

## Transcript of the Sheku Bayoh Inquiry

Friday, 3 February 2023

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(10.03 am)

LORD BRACADALE: Good morning, Mr Dick.

A. Good morning.

LORD BRACADALE: You're going to be asked questions by Ms Grahame, who is sitting at the end of the table. Before that happens will you say the words of the affirmation after me.

MR MARTYN DICK (affirmed)

Ms Grahame.

Questions from MS GRAHAME

MS GRAHAME: Thank you very much. Good morning, Mr Dick.

A. Good morning.

Q. You are Martyn Dick?

A. Yes.

Q. And would you tell us what age you are?

A. 37.

Q. We have all of your contact details so I don't need you to say those out loud. Can I just explain to you what's in front of you at the moment. You see that blue folder there?

A. Yes.

Q. Have a look in that. Now, that should contain some hard copies of the Inquiry statement that you have given us and also a couple of earlier statements that you gave.

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- 1 A. Okay.
- 2 Q. If you want to look at those hard copies at any time,  
3 that is for your disposal and you should just use them.
- 4 A. No problem.
- 5 Q. But in addition, if I'm going to ask you about  
6 a particular paragraph in one of your statements, you  
7 see the screen in front of you --
- 8 A. Yes.
- 9 Q. -- it's going to come up there. If you think there's  
10 another bit in the statement you would rather look at,  
11 you can let me know and we will try and get that on the  
12 screen as well.
- 13 A. Okay.
- 14 Q. Okay, thank you. First of all, before I go into your  
15 individual statements, so that everybody here knows who  
16 you are, we have heard that you were a friend of  
17 Sheku Bayoh?
- 18 A. Yes.
- 19 Q. And you had spent some time with him in the early hours  
20 of the morning, the Sunday morning on 3 May 2015.
- 21 A. Yes.
- 22 Q. And that's why you're here to help us understand some of  
23 that information. I think in the early hours of the  
24 Sunday you had been watching some boxing --
- 25 A. Yes.

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1 Q. -- with him and Zahid Saeed.

2 A. Yes.

3 Q. Thank you. And at that time you were living in  
4 a property in Kirkcaldy, or near to Kirkcaldy with your  
5 then partner Kirsty MacLeod?

6 A. Yes.

7 Q. And she is now your wife?

8 A. That's right, yes.

9 Q. Let's look at those statements then, if I may. The  
10 first is a statement that I think you gave to  
11 Police Scotland on 3 May 2015 and that has a special  
12 number PIRC 00030. So you will see that now as it has  
13 come up on the screen in front of you as well.

14 A. Mm-hm.

15 Q. And if we roll -- we see your name. As we go down you  
16 see, "This statement was taken", and it says 3 May 2015  
17 at 13.45. And it was taken at Kirkcaldy Police Station  
18 by two officers, DC Forbes and DC O'Neill. Do you see  
19 that?

20 A. Yes.

21 Q. And do you remember giving the police that statement  
22 that day?

23 A. Yes.

24 Q. Then if we can just look at the next -- we don't need to  
25 go through that any more, thank you. We will go and

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1           look at the next statement that we've got which is PIRC  
2           00031 and this should be another statement that was  
3           given by you and you will see this was a slightly later  
4           date of 8 May 2015. Do you see that towards the bottom  
5           of the screen?

6           A. Yes, yes.

7           Q. At 11.25, and that was taken at your address by  
8           DSI Brian Dodd. Do you remember giving that at your  
9           address?

10          A. Yes, that was the PIRC, yes.

11          Q. And that was PIRC?

12          A. Yes.

13          Q. Can I ask you now to look at your Inquiry statement.  
14          This is the statement that has been taken by the Inquiry  
15          and it was taken on 29 November last year.

16          A. Mm-hm.

17          Q. It's 14 pages and if we look at the final page, we see  
18          that it was signed by you on 6 January this year. Now,  
19          on the screen your signatures have been redacted so they  
20          can't be seen, but on the hard copy that you've got in  
21          front of you can you confirm that you signed every page  
22          of your Inquiry statement?

23          A. Yes.

24          Q. And you will see on the screen in the final paragraph of  
25          your statement, number 78, you:

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1            "... 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            And you understand that that's the case?

6            A. Yes.

7            Q. This will be published after you have given evidence  
8            today?

9            A. Yes, yes.

10          Q. Thank you. And when you gave your Inquiry statement --  
11          and I fully appreciate the events we're talking about  
12          happened in 2015, so almost eight years ago now, but  
13          when you gave your statement to the Inquiry team were  
14          you doing your best to give a true and accurate --

15          A. Yes, yes, of course.

16          Q. -- record. Thank you.

17          You have said -- if we can look back please at  
18          paragraphs 3 and 5, if we could have both of those on  
19          the screen. Here we are. Now, you say here -- this is  
20          in your Inquiry statement -- you definitely remember  
21          the police interview, was that the first one on 3 May?

22          A. On 3 May, yes.

23          Q. And you remember the PIRC interview, that was the one on  
24          8 May, but that was a little less memorable?

25          A. Yes.

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1 Q. We will go into this in detail shortly, and you have  
2 said at paragraph 4:

3 "I told PIRC the truth. I gave them an accurate  
4 account to the best of my memory."

5 And then at 5 you say:

6 "I told police the truth. I gave them an accurate  
7 account. Naively, I would say, under false pretences.  
8 I have no reason to lie and I was as honest as  
9 possible."

10 A. Mm-hm.

11 Q. So in relation to your earlier statements to the police  
12 and to PIRC, you were being truthful and doing your best  
13 to be accurate?

14 A. Yes, yes.

15 Q. Thank you. Then can we look at paragraph 6 please. You  
16 have said:

17 "My memory is probably patchy in bits but I remember  
18 the pertinent information."

19 Do you want to say a little bit more about that? To  
20 what extent is your memory a little bit patchy now?

21 A. Just with the amount of time that's passed, obviously  
22 it's hard to remember details that were memorable once.  
23 So much time has passed now it's -- you know, they have  
24 faded a little bit. But I feel like I remember the --  
25 like I said, I feel like I remember the important

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1 information.

2 Q. Thank you. And you will do your best today to remember?

3 A. Yes, certainly, yes.

4 Q. Thank you. Before we look at 3 May, you will see that

5 you have been asked about that date in 2015, and I'm

6 going to come on to that, but could you help the Chair

7 understand a little bit about how you knew Sheku Bayoh

8 and how often you saw him, the nature of your

9 friendship.

10 A. I think we met in 2009 or 2010. We were both single at

11 the time so we had plenty of time to spend together. We

12 would, you know, just go to the gym together a lot. For

13 a good few years -- I don't know, maybe four or

14 five years, we were very, very close friends, probably

15 spoke most days. He was like my go-to friend that

16 I would do -- you know, spend time with at the weekend

17 and so on. Yeah.

18 Q. A good friendship?

19 A. Yes, a very close friendship.

20 Q. Thank you. I would like to turn to 3 May 2015 and you

21 will see in paragraph 7 you talk about living with

22 Kirsty, your now wife, and you say there you got up --

23 this is on the Sunday -- between 12.00 and 12.30 on that

24 date and you say you had had texts or missed calls from

25 Zahid Saeed and:

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1            "It was clear that something had happened with our  
2 friend Sheku Bayoh but we didn't know what it was."

3            So when you got up that day did you have any idea  
4 what had gone wrong, or what had happened?

5            A. No, no idea. Obviously Shek wasn't his normal self when  
6 I had last seen him, when we had parted company, but it  
7 was just clear that something had happened. We had  
8 missed calls. I can't remember -- whatever is in the  
9 earlier statements will be completely accurate because  
10 I could remember it then, but we had had a text from --  
11 somewhere -- I feel like it was somewhere between 12.00  
12 and 1.00, I'm not sure how accurate between 12.00 and  
13 12.30 is, it's approximately, and we had a text from  
14 Zahid saying something to the effect of, "I'm with  
15 the police, I think they're coming to yours. I don't  
16 know what's going on", something like that. It might  
17 not be exact but it was along those lines. Yes.

18            Q. How long after you had had that text message from Zahid  
19 did the police arrive?

20            A. In my memory it was very quickly. We went downstairs --  
21 I don't know if we had woke up and got that text, or if  
22 we had went downstairs first, I can't remember, but we  
23 were just -- my wife and I, Kirsty, we were in the  
24 kitchen having a coffee and the police -- we saw them  
25 out of our kitchen window, their cars started coming



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1 round the corner. It felt like no more than 15 minutes.

2 It was very quick.

3 Q. How many cars did you see arrive?

4 A. I can't remember how many cars. I know there was nine,  
5 ten officers, some in uniform, some in suits, and they  
6 all came into the house.

7 Q. As we look at paragraph 8 on the screen of your  
8 statement, you say:

9 "The police arrived. I think there were 9 officers.  
10 They were uniformed officers and also plain clothed  
11 officers in suits. They all came into our house. Only  
12 one of them spoke. It was extremely intimidating. We  
13 just knew from Zahid that something happened and then  
14 all these officers piled into our house and stood  
15 around. They said something happened and were asking  
16 for our help with information."

17 Did all of those officers come into your house?

18 A. Yes. Like I say, I think there was nine in the house.  
19 There was also -- there was two stationed outside but  
20 I can't remember if that was after the fact and maybe  
21 those two also came in initially, I can't remember, but  
22 yes, they all came into the house.

23 Q. Do you remember who did the talking? Did they introduce  
24 themselves?

25 A. No. I'm sure it was one of the officers that took my

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1 statement. There was two -- two in the room with me  
2 when I gave my statement and I'm sure one of them was  
3 the one that spoke to us when they came in.

4 Q. So you gave your statement on 3 May to a DC Forbes and  
5 a DC O'Neill?

6 A. Yes, I think it was one of them. I'm not 100%, but  
7 I think it was.

8 Q. Okay. When the officers came into your house, describe  
9 where they went and what they did.

10 A. I feel like we went into the living room. The back door  
11 was in the kitchen so they came in that way and then we  
12 went through to the living room. Like I said, I only  
13 remember him speaking to us and he said something had  
14 happened and they don't know what it is and they need  
15 our help with it. And that's what they said. Like,  
16 looking back now I think they could have maybe given us  
17 a little bit more understanding of what was going on  
18 rather than just having all these people in our house at  
19 once which was intimidating, as you could imagine.

20 Obviously we agreed to go. I didn't feel there was  
21 much -- I didn't feel like it was an option to refuse.  
22 Plus they said they needed help. Obviously we had  
23 nothing to hide. We thought: well, we will just --  
24 obviously we will help. We will do as they ask, we have  
25 no reason not to. So I went up -- I wanted to get

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1           changed. An officer was sent upstairs with me as I got  
2           changed and I was asked to leave my clothes that I had  
3           been wearing the night before, I was asked to leave them  
4           out, and the same with Kirsty, and then we were  
5           separated and taken in separate cars to the police  
6           station.

7           Q. I'm going to go through that in a little more detail, if  
8           that's okay.

9           A. Yes, sure.

10          Q. You said the officers came in and said something had  
11          happened. Did they give you an explanation as to what  
12          had happened?

13          A. No. I clearly remember being told, "Something has  
14          happened involving Shek, we don't know what it is but we  
15          need your help, we need information from you if you will  
16          come and speak to us", so obviously we agreed to.

17          Q. What was going through your mind when all of these  
18          officers arrived and came in and said something had  
19          happened?

20          A. Just -- I don't know, really shocked to be honest. It  
21          was all just happening all of a sudden. I really had no  
22          idea. There was a lot of confusion, just very confused.

23          Q. Did you say anything to the officers, or did Kirsty say  
24          anything, or ask questions?

25          A. No, I don't remember. Honestly, we just went with what

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1           they were asking us to do and just went with them, did  
2           what we were asked.

3       Q. Did the officers indicate in any way that they had  
4       a warrant?

5       A. No, no.

6       Q. Did they ask for your consent and your permission to  
7       come into the house?

8       A. No. Well, I mean I don't recall. I don't think so.

9       Q. Describe the demeanour, the manner of the officers? You  
10      have described it in your statement as "extremely  
11      intimidating" in paragraph 8. Can you help the Chair  
12      understand a little bit more about how they were acting  
13      that day?

14      A. Well, like I said, as I recall they were all just in the  
15      house. One of the officers, the guy I spoke to I can  
16      remember sitting on the couch. I maybe sat across from  
17      him. I can't -- I can't even remember that to be  
18      honest. I know we were in the living room and the other  
19      officers were just standing. Just, everybody looked  
20      very serious. Nobody was saying anything. Everybody  
21      was just standing in the house. He said what he said,  
22      as I said, that's all I can recall I'm saying is that  
23      something had happened and they don't know what it was,  
24      so it was clear to us that something serious was going  
25      on. We had no idea what and that was the intimidating

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1 part, I guess.

2 Q. And of all the people who were there that day in your  
3 house, how many were sitting?

4 A. Only -- if anyone, I only recall sitting with the person  
5 I spoke to, the officer, O'Neill maybe, if it was one of  
6 them, I think. I'm not sure.

7 Q. Thank you. Can we look at some later paragraphs in your  
8 Inquiry statement: 49, 50 and 51. We probably won't get  
9 all three of them on the screen. We will start with --  
10 oh, we can. 49. This is where the Inquiry team have  
11 asked you to comment on a statement by  
12 a DC David Bellingham. Do you see that at paragraph 49  
13 at the top?

14 A. Yes.

15 Q. Who has stated to the Inquiry:

16 "Certainly, from what I recall initially going in,  
17 Martyn and his partner were quite content with us being  
18 there and were quite happy for us being in the house.  
19 I don't recall if any searching got done at that stage,  
20 and then they left and we secured the house."

21 At paragraph 50 you say:

22 "We definitely weren't happy for them to be there.  
23 Looking back we were intimidated and we wouldn't have  
24 thought of putting up an argument. We were worried of  
25 what was going on. We were eager to help them. That

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1           was the circumstance thinking we were going to give them  
2           information with whatever it was.

3           "I don't recall them looking about the house. They  
4           just piled in and then most of them there. One officer,  
5           must have been MIT, said about the police station."

6           I would like to ask you about this comment by  
7           DC Bellingham.

8           A. Yes.

9           Q. We have not heard yet from DC Bellingham but from this  
10          statement, which is to the Inquiry, he talks about you  
11          being quite content and quite happy and that doesn't  
12          seem to be quite the description that you're giving.

13          A. No.

14          Q. I just wondered -- you say there you weren't happy  
15          about --

16          A. Well, no, no. Benefit of the doubt, he has maybe just  
17          chosen his words wrong in that we weren't putting up  
18          a fight or arguing about it. It's obviously a stretch  
19          to say -- I mean who would be -- nobody would be happy  
20          that they were in there. We were -- it was a Sunday, we  
21          weren't wanting to be in that situation. We were  
22          shocked, as I'm sure they would expect anyone to be in  
23          that situation. I don't know how you would expect any  
24          different. We weren't happy and content. We were  
25          completely shocked and wondering what was going on and

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1           just doing what we were asked to do.

2           Q. And in that mindset did you say anything to the police  
3           to indicate that you were intimidated --

4           A. No.

5           Q. -- or you weren't happy?

6           A. No.

7           Q. Did Kirsty?

8           A. No, we were -- like I -- we were eager to help. They  
9           said they needed our help, something serious had  
10          happened, something serious was going on, something like  
11          that, so we were happy to help them.

12          Q. We also have sight of another earlier statement by  
13          DC Bellingham where he indicates that the nature of the  
14          Police enquiry was explained to you. Do you feel you  
15          had an explanation?

16          A. No, no, no.

17          Q. You have already told us limited information was given.

18          A. Yes, yes, very limited. That's the extent of it.

19          Q. Right. If we look at paragraph 9 of your Inquiry  
20          statement, so we can go back up the page please, you  
21          say:

22                 "I don't think they explained the nature of why they  
23          were there. They said something had happened involving  
24          Shek and they don't know what it is yet and they needed  
25          information. They definitely didn't say what had

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1           happened. No specific details were given, just  
2           something had happened."

3           Did any of the officers give you an explanation as  
4           to why they thought you could help provide them with  
5           more information?

6           A. No. I think I had assumed obviously they'd -- I knew  
7           they had spoke to Zahid at this point or they were with  
8           Zahid because he had been in touch with us, so I assume  
9           they had possibly got the information from him that Shek  
10          was at our house the night before.

11          Q. And at that point of the day did you know that by then  
12          Shek had actually died?

13          A. No, no, no.

14          Q. At any point when they were in the house did the police  
15          share any of that information with you?

16          A. No, no, nothing.

17          Q. You have mentioned, a moment ago, that an officer came  
18          upstairs. Could we look at paragraph 10 please. You  
19          say:

20                 "We were both allowed to change. One uniformed  
21          officer came upstairs with me while I got changed. For  
22          what reason I don't know. We were treated in a strange  
23          way considering we hadn't committed a crime. It was  
24          strange for him to come upstairs with me while I got  
25          changed. He stood outside the door while I changed.



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1           They asked me to leave the clothes from the night before  
2           on the bed so I did that. It was my work clothes that  
3           I'd had on the night before. I think I just had them  
4           lying around and I left them on the bed."

5           So we could look at the start of that paragraph  
6           please. You say there:

7           "We were both allowed to change."

8           I take it that's a reference to you and Kirsty?

9           A. Yes.

10          Q. Why do you use the word "Allowed", "Allowed to change"?

11          I mean you're in your own house, so can you explain why  
12          you have used that?

13          A. Yes, I mean my guess is just the fact that -- at this  
14          point, with them all being in our home, it feels like we  
15          were sort of -- they were directing us in what we were  
16          to do and the fact that an officer was to come up and  
17          stand -- he stood outside my room, not inside the room,  
18          but still it strikes me as strange, especially in  
19          hindsight now, it seems like we were probably a bit  
20          naive in not questioning things more, but obviously at  
21          the time it was just complete shock and confusion. We  
22          had no idea what was going on. I guess that's why  
23          I used that word.

