

Transcript of the Sheku Bayoh Inquiry

Friday, 3 March 2023

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(10.00 am)

DI COLIN ROBSON (continued)

Questions from MS GRAHAME (continued)

LORD BRACADALE: Yes, Ms Grahame.

MS GRAHAME: Thank you. Good morning.

A. Morning.

Q. Could I ask you just one or two questions about arrangements for officers attending Victoria Hospital.

We have heard that DC Connell went to the hospital, I think in the ambulance --

A. That's correct.

Q. -- with Mr Bayoh, and he was later relieved by a DC Balsillie and a DC Brown. Were you involved in relieving him of his duties at Victoria and sending other officers?

A. No, I wasn't. I think up until the time of the first Gold Group I was of the position that DC Connell was still at the hospital.

Q. So you didn't have any involvement with DC Balsillie?

A. No.

Q. Thank you. Can I ask you to look at your first Inquiry statement please, which is SBPI 133, and look at paragraph 27. You will see you are talking there initially about your position -- you had been a DC for

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1 a number of years and your promotion and such-like.

2 I'm interested in the latter half of that paragraph,
3 27. You are talking about finding out where your
4 weaknesses are and you talk about going back to
5 frontline duties and you then say:

6 "Pretty much unremarkable in terms of any dealings
7 with Alan Paton. He was a cop on the shift. He was
8 tasked out; he did his job. Pretty laid-back. There
9 was nothing dynamic about him. Was he capable? Yes,
10 but, like other cops who have had a good probably
11 10/12-year service, negativity sometimes does creep in.
12 But no worse than anybody else."

13 When you describe negativity sometimes creeping in
14 regarding Mr Paton, what did you mean?

15 A. Only in general terms, in terms of the attitude towards
16 the job. Again, it's a challenging profession meaning
17 in terms of heavy workloads, getting the time to do
18 enquiries, just general frustrations, so some do become
19 kind of disillusioned because of the challenges. But
20 not in any way suggesting that that transferred to the
21 service that we were trying to deliver.

22 Q. Did that negativity include negativity towards any
23 particular individuals or members of a particular
24 community?

25 A. No, not at all. It was more in terms of the workplace

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1 negativity and again, from my experience, I think when
2 I first joined, older and more experienced officers
3 would obviously tell you -- well, one question why you
4 joined and secondly I think it was more -- whether it
5 was terms and conditions that had changed when they had
6 joined, that -- the job had changed effectively and you
7 could be influenced by that negativity, but obviously it
8 doesn't change your own reasons for joining.

9 Q. Looking at the negativity again, did it include, in your
10 experience, any views that were discriminatory towards
11 any particular individuals or members of community?

12 A. Not in the slightest. This is all internal, in terms of
13 the demands on the job, how the role had changed and
14 potentially terms, conditions, procedures.

15 Q. You have talked there about other officers who have got
16 a lengthy service, you say 10/12 years there. Did you
17 have any experience of Craig Walker, PC Craig Walker?

18 A. At that time?

19 Q. Or -- well, at that time, yes.

20 A. Yes.

21 Q. And would you say that he -- we have heard that he was
22 an officer who had a number of years of experience,
23 years of service. Would you say that your comments
24 about negativity applied to him?

25 A. I think I would in terms of the broader terms of the

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1 whole organisation and again, not -- it doesn't
2 specifically to everybody, just a general feeling that
3 the longer you were in the service, things change.
4 I think even just in terms of human nature we don't
5 always cope great with change. The role had changed and
6 was evolving, again just in terms of society in general,
7 so it was always that. Resource numbers had changed,
8 commitments had changed, so it was just a reflection of
9 probably what was good because you only had that
10 baseline when you started to how it had potentially
11 evolved and changed, not for all but for most.

12 Q. So in relation to PC Walker, again were you aware of any
13 negativity regarding discriminatory views for PC Walker
14 in relation to any particular individuals or members of
15 community?

16 A. No, not at all.

17 Q. Okay. And I think for the Chair's benefit you do go on
18 to discuss this topic further in paragraph 28 and just
19 at the end of paragraph 28 -- sorry, halfway down you
20 talk about officers becoming a bit despondent. Do you
21 see that in the middle of paragraph 28?

22 A. Yes.

23 Q. And you talk about:

24 "And the roles and responsibilities of a cop have
25 just increased and just been added to all the time in

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1 terms of what we're expected to do. That's changing and
2 keeping up with society as well. So you do get a lot of
3 people that have done their time and are a bit sick of
4 back shifts, but don't do anything about it."

5 Can I ask you first of all when you say about
6 officers becoming a bit despondent -- you have talked
7 about senior guys on the shift becoming a bit
8 despondent. Can you explain what you mean there?

9 A. I think that's just a perception, and again I wouldn't
10 explicitly say this relates to policing, I think it's
11 any job. People like to moan about their job. Do they
12 actually enjoy it in general terms? Probably yes but
13 I think it was more just the change in the conditions
14 that they do, as I say, appear -- again, despondent is
15 the -- it seems to be more about the role they're doing.
16 Do they have the ability to change that? Yes. Do they
17 choose to? No. So again, are they actually quite
18 satisfied and just want to moan is -- again, but not
19 anything I would see that interfered or influenced how
20 they then went and done the job.

21 Q. Would you say that despondency that you're describing
22 had an impact or an effect on their dealings with the
23 public?

24 A. No.

25 Q. Does it affect the culture within policing if more

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1 senior officers are despondent or of a negative mindset?

