually  
8 starts at 7.22.10 and lasts until 7.22.16.

9 A. Okay.

10 Q. So that's on page 5 of the spreadsheet. What I'm going  
11 to do is ask Ms Smith to play that and then I'm going to  
12 ask you some questions.

13 A. Yes.

14 Q. Thank you.

15 (Video played)

16 Right, so did you see that Snapchat come onto the  
17 screen there?

18 A. Yes.

19 Q. At the right-hand side?

20 A. I did, yes.

21 Q. I'm going to ask Ms Smith to go back and -- there we  
22 go -- and we will watch that again. So that starts at  
23 7.21.38, so we will just play that for a few seconds.

24 (Video played)

25 If we can pause it there please. We can see the



## Transcript of the Sheku Bayoh Inquiry

1           Snapchat there and we see officers on Hayfield Road, so  
2           this is at the moment it's on screen it's 7.22.13.

3           A. Yes.

4           Q. Looking at that -- and I can show you a number of times  
5           if that makes it easier, but looking at that, can you  
6           identify where you are?

7           A. So from looking at that I think I am the officer -- so  
8           you see you've got -- if you look at the bottom kind of  
9           tile of the Snapchat footage you've got the officer  
10          stood up at the feet and then the officer immediately in  
11          front of that that you see kind of crouching down,  
12          I think that is me. I know it might not look like it,  
13          I've got hair there and I believe when the footage plays  
14          you can maybe see I've got glasses as well. I had hair  
15          and glasses at the time. So whichever officer has hair  
16          and glasses is the one I believe to be me.

17          Q. So at the time you had glasses --

18          A. Yes.

19          Q. -- and hair.

20          A. Yes and I didn't have a beard either.

21          Q. Did you have a beard then?

22          A. No.

23          Q. No.

24          Q. So you did look a little different then in 2015?

25          A. Yes, aye, significantly different.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Right. So who is the officer standing up there?
- 2 A. The one at the feet?
- 3 Q. The one on the right at the feet.
- 4 A. I don't know if that's PC Gibson, Daniel Gibson. We
- 5 have not mentioned him yet. Or PC James McDonough.
- 6 Because I know who the other officers are, so if you
- 7 look at the officer that you can see kneeling at what
- 8 would be the head area, you can't see the head of that
- 9 officer --
- 10 Q. On the far left?
- 11 A. The far left. That is -- I think it's PC Alan Smith.
- 12 Q. Right.
- 13 A. And then --
- 14 Q. To his right with his back towards us?
- 15 A. I think that's PC Alan Paton and I say that based upon
- 16 the body armour cover, the yellow cover. I knew that
- 17 I think PC Paton maybe had a bad back, or there is
- 18 a reason why he had a different body armour cover and
- 19 I always remember that his was different.
- 20 Q. And then on the other side there seem to be two
- 21 officers. There's one sort of standing as we look at
- 22 the screen, it's slightly to the left, and then one
- 23 crouched down between the two standing officers and that
- 24 one's you, is it?
- 25 A. Yes, I think the one crouched down between the two

## Transcript of the Sheku Bayoh Inquiry

1 standing officers is me but I don't know in which order,  
2 if the two standing officers are PC James McDonough and  
3 PC Daniel Gibson, I don't know what way round they would  
4 feature.

5 Q. Can you explain to the Chair and the Assessors at what  
6 stage we see the Snapchat footage, at what stage this  
7 was in terms of what you have described, because  
8 previously you hadn't described or mentioned PC Gibson  
9 or PC McDonough.

10 A. If they're there that must be the point at which the leg  
11 restraints have already been applied.

12 Q. Right, so this is towards the end?

13 A. Towards the end, yes.

14 Q. After you, the police, had control of Mr Bayoh?

15 A. Yes, or certainly I had control of his legs. I couldn't  
16 speak to what other officers had control of but it was  
17 at the point at which I believe leg restraints were  
18 applied and that I had control of his legs.

19 Q. That's your impression?

20 A. Yes.

21 Q. Where's PC Walker?

22 A. I don't even know if I can see him on that picture.

23 Q. Right. And I would like to play this part of the  
24 footage again, so probably from 22.10 and we will watch  
25 it again and if ...

## Transcript of the Sheku Bayoh Inquiry

1 (Video played)

2 Could you pause it please. So we see by this stage  
3 there's a police car quite close to the officers.

4 A. Yes.

5 Q. In Hayfield Road, facing the officers, with the blue  
6 lights on. Do you know who came from that vehicle?

7 A. No.

8 Q. Right. And we see the officer to the right walking  
9 round?

10 A. Yes.

11 Q. Please play that.

12 (Video played)

13 At the end of that Snapchat footage did you see  
14 another officer near to the van?

15 A. I did, yes, the one that was kind of like coming off the  
16 pavement onto the road.

17 Q. Yes, let's have another look at that if we can rewind  
18 slightly. And if we have to play it again, that's  
19 absolutely fine. It is back the way I think. There we  
20 go. Yes, sorry, we had it.

21 Maybe let's play it again and that might make life  
22 easier.

23 (Video played)

24 We will pause it just there. Did you see that the  
25 camera panned round and we could see the fish van?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. And now we're looking towards the Transit van or the 19?
- 3 A. Yes.
- 4 Q. And to the right of that there's another police vehicle  
5 there?
- 6 A. Yes.
- 7 Q. Do you know who came out of the vehicle that's on the  
8 far right?
- 9 A. No.
- 10 Q. Right and the person who is on Hayfield Road appears to  
11 be at the pavement area --
- 12 A. Yes.
- 13 Q. -- behind the Transit van.
- 14 A. Yes.
- 15 Q. Do you know who that was?
- 16 A. No.
- 17 Q. If you watched it again would it help --
- 18 A. It's the first time I have ever -- like I have been  
19 following along with the Inquiry but it's the first time  
20 I have ever actually noticed anybody at that point in  
21 the van but I don't know who that would be.
- 22 Q. Right. We also see the back of someone with a grey  
23 T-shirt --
- 24 A. Yes.
- 25 Q. -- through the venetian blinds?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. All right. So you're not sure who that is?

3 A. The person in the grey or ..?

4 Q. No, no, you're not sure who the police officer is?

5 A. No, sorry, no.

6 Q. All right, thank you. Then I'm going to look at the  
7 later piece of Snapchat footage which starts about  
8 7.27.31. So this is later again. 7.27.31. This is in  
9 phase 5 and you will see it on page 8 of the  
10 spreadsheet, so we're just going to -- just to let you  
11 see page 8, you will see at the bottom of page 8 on the  
12 right-hand side it says "Snapchat"?

13 A. Yes.

14 Q. So again this is going to be footage from Snapchat and  
15 you will see that's at 7.27.31.

16 A. Okay.

17 Q. And we will play that as well.

18 (Video played)

19 Thank you. I would like to go back to look at that  
20 again. So this is at a later stage. This is after  
21 7.27, and again let's look at the officers that are  
22 there.

23 (Video played)

24 If we pause it there. Do you recognise any of the  
25 officers that we see there?

## Transcript of the Sheku Bayoh Inquiry

1 A. Is it possible to make that bigger? I don't know if  
2 that's something we can do.

3 Q. Yes. I'm going to show you some enhanced footage.  
4 Would you rather see --

5 A. Just --

6 Q. No, the enhanced footage is the earlier section, sorry.

7 A. Just something that I can -- I don't know if we can pull  
8 that tile up?

9 Q. No, I don't believe I can pull that particular tile up.  
10 I do have a photograph but I'm not going to be able to  
11 show you the photograph on the screen at the same time  
12 as the video footage. Do you see the officer on the  
13 right-hand side with the yellow vest standing?

14 A. Yes, that's PC Walker.

15 Q. Right and immediately in front of him there's someone  
16 with his back to PC Walker with dark hair and a dark  
17 sleeve and a yellow hi-vis jacket. Do you know who that  
18 is?

19 A. I think with the dark hair it's maybe PC James McDonough  
20 just because I know he had a -- kind of dark hair.

21 Q. And on the far left? There seems to be an officer  
22 standing again with a dark sleeve and a hi-vis yellow  
23 jacket.

24 A. Yes, I think that's Sergeant Maxwell.

25 Q. That's Sergeant Maxwell. In front of Sergeant Maxwell

## Transcript of the Sheku Bayoh Inquiry

1           there's someone dressed in dark clothing, dark hair.

2       A.   Yes that would be Detective Sergeant Davidson.

3       Q.   And who is standing next to her left?

4       A.   I think that's PC Alan Smith.

5       Q.   And in front of PC Smith someone's crouching on the

6           ground with the hi-vis jacket.

7       A.   Yes, I think that's PC Alan Paton.

8       Q.   And to PC Smith's left, someone standing?

9       A.   PC Good, Kayleigh Good.

10      Q.   And in front of PC Good, somebody is crouching down?

11      A.   (Inaudible) I think it's maybe me because I think I can

12           see glasses on that individual, so I would say the

13           person crouching down in front of PC Good is me,

14           although it does look like the person at the end next to

15           that figure also has glasses so I'm not sure.

16      Q.   What were you doing at this time? So this is at

17           7.27.32.

18      A.   Again, just -- it looks like I'm just crouching by

19           Mr Bayoh's legs.

20      Q.   And then further away from you there's also someone else

21           crouching down there. Do you know who that was?

22      A.   The only person left would be PC Daniel Gibson.

23      Q.   All right, thank you very much.

24           I would like to look at some enhanced Snapchat

25           footage now please, so Ms Smith will bring that up, and





## Transcript of the Sheku Bayoh Inquiry

1 go back over that again. You may see that someone is  
2 bending a leg up.

3 (Video played)

4 Did you see that?

5 A. Yes.

6 Q. So who was that that was bending the leg up?

7 A. It looks like PC Daniel Gibson.

8 Q. All right, Daniel Gibson who came towards the end of the  
9 restraint?

10 A. Yes. Because the person -- now that I see it blown up,  
11 the person that's standing with the dark coloured hair  
12 I would say is James McDonough because there's  
13 a difference in the colour of James and Dan's hair,  
14 so ...

15 Q. Right, so the person bending the leg is PC Gibson?

16 A. Yes.

17 Q. That's your -- that's who you --

18 A. That would be my view from viewing that, yes. I don't  
19 remember that happening, but from viewing this, yes.

20 Q. Where were you at this point?

21 A. I think I'm currently blocked out of view by the figure  
22 standing up, but I'm crouching -- I think I'm crouching  
23 next to the legs.

24 Q. Right. So let's play this again just briefly.

25 A. So that's me coming into view just now.

## Transcript of the Sheku Bayoh Inquiry

1 (Video played)

2 Q. So you're facing the camera?

3 A. Yes.

4 Q. On the other side?

5 A. Yeah.

6 Q. Right. And PC Gibson is now crouching down besides you  
7 on your left?

8 A. Yes.

9 Q. So we can pause it there. So this is the stage at which  
10 you're on the other side of Mr Bayoh.

11 A. Mm-hm.

12 Q. Where is PC Walker?

13 A. So from this I could see what looks like a strip in  
14 front of my face, like a light coloured strip, and it  
15 looks like PC Walker is lying down, like next to  
16 Mr Bayoh.

17 Q. Right. So PC Walker's lying down at that point?

18 A. Yes.

19 Q. And that strip, the white strip or pale strip next to  
20 your face you think is PC Walker's -- part of what he is  
21 wearing?

22 A. I can only think it's maybe his -- it's PC Walker's top  
23 has ridden up, that's the -- I don't know what else it  
24 could be. It doesn't look reflective.

25 Q. So you talked yesterday about the vest.

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. And the belt, the utility belt is under -- positioned  
3 below the vest and the vest can lift up.
- 4 A. Yes, but the way that the kind of -- see if like --  
5 whenever I wear body armour and you've got your utility  
6 belt on, the utility belt obviously is buckled or  
7 Velcroed, but if you bend over in your vest your vest  
8 will drag your T-shirt with it as well so you can end  
9 up -- there will be occasions when you have bent over in  
10 dealing with somebody or bent over for whatever reason  
11 and you stand up and your black T-shirt is just flapping  
12 about because it has actually been ridden up and removed  
13 itself from your trousers.
- 14 Q. So it can poke out underneath your vest?
- 15 A. Yes, your T-shirt can ride up underneath your vest.
- 16 Q. So if you're wearing something pale under your vest,  
17 that can poke out the back?
- 18 A. Yes, aye. Certainly in my experience anyway, I don't  
19 know if it happens to every officer, but certainly I've  
20 had it where I've bent over and my T-shirt has been  
21 lifted out of my trousers.
- 22 Q. So if you had somebody pale underneath your vest you  
23 would have the pale thing poking out between your  
24 trousers and your vest and then the vest above it would  
25 be the black vest.

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes. I don't know if it's necessarily something that he  
2 is wearing, or it could be PC Walker's skin. I don't  
3 know.

4 Q. No, that -- thank you. And then I would like you to  
5 look at the photograph I mentioned a moment ago, that's  
6 PIRC03374, and this is a snapshot taken and you will see  
7 that there are names applied. We have not heard from  
8 the witness who did this, but we will start on the  
9 right-hand side. We see PC Walker, the tall person on  
10 the right?

11 A. Yes.

12 Q. To his right the markings say DI Robson, so in jeans and  
13 a dark coloured top.

14 A. Yes.

15 Q. Did you recognise DI Robson? I appreciate in that  
16 snapshot you don't really see the face.

17 A. Yeah, no, I will be honest I don't know who DI Robson  
18 is. I haven't encountered him since that incident but  
19 he could be sitting in this room right now and  
20 I wouldn't be able to identify him.

21 Q. Right. Then looking on the far left someone says Police  
22 Sergeant Maxwell which I think is what you just said  
23 a moment ago?

24 A. Yes.

25 Q. And then next to Maxwell moving right we see a line

## Transcript of the Sheku Bayoh Inquiry

- 1           saying DS Davidson which I think is what you said  
2           a moment ago?
- 3       A.   Yes.
- 4       Q.   And then down crouched on the ground PC A Paton, which  
5           I think is also what you said.
- 6       A.   Yes.
- 7       Q.   And then opposite PC Paton, PC Smith standing facing the  
8           camera which is what you said.
- 9       A.   Yes.
- 10      Q.   To the left of PC Smith it says PC Good which I think  
11         you said Kayleigh Good.
- 12      A.   Yes.
- 13      Q.   And then in front of Kayleigh Good, sort of crouched  
14         down, it says PCA Tomlinson.
- 15      A.   Yes.
- 16      Q.   That would be you and that's I think what you said, you  
17         were identified --
- 18      A.   Aye, I think that's me.
- 19      Q.   And then in-between -- slightly to the left of PC Good  
20         there's a mark that says PC Gibson in relation to the  
21         person crouching down.
- 22      A.   Yes.
- 23      Q.   So that would be opposite you really, opposite your  
24         right side?
- 25      A.   Yes.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And then to the right of PC Gibson -- sorry, to  
2 PC Gibson's left but to the right as we look at this  
3 photo, it says PC McDonough?

4 A. Yes, James McDonough.

5 Q. So are you comfortable with those identifications?

6 A. Yes, I'm happy with that.

7 Q. And in the distance towards -- besides that white car  
8 there's the marking DC Connell with a blue jacket on.

9 A. Yes.

10 Q. And do you know DC Connell?

11 A. No. My interactions at that time in my service with the  
12 CID were fairly limited, so I knew DS Davidson just  
13 because as a supervisor if I had any questions for CID  
14 then she would be a face that I would be able to point  
15 out, but no, I couldn't like identify who DC Connell  
16 would be.

17 Q. All right, thank you very much. We can put that away.

18 I would now -- do you remember yesterday I spoke to  
19 you about the images and the positions and I said to you  
20 we will be able to fine tune this tomorrow with some  
21 other images?

22 A. Yes.

23 Q. So I would now like to refer you to six images that have  
24 been prepared by Mr DeGiovanni, who is here today, and  
25 this is the first image and it shows the two vans. You

## Transcript of the Sheku Bayoh Inquiry

- 1           will see the 19, the Transit van, and the fish van.
- 2           A. Yes.
- 3           Q. And I think when you talked about getting out of the
- 4           fish van you pointed with red circles to yourself and to
- 5           PC Short and I would just now like to fine tune this so
- 6           that you're comfortable with it.
- 7           A. Yes.
- 8           Q. I appreciate it's a static image and it's a glimpse or
- 9           a snapshot, but Mr DeGiovanni's here to allow you to
- 10          start fine-tuning. We start with you, PC Tomlinson,
- 11          because I think you did talk about being near the front
- 12          of the fish van.
- 13          A. Yes.
- 14          Q. Maybe nearer to the front driver's wheel.
- 15          A. Yes, so just basically --
- 16          Q. Would you --
- 17          A. -- having exited the vehicle I would have just --
- 18          I don't know whether I would have touched the vehicle
- 19          but certainly that would have been the general direction
- 20          I would have been heading towards.
- 21          Q. Would you like that character to be moved further
- 22          forward towards the front of the vehicle?
- 23          A. Aye, put it in contact with what would be like the wheel
- 24          arch area, aye.
- 25          Q. And closer to the wheel? There.