24          Q. Looking back now, Mr Dick, can you think of any reason  
25          why the police would act in that way towards you on that

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- 1 particular day?
- 2 A. I mean it's hard to say. It feels like they were --  
3 you know, I don't -- I don't know, it's hard to say.  
4 Certainly it feels like they could have come in and  
5 explained things more clearly to us and made it clear to  
6 us that we hadn't done anything wrong, obviously, but  
7 instead it was sort of -- you know, it was a scary  
8 situation because they had all come in and it was as if  
9 we had done something wrong and with the officer coming  
10 up and standing with us, it seemed as if we might be in  
11 some kind of trouble or something like that. I don't  
12 know. It seems like they were trying to -- I don't  
13 know -- control the information that was going to be  
14 coming out next, you know.
- 15 Q. At any time did the police disabuse you of the idea or  
16 the impression that you had done something wrong?
- 17 A. No, I don't remember that, no.
- 18 Q. Did the police act in any way that was what you might  
19 call reassuring towards you?
- 20 A. No.
- 21 Q. So you have said that an officer came with you and stood  
22 outside your door, is that your -- stood outside your  
23 bedroom door?
- 24 A. Yes.
- 25 Q. Is that upstairs?

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- 1 A. Yes.
- 2 Q. What was happening with Kirsty at that time?
- 3 A. I can't remember. I feel like she went up and got  
4 changed just after me. I think she was downstairs with  
5 them at that point in it time, I think.
- 6 Q. Did you understand why they wanted your clothes?
- 7 A. No.
- 8 Q. Was any explanation given about that?
- 9 A. No. I just agreed because all that was going through my  
10 head at the time was: well, I'm just going to be  
11 completely honest and open with them, I've got nothing  
12 to hide, there's no reason I shouldn't leave them my  
13 clothes so I will just do as they ask.
- 14 Q. Did you feel, at that time, that you had the opportunity  
15 to say no to the requests that were being made?
- 16 A. Looking back, I guess I could have. It didn't really  
17 occur to me at the time that that would be the right  
18 thing to do. You know, just the confusion of the whole  
19 situation really played a part in that, I guess, not  
20 knowing what to do or say.
- 21 Q. Did the police indicate in any way that it was open to  
22 you to say, "No, I don't want to get changed" --
- 23 A. No.
- 24 Q. -- or, "I don't want to give you my clothes"?
- 25 A. No, that option wasn't given. I could have maybe --

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1           again looking back, I'm sure we could have refused.

2           I don't know what they could have done about that, but

3           I didn't see any reason to.

4       Q.   How long had passed in terms of time between the  
5           officers arriving at your door and you going upstairs  
6           and getting changed?

7       A.   Just minutes, just minutes.  A few minutes.

8           Five minutes maybe at the most.

9       Q.   Did you understand, when you're -- you're in your  
10          bedroom, you have described the officer standing at the  
11          door outside, did you understand why he was standing  
12          outside your bedroom door?

13      A.   No.  I still don't.

14      Q.   Have you ever been given any explanation --

15      A.   No.

16      Q.   -- from the police?  Can we look at paragraph 54 of your  
17          Inquiry statement please.  You have been referred here  
18          by the Inquiry team to Kirsty's account and let me just  
19          read that out please.  Kirsty said:

20                 "1.07 pm I just got out of my bed.  Martyn was also  
21                 in the house at that time.  Martyn answered the door and  
22                 let the officers in.  There were two uniform policemen  
23                 and about 6-8 plain clothes officers wearing suits.

24                 Initially I was in the kitchen and then I came into the  
25                 living room where Martyn was talking to the police."

## Transcript of the Sheku Bayoh Inquiry

1           Do you remember -- does that sound familiar to you?

2           Do you think that's correct?

3           A. Kirsty might be remembering it slightly better than me.

4           I mean it's roughly -- I can't remember the details of  
5           it, to be honest, specifically. That could be correct.

6           Q. Would you disagree with anything that Kirsty has said  
7           there?

8           A. No.

9           Q. Okay. Then can we look at paragraph 56 please. Kirsty  
10          later says:

11                 "The CID officer said, 'We need your house', and  
12                 they wanted us to go down to the police station at  
13                 Kirkcaldy to talk to them. At that point I agreed to go  
14                 to the police station and we were asked to hand over  
15                 a set of keys for the house. The CID didn't ask  
16                 permission to do anything but neither Martyn or me  
17                 really challenged them about it. We just did what they  
18                 asked us to do. They did not explain why they were  
19                 taking control of our house or what they were going to  
20                 do with it. Again, neither Martyn or me asked them any  
21                 of these questions either."

22                 So that was Kirsty's statement, which has been  
23                 referred to there. Looking at that, do you disagree or  
24                 agree with anything that's said in there?

25          A. No, I agree with that.

## Transcript of the Sheku Bayoh Inquiry

1 Q. So -- and I think at paragraph 57 you say:

2 "That sounds right to me."

3 And:

4 "I don't remember that specifically but it sounds  
5 like what I remember, 'We need your house'. The fine  
6 details I can't remember but if that's what Kirsty said  
7 then that's what would have happened. I don't remember  
8 being given a choice. We said can we get in for dog  
9 food and they said yes but that changed."

10 Can you tell me a little bit more about what you're  
11 saying there about the dog food?

12 A. Yes, well, our dog was not in the house that night, he  
13 was staying at Kirsty's mum's house, so they had said  
14 they were going to be taking our house and they needed  
15 our keys and we had asked, "Will we be able to get in  
16 later on? Specifically we will need dog food, if we're  
17 not allowed to stay in our house tonight we're going to  
18 need food for the dog", and they had said that would be  
19 no problem, but later on we were told -- I guess after  
20 we got out of the police station we were told we  
21 couldn't get access to the house.

22 Q. So when you left the house that day did the police give  
23 you an indication that you might have to stay away  
24 overnight?

25 A. I honestly can't remember. I really can't remember if

## Transcript of the Sheku Bayoh Inquiry

1           that was indicated then or not. I really can't  
2           remember.

3           Q. Were you able, during that day, to get back in --

4           A. No.

5           Q. -- to get dog food at all?

6           A. No.

7           Q. What happened to the dog? Did the dog remain at  
8           Kirsty's mum's?

9           A. Yes, which is where we also went to stay after we had  
10          been in the police station. Yes, I don't remember at  
11          what point -- when they said they were seizing our house  
12          before we went to the police station, I can't recall  
13          what they indicated about how long they would be there.  
14          The only thing I remember is they had said we would be  
15          able to get access later on if we needed something,  
16          anything, and then we weren't, but I can't remember  
17          exactly how it was worded to us.

18          Q. Right. Can we look at paragraph 58 please. Just go  
19          slightly further down. Thank you. Again, this is still  
20          Kirsty, your wife's statement:

21                 "At this time I was still wearing the clothes I had  
22                 on when Shek was in the house. I asked if I could go  
23                 and get changed and before I went upstairs they told me  
24                 to leave out the clothes I had been wearing. They  
25                 explained this by saying they might have to rule out my

## Transcript of the Sheku Bayoh Inquiry

1 DNA from Shek as I had earlier told them that I had  
2 cuddled Shek when he arrived at the house that morning.  
3 Martyn went upstairs to our bedroom to get changed. One  
4 of the CID officers went with him and stood outside the  
5 door. I got changed in the bathroom and I think there  
6 was another officer standing out on the upstairs landing  
7 as well. Once I got changed I was asked to leave my  
8 clothes on the ironing board in the kitchen which I did.  
9 I'm not sure what Martyn did with his clothes."

10 So you told us earlier that Kirsty also got changed.

11 A. Mm-hm.

12 Q. Do you remember being given any explanation about ruling  
13 out DNA?

14 A. I don't, no.

15 Q. So that was not part of an explanation given to you --

16 A. No, no.

17 Q. -- by the police?

18 A. No.

19 Q. And she says:

20 "I got changed in the bathroom and I think there was  
21 another officer standing out on the upstairs landing as  
22 well."

23 Is access to the bathroom via the upstairs landing?

24 A. Yes.

25 Q. Do you remember whether you saw another officer outside



## Transcript of the Sheku Bayoh Inquiry

1 the bathroom door?

2 A. There was definitely an officer had went up with her as  
3 well to sort of stand outside the door.

4 Q. Right. And then she says that she left her clothes on  
5 the ironing board in the kitchen, which you have told us  
6 was downstairs.

7 A. Mm-hm.

8 Q. What did you do with your clothes?

9 A. I think I left them on the bed. I can't remember for  
10 certain, to be honest. I think I left them on the bed.

11 Q. And what did the officer outside your bedroom door do,  
12 do you remember, after you left your clothes there?

13 A. I don't remember, no. I just went downstairs and then  
14 we left, pretty shortly after that.

15 Q. Do you remember now whether you were ever given an  
16 explanation about what they were going to do with your  
17 clothes, or why they wanted your clothes?

18 A. No.

19 Q. Can I go back to asking about the point you left the  
20 house, after you left the house. Could we go back to  
21 paragraph 11 please. You say there:

22 "When we left they stayed at the house. Some of  
23 them, maybe two, were stationed at our house. That's  
24 where they were going to be. They put police tape round  
25 our house. I don't recall getting told anything about

## Transcript of the Sheku Bayoh Inquiry

1           what was happening with my house. Looking back now  
2           maybe we would want some more answers. It was  
3           intimidating having them all coming to the house  
4           standing there and talking to us. It feels like we're  
5           involved in something big, significant and important."

6           Looking back now, Mr Dick, what answers would you  
7           have liked? What explanation would you have liked at  
8           that time?

9           A. An explanation as to what had happened, why they wanted  
10          to speak to us. Obviously they had a lot more  
11          information at this point, by midday, but they shared  
12          nothing with us. Maybe they were worried -- maybe they  
13          thought if they had given us more information we would  
14          have refused to speak to them and that would then affect  
15          something, I don't know. Yeah, just more of an  
16          explanation and less -- I feel like I'm just repeating  
17          myself, but less intimidation, to be honest, which is  
18          really what it felt like. That's the memorable feeling  
19          of that morning.

20          Q. Looking back now, what would have helped you in relation  
21          to the house and the arrangements for the house and  
22          access to the house? What type of thing would you have  
23          liked to have known at that time about your house and  
24          getting access to the house?

25          A. About ...?

## Transcript of the Sheku Bayoh Inquiry

1 Q. Would it have helped you to know when you could get back  
2 into the house or --

3 A. Yes, or why they needed to be there ultimately, yes, why  
4 they needed to be there.

5 Q. Did the police ever speak to you about getting your  
6 consent to seize the house, or --

7 A. No.

8 Q. -- seeking a warrant for the house?

9 A. No, no. I don't recall that at all.

10 Q. Did they give you any explanation why they were  
11 surrounding your house with tape, police tape?

12 A. No, I can't remember if that was done -- we may have  
13 become aware of that after -- you know, after we had  
14 come out of the police station. Maybe one of our  
15 friends told us, I can't remember if they were doing  
16 that when we were still there or as we left or anything.  
17 I assume that happened after.

18 Q. Can we look at paragraph 15 please. You say:

19 "I don't feel like I was given a choice whether the  
20 house was seized or not. I didn't get a chance to say  
21 no to that."

22 Is that how you felt at the time?

23 A. Yes, but again at the time we weren't thinking of saying  
24 no, we were just cooperating. We weren't really  
25 questioning -- there was no -- there was nothing to

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1 question at the time. We had no information whatsoever,  
2 so we were just cooperating as much as we could.

3 Q. Did you understand that you could have said no to  
4 the police in relation to them seizing the house?

5 A. Only in hindsight, after the fact. I didn't really  
6 think about it at the time.

7 Q. How close was your house to Hayfield Road?

8 A. Maybe a 20-minute walk, something like that, a couple of  
9 miles.

10 Q. At paragraph 16 you say:

11 "They then separated us ..."

12 I think that's you and Kirsty?

13 A. Yes.

14 Q. "... and took us in separate cars to the police station.  
15 They took us to the police station separately and then  
16 into a room to give a statement. They said they didn't  
17 know what happened, but it was something involving Shek.  
18 Looking back now I feel like I was completely naive.  
19 They said they wanted my help and I had no reason not to  
20 or be dishonest. So I helped. They took me to a room  
21 to give my statement. They wanted everything I could  
22 remember up to the point we were at. I was there for  
23 about 6 hours giving the most detailed and complete  
24 statement I could."

25 So you and Kirsty were taken separately to the

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1 station?

2 A. Yes.

3 Q. And kept in separate rooms?

4 A. Yes.

5 Q. And you said you spent around 6 hours there that day?

6 A. Approximately 5 or 6, something like that, as I recall.

7 Q. Tell us, were you -- was it made clear to you that you

8 were there on a voluntary basis?

9 A. I wouldn't say so, but again it wasn't questioned.

10 I was looking to cooperate as much as possible given

11 what appeared to be the seriousness of the situation.

12 I was just happy to cooperate.

13 Q. Did you -- were you aware that you had the option to say

14 you had had enough or you wanted to stop?

15 A. No, I didn't really think about that.

16 Q. Were you offered breaks and refreshments?

17 A. I was given water. I don't think I had a break.

18 Q. Was that because you didn't want a break, or you weren't

19 offered?

20 A. I don't remember being offered a break. I probably

21 would have taken it if I was, maybe. I mean, it was

22 a long time ago. I don't recall being offered a break.

23 It was just all done in one -- all done at once, yes.

24 Q. During that period of time were you given the

25 opportunity to make contact with Kirsty?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. No.
- 2 Q. Did you know how she was?
- 3 A. No.
- 4 Q. Were you given the option to contact anyone else?
- 5 A. No.
- 6 Q. Was there anyone there to support you in any way?
- 7 A. No, no.
- 8 Q. What information did they give you -- during that time  
9 when you were at the police station, what information  
10 did they give you about the circumstances and what had  
11 happened?
- 12 A. Nothing to be honest. It was just all me, it was just  
13 a -- again, like I said there, I gave the most detailed  
14 and complete statement I could. I was just as honest --  
15 given that I knew nothing, this is where I feel like  
16 I was naive, looking back, although obviously in that  
17 situation you would hope that you were just doing the  
18 right thing by cooperating, so that's what I did.
- 19 What was your question, sorry, again?
- 20 Q. Don't worry. I was going to ask you, during that time  
21 you were in the police station did they tell you that  
22 Sheku had died?
- 23 A. No, no.
- 24 Q. By the time you finished your statement were you aware  
25 that he had died?

## Transcript of the Sheku Bayoh Inquiry

1           A. No. When I finished my statement I can remember one of  
2           the -- the two officers that were there initially, one  
3           of them had left earlier, I can't remember exactly when,  
4           but he had had to go for some reason so it was just  
5           myself and the guy writing the statement. After I had  
6           given my statement he had left at some point and another  
7           police officer had come in maybe just to sit with me,  
8           I don't know, and I had said to him, "I don't even know  
9           what's going on", and he said, "Oh, do you not?" Like  
10          that sort of thing, "Oh, do you not?" And that was it,  
11          he didn't tell me anything and it was after that that  
12          I went outside and Kirsty was already out there and she  
13          broke it to me, what had happened, that Shek had -- she  
14          said -- I said to her, "I don't know what's going on",  
15          and she said something to the effect of, "I don't know  
16          either. I do know that Shek's no longer with us".

17          Q. And it was Kirsty that broke it to you?

18          A. Yes, yes, outside the police station.

19          Q. And was that the first you had heard?

20          A. Yes.

21          Q. Can I ask you about some paragraphs in your statement.

22          First of all, let's look at paragraph 5:

23                 "I told police the truth. I gave them an accurate  
24                 account. Naively, I would say, under false pretences.  
25                 I have no reason to lie and I was as honest as

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1 possible."

2 Then I would like to look at paragraph 17 and 18  
3 where that phrase appears again:

4 "I would say it was under false pretences. We were  
5 manipulated to giving information that wasn't necessary  
6 as it turns out. None of it matters to what happened."

7 Then at 18:

8 "I don't remember giving them information in the  
9 house at the time. They told us there was an incident  
10 involving Shek. They needed detail. I say false  
11 pretences because they didn't share the information that  
12 they clearly had with us."

13 You have made reference in those paragraphs to this  
14 phrase, "False pretences", and I wondered if you could  
15 help the Chair understand what it is you mean by that?

16 A. What feels like just the withholding of information.

17 I feel like they could have shared that -- the  
18 information that they had with us. Obviously this is in  
19 hindsight, it was after the fact that we -- when more  
20 and more details began to come out, then it's looking  
21 back that I feel naive for not questioning things more,  
22 but again I didn't -- I had no reason to. Yes, it's  
23 just the -- when I say, "False pretences", I mean I was  
24 speaking to them with the understanding that I was  
25 helping them with something that they didn't have the



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1           answers for yet and so they needed my information for  
2           that, but looking back I don't -- I'm not sure how much  
3           of it, if any of it, was really relevant to his death,  
4           to the incident itself. I don't know -- there's not --  
5           considering I gave them -- I spoke for hours and hours  
6           with them. I don't think much of it is very relevant to  
7           the incident itself.

8           Q. How has it made you feel -- looking back now, how do you  
9           feel about the fact that there was no information given  
10          to you about Shek having died, or the circumstances of  
11          that?

12          A. It's something that's bothered Kirsty and I since it  
13          happened, obviously, and it's one of these situations --  
14          I don't know, I feel like we've learned a kind of hard  
15          lesson in terms of trusting the police, which we want to  
16          obviously, and obviously in an ideal world we should be  
17          able to but this sort of, you know, promotes a kind of  
18          distrust in the police, the fact that they withheld this  
19          information from us and -- yes, it feels like we were  
20          sort of -- I don't know, I guess maybe -- I don't know,  
21          used in some way, manipulated into going along with  
22          something that we -- sorry, I'm having a hard time  
23          articulating it, to be honest.