2 A. I can only really from my own experience -- as I say,
3 joining so young and having, as I say, potentially
4 negative comments when you're young and enthusiastic,
5 you kind of learn who you choose to align yourself to
6 and who you would ignore because there are obviously
7 a lot of capable experienced officers. Again, they all
8 might have their reasons for bringing out that kind of
9 negativity, but I think, as I say, I just aligned myself
10 to the people who encouraged me and obviously brought me
11 on.

12 Q. We have heard evidence from DS Dursley, as you know,
13 1 March, and I asked him a number of questions about
14 whether there were inappropriate jokes in the Police
15 Service at times, in particular inappropriate racist
16 jokes, and he said:

17 "Answer: Yes, there is jokes like that in the past
18 but again, things like that have gone for me, you know,
19 that's a time ago."

20 And I asked him about the officers and were officers
21 hiding that type of thing from him now in his role and
22 suggested maybe it would be junior officers who would
23 maybe hide inappropriate jokes from him and his view was
24 that he would like to think they were not doing that:

25 "Answer: ... especially the younger ones actually,

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1 you know, especially the younger ones. They're brought
2 up in a different time where I think they are getting
3 better."

4 And I asked if maybe it was the older ones that were
5 hiding comments but he said he wasn't saying that but he
6 thought the younger ones coming through were much more
7 aware nowadays and he thought they were not as bad as
8 people thought.

9 Was that something that you would agree with?

10 A. I would agree with -- and again, we joined at a similar
11 age in terms of the culture, in the late '90s it was
12 definitely different. Was there jokes in the workplace
13 that were inappropriate -- not exclusively to
14 potentially race -- religion, sex, misogynistic?
15 Definitely, but they didn't originate within the
16 organisation, they would be brought in from society.

17 Q. So DS Dursley's comments do reflect your own personal
18 experience?

19 A. Yes, I think it would be remiss to say that it didn't --
20 it didn't exist, but not exclusive to policing.

21 Q. Would you agree that perhaps younger officers are more
22 aware of issues such as diversity issues than perhaps
23 senior officers?

24 A. They're definitely aware, but again potentially
25 DS Dursley, with not having the experience I had with

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1 Professional Standards is that -- I mean, having been
2 involved in that kind of educational piece at the start
3 of their training, we know that again, as society
4 evolves, the dynamics of our youth have changed as well,
5 especially in terms of technology and social media, so
6 we're dealing with a new issue. So I think it still
7 goes on. Are they more aware that it's not acceptable?
8 I would say yes, as opposed to when we were under --
9 when we first joined.

10 There's definitely far more awareness and education
11 of what is right and wrong, the standards that we expect
12 of them as police officers. If they then choose -- and
13 we know it happened because I think it's in the media in
14 terms of WhatsApp groups and that's day one when they're
15 joining, part of Professional Standards is to go and
16 reiterate and affirm the standards, the professional
17 behaviour that we would expect from them as officers and
18 give tangible examples, and social media is a massive
19 focus on that in terms of what we expect them -- how
20 they conduct themselves.

21 Q. Your role now, I think you explained at the outset of
22 your evidence, is about policing in the digital world;
23 is that right?

24 A. That's right.

25 Q. Is this something that you're particularly up to speed

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- 1 on in a way?
- 2 A. More so from Professional Standards, and again really
3 just from the issues that arise from that, so I think
4 we're aware of -- and again, not just in policing, in
5 terms of WhatsApp groups, different messages -- again,
6 we didn't have WhatsApp back then, we didn't have the
7 same technology with mobile devices so it provides
8 a probably bigger opportunity for these -- if there is
9 things inappropriate to be shared, especially with
10 imagery as well, that these platforms do provide that
11 opportunity and a bigger reach, I suppose. It's then
12 for how people -- how they conduct themselves on those
13 platforms.
- 14 Q. Would you include in that an opportunity for racist
15 comments?
- 16 A. Yes, not specifically to race. As I say, sex -- any of
17 the protected characteristics.
- 18 Q. Do the police monitor WhatsApp groups?
- 19 A. I think -- no, I don't think we can and I think that's
20 up for legal debate in terms of what we can monitor in
21 general terms, in terms of the public or with --
22 internally within policing.
- 23 Q. Are you aware of issues in relation to the use of social
24 media, or different apps?
- 25 A. I'm aware of one specific case that's ongoing just now

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- 1 I think, yes.
- 2 Q. I was going to ask you about that. Why don't we turn to
3 that now actually. I think -- is this the case of BC &
4 Others v The Chief Constable? You might not know the
5 name of it. Does it relate to ten police officers and
6 a WhatsApp group?
- 7 A. A number of police officers, yes. Is it back now?
8 I can't think, is there a ruling or --
- 9 Q. There was an original decision by a judge,
10 a Lord Ordinary, appealed to the Inner House which was
11 to three judges including Lord Justice Clark, and
12 I think there's another appeal to the Supreme Court
13 outstanding.
- 14 A. That all happened before I joined Professional Standards
15 but I was naturally aware because I think if there was
16 any immediate tangible lessons learned from that, that
17 no doubt influenced the messaging we were giving to the
18 new recruits and how we decided we would disseminate
19 that within the existing staffing.
- 20 Q. From your records that we have -- you have a copy in
21 your book, am I right in thinking that you joined
22 Professional Standards in July 2019?
- 23 A. That's correct.
- 24 Q. And you were appointed as Chief Inspector of
25 Professional Standards?