## Transcript of the Sheku Bayoh Inquiry

- 1       A. I'm trying to think if I've got out of the car -- the  
2       van, sorry, and shut the door -- I don't know whether  
3       I would be like a door's length away, if that makes  
4       sense, because I don't know if I would have shut the  
5       door and then gone back into the -- you know, like  
6       moving towards -- like a door's length away.
- 7       Q. So are you more comfortable with that position?
- 8       A. Yes, yes.
- 9       Q. And what direction were you facing in?
- 10      A. So if you turn me left. That's it, aye. So that's the  
11      direction -- so basically where you see the first me and  
12      the second me, I was -- this is weird. The first me was  
13      like facing the second me, if that makes sense. I don't  
14      know if that is just confusing things.
- 15      Q. Let's just start with the beginning first of all and  
16      then we will move on to later. So you're quite  
17      comfortable with that position at the moment?
- 18      A. Yes, I'm comfortable with that.
- 19      Q. And PC Short when she got out of the fish van, are you  
20      comfortable with her position?
- 21      A. Yeah. I had an awareness she had got out of the van but  
22      I wasn't really paying that much attention to what her  
23      position in relation to me was.
- 24      Q. So are you -- subject to that, are you reasonably  
25      comfortable with where she is?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, I would be comfortable with that.
- 2 Q. And then let's look at the other van and you will see  
3 that we have PC Walker there. Are you comfortable with  
4 that position, showing PC Walker?
- 5 A. I don't know if -- looking at this, whether or not  
6 PC Walker was a little bit further in towards the kerb.  
7 No -- are you able to do my line of sight from that  
8 position?
- 9 Q. Yes, from the one where you're at the fish van?
- 10 A. Yes -- no, from -- aye, from the fish van, sorry, yes.
- 11 Q. Yes.
- 12 A. If you move PC Walker --
- 13 Q. Obviously at the moment we see --
- 14 A. No, that's fine.
- 15 Q. Yes.
- 16 A. If you move PC Walker like back towards the wheel arch,  
17 the --
- 18 Q. Closer to the van?
- 19 A. Yes, so move him closer to the van, but then push him  
20 further away from me so he is towards --
- 21 Q. What direction was he facing?
- 22 A. So he was facing just a little bit -- so if you turn  
23 PC Walker to the right just a tad so he is facing  
24 Mr Bayoh.
- 25 Q. So more with his back to the van?

## Transcript of the Sheku Bayoh Inquiry

1       A. More with his back to the van. Probably too much,  
2       sorry. Aye, there or thereabouts.

3       Q. Right. Are you comfortable with that position?

4       A. Maybe just slightly more towards like the front --  
5       I don't know -- I can't quite tell from this angle but  
6       more towards like the front of the van.

7       Q. Okay. You mean the front of the van, so pushed away  
8       from you, more towards the front of the van?

9       A. Yes, just pushed slightly away, so more in line with the  
10      wheel.

11      Q. Oh, right.

12      A. Yeah.

13      Q. Would you like to see your line of sight again?

14      A. Please, yes. Yeah, I think --

15      Q. If you're not comfortable, please tell us.

16      A. No, I'm just trying to remember, like trying to like put  
17      myself back there and remember. Aye, again there or  
18      thereabouts, that would be --

19      Q. Is that a reasonable indication?

20      A. Yes, I would say that's a reasonable indication, aye.

21      Q. Let's move on to Mr Bayoh.

22      A. So he was facing PC Walker which I think that model is  
23      already doing, but like within an arm's reach, so  
24      a little bit closer.

25      Q. A bit closer to PC Walker?

## Transcript of the Sheku Bayoh Inquiry

1       A. Yes, but he wasn't like blocking my view, so I could see  
2       the two of them, if that makes sense, because I was able  
3       to see PC Walker do that (indicating) so my view of that  
4       wasn't blocked, so again there or thereabouts probably  
5       where we've got that just now.

6       Q. Are you quite comfortable with that position?

7       A. Yes.

8       Q. That's a reasonable indication?

9       A. Yeah, I think so.

10      Q. So that was your view when you came out of the fish van?

11      A. Yes.

12      Q. And then you talked yesterday about you being in an area  
13      before the Hayfield Road pavement curves to the left  
14      there at the bus stop?

15      A. Aye, I don't -- I don't recall ever being in the bus  
16      stop.

17      Q. I think you said that yesterday.

18      A. So by the time I had kind of got from the van to  
19      probably where I am just now, that's when Mr Bayoh had  
20      turned around and started to do the kind of like  
21      purposeful walk away, down like the path that you see  
22      starting at the bus stop.

23      Q. And you can see that Mr Bayoh has been positioned on the  
24      path?

25      A. Yes.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And I think that's in line with one of the circles that  
2 you put on the image yesterday.
- 3 A. Yes.
- 4 Q. So you talked about -- but if we focus for the moment on  
5 the second you --
- 6 A. Yes.
- 7 Q. -- are you comfortable with your position on the road,  
8 or would you like to be moved?
- 9 A. I can't remember if I was on the road or the pavement.
- 10 Q. Had you got as far as the yellow lines of the bus stop?
- 11 A. I don't know. I just remember not being in the bus  
12 stop, so I don't know if I had got as far as those  
13 yellow lines, but I certainly don't remember being in  
14 the actual like -- the cut-in of the bus stop.
- 15 Q. And your own position, what direction were you facing  
16 when you were in that position?
- 17 A. So it would have been a position of turning because at  
18 this point as I've got to that point Mr Bayoh has  
19 obviously started to walk back down the path, so I have  
20 just -- I would have been in the process of turning and  
21 then following sort of alongside, but instead of being  
22 on the path, being on the pavement.
- 23 Q. So you are facing the direction of Mr Bayoh as he moves?
- 24 A. Yes.
- 25 Q. Is that fair to say?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. So your position would have been moving as he moved?
- 3 A. Yes, so as he has moved -- it's quite difficult to kind  
4 of say because it's a snapshot.
- 5 Q. Because it's static.
- 6 A. Yes, as he has gone past me, so if he had been parallel  
7 with me just there I would have been looking at him, but  
8 as he has then gone further down the path I would have  
9 kind of been walking sort of like shoulder to shoulder  
10 sort of thing, direction-wise anyway.
- 11 Q. So are you happy now that the second you has been moved  
12 to reflect that as you --
- 13 A. As I've turned, yes.
- 14 Q. -- start to turn, subject to those limitations, and then  
15 Mr Bayoh is shown walking up the path, or along that  
16 path there.
- 17 A. Yes.
- 18 Q. And is his position a sort of reasonable indication of  
19 the way he was going?
- 20 A. Yeah, it's a -- he would never have been like that far  
21 ahead of me.
- 22 Q. That far from you. What was the most that he was apart  
23 from you?
- 24 A. If you bring him closer. Yes, probably about that  
25 because we're talking that as he has passed I have had

## Transcript of the Sheku Bayoh Inquiry

1           to turn and then start to mirror his image -- mirror his  
2           image, mirror his movements. So maybe even a bit closer  
3           actually, at the point at which I have turned, because  
4           I have been able to keep up with him so I can't have  
5           been too far behind.

6           Q. Is that more of a reasonable indication?

7           A. Yeah, probably, yes. I would be more satisfied with  
8           that than where he was initially placed, yes.

9           Q. And he was facing -- you said, I think yesterday you  
10          said in the direction of the public house, Gallaghers  
11          public house.

12          A. Yes, so like in just that general direction but largely  
13          walking up that path, so whatever way that path  
14          contoured around the grass, that would have been the way  
15          he was kind of facing.

16          Q. Facing towards the path and walking in that direction?

17          A. Yes.

18          Q. So looking at that image now, with the explanation that  
19          you have given us, are you satisfied that that's  
20          a reasonable indication?

21          A. Yes. Yes.

22          Q. Thank you. Let's move on to the second one. So this  
23          will be along the path. It does take a little bit of  
24          time to load up the software. So you will see we're  
25          still on Hayfield Road but the fish van is to the right

## Transcript of the Sheku Bayoh Inquiry

1 of this screen and you will see that the trees and the  
2 grassy area has been recreated and again, we talked  
3 about refining this scene because I think with the red  
4 circles it was quite difficult to pinpoint where you  
5 were.

6 A. Yeah and it's now probably much easier to see the trees.  
7 What I remember was there was no shrubbery in front of  
8 me, so at the point I deployed my CS spray there was no  
9 shrubs in front of me, so that was the reason I placed  
10 two circles down because I can see from the trees  
11 obviously where Mr Bayoh is placed just now there's  
12 a clearing, but I don't think we ever got as far as that  
13 so then the other clearing is pretty much where I am  
14 just now, in front of me you can see there's obviously  
15 just one tree there but it's certainly a clearing.

16 Q. Yes. So when we see you there, PC Tomlinson, let's talk  
17 about -- where would you like that character to be  
18 standing?

19 A. If you face that character more -- so face that  
20 character towards the path.

21 Q. Towards the path?

22 A. Yes. Sorry, the other way around.

23 Q. At the moment that character is standing on the roadway.

24 A. Yes.

25 Q. Are you comfortable with that position?



## Transcript of the Sheku Bayoh Inquiry

- 1       A. Yes, there or thereabouts. I don't necessarily know  
2       again if I was on the dirt, the pavement or the roadway,  
3       but given the distance I think between the pavement and  
4       the path probably more likely where I am right now.  
5       I don't recall that gas box so I don't think I got as  
6       far as that, so I think probably that position is  
7       reasonable.
- 8       Q. Do you want to move yourself closer towards the van, or  
9       are you happy being that distance from the gas box or  
10      the electricity box?
- 11      A. Could you move the camera so --
- 12      Q. Yes. Do you want a more pulled out view?
- 13      A. Yeah, just like -- it's kind of hard to describe.
- 14      Q. Do you want to see the van?
- 15      A. Yes please.
- 16      Q. There we go.
- 17      A. Right, okay. Aye, now that I see the van, if you move  
18      my figure to the right so you've got three trees there,  
19      you have got the first tree on the far right, you've got  
20      the second tree next to that. Probably in line with  
21      that second tree. Yes. Somewhere like that, maybe just  
22      slightly to the left. Yeah. Again, roughly there or  
23      thereabouts. I just remember the clearing, there wasn't  
24      any bushes.
- 25      Q. And when you were there where was Mr Bayoh?

## Transcript of the Sheku Bayoh Inquiry

- 1       A. So if you bring Mr Bayoh back down the path because  
2           I would have been mirroring his image so he would have  
3           been --
- 4       Q. I think at one point yesterday I asked you how far along  
5           the path he'd got, so maybe the -- was his current  
6           position as far along as he had reached perhaps?
- 7       A. Seeing it like this in the 3D model I don't think he had  
8           quite got as far as that. Again it's quite difficult to  
9           tell. I don't remember -- I just remember there being  
10          a clearing so it's either at that clearing or the second  
11          clearing, I can't remember which one, I just know there  
12          wasn't any shrubbery in front of me.
- 13      Q. But you would like Mr Bayoh's character to be brought  
14          back to closer to you?
- 15      A. Closer to me, yes, so that he was probably just level  
16          with me, or just in fact -- if you bring him like  
17          further back down the path towards the fish van, like --  
18          aye, keep going back. Back a little bit further. Aye.  
19          So I would maybe having looked at this and the way  
20          I have deployed my CS and it has obviously curved  
21          around, so I must have been slightly in advance of  
22          Mr Bayoh on the path.
- 23      Q. Do you want to see your line of sight --
- 24      A. Please, yes.
- 25      Q. -- from that position?

## Transcript of the Sheku Bayoh Inquiry

1 A. No that wouldn't have been it because I could see him.

2 Q. So would you like Mr Bayoh to be in front of or behind

3 that tree?

4 A. Probably be like -- if you bring him --

5 Q. Back towards the van?

6 A. Back towards the van, sorry. Yeah. Maybe just back

7 a little bit more. Is this from what would be my eyes,

8 the view?

9 Q. Well, it's all indicative. Obviously we don't have your

10 exact measurements and suchlike --

11 A. It's just I feel like I'm quite close.

12 Q. -- but this is an indication.

13 A. As an indication, aye, I feel like I'm quite close. If

14 this is me looking through my own eyes, I feel like I'm

15 a little bit closer.

16 Q. Well, we can either -- we can move your position

17 a little bit back and let you see that line of sight if

18 you would prefer.

19 A. Yes. Yeah, try that. Aye, I feel like -- yes. Because

20 I don't feel like I was ever --

21 Q. As close as before?

22 A. -- as close as that. I know it's only an indication.

23 Q. Are you more comfortable with that viewpoint now --

24 A. Yes.

25 Q. -- or would you like to be moved further back?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. No, I think that viewpoint ...
- 2 Q. And Mr Bayoh's position on the pathway, are you  
3 comfortable that that's a reasonable indication of his  
4 position?
- 5 A. Yeah because he wasn't -- aye, he only became -- so he  
6 only came onto the grass shrubbery area when obviously  
7 he's charged but like I say, there was nothing, there  
8 was no shrubs in that area so it must either be this  
9 clearing or the next clearing up but I don't think we  
10 ever got as far as the next clearing up.
- 11 Q. Can we come out slightly so we can now look -- are you  
12 happy with Mr Bayoh's direction that he's facing in?
- 13 A. Yes.
- 14 Q. Now, yesterday I think when you described where PC Short  
15 was you weren't entirely certain. You thought she was  
16 behind you but you didn't know if it was left or right  
17 of you.
- 18 A. Yes, I just had an awareness that she was somewhere  
19 close by, but just behind me somewhere. Like I don't --  
20 when I say just behind, I don't mean she was breathing  
21 down my neck but she was behind me but not very far.  
22 She is way too far away there.
- 23 Q. Would you like her to be closer to you?
- 24 A. Yes, just move it closer and off-set to either --  
25 I don't know if it was left or right, I don't know.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. So subject to that caveat --
- 2 A. Yes, I don't know -- yeah.
- 3 Q. If we can get the position of how far she was from you,  
4 that would be helpful.
- 5 A. Yeah. I couldn't tell you how close she was to me but  
6 like I knew she wasn't like -- I couldn't feel her right  
7 behind me but I knew she was there.
- 8 Q. What about that position, or are you just not confident  
9 about her position?
- 10 A. No, I'm not confident enough to commit her to a position  
11 because I wasn't actually looking at her.
- 12 Q. That's fine, right. So looking at you, do you want to  
13 see your line of sight again or are you happy --
- 14 A. No, I'm reasonably happy with what we're seeing.
- 15 Q. And was there anyone else around at that time?
- 16 A. No, I don't know where -- because my focus now was off  
17 PC Walker so I don't know where PC Walker had gone.
- 18 Q. Then let's look at image number 3 please.  
19 I think this is the positioning in relation to where  
20 you were when you used your spray.
- 21 A. Yes.
- 22 Q. So you will see as the image starts to load, again in  
23 this image the character that is you is still quite  
24 close to the verge of the grassy area.
- 25 A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Mr Bayoh has now turned towards you.
- 2 A. Mm-hm.
- 3 Q. So I would like to try and pin down a reasonable  
4 indication of where you were when you used your spray.
- 5 A. So see the other -- the slide we have just came off,  
6 that I would say is a reasonable indication as to where  
7 I used my spray.
- 8 Q. Oh, I see, right.
- 9 A. I don't know if I have maybe jumped a step ahead and  
10 described because that's what I thought we were sort of  
11 describing there.
- 12 Q. No, that's fine, so if we try and replicate that here in  
13 image 3.
- 14 A. Yes.
- 15 Q. So I think you were slightly further back on the  
16 pavement of Hayfield Road, facing in the direction of  
17 Mr Bayoh?
- 18 A. Yes.
- 19 Q. And at this point he has turned to face you --
- 20 A. No, so when I have deployed my CS it's only after that  
21 he has turned then to face, so the deployment of CS  
22 would have been -- which is why I have only contacted  
23 this area rather than sort of on the face.
- 24 Q. I see.
- 25 A. So Mr Bayoh would have been facing towards --

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Right, so in fact maybe what we should simply do is say  
2 the previous image that we worked on, you're content  
3 that that shows and reflects the position you were in  
4 and Mr Bayoh was in when you used your spray?
- 5 A. Yes, so when the initial, first --
- 6 Q. So the previous image the Chair can rely on for that?
- 7 A. Yes, that's correct.
- 8 Q. And that was -- you described yesterday using a short  
9 sharp burst and then a long --
- 10 A. Yeah.
- 11 Q. Holding your thumb on the button and pushing it into the  
12 wind. Or moving it round into the wind.
- 13 A. Yes, sort of moving my kind of arm into the wind so that  
14 naturally the spray of the CS canister would curve with  
15 the wind and then take it to its intended target.
- 16 Q. And so that was the previous -- that's image 2. Then at  
17 some point after you had used your spray, then Mr Bayoh  
18 turned to face you.
- 19 A. Yes and I would say this is more reasonable as to where  
20 he was positioned then.
- 21 Q. Right. Let's show an indication of where Mr Bayoh was.
- 22 A. Yes.
- 23 Q. And so this is -- this character -- the green figure is  
24 now facing towards you?
- 25 A. Yes.