24          Q. So what has the long-term impact of your experiences  
25          that day -- what has the long-term impact been in

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1 relation to your levels of trust with Police Scotland?

2 A. I guess I feel differently towards it now than I did  
3 then. I feel like it's important to have trust in  
4 the police, obviously, for everyone. Obviously we need  
5 them. You know, if someone breaks into my house, I need  
6 to get in touch with them, I need to speak to them,  
7 I want to teach my children that they should trust them  
8 and that they can trust them but it's difficult because  
9 I now have clear evidence that they can't always be  
10 trusted because of what's happened after the fact, all  
11 the ridiculous stories that came out, all the lies that  
12 they told to Shek's family, things like that.

13 It's not -- it's quite hard to get your head round  
14 actually, that that's the police that are putting out  
15 these stories and it doesn't seem right that -- I would  
16 just -- I would expect better, as everyone should, from  
17 the police.

18 Q. Thank you. Do you still have contact with Sheku Bayoh's  
19 family?

20 A. No. I have not spoken to them in a while.

21 Q. Oh, right. Can I go back to paragraph 18, just to  
22 finish looking at that paragraph. You say:

23 "Looking back, had I had all the information then  
24 maybe things would have been different. I would've been  
25 completely honest with them anyway but maybe I would've

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1           had more of an angle on what was relevant information to  
2           give them. I gave them a lot of information that wasn't  
3           relevant at all. Looking back it feels like they were  
4           gathering information to deflect from themselves.  
5           That's how it feels now."

6           So here you're looking back and if you had had more  
7           information then, maybe things would have been  
8           different. I would like to explore to what extent that  
9           would have changed things and made a difference at the  
10          time. You talk first of all about relevant information?

11         A. Again, it's hard to say -- to put myself in a situation  
12          where I would have had all the information at that  
13          moment in time because all the information came out  
14          piece-by-piece in the days, weeks, months after the  
15          incident itself. I mean, if I had known then what  
16          I know now, I wouldn't have -- I probably would have  
17          been much more curious to know if they were being  
18          questioned and maybe even why I was being questioned at  
19          all, to be honest, if I had more of the information.

20         Q. When you say "they", who are you referring to?

21         A. When -- what did I say?

22         Q. You said you would be wondering about the word "they"  
23          being --

24         A. Oh, the police officers involved. Sorry, yes, the  
25          police officers involved. I would be curious to know

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1           if -- I would think they would be the first people that  
2           should be spoken to.

3       Q.   So the officers who were at the scene when he --

4       A.   Yes.

5       Q.   -- during Hayfield Road, as opposed to you spending  
6           six hours in the police station being questioned?

7       A.   Yes.

8       Q.   And was it a question and answer session that you had in  
9           the police station?

10      A.   It was more, "Everything you can remember from this  
11         point on".

12      Q.   Then at the end of paragraph 18 you say:

13                 "Looking back, it feels like they were gathering  
14                 information to deflect from themselves. That's how it  
15                 feels now."

16                 And again, I wonder if you could help the Chair  
17                 understand what you mean by that.

18      A.   That's just how it feels with everything now.

19      Q.   What did you mean, "To deflect from themselves"?

20      A.   Well, the police officers are the ones responsible for  
21           this situation. Their actions are responsible for what  
22           happened. It's clear that Kirsty and I and our house  
23           didn't have anything to do with Hayfield Road. Just,  
24           like all the things that started coming out after the  
25           incident, all the stories, which looking back seem clear

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1 to be media spin in some way and trying to -- you know,  
2 there's a lot of things slandering Shek's character and  
3 things like that, putting the blame onto him as if he  
4 somehow deserved what happened to him. That's what  
5 I mean by deflecting it, like it's -- it seemed to be  
6 going in every other direction except the actions of the  
7 police, you know. It was drugs or terrorism or all  
8 these other things, rather than a focus on the incident  
9 itself and the decisions made by the police.

10 I feel like they have not -- like there can --  
11 obviously they're just humans and humans make mistakes  
12 and I can get myself to the point of thinking they have  
13 made some bad decisions, mistakes were made and it's --  
14 everybody makes mistakes, even, you know, people that we  
15 don't want to, you know, emergency services and doctors  
16 and so on, but it seems like there's no attempt to admit  
17 any fault whatsoever, which just seems -- doesn't seem  
18 right. I mean, I don't know how they learn from things  
19 going forward. Obviously it was a grave mistake, but  
20 mistakes were made nonetheless. I feel like that could  
21 be more -- it's okay to look at it and look at the  
22 mistakes that were made and bad decisions that were  
23 made.

24 Sorry, I can't remember what you asked me, I have --

25 Q. That's -- my questions don't matter. Thank you.

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1 A. Okay.

2 Q. Can I ask you to look at paragraph 21 please. You have  
3 touched there on:

4 "... they were asking about Shek's character."

5 In this paragraph you say:

6 "I'm sure they were asking about Shek's character,  
7 what he was like as a person. I gave a very detailed  
8 statement for hours because they said they needed my  
9 help. I gave them a detailed statement. The majority  
10 of it isn't relevant."

11 Would you be able to help us understand what sort of  
12 questions were being asked during the time you were with  
13 the police at Kirkcaldy about Shek's character? Can you  
14 give me some examples?

15 A. I honestly can't remember -- I can't remember that --  
16 what I -- I can't remember the questions about --  
17 specific questions about his character that were asked  
18 on that initial police statement. What I remember is in  
19 the days, weeks after, talking amongst myself, Zahid and  
20 Kirsty and others, we were -- that's the -- and talking  
21 about it with others, that's what we sort of came to the  
22 conclusion that they were asking about his character to  
23 find faults and maybe things that could be used as  
24 a mechanism to put more blame onto him in some way and  
25 to show that their actions were necessary.

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- 1 Q. So they were asking questions to find faults with Sheku?
- 2 A. I can't remember the questions about his character that  
3 they were asking in that initial police interview. I'm  
4 sure they asked questions -- like I -- I'm sure they  
5 did. I can't remember what they were. I really can't  
6 remember.
- 7 Q. But was -- you have talked about discussing it with  
8 Zahid and Kirsty. What was your impression about the  
9 reasons you had been asked those questions in the days  
10 after?
- 11 A. Just that. It all came from the discussions that we  
12 were having amongst us and what we thought was going on,  
13 and I guess informed by the other stories and things  
14 that were coming out, we were sort of piecing together  
15 an understanding of what was going on and I guess we  
16 felt like that was -- that was the situation, that they  
17 were trying to dig into his character more to -- I don't  
18 know -- yes, I guess find fault. That's what we were  
19 thinking at the time. But like I said, I can't remember  
20 the specific questions. I am sure I just got asked,  
21 "What was he like as a person? Was he ever aggressive?  
22 Was he a friendly person? Was he ever aggressive?" But  
23 again, I can't remember specifically, so ...
- 24 Q. And looking back now, has your impression changed in  
25 relation to that?

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1 A. No, no.

2 Q. Can I ask you to look at paragraph 23 please. You say:

3 "I believe I did give a DNA sample. I think they

4 asked us to give a DNA sample. I'm sure I got my mouth

5 swabbed. I can't remember any other parts to it. They

6 asked us to do it so we did it, naively."

7 Tell me, when were you asked to give a DNA sample?

8 A. When I was in the room where I was to give my statement.

9 Q. So that's in Kirkcaldy Police Office?

10 A. Yes.

11 Q. During the hours you spent giving your statement?

12 A. Yes, before the statement, as I recall.

13 Q. Before -- after you arrived there --

14 A. Yes.

15 Q. -- and before the statement? Was an explanation given

16 to you by the police at that time as to why they were

17 looking for a DNA sample from you?

18 A. No, I just went along with it.

19 Q. Were you asked to provide that on a voluntary basis?

20 A. I don't remember. I just remember getting my mouth

21 swabbed. They said it was for a DNA sample. Again,

22 I didn't question anything.

23 Q. I mean, you say in paragraph 24 that you:

24 "... consented to this in the sense that [you]

25 opened [your] mouth and let them do it. They didn't



## Transcript of the Sheku Bayoh Inquiry

1           give us any information and I didn't know what was going  
2           on. In my head I'm thinking I've got no reason to lie  
3           or be cagey and as far as I know I have not done  
4           anything wrong. They said they needed the swab and so  
5           I said they can have it and I'm willing to help."

6           And really that's the mindset that you have been  
7           describing for us.

8           A. Yes, yes, just fully cooperative.

9           Q. Yes. Thinking back to your experiences, in your house  
10          and in Kirkcaldy Police Station, and thinking about the  
11          way the police handled it and how you felt that day,  
12          could you maybe think and help the Chair understand is  
13          there a way that it could have been done better, from  
14          your own perspective? Could they have made the  
15          situation a more positive one, if that was possible?

16          A. Yeah, I mean, far be it from me to say the way things  
17          should be done, but obviously they could have given us  
18          more information, understanding that he wasn't even with  
19          us any longer, more of a reassurance that we hadn't done  
20          anything, an explanation as to why we were giving  
21          information, what was relevant about it. But again,  
22          you know, they could have been -- they could have been  
23          speaking to the police officers involved at this time.  
24          That could have been happening instead, immediately  
25          afterwards. I feel like that would have been a better

## Transcript of the Sheku Bayoh Inquiry

- 1 use of time.
- 2 Q. You say the police officers, do you mean the ones who  
3 were involved at Hayfield Road?
- 4 A. Yes.
- 5 Q. When you were finished giving your statement in  
6 Kirkcaldy Police Office and leaving, did you receive any  
7 information at that stage about the house, or when you  
8 could get access to the house?
- 9 A. Only that we couldn't get access on that night. I think  
10 I had wanted to get my keys for the car or van, I can't  
11 remember what I was driving at the time, so that we  
12 could drive through to Kirsty's mum's house, but we were  
13 told we would just be getting driven through, we  
14 couldn't get to the house, because the car keys were in  
15 the house, or the -- I can't remember if -- the car was  
16 at the house anyway and we were just driven through to  
17 Kirsty's mum's.
- 18 Q. So someone from the police drove you through --
- 19 A. Yes.
- 20 Q. -- to where you were going to stay that night?
- 21 A. Yes, we weren't allowed to go to our house.
- 22 Q. Back home. Can we look at paragraph 27 please. You say  
23 here that you were supposed to be working that night and  
24 you sent a text:  
25 "... explaining the situation and I'd said I was at

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1 the police station and that Shek had died. [Somebody]  
2 said not to say anything to the police. Looking back  
3 I now know why he said that to me. He was aware that  
4 they would possibly use information for their own  
5 means."

6 You said that you were supposed to be working?

7 A. Mm-hm.

8 Q. And did -- the time you spent in Kirkcaldy, you said it  
9 was around six hours. Did that cause difficulties in  
10 relation to your work that night?

11 A. I was probably supposed to be starting at 9 o'clock or  
12 something, so after I had given my statement -- I was  
13 alone in the room at this point, it was probably just  
14 after I had given the statement -- no, sorry, it  
15 wouldn't have been because I had that information.  
16 I was -- I guess we had come back in from -- I guess  
17 I had come back in from speaking to Kirsty outside.  
18 I was back in the same room that I had given my  
19 statement in and so I text my boss and I had said to  
20 him -- yeah, there was a very concise message, I just  
21 said, "Shek's died" or "Passed away, and I'm at the  
22 police station", and that was it. That was the text  
23 I sent to him and he had -- he was ringing me, I just  
24 wasn't answering, I wasn't in the mood for talking at  
25 that point. I had given him the information, I wasn't

## Transcript of the Sheku Bayoh Inquiry

1           wanting to -- I had just learned that Shek wasn't here.  
2           I wasn't wanting to speak to anyone else about it.

3           So I missed all his calls and then he texted me --  
4           he sent me a text saying -- I can't remember exactly  
5           what it was but it was something like, "Don't say  
6           anything, tell them you ..." It was something along the  
7           lines of not to speak with them without a lawyer or  
8           something along those lines, but it was too late,  
9           obviously, I had already been speaking to them for  
10          hours. But looking back I -- I guess he knew things  
11          that I didn't know maybe is a good way of putting it.

12         Q. You have said that you finished your statement, you went  
13          outside, Kirsty told you about Shek. You have now said  
14          you went back and you ended up back in the room where  
15          you had given your statement.

16         A. Mm-hm.

17         Q. What was it that made you go back into Kirkcaldy Police  
18          Office?

19         A. I think they had let us out for a break, I mean,  
20          I guess, as I'm thinking about it now. I can't remember  
21          exactly. They had let us out -- yes, let us out for  
22          a break and then we had went back in. I don't remember  
23          how long I was back in for, or what -- apart from  
24          sending the text to my boss and then my phone -- they  
25          had asked for my phone -- I can't remember how long

## Transcript of the Sheku Bayoh Inquiry

1 I was in -- back in the police station after that, back  
2 in the room.

3 Q. What time was this, do you remember?

4 A. No. I would say between 6.00 and 7.00 roughly.

5 Q. Thank you. What happened to your phone? Can we look at  
6 paragraph 28 please:

7 "I remember my phone being seized. This was before  
8 I learned Shek had died. I was in the same room I gave  
9 my statement. They said it would be very helpful to  
10 them to seize my phone. They told me it would be  
11 helpful so I gave them it. I don't remember if they  
12 explained why it would be helpful."

13 29:

14 "I have always wanted to get my phone back but  
15 I think it's a fool's errand. I've got photos and  
16 sentimental memories in it. The PIRC replaced the phone  
17 but the content of the phone is what I'd like to get  
18 back."

19 Tell us what happened about your phone?

20 A. Just that, I just recall being asked if they could have  
21 my phone, that it would be helpful, and again that's all  
22 it took, I was trying to be helpful, I didn't -- there  
23 was no reason to, you know, put up an argument about it.  
24 I wanted to be helpful. I thought I was being, so  
25 I gave them it.

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1 Q. Did they explain why they wanted it?

2 A. No, no.

3 Q. Did they say when you would get it back?

4 A. No.

5 Q. Have you ever received your phone back?

6 A. No.

7 Q. And you say there's sentimental memories and photos in  
8 that you would like --

9 A. Yes.

10 Q. -- if that was possible?

11 A. Yes, absolutely.

12 Q. Can I ask you about the following day please, 4 May. If  
13 we look at paragraph 30, which is just at the bottom of  
14 this page, and you say:

15 "I can't remember much of 4 May."

16 We have heard that was a Monday. You talk about you  
17 and Kirsty hanging around for most of the day and you  
18 were phoning to see if you could get into your house:

19 "Every time someone said we'd phone back shortly.  
20 I think I phoned 4 or 5 times before we were let back  
21 in. I kept being told we would be let back in shortly.  
22 I can't remember what time it was that we got back  
23 there, I guess it was in the evening. It must've been  
24 later on in the day because I was phoning all day."

25 Was it you that was doing the phoning rather than

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- 1           Kirsty?
- 2           A. Yes. As I recall, yes. We may both have phoned at some  
3           point, I can remember, but I think it was me.
- 4           Q. Were you given an explanation as to why you weren't able  
5           to get in sooner?
- 6           A. No. As I recall, I was just told, "Someone will get  
7           back in touch with you shortly".
- 8           Q. Did anyone ever get back in touch with you?
- 9           A. No, it took me phoning the -- as I remember, again this  
10          was a long time ago, but as I remember I phoned a final  
11          time and they -- they may have said -- they may have  
12          phoned back that last time, I can't remember, and gave  
13          us a -- I really can't remember the details of the  
14          conversation but it must have been -- it was evening,  
15          like I'm saying there. I can't remember the time but we  
16          were just really eager to get back to our house.  
17          I really can't remember the details of that at all.
- 18          Q. What impact did it have on you and Kirsty, not being  
19          able to get back into the house that day?
- 20          A. Well, you know, we were at her mum's so it was fine, we  
21          had somewhere to be, but we were just very eager to get  
22          home to our own house. You know, we had our dog there  
23          as well and he was eager to get home as well, obviously.  
24          I guess we just wanted to get home and be together and  
25          sort of deal with -- process what was happening.

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1 Q. Were you upset about what had happened to your friend?

2 A. Yes, of course.

3 Q. Would it have been helpful to get back into the house in  
4 terms of --

5 A. Yes, yes.

6 Q. Can we look at paragraph 31. This is where you talk  
7 about getting back to the house. You say:

8 "There were two officers there and they said a bunch  
9 of stuff to us but I can't remember what it was.  
10 I remember standing in the kitchen with the two of them  
11 in suits."

12 Do you have any recollection at all about what those  
13 officers said to you?

14 A. I really don't. I don't at all. I think we were eager  
15 to -- at this point we were so happy to be back in our  
16 house. We knew we were -- they were going to be  
17 leaving. I don't think I was -- I don't know how much  
18 I was even taking in of what they were saying. I was  
19 just standing there letting them say what they had to  
20 say and I was just eager for them to leave and for us to  
21 be back home. I really -- I really don't remember --  
22 I really struggle to remember anything that was said to  
23 me.

24 Q. All right. And then paragraph 32 you say:

25 "The police found what they described as herbal



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1 matter, they said they were going to take it. They  
2 didn't provide us with a search warrant so I don't know  
3 why they came across this."

4 Carry on a little bit further on please:

5 "They must have looked for the herbal matter because  
6 they found it in a drawer under my bed. It wasn't  
7 laying out.

8 "I'm sure one of them said something to me on the  
9 phone. My memory was something to the effect of they've  
10 found the herbal matter and need to be seen to be doing  
11 something so they'll seize that. That's my memory of  
12 it."

13 Can I ask you -- when we have been looking at your  
14 statement, talking about when you arrived back home in  
15 the house and here you're talking about having a phone  
16 call.