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- 1 A. Yes.
- 2 Q. And you continued in that role until 2021?
- 3 A. That's correct.
- 4 Q. And the decision -- the original decision by the judge,
5 Lord Bannatyne, was issued on 28 June 2019. When in
6 the July did you start as Chief Inspector at
7 Professional Standards?
- 8 A. I can't recall. I think it was towards the latter stage
9 of July because I think it coincided with my holidays
10 thereafter so I didn't quite -- I started and then I was
11 on annual leave.
- 12 Q. So we're talking about roughly a month after the
13 decision was released?
- 14 A. Yes, potentially.
- 15 Q. And can we tell the dates from your rank --
- 16 A. Yes, two seconds, I will find it.
- 17 Q. -- postings and training records which were SBPI 00273.
18 We could maybe have those --
- 19 A. Yes, actually it has got it down as 1 July, but whether
20 I started then. I had annual leave and then started.
- 21 Q. So officially you started on 1 July 2019?
- 22 A. That's the posting date, yes.
- 23 Q. So that would be a couple of days after this decision
24 was issued by the judge?
- 25 A. Correct.

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1 Q. And it was ten police officers, against whom misconduct
2 proceedings have been brought by the Chief Constable or
3 the ACC under the Police Service of Scotland (Conduct)
4 Regulations 2014.

5 A. Potentially. Again, my role was more in terms of
6 investigations which I was familiar with. Misconduct --
7 and again I had never had any experience working in
8 Professional Standards, so it was a steep learning
9 curve. I had obviously a new role to get to grips with,
10 so in terms of what you're quoting now it wouldn't be
11 immediately familiar. It's familiar now in terms of
12 misconduct proceedings.

13 Q. So you're familiar now about the misconduct proceedings
14 that can be raised by the police?

15 A. Yes.

16 Q. And at that time it was the 2014 regulations. Has that
17 changed since you were in police standards, as far as
18 you know?

19 A. I don't think so.

20 Q. So it was -- in those days, in 2019 and 2020, it was the
21 2014 regulation?

22 A. Yes.

23 Q. And the messages which had been found included racist,
24 blatantly sexist, antisemitic, homophobic messages which
25 were in flagrant disregard of police procedures

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- 1 according to senior counsel who was representing the
2 chief constable, so were you aware that part of those
3 messages were racist messages?
- 4 A. Probably not in the infancy of PSD as I had
5 responsibility for the east of Scotland. I think it was
6 just more management meetings where it would be
7 discussed but there was no time taken to bring me up to
8 speed with it because I wasn't investigating it,
9 I wasn't leading on it and I think, as I say, I would
10 just hear it referenced in management meetings.
- 11 Q. I imagine that this was quite a hot topic of
12 conversation at the time?
- 13 A. I think so and it's like anything that emerges, if it's
14 new and we need to respond no doubt -- again, whilst any
15 form of legal proceedings needed to play out, either
16 externally or internally, if we're aware of an issue
17 what can we do to mitigate or prevent that happening
18 elsewhere. I know there was lots of discussion on how
19 the police responded to this.
- 20 Q. Was there -- other than in Professional Standards, was
21 there an awareness amongst police officers generally
22 about this situation which had arisen with WhatsApp
23 messages?
- 24 A. Yes, more or less because, as I said, in terms of
25 standing up in front of new probationers, you would give

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1 tangible examples to give that reality, not just give
2 potential pitfalls, to actually show where their
3 colleagues -- and again, I don't know if we would go
4 into any great detail with that if it was ongoing and
5 whether we had to make it a bit more generic, not to
6 give specific details, but for it to be as hard-hitting
7 as possible, wanting them to get the message of what is
8 expected and prevent them taking on any form of post or
9 action like that.

10 Q. Now, in this situation it gave rise to quite a lot of
11 media interest, hasn't it, over the years since it was
12 discovered and obviously there's cases which have been
13 reported publicly. Would you say there was a high level
14 of awareness amongst the police about the existence of
15 these messages and the problems that have been caused as
16 a result?

17 A. I think so and I think everybody could relate to the
18 risks involved with being part of WhatsApp groups, where
19 obviously there's multiple members, not being in control
20 of obviously the content that is shared. If the content
21 is shared and you respond to that you become kind of
22 complicit in that. I can relate to even WhatsApp groups
23 that I have been part of that I have very quickly come
24 out of and this is relating to obviously in society,
25 because I didn't agree with the content.

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1 Q. And is that something you reported to your line manager
2 or --

3 A. No, because it didn't necessarily involve
4 police officers. As I say, just in terms of
5 friends/associates which I have now potentially
6 disassociated with.

7 Q. Potentially?

8 A. I have disassociated with.

9 Q. So, as I understand the -- it will be a matter for the
10 Chair to read these things. I understand it was
11 officers, including officers from Fife, that were
12 involved in these matters. So if officers from
13 a certain area get into trouble, do police officers tend
14 to notice these things, do they become aware of them
15 through the media?

16 A. Definitely, and again obviously the media reporting has
17 evolved over time as well. I think in terms of prior to
18 Police Scotland, the Fife Constabulary was quite
19 a small, compact police force where you did seem to know
20 about the majority of things, regardless of the content.
21 With Police Scotland naturally, with the bigger spread,
22 you might not hear about things, unless they're
23 obviously important internal messaging as a result, or
24 if it appears in the media.

25 Q. I want to correct something that I have said.

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1 Apparently they did seek to appeal to the Supreme Court
2 but leave was refused by the Inner House and on direct
3 application to the Supreme Court, so I'm grateful to my
4 colleague who has just advised me of that.

5 So we have heard quite a number of officers give
6 evidence to this Inquiry who have said they know
7 absolutely nothing about inappropriate jokes, or
8 comments, or WhatsApp messages and I have asked a number
9 of witnesses about this. Can you explain how serving
10 police officers would be completely unaware of the
11 existence of what would appear to be a very well-known
12 situation which has caused a lot of problems?