## Transcript of the Sheku Bayoh Inquiry

1 Q. So you have remained in position on Hayfield Road?

2 A. Yes. I don't think again --

3 Q. But it would reflect the one previously?

4 A. Yes, it would reflect wherever I was positioned from  
5 kind of like line of sight, but aye, roughly that's kind  
6 of the position we ended up in after the spray was  
7 deployed.

8 Q. So after the spray he turns to look at you?

9 A. Yes and again I had no -- no real knowledge of where  
10 PC Short was other than I knew she was behind me.

11 Q. So let's not worry about PC Short but what we see on the  
12 screen here is a reasonable indication of where Mr Bayoh  
13 was when he turned to face you?

14 A. Yes.

15 Q. After the spray has been used.

16 A. Yes.

17 Q. Thank you. Right, let's move on to number 4.

18 (Pause).

19 Now, this image was created -- it was -- you  
20 described it as a dynamic thing, but you tried to  
21 demonstrate using the purple arrow and line.

22 A. Yes, aye, it was quite difficult to do that.

23 Q. So this has been recreated on this image but we will  
24 talk through it and make sure you're comfortable with  
25 the positions.



## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. So you will see to the right-hand side in the area near  
3 the trees that I think this is where you described you  
4 had used your spray --
- 5 A. Yes.
- 6 Q. -- Mr Bayoh had turned to face you and then he started  
7 moving towards PC Short?
- 8 A. Yes.
- 9 Q. So let's look at Mr Bayoh first. His position when he  
10 starts moving towards PC Short, are you happy with that  
11 position? Again it's a snapshot.
- 12 A. When he starts moving he is on the path.
- 13 Q. Yes, so he has moved from the path that we saw on the  
14 previous image.
- 15 A. Yes and he is -- aye.
- 16 Q. He is now moving across the grassy tree area.
- 17 A. Yes, aye, when the charge happens, aye.
- 18 Q. Is that a reasonable position, or would you like to move  
19 him or the direction of him?
- 20 A. No, I think that's reasonable.
- 21 Q. Reasonable. And your position standing close to him?
- 22 A. So my position would be -- now that I have seen the line  
23 of sight, more towards the centre of that footpath.
- 24 Q. So in the footpath rather than nearer the grassy area?
- 25 A. The pavement, sorry, rather than the footpath. That's

## Transcript of the Sheku Bayoh Inquiry

1 fine, but then turned around so facing the direction of  
2 Mr Bayoh, but not facing directly at him because that  
3 was the point I was kind of a bit confused as to what  
4 his intentions were.

5 Q. Does that seem --

6 A. So yes that's --

7 Q. So you're in a similar position to your position in the  
8 previous image really?

9 A. Yes and there would be enough space -- I don't know how  
10 much space there would necessarily be but there would be  
11 enough space for me to draw my baton and get it out to  
12 the side.

13 Q. So would you like to be moved further away?

14 A. No, I think that's -- maybe push me slightly to the  
15 left. I just -- I know that I wasn't close enough,  
16 pulling my baton out I didn't connect with Mr Bayoh.  
17 I can't recall whether or not I had managed to get it  
18 out fully by the time he came past but yes, I think  
19 that's -- I'm more satisfied with that.

20 Q. Happy with that? And happy with the direction you're  
21 facing?

22 A. Yeah.

23 Q. All right. Then we moved on to the roadway of  
24 Hayfield Road.

25 A. Mm-hm.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And this was the point that you described of the --  
2 Mr Bayoh striking PC Short and then her falling. So  
3 when you look -- well, let's start with Mr Bayoh. When  
4 you see his position there, and you may want to see it  
5 more closer to ground level I think, you will see that  
6 the fish van is on the right, the silvery grey car is on  
7 the left. Are you comfortable with the sort of general  
8 area that they're in because you spent quite a bit of  
9 time yesterday talking about not seeing cars or not  
10 being aware of cars?
- 11 A. Aye, it's the cars that confuse me because I don't  
12 remember -- I'm not saying they weren't there, but  
13 I just don't recall seeing the cars.
- 14 Q. Right. Well, let's look at Mr Bayoh's position. So he  
15 has moved from the tree area into the -- towards the  
16 middle of Hayfield Road.
- 17 A. Yes.
- 18 Q. In terms of the direction in which he is facing, at the  
19 moment he is facing the south side of Hayfield Road.
- 20 A. Yes.
- 21 Q. Is that -- this is the moment before he strikes  
22 PC Short. Are you comfortable with his position there?
- 23 A. Yes, but I would maybe say more -- so you see the  
24 direction I think is generally correct, but bring  
25 Mr Bayoh -- like move him up the screen a bit.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. So closer to the island that we see?
- 2 A. Closer to the island, yes. Yes, probably more like  
3 that. No, that's too far, sorry. Bit closer. Aye that  
4 will do.
- 5 Q. And PC Short in line with him or to one side?
- 6 A. She is closer than that. I don't know -- probably just  
7 to his left side.
- 8 Q. Slightly to his left?
- 9 A. So yes, slightly to his left and not like close as in  
10 touching but close enough that a punch -- aye, if that's  
11 an arm's length.
- 12 Q. So she is just past the white -- the centre line?
- 13 A. Mm-hm.
- 14 Q. Slightly to the left of Mr Bayoh. Could we -- is it  
15 possible to see that from behind. How does that look?
- 16 A. I think everything needs to come closer, like to the  
17 camera.
- 18 Q. Closer to the camera?
- 19 A. Because that pushes us near the cars and, as I say,  
20 I don't remember the cars. Maybe slightly closer again.  
21 Sorry.
- 22 Q. No, not at all.
- 23 A. Yeah.
- 24 Q. Does that look more like it?
- 25 A. Yes, I think so.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And he used which hand to strike PC Short?
- 2 A. I can't remember if it would be right or left.
- 3 Q. Okay. And then are you comfortable with both of the
- 4 positions of those figures?
- 5 A. Yes, the two standing up, yes.
- 6 Q. Right, let's look at the blue figure on the ground.
- 7 A. Yes.
- 8 Q. You will see that that reflects a movement by PC Short
- 9 onto the other side of the road, the Hayfield Road.
- 10 A. Yes.
- 11 Q. Are you reasonably comfortable with that position?
- 12 A. I think she was more towards -- having looked at it now
- 13 at this angle I think more towards the centre line, not
- 14 lying across the centre line but certainly more towards
- 15 it. Bring her back just a little bit more so maybe her
- 16 feet touch.
- 17 Q. Bit closer to you, closer to us?
- 18 A. Yes. Closer to what would be the direction of
- 19 Gallaghers.
- 20 Q. So that's the right-hand side of the screen.
- 21 A. Yes.
- 22 Q. So closer to that.
- 23 A. Yeah.
- 24 Q. What about that? So at an angle but really from the
- 25 centre of the road?

## Transcript of the Sheku Bayoh Inquiry

1           A. Yeah. Aye. Because the -- the punch to the back of  
2           PC Short's head sent her like kind of falling, but, as  
3           I say, it wasn't just a -- she didn't fall where she was  
4           stood, she went some distance, so I would say from what  
5           I remember I think that's reasonably accurate.

6           Q. Great, thank you.

7                     Then let's look at image 5. So this is in relation  
8           to the stamp that you have described.

9                     (Pause).

10                    I think yesterday you talked about Mr Bayoh being on  
11           her right-hand side.

12           A. Yes, so I'm just trying to imagine it, if like ...

13           Q. You talked about her landing face forward with her arms  
14           stretched out.

15           A. Yeah. Obviously the model's not got their arms  
16           stretched out but if -- if you bring -- I'm trying to  
17           think how to describe it. You've got to --

18           Q. Will we start with Mr Bayoh?

19           A. Aye -- so like -- aye, do that.

20           Q. We will work on his position first of all.

21           A. Yes, so he was -- you see where you've got PC Short  
22           lying on the floor, his position was more towards where  
23           her -- what would be her right hand is, if that makes  
24           sense.

25           Q. So closer to her right hand.

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes. And then tilt Mr Bayoh.

2 Q. And what direction was he facing?

3 A. So he was facing this direction but more tilted so --

4 Q. When you say "this direction" you mean towards you?

5 A. Sorry, towards me, yes.

6 Q. And tilted -- does it help if you relate that to the

7 fish van?

8 A. Yes, so see -- that's too far, sorry. So tilt a little

9 bit back more to the left and probably about that.

10 Q. Okay. So he is facing down Hayfield Road away from

11 Gallaghers pub?

12 A. Yes.

13 Q. Away from the roundabout at Hendry Road?

14 A. Yes.

15 Q. At a slight angle?

16 A. At a slight angle.

17 Q. And Nicole Short is flat out --

18 A. Yes.

19 Q. -- on the roadway at that time?

20 A. Yes.

21 Q. And he is to her -- she is face down, so he is to her

22 right?

23 A. To her right, yes.

24 Q. Are you comfortable with those positions?

25 A. Yes, aye.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And then you, let's look at you, the figure  
2 "PC Tomlinson".

3 A. So obviously seeing it as figures, I was much closer  
4 than that because I was within striking distance with my  
5 arm and a baton. Take me closer still. A bit closer  
6 still. Aye, just keep going a little bit closer.  
7 Probably about there.

8 Q. All right.

9 A. It's whatever -- like whatever the distance would be for  
10 my arm and also the baton.

11 Q. Do you want to see the line of sight from there?

12 A. Please.

13 Q. Let's do that.

14 A. Yes.

15 Q. Are you comfortable with that? Yes? All right.  
16 I would like to -- before we finish that, please,  
17 I would like to just check your direction. Were you  
18 comfortable with the direction you were facing?

19 A. Yeah, I would say so. It's reasonable anyway.  
20 I couldn't say exactly but I think that's reasonable.

21 Q. Thank you. And then if we could look at the last image,  
22 image 6. This is the one leading to the restraint that  
23 we spent some time on yesterday.  
24 (Pause).  
25 So again we see -- we can start to see the image



## Transcript of the Sheku Bayoh Inquiry

1           developing. PC Short on the ground face down. I think  
2           on this occasion she is -- her legs are slightly over  
3           the central line.

4           A. Yes.

5           Q. You've got Mr Bayoh turning towards you and then we had  
6           Walker on the screen, but we will focus on what's  
7           happening in the middle of the road first.

8           A. Yes.

9           Q. So Mr Bayoh is there and he seems to be facing you by  
10          this stage.

11          A. Yes.

12          Q. So this is after you have struck him.

13          A. Yes.

14          Q. And you have explained that earlier. Are you  
15          comfortable with his -- the direction he is facing?

16          A. Yes. I don't know necessarily the direction -- I just  
17          know we were like face-to-face, so whatever -- I mean  
18          I'm reasonably happy with those positions. Obviously  
19          they may vary slightly in terms of what we have created  
20          where Nicole is lying on the roadway, but again that  
21          general area we have kind of discussed, but in terms of  
22          me and Mr Bayoh who were face-to -- like facing each  
23          other.

24          Q. Facing each other?

25          A. Facing each other.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And these are reasonable indications, they're not  
2 precise exact measurements. And then PC Short is still  
3 lying in the same position on the ground.

4 A. Same position.

5 Q. So I think in this case we start to see the arrow or the  
6 dart in the road and that might be in a slightly  
7 different position from the previous image.

8 A. Yeah.

9 Q. But are you reasonably comfortable? I think you moved  
10 the image closer to the island yesterday because you  
11 were concerned about the cars?

12 A. Aye, I just -- like I say, I don't remember the cars  
13 being there but I wasn't paying attention to them so  
14 they could have been there, I just don't remember them  
15 being there. For me that's the most confusing part of  
16 the whole like setup is seeing those cars.

17 Q. So is it fair to say that you're not 100% sure whether  
18 it was a central line, a single central line or part of  
19 the dart in the road as you approach the roundabout?

20 A. Yeah, I'm not sure where --

21 Q. Subject to that.

22 A. It's subject to kind of moving up and down that section  
23 but, as I say, I don't -- I never paid attention to the  
24 cars, but the kind of layout, the cluster that you've  
25 got PC Short, Mr Bayoh and myself I would say is pretty

## Transcript of the Sheku Bayoh Inquiry

- 1           reasonable. It's just that location kind of moving up  
2           and down the road --
- 3       Q. Yeah.
- 4       A. -- might vary.
- 5       Q. Your recollection isn't as clear.
- 6       A. No.
- 7       Q. And then can we pan out of this please. We had  
8           PC Walker in Hayfield Road. You will remember yesterday  
9           you gave evidence about him coming from your left.
- 10      A. Yes.
- 11      Q. And I wondered if using the figure of PC Walker you  
12           could provide the Chair with some further assistance on  
13           where he came from?
- 14      A. Yes, so see where you've got PC Walker now, I wouldn't  
15           have been able to see that far because my peripheral  
16           vision wouldn't go that far. The first of me being  
17           aware was just when he was in my peripheral vision to my  
18           left.
- 19      Q. So will we move his figure closer to you?
- 20      A. Closer to me, yes. But he wouldn't be behind, so he  
21           would be slightly in front of me.
- 22      Q. So he is now closer to the central line.
- 23      A. Yeah, he would be in line with Mr Bayoh which I think he  
24           is probably there anyway but ...
- 25      Q. Yes. Closer to you again or is that a reasonable -- he

## Transcript of the Sheku Bayoh Inquiry

1           is almost at the fish van, in line with the fish van  
2           there.

3       A. Are you able to go like the line of sight view for me.

4       Q. Line of sight?

5       A. So I was facing Mr Bayoh and I don't ever remember  
6           looking to my left, so --

7       Q. So maybe PC Walker would be closer?

8       A. Maybe -- yeah, so closer. I don't know if that makes it  
9           more difficult to move him in that picture.

10      Q. I don't know either. We will leave that to  
11       Mr DeGiovanni. If we could maybe move PC Walker closer  
12       to ... then let's see the line of sight from  
13       PC Tomlinson's character. Do you want him closer?

14      A. Aye, closer again I think.

15      Q. I'm sensing maybe you want him quite a bit closer?

16      A. Yes, sorry, aye. Quite a bit closer.

17      Q. Let's bring him quite a bit closer because you said it  
18       was out of your peripheral vision on the left.

19      A. Yeah.

20      Q. Right.

21      A. So if I was to face Mr Bayoh a little bit more -- aye,  
22       that's probably where -- you see that kind of like  
23       generalised direction towards Mr Bayoh, that's when  
24       I first became aware of PC Walker is when he emerged  
25       kind of from my left and that's the first of me really

## Transcript of the Sheku Bayoh Inquiry

1           being aware that --

2           Q.   Being aware of him?

3           A.   Aware that he was there.

4           Q.   So it really was in your peripheral vision from the

5           left, PC Walker is approaching from the left and he is

6           facing Mr Bayoh?

7           A.   Yes.

8           Q.   Right.  Let's pan out and just see if you're comfortable

9           with that image.  So that's you facing Mr Bayoh at the

10          sort of centre of the road?

11          A.   Yes.

12          Q.   PC Walker approaching from the left?

13          A.   Yes.

14          Q.   And Nicole Short face down on the ground?

15          A.   Yes, that's -- aye, I'm reasonably happy with that, yes.

16          Q.   Okay.  And we were talking yesterday about PC Walker --

17          I think you have used various descriptions, wrestle, or

18          bringing him to the ground.  It was from that point --

19          A.   Yes.

20          Q.   -- he then brought Mr Bayoh to the ground?

21          A.   Yes, aye.

22          Q.   All right.  Thank you.  Are you comfortable with that?

23          A.   Yes, aye, I'm comfortable with that.

24          Q.   Thank you.  Well, that's very helpful.

25                 I am going to move on now to some other questions in

## Transcript of the Sheku Bayoh Inquiry

1 relation to standard operating procedures.

2 LORD BRACADALE: That would be a convenient point to stop?

3 MS GRAHAME: It would, yes.

4 LORD BRACADALE: Yes, thank you. Detective Constable

5 Tomlinson, there is a member of the public, a Mr Akhtar

6 Ali, coming in to give evidence this afternoon and in

7 order not unduly to inconvenience him I propose to

8 interrupt your evidence to hear his evidence, I'm told

9 it will not be very long, and then we will come back to

10 your evidence.