17 A. Yes.

18 Q. Can you explain to me when the phone call took place?

19 A. This was while we were at Kirsty's mum's house. One of  
20 the -- it would have been the final phone call before we  
21 were allowed to go back home, I guess, and I had had it  
22 explained to me -- again, this is -- what I remember was  
23 having it explained to me that they had -- the words  
24 I remember being said to me was they had found this  
25 herbal matter and they had to be seen to be doing

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1 something so they were going to take that.

2 Again, I wasn't questioning anything, I was just  
3 wanting to get home. Yes, they said they were going to  
4 take that. I don't know, I don't know why.

5 Q. Was anything said to you at any time about the police  
6 getting a warrant --

7 A. No, no.

8 Q. -- to search your house?

9 A. No.

10 Q. And at any time were you asked for permission to give  
11 the police your consent to search the house?

12 A. No.

13 Q. Thank you. Can I ask you to look at paragraph 70  
14 please. Here you are being referred to a statement that  
15 Kirsty gave and it said:

16 "Just after 6.00 pm, I believe it was, the same  
17 officer called back and spoke to me. He said they would  
18 be able to release the house back to us but only after  
19 they did a walk round with us."

20 Do you remember knowing that there was going to be  
21 something called a walk round?

22 A. I don't remember, no.

23 Q. Did you know what a walk round was?

24 A. I could assume.

25 Q. And when you got back to the house did you do a walk

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1 round?

2 A. I guess so. Like I said, the only memory I have of it  
3 is standing in the kitchen with them before they left,  
4 telling us something, I was not taking -- I can't  
5 remember it now and I don't remember the walk round, but  
6 it's not to say it didn't happen.

7 Q. Do you feel, personally, that you received an  
8 explanation from the officers, something that you could  
9 understand --

10 A. No, no.

11 Q. -- when you got back to the house?

12 A. No.

13 Q. Do you feel that you have ever had a full explanation of  
14 why things were done on 3 and 4 May in relation to you  
15 and your house?

16 A. No, no.

17 Q. Thinking back now, what is your impression about how you  
18 were treated on 3 and 4 May?

19 A. Again, it's given us a sort of -- I don't know, not the  
20 best view of the -- I feel like I'm just repeating  
21 myself, but obviously I feel like they could have given  
22 us more information, or maybe even done something else  
23 entirely rather than all these officers coming to see  
24 us. It doesn't seem like it was necessary or  
25 appropriate even. I feel like I'm just repeating

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1           myself, to be honest.

2           Q. Not at all. Looking back now, and obviously you know  
3           more now than you did then, do you feel that you were  
4           treated fairly by the police on 3 May?

5           A. No, no.

6           Q. Why not?

7           A. Well, they could have given us more information. Again,  
8           like I said, it's clearly intimidating. I mean, they  
9           must be aware of what it's like to go into someone's  
10          house when, you know, we're just up, we're just having  
11          a cup of coffee, all these people come into your house.  
12          They have to be aware of how that comes across and how  
13          that makes people feel. Sending an officer up the  
14          stairs with us while we get changed just adds to the  
15          confusion of the situation. It felt like just, "Give us  
16          all the information you can while we give you no  
17          information", looking back, and that's what happened.

18                 I mean, they weren't necessarily openly  
19          disrespectful to us or anything, but they just gave us  
20          nothing really, gave us nothing to go on whatsoever,  
21          just that they -- we were going to be helping them and  
22          we should be helping them, so that's what we did, just  
23          cooperated.

24                 No, I mean the fact that they seized our house is  
25          still a mystery to us. I don't feel like there was any

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1           need to -- for us to be in that situation.

2           Q. How do you feel you were treated on 3 May?

3           A. I kind of feel, to be honest, like we were used a little  
4           bit. Yes, I would say that's a good way of describing  
5           it.

6           Q. Can I move on to 8 May, paragraph 45 please:

7                       "Everyone was unsure and people were thinking there  
8           was more to the story by that point. PIRC had  
9           a reputation as being another arm of the police so we  
10          were much less willing to speak to them because they  
11          were using information for their means to help  
12          the police."

13                      So on 8 May -- we have talked earlier about you  
14          giving a statement to the PIRC.

15          A. Mm-hm.

16          Q. We looked at that at the outset. Can I ask you, first  
17          of all, before you gave that statement to the PIRC, had  
18          they been in touch with you to make arrangements about  
19          that?

20          A. I guess so. I can't remember exactly. I'm sure they  
21          were, yes.

22          Q. You have talked here about some concerns that you had.  
23          Can you -- looking at paragraph 45, can you tell us  
24          a little bit more about --

25          A. Well, I remember -- sorry.

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1 Q. No, no.

2 A. The initial statement, I don't feel like -- I feel like  
3 again it was -- as I recall, the initial statement to  
4 the PIRC was just again really just cooperating with  
5 them entirely. They just went through the statement  
6 I had given to the police. There was really not much to  
7 add to it because it was such a detailed statement that  
8 I had given.

9 Just in -- again, in the weeks and months following  
10 it, it's hard to pinpoint exactly in time, but we became  
11 aware, you know, as people were talking about the  
12 situation, that PIRC had that reputation as being  
13 ex-police officers and we were all sort of feeling  
14 defensive at this point, I guess, about what information  
15 we were giving out and at some point different stories  
16 were starting to come out and, you know, different  
17 versions of events were all coming out.

18 So it was a very strange time in terms of the  
19 information that was coming out and what was true and  
20 what was not and I guess we, as in me and Kirsty, and  
21 Zahid I guess, were probably a bit less sure of how  
22 willing we should be to continue to help PIRC with the  
23 information -- like we didn't know what they were going  
24 to do with the information, I think that's what it was,  
25 and there was a lack of certainty that we were actually

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1 helping the situation at this point, if it was positive  
2 for us to speak to them or not, so I think we were -- at  
3 some point we grew more and more reluctant to speak with  
4 them.

5 Q. You have talked about a feeling of defensiveness.

6 A. Mm-hm.

7 Q. What was it that was causing you to become more  
8 defensive at that time?

9 A. Due to the stories, the wildly embellished stories that  
10 were coming out. Even -- and I mean newspaper articles  
11 and things like that. It was clear to us -- and these  
12 were often, as I recall -- as I can remember, these were  
13 stories put out by like the police lawyer and things  
14 like that, they weren't just random. These were  
15 actually stories being put out there to the general  
16 public and it was pretty clear to us what these  
17 stories -- why they were being put out the way they  
18 were, focusing on Shek being some kind of enormous,  
19 intimidating, drug-fuelled maniac kind of thing, things  
20 to that effect. There was a growing feeling of us  
21 versus them I guess, like they're trying to -- I guess  
22 it became clear to us that they were trying to divert  
23 the narrative in a different direction.

24 Q. Is that the impression that you had?

25 A. Yes, that just grew and grew, I guess, from then on,

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1           yes. That became more apparent to us.

2           Q. Now, there may be one thing I just want to correct

3           there.

4           A. Okay.

5           Q. We may hear that -- you have said it was the police

6           lawyer. Presumably you're not in a position to

7           distinguish --

8           A. No, again that's --

9           Q. -- between lawyers for the police or lawyers for the

10          Federation --

11          A. Absolutely, yes. That's right, yes.

12          Q. -- or lawyers for the individual officers?

13          A. Absolutely, I am just -- as I recall -- I just remember

14          seeing where these stories were coming from, like who

15          they were -- who the source was cited in the articles

16          and given how wildly embellished some of them seemed to

17          be, it was shocking to see that they were coming from

18          a -- what would appear to be a reputable source of

19          information, what I would expect to be, and that's what

20          sort of fuelled the, you know, feelings of

21          defensiveness, like there was people working against

22          Shek, really, in this situation, after he was gone.

23          Q. Thank you. Against that, did you feel that there was

24          any information coming out where it was clear to you

25          that people were open minded about the events or looking



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1 at all the options and all the possibilities?

2 A. Like newspaper articles, you mean?

3 Q. Yes. You have talked about the articles that made you  
4 feel defensive and you were shocked by?

5 A. Yes, there were definitely others detailing his injuries  
6 and so on. I don't think all articles -- all articles  
7 in The Sun were bad, basically, that was clearly the --  
8 that was the -- it was The Sun that was being used to  
9 push these articles basically.

10 Q. Can I ask you, looking back now -- we have obviously  
11 heard a lot of evidence from other witnesses about -- we  
12 know Sheku was black and I have asked a lot of questions  
13 about race, and I'm wondering was there any information  
14 given to you, or any questions asked of you on 3 May  
15 that would indicate to you that the police were  
16 investigating whether or not the events had been  
17 racially motivated?

18 A. No, I can't remember anything about that on 3 May.  
19 I can't remember -- again, it was mostly me just giving  
20 full details from one point to the end point. I don't  
21 remember being asked -- I don't remember being asked  
22 about race.

23 Q. Thank you. Can you give me a moment please.

24 (Pause).

25 Thank you very much, Mr Dick. I don't have any

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1 further questions.

2 A. Okay, no problem.

3 LORD BRACADALE: Are there any Rule 9 applications? No.

4 Thank you very much, Mr Dick, for coming and giving  
5 evidence to the Inquiry. We're going to adjourn for  
6 a break now and you will be free to go.

7 A. Okay.

8 LORD BRACADALE: 20-minute break.

9 (11.31 am)

10 (Short Break)

11 (11.57 am)

12 LORD BRACADALE: Good afternoon, Mr Bellingham. You are  
13 going to take the oath, is that right?

14 A. Yes.

15 LORD BRACADALE: Raise your right hand and say the words of  
16 the oath.

17 INSPECTOR DAVID BELLINGHAM (sworn)

18 Ms Grahame.

19 Questions from MS GRAHAME

20 MS GRAHAME: Thank you. I was going to say good morning  
21 there but it is probably good afternoon by now. No,  
22 still morning. It is Friday.

23 You are David Bellingham?

24 A. Yes.

25 Q. And you are what age please?

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1 A. 38 now.

2 Q. You are an inspector?

3 A. Currently, yes.

4 Q. Are you planning on changing that soon?

5 A. It's the process that I'm in just now. I'm currently an  
6 inspector, I will go back to sergeant and then I will  
7 get promoted later in the year, so ...

8 Q. I see.

9 A. It's --

10 Q. So is this a temporary position at the moment?

11 A. Yes, so it's temporary just now and I will get  
12 substantive later in the year, I hope.

13 Q. Congratulations.

14 A. Thank you.

15 Q. You joined the Police Service in 2006, is that right?

16 A. Yes.

17 Q. And in 2015 you were a DC with reactive CID at Stirling?

18 A. Yes.

19 Q. Can you tell me what is reactive CID?

20 A. Reactive CID is ultimately we deal with incidents that  
21 come in of a serious criminal nature, or are decided by  
22 the management that reactive CID will look at. So,  
23 for instance, serious violence, serious assaults,  
24 robberies, sexual crime and in initial stages of murder  
25 enquiries. But again it could also involve

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1           embezzlement-type incidents, frauds, so basically not  
2           the most serious but a higher level of crime than  
3           routine day-to-day stuff.

4       Q.   And are you based in one place or can you be moved  
5           around as required?

6       A.   You can be moved around the division as required.  In  
7           Forth Valley division there are two CID offices, so  
8           Falkirk and Stirling.  I have worked in both but  
9           depending on the shift and what's happened you could  
10          start in Stirling and have to go to the Falkirk side to  
11          assist with an enquiry.

12      Q.   In 2015 how many years service had you had?

13      A.   Nine it would be.

14      Q.   Nine.  Before I take you through your evidence today, do  
15          you see that there's a blue folder sitting in front of  
16          you?

17      A.   Yes.

18      Q.   Please open it up.  You will see in there that there are  
19          some hard copies of your Inquiry statement and other  
20          statements that you have given.

21      A.   Yes.

22      Q.   Please feel free -- at any time, if you want to refer to  
23          them, please do so.  That's completely for your  
24          disposal.

25                    In addition to that if I'm going to ask you to look

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1           at a particular paragraph in your Inquiry statement, you  
2           see the screen in front of you?

3           A. Yes.

4           Q. I will have that put up on the screen.

5           A. Right.

6           Q. If you're comfortable using a screen, you can just read  
7           it off the screen, but if you prefer the hard copy  
8           that's available to you.

9           A. Yes.

10          Q. Can we look first of all at PS00935, which, as  
11          I understand it, is a statement that you gave, or  
12          prepared on 3 May 2015 at 23.30 hours.

13          A. Yes.

14          Q. And it was prepared at Larbert Police Office.

15          A. Yes.

16          Q. Was that your operational statement, or a statement that  
17          you gave to somebody?

18          A. It was an operational statement that I forwarded to  
19          the -- I think it was the HOLMES team at the time who  
20          were involved in the enquiry.

21          Q. So it was a self-penned statement prepared by you, late  
22          on 3 May 2015?

23          A. Yes.

24          Q. And then passed on to the relevant department or  
25          relevant officer?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. When you prepared that statement were you doing your  
3 best to be accurate in your recollection and honest in  
4 what you were saying?

5 A. Yes.

6 Q. Thank you. Can we look now at your Inquiry statement,  
7 SBPI 00208. You will see there that it says, "Inspector  
8 David Bellingham", taken by someone in the Inquiry team  
9 on Thursday 3 November 2022.

10 A. Yes.

11 Q. If we can look at the final page we will see it is  
12 25 pages long and on the final page we should see  
13 a signature.

14 A. Yes.

15 Q. The signatures are all redacted on the screen, but your  
16 hard copy will show you the signature.

17 A. Yes.

18 Q. And that was dated 30 November 2022. And in actual fact  
19 you have signed every page of your statement.

20 A. Yes.

21 Q. Thank you. Do you see the final paragraph there, 76:  
22 "I believe the facts stated in this witness  
23 statement are true. I understand that this statement  
24 may form part of the evidence before the Inquiry and be  
25 published on the Inquiry's website."

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. And you understand that your statement will be published  
3 after you have given evidence today?

4 A. Yes.

5 Q. That's great. You have done your best in giving this  
6 statement to the Inquiry to be honest and truthful and  
7 as accurate as you can be in your recollection?

8 A. Yes.

9 Q. Thanks. Let's look first of all at paragraph 12 of your  
10 Inquiry statement and I want to ask you some questions  
11 about your involvement with these events on 3 May 2015.  
12 I think what you have told us in your statement is that  
13 you had never actually been to Kirkcaldy until that day?

14 A. No.

15 Q. That was your first visit, you didn't know any of the  
16 officers there?

17 A. Yes.

18 Q. And you were essentially brought into the area to help  
19 with the events?

20 A. Yes.

21 Q. And in paragraph 7 you say you had got to Kirkcaldy  
22 about half past 10 in the morning. You will see towards  
23 the bottom of that paragraph:

24 "I would say I think maybe 10.30 roughly we would  
25 have got to Kirkcaldy, roundabout."

## Transcript of the Sheku Bayoh Inquiry

- 1           A. Yes.
- 2           Q. Tell us a little about how you first became involved in  
3           the events on 3 May?
- 4           A. Well, that day I had started at Stirling Police Office.  
5           It was the day shift in the CID, just a normal start to  
6           the day and then not long after starting, the SIO for  
7           the day -- I don't recall who it was, I think it was  
8           a Stirling-based officer -- they came in and told me  
9           that I was to go to Kirkcaldy, there had been an  
10          incident whereby a male had been involved in a fight or  
11          an altercation with the police and had subsequently died  
12          and I was asked to go to assist with the enquiry and  
13          I was to report to -- I believe it was the detective  
14          superintendent on arrival and I was told that another  
15          officer, Alan Monteith, who was a DC at Larbert, that's  
16          actually PPU side, it's not reactive CID, it's public  
17          protection, me and him had been asked to go. So that  
18          was the first I was told and I think I picked him up and  
19          we went and drove to Kirkcaldy.
- 20          Q. And was that the first you became aware that something  
21          had happened in Kirkcaldy --
- 22          A. Yes.
- 23          Q. -- that day? And you have mentioned a detective  
24          superintendent. Do you remember his name?
- 25          A. No.



## Transcript of the Sheku Bayoh Inquiry

1 Q. Was it Pat Campbell?

2 A. I don't know.

3 Q. You don't remember. And so you and your colleague  
4 Mr Monteith went and arrived roughly about half past 10?

5 A. Yes.

6 Q. When you arrived at Kirkcaldy, can you tell us how you  
7 were briefed and who by?

8 A. When we arrived, to the best of my recollection, we were  
9 shown to an office, or a waiting area, whilst obviously  
10 others were conducting the enquiries, or preparing to  
11 brief us, and then I received a briefing from, I believe  
12 it is a DS Dursley and the briefing followed on from  
13 what I had been told by my SIO, that a male had been  
14 observed in the street, allegedly in possession of  
15 a knife, police had attended, there had been an  
16 altercation with the police, the male had subsequently  
17 died and police were obviously carrying out the enquiry.

18 I was told that Mr Bayoh had been at his friend's  
19 house, a Martyn Dick, earlier in the night and the  
20 general premise of our briefing was that we were to  
21 attend along with other officers to Martyn Dick's  
22 address.

23 There was officers from -- so me and Alan were the  
24 only two from Forth Valley and there was officers from  
25 the Major Investigation Team, I believe based from

## Transcript of the Sheku Bayoh Inquiry

1           Edinburgh, so we were briefed together. There were  
2           officers from the Major Investigation Team, we were  
3           going with them. They were going to hopefully trace  
4           Martyn and his partner, I believe it was Kirsty, and  
5           ultimately obtain statements from them, enquire into  
6           their knowledge because they had been -- or believed to  
7           be with Mr Bayoh prior to the incident with the police.  
8           And myself and Alan were asked to assist with that and  
9           ultimately just make sure that their house was secure  
10          following them being traced.