13 A. I don't want to comment for my colleagues. Again,
14 I have obviously shared my experience and knowledge,
15 which again I don't think is explicit to policing, it's
16 society in terms of everything you're explaining there.
17 I don't know if my experience now that I've got the
18 confidence potentially to give my experience of stuff
19 that I have been party to and heard, again with a fear
20 factor potentially that, well -- of the criticism, "Why
21 have you not acted?" Again, I don't know the
22 circumstances. Ignorance perhaps. I would potentially
23 put it down to fear of, in this open forum, admitting
24 that for some form of criticism to be levied.

25 Q. And you mentioned earlier lessons learned, the phrase

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1 you used. In light of this situation which arose with
2 the 10 police officers, was there anything done by
3 Professional Standards when you were there, or by
4 the police that you're aware of that became a lessons
5 learned part of the process? You have talked about
6 officers who were perhaps cadets being taught about
7 WhatsApp and social media?

8 A. Yes.

9 Q. Was there anything else that was implemented to avoid
10 this situation arising?

11 A. I would only assume there would be internal messaging
12 if -- and again, it's how we capture any form of
13 organisational learning because I have been involved in
14 that, how do we best capture our officers -- or people
15 within the organisation, whether it's face-to-face
16 again -- and we're limited because that's only going to
17 capture a small audience. You have obviously got
18 messaging through the intranet, which I have explained
19 before. Again, how do you ensure that that's been
20 absorbed and interpreted by them if we're just
21 signposting them to something. And then the online
22 platform perhaps, I know obviously there's a lot of
23 matters being progressed just now with the force under
24 the "Policing Together" banner.

25 Q. Is that something that Professional Standards have had

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1 an interest in over the years, the ability of officers
2 to absorb information and take the time to learn
3 information? We have heard a number of officers give
4 evidence who said they don't read all the SOPs, they
5 don't have time. We have heard officers talk about
6 emails that are always coming in and that just the
7 general volume; is that something that's concerned
8 Professional Standards?

9 A. It's like any training/guidance. It could be there,
10 they could read it, how they interpret it, how they
11 apply it, the takeaways from that in everybody will be
12 different. Again, as part of that training environment
13 within Professional Standards for organisational
14 learning we looked at how do we best capture our people,
15 so again it was looking at various -- not just the
16 probationers, but other first line managers courses. As
17 part of the messaging to them in terms of sergeants and
18 inspectors you're looking for them to go and lead on
19 those messages, deliver those messages, again to
20 their -- when they go back to their
21 divisions/departments, cascade that and reinforce the
22 messages of the force at that time.

23 Q. So that's something that Professional Standards are --

24 A. It would play a part, and again we have obviously got
25 our training division as well at the college, which --

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1 no doubt there would be close kind of working
2 relationships there as well.

3 Q. So in terms of the standards themselves, the 2014
4 standards, is it your understanding from your time in
5 that department that officers do have to observe certain
6 standards and comply with those standards in service?

7 A. It is definitely.

8 Q. And for some of them it's not just when they're on the
9 job, but it's also when they're --

10 A. Off-duty.

11 Q. -- in their -- off-duty. And one of those is equality
12 and diversity?

13 A. Yes.

14 Q. And constables should act with fairness and impartiality
15 and that they do not discriminate unlawfully or
16 unfairly. Is that a standard that the service expects
17 officers to comply with?

18 A. Yes, and again we know the purpose of Police Scotland,
19 we know the values. Again, it's up to us to act in
20 a way that we uphold and reflect on those values.

21 Q. And if they don't uphold those values, or observe those
22 values, then there's an obligation on constables,
23 officers to challenge and report improper conduct:

24 "... to report, challenge or take action against the
25 conduct of other constables which has fallen below the

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- 1 standards of professional behaviour."
- 2 A. Mm-hm.
- 3 Q. So for officers who are maybe at work, or even
4 socialising with other officers, if they see
5 discriminatory behaviour, such as racist behaviour, the
6 use of racist language or inappropriate racist jokes,
7 would their obligation be to challenge that immediately
8 and to report it?
- 9 A. Yes, and again that's the -- I would say that's their
10 moral obligation as well.
- 11 Q. And that's off-duty as well as on duty?
- 12 A. This is from more a police officer to police officer, if
13 they were~..?
- 14 Q. Yes.
- 15 A. Yes, and again I know there is obviously incidents where
16 the actions of a police officer off-duty do come to the
17 attention of the police and undoubtedly Professional
18 Standards.
- 19 Q. And that's something that would be drawn to the
20 attention of the Professional Standards Department?
- 21 A. Yes, because again -- and if it's off-duty an officer
22 should be treated like no other, they should abide by
23 the laws and if they were to commit offences they are
24 treated as a member of the public first and foremost and
25 that provides -- there is consistency round that in

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1 terms of -- but also the recourse in terms of any
2 internal misconduct element would be considered.

3 Q. I'm interested in how an officer who had witnessed
4 racist behaviour or language could report that to
5 ultimately Professional Standards. Would they have to
6 go through their line manager, or could they come direct
7 to Professional Standards?

8 A. Again, that's evolved as well in terms -- I can only
9 really speak to since being in PSD in terms of the
10 normal because you -- I think, again, the society is how
11 the -- the report mechanism, but also before you report
12 something do you have the confidence in reporting that
13 and more importantly how do you go about that? So like
14 any member of the public reporting to police, there's so
15 many avenues. If they wish to remain anonymous there's
16 mechanisms there.