11 A. Aye, that's fine, sir.

12 LORD BRACADALE: So I hope everybody understood that. We're

13 going to interrupt to hear a short witness and legal

14 representatives will be aware of his presence.

15 So 2 o'clock, thank you.

16 (1.02 pm)

17 (The luncheon adjournment)

18 (2.03 pm)

19 LORD BRACADALE: Good afternoon, Mr Akhtar. You're going to

20 be asked questions by Ms Grahame, who is sitting at the

21 end of the table here. Before we do that will you

22 repeat the words of the affirmation after me.

23 MR AKHTAR ALI (affirmed)

24 Ms Grahame.

25 MS GRAHAME: This witness is going to be taken by my learned



## Transcript of the Sheku Bayoh Inquiry

1 Q. But just to be sure that we are looking at the same  
2 document, can we look at the first page of the document  
3 please and we see that it's a statement given by  
4 yourself via telephone on 13 December 2021. Is that the  
5 same as the hard copy in front of you, Mr Ali? It  
6 should be at the very front of the file I think.

7 A. No, it's to the back. It's to the back.

8 Q. It's not where I thought it was.

9 A. Yes.

10 Q. It's the final document in the bundle.

11 A. Yes, by telephone call on 13 December 2021, yes.

12 Q. That's right. I just wanted to be sure that we each had  
13 the same document in front of us.

14 If we can perhaps scroll through that document to  
15 the final page, page 5, and paragraph 16. Do we see --  
16 do you have that before you?

17 A. Yes -- page 5, yes.

18 Q. If it's easier for you, Mr Ali, anything that I refer to  
19 is going to be brought up on the screen in front of you.

20 A. Right, okay.

21 Q. If you find it easier to look at the screen, please do  
22 so. If you would rather work from the hard copy in the  
23 folder, you're welcome --

24 A. This one, yes, thank you.

25 Q. So at paragraph 16 your statement reads:



## Transcript of the Sheku Bayoh Inquiry

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

5            Do you see that?

6            A. Yes, mm-hm.

7            Q. And do we see at the bottom of the page your signature?

8            A. That's right, yes.

9            Q. And have you in fact signed every page of the statement?

10          A. Yes, I have.

11          Q. Do we see on the final page that the date on which you  
12          signed the statement was 31 March of this year?

13          A. That's right.

14          Q. Thank you. You should also find within that folder  
15          a statement that you gave to the PIRC, the Police  
16          Investigations and Review Commissioner, and that  
17          statement is reference PIRC00084 and the statement was  
18          noted by an investigator Stewart on 11 May 2015. Do you  
19          have that in the bundle before you too?

20          A. Yes.

21          Q. And is that the copy of the statement that you provided  
22          to the PIRC?

23          A. Yes, that's right.

24          Q. So the statement is dated 11 May 2015.

25          A. Mm-hm.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Just over a week after the incident that I'm going to  
2 ask you questions about. The statement that you gave to  
3 the Inquiry of course was given nearly seven years after  
4 the incident --

5 A. That's right.

6 Q. -- that brings us here today and in fact if we can  
7 return to your Inquiry statement please and look at  
8 paragraph 15, do we see that you have said:

9 "If there is any difference between this statement  
10 [that's your Inquiry statement] and the statement I gave  
11 previously to PIRC in 2015, this earlier statement  
12 should be preferred. My memory of the incident was much  
13 clearer at that time."

14 Do we see that?

15 A. That's right, yes.

16 Q. All right. So both of those statements, Mr Ali, are in  
17 that black folder and you can refer to them at any time  
18 as you give your evidence if you would find it helpful  
19 to do so.

20 A. Okay.

21 Q. So I'm going to ask you to cast your mind back to  
22 3 May 2015 and you have explained in your statements  
23 that you are a shopkeeper and you were on your way to  
24 your shop in Kirkcaldy at about 7.30, quarter to 8 in  
25 the morning. You have explained that your journey took

## Transcript of the Sheku Bayoh Inquiry

1           you south along Hendry Road and that as you approached  
2           the mini-roundabout with Hayfield Road a car had stopped  
3           on the roundabout and you also had to stop?

4           A. That's right.

5           Q. What I would like to do, Mr Ali, is show you some CCTV  
6           footage taken from a nearby pub called Gallaghers, or  
7           the White Heather.

8           A. Aye, it's just on the roundabout, yes.

9           Q. Just on the roundabout. Can you picture it?

10          A. Yes, I know where it is.

11          Q. We have some footage from a camera there. It's not of  
12          very high quality but I would like to ask you to watch  
13          a chapter of that footage to see whether we can identify  
14          your vehicle in it.

15          A. Yes, sure.

16          Q. Can you tell me what vehicle you were driving that day?

17          A. Well, as I said, at the time I would have known. It  
18          would have been either a Mercedes, a red Mercedes, which  
19          I used to have, or a Vivaro that I have now, so it would  
20          be in the statement and it will be in the pictures and  
21          things.

22          Q. Don't worry. Please help me with that. I'm not an  
23          expert on cars. The Mercedes, would that have been  
24          a car or a van?

25          A. No, it's a van, Mercedes is a van, a Vito van.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And it was red in colour did you say?

2 A. That was red in colour and obviously I changed it, after  
3 that I have had the white Vauxhall Vito[sic].

4 Q. And is that also a van?

5 A. That's also a van, yes.

6 Q. So one way or another it's a van we're looking out for?

7 A. It's a van I'm driving, yes.

8 Q. So it might be red, it might be white, but it's a van  
9 that we're looking out for?

10 A. That's right, that's right.

11 Q. Can we go to the video evidence timeline please and can  
12 we start please at about 7.21.30. I'm going to ask you  
13 to play, Ms Taylor-Smith, just until I ask you to stop,  
14 so starting here would be perfect.

15 (Video played)

16 A. That's my van there.

17 Q. You can stop there please. That's your van, Mr Ali?

18 A. That's my van and that's the car that was parked over  
19 there that I couldn't get past.

20 Q. I see. What we will do is just play on I think until  
21 your van is out of our field of view and then go back to  
22 the beginning to try to establish some timings.

23 (Video played)

24 If we can stop there please and go back to 7.21.30.  
25 Mr Ali, I should perhaps have explained that you will



## Transcript of the Sheku Bayoh Inquiry

1 A. Mm-hm.

2 Q. -- behind the silver car that's parked in front of you?

3 A. That's right.

4 Q. And again if we can watch a little bit further please.

5 (Video played)

6 If we stop there.

7 A. It's just a matter of seconds.

8 Q. It is, isn't it?

9 A. Yes, it's not even a minute.

10 Q. So we see that about 55 seconds past, you begin to

11 manoeuvre around the parked car and you head on your

12 way.

13 A. That's right.

14 Q. So just to recap, we see that your van comes into our

15 field of view, approaching the roundabout, at about 38

16 seconds past the minute and you begin -- having slowed

17 down, you begin to move off and manoeuvre your way

18 around the little silver car at about 55 seconds past

19 the minute. Would you agree with that?

20 A. Yes, I would agree with that.

21 Q. So your van was on the roundabout, or just beyond the

22 roundabout, for a period of less than 20 seconds?

23 A. True.

24 Q. All right. We may return to that but we can put that to

25 one side for now and I would like to ask you some

## Transcript of the Sheku Bayoh Inquiry

1            questions about what you were able to see when you were  
2            stopped on or close to the roundabout.

3            Am I right to understand that Hayfield Road would  
4            have been to your left as you drove through that  
5            roundabout?

6            A. Yes.

7            Q. As you looked along Hayfield Road, would you have been  
8            looking out of your front windscreen or out of the  
9            passenger side of the car?

10          A. As I approached it would be from the front and then as  
11          I stopped it would be from the side.

12          Q. What could you see happening on Hayfield Road?

13          A. Well, as I approached I noticed that there was an  
14          incident taking place and there was two police officers  
15          that had pinned down someone and also seen a woman  
16          police officer crossing the road towards the parked  
17          vehicles. There was a car and a van, a police car and  
18          a van there at the time.

19          Q. Let me begin by asking you some questions about the  
20          person who you say was being pinned down. Could you see  
21          whether that was a man or a woman?

22          A. No, I couldn't really see whether it was a man or  
23          a woman, but obviously I presumed with it being the two  
24          officers that were pinning him down, it would have been  
25          a man. I couldn't really say.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Why did you make that assumption?
- 2 A. Obviously there was two police officers pinning him  
3 down, I didn't presume it would have been a woman that  
4 they would be trying to pin down like that.
- 5 Q. Can you describe the position that the person was lying  
6 in?
- 7 A. He's -- I think it would have been face down and his  
8 face would be towards the houses and his feet towards  
9 the road.
- 10 Q. I'm going to ask you some questions about the officers.  
11 You said that there were two police officers?
- 12 A. That's right.
- 13 Q. Did you see whether they were male or female?
- 14 A. They were male.
- 15 Q. The first of those officers, where was he in relation to  
16 the person on the ground?
- 17 A. Well, one was facing me, the one that would be further  
18 away from me, and the one towards -- to my side would  
19 be -- his back would be towards me.
- 20 Q. All right, so if I understand correctly, the person who  
21 was lying on the ground had their head towards the  
22 houses and their feet towards the road?
- 23 A. Mm-hm.
- 24 Q. And as you were looking at them, one officer was on the  
25 side of the person closest to you and the other officer



## Transcript of the Sheku Bayoh Inquiry

1           was on the side of the person furthest away from you?

2       A. That's right.

3       Q. Do I understand correctly?

4       A. That's right.

5       Q. And do I also understand correctly that both of the

6           officers were facing the person who was on the road?

7       A. Yes.

8       Q. And that would explain why the officer closest --

9       A. It was on the pavement. It was on the pavement this

10           was, yes.

11      Q. I beg your pardon. And that would explain why the

12           officer closest to you had his back to you?

13      A. That's right.

14      Q. Let's call the officer who had his back to you the first

15           officer. I would like to ask you more about what he was

16           doing. What position was he in?

17      A. I mean they had -- he had his knee on the body and

18           obviously -- and hands laying him down. I think they

19           had his -- both his arms were folded onto the back like

20           that (indicating) you know.

21      Q. Whose arms were folded onto the back?

22      A. The person they were pinning down.

23      Q. I see. So you have described this person lying -- did

24           you say he was lying face down?

25      A. Face down, yes.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. With his arms being held behind his back, do  
2 I understand correctly?
- 3 A. Mm-hm, that's right.
- 4 Q. And the officer who had his back to you -- I wonder in  
5 fact could I ask you perhaps to come into the centre of  
6 the room and demonstrate the position that officer was  
7 in. That would be very helpful.
- 8 A. Yes, sure.
- 9 Q. Would you come forward please Mr Ali and I think there  
10 is a mark near the middle of the carpet. If you could  
11 place yourself about there and the microphones may not  
12 pick you up but if you could perhaps demonstrate the  
13 position.
- 14 A. The person that they're pinning down is facing this way.  
15 This is the pavement, on the pavement and the  
16 officers -- obviously I can't really bend with my knee  
17 and that but he had his arm to his back and his knee on  
18 his body, like that (indicating).
- 19 Q. Thank you. I don't want you to be uncomfortable. If  
20 you would perhaps come back to the microphone I will ask  
21 you more questions about that.
- 22 A. The other officer was facing the other way and in a  
23 similar --
- 24 Q. And in a similar position?
- 25 A. Yes, a similar position, obviously facing towards me.

## Transcript of the Sheku Bayoh Inquiry

- 1           The other one was facing that way.
- 2           Q. I see. Please come back round, thank you.
- 3                     In the demonstration that you gave, Mr Ali, you got
- 4           down onto your knees and I think you explained that it
- 5           wasn't very comfortable for you to get down onto your
- 6           knees there?
- 7           A. No, I have had a knee replacement so I can't really bend
- 8           properly.
- 9           Q. I'm sorry. If I had known I might not have asked. But
- 10           should we understand that the officers were in the
- 11           position you adopted --
- 12           A. That's right, yes.
- 13           Q. -- or was their position different from that?
- 14           A. That position that I have shown, you know, like one knee
- 15           on the body and the other one holding his arm with his
- 16           hands.
- 17           Q. So the position that you adopted there you had one knee
- 18           on the floor and the other knee at a sort of right angle
- 19           to your body.
- 20           A. No, only one of ... aye, similar to that, that's right,
- 21           just one knee onto the body, yes.
- 22           Q. So should we understand that the officers had one knee
- 23           on the ground and one knee on --
- 24           A. That's right.
- 25           Q. -- the man's body, have I understood that correctly?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Both officers were in the same position facing each  
3 other?
- 4 A. That's right.
- 5 Q. Mirror opposites effectively, so each had one knee on  
6 the ground and one knee on the body of the man?
- 7 A. Mm-hm.
- 8 Q. And help me to understand what they were doing with  
9 their arms. You mentioned the man's arms being behind  
10 his back?
- 11 A. They were just holding him down. As I said, it's only  
12 a matter of seconds that I was there and that's  
13 basically all I seen and then I drove off.
- 14 Q. I appreciate that. It was just a moment in time.
- 15 A. Yes.
- 16 Q. I'm just keen to understand as much as I can about what  
17 you saw in that moment in time.
- 18 What part of the man's body were the officers' hands  
19 or arms coming in contact with?
- 20 A. What part of the body of the man that they were --
- 21 Q. With the man -- sorry, the person who was on the ground.
- 22 A. Well, just on his back.
- 23 Q. On his back.
- 24 A. Yes.
- 25 Q. What was the person on the ground doing?

## Transcript of the Sheku Bayoh Inquiry

1 A. Just lying there.

2 Q. Was the person moving or still?

3 A. No, as I said, I wasn't there that long that I could see  
4 any movement or anything. He was just being pinned down  
5 and that was it.

6 Q. Can I take you to your PIRC statement please, to the  
7 second page of that statement.

8 A. Is that -- which date is that? The 13th one or the  
9 other one?

10 Q. This is the one from 2015.

11 A. Right, okay.

12 Q. From 11 May 2015.

13 A. Right, okay.

14 Q. The passages I would like to refer to will come up on  
15 the screen. If we can scroll down a little more please  
16 Ms Taylor-Smith. Perfect.

17 Do we see that what is recorded in your PIRC  
18 statement is that you said:

19 "The two male officers were down on the ground when  
20 I first seen them. There was movement from the person  
21 on the ground, and they were [definitely] putting  
22 pressure on the person to keep the person on the ground.  
23 I couldn't say if the person was face up [or] face  
24 down."

25 Do you see that?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes, I see that, yes.

2 Q. You go on to say:

3 "One of the officers had his back to me facing the  
4 hospital and the other was facing me. The officer with  
5 his back to me was closer to me. Both officers were  
6 kneeling on the person. The officer facing me and  
7 furthest from me was kneeling down around about the head  
8 area of the person. I can't say definitely kneeling on  
9 the person's head, just towards the head area.

10 "The second officer with his back to me was kneeling  
11 towards the middle to the bottom of the person's body.  
12 Both officers were using their both hands to restrain  
13 the person as well as one of their knees. At the time  
14 I saw this I thought at any time that the two male  
15 police officers were just restraining and arresting  
16 somebody. I wasn't shocked at what I seen. It was just  
17 an arrest. I got the impression that the person on the  
18 ground was trying to get up and the officers were using  
19 force to keep him down."

20 Do you see that there?

21 A. Yes, I see that, yes.

22 Q. And it will be what you told the PIRC at --

23 A. Yes, obviously the memory would have been fresher at  
24 that time so ...

25 Q. So should the Chair and the Assessors, when considering

## Transcript of the Sheku Bayoh Inquiry

1           your evidence, prefer the evidence that you have given  
2           today or the statement that you gave to the PIRC in  
3           2015?

4           A. I would prefer it if that evidence on 2015 would be  
5           used.

6           Q. All right. Mr Ali, you also said that there was a lady  
7           officer.

8           A. Mm-hm.

9           Q. You said I think that you saw her cross the road towards  
10          the vehicles?

11          A. That's right.

12          Q. In the footage that we looked at there were vehicles on  
13          both sides of the road so I want to understand what  
14          direction she was crossing from. As you were looking  
15          down Hayfield Road did she cross from your right to your  
16          left, or from your left to your right?

17          A. Well, from the side that the incident was happening to  
18          the other side, so if you're looking from my point of  
19          view it would be to the left she would be crossing.

20          Q. I'm sorry, I didn't hear that. From the side that the  
21          incident was taking place --

22          A. To the opposite side of the road.

23          Q. Opposite side?

24          A. The opposite side of the road. The vehicles were parked  
25          on the opposite side of the road, the van and the car.

## Transcript of the Sheku Bayoh Inquiry

1 Q. After you manoeuvred your way around the car that had  
2 stopped in front of you, did you go to your shop and  
3 carry on with your day?