11         Q. Thank you. So let's look at paragraph 9. You talk here  
12          in your statement about being given a briefing and you  
13          describe the contents of that and you say the male was  
14          Sheku Bayoh. When you arrived at half past 10 in the  
15          morning at Kirkcaldy, was part of the briefing that the  
16          man had been identified as Sheku Bayoh?

17         A. Yes, I got given his name at the briefing, yes, so  
18          I knew that.

19         Q. And he had passed away by then?

20         A. Yes.

21         Q. You were aware that he was dead?

22         A. Yes.

23         Q. And you were aware of the police investigation looking  
24          for Martyn Dick and his partner Kirsty to take  
25          statements?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. That was part of the strategy or the plan at that time?
- 3 A. Yes.
- 4 Q. And you said to me, correct me if I am wrong, that they  
5 had been with Sheku Bayoh prior to the incident with  
6 the police. Did you have any more information about  
7 when they had been with Sheku Bayoh prior to  
8 Hayfield Road?
- 9 A. No, I -- we didn't have an exact time. They just had  
10 been with him prior to it.
- 11 Q. And you have said in paragraph 9:  
12 "He [Sheku Bayoh] had been at his friend's house,  
13 a boy, Martyn Dick."  
14 That's line 3 of that paragraph:  
15 "He had left there. He was allegedly in possession  
16 of a knife. The police had attended a call and there  
17 had been a struggle, a fight, and ultimately Sheku had  
18 passed away whilst engaged with the police."  
19 Can I ask you a little more about your understanding  
20 at that time. Was it your understanding that when  
21 Sheku Bayoh left Martyn Dick's house, that he was in  
22 possession of a knife at that point?
- 23 A. No, sorry, my understanding was he had left there and  
24 then, at the incident with the police, he was in  
25 possession of a knife. At this point we didn't know

## Transcript of the Sheku Bayoh Inquiry

- 1           where the knife had come from.
- 2           Q.   So you didn't know that he had been in possession of  
3           a knife from leaving Martyn Dick's house.  That's not --  
4           just the way that reads, I just wanted to be clear about  
5           that.
- 6           A.   Yes, I can see that it's -- no, we didn't know when he  
7           got possession of the knife and that would probably be  
8           part of the enquiry with Martyn Dick and his partner.
- 9           Q.   Right, and -- thank you.  Was it part of your  
10          understanding about whether Mr Bayoh had been in  
11          possession of a knife at Hayfield Road?  Were you given  
12          any briefing about that?  Did he have a knife at  
13          Hayfield Road?
- 14          A.   Certainly from the briefing that's what we were told, he  
15          was allegedly in possession of a knife there.
- 16          Q.   At the time that the police arrived?
- 17          A.   Yes, with his engagement with the police, he was  
18          allegedly in possession of a knife then.  That's what  
19          I was told.
- 20          Q.   The information you had about the events at  
21          Hayfield Road, did that come really from the briefing,  
22          the information you were given at the briefing?
- 23          A.   Yes.
- 24          Q.   Did it come from any other source at all?  Did you look  
25          at call cards, or what we have heard called STORM cards?

## Transcript of the Sheku Bayoh Inquiry

1       A. No, I don't have -- well, back then you didn't have  
2       access to Kirkcaldy's systems. I never touched their  
3       computers that whole day there.

4       Q. Can we look at paragraph 10 please:

5                "I am asked if I recall whether I was told what the  
6       source of the information that DS Dursley included in  
7       his briefing was or where he was getting that  
8       information from, and if that was something that would  
9       typically be included in a briefing. The answer is no.  
10      With what I recall, no. I would imagine it would be  
11      what information they had gathered at that point."

12               When you say you were asked about that, was it  
13      typical -- typically included, that information, in  
14      a briefing, and you say the answer is no. Can you  
15      explain to me what you mean by that?

16      A. Well, generally speaking in that circumstance it could  
17      be opened with, "The information we have at this point  
18      is ..." And then that's the briefing. So we don't get  
19      told, "We have spoke to, you know, this officer, that  
20      officer, this member of the public, that member of the  
21      public". We generally don't get told everybody that's  
22      been spoken to. It will be a summarised version, or  
23      a general overview of what information they have, so in  
24      a briefing they will not go through who has all been  
25      spoken to and told that information at that point.

## Transcript of the Sheku Bayoh Inquiry

1 Q. So it's a summary of the up-to-date information  
2 available to the police at that time?

3 A. Yes.

4 Q. So what was different about this briefing by DS Dursley  
5 to you at that time in the morning? What was different  
6 about it?

7 A. Different how, sorry?

8 Q. Well, you have said it wasn't -- let me just read this  
9 again, paragraph 10:

10 "I am asked if I recall whether I was told what the  
11 source of the information that DS Dursley included in  
12 his briefing was or where he was getting that  
13 information from, and if it that was something that  
14 would typically be included in a briefing. The answer  
15 is no."

16 So you mean the source of the information isn't  
17 normally included in a briefing? Is that what that  
18 means?

19 A. The source of information -- not always. Sometimes we  
20 will. I have had a lot of briefings over the years.  
21 Sometimes we will get that information of the source,  
22 sometimes we won't, sometimes we just get a summary of  
23 the circumstances.

24 Q. All right, thank you. Thank you for clarifying that.

25 Can we look at paragraph 12 please:

## Transcript of the Sheku Bayoh Inquiry

1            "I am asked if I remember any general discussion  
2            amongst colleagues in the office about what was  
3            happening, had happened, or was thought to have happened  
4            that morning. The answer is not really. It was more,  
5            to be honest, probably a degree of shock, I would say.  
6            It's a terrible thing to happen. It's, 'We're going to  
7            have to do everything here, everything we possibly  
8            can'."

9            I'm interested in what you mean by that:

10           "We're going to have to do everything here,  
11           everything we possibly can".

12        A. What I'm meaning by that is it's going to be a major  
13        investigation, so we're going to be carrying out all  
14        available lines of enquiry is ultimately what I am  
15        meaning there, that there will be a command structure in  
16        place, an SIO leading it. They will -- they will gather  
17        all the information, it will be a major enquiry. That's  
18        what I mean by, "We will have to do everything". We  
19        will be doing a lot of enquiries, some immediate  
20        enquiries but some peripheral enquiries, as in the  
21        enquiry spans out, there will be further witnesses to be  
22        traced that may not have had direct involvement. So  
23        what I mean by that is it is a significant enquiry.

24        Q. We have heard some evidence from another witness that  
25        when someone dies, and particularly when someone dies

## Transcript of the Sheku Bayoh Inquiry

1           after contact with the police, and particularly when  
2           that person is black, that this would be something the  
3           press would be all over, if I can put it that way. Was  
4           that obvious to you, that this was going to be a big --  
5           there would be a lot of press interest in this?

6           A. Yes, I would probably agree with that statement, yes.  
7           I would say anybody that dies in police contact there  
8           probably would be press, yes.

9           Q. And it was clear to you, after you arrived and got your  
10          briefing, that this would be a major investigation?

11          A. Yes.

12          Q. A significant matter?

13          A. Mm-hm.

14          Q. Can I ask you to look at paragraph 13 please. You were  
15          involved with an address and Martyn Dick, who is one of  
16          the owners of that address, or was one of the owners at  
17          that time, and you say here:

18                 "A group of us were directed to attend at the boy  
19          Martyn Dick's address. He lived with his partner."

20                 You have mentioned the name Kirsty, we have heard  
21          his now wife is called Kirsty:

22                 "We were asked to attend at the address, and it was  
23          myself and Alan ..."

24                 Is that Alan Monteith that you mentioned?

25          A. Yes.



## Transcript of the Sheku Bayoh Inquiry

1 Q. "... and officers from the MIT attended at this address.  
2 We went as a group."

3 Can I ask how many of you were there?

4 A. I don't recall a specific number. I would say around  
5 about eight.

6 Q. Right. We have heard it may have been nine, may have  
7 been ten. Would you disagree with that?

8 A. I wouldn't disagree with that, no. It would be  
9 roundabout that.

10 Q. Why were there so many officers sent?

11 A. My understanding of it was that due to the altercation  
12 that Mr Bayoh had with the police and there had been  
13 obviously a level of violence, or the information  
14 getting received was there was a level of violence, he  
15 had been at this house before and we just didn't know  
16 what we were walking -- or what we were going to. Was  
17 there a potential for there to be further violence?

18 I think it was more an officer safety perspective, that  
19 we have to consider that there could be other persons  
20 potentially that could be violent with the police.

21 Q. When you say there had been a level of violence, what do  
22 you mean by that? Who had been violent?

23 A. Well, the information I had received is that Mr Bayoh  
24 had been in possession of a knife and that he had fought  
25 with the police and he had resisted the police. That's

## Transcript of the Sheku Bayoh Inquiry

1           the information that we had been provided and there was  
2           also the mention that he was potentially under the  
3           influence of some substance, so that's the premise of  
4           what we had been told.

5       Q.   So Mr Bayoh had been violent and involved in an  
6           altercation with police officers.

7       A.   Yes.

8       Q.   But you were aware that Mr Bayoh had passed away?

9       A.   Yes.

10      Q.   Was any information given to you to suggest that  
11          Martyn Dick was involved in some way with that violence?

12      A.   No, not at that stage. It was unknown.

13      Q.   And when you say "Unknown", what do you mean by that?  
14          Was there any suggestion he was at Hayfield Road?

15      A.   No.

16      Q.   So in what way was it unknown whether Martyn Dick had  
17          been involved in that violence?

18      A.   It was unknown if he -- there was potential for violence  
19          on us attending that address because of the nature of  
20          the incident with Mr Bayoh and, you know, it was  
21          a precaution to have more officers in case we were going  
22          to something that could be dangerous.

23      Q.   What information had you been given to suggest that  
24          there may have been violence on the part of Martyn Dick?

25      A.   No, no information.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. You had no information that he may be violent?
- 2 A. No.
- 3 Q. When you have no information that someone may be  
4 violent, is it customary to send so many officers if the  
5 situation is unknown?
- 6 A. I would say not in general circumstances. You would  
7 maybe send two crews to certain things, but no. But  
8 again, we didn't know as well how many people were going  
9 to be in that house. We knew obviously the potential  
10 for Martyn and his partner, but if there had been other  
11 persons, that could also be a factor of we need to speak  
12 to all of these people as witnesses. So again that  
13 could be a secondary factor of why more people are going  
14 because obviously we've two people within the house so  
15 there's four officers, two persons to obtain the  
16 statement and corroborate it and then two for securing  
17 the house, so there's a minimum of maybe six but  
18 potentially there could be others as well.
- 19 Q. Just let me ask you a few more questions about this.
- 20 A. Yes.
- 21 Q. What information, if any, did you have that Kirsty,  
22 Mr Dick's now wife, might have been violent?
- 23 A. None.
- 24 Q. Nothing at all?
- 25 A. No.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And you mentioned two crews might be sent in certain  
2 circumstances. Tell me what a crew is?
- 3 A. Sorry, a crew in general is two officers, so two  
4 officers within a vehicle, or two officers working  
5 together, so the corroboration.
- 6 Q. And what are the circumstances where the police may send  
7 two crews to a house?
- 8 A. There are a number of situations: (1) if the person is  
9 known to be violent towards the police; (2), if we know  
10 there's going to be a house full of people, or we  
11 suspect there could be a house full of people. The  
12 nature of the enquiry could also dictate that we need to  
13 send -- as in sometimes we have had instances of  
14 domestic violence where there's a male and female in the  
15 house and we're sending two crews, one will speak to the  
16 female, one will deal with the male so ...
- 17 Q. You didn't have any information to suggest there was  
18 domestic violence going on in the house?
- 19 A. No, I'm just giving you a circumstance of why it could  
20 be more --
- 21 Q. These are just examples. So you have talked about eight  
22 officers going on that day, so would that be four crews  
23 then?
- 24 A. Yes.
- 25 Q. What was it about the circumstances that you knew in

## Transcript of the Sheku Bayoh Inquiry

1 relation to Martyn Dick's house that would cause four  
2 crews to be sent?

3 A. As I say, I think it was twofold. We didn't know what  
4 we were going to, we didn't know what had caused  
5 Mr Bayoh to act -- act or be involved in the way he was  
6 with the police, so it was unknown what had caused him  
7 to react that way with the police, so it was an officer  
8 safety perspective that could there be other persons  
9 that would react that way. We didn't have information  
10 that they would but we just didn't know.

11 Also we were there to trace two witnesses. There  
12 could have been more, so potentially to cover that as  
13 well, and obviously we were hoping to secure the house  
14 for further enquiry as well.

15 Q. In terms of your own experience in reactive CID, or in  
16 any of your experience, how many occasions have you been  
17 involved where the situation is unknown, you're looking  
18 for two individuals to take statements off and you send  
19 four crews?

20 A. Over the years I have had several different experiences  
21 of sending more crews.

22 Q. Sorry, could you repeat that?

23 A. I have had several different experiences of sending,  
24 you know, more than two crews.

25 Q. Tell me about those experiences. When are four crews

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- 1 normally sent out?
- 2 A. I wouldn't say they're normally sent out. It's not  
3 a specific four crews -- I would say sometimes we get  
4 a group of officers because it could be a case of we  
5 don't know who is going to be in, there is potentially  
6 a history of violence, we're hoping to secure a locus,  
7 there's potentially controlled drugs or evidence within  
8 a locus, public reassurance as well at times, and the  
9 officer safety perspective, so there are numerous  
10 different factors can cause us to send more officers.
- 11 Q. You said earlier, a moment ago, you would send two crews  
12 if a person was known to be violent, so a person in the  
13 house that you're looking for was known to be violent.
- 14 A. Mm-hm.
- 15 Q. But I'm just trying to understand, you didn't know --  
16 you didn't have any information to suggest that  
17 Martyn Dick or his now wife Kirsty were violent?
- 18 A. No.
- 19 Q. But I'm trying to work out why four crews would be sent  
20 to speak to Martyn Dick and Kirsty MacLeod, as she was  
21 then. I'm trying to work out why four crews would be  
22 sent in that unknown situation.
- 23 A. It was obviously a direction from a senior officer but,  
24 as I say, my perception of it or interpretation of it at  
25 the time was we're going to speak to two witnesses,

## Transcript of the Sheku Bayoh Inquiry

1 we're going to ask them to be attending at the police  
2 office, so that will need two officers for each person.  
3 We're looking to secure the locus, which is another two  
4 officers so it takes us up to six, plus it's unknown --  
5 basically it's a fluid situation. There has been  
6 violence shown to the police by Mr Bayoh and my  
7 interpretation was that they were cautious that could  
8 there be other people, could there be a case of they  
9 were under the influence of substances that when, on  
10 seeing the police, they would react.

11 So my interpretation was it was an officer safety  
12 perspective. We didn't know what we were going to, it  
13 was a fluid situation that we were reacting to and we  
14 had several lines of enquiry to complete when we were  
15 there.

16 Q. So a cautious approach was being taken in light of  
17 protecting officer safety?

18 A. Yes.

19 Q. And you have talked about someone else making the  
20 decision. Would that have been a senior officer of some  
21 description?

22 A. Yes. I mean ultimately we were given the briefing and  
23 that is what we were told to do, so ...

24 Q. Do you know who would have been responsible for making  
25 that decision to send four crews?

## Transcript of the Sheku Bayoh Inquiry

- 1       A. I would probably say the SIO at the time.
- 2       Q. Right, thank you. Can I ask you, when you got to the  
3       house -- we have already heard that Martyn Dick and his  
4       now wife were present that day. Did it appear to you at  
5       that time that they were potentially violent or  
6       threatening in any way?
- 7       A. No, not at all.
- 8       Q. So, of any of the concerns that you -- the possible  
9       concerns you have mentioned, did it appear that they  
10      were the reality in the Dick house that day?
- 11      A. No, they were engaging with us, they were compliant.  
12      No, there was no issues.
- 13      Q. Why did all of the officers go into the house if you  
14      felt that they seemed like a compliant couple?
- 15      A. I would probably say that when they answered the door we  
16      asked to come in and we need to make sure there's no  
17      other persons within the house, so I'd say that's why we  
18      were going -- why everybody went into the house, to make  
19      sure there was no other persons within. So they have  
20      answered the door and we can see if it's -- I can't  
21      recall who answered the door, but if one has answered  
22      the door we need to make sure that there's no other  
23      persons within, so it's just really to contain the  
24      situation, to control it, so that's why the officers  
25      have entered.



## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Was there a concern on your part that there was someone  
2 else in the house?
- 3 A. We didn't know if there was somebody else in there.
- 4 Q. Why would that have been of concern to you?
- 5 A. I'm not saying if it would be of concern, it would be we  
6 just had to control that person as well because they  
7 were potentially witnesses in the enquiry.
- 8 Q. When you use the word "Control", can you explain what  
9 that means, because it may mean something different for  
10 a police officer like yourself and the public will be  
11 listening to this?
- 12 A. Generally it means that they're in our presence, that  
13 they're not allowed to, you know, go into other rooms  
14 unsupervised, that we just -- we have control of the  
15 scene, if you like, that they're in our presence and  
16 they're engaging with us and we can assess there's no  
17 violence or there's not going to be.
- 18 Q. You have not got a warrant at this stage?
- 19 A. No.
- 20 Q. And I think you have already said you were looking for  
21 witness statements. Was that on a voluntary basis?
- 22 A. Yes, that was my understanding, yes.
- 23 Q. So you would be seeking the consent, or the good graces,  
24 of Martyn Dick and his now wife --
- 25 A. Yes.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. -- to give you those witness statements?
- 2 A. Mm-hm.
- 3 Q. Could you have forced them to give you those statements?
- 4 A. No.
- 5 Q. So you were relying on their willingness to engage with  
6 you and help you?
- 7 A. Yes.
- 8 Q. Why was it that you didn't want people such as  
9 Martyn Dick and his wife to go into rooms unsupervised;  
10 what was your concern?
- 11 A. The general premise was that we didn't know if Mr Bayoh  
12 had been under the influence of any substances and  
13 there's potential that there were substances within that  
14 address, we just didn't know, so it was to control it in  
15 case, through our enquiry, we established that there was  
16 something. It was also we didn't know if there had been  
17 anything that had occurred within that house prior to  
18 his engagement with the police, you know, if there had  
19 been an altercation, a disturbance, which again might,  
20 as the enquiry progresses, provide the evidence of the  
21 whole circumstance. It was just we didn't know.
- 22 Q. So you didn't know if there were any substances in the  
23 address that may have caused -- been consumed by  
24 Mr Bayoh.
- 25 A. Yes.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Was there any information available to you at that time  
2 that there were relevant substances in that address that  
3 had caused some issue with Mr Bayoh?