17 So I think we have had to, as an organisation as
18 well, develop that process in terms of a direct -- if
19 you didn't have the confidence in reporting it to your
20 line manager for whatever reason, the fear potentially
21 of not being believed, the fear of being ostracised as
22 a result, that there obviously has to be a mechanism to
23 do that in confidence -- confidentiality.

24 Q. And thinking about the confidence of an individual to
25 report it, you have talked about a number of fear

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1 factors there. Could that also be a fear of impacting
2 your promotion prospects, or your career progression?

3 A. It could definitely be a factor, and again I could only
4 relate to my early years of service that if I was would
5 I have the confidence to do that? Maybe not.

6 Q. You mentioned that it can be anonymous now?

7 A. Yes.

8 Q. When did that come in, that you could --

9 A. I'm not too sure. It certainly seems to pre-date my
10 involvement, in terms of whether it is an email or
11 a phone number.

12 Q. Is that something that the Professional Standards were
13 keen to observe, anonymity and protect anonymity if
14 someone requested it?

15 A. I think so, yes.

16 Q. And then you have talked about your role as
17 investigating.

18 A. Mm-hm.

19 Q. Is part of the role of that department to investigate
20 complaints that are made?

21 A. So my role specifically was on duty complaints and
22 obviously to coordinate any off-duty complaints with the
23 specific area where these have been committed.

24 Q. Did you in your experience come across complaints about
25 racist behaviour or conduct?

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- 1 A. I don't think I did, no.
- 2 Q. Were you aware of other investigations in relation to
3 racism of any type?
- 4 A. I can't say I am and given my involvement in this
5 I think I would -- it would definitely be something that
6 I would be alive to.
- 7 Q. What do you mean your involvement with this --
- 8 A. Sorry, in terms of my learned experience through this,
9 definitely my awareness has been heightened as a result,
10 so I'm not just saying that at a level there might have
11 been complaints dealt with by the division that
12 inappropriate comments were made that were perceived to
13 be racist but in the same token, sexist, misogynistic,
14 again it might have been dealt with at a different level
15 and not involved me, whether it was deemed to be --
- 16 Q. So --
- 17 A. Yes, whether it was deemed to be criminal, non-criminal
18 and obviously then the misconduct consideration.
- 19 Q. What happens if there are questions about a criminal
20 prosecution; how does that impact on Professional
21 Standards?
- 22 A. So if someone's committed an offence off-duty,
23 a criminal offence off-duty?
- 24 Q. So there's some sort of breach of standards by
25 an officer, on duty or off, and there's a question about

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1 misconduct proceedings involving the Professional
2 Standards Department, but there remains an issue about
3 whether they're going to be prosecuted, for example.

4 A. Yes.

5 Q. How do Professional Standards deal with that situation?

6 A. So again -- and I think any suggestion or consideration
7 of criminal proceedings, whether on duty or off-duty,
8 need to conclude effectively before misconduct
9 proceedings can progress, but there is obviously
10 measures -- mitigating measures -- or measures that can
11 be put in place to mitigate any associated risk and
12 restrictions could be placed upon that person, again in
13 terms of the -- depending on the circumstances, duty
14 restrictions that prevents them from being front facing,
15 depending on the circumstances, and if they -- if
16 circumstances dictated then the gravity of suspension
17 potentially.

18 Q. So is it the case that any question of criminal
19 proceedings will bring misconduct proceedings to a halt?

20 A. Yes, it's more a -- it's more a kind of timeline process
21 that we can commence them in terms of notification of
22 misconduct proceedings, or a misconduct assessment would
23 be carried out on conclusion of the criminal proceedings
24 at that time then assessment of whether that was
25 misconduct, gross misconduct.

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1 Q. Let me just stop you there. You said you can commence
2 proceedings and then you said or an assessment?

3 A. Yes, so there's a procedure that you would -- if there's
4 a subject officer who is subject to a criminal
5 investigation, you could provide notification to them
6 that on conclusion of the criminal proceedings,
7 misconduct will be considered.

8 Q. How is that done?

9 A. It's carried out by PSD, ordinarily by the officers that
10 are investigating. That would be delivered to the
11 subject officer.

12 Q. Is it a letter or a form?

13 A. It's a kind of pro forma. I think it's a regulation 9.

14 Q. So if there are possible criminal proceedings being
15 considered against an officer, how do PSD become aware
16 of that?

17 A. Through various mechanisms, again depending on the
18 circumstances, so as part of my role I carried out the
19 on call function, not dissimilar to the on call function
20 I performed on this day but just a different role, so
21 say for instance it was off-duty and dealt with
22 police officers, you would no doubt then get
23 a notification from that division that that -- the
24 officer concerned had been involved. Again, it's --
25 that's when the PSD considerations of what measures we

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- 1 need to put in place to mitigate the risk associated
2 with the particular crime.
- 3 Q. Whose responsibility would it be to get in touch with
4 PSD to say, "Officers may be subject to criminal
5 proceedings"?
- 6 A. Again, it would be just through those -- if it happened
7 during the day, Monday to Friday, and the senior
8 management team were on in the particular area, that
9 would probably be the conduit. If it is out of hours,
10 weekends, that normally comes through the on call
11 function.
- 12 Q. So some sort of contact --
- 13 A. Yes.
- 14 Q. -- with PSD and then PSD can send a pro forma, I think
15 you said, notifying of misconduct once they have
16 considered whether to --
- 17 A. Yes, it wouldn't be --
- 18 Q. It's not automatic?
- 19 A. No, and again there's a PSD gateway so they are the
20 central coordinating function of all those notifications
21 and then decide obviously how that needs to be
22 allocated.
- 23 Q. So the notification would be sent to PSD, they would
24 have a gateway to consider and then would officers
25 within PSD consider how to proceed at that stage?