4 A. Yes, that's right.

5 Q. Bear with me just a moment please, Mr Ali.

6 (Pause).

7 Can we return to the officers pinning the person  
8 down. You said that they had their hands on the man --  
9 sorry, on the person, and also their knees. Whereabouts  
10 on the person were the officers putting their hands?

11 A. It would be holding his arms I suppose. As I said, it's  
12 that long now ...

13 Q. You described his hands being behind his back?

14 A. That's right.

15 Q. Where were their knees, which part of his body?

16 A. Just towards the back body, you know.

17 Q. The back part of his body?

18 A. Mm-hm.

19 Q. Would the back part of his body be his back or the rear  
20 of his legs? What part of his body?

21 A. As I say, I can't say that much, not now. I mean it's  
22 not that fresh at the moment, you know, but it is  
23 definitely obviously they're pinning him down with  
24 a knee and that on his body, but which part of the body  
25 I couldn't say, you know.



## Transcript of the Sheku Bayoh Inquiry

1 MS THOMSON: All right. I have no further questions for  
2 you. Thank you for your time, Mr Ali.

3 A. Thank you.

4 LORD BRACADALE: Are there any Rule 9 applications in  
5 respect of this witness? No.

6 Mr Akhtar, thank you very much for coming to give  
7 evidence to the Inquiry. That's the end of your  
8 evidence. You are now free to go.

9 A. Thank you.

10 LORD BRACADALE: I think in fact the Inquiry will adjourn  
11 for a short time in order to get the necessary  
12 arrangements in place to have Detective Constable  
13 Tomlinson back.

14 (2.27 pm)

15 (Short Break)

16 (2.34 pm)

17 LORD BRACADALE: Now, Ms Grahame.

18 PC ASHLEY TOMLINSON (continued)

19 Questions from MS GRAHAME (continued)

20 MS GRAHAME: PC Tomlinson, when we were on image 6 I forgot  
21 to ask you something.

22 A. Right.

23 Q. Can we immediately go back to that and I will just deal  
24 with it before we move on. We had in that image  
25 Mr Bayoh positioned on the south side of Hayfield Road

## Transcript of the Sheku Bayoh Inquiry

1           and I didn't invite you to fine-tune that position.

2           A. Okay.

3           Q. So can we look at that now please. You will see the  
4           hedge on the left, the pavement, the island on the right  
5           and I think yesterday you had given us the position of  
6           Mr Bayoh when he landed on the ground.

7           A. Yes.

8           Q. Are you comfortable that that's a reasonable indication  
9           of the position, or would you like to move that?

10          A. I mean all I remember is it was flat like, so what  
11          I mean by that is there was no difference in height so  
12          if we were going to move Mr Bayoh it would either be  
13          onto the pavement or somewhere in that general area,  
14          I don't know exactly where, but I just know that there  
15          wouldn't have been a step up or a step down in height,  
16          so all of Mr Bayoh would have been either on the  
17          pavement or somewhere where the pavement was the same  
18          height as the road.

19          Q. So either entirely on the pavement or entirely on the  
20          road?

21          A. Yes, but I know it wasn't on the road, so it must be  
22          entirely on the pavement.

23          Q. On the pavement. So subject to those caveats are you  
24          content with that position or would you like to refine  
25          it or change it in any way?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes, just that position just move Mr Bayoh so his feet  
2 aren't hanging off the pavement. Aye that will do.

3 Q. Comfortable that that's --

4 A. Yes.

5 Q. Thank you very much. Thank you for clarifying that.  
6 I'm sorry I forgot to do that before lunch.

7 Can I move on to use of force, so we're going to  
8 move away from the footage and the images now and can  
9 I ask you what do you remember about the training you  
10 received on use of force?

11 A. It would have been through officer safety training but  
12 I couldn't specifically say like --

13 Q. Do you remember in what circumstances use of force is  
14 justified by a police officer?

15 A. When you arrest someone you can use force if a person is  
16 obviously compliant -- I mean the use of force, you kind  
17 of use that term -- even the, like, kind of the  
18 come-along hold which would be kind of guiding somebody  
19 by the hand, it's a degree of force, showing up as  
20 a degree of force, so there's different levels of force  
21 in situations when you can use different levels of force  
22 as well.

23 Q. And we may hear that it has to be reasonable,  
24 proportionate and the minimum necessary?

25 A. Yes.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Do you remember that from your training?

2 A. Yes.

3 Q. And what have you been told in officer safety training  
4 about baton strikes to the head?

5 A. We're obviously made aware in training that baton  
6 strikes to certain areas of the body, not specifically  
7 just to the head, carry a greater risk and it's  
8 something to be aware of. It's not in training -- it's  
9 not a case of you should never strike there, but it's  
10 a case of you must be aware there's obviously  
11 a significant risk with some areas of the body.

12 Q. When you say a significant risk, if you're enforcing  
13 a blow to the head, are you made aware that there's the  
14 possibility of death or serious injury because of that?

15 A. Yes.

16 Q. And so you may only strike a blow to the head when the  
17 use of deadly force is justified?

18 A. Yes.

19 Q. And I would like to ask you to look briefly at a use of  
20 force SOP, a standard operating procedure, and we have  
21 heard that officers know about these and they are aware  
22 of them. This will come onto the screen. It's PS10933.

23 (Pause).

24 Well, maybe we don't worry about it. That's  
25 absolutely fine. I'm going to read out some levels. We

## Transcript of the Sheku Bayoh Inquiry

1           have talked already about the different levels of force  
2           that can be used. So if you take it from me that the  
3           use of force SOP talks about something called the  
4           confrontational continuum. Do you remember anything  
5           about that?

6           A. I'm aware of it. I couldn't -- I don't know if I can  
7           say it.

8           Q. I'm looking at paragraph 4.2 and it:

9                     "... assists officers to determine what may be  
10           considered to be the appropriate level of force to be  
11           used in any eventuality and should be used to assist  
12           officers to subsequently justify the extent of any force  
13           used."

14           And there are, in paragraph 4.6:

15                     "Profiling a person's behaviour may assist with  
16           determining [the appropriate] response."

17           And behaviours are categorised as follows, and there  
18           are six levels of categorisation. There's compliance,  
19           level 1; level 2, verbal resistance and/or gestures;  
20           level 3, passive resistance; level 4, active resistance;  
21           level 5, assaultive resistance; and level 6, serious or  
22           aggravated assaultive resistance. So this is the  
23           person's behaviour --

24           A. Yes.

25           Q. -- the way it is categorised. Do you recognise those

## Transcript of the Sheku Bayoh Inquiry

1           levels and those terms I have read out?

2       A. Yes, I do, yes.

3       Q. So could you help us to understand the different types

4           of behaviour that Mr Bayoh exhibited in Hayfield Road

5           and I would like you to help us understand how you

6           categorised his behaviour. So when you used your

7           spray -- so you have talked about him being on the path

8           and using your spray, can you tell us the level of

9           behaviour that he was demonstrating at that time?

10      A. Non-compliance.

11      Q. Non-compliance.

12      A. Yes. It's difficult because I can't obviously refer to

13           it on the screen.

14      Q. Yes, I'm sorry about that. So level 1 is "Compliance",

15           it's not that?

16      A. It's not that.

17      Q. And level 2 is:

18           "Verbal Resistance and/or Gestures.

19           "This includes shouting, swearing and verbal

20           challenges to requests and/or instructions given. It

21           normally includes non-verbal gestures and posturing

22           (body language) and can consist of Warning and Danger

23           signs of potential attack."

24           That's level 2. Level 3 is:

25           "Passive Resistance.

## Transcript of the Sheku Bayoh Inquiry

1            "This is a typical tactic used but not exclusively  
2            by demonstrators. It is best described as non-active  
3            conduct with no compliance to lawful instruction."

4            A. Yes, that's what Mr Bayoh demonstrated.

5            Q. So that's level 3?

6            A. Yes.

7            Q. When you used your spray?

8            A. When I used my spray, yes.

9            Q. And then what category would you say of behaviour did he  
10           demonstrate when you used your baton?

11           A. The most serious one, so point 6.

12           Q. So level 6:

13                  "Serious/Aggravated Assaultive Resistance.

14                  "The highest level of resistance encountered which  
15           generally involves the intended use of weapons as part  
16           of the attack where the perceived threat is that of  
17           serious injury or is life threatening. It can also  
18           include situations without the presence of weapons where  
19           the perceived threat is that of serious injury or is  
20           life threatening."

21                  And so when you used your baton that's the level of  
22           behaviour of Mr Bayoh that you --

23           A. Yes, his actions towards PC Short were such that

24           I thought he was going to kill her. Obviously we have  
25           had reports of a knife as well, so there's

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1 a consideration that the weapon is still in play and  
2 what I mean by that is it is unaccounted for at that  
3 time, so yes.

4 Q. You have told us that at no time you saw him produce or  
5 brandish the knife.

6 A. No, but there's an opportunity to produce that from  
7 a concealed location on a person's body.

8 Q. Yes. Then when you -- when PC Walker engaged him and  
9 brought him to the ground and you both engaged in  
10 restraint of Mr Bayoh and you have described using your  
11 baton to his Achilles area --

12 A. Mm-hm.

13 Q. -- and you have described straddling his legs, what  
14 category of behaviour would you say he was demonstrating  
15 then?

16 A. That's active resistance.

17 Q. Active resistance. That's level 4.

18 A. Level 4 -- aye. Again without them being on the screen  
19 it's kind of difficult to --

20 Q. I will read that out.

21 A. Please, thank you.

22 Q. "This is more of a physical form of resistance, in that  
23 the subject is actively doing something to prevent or  
24 obstruct an officer from carrying out their duty. This  
25 type of resistance, although physical by nature, falls



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1 short of an assault upon another."

2 We've got another copy here. Here it is. So let's  
3 look at paragraph 4.6 please, and the different  
4 levels -- we're looking at level 4 at the moment. You  
5 see I was reading that, "Active Resistance", and:

6 "This type of resistance, although physical by  
7 nature, falls short of an assault upon another. It can  
8 include holding on to an object/person either physically  
9 or mechanically; struggling to break free from  
10 an officer's grasp; trying to dispose of evidence."

11 A. Yes.

12 Q. And that's when you were, as I have said, brought to the  
13 ground, baton to the Achilles and straddling his legs.

14 A. Yes.

15 Q. And having categorised that behaviour, what was --  
16 I would like to go through what the appropriate officer  
17 use of force option was, so if we can go down the page  
18 please, we will see at paragraph 4.7 there's a list of  
19 officer use of force options, so this is "Officers  
20 reasonable response (force options)" and you will see  
21 there 4.7.2 "Level 1 - Officer Presence" and:

22 "This is a broad term encompassing the physical and  
23 psychological aspects of an officer, especially in  
24 uniform or other specialist equipment, having a visual  
25 impact and effect on the mind or will of another merely

## Transcript of the Sheku Bayoh Inquiry

1           by attending to or arriving at the situation. Adopting  
2           a professional approach and conduct can enhance this."

3           A. Yes.

4           Q. Then level 2 "Tactical Communications" and you have  
5           talked to us yesterday about communications and this is  
6           the ability to give out and take in information.

7           A. Mm-hm.

8           Q. And then level 3 is "Control Skills":

9                     "... the lowest level of physical use of force where  
10           there is some form of restraint applied to an offender."

11                    It may be as little as placing a hand on an  
12           offender, or applying hold and restraint techniques,  
13           handcuffing techniques and use of leg restraints.

14          A. Yes.

15          Q. And you talked a moment about ago about just holding  
16          a hand -- touching someone and directing them.

17          A. Yes.

18          Q. That's level 3. Then level 4, "Defensive Tactics":

19                    "These tactics are generally perceived to be  
20           strikes, whether delivered by means of empty hand  
21           techniques or baton strikes, but also include the more  
22           robust defensive handcuffing techniques and the use of  
23           CS ... Spray."

24          A. Yes.

25          Q. And then level 5 is "Deadly or Lethal Force" and:

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1            "This is a level of force that has the potential to  
2            cause serious injury or even death when it is applied.  
3            It may in certain circumstances, where there is  
4            a serious risk of severe injury or life threatening  
5            risk, be a deliberate choice of option, but in all  
6            circumstances must be proportionate to the perceived  
7            threat and degree of imminent danger. If this is the  
8            chosen option there must be high degree of jeopardy  
9            involved; ie the subject has the Means,  
10           Ability/Opportunity and is displaying Intent to cause  
11           serious injury or kill. All elements of Jeopardy must  
12           be present immediately at the time that lethal force is  
13           applied. Officers using empty hand strikes, baton  
14           strikes as well as Authorised Firearms Officers use of  
15           conventional firearms could potentially deliver lethal  
16           force."

17           And you recognise that description?

18           A. I do, yes.

19           Q. So I would like to go through with you what level of  
20           force -- how you would categorise your use of force in  
21           Hayfield Road. So first of all, when you used your  
22           spray --

23           A. Yes, so if you --

24           Q. Do you want to go up the page again please.

25           A. Yes.

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1 Q. We read out specific reference to spray I think in --  
2 could you go down again please.

3 A. Aye, go down a bit. So you can see it there on level 4.

4 Q. Level 4?

5 A. Yes.

6 Q. And when you drew your baton and --

7 A. Well, initially the draw of the baton would have been in  
8 a defensive technique because I perceived that I was  
9 going to be attacked, so the initial draw of the baton  
10 was level 4 defensive.

11 Q. And then the strikes with the baton?

12 A. When I perceived that PC Short was about to be killed,  
13 it was level 5 because I was under the genuine belief  
14 that he had or was in the process of killing PC Short.

15 Q. And then when you were on the ground involved in the  
16 restraint with PC Walker?

17 A. It would have been a combination of level 4 and level 3.  
18 I say level 4 because my fear was that he was going to  
19 still potentially use his legs to manoeuvre out of the  
20 restraint and obviously it's defensive as well as  
21 an attempt to control. It wasn't used to cause injury,  
22 but merely pain compliance and by that what I mean is  
23 I had already viewed and witnessed Mr Bayoh using his  
24 legs as effectively weapons and I didn't want to be in  
25 a position where I was on the floor, so the blow would

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1           have been a combination of 4 and 3.

2           Q. Thank you. And do you consider that you used the  
3           appropriate use of force option at all times in  
4           Hayfield Road?

5           A. I do.

6           Q. And do you consider that the situation you have  
7           described yesterday and today was one where the use of  
8           deadly force was justified?

9           A. I do.

10          Q. And I think you have already explained why that is the  
11          case. And -- thank you, I will leave that SOP to one  
12          side now.

13                    Can I ask you if you remember the recovery of  
14          a knife before you left the scene that day at  
15          Hayfield Road?

16          A. The first time I have ever seen the knife is during the  
17          Public Inquiry. I had an awareness that there was some  
18          interest in a patch of grass. I don't know if you want  
19          to bring a map up and I can kind of point to it but  
20          certainly it was a patch of grass towards which Mr Bayoh  
21          was walking back towards -- obviously at the time  
22          I wouldn't have known that he was walking back towards  
23          a knife, but obviously having seen the -- you know, the  
24          pictures at the Inquiry, that's the first time I have  
25          physically seen the knife.

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1 Q. Well, it may be that we can show one of the images from  
2 the 3D reconstruction scene which will show that. We  
3 will have that in a moment.

4 Can I ask you first of all to look at PIRC 263.  
5 That's your statement that you gave to PIRC in June 2015  
6 and it is page 5 of that statement. It is paragraph 7.  
7 So it is the final paragraph on that page. It says:

8 "With regards to a knife being found ..."

9 Do you see that paragraph?

10 A. I do, yes.

11 Q. "... when I was searching for a knife on the man, James  
12 McDonough ran towards the grass area where the man had  
13 been walking towards and pointed to the ground.  
14 I didn't know what he was doing, but I saw Chuck (DC  
15 Connell) move to the same area with a brown paper bag.  
16 I didn't see him pick anything up, and never paid any  
17 attention to it after that."

18 And I wonder if we could see one of the images on  
19 the screen.

20 A. What I would say as well, I think where it says "I saw  
21 Chuck", I think that should say Chunk.

22 Q. Chunk?

23 A. Chunk.

24 Q. Is that his nickname?

25 A. I believe so. I don't really know who DC Connell is.

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1 I just know or think Chunk is DC Connell. I could be  
2 mistaken. But certainly Chuck is a typo, it should be  
3 Chunk.

4 Q. All right. So it's a typo, thank you.

5 A. Yes.

6 Q. Now, we have Mr DeGiovanni here. I'm wondering if image  
7 3 might be the best. Let's not use the stills then,  
8 let's use the live and Mr DeGiovanni will take control  
9 of the situation.

10 So we're back, you will see, in the 3D  
11 reconstruction.

12 A. Yes.

13 Q. And this is actually one of the scenes where you have  
14 placed characters and you see again on the left-hand  
15 side we can see the markings on the road that would show  
16 the roundabout at Hendry Road and Hayfield Road?