4 A. No, we didn't have that.

5 Q. What would have been wrong with Mr Dick or his wife  
6 going into a room unsupervised?

7 A. As I say, it was -- we didn't know what had happened at  
8 that address, or what the content of that address had  
9 been. If they were unsupervised and the police had  
10 attended, they could have disposed of anything, they  
11 could have disposed of evidence relating to the enquiry.

12 Q. And what would your authority have been to stop Mr Dick  
13 or his now wife from walking around their house, or  
14 going into another room unsupervised?

15 A. We wouldn't use authority. It would be engagement with  
16 them and communication, and I think that's what we did  
17 from the outset.

18 Q. Did you give an explanation to Mr Dick and his wife  
19 about why these officers had arrived and why they were  
20 wanting into the house?

21 A. Yes, I believe -- certainly from my recollection it was  
22 given. Not me direct, as I say, I was there to support  
23 and make sure the locus was secure. Other officers were  
24 engaging with them. But certainly from my recollection,  
25 yes, we told them why we were there.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Which officer or officers gave them the explanation?
- 2 A. Well, it was officers from the MIT that were to engage  
3 with them and obtain statements from them, so I believe  
4 it was MIT officers. I don't recall names.
- 5 Q. Just for people listening, the MIT as you call them, or  
6 the MIT, are the Major Investigation Team.
- 7 A. Yes.
- 8 Q. Do you remember the names of any of the officers who  
9 gave an explanation?
- 10 A. No.
- 11 Q. But were you in the room when the explanation was given?
- 12 A. Yes.
- 13 Q. What explanation was given?
- 14 A. From what I recall they were informed that there had  
15 been an incident with the police and Mr Bayoh. We were  
16 aware that he had been at their address prior to the  
17 incident with the police and we need to establish the  
18 facts of his movement and we needed to speak to them  
19 regarding it to clarify the circumstances.
- 20 Q. Was any information given to Mr Dick that Mr Bayoh had  
21 died?
- 22 A. I don't recall.
- 23 Q. Was there any reason not to tell him that?
- 24 A. I don't believe there would be a reason, unless their  
25 next of kin hadn't been notified at that stage, but

## Transcript of the Sheku Bayoh Inquiry

1 I don't know. I certainly wasn't talking to Mr Dick  
2 about that.

3 Q. Were you aware, from your role in the house that day,  
4 what information was to be given to Mr Dick?

5 A. No.

6 Q. Or what information wasn't to be given to him?

7 A. No, I don't recall, no.

8 Q. You don't know. We have heard from Mr Dick that he  
9 found the experience extremely intimidating. Do you  
10 have any sympathy for that view, that he was -- he has  
11 talked about being shocked that so many officers were in  
12 his house?

13 A. Yes, I can understand that with the full circumstance,  
14 you know, officers having to attend at your address  
15 is -- it can be an intimidating experience, particularly  
16 if there's a number of officers, so yes I can sympathise  
17 with that, I can understand it.

18 Q. Once you saw Mr Dick and his wife and spoke to them,  
19 realised that many of the possible concerns that you had  
20 weren't actually the case: they didn't appear violent,  
21 they were engaging with you, they weren't under the  
22 influence, was there any reason why some of the officers  
23 couldn't have left the property?

24 A. Yes, they could have done. Certainly I was just --  
25 I was there to make sure that once they had left it was

## Transcript of the Sheku Bayoh Inquiry

- 1           secure. I don't know if other officers did leave.
- 2           I don't recall. But certainly once it was under control
- 3           you -- yes, they could leave.
- 4        Q. Who was it that asked Mr Dick and his now wife to give
- 5           statements? Do you remember?
- 6        A. Again, I believe it was officers from the MIT.
- 7        Q. And you said that your role primarily was to secure the
- 8           house?
- 9        A. Yes.
- 10       Q. And on what basis were you going to seek -- what
- 11        authority were you going to seek to secure the house?
- 12       A. The SIO had instructed that we secure the house because
- 13        Mr Bayoh had been there earlier in the night. We hadn't
- 14        established the full circumstances of his movements and
- 15        what had ultimately occurred. It was still ongoing, so
- 16        the premise was we were to secure that house as
- 17        a potential locus until we established the full facts.
- 18       Q. When you say the SIO instructed, was that an instruction
- 19        that you received direct from the SIO or through someone
- 20        else?
- 21       A. That would be through the briefing, so I think it was
- 22        DS Dursley had said, "Alan and David, if you secure the
- 23        house".
- 24       Q. Were you given any explanation as to the rationale or
- 25        the reasoning behind securing the house, or was that an

## Transcript of the Sheku Bayoh Inquiry

1 instruction that was simply given?

2 A. I believe it was an instruction in -- certainly thinking  
3 on what the rationale was, it was a case of he had been  
4 in that house, we will have not established the full  
5 circumstances, so until we know we will secure that  
6 house, until we establish more facts. That's the  
7 premise that I was ...

8 Q. Can you help me with something. Why were you not able  
9 to have statements taken while Mr Dick and his now wife  
10 were in their own home?

11 A. Certainly with a lot of serious enquiries I have dealt  
12 with often witnesses will be asked to come to the police  
13 station to provide statements. Certainly my  
14 understanding with this incident was it was a fluid,  
15 ongoing enquiry. The evidence that they could give  
16 could identify immediate lines of enquiry they needed  
17 expedited and it allows for immediate contact with the  
18 SIO and the management at the office, so it's just --  
19 it's a controlled environment just to obtain the  
20 statement.

21 Q. Is it easier for the police to take a witness statement  
22 within that controlled environment, as you say?

23 A. I wouldn't say it's easier to take a statement. We're  
24 writing a statement, it's -- we can obtain a statement  
25 anywhere, I have obtained statements anywhere, it's just

## Transcript of the Sheku Bayoh Inquiry

- 1           controlled for the progress of the enquiry.
- 2       Q.   And again, when you use the word "Control" in relation  
3           to the enquiry, what is it that you mean by that?  In  
4           what way is it controlled?
- 5       A.   Ultimately that they're in our presence and we've got  
6           the control where we can go in and speak to our bosses.  
7           Not control over the person, controlled as in  
8           organisation.
- 9       Q.   So it makes it easier for you to speak to one of your  
10          bosses, one of your senior officers, if you're in  
11          the police office?
- 12      A.   Yes, and they can come to us as well if they get more  
13          information that we're not aware of, "Could you ask this  
14          question?  Could you contain that?"
- 15      Q.   Is that easier than just sharing information over the  
16          radio?
- 17      A.   I suppose it could be done over the radio.
- 18      Q.   Can you think of any reason on that day why that  
19          couldn't have been done over the radio as you sat in  
20          Mr Dick's house and took his statement?
- 21      A.   Obviously the direction was to secure the house as well,  
22          so securing the house is to remove everybody from the  
23          house, so we then weren't able to take the statements --  
24          or the officers weren't able to take the statements in  
25          the house, so the police office is the option that they



## Transcript of the Sheku Bayoh Inquiry

1 obviously decided to go to.

2 Q. Was any indication given to Mr Dick and his now wife  
3 when they left the house about how long it would take to  
4 take their statement?

5 A. I didn't speak to them regarding that.

6 Q. Can we look at paragraph 27 please:

7 "I'm asked why the police would need to take  
8 statements from Martyn Dick and Kirsty MacLeod. The  
9 answer is as far as we're aware, they were in contact  
10 with him shortly before the incident happened with  
11 the police."

12 And that was information given to you at the  
13 briefing, was it?

14 A. Yes, they were -- yes, they had had contact about of  
15 that.

16 Q. When you say there:

17 "... shortly before the incident happened with the  
18 police."

19 Do you have any recollection of how long they were  
20 in contact with Mr Bayoh before the incident with  
21 the police?

22 A. No, I don't know the -- the word "Shortly" there,  
23 I probably shouldn't have said that word, shortly, but  
24 before it.

25 Q. So you're not sure how long it was?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. No, I'm not sure the timescales.
- 2 Q. So if you weren't sure it was shortly before the  
3 incident, explain how it was that you thought there was  
4 any connection at all?
- 5 A. Any connection of ...?
- 6 Q. Between Martyn Dick, his house and the events at  
7 Hayfield Road?
- 8 A. Ultimately what I was aware of was he had been in their  
9 company before the incident at Hayfield Road. I think  
10 at the time there was mention of boxing, which, I think  
11 from my recollection boxing was in the early hours of  
12 the morning.
- 13 Q. We have heard that from other witnesses, that there was  
14 a big boxing match in the early hours on the Sunday  
15 from -- someone in America was boxing.
- 16 A. Right.
- 17 Q. So, although you have used the word "Shortly" there --  
18 do you want to substitute that for something else or are  
19 you --
- 20 A. I should say they were in contact with him before the  
21 incident.
- 22 Q. Okay. And you have described -- we see at the bottom of  
23 the screen:  
24 "... they're key witnesses."  
25 That's Martyn Dick and his now wife:

## Transcript of the Sheku Bayoh Inquiry

1                    "They have not been there at the time, but they're  
2                    still a key witness to the whole circumstance and the  
3                    build-up to it I would say."

4                    And was that your understanding at the time?

5                    A. Yes.

6                    Q. What -- you have talked about the investigation. Could  
7                    you help us understand what it was you were  
8                    investigating at the time?

9                    A. A death, I would say.

10                  Q. Did you have in mind a number of different hypotheses  
11                  about what could have caused that death?

12                  A. I didn't have any hypotheses. I was just there -- told  
13                  to -- directed to do a role, so I performed a role.  
14                  I wasn't -- that wasnae my role to consider different  
15                  factors. I was just there to perform what was I was  
16                  tasked.

17                  Q. Did that make it difficult for you to work out if what  
18                  you were doing was relevant or important to the  
19                  investigation?

20                  A. No, I think the briefing I got, I understood the  
21                  circumstances of what I was then tasked to do.

22                  Q. Okay. Can I ask you to look at paragraph 15 of your  
23                  Inquiry statement please. Here you were asked to look  
24                  at your initial statement which said:

25                    "As part of the initial briefing ..."

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1                   And then the second sentence said:

2                   "Information was later provided that the address of  
3                   Martyn Dick was ..."

4                   And you were given it.

5                   A. Yes.

6                   Q. "I am asked if I remember who provided that information.  
7                   The answer is no, I couldn't say."

8                   And:

9                   "Obviously there were people involved and I think  
10                  they were doing enquiries into it and we were the sort  
11                  of -- I don't know how to describe it -- we were the  
12                  'sit and wait' squad."

13                  I'm interested in that phrase. We have not heard  
14                  that before.

15                  A. I've never used that phrase before in my life either.

16                  Q. I'm hoping you understand it though.

17                  A. Yes, ultimately what it was, we were -- we were getting  
18                  asked to go to Martyn Dick's address but they hadn't  
19                  confirmed the address at that stage, so we were sitting  
20                  and waiting -- we're not the sit and wait squad, but we  
21                  were sitting and waiting until that address was  
22                  established.

23                  Q. And then you could go and carry out the task?

24                  A. Yes, aye.

25                  Q. Did you know anything at all at that stage about PIRC

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- 1           becoming involved?
- 2           A. I didn't know, but from my police experience there had  
3           been a death with police contact, I would have been of  
4           the belief that PIRC would be involved, or certainly  
5           would have been notified.
- 6           Q. Did you have an understanding at that time whether your  
7           instructions were coming from the police, or through  
8           PIRC?
- 9           A. I believed it was the police, but I don't know.  
10          I didnae have any contact with the PIRC about that  
11          either.
- 12          Q. So you had never had any direct contact with anyone from  
13          PIRC at that time?
- 14          A. No.
- 15          Q. Had you been involved at that time, or prior to 3 May,  
16          with any incidents or events where PIRC were involved?
- 17          A. Not that I recall, no.
- 18          Q. Did you have any sense on 3 May as to the urgency or  
19          otherwise of your seizing the house of Martyn Dick?
- 20          A. I believe the SIO or the management had made the  
21          decision for it to be done and we were tasked to doing  
22          it, so I think if -- yes, generally an urgency to it  
23          because they were trying to gather all the evidence and  
24          contain it, so certainly me going there and that being  
25          my task, I would say that was -- for them it was

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1           probably urgent.

2           Q. When you seized the house, were you involved in taking  
3           Martyn Dick or his now wife to Kirkcaldy or did you  
4           remain with the house?

5           A. I remained outside the house.

6           Q. Right. If you look at paragraph 17 please:

7                        "I am asked what my understanding was as to the  
8           basis on which [Martyn Dick and Kirsty MacLeod's home]  
9           was being seized searched and what my understanding was  
10          of what we were potentially expected to find."

11                       I'm wondering if you can explain to people listening  
12          what's the difference between seizing a house and  
13          searching a house?

14          A. Seizing a house is taking control of it, as in making  
15          sure that all persons within are outwith the house and  
16          securing it, as in making sure the doors are locked, the  
17          windows are secure or we've got -- again, we've got  
18          control of it. So to make sure it's empty and there's  
19          nobody getting in. That would be seizing it.

20          Q. And it may be obvious but can you just explain how that  
21          differs from searching a house?

22          A. Searching a house is entering the house and ultimately  
23          searching through it, searching rooms, drawers,  
24          cupboards, loft spaces, actually going through  
25          everything and --

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Was that part of your role that day?
- 2 A. No, I wasn't searching.
- 3 Q. Do you know -- you had obviously been instructed to  
4 attend the Dicks' house. Do you know what your  
5 authority was to search that house?
- 6 A. We weren't -- certainly I wasn't searching the house.  
7 We were to seize it and so ...
- 8 Q. Were you party to any discussion or decisions about not  
9 just seizing the house then but actually searching  
10 inside the house?
- 11 A. No, I was -- hopefully Martyn and Kirsty will come to  
12 the police office, we will seize the house and then it  
13 would be for the SIO or whoever takes the lead to then  
14 make a decision on that.
- 15 Q. So that's a decision for the SIO?
- 16 A. Yes, aye.
- 17 Q. Whether to search a house?
- 18 A. Yes.
- 19 Q. And whose decision, or who would make an assessment of  
20 whether there is legal authority to search a house?
- 21 A. Again, the SIO would lead on that, I would say.
- 22 Q. Thank you. If there's a warrant, however, is that  
23 something you would be provided with if you were being  
24 asked to go to a house and seize it, or seize it and  
25 search it?

## Transcript of the Sheku Bayoh Inquiry

1           A. Yes, in order to search a house -- if there's a warrant  
2           for a house, those going into the house will be in  
3           possession of the warrant and generally speaking through  
4           my history each officer will see the warrant and read  
5           the warrant before searching.

6           Q. And show it to the occupiers, if they are there?

7           A. Yes.

8           Q. Going back to paragraph 17, we're talking about seizing  
9           and searching, and you were asked about what your  
10          understanding was of:

11                   "... what we were potentially expected to find. My  
12          understanding, thinking back of it at the time would be  
13          that Sheku Bayoh had been in attendance. We couldn't  
14          rule out that controlled drugs or substances had been  
15          involved in it. We had confirmed he was at that  
16          address."

17                   And how did you confirm that Mr Bayoh had been at  
18          that address? Do you know?

19          A. I don't know.

20          Q. You don't know:

21                   "So potential drugs or that in that house. So we  
22          would seize it in consideration for a warrant, and  
23          that's what I potentially take it as."

24                   Can I ask you to explain that sentence:

25                   "We would seize it in consideration for a warrant,



## Transcript of the Sheku Bayoh Inquiry

- 1           and that's what I potentially take it as."
- 2           You have told us you didn't turn up with a warrant.
- 3       A. Yes.
- 4       Q. So can you explain "Consideration for a warrant"?
- 5       A. So what I would say is it's a potentially a secondary
- 6           locus to the incident so we are seizing that house at
- 7           this time for potential consideration of obtaining
- 8           a warrant to search that address, or potentially search
- 9           it under a warrant but there's also consent from the
- 10          owner as well. There's other ways.
- 11       Q. So you seized the house with consent from Martyn Dick on
- 12          that day; is that right?
- 13       A. Well, I would say we seized the house and informed
- 14          Martyn of -- that we're seizing it as part of the
- 15          enquiry.
- 16       Q. So you didn't ask for his consent in advance?
- 17       A. I wasn't speaking to him about that, so I -- certainly
- 18          I didn't ask him that question myself, no.
- 19       Q. Did you hear someone else asking for his consent or his
- 20          permission?
- 21       A. No, not that I recall.
- 22       Q. We can look into that. Was it your view then that there
- 23          would be consideration given towards seeking a warrant
- 24          to search the house?
- 25       A. Yes, I considered that a potential, yes.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. I mean did you ask Martyn Dick if the house could be  
2 searched?
- 3 A. I didn't. No, I wasn't asking him.
- 4 Q. Did you hear anyone asking Martyn Dick, or  
5 Kirsty MacLeod, if the house could be searched?
- 6 A. No, not at that -- not at the time I was in the house,  
7 no.
- 8 Q. Was there any other grounds that you're aware of that  
9 would permit police to search a house? You have told us  
10 about consent, you have told us about a warrant, are  
11 there any other circumstances that you're aware of that  
12 would have permitted the police to search the house that  
13 day on 3 May, as far as you know?
- 14 A. As far as I know, I am aware that there have been times  
15 previously that as a matter of urgency there is a need  
16 to immediately search a premises, potentially to secure  
17 evidence or prevent evidence from being lost. Again,  
18 that would probably be a direction from a senior  
19 officer, an SIO, but I'm aware that in certain  
20 circumstances as a matter of urgency ...
- 21 Q. Was there anything that you were aware of personally  
22 that would have given you rise to recognise a sense of  
23 urgency in relation to searching Martyn Dick's and  
24 Kirsty MacLeod's house?
- 25 A. Not that I was privy to or aware of, no.