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1 A. At that time in terms of if there was any kind of
2 time-critical actions to take place. As I say, if it
3 was in terms of duty restrictions and/or suspension
4 that's something -- so, for instance, if the criminal --
5 if the criminal investigation was to proceed so that
6 that officer was to appear at court that day, next day,
7 there's -- as I say, there's measures we probably look
8 to put in place before then.

9 Q. And in this situation where officers were advised that
10 the Crown were going to consider whether to raise
11 criminal proceedings, during that period would that be
12 notified to the PSD and they would assess what to do
13 about the situation?

14 A. Yes.

15 Q. So if it we were -- if the Inquiry wish to contact PSD
16 and maybe find out what had had happened in this
17 situation, is there a particular department or person
18 that we should be contacting?

19 A. There's the gateway but in terms of -- I suppose
20 officially the head of PSD is the Assistant Chief
21 Constable for Professionals and Assurance. I suppose
22 that would be your conduit to how it would be --

23 Q. First port of call?

24 A. Best placed, yes.

25 Q. And are you aware from your time in PSD whether there

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1 was anything done in relation to the officers that
2 were --

3 A. No.

4 Q. No? You're not aware or you don't know if anything was
5 done?

6 A. I don't know if anything was done. I would imagine --
7 and again, just for processes, the PSD would have been
8 informed on the day. As to any actions or
9 considerations thereafter, not, and then credit
10 obviously when I was within PSD I was not -- on purpose
11 not made aware of anything relating to the proceedings
12 here.

13 Q. There was nothing to do with you during your time then?

14 A. Just owing to my involvement.

15 Q. Right. Thank you very much. We will look into that.

16 I was going to come back actually to how someone
17 would do the -- would make a complaint of behaviour, if
18 it they had witnessed racist behaviour, but before I do
19 that, is it automatic, from your knowledge of PSD, that
20 criminal proceedings will take precedence over
21 misconduct proceedings and pursuing them?

22 A. Yes, I think so, because if there was a -- there was
23 a time that we actually considered could misconduct
24 proceedings proceed in parallel with a criminal
25 investigation and I don't think that was -- I don't

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1 think that was deemed to be appropriate and/or lawful,
2 I don't know.

3 Q. Was that in a particular case, or just generally, was it
4 a policy?

5 A. It was explored generally in terms of how to try and
6 refine and make the process more efficient because
7 obviously there's extensive timescales potentially in
8 criminal proceedings and how they come to a conclusion
9 and then thereafter conduct proceedings. So, again from
10 that, the lessons learned, potential feedback, that --
11 and whether the impact on the officer's welfare, the
12 witnesses involved, that we did look at how we could
13 refine and revise the process to be a bit more
14 efficient.

15 Q. From your time in PSD was there ever an occasion where,
16 although criminal proceedings were being contemplated by
17 the Crown, that misconduct proceedings had run in
18 parallel?

19 A. No, as I say, I think it was explored and quickly
20 negated.

21 Q. So if it would appear there was a discretion to allow
22 misconduct proceedings to continue in certain
23 circumstances, you're not aware of any having actually
24 been continued?

25 A. No.

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1 Q. From your experience of a situation where misconduct
2 proceedings are being contemplated by the ACC but there
3 is also an outstanding possible criminal prosecution,
4 you have talked about different options for the ACC in
5 terms of putting restrictions in place and I think one
6 of the restrictions you mentioned was suspension.

7 A. Yes.

8 Q. In your experience is that something that's commonly
9 done, or is it more common for officers to have their
10 role changed?

11 A. I think, and again just from my own experience, that the
12 number of officers on duty restrictions would be far
13 greater than the number of suspended officers.

14 Q. Thank you. Right, I would like to -- thank you.
15 I would like to come back to how somebody would go about
16 making a complaint of racism. So leaving aside the
17 possibility of making an immediate challenge to
18 an officer for behaviour, or the way they have acted, or
19 something they have said, if somebody wished to raise
20 a matter how would they go about raising that matter and
21 reporting that matter?

22 A. It's the same process for any -- you have mentioned
23 racism, but any inappropriate behaviour/actions. If
24 it's in the workplace then, as I say, I would suggest
25 your first port of call is your line manager, so as an

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1 officer it would be your sergeant. Again, if there was
2 a suggestion that the sergeant was in any way involved,
3 you would maybe look to another sergeant, probably who
4 you felt most comfortable in confiding in, so where that
5 happens -- but even before that in terms of resolution
6 I'm also aware that people have resolved the issue by
7 challenging the person themselves and resolving it
8 between them. Whether that has then been escalated to
9 line management I don't know, but I have definitely --
10 but that's only in recent years and again I think that's
11 how we have evolved in giving people the confidence in
12 various platforms to challenge any inappropriate
13 behaviour.

14 Q. And if somebody challenges, who -- an officer, who
15 decides whether that is in itself sufficient, or whether
16 it needs to be reported?

17 A. So again you're relying if -- if it's challenged between
18 the people involved and it doesn't go any further then
19 I don't know how you can control or ensure that if there
20 was line management aware. That may come from a third
21 party, I don't know, and again that has happened in
22 circumstances.

23 Again, I think if -- again only knowing my own line
24 manager experience, if an officer comes to you with any
25 problem or issue I suppose it's managing expectations of

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1 what are they looking for you to do because it would be
2 a bit remiss if the fact that the actions you took
3 thereafter weren't in keeping with how they wished it
4 progressed or resolved.