17 A. Aye.

18 Q. And then if we zoom in we can probably see the position.  
19 Now, if I remember rightly there was a paper clip or  
20 such-like at one point. Right, so if we could look into  
21 where the roundabout is -- thank you. So on the left of  
22 the screen we can see the roundabout at Hayfield Road  
23 and Hendry Road and then at the top of the screen  
24 there's what appears to be a lamp post in front of the  
25 trees nearer to the road and there is a red circle with

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- 1 an exclamation.
- 2 A. Yes.
- 3 Q. And can we look at that more closely please and we may  
4 hear evidence at some point in the hearing that that is  
5 the area where a knife was found.
- 6 A. Yes.
- 7 Q. Is that the area where you saw Chunk or DC Connell?
- 8 A. Yes, aye, it was just that generalised area. I just  
9 remember it being the grass.
- 10 Q. But if we can pan out please, so when you talk about  
11 Mr Bayoh going towards the area --
- 12 A. Mm-hm.
- 13 Q. -- on this image you will see that the area where you  
14 had placed Mr Bayoh near the trees --
- 15 A. Yes.
- 16 Q. -- is over to the far right of that image.
- 17 A. Yes.
- 18 Q. Now, you're not suggesting that he threw the knife, or  
19 he disposed of the knife?
- 20 A. I couldn't say how --
- 21 Q. You can't see anything like that?
- 22 A. No, I didn't see that but in a generalised walking  
23 direction, that was back towards the location of the  
24 knife.
- 25 Q. So Mr Bayoh was on the path walking towards the



## Transcript of the Sheku Bayoh Inquiry

1 direction of the roundabout effectively?

2 A. Roundabout, yes.

3 Q. On Hendry Road and the area we see with the red circle  
4 is where the knife was located?

5 A. Yes.

6 Q. Thank you. Thank you very much. We can remove that  
7 from the screen.

8 Now, before you left the scene we briefly touched on  
9 the arrival of the ambulance and I think I had referred  
10 you to page 5 of your statement, to PIRC, paragraph 6,  
11 which was just above the one we looked at a moment ago,  
12 and within that statement when you're talking about the  
13 ambulance arriving it says:

14 "A stretcher appeared and I helped the man onto it  
15 face up, helped by Alan Smith, Craig Walker and  
16 Alan Paton. We put him onto a stretcher on his back  
17 still handcuffed to the front and one fast strap to his  
18 lower knee."

19 Now, by this stage I think you have already told us  
20 that he's unconscious and that's what prompted the  
21 ambulance being called. He's not been breathing and CPR  
22 has been performed. Can I ask you why when he was put  
23 onto the stretcher and taken to the ambulance his  
24 handcuffs and the fast strap weren't removed?

25 A. I don't actually remember putting him on -- or helping

## Transcript of the Sheku Bayoh Inquiry

1           to assist putting him on the stretcher. What I can  
2           remember is PC Alan Smith is driving the ambulance, but  
3           I wouldn't necessarily remove the handcuffs or the fast  
4           strap because the time taken to do that would obviously  
5           be time taken away from the paramedics trying to do  
6           their work, and to my awareness it wasn't actually  
7           interfering with their work but obviously I can't speak  
8           to that, so ...

9           Q. Well, we may hear from the paramedics about that.

10          A. Yes.

11          Q. How long would it normally take to remove handcuffs?

12                I know you have told us previously they weren't your  
13                handcuffs.

14          A. Yes, so it's as long as it takes to get a key which the  
15                keys are obviously kept on our person. I mean as  
16                an example, there's my key, it's a small key, so then  
17                you've got to unclip that key because that lanyard can  
18                get interfered with obviously the handcuffs.

19          Q. Are the keys generic or --

20          A. The keys are generic, yes, so anybody can produce a key.  
21                There's different styles you can get, larger keys,  
22                smaller keys, but it generally would be the time taken  
23                to produce a key and then you've got to -- depending on  
24                which way the handcuffs have been applied -- and by that  
25                I mean on one side of the handcuff there is no hole and

## Transcript of the Sheku Bayoh Inquiry

1           the other side of the handcuff there's a hole for the  
2           key to go into, so depending on whether that hole is  
3           facing away or to the body also then may increase the  
4           time taken to find the holes, locate the holes. You  
5           have to turn the key one way -- when you lock a set of  
6           handcuffs there's a safety mechanism that stops them  
7           ratcheting further on and getting tighter. You double  
8           lock them, so you push a little bar in at the top, and  
9           to overcome that double lock mechanism to undo the  
10          handcuffs you have to turn the key one way and then the  
11          other way and then you have to unloop.

12                 So that all takes time and you wouldn't unloop just  
13          one because if a person regains consciousness that  
14          becomes a weapon. You've got a hand in a handcuff which  
15          potentially -- I have been made aware that officers have  
16          succumbed -- not succumbed but have sustained injuries  
17          when a hand is flailing around with a single cuff on.  
18          It could be used basically to strike an officer. So  
19          you're talking the amount of time to find a key, to  
20          overcome the double lock, to undo the handcuff and then  
21          repeat the same process on the opposite side, so  
22          you know, that, we're talking quite a number of seconds.

23          Q. And how long does it take for fast straps to come off?

24          A. Again it just depends like how tangled up they are. You  
25          might have wrapped them round a couple of times so again

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1           it's a case of trying to undo them, trying to untangle  
2           them, if they have maybe been twisted around at the top,  
3           you know, so again you're talking seconds which those  
4           seconds could be better spent performing CPR rather  
5           than, you know, trying to do something that's maybe not  
6           interfering with that.

7           Q. Thank you. Can I ask you about your return to Kirkcaldy  
8           Police Office. So let's go back to your Inquiry  
9           statement please and you have given us information about  
10          this part of the events that day at paragraphs 55 to 69.  
11          So that's three pages. When did you get back to  
12          Kirkcaldy Police Office?

13          A. I don't know what time it was that I got back. I just  
14          remember being given a set of keys and I think I'm the  
15          one that drove back. I think I was with PC Gibson.  
16          I don't know like where in the yard -- when I say yard,  
17          I mean like the carpark area at the back of the station,  
18          I don't know where I would have parked or how long it  
19          would have taken me to get back, so it would have been  
20          the morning still but I don't know what time.

21          Q. How long does it normally take to get from Hayfield Road  
22          to Kirkcaldy Police Station?

23          A. Maybe five or ten minutes, something like that. I don't  
24          know, maybe a bit less time depending on traffic.

25          Q. Who was in charge when you got back to the station?

## Transcript of the Sheku Bayoh Inquiry

- 1       A. I don't really know to be honest because obviously  
2       Sergeant Maxwell was still at the locus. Obviously he  
3       was the Chief Sergeant that day so -- I don't know.
- 4       Q. Okay. I would like to ask you if you saw any senior  
5       officers that morning.
- 6       A. Mm-hm.
- 7       Q. Can I ask you did you see Inspector Kay at any time?
- 8       A. I don't even know if Inspector Kay was at Kirkcaldy.
- 9       Q. Okay.
- 10      A. I don't remember seeing him. I don't --
- 11      Q. You don't remember seeing him at all?
- 12      A. No, I don't remember seeing him, no.
- 13      Q. Do you remember seeing Conrad Trickett, Chief Inspector  
14      I think.
- 15      A. See I remember speaking -- or being in Conrad Trickett's  
16      presence and the only reason I remember is because the  
17      name is unusual. It's just a name that's always stuck  
18      with me, Conrad and Trickett. One, I've never met  
19      anyone called Conrad, and I just thought the surname  
20      Trickett was unusual, so that is a name that's stuck  
21      with me, it's a name that I'm aware that obviously  
22      I have come into contact with that day and I know he was  
23      sitting in the canteen with us but I don't know what  
24      conversations I had with him.
- 25      Q. Do you remember when you saw him?

## Transcript of the Sheku Bayoh Inquiry

- 1           A. It wasn't -- like he wasn't sitting there waiting for  
2           us. I don't know when he appeared -- sorry, when he  
3           arrived. I just remember him being in the canteen at  
4           some point. I don't know who introduced him or if he  
5           introduced himself, I don't know. You know, the canteen  
6           you can come in two doors and again I don't know which  
7           door he came in or who would have shown him. He is not  
8           a name I would recognise around the station so I would  
9           recognise him as somebody from outwith Kirkcaldy.
- 10          Q. Do you remember if Conrad Trickett gave you any advice  
11          not to confer with other officers about what had  
12          happened at Hayfield Road?
- 13          A. No.
- 14          Q. Okay. And did you see any other senior officers such as  
15          Pat Campbell?
- 16          A. No, I don't even know who Pat Campbell is.
- 17          Q. So you don't remember if a senior officer came in and  
18          gave you advice about not conferring or about your  
19          status --
- 20          A. No.
- 21          Q. -- or about giving statements?
- 22          A. No.
- 23          Q. All right. And did you remain in the canteen that day?
- 24          A. So the -- initially when we arrived we went back to the  
25          writing room but then got directed down to the canteen.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Who was in the writing room?

2 A. I don't know. I want to say -- Scott Maxwell,  
3 Sergeant Maxwell was there.

4 Q. So he was there when you went to the writing room?

5 A. I don't know if he was initially there though.

6 Q. Who was there when you got to the writing room?

7 A. I don't know. I remember Scott Maxwell couldn't have  
8 been there when I arrived because he was still at the  
9 locus, but who I remember in the writing room is  
10 Scott Maxwell, so I don't know for how long I was in the  
11 writing room until Scott Maxwell appeared and I think  
12 PC Gibson was there, so Daniel Gibson.

13 Q. Right. And how were you feeling at that time when you  
14 got back?

15 A. Pretty shit.

16 Q. Do you remember having a conversation with Walker and  
17 Paton?

18 A. No.

19 Q. No. Do you want to say any more about how you were  
20 feeling?

21 A. Just that ...

22 (Pause).

23 I was probably like glad I had survived I suppose.  
24 I didn't think that I would have got back, so ... aye.

25 Q. Okay. Did you leave the canteen? You have said in

## Transcript of the Sheku Bayoh Inquiry

1 paragraph 61 of your statement that you recall leaving  
2 the canteen once to retrieve a sleeve of polystyrene  
3 cups?

4 A. Yes.

5 Q. But you don't remember much about it?

6 A. I just remember we were in the canteen and the  
7 canteen -- to say it's a canteen, it's not, it's a room  
8 where like a -- I suppose you could call it a dining  
9 table, it's not even really a dining table, it's just  
10 tables pushed together where you would sit and eat your  
11 lunch, and I remember there being no cups to have  
12 a drink of water, tea, coffee and the only place I knew  
13 there were cups in the station was the custody area, so  
14 I went and got cups from the custody area basically so  
15 that we could at least drink something.

16 Q. Did you speak to other police officers either en route  
17 to the custody area or during your time there?

18 A. I don't think so.

19 Q. Do you have much of a recollection of the events?

20 A. No.

21 Q. Can I ask you about your equipment and clothing. You  
22 mention this at paragraph 70 to 73. Actually can I go  
23 back for a moment and just ask you to look at the  
24 previous page. I think at paragraph 67 you talk about  
25 PC Short, so we have heard that she returned to the



## Transcript of the Sheku Bayoh Inquiry

1 canteen after being to the hospital that day.

2 A. Yes.

3 Q. Do you remember what time she came back?

4 A. No. Again, it just felt like forever. I don't know  
5 when she came back or how long I had been sitting in the  
6 canteen.

7 Q. Right and then I think in your statement, paragraph 67,  
8 you say:

9 "I recall explaining that Mr Bayoh had stamped on  
10 her back and that I had tried to protect her by striking  
11 him with my police issue baton."

12 A. Yes.

13 Q. So you have addressed that there. Can we then turn on  
14 to the recovery of the equipment on the following page,  
15 from paragraph 70 to 73. And you talk about putting  
16 your -- paragraph 71:

17 "On my return to Kirkcaldy Police Station I removed  
18 my police body armour and utility belt and placed it on  
19 the carpeted floor near to a locker room located at  
20 Kirkcaldy Police Station. This would have been an area  
21 I always used as a way of dekitting whilst within the  
22 police station. The body armour and belt would have  
23 been propped against the wall to avoid other officers  
24 falling over my equipment."

25 Is this in the canteen?

## Transcript of the Sheku Bayoh Inquiry

1           A. No, sorry, so see the -- see to kind of describe it, you  
2           go in the rear of the police station, which is where  
3           like the operational officers go in and out of, rather  
4           than the front door. You go up a set of stairs and then  
5           presented to you is a carpeted corridor off which is the  
6           writing room and the vest room and various other like  
7           offices and toilets. I would have -- or I dekitted  
8           myself in that carpeted corridor leading to the writing  
9           room and propped it up against the side, and the reason  
10          for that is that carpeted corridor can sometimes become  
11          like almost a runway when officers are leaving the  
12          station and I didn't want anybody to go to a call and  
13          then trip over it and fall.

14          Q. Was there any instruction given to you about preserving  
15          your equipment, or your uniform or any of those items?

16          A. No.

17          Q. No. And is that where you normally left things when  
18          you --

19          A. Yes.

20          Q. -- dekitted?

21          A. Or whenever I was -- if I was in the canteen I wouldn't  
22          go up there and dekit, I would dekit in the canteen  
23          because if I had a call you have to leave the station --  
24          well, you don't have to but the quickest way would be to  
25          leave the station out the back and then in another door

## Transcript of the Sheku Bayoh Inquiry

1           to the canteen. Otherwise it's down a series of  
2           corridors and it's just an old building that's probably  
3           not fit for a modern layout.

4       Q. We have heard other evidence about items being left in  
5           the canteen lying about on the floor.

6       A. Yes.

7       Q. Did you see other items of equipment from other officers  
8           in the canteen?

9       A. I think at one point I probably would have taken my body  
10          armour down there as well and it just would have been  
11          a case that for me the common practice was there's  
12          always -- there's a set of like coat hooks on the wall  
13          where traditionally you would probably hang your tunic  
14          if you wore a tunic, but latterly it's where you would  
15          hang your belts or your hat or like a high visibility  
16          jacket, but that day all I can remember is just like  
17          body armour stacked up against the side and I don't know  
18          what about the belts.

19      Q. And that was in the canteen?

20      A. Yes.

21      Q. So things were stacked up --

22      A. Stacked up, yes, but out of the way, like against the  
23          wall and again for the same reason in that if someone is  
24          going to run through the canteen -- because it is again  
25          another what I would class as a runway out on the back

## Transcript of the Sheku Bayoh Inquiry

1 yard --

2 Q. Do you remember people coming in and out of the canteen  
3 that day?

4 A. There was people -- there was a couple of folk that came  
5 in without being made aware that obviously something had  
6 happened and like folk arriving at their work had kind  
7 of came in and mistakenly found themselves in the  
8 canteen and then swiftly left but never said anything.  
9 But I don't know -- I couldn't say who came and went in  
10 that space of time.

11 Q. Thank you. Then can I ask you to look at paragraph 74,  
12 so that's on the next page, and you were asked by the  
13 Inquiry team to look at your -- the statement you had  
14 given to PIRC and you say:

15 "I do not recall how I became aware of the mark to  
16 the rear of PC Nicole Short's body armour other than it  
17 was a dirty mark that was clearly out of place and  
18 foreign to the normal appearance of the item of  
19 clothing."

20 So I want to ask you about this mark.

21 A. Yes.

22 Q. Do you remember what time it was when you saw it?

23 A. It was still like daytime because we were sat in the  
24 canteen all day and I think it was maybe even dark when  
25 we left, but it was still daytime and it was after

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1 PC Short had come back. I don't know how long she had  
2 been with us in the canteen but as she was taking her  
3 vest off to put it to one side I just remember looking  
4 and being like -- I don't think she had seen it and  
5 I said "What's that?" and pointed it out and my initial  
6 thought was it looked like a footprint, or the shape of  
7 a footprint on the back of the body armour.

8 Q. And I wonder if you could look at a vest for me please  
9 and -- no, the actual vest, sorry. Just point out on  
10 the actual vest where you saw the mark.

11 A. So it's somewhere in this kind of region (indicating)  
12 below the word "Police", but like there (indicating).

13 Q. In the panel immediately beneath the "Police"?

14 A. Yes. Not as low as this (indicating) but like somewhere  
15 here (indicating).

16 Q. Above the horizontal band of silver material that's just  
17 immediately below the "Police" badge?

18 A. Yes because the way I remember it, obviously the -- like  
19 it looked like mud or dirt or something, but I don't  
20 know if the mud or dirt would have stuck to these bits,  
21 like looking back now, and that's why I just remember it  
22 being out of place.