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1 Q. And you think that would have been something the SIO  
2 would have been involved in, assessing whether there  
3 were circumstances that would have merited that?

4 A. Yes, I would consider that, yes.

5 Q. Merited it in the absence of a warrant or consent?

6 A. Yes.

7 Q. So we can maybe speak to the SIO about that to find out  
8 more about that, that would be fair?

9 A. Yes, aye.

10 Q. Then looking back again at paragraph 17:

11 "So we said we would seize it in consideration of  
12 a warrant, and that's what I potentially take it as. It  
13 was a place he was before."

14 Is that a reference to a place where Mr Bayoh had  
15 been before?

16 A. Yes.

17 Q. "Thinking on it now, that would be my consideration.  
18 That that was potentially an instruction that because  
19 there was the possibility of controlled drugs or  
20 substances being involved and he has subsequently died,  
21 that there's potential in that house that there could be  
22 something illicit or all sorts. That would certainly be  
23 my working kind of assessment just now. That's why we  
24 would seize it."

25 Can I just ask you a little bit more about that.

## Transcript of the Sheku Bayoh Inquiry

1           Was this your understanding at the time, or is this you  
2           thinking back now and thinking that's what the position  
3           may have been?

4           A. That's my thinking back when I was obviously  
5           interviewed, that was my thinking on it, when --

6           Q. Interviewed by the Inquiry?

7           A. Yes, aye, that was what I'm thinking.

8           Q. So at the time, in May 2015, was there any information  
9           that you had, or anything within the house that would  
10          have made you think there were controlled drugs or  
11          substances involved that had caused Mr Bayoh to die?

12          A. Not that I was -- not that I had observed in the house.

13          Q. Right, thank you.

14                 Can I ask you if you were in had the house in  
15          relation to when clothes were recovered from Mr Dick and  
16          Ms McLeod. Can we look at paragraph 28 please, and this  
17          is your Inquiry statement, and you have been referred by  
18          the Inquiry team to a statement given by Kirsty MacLeod  
19          and she says:

20                         "At this time ..."

21                 So this is in the house:

22                         "... I was still wearing the clothes I had on when  
23          Shek was in the house. I was asked if I could go and  
24          get changed and before I went upstairs, they told me to  
25          leave out the clothes I'd been wearing. They explained

## Transcript of the Sheku Bayoh Inquiry

1           this by saying they might have to rule out my DNA from  
2           Shek as I had earlier told them that I had cuddled Shek  
3           when he arrived at the house that morning."

4           Can I ask why were the police seeking to recover the  
5           clothing of Kirsty MacLeod that day?

6           A. My understanding of it is that we didn't know the full  
7           circumstances that have led up to Mr Bayoh being in his  
8           engagement with the police, we were still trying to  
9           establish that, what had happened before, had he been  
10          involved in anything else. We just didn't know what had  
11          happened. So with regards to Kirsty MacLeod, she had  
12          been in contact with Mr Bayoh before his contact with  
13          the police, so, as I say, I think they're recovering all  
14          the evidence they can -- or all the -- every connection  
15          they can just now, until they establish the full facts.

16          Q. Can you explain why the clothing of Kirsty MacLeod might  
17          assist the investigation that was going on?

18          A. The clothing of Kirsty obviously -- she had been in  
19          contact with Mr Bayoh before his engagement with  
20          the police. We don't know what had happened with  
21          Mr Bayoh before his engagement with the police, so --  
22          for example, if he had been involved in an altercation  
23          with somebody else, a fight or something -- I'm not  
24          saying he is, I'm just taking a hypothesis here -- and  
25          he had been injured, his blood potentially could be on

## Transcript of the Sheku Bayoh Inquiry

1           Kirsty MacLeod's clothing and it's just part of the  
2           investigation to establish that. Taking that as  
3           a potential, a consideration now that you're asking me.

4   MS GRAHAME: Well, I'm conscious of the time. Maybe that  
5           would be a --

6   LORD BRACADALE: We will stop for lunch and sit at  
7           2 o'clock.

8           (1.00 pm)

9                                 (The luncheon adjournment)

10           (2.01 pm)

11   LORD BRACADALE: Ms Grahame.

12   MS GRAHAME: Thank you. We were talking about  
13           Kirsty MacLeod's clothing.

14   A. Yes.

15   Q. We know that Kirsty MacLeod, as she was then known,  
16           wasn't involved in any way with the events at  
17           Hayfield Road.

18   A. Yes.

19   Q. She wasn't present then, and we were starting to  
20           think -- just shortly prior to lunch, you explained that  
21           you didn't know what had happened with Sheku Bayoh  
22           before his engagement with the police, for example he  
23           could have been involved in an altercation with somebody  
24           else, or a fight or something.

25                                 In terms of what you knew then, at that time, was

## Transcript of the Sheku Bayoh Inquiry

1           there any information that you had available to suggest  
2           that Kirsty MacLeod had been involved in any sort of  
3           altercation with Mr Bayoh?

4           A. No, there wasn't. I'm trying to -- I don't know  
5           whether -- what the SIO's view at the time was. What  
6           I was trying to explain was we didn't know what had  
7           happened in the lead-up with Sheku, so at this point in  
8           time my understanding is we were retaining everything we  
9           can until we have fully established the circumstances.

10           So no, I wasn't in any way of the belief that there  
11           had been an altercation. It's just we didn't know what  
12           had happened so we will retain what we can. If somebody  
13           has had contact, we will retain that clothing just now,  
14           until we establish the full circumstances. Or certainly  
15           that's how I would take it. I cannae speak for the SIO  
16           at the time.

17           Q. We have not heard from the SIO yet so we will no doubt  
18           hear more about this. Equally, just to be clear, there  
19           was no information available to you to suggest that  
20           Martyn Dick had ever been involved in an altercation  
21           with Mr Bayoh?

22           A. No, nothing.

23           Q. So the information that you had -- I put the statement  
24           of Kirsty MacLeod to you. She said she had hugged  
25           Sheku Bayoh, or cuddled him. Was that the extent of the

## Transcript of the Sheku Bayoh Inquiry

- 1 information you had about any physical connection  
2 between Kirsty MacLeod and Mr Bayoh?
- 3 A. Yes, yes, that's all I know.
- 4 Q. If we could look again at -- if we can maybe get  
5 paragraph 28 of your Inquiry statement up on the screen.  
6 So again, just before we leave this, can you help me  
7 understand how it was that recovering the clothing from  
8 these two possible witnesses, Kirsty MacLeod,  
9 Martyn Dick, how was that going to assist the  
10 investigation into Sheku Bayoh's death at Hayfield Road?
- 11 A. My understanding would be, thinking on it just now,  
12 would be that, as I said, we don't know what's led up to  
13 Mr Bayoh being in contact with the police, so  
14 Martyn Dick and Kirsty MacLeod have been in contact with  
15 him, so until we establish the full facts it's  
16 basically, for want of a better term, throw a blanket  
17 over it, retain everything at this stage, and as the  
18 enquiry progresses we will establish if this has  
19 anything evidential to do with it. So we're not saying  
20 it is but at this point in time we don't know because  
21 we're still gathering the evidence.
- 22 Q. So you preserve the position in case it proves to be  
23 useful?
- 24 A. Yes.
- 25 Q. Looking again at paragraph 28, this is your Inquiry



## Transcript of the Sheku Bayoh Inquiry

1 statement directed again to the first full paragraph on  
2 page 3 of Kirsty MacLeod's statement and it reads:

3 "At this time, I was still wearing the clothes I had  
4 on when Shek was in the house. I was asked if I could  
5 go and get changed and before I went upstairs, they told  
6 me to leave out the clothes I'd been wearing. They  
7 explained this by saying they might have to rule out my  
8 DNA from Shek as I had earlier told them that I had  
9 cuddled Shek when he arrived at the house that morning."

10 Can you explain what it means to have your DNA ruled  
11 out?

12 A. I will try in my best terms.

13 Q. I appreciate you're not a forensic scientist, neither is  
14 Kirsty MacLeod, but really just to explain what she says  
15 there, the explanation given to her was that she might  
16 have to:

17 "... they might have to rule out my DNA from  
18 Shek~...?"

19 A. So Mr Bayoh had been involved in an altercation with  
20 police and has died, so there will be forensic  
21 examinations carried out, I would believe, on his body  
22 and his clothing. During that there's likely to be  
23 tapings and samples recovered which will contain DNA.  
24 Those samples then need to be assessed and if he has  
25 been in contact with numerous officers, there's going to

## Transcript of the Sheku Bayoh Inquiry

1           be numerous persons' DNA on either his body or his  
2           clothing. So, Kirsty being able to explain her contact,  
3           we have then got -- if we've got a sample of her DNA  
4           that can be examined against the sample and we can  
5           extract her DNA and identify her DNA from it, so  
6           therefore we're then able to rule her DNA -- or find her  
7           DNA and explain why that DNA is on that piece of  
8           clothing or on that body part.

9           Q. So, forgive me because I maybe watch too much  
10          television, but when you're taking a DNA sample, is that  
11          not to try and identify somebody?

12          A. Yes. Obviously every person has got their own  
13          individual DNA, but it's -- as I say, if I was to touch  
14          your colleague here and then you were to touch him as  
15          well, both our DNA would be on it, so say I was to touch  
16          his face and then you were to punch him, but he didnae  
17          know who had punched him, my DNA and your DNA would be  
18          on his person and then, you know, there might be  
19          a witness to say I just touched his face, so my DNA can  
20          be ruled out. So it identifies my DNA on him but --  
21          it's to identify my DNA, it's not --

22          Q. The reason I'm asking is we have heard evidence about  
23          the officers who were present in Hayfield Road.

24          A. Right.

25          Q. And I will be corrected if I'm wrong, but I don't think

## Transcript of the Sheku Bayoh Inquiry

1           there's any dispute about officers were present at  
2           Hayfield Road, their identity, we don't need their  
3           identity to identify who they were at Hayfield Road, and  
4           there's no suggestion that Kirsty MacLeod or Martyn Dick  
5           were at Hayfield Road, and I'm just trying to understand  
6           why you would need the DNA from them.

7           A. Well, obviously as part of the investigation they try to  
8           fully establish what has happened to Mr Bayoh that's  
9           resulted in his death. They will obviously -- as part  
10          of the investigation there's a consideration: is there  
11          foul play? So obviously scientists and experts will do  
12          those examinations. I don't wantae think of a scenario  
13          but during that, you know, if the T-shirt is grabbed in  
14          a certain way that caused an injury -- again, I'm just  
15          hypothesising -- then the way that T-shirt was grabbed,  
16          there might be DNA on that and we need to establish who  
17          has done what act.

18          Q. Who did that?

19          A. Yes.

20          Q. And was there any information available to you at that  
21          time to suggest that Martyn Dick or Kirsty MacLeod had  
22          been in contact in some way, an altercation or  
23          otherwise, with Mr Bayoh, such that there might need to  
24          be some analysis of their DNA?

25          A. As I say -- well, I wasn't speaking to Kirsty about that

## Transcript of the Sheku Bayoh Inquiry

1 at the time, but obviously from her statement she has  
2 admitted to hugging him, so she has had physical contact  
3 with Mr Bayoh, so there is a potential of her DNA being  
4 on his clothing or indeed his body, depending on how she  
5 has hugged him.

6 Q. Was there any information available to you at that time  
7 that would suggest any criminality had been involved  
8 because obviously hugging people isn't --

9 A. No, no, it wasn't --

10 Q. -- an offence?

11 A. No, certainly for that we weren't treating them as  
12 suspects at all.

13 Q. So the only information you had related to a statement  
14 from Kirsty saying she had cuddled Shek the night  
15 before?

16 A. Yes.

17 (Pause).

18 Q. We have heard considerable evidence from the officers  
19 who were at Hayfield Road and we're aware that their DNA  
20 wasn't taken. In light of the explanation you're  
21 giving, can you think of why there's a comparison with  
22 Kirsty MacLeod and Martyn Dick and their DNA being taken  
23 and it not being taken from officers who actually were  
24 in contact with Mr Bayoh at Hayfield Road and, as you  
25 have said, were involved in a restraint with him?

## Transcript of the Sheku Bayoh Inquiry

1       A. Certainly all -- as far as I'm aware all  
2       police officers' DNA is actually held on the system. My  
3       DNA was taken when I started in the Police Service so  
4       all the DNA -- all their DNA should already be on our  
5       system.

6       Q. So there wouldn't have been any need for that because  
7       that would be -- the records would be kept?

8       A. Yes.

9       Q. Thank you. Can I ask you to look at paragraph 28 again.  
10      The next section, not the section that relates to  
11      Kirsty MacLeod's statement:

12                "I am asked what my understanding is as to what  
13      Kirsty might have been being ruled out of. The answer  
14      is I don't know who said it. Obviously, Sheku's passed  
15      away following police contact, which will be  
16      investigated to find out if there is criminality  
17      involved."

18                What sort of criminality would be investigated?

19      A. Well, obviously he has died, we need to establish how he  
20      has died. Could there be criminality with the  
21      altercation with the police?

22      Q. "During that, there'd probably be forensic examinations  
23      carried out, which would result in DNA being recovered,  
24      and that would be explained. If Kirsty's DNA was on  
25      Sheku, then we can eliminate that from it. We can

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1 explain why her DNA is on him and it can be removed.  
2 A forensic scientist would probably be able to explain  
3 it better than certainly I could, but there is the  
4 likelihood her DNA will be on it, and if he's been  
5 involved in an incident with numerous cops, there'll be  
6 numerous persons' DNA on."

7 Presumably you mean "On Mr Bayoh"?

8 A. On his --

9 Q. On his clothing?

10 A. Or his clothing, yes.

11 Q. "By getting her DNA a scientist will be able to say,  
12 'Well, that's that person's DNA', and it's an  
13 explanation as to how that DNA is there."

14 So in your mind at that time did you think there  
15 would be further forensic tests carried out in relation  
16 to Kirsty MacLeod or Martyn Dick?

17 A. I believed there would be forensic examinations carried  
18 out with Mr Bayoh and it may be Kirsty or Martyn Dick's  
19 DNA comes in that if they have had contact. So my  
20 understanding was yes, there would probably be forensic  
21 examinations carried out off the incident and it's to  
22 rule out their DNA.

23 Q. Thank you. You mentioned earlier, before lunch, that  
24 you were investigating a death, the death of Mr Bayoh,  
25 and that's what the police were doing at that time and

## Transcript of the Sheku Bayoh Inquiry

1           you have mentioned here investigating criminality.

2           When you were at the house of Martyn Dick, whose  
3           criminality or potential criminality were you  
4           investigating?

5           A. I wouldn't say we were investigating criminality. We  
6           were investigating the death and we're trying to  
7           establish if there is criminality, so being at  
8           Martyn Dick and Kirsty's address, we're not  
9           investigating criminality at their address, we're trying  
10          to establish -- the investigation is trying to establish  
11          the cause of death and if there is criminality.

12          Q. Thank you. When you seized the clothing of -- or when  
13          the clothing was seized from Martyn Dick and  
14          Kirsty MacLeod, was regard had to maintaining forensic  
15          integrity?

16          A. I wasn't involved in that.

17          Q. You weren't involved?

18          A. I didn't take their clothing.

19          Q. Were any of the officers in Martyn Dick's house, or  
20          Kirsty MacLeod's house dressed in white forensic suits?

21          A. Not when I was there, no.

22          Q. Were they wearing gloves?

23          A. I don't recall. But possibly, I don't recall with the  
24          passage of time.

25          Q. Okay. Could you look at paragraph 31 of your Inquiry

## Transcript of the Sheku Bayoh Inquiry

1 statement. You were asked this by the Inquiry team, and  
2 I think you said you didn't recall, whether the officers  
3 at the house were wearing crime suits or -- is that  
4 scenes of crime suits?

5 A. Yes.

6 Q. "I am asked whether I would have expected them to have  
7 done so. The answer is not at that stage, no.  
8 Initially, we didn't know what we were going to, so I'd  
9 probably say, initially, we weren't considering  
10 forensics but once we had it and it's secure, then we  
11 would be considering forensics after that, or there  
12 would be somebody who was leading there potentially in  
13 contact with the SIO."

14 I'm interested in a situation where you turn up to  
15 a house, you're not necessarily carrying out any  
16 forensic tests at that time, but at some point you --  
17 a decision is taken to recover items of clothing, as  
18 happened here. What steps are taken to protect the  
19 forensic integrity of any items that are recovered?

20 A. So if we go to -- in general if we go to a house and  
21 then we're to recover clothing --

22 Q. Yes. Well, no, you go to the house, you don't know what  
23 to expect, but during the course of your time at the  
24 house you decide you will recover some items of  
25 clothing. What do you do in that situation normally?



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1       A. Well, generally speaking, if we've got people that are  
2       complying with us we can -- generally speaking we will  
3       put gloves on and we can hold out the bags and ask them  
4       to put their clothing into the bags and then we can seal  
5       them, or if they have not got the clothing on, we can  
6       glove up and we can pick the clothing up and put it  
7       intae a bag.