5 Q. So is it very much led by the wishes of the person
6 making the complaint or the report?

7 A. Yes, but I suppose as well to assist by giving a suite
8 of options perhaps to how they would look to -- don't
9 get me wrong, if the information was that we were going
10 to going to take it outwith their hands, again it's all
11 part of that lines of communication, the reasons and
12 rationale why, that you couldn't ignore or give them an
13 option of how they're supposed to be progressed, and
14 from that it would be just what is overtly criminal.

15 Q. Whose decision is it whether or not it will be taken out
16 of the reporter's hands, the complainer's hands?

17 A. So again it would be whether -- like any first form of
18 disclosure, in terms of who then they choose to go and
19 discuss -- whether it's peer support from another person
20 of the same -- and again, I think the rank structure
21 could go out the window at this stage in terms of what
22 discussions needed to take place and how they -- if it
23 required escalated that would then be into the senior
24 management team of whatever division or department it
25 related to.

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1 Q. So if someone came to their sergeant with a complaint or
2 to raise an issue, what does the sergeant then do?

3 A. So if it's to be escalated and if it is something that
4 again, based on a case-by-case basis, that the sergeant
5 can't resolve even in terms of performance action, in
6 terms of -- and again, there's sometimes issues that
7 requires like mediation, and again it's all in line with
8 the wishes and expectations to start with, in terms of
9 the person that's coming to you. Naturally escalation
10 from there would be to the inspector and that's just in
11 line with the rank structure.

12 Q. Then where does it go from the inspector?

13 A. So again if it's -- depending on the time of day and
14 kind of -- is it something that could wait, is it
15 something that's dynamic, urgent, that actually needs to
16 be taken there and then, I don't know, but you would
17 then have the Chief Inspector again in charge of that
18 area/department.

19 Q. And where would it go from the Chief Inspector?

20 A. So above a chief inspector you have a superintendent.
21 Again, I think there's a line in this that you've got
22 the uniform superintendent but if it's in the crime
23 management world you've got the detective equivalent of
24 each rank.

25 Q. Does it simply go up the ranks?

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1 A. (No audible reply).

2 Q. Is there any option for someone to go straight to
3 Professional Standards?

4 A. There is now, yes, and there is -- for a number of years
5 that's existed.

6 Q. When did that come into --

7 A. As I say, it pre-dated me coming but I know there was
8 mechanisms and I know of -- I've obviously heard of the
9 term in terms of whistle-blowing etc and I know there's
10 mechanisms for that as well.

11 Q. In 2015 was there that route in place?

12 A. I'm not sure.

13 Q. Well, we can maybe get more information from
14 Professional Standards about these things.

15 Could I ask you to look at paragraph 28 again. It's
16 still on the screen, we've slightly moved away from this
17 paragraph, but I would like to go back to it. We were
18 talking about the phrase, "A bit despondent", halfway
19 down and then you said:

20 "And the roles and responsibilities of a cop have
21 just increased and just been added to all the time in
22 terms of what we're expected to do. That's changing and
23 keeping up with society as well. So you do get a lot of
24 people that have done their time and are a bit sick of
25 back shifts, but don't do anything about it."

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1 Do these added responsibilities that you're talking
2 about that have increased, do they cause you concern,
3 the increase in these responsibilities?

4 A. They do. I think it's the pressures of any work and
5 obviously how you cope personally with that pressure,
6 but also the support that you have in place to -- again
7 I think it's all -- like anything, I think when I first
8 joined the police the demand has always potentially
9 outweighed the resource that's there to do it and that's
10 all how you then prioritise your work. Again, everyone
11 has different ways to how they manage their workload.
12 But I think, yes, the landscape of policing has changed,
13 but again in keeping with society as well.

14 Q. Do you consider that the weight of the expectations on
15 officers nowadays is too great?

16 A. I think regardless of the weight of expectation we have
17 still got a service to deliver, that's the core function
18 of policing in terms of serving the public. So yes,
19 sometimes we would have to prioritise that -- and again,
20 people that contact the police every day are looking for
21 a service, it's how we manage and prioritise and respond
22 in terms of the most appropriate manner.

23 Q. Do you find that some officers find it more difficult
24 than others to meet these expectations?

25 A. Perhaps, but again it just comes -- it comes down to the

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1 personalities but also in terms of line management
2 support as well. If they are for instance struggling,
3 so if someone's workload is too great, are they
4 getting -- there are support measures there to assist
5 them.

6 Q. What about the expectations insofar as -- we have looked
7 at standards and the requirement that they have to
8 comply with the equality and diversity standards. Do
9 you feel the expectations in that regard are too high?

10 A. They have obviously I think intensified and that's only
11 come through I think the knowledge and awareness of it,
12 but again I don't think the kind of core
13 responsibilities when I first joined to now is any
14 different, it is that we will always be held to a higher
15 standard and I think from the position of responsibility
16 and power that we do have as officers is that that's
17 directly expected by the public.

18 Q. Can you see a way that some of these responsibilities
19 could be relieved, or eased for individual officers?

20 A. In terms of now?

21 Q. Yes.

22 A. Yes, I just think, as I say, the landscape in terms of
23 demand of policing has changed in terms of what threats
24 that we pose, in terms of -- even in terms of
25 vulnerability. So again, I think it is just through

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1 discussions with colleagues in terms of the nature and
2 demand that they're attending to and how potentially
3 they feel that is diverting them away from the real -- I
4 was going to say real policing but in terms of
5 the policing effectively. I think the nature of
6 policing has changed. Again, even what I'm looking at
7 in terms of policing a digital world, the threat is --
8 from physical threats there's now the digital threat
9 online, how we then respond and react to that as
10 a service.