23 Q. So you remember it being on the yellow part of the vest?

24 A. Yes, aye, and normally they're quite clean like that  
25 and, you know, if it gets ripped or that you would tend

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1           to replace them.

2           Q. Thank you. And can I ask you about your status and what  
3           you knew about your status. Now, when I use the word  
4           "status" I'm talking about as a witness or as a suspect.

5           A. Yes.

6           Q. Now, you mention this at paragraph 75 of your Inquiry  
7           statement and you said you don't remember exact  
8           conversations and then at 76 you say you didn't receive  
9           any advice:

10           "... regarding my status at the time of the incident  
11           and it was only later ..."

12           And then 78 you say:

13           "I do not recall what advice or instructions  
14           I received on my return to the police station other than  
15           being told not to leave the canteen."

16           A. Yes.

17           Q. "I do recall other senior officers being around but do  
18           not recall whom other than Conrad Trickett and  
19           Amanda Givan."

20           We have heard she is an SPF representative.

21           A. Yes, I don't know what rank she is.

22           Q. "I was aware of being spoken to but due to my state of  
23           mind at the time I did not retain these conversations."

24           Was your state of mind as you have described for us  
25           already?

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1       A. Aye, I mean another way of describing it would be I just  
2       felt like a burst spring. Like if you can imagine  
3       a spring in your head, I just felt like it was  
4       everywhere.

5       Q. You say there that you were told not to leave the  
6       canteen. Do you remember who told you not to leave the  
7       canteen?

8       A. No.

9       Q. And were you told to do that before you went to get  
10      cups?

11      A. I can't remember when. I think if I was probably told  
12      that I wouldn't have left the canteen to get cups.  
13      I probably would have just said to somebody else to get  
14      them.

15      Q. So normally you would comply with that type of  
16      instruction?

17      A. Yes.

18      Q. And can I ask you, you have said you didn't get advice  
19      or instructions but what would you have expected, or  
20      what would you have wanted at that stage?

21      A. I don't know what I would have expected. I don't know.  
22      I've never obviously been involved in something like  
23      that and my expectation was that somebody would know  
24      what to do, but like obviously I didn't know what the  
25      process was, so I don't know what my expectation was

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1           other than that somebody would come in and have a clear  
2           like plan, or -- I don't know.

3           Q. But you didn't get that during that day.

4           A. No.

5           Q. And then can I ask you do you remember at some stage  
6           a suggestion about a welfare meeting at Kirkcaldy Police  
7           Office? Not necessarily on the 3rd, but being arranged  
8           by an Inspector Seath?

9           A. Yes.

10          Q. Do you remember when that was going to be?

11          A. It was some time like -- it wasn't that day and I don't  
12          think it was the day after.

13          Q. Right.

14          A. Because -- the reason I say that is because I came into  
15          work and then I got signed off sick.

16          Q. How long were you signed off sick?

17          A. Around about a month.

18          Q. Okay.

19          A. So that immediate day after there was an expectation we  
20          would simply return to work and carry on with paperwork.

21          Q. Can I ask you if you met with a DCI Keith Hardie and  
22          a DI Stuart Wilson from the MIT or the MIT team, major  
23          incident team, on 7 May 2015? Would that sound about  
24          right?

25          A. That would probably sound about right. I can't now



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1           remember the names but if I've said them in my original  
2           statement that would be because obviously it would be  
3           fresh in my mind, but I don't --

4       Q.   This is information --

5       A.   Yes.

6       Q.   -- I have been given.  Were you informed by them of your  
7           status as a witness?

8       A.   No.

9       Q.   No?  You don't remember being informed of that?

10      A.   No, I --

11      Q.   Or you weren't informed of that?

12      A.   I don't remember being informed of that, or -- like  
13           I was aware that it was now being run by the PIRC, so my  
14           confusion as to why the MIT team from Police Scotland  
15           would be involved was -- I couldn't figure that out, but  
16           certainly my status, I didn't think it would be coming  
17           from Police Scotland, I thought it would come from PIRC.

18      Q.   And were you asked by those officers to provide  
19           a statement that day?

20      A.   I was, yes.

21      Q.   And you refused to provide that statement?

22      A.   I mean I wouldn't say refused.  I was advised not to by  
23           my solicitor and the statement that I provided to them  
24           was such that based upon my legal representative's  
25           advice that I wouldn't be providing a statement until my

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1 status was clarified.

2 Q. So that was advice you had received from your solicitor  
3 at that time?

4 A. Yes.

5 Q. And is it possible that there's some confusion maybe  
6 about the context, in your mind, in which those  
7 officers, the MIT officers, were being -- were there and  
8 making the request from you? Were you maybe perhaps  
9 confused about what they were trying to do that day?

10 A. Again, I was -- I mean I was still off sick and I was  
11 still -- like my head was all over the shop but for me  
12 I don't recall it ever being made very clear. I had the  
13 expectation that I was going in for a welfare point of  
14 view and that never happened.

15 Q. So maybe some confusion there about what you expected  
16 and --

17 A. Yes.

18 Q. -- what they were expecting. Thank you.

19 Can I ask you about paperwork. You have helped us  
20 in your statement from paragraph 80, you have talked  
21 about -- first of all, let's look at paragraph 82 in  
22 relation to Amanda Givan. You have said that your  
23 status wasn't officially clarified until some days  
24 later:

25 "I acted on the advice of the Scottish Police

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1 Federation representative, Amanda Givan, that I had the  
2 right to delay in the providing of a statement until  
3 such time as it was received in writing."

4 A. Yes.

5 Q. So you were expecting that status to be confirmed in  
6 writing to you?

7 A. Yes, I think that advice probably -- maybe Amanda Givan  
8 was like a -- like the middle person, but that advice  
9 was coming from my solicitor.

10 Q. When you say the middle person, what do you mean?

11 A. Like so she was the -- like the point of contact so  
12 I could -- I didn't --

13 Q. A sort of an intermediate type, middle --

14 A. Aye, because of how we all were she helped us like with  
15 the welfare point of view. I think it was so that we  
16 could kind of get the correct advice.

17 Q. Okay. And then in paragraph 83 you say:

18 "I followed the advice provided by the Scottish  
19 Police Federation and sought legal advice; as it was my  
20 right to do so. In any event I was not in a fit state  
21 of mind to complete relevant paperwork having just been  
22 involved in the incident. I was emotional and unable to  
23 clearly focus. This was not just the case for the hours  
24 immediately following the incident but also for the days  
25 that followed."

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1           Can I ask you, after you regained your equilibrium,  
2           did you complete the paperwork at that stage?

3           A. I was still off sick.

4           Q. And you were off sick for how long?

5           A. For a month and then I got transferred stations.

6           Q. So you didn't ever go back to Kirkcaldy Police Office?

7           A. (Shakes head).

8           Q. And having been transferred, did you complete any  
9           paperwork?

10          A. No.

11          Q. Right.

12          A. And that was again on legal advice.

13          Q. On the basis of your legal advice?

14          A. Yes.

15          Q. So in relation to paragraph 84 please, you say that:

16                 "Due to the passage of time I cannot accurately  
17                 recall the details of conversations had with other  
18                 officers. I took advice from the Scottish Police  
19                 Federation representative, Amanda Givan to seek legal  
20                 advice before filling in such paperwork with a view to  
21                 clarifying my status as a witness or a suspect. As  
22                 I understood it, Police Scotland was not in a position  
23                 to make this decision and this was a decision for PIRC  
24                 following an investigation."

25                 So your understanding at the time was that PIRC

## Transcript of the Sheku Bayoh Inquiry

- 1           would decide if you were a witness or a suspect.
- 2       A. Yes, because they were in charge of the --
- 3       Q. They were in charge of the investigation?
- 4       A. Yes.
- 5       Q. And you were anticipating that that would be shared with
- 6           you in writing?
- 7       A. Yes.
- 8       Q. Yes. Before you would have that position clarified?
- 9       A. Yes.
- 10      Q. So if people did tell you, or say to you "You're
- 11          a witness", that wasn't what you were expecting, you
- 12          wanted it written down?
- 13      A. I wanted it in writing, yes.
- 14      Q. Thank you. Can I ask you about your PIRC statement
- 15          please, 263. And I would like to look at page 6 please,
- 16          paragraph 8 or 9. So this is the bottom half of the
- 17          page.
- 18      A. Yes.
- 19      Q. Paragraph 8 starts:
- 20                 "I still had my leg restraints and CS Spray."
- 21                 That's on the screen and we can see that there and
- 22          you have said, about five lines down:
- 23                 "During this time Nicole arrived ..."
- 24                 Do you see that?
- 25      A. Yes.

## Transcript of the Sheku Bayoh Inquiry

1 Q. "... back from hospital about 11 am. She still had all  
2 her kit on. She took off her body armour and put it  
3 down beside my kit in the canteen. Amanda Givan arrived  
4 as she went with Scott Maxwell to get everybody a KFC  
5 meal. Amanda and Scott came back and Chief Inspector  
6 Conrad Trickett came in to speak with us in the presence  
7 of the Federation Representatives about Post Incident  
8 Procedures. He was there all day and didn't say  
9 anything to do about conferring etc but we watched TV  
10 and played pool mostly. After the KFC I asked  
11 Amanda Givan if I should fill in my notebook, she said  
12 not to and I asked her if I needed a solicitor and she  
13 said yes because by that time the man had died and we  
14 would need legal advice. She said that it was a death  
15 in custody and the PIRC would investigate. She told us  
16 not to give statements to the police and if anyone  
17 approached us to ask for statements, we had to refuse  
18 and seek legal advice. Amanda also told us not to fill  
19 in a Use of Force or CS spray form because that would  
20 have outlined our actions without speaking to  
21 a solicitor first."

22 So was this your -- obviously you have told us  
23 already this is a fresher recollection --

24 A. Mm-hm.

25 Q. -- to the events when you gave this statement to PIRC --

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. -- rather than your evidence now. So again, should the  
3 Chair prefer this paragraph than the evidence you have  
4 given us today?
- 5 A. Aye, yes.
- 6 Q. So looking at that now, does it -- do you have any  
7 recollection of receiving that advice from  
8 Constable Givan or --
- 9 A. I just remember asking what I should be doing and she  
10 said to seek legal advice before I did anything, so by  
11 that I took it that not to fill in things.
- 12 Q. All right, so when you said:  
13 "... I asked Amanda Givan if I should fill in my  
14 notebook, she said not to ..."
- 15 A. Yes.
- 16 Q. That sounds like you saying to Amanda Givan "Should  
17 I fill in my notebook?" and she says not to.
- 18 A. Aye, until I have spoken to somebody. So I wasn't  
19 actually sure what I should be doing. As I said, like  
20 the shock of what had just happened and then I hadn't  
21 the slightest clue what the procedure was afterwards, so  
22 I had asked and I was told no, go and seek legal advice.
- 23 Q. So she tells you not to complete the paperwork and to  
24 seek legal advice?
- 25 A. Yes.

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1 Q. Thank you. Do you recollect that now?

2 A. Yes.

3 Q. Thank you. I would like to move on to ask you some  
4 questions about race please.

5 A. Yes.

6 Q. You have obviously in your Inquiry statement given a lot  
7 of answers that touch on this subject. I would just  
8 like to ask you some additional questions, if I may.

9 You mentioned yesterday about attending previous  
10 knife incidents and I wondered did any of them involve  
11 black men?

12 A. I wouldn't be able to -- again, it would be a guess but  
13 I wouldn't be able to say for certainty.

14 Q. I'm not going to ask you to guess.

15 Had you had training, equality and diversity  
16 training, training on race --

17 A. Yes, that would have been --

18 Q. -- prior to May 2015?

19 A. Yes, when I was a probationer at the Scottish Police  
20 College the initial part of your training is dedicated  
21 in and around sort of race and diversity awareness.

22 Q. And how much time did you spend on that during your  
23 training course?

24 A. It was one or two weeks. It was quite -- I remember it  
25 being quite lengthy. It wasn't just like one session,



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1           it was numerous sessions, but I couldn't like say how  
2           many.

3           Q. No, that's fine. We understand you were up-to-date with  
4           your training in May 2015?

5           A. Yes.

6           Q. Do you ever take someone's physical characteristics or  
7           skin colour or religion and make any assumptions about  
8           them, such as a black person is a terrorist?

9           A. No.

10          Q. Can I ask you what, if anything, you learned during your  
11          training about unconscious bias?

12          A. It wouldn't -- sorry, it would have been in that initial  
13          phase. I can't say exactly what the input would have  
14          been, but I'm aware that there was obviously sessions  
15          around unconscious bias.

16          Q. And were you personally able to identify any areas of  
17          unconscious bias in your own mind during that training?

18          A. No.

19          Q. Were you asked to do that?

20          A. I think I was asked to do that, aye, but I don't --

21          Q. You weren't able to identify any?

22          A. No.

23          Q. And of the training that you received, how did you  
24          implement any learning points or education that you  
25          obtained from that into your day-to-day work?

## Transcript of the Sheku Bayoh Inquiry

1           A. Just to be mindful and I think one of the -- you know,  
2           that people do come from different backgrounds and one  
3           of the things is if you're uncertain about how to  
4           approach a situation, ask. You know, there's no --  
5           I was always under the impression there's no problem  
6           with asking somebody to take the time to maybe explain  
7           that if that's a gap in your knowledge and it actually  
8           shows that you're -- you know, you're seeking to do the  
9           right thing by the person as well.

10          Q. Okay. And had you -- before May 2015 had you ever come  
11          across any situations or examples of racial  
12          discrimination in Kirkcaldy Police Office?

13          A. No.

14          Q. Any racist jokes or comments?

15          A. No.

16          Q. If you had come across situations like that in  
17          Kirkcaldy, how would you have responded to them?

18          A. I would have challenged it. That's --

19          Q. What do you mean?

20          A. What I mean is you know if somebody uses kind of  
21          inappropriate language you would pull them to one side  
22          and say "That's not on" and explain the reasons why, but  
23          aye, I wouldn't let something like that lie.

24          Q. Okay. And what was your impression of senior officers  
25          at the time? Is that how they would have responded if

## Transcript of the Sheku Bayoh Inquiry

- 1           they had heard anything like that?
- 2       A. Yes.
- 3       Q. And had any of your colleagues exhibited any behaviour  
4           of that sort, racist discrimination or ...?
- 5       A. No.
- 6       Q. No. At the time in May 2015 what awareness, if any, did  
7           you have about public concern about the use of force by  
8           police officers, particularly against black men?
- 9       A. I don't know if it was maybe necessarily in and around  
10           that time, but I'm certain they were obviously -- it's  
11           reported on quite heavily from America, but, aye, I've  
12           got an awareness of that obviously from the news and  
13           that.
- 14       Q. So you keep up-to-date with that on the news?
- 15       A. Yes.
- 16       Q. And from your own experience in Kirkcaldy, you have told  
17           us you had been there for around 18 months by May 2015,  
18           to what extent was that a concern for Police Scotland or  
19           in the Kirkcaldy area?
- 20       A. I don't think it was a concern, certainly not one that  
21           I was aware of.
- 22       Q. And at that time were you aware of high profile cases in  
23           other parts of the UK, such as down south, where  
24           a person has died in police custody having been  
25           restrained, or being restrained face down and public

## Transcript of the Sheku Bayoh Inquiry

- 1 concern and debate about that?
- 2 A. If it was reported on the news probably at the time.
- 3 I can't now sit here and say aye, I remember, but
- 4 certainly if it was something that was on the news it
- 5 probably would have been something I would have read.
- 6 Q. All right. Thinking back to 2015 and the training you
- 7 had had up until that point, was there much information
- 8 sharing about, say, learning points from down south and
- 9 other cases with officers in Police Scotland?
- 10 A. I don't know, like -- we don't get -- so like stuff gets
- 11 obviously shown on an electronic briefing system, or
- 12 when we go to OST, but we never get told necessarily
- 13 where it's come from. It would be maybe some
- 14 information that's provided to us and kind of brought to
- 15 our attention but we would never necessarily get told
- 16 this has come from, as an example, Greater Manchester or
- 17 Wales police or something. We would never get told
- 18 specifically where.
- 19 Q. So the source wouldn't be identified?
- 20 A. No but it would filter its way down. There would be
- 21 things that we would get told.
- 22 Q. Did you recognise any from cases that you had heard
- 23 about on the news? Any examples that you were given?
- 24 A. No.
- 25 Q. Can I ask you, in May 2015 what was your awareness of

## Transcript of the Sheku Bayoh Inquiry

1           the black community in Kirkcaldy?

2       A. I don't know.

3       Q. Do you not remember?

4       A. No.

5       Q. You don't remember having an awareness?

6       A. I don't remember having -- I'm not saying I didn't have

7           an awareness, but I don't know what like ...

8       Q. Had you been involved in any community relation work

9           with the black community in and around Kirkcaldy?

10      A. No.

11      Q. Had any of your fellow officers been engaged in that

12           sort of work as far as you know?