8       Q. Was that done when the clothes of Martyn Dick and Kirsty  
9       MacLeod were recovered from the house on that day?

10      A. I don't know. I wasn't involved in the retention of the  
11      clothing.

12      Q. So we would have to speak to somebody else about that?

13      A. Yes.

14      Q. Can you explain why officers went upstairs with  
15      Martyn Dick and Kirsty MacLeod when they got changed?

16      A. It wasn't myself. Again, my thought process on it was  
17      just so they were present with them and if they were  
18      going to be retaining clothing, so that they can retain  
19      it. As I say, again, generally, just back to this  
20      control, we've got control of it so we will stay in  
21      their company until they have left the house. That's  
22      why I believe they would go with them.

23      Q. You have told us how you're in their house, you're  
24      looking for engagement, it's voluntary, there's no  
25      warrant or anything of that sort, so why was it that the

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1           officers followed -- what authority did the officers  
2           have to follow Martyn Dick or Kirsty MacLeod upstairs  
3           while they got changed?

4           A. It wasn't authority. I would believe that they would  
5           communicate with Martyn Dick and Kirsty, maybe explain  
6           what they were doing and why.

7           Q. Did you just say "in custody", sorry? I maybe misheard  
8           you there.

9           A. I said "and Kirsty".

10          Q. And Kirsty. Sorry, I didn't hear that there. It did  
11          seem a strange word. All right.

12                 Can I ask you about the house. I have asked you  
13          a number of questions about a search of the house and  
14          the authority for that. Can I ask you about this idea  
15          of seizing the house. You have told us that that was  
16          your job to go and seize the house and I'm interested in  
17          your authority for seizing a house. What do you need to  
18          do to have authority to seize a house?

19          A. Well, we're going on the instruction of the SIO to seize  
20          a house and, as I say, with potential involvement in --  
21          we don't know if there's involvement in crime, or -- it  
22          certainly is part of an investigation, so under our  
23          common law powers to seize evidence, we are seizing this  
24          house at this time until we establish if we need further  
25          enquiry carried out at it.

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- 1 Q. And in using those powers do you require to ask for  
2 consent from the owners of the house?
- 3 A. No. If we are seizing a property we have the power to  
4 seize that property and we will explain it to them. We  
5 generally try to work with people and explain why we  
6 would be doing it.
- 7 Q. What explanation was given to Martyn Dick and  
8 Kirsty MacLeod about the reasons, or the basis for  
9 seizing?
- 10 A. Certainly from my recollection -- I wasn't speaking to  
11 Martyn at all, I don't think. I did have a brief  
12 conversation with Kirsty at one point myself but other  
13 officers had been speaking to her and certainly from  
14 what I recall with myself and Alan -- I don't recall who  
15 was speaking but the general explanation is there has  
16 been an incident with Sheku and the police and he has  
17 been at this house beforehand, so we need to seize the  
18 house at this stage until our investigation progresses  
19 and we establish the full facts.
- 20 Q. And that's the explanation that was given to Kirsty,  
21 either by you or Alan Monteith?
- 22 A. Yes, maybe just reaffirming it. As I said, we were kind  
23 of standing there, just assisting. But I do remember  
24 us -- or certainly from reviewing my initial statement,  
25 it was eight years ago, but myself and Alan at one point

## Transcript of the Sheku Bayoh Inquiry

- 1           were speaking to Kirsty and just -- potentially just  
2           reaffirming that with her.
- 3       Q.   Your role was to seize the house, I'm right in saying?
- 4       A.   Yes, well, secure the house was what we were told but  
5           yes, you could say it had been seized.
- 6       Q.   Is there a distinction between securing a house and  
7           seizing a house in your mind?
- 8       A.   Not really. To secure the house is, you know, as I say,  
9           making sure there's nobody in the house and securing the  
10          front -- securing the doors, if you like, so ensuring  
11          that nobody can get in or out -- well, there shouldn't  
12          be anybody in.
- 13      Q.   As far as you were concerned was that your role, to  
14          secure it?
- 15      A.   Yes.
- 16      Q.   So we have heard evidence that police tape was put round  
17          the house. Is that securing it or seizing it?
- 18      A.   I would say -- I think the two go hand in glove, to be  
19          honest, the securing and seizing of it. We are seizing  
20          it, we've got it secure. The tape roundabout it is just  
21          to protect -- again, to prevent people coming into it.  
22          I would imagine with the blue tape it's across gardens.  
23          We wouldn't put tape round a building, I don't believe.
- 24      Q.   So securing and seizing the house, are they similar  
25          things, or the same thing?

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- 1 A. Yes.
- 2 Q. There's not a distinction, as far as you're concerned,  
3 with that?
- 4 A. The distinction would be that sometimes we secure houses  
5 and leave, like if a house is insecure we will secure  
6 it, as in make sure nobody is in, make sure the doors  
7 are locked and then we can leave, so --
- 8 Q. But that's not the situation you faced here.
- 9 A. No.
- 10 Q. This was seizing the house?
- 11 A. But generally speaking securing and seizing are, as  
12 I say, hand in glove.
- 13 Q. You have talked about having a brief conversation with  
14 Kirsty. Who was in charge of the events in  
15 Martyn Dick's house that day?
- 16 A. That would be the officers -- from our view it was the  
17 officers from the MIT and I think they had contact with  
18 either the SIO or DS Dursley.
- 19 Q. Do you remember the name of the officer in charge from  
20 MIT?
- 21 A. No, no. I think it was just a case of, "We're going  
22 together, you deal with the witnesses, we will make  
23 sure the house is secure and then" -- so it was quite  
24 a -- I don't think it lasted extremely long, it was --  
25 we had our instructions, we went and we did it, but I do

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1 believe that an officer for the MIT who was engaging  
2 with Martyn and Kirsty had contact with the SIO and  
3 potentially DS Dursley back at Kirkcaldy.

4 Q. So the officer who was in charge from MIT, he was the  
5 one speaking to Martyn Dick and Kirsty MacLeod?

6 A. Yes, or officers that he was working with, yes.

7 Q. Can I ask you to look at paragraph 30 please of your  
8 Inquiry statement, towards the bottom please -- sorry,  
9 actually I will look at the bit at the top. This is  
10 a section from Kirsty MacLeod's statement again and it  
11 says:

12 "About ten minutes later, Martyn came out with the  
13 CID officer. Martyn told me he was going to try and see  
14 if we could get back into our house so we can get the  
15 keys for Martyn's work van. However, he came back  
16 a short time later and said we couldn't get back into  
17 the house."

18 Was it the case that once Martyn Dick and  
19 Kirsty MacLeod left the house, that they weren't allowed  
20 to get back into the house?

21 A. Yes, once the house has been emptied and we have secured  
22 that, we wouldn't let anyone back in at that point in  
23 time.

24 Q. What's the reason for that?

25 A. Ultimately because we have now secured that as

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1 a potential locus, to maintain the integrity of it and  
2 ultimately for potential examinations, whether forensic  
3 or search or otherwise, so we've got it secure and we  
4 won't let others back in.

5 Q. We have also heard that they wanted to go back into the  
6 house for dog food. Would the position be -- they said  
7 they weren't allowed to do that. Is that the same  
8 reason, they're not allowed back into the house?

9 A. Yes. Whoever they would ask could then have --  
10 obviously they then went to the police office to have  
11 statements taken and probably spoke to officers and if  
12 they're wanting back in, it would be explained why they  
13 couldn't get in at this stage, but there should be  
14 contact with them about when they could get back in.

15 Q. Is there a reason why officers within the house could  
16 not take out keys or dog food and hand it to Kirsty and  
17 Martyn?

18 A. Ultimately at that point we have been instructed to  
19 secure the house so once we have secured it we wouldn't  
20 automatically then be going back in to get more stuff,  
21 as I say, not just for Martyn but for everybody. We're  
22 securing it for the integrity of any investigation or  
23 search within it, so nobody would be going back in  
24 without, you know, proper authority.

25 Q. Can I ask you to look at paragraph 32 please. You have

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1           been asked about a scene entry log and would you have  
2           expected one to have been started after a property has  
3           been secured and seized and:

4           "The answer is probably, at that stage, after it was  
5           secure. If you can't get a scene entry log, the  
6           officers who take on locus protection probably record it  
7           in their notebooks until a scene entry log is brought to  
8           the locus ..."

9           We have heard that a scene entry log can also maybe  
10          be called a locus protection book or something along  
11          those lines?

12         A. Yes, I know it as a scene entry log but certainly  
13          different divisions could use other words.

14         Q. Were you involved in setting up the scene entry log?

15         A. Not myself, no.

16         Q. Did you wait until other officers brought it to the  
17          house?

18         A. Not that I recall. I think I secured (inaudible).

19                 I think uniformed officers were actually outside and  
20                 they just took over locus protection, if you like, at  
21                 that point.

22         Q. Can I ask you to look at paragraph 33 please. This is  
23          when you go back to Kirkcaldy Police Office and you say  
24          that you were back -- I think you say, first line:

25                 "... four o'clock maybe back at Kirkcaldy."



## Transcript of the Sheku Bayoh Inquiry

1           So this is still on 3 May and you have returned to  
2           Kirkcaldy at about 4 o'clock in the afternoon?

3           A. Yes, I couldn't say the time. Just, as I say, when  
4           I was again asked that eight years later I'm just trying  
5           to think. It was about that time.

6           Q. You say you were:

7                     "... first of all briefed by a DCI Stuart Houston.  
8           I couldn't say when we were briefed by [him] and for how  
9           long. I don't know if he was SIO or he might have been  
10          the MIT, but me and Alan were directed to take the  
11          clothing, uniform and equipment from all the male  
12          officers that were involved in the contact with Sheku  
13          that day."

14          Can I ask, you're not sure what the role of  
15          DCI Houston was but when he briefed you, what was the --  
16          tell us about that briefing. What information was  
17          shared with you at that point?

18          A. The general context of that briefing was that we were to  
19          retain the clothing and uniform of the officers involved  
20          in the incident with Mr Bayoh. We were to do it  
21          forensically, which would mean myself and Alan donning  
22          white suits, gloves, and each officer would come in and  
23          we would retain their clothing and equipment and seize  
24          that as productions. That was the general context of  
25          the briefing.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And you say you were instructed to do that forensically,  
2 for which you say you were fully kitted out in white  
3 suits, masks and gloves?

4 A. Yes.

5 Q. Were you given any explanation or any information about  
6 why you were only being asked to do that at some point  
7 after 4 o'clock in the afternoon?

8 A. No.

9 Q. If we wanted to know that, who would we have to speak  
10 to?

11 A. The SIO, DCI Houston, I ...

12 Q. Were you given any information in that briefing about  
13 where the officers' clothing and equipment had been  
14 held? We have heard that the incident happened shortly  
15 after 7.20 in the morning. You're talking about you  
16 coming in to recover it at 4 o'clock, or thereabouts.  
17 Where had it all been held in-between times?

18 A. As far as I'm aware, the officers involved were all in  
19 a separate area within Kirkcaldy Police Office had been  
20 there the whole day, I believe. That was certainly my  
21 understanding.

22 I don't recall in my briefing getting told where  
23 they were, but certainly from my recollection I was told  
24 at one point that day that they're in another area of  
25 the building and that's where they were to remain.

## Transcript of the Sheku Bayoh Inquiry

1 Q. We have heard evidence that they were in a canteen area  
2 in Kirkcaldy Police Office.

3 A. That could be, yes.

4 Q. You have talked about carrying this out forensically and  
5 having suits and masks and gloves on. Can you explain  
6 why those same forensic safeguards were not put in place  
7 when the clothing from Kirsty and Martyn was recovered?

8 A. I don't know about their clothes getting recovered.  
9 I wasn't there so I cannae explain it.

10 Q. Were you told what the officers' status was at the time  
11 that you recovered their equipment and clothing?

12 A. No.

13 Q. Can I ask you, as well as recovering clothing from the  
14 officers and their equipment that they had with them,  
15 did you also have to recover an item from a locker  
16 elsewhere in Kirkcaldy Police Office?

17 A. Yes. Having read my statement there was an officer --  
18 I want to say Craig Walker -- who, when we were  
19 retaining his equipment he informed us that he didn't  
20 have his baton and it had been in his locker and had  
21 been in there all day so we asked him to bring his baton  
22 to us.

23 Q. You may see that on paragraph 42 actually of your  
24 statement.

25 I would also like to ask you about paragraph 48 --

## Transcript of the Sheku Bayoh Inquiry

1           you will see there, 42, it talks about PC Walker and we  
2           have heard that's Craig Walker.

3           Can we look at paragraph 48 please. You mention  
4           here about the second page of your daybook. Would you  
5           explain to people what your daybook is?

6           A. Right. A daybook is a -- it's an A4 book that is used  
7           in the CID. It's also used by numerous officers in  
8           management, where we record -- we can record things that  
9           we have done that day, or information we have received.  
10          Certainly within the CID if I'm contacted and made aware  
11          of a crime, I can record stuff in there. As I say,  
12          because it's A4 it's easier to make a record of things  
13          that you're doing at times.

14          Q. Could we look at the second page of your daybook,  
15          PS13966. Do we see that it mentions:

16                        "Martyn Dick address + Kirsty."

17                        Do you see that in the middle of the page?

18          A. Yes.

19          Q. Does -- maybe you could -- this is your handwriting.

20          A. Yes.

21          Q. I've got a typed version of this. I think it would be  
22          safer if I ask you to read this.

23          A. Yes, it's my scrawl unfortunately.

24          Q. So we know that it's Martyn Dick's address and Kirsty  
25          and you made reference to that. What does it say after

## Transcript of the Sheku Bayoh Inquiry

1           that?

2       A. "Shut down as locus".

3       Q. And in the lines below that?

4       A. "Martyn Dick and Kirsty ..."

5           It is:

6           "Sig..."

7           As in significant:

8           "... witnesses to be traced and brought to Kirkcaldy

9       Police Office."

10      Q. Was this an entry made before you went to their house?

11      A. Yes.

12      Q. Then further down we see the name DS Graeme Dursley, and

13      you have told us that he was the officer who gave you

14      the initial briefing and you liaised with later.

15      A. Yes.

16      Q. If we can go a little bit further down please. Can you

17      tell us what this section says and what's it in

18      connection with. I think it says "Seize out clothing"?

19      A. Yes, so this is obviously following on, when I have been

20      asked to seize their clothing, so I just noted to:

21           "Seize ... clothing.

22           "Utility belt.

23           "CS separate."

24           As in make sure that's put in a separate bag:

25           "Boots.

## Transcript of the Sheku Bayoh Inquiry

1 "Trousers.

2 "Vest."

3 The other side is:

4 "9 officers in total."

5 And then below that is:

6 "We white suit every time."

7 I believe that says.

8 Q. I'm glad I asked you to read that out. So, "We white  
9 suit every time", does that mean that you had a separate  
10 white suit on every time you dealt with one of the  
11 individual nine officers?

12 A. Yes, once they left the room we would defrock, that  
13 would be -- that's actually lodged as a production and  
14 then we would refrock with a new suit for the next  
15 person coming in.

16 Q. And why do you do that?

17 A. To reduce cross-contamination between obviously the  
18 things we're seizing for the officers.

19 Q. And that's for each of the nine individual officers?

20 A. Yes.

21 Q. Thank you. Finally, can I ask you to look at  
22 paragraph 50 and you have been shown the fourth page of  
23 your daybook and you are asked what the entry timed 1720  
24 says:

25 "The answer is 'AM029 outer vest PC1035 Alan Smith

## Transcript of the Sheku Bayoh Inquiry

1 includes handcuffs and baton'. Some of them have them  
2 attached to their vest, not to their belt. I have been  
3 directed to the list of items retained from PC Ashley  
4 Tomlinson, which ends with an entry timed 1822. I am  
5 asked what the text below that list of items says. The  
6 answer is, 'PC Tomlinson states that he lost his baton  
7 and handcuffs, most likely at locus during the  
8 enquiry/incident'. I have also been directed to the  
9 last line on page four of my statement ... which says,  
10 'Police Constable 691 Ashley Tomlinson commented that he  
11 had lost his handcuffs and baton at the scene of the  
12 incident'. I am asked if I can explain this difference  
13 between my daybook and my statement. The answer is no,  
14 I can't explain. I've obviously looked at my daybook  
15 when I've wrote my statement and, you know, maybe with  
16 the way my writing is, I have not picked up 'most  
17 likely', and it's just been as I've typed it. I've  
18 obviously wrote it in my daybook at the time, and that's  
19 maybe just reading it and typing it out to get it  
20 submitted to the Inquiry team. That's the only thing  
21 I could say is just when I have read it I have not put  
22 these words in."

23 So you explain why there's a difference there.

24 A. Yes.

25 Q. But I just wanted to confirm with you there was other

## Transcript of the Sheku Bayoh Inquiry

1 equipment that had been left at Hayfield Road. You  
2 didn't have any involvement in recovering that?

3 A. No, no, nothing at all.

4 Q. So your role in relation to the recovery of the  
5 officers' equipment and their clothing was in Kirkcaldy  
6 Police Office that day?

7 A. Yes.

8 MS GRAHAME: Thank you very much. I have no further  
9 questions.

10 LORD BRACADALE: Are there any Rule 9 applications?

11 Well, thank you very much, Inspector Bellingham, for  
12 coming to give evidence to the Inquiry. I'm going to  
13 adjourn in a moment and then you will be free to go.

14 A. Okay.

15 LORD BRACADALE: So we will now adjourn until Tuesday at  
16 10 o'clock.

17 MS GRAHAME: Thank you very much.

18 (2.39 pm)

19 (The Inquiry adjourned until 10.00 am on Tuesday,  
20 7 February 2023)

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# Transcript of the Sheku Bayoh Inquiry

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