13      A. I don't know.

14      Q. What experience did you have of the black community,

15           either as witnesses, as suspects, or as victims of

16           crime?

17      A. It would just be through my normal sort of daily

18           engagements with members of the community.

19      Q. So how often would you come into contact with members of

20           the black community?

21      A. I don't know. I wouldn't be able to put a figure on it

22           like. Again it would be just a guess.

23      Q. All right, okay. So did you have much experience prior

24           to May 2015 of interacting with any members of the black

25           community in Kirkcaldy?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Again, I can't put a number on it, but, you know,  
2 I would have interacted with the community as a whole  
3 through my kind of duties as a police officer, so  
4 I would have interacted with all members of the  
5 community but I couldn't put a number on it.
- 6 Q. Okay. Were you aware at that time of any tensions  
7 between the black community and the Police Force?
- 8 A. In Kirkcaldy?
- 9 Q. In Kirkcaldy.
- 10 A. No.
- 11 Q. I would like to ask you some questions about  
12 stereotypes. What sort of stereotypes are you aware of  
13 about black people generally, or black men specifically  
14 in the context of criminal justice?
- 15 A. Like in what sort of ..?
- 16 Q. Are you aware that black men may be perceived as more  
17 likely to resist, or less compliant, or be more likely  
18 to be violent, or to have superhuman strength or size?
- 19 A. That's not something that I would ever -- like that's --  
20 for me personally I would never hold that opinion or  
21 thought.
- 22 Q. Are you aware of those sorts of stereotypes?
- 23 A. I am obviously aware of those stereotypes existing and  
24 again that is through the media and how the media  
25 reports and obviously through training, but that's not

## Transcript of the Sheku Bayoh Inquiry

- 1 views that I would ever hold.
- 2 Q. They're not views you hold.
- 3 A. No.
- 4 Q. Yesterday you used the word "swagger" when you were  
5 trying to find a way to describe the manner in which --
- 6 A. Yeah.
- 7 Q. -- Mr Bayoh walked towards and along the path and I'm  
8 wondering whether you consider that use, that word  
9 "swagger" as exhibiting any type of underlying bias?
- 10 A. No, because it described the kind of walk. It wouldn't  
11 necessarily -- I don't know how else to describe that  
12 walk, you know what I mean. I would struggle otherwise  
13 for kind of words for that.
- 14 Q. Would you use that word in relation to a white man?
- 15 A. Yes, because, for example, I would say that Mick Jagger  
16 like would swagger round on the stage, like that is kind  
17 of a word that I would use to describe that kind of  
18 like -- that kind of style of walking, you know, like an  
19 exaggerated style of walking, like a swagger.
- 20 Q. Thank you. We have heard some evidence that at one  
21 point Mr Bayoh was described as being the size of  
22 a house. Is that the sort of view that you held?
- 23 A. Until I actually heard the phrase "the size of a house",  
24 like, it's not a phrase that I would use and if somebody  
25 asked me what the size of a house meant I would think it

## Transcript of the Sheku Bayoh Inquiry

- 1           would mean somebody that was fat.
- 2           Q.   Okay.  Was it possible in May 2015 that any of those
- 3           assumptions or stereotypes influenced you and your
- 4           perception of the events --
- 5           A.   No.
- 6           Q.   -- as they occurred in Hayfield Road?
- 7           A.   No.
- 8           Q.   So if you had arrived at Hayfield Road in May 2015 and
- 9           it had been a white man who was five foot 10 and 12
- 10          stone 10 pounds and there had been calls from the public
- 11          about someone with a knife, but you couldn't see that
- 12          knife, and you're there with other officers who have
- 13          equipment, what would your first level have been in
- 14          terms of communicating with that person?
- 15          A.   Again, it would be exactly the same as how I have
- 16          described with Mr Bayoh.  So a person's race or
- 17          perceived race wouldn't affect my decision-making
- 18          process and it wouldn't have changed, you know.
- 19          Q.   And if you had been first on the scene what would you
- 20          have done?
- 21          A.   What do you mean, sorry?
- 22          Q.   If you had arrived first on the scene --
- 23          A.   Yes.
- 24          Q.   -- and Mr Bayoh had been standing in Hayfield Road and
- 25          there's no knife visible and his behaviour is not -- he



## Transcript of the Sheku Bayoh Inquiry

- 1           is not shouting, he is not brandishing a weapon --
- 2       A. Yes.
- 3       Q. -- and perhaps he is ignoring you, what would you have  
4       done initially?
- 5       A. Again, I mean -- I don't know how I can kind of answer  
6       that because it's hypothetical, but again started off  
7       with trying to use (inaudible) comms communication,  
8       speaking.
- 9       Q. That was examples you gave of that yesterday --
- 10      A. Yes.
- 11      Q. -- when you were giving your evidence.
- 12            If that person had been non-compliant and ignored  
13      the commands, would you have immediately moved to your  
14      CS spray or your PAVA spray?
- 15      A. Again, I don't know how I can answer -- it's kind of  
16      hypothetical again. The situation played out as it did,  
17      but, aye ...
- 18      Q. Right. Do you think if Mr Bayoh had been white you  
19      would have made greater attempts to communicate with him  
20      than you did?
- 21      A. I think I made sufficient attempts to communicate and  
22      again race or perceived race wouldn't ever influence  
23      that. I would try as best as possible in every  
24      circumstance.
- 25      Q. So do you think if he had been white it would have

## Transcript of the Sheku Bayoh Inquiry

1           altered the use of your spray or the use of your baton,  
2           or any of the other actions that you took?

3           A. No.

4           Q. If he had been white would you have been more likely to  
5           place greater reliance on assessing whether he was maybe  
6           suffering from a mental health crisis, or he was under  
7           the influence of drink or drugs?

8           A. Again, like race or perceived race doesn't come into it,  
9           so no. Again, to go in there and focus on specifically  
10          something would be then to put blinkers on for something  
11          else and you could potentially miss things by doing that  
12          so no, I would always go in there with an open mind.  
13          I would never make any judgments.

14          Q. If he had been white do you think you would have called  
15          for an ambulance sooner?

16          A. No.

17          Q. Can you give me one second please.

18                   (Pause).

19                 There's one thing I haven't asked you and I'm  
20                 grateful to my learned junior for reminding me. The  
21                 Chair and the Assessors may hear evidence that Mr Bayoh  
22                 didn't stomp on Nicole Short when she was on the ground.  
23                 Is there any comment you would like to make about that?

24          A. I can only tell you what I saw and that's what I saw.

25          Q. Right. Well, subject to any issues that you or the



## Transcript of the Sheku Bayoh Inquiry

1           And following on from that, whether or not any  
2           training was given in relation to guarding against  
3           unconscious bias.

4           There was also questioning by my learned friend in  
5           relation to racist stereotyping and depending on the  
6           answer which he may give, was there any part of the  
7           training on unconscious bias that related to the use of  
8           racist stereotyping. So just trying to explore that in  
9           a little more detail.

10          The second matter was that the officer indicated  
11          that he wasn't aware of racist jokes, for example, in  
12          Kirkcaldy, or people saying such things. What I would  
13          like to ask him was whether or not he ever heard any of  
14          his colleagues describing anyone black as being  
15          "coloured" and what he would have done if it he had  
16          heard that.

17          Moving on, in relation to the issue of risk, this  
18          witness spoke about attending a scene in consideration  
19          of the issue of risk. He identified three areas of  
20          risk: the risk to the public, the risk to the police and  
21          the risk to Mr Bayoh. And he was taken to his Inquiry  
22          witness statement where page 3, paragraph 6, he  
23          states -- he states this in the current tense:

24                 "A person's race or perceived race does not increase  
25                 or reduce the risk to those involved in the incident."

## Transcript of the Sheku Bayoh Inquiry

1           Now, the Inquiry may well come to hear from reports,  
2           including the Independent Review of Deaths and Serious  
3           Incidents in Police Custody by the Right Honourable Dame  
4           Elish Angiolini and also the 2016 Lammy report in  
5           relation to the fact that there is evidence of  
6           a disproportionate number of deaths of black people in  
7           restraint related deaths, so if an incident involves  
8           restraint, race or perceived race can increase the risk  
9           if a person who is being restrained is black. And what  
10          I would like to know from the witness is at the time of  
11          2015 had he received any training in relation to any  
12          increased risk to black people, was there any training  
13          given in that regard at that time, and whilst  
14          I appreciate it might not be immediately focusing on  
15          that, if the Inquiry would also like to know whether or  
16          not that's a matter of training now I can certainly add  
17          that to the questioning.

18          The last issue arises as a result of the questions  
19          about handcuffing. You may recall that the witness was  
20          asked by Counsel to the Inquiry about the removal of  
21          restraints prior to being placed in the ambulance and  
22          the answer to that from the officer was to explain about  
23          the speed at which that would take and that you wouldn't  
24          want to be interfering with the paramedics doing their  
25          work and also that it was better to concentrate on

## Transcript of the Sheku Bayoh Inquiry

1 performing CPR. And what I would like to explore with  
2 the witness was that they were waiting for an ambulance  
3 for a number of minutes and during that time -- I think  
4 it was about 8 minutes and a few seconds -- Mr Bayoh was  
5 to start off with unconscious and then he was not  
6 breathing and CPR was being done during that time, and  
7 to ask him whether or not he considered during that  
8 period of time taking off the handcuffs and if not then  
9 why.

10 LORD BRACADALE: Does that complete your questions?

11 MS MITCHELL: Those complete those questions.

12 LORD BRACADALE: Well, I would not find it helpful at this  
13 stage for you to explore the present training that you  
14 mentioned, but otherwise I'm content to allow you to ask  
15 these questions.

16 Perhaps if we just rearrange the seating so that ...

17 (Pause).

18 Yes, bring the witness back now please.

19 Detective Constable, you're going to be asked some  
20 questions by Ms Mitchell who is senior counsel for the  
21 Bayoh family.

22 A. Yes.

23 LORD BRACADALE: Ms Mitchell.

24 Questions by MS MITCHELL

25 MS MITCHELL: I'm obliged. Earlier in your evidence today

## Transcript of the Sheku Bayoh Inquiry

1           you spoke about unconscious bias and you explained that  
2           you had sessions around unconscious bias and you were  
3           asked were you personally able to identify any areas of  
4           unconscious bias in your own mind --

5           A. Yes.

6           Q. -- during that training, and you responded no. Can  
7           I ask how that was done?

8           A. As far as I recall, I think there was maybe scenarios  
9           given and you were asked to write down maybe what you  
10          thought. I'm not really sure. I can't really remember,  
11          but I know it was an exercise that you had to write  
12          things down in a classroom scenario.

13          Q. Was that self assessment?

14          A. No, I don't think so. So the classes when you're broken  
15          up you get like a tutor constable and the tutor  
16          constable would obviously look at your answers and help  
17          you identify areas.

18          Q. Were you given any training in relation to guarding  
19          against unconscious bias?

20          A. I don't know. I can't remember that.

21          Q. Do you think you would remember had you been given  
22          training about how to guard against unconscious bias?

23          A. Not necessarily. My training was like seven and a half,  
24          eight and a half years ago.

25          Q. How do you guard against unconscious bias?

## Transcript of the Sheku Bayoh Inquiry

1       A. You have an awareness obviously through training, but --  
2       I don't know. I suppose you rely on your own sort of  
3       self to pick it up in yourself and be aware of, do you  
4       know, if there's anything that -- you know, like, for  
5       example, you know you see someone and you decide --  
6       a group of kids for example and you think "I'm going to  
7       cross the road there", that would be, you know, an  
8       unconscious bias because you wouldn't necessarily have  
9       to think about that. But being aware of that you would  
10      look into -- like for me I would look into myself and  
11      think "Right, that's something I need to be aware of"  
12      and you wouldn't act upon that.

13     Q. I think what you're describing there is conscious bias.

14     A. Right, okay.

15     Q. I'm wondering how you would guard against unconscious  
16      bias?

17     A. I don't know. We have had training on it but I don't  
18      know how to answer that question.

19     Q. Were there discussions about racist stereotyping as part  
20      of your training on unconscious bias?

21     A. Again, I would be guessing, do you know, if I said aye  
22      or no. I would imagine as part of the syllabus more  
23      than likely, but again, you would need to have a look at  
24      the kind of college notes that we were provided at the  
25      time.



## Transcript of the Sheku Bayoh Inquiry

1 Q. And I take it that because you're referring simply back  
2 to the time that you were training --

3 A. Yes.

4 Q. -- there hasn't been any training in the meantime that  
5 you can refer to to answer these questions?

6 A. Not that I recall.

7 Q. You have explained that you haven't heard, for example,  
8 any racist jokes in Kirkcaldy and that if you did you  
9 would call that out. Did you ever hear any of your  
10 colleagues using the expression "coloured" in relation  
11 to describing a black person?

12 A. No.

13 Q. What would you do if you had heard them say that word?

14 A. Well, that's not right, so I would challenge them.  
15 I would say it's not -- "That's not the correct thing to  
16 be saying" and -- aye.

17 Q. Earlier on in your evidence you spoke about arriving at  
18 the scene and the assessment of risk and it was right  
19 back at the start of your evidence at arriving on the  
20 scene and you identified three categories --

21 A. Yes.

22 Q. -- of people or groups that would be at risk. Can you  
23 remember what those were?

24 A. Officers, members of the public and the subject, so  
25 Mr Bayoh.

## Transcript of the Sheku Bayoh Inquiry

1 Q. In your statement -- I don't think we need to take you  
2 to it, we can if we want but it's only one phrase -- you  
3 say -- this is in your statement to the Inquiry given on  
4 13 April 2022, you say:

5 "A person's race or perceived race does not increase  
6 or reduce the risk to those involved in the incident."

7 A. Mm-hm.

8 Q. Do you remember writing that?

9 A. Mm-hm, it has no influence on the incident.

10 Q. The Inquiry will come to hear that there is evidence of  
11 a disproportionate number of deaths of black people in  
12 restraint-related deaths, so if an incident involves  
13 restraint, race or perceived race can increase the risk  
14 if the person being restrained is black. Have you been  
15 given or were you given, in 2015 -- by 2015 any training  
16 on that issue?

17 A. Again, you would have to have a look at the training  
18 notes. It would be, you know ...

19 Q. Well, do you recall being given any training on that?

20 A. No.

21 Q. I would like to take you on to an issue which you  
22 covered close to the end of your evidence about  
23 handcuffing.

24 A. Yes.

25 Q. Senior Counsel to the Inquiry asked you about removing

## Transcript of the Sheku Bayoh Inquiry

1           the handcuffs while Mr Bayoh was being put into the  
2           ambulance.

3           A. Yes.

4           Q. And I think, if I can paraphrase your evidence, you  
5           indicated that it would -- you didn't want to interfere  
6           with time taken away from the paramedics.

7           A. Mm-hm.

8           Q. And you explained it would take a couple of -- quite  
9           a number of seconds to remove the handcuffs and also  
10          again you indicated that -- in relation to the leg  
11          restraints:

12                 "... you're taking seconds which those seconds could  
13                 have been better spent performing CPR ..."

14          A. Mm-hm.

15          Q. Now, we know from the timeline that a call for an  
16          ambulance was put out in respect of Mr Bayoh when people  
17          were aware he had stopped breathing at 7.25. And we  
18          know the ambulance didn't arrive until 7.34. So there's  
19          at least eight minutes between Mr Bayoh -- being clear  
20          Mr Bayoh was unwell and required an ambulance and the  
21          paramedics arriving. During that time he was  
22          unconscious and then it was clear as well as being  
23          unconscious he wasn't breathing and CPR was started.

24          A. Mm-hm.

25          Q. There's only one person doing CPR at a time, I take it?

## Transcript of the Sheku Bayoh Inquiry

1 A. You work in a team.

2 Q. Okay, so two at the most?

3 A. Yes.

4 Q. Why were his handcuffs not removed during that period of  
5 time?

6 A. Again, you would require access so to actually unlock  
7 the handcuffs it would still involve stopping CPR and it  
8 wasn't interfering, so again, the handcuffs weren't  
9 removed.

10 Q. Why were his leg restraints not removed during that  
11 period of time?

12 A. Leg restraints don't restrict CPR.

13 Q. But why weren't they removed?

14 A. Because they just weren't removed.

15 MS MITCHELL: Just allow me one moment.

16 (Pause).

17 Thank you.

18 LORD BRACADALE: Thank you. Mr Jackson, as Constable  
19 Tomlinson's counsel do you have an application?

20 MR JACKSON: I don't, sir.

21 LORD BRACADALE: Thank you very much.

22 Thank you very much, Detective Constable, for coming  
23 and giving evidence to the Inquiry. That's the end of  
24 your evidence and you will be free to go when the  
25 Inquiry rises.



Transcript of the Sheku Bayoh Inquiry

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