11 Q. When you talk about "real policing", what do you
12 think -- what does that mean?

13 A. Well, again so -- as I said, the demand always outweighs
14 the resource and it's how we prioritise focus, where the
15 resource requires to be of every minute of every day.
16 I think in terms of vulnerability it's not -- these
17 demands are not solely and can't sit with the police not
18 saying to solve but you have obviously got a partnership
19 responsibility as well, especially in terms of
20 vulnerability, in terms of health, so I know through
21 speaking to officers and I know even when I was an
22 officer doing cell watch, for instance, I didn't
23 particularly see that as my kind of core role, when
24 I was getting used for court duties. But again it's
25 a job I needed to get done and I complied with it.

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1 A lot of officers now I feel that are sitting within
2 health establishments and knowing that -- well, why are
3 they there? Is this the kind of core function of
4 policing? Well, it is the reality of it but can we look
5 at potentially shifting that demand to other partners?
6 That won't be for me to decide and again the pressures
7 of resource and finance etc, so it definitely feels like
8 a challenging time for policing but again that extends
9 to society as well with other challenges.

10 Q. Do you think that police officers view the standards of
11 equality and diversity and observing those standards as
12 not real policing?

13 A. No, because the standards then align themselves to how
14 we conduct ourselves, so I don't think -- regardless of
15 what the demand is and what the role we have to play,
16 those core expectations and what's expected of us could
17 transfer to what that job is.

18 Q. Could we look at paragraph 30 please. You're talking
19 there on 3 May 2015:

20 "... you do see what's playing out and Alan [that's
21 a reference to Alan Paton there] was first there. In
22 terms of day shifts, the culture of the cops is they
23 meet at 6 o'clock in the morning and they get told their
24 duties. And unless there's an urgent call, the culture
25 is canteen, coffee, watch the telly, is the reality.

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1 And then the fact is it's like toss a coin to whoever's
2 gonna get the first call. And then there would be the
3 humphing and hawing about. That's the view that doesn't
4 get portrayed. The cops reacted to something. They
5 didn't get their keys from the muster and head straight
6 out to go patrol. There was a reactive response to the
7 call as opposed to any of them driving about the
8 streets."

9 Can you explain what you mean by this paragraph?

10 A. Yes, probably it's a poorly articulated -- again, it
11 was -- I don't mean the culture, I was just trying to --
12 I think that statement is a bit of scene-setting, it's
13 the fact that the timing of that call coincided with
14 that shift just starting. Ordinarily, and again just
15 trying to work through, our routine is that the officers
16 will attend and be briefed by the supervisor in terms of
17 roles and responsibilities for that day, as opposed to
18 where the demand then comes is dictated by whatever
19 calls come then to the police.

20 With a day shift, especially with a Sunday, once
21 they have had that briefing the routine, and as I said,
22 the culture, would probably be to go and get a cup of
23 coffee, because they have been up early on the day
24 shift. They would go and get a coffee and they would
25 pretty much lambast the controller for the first call

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- 1 they got because it's causing them to go out onto the
2 street.
- 3 Q. And to miss their coffee?
- 4 A. Yes, and so -- and again that's important to the
5 officers. I think as part of that scene-setting is that
6 if this call was to come in at any other time of day
7 during a shift, those officers would be effectively
8 dispersed across Kirkcaldy dealing with whatever demand.
9 So it was the fact that when the call came in -- don't
10 get me wrong, there was no tossing of the coin to
11 decide. They attended because of circumstances as the
12 entire team from the one place, so it -- I suppose it
13 did give a feel like en masse as opposed to attending
14 from different areas where the response might have been
15 different in terms of the timing of arrival.
- 16 Q. And were you making some comment there about Alan Paton
17 in relation to him being first --
- 18 A. Yes, and I think -- I'm not sure what's above but yes it
19 was more the fact that I think he was the first --
20 I spoke about my awareness of the call on the Airwave,
21 I think potentially he is the first voice that I heard
22 familiar, as opposed to the controller.
- 23 Q. We have heard that PC Paton and Walker were first to
24 arrive at the scene.
- 25 A. Yes, I think I recognised -- and again I have explained

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- 1 in my statement in terms of when I joined the shift
2 Alan Paton was on the shift I was on, on so his voice
3 was familiar.
- 4 Q. So were you saying something about Alan Paton's attitude
5 or demeanour that day that -- or was this an assumption
6 that you were making?
- 7 A. Yes, no, and I think again it's probably split the fact
8 that I was talking about Alan was hearing him on the
9 radio, nothing about the routine of -- I don't even know
10 if he got a coffee that day. Some may go on and some
11 might have been in the writing room getting on with
12 their workload and not choosing to do that. I was just
13 saying they were all within the police station having
14 just been briefed. There was no other opportunity for
15 them to be dispatched on another call.
- 16 Q. Well, we have heard that PC Paton and Walker had
17 actually gone out to another matter and then rerouted to
18 go to Hayfield Road.
- 19 A. I wasn't aware of that.
- 20 Q. No. Could we look at paragraph 31 please. This is
21 a part of your statement where you talk about race:
22 "I have read stories about Alan in the press."
23 Again you are referring to Alan Paton:
24 "But none of those issues, even in terms of family
25 issues, were ever evident. He never spoke about it, to

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1 be honest. And, again, I don't think there's an
2 occasion that, no doubt for all the stuff that I was
3 involved with him, that I ever had any issues about his
4 attitude or behaviour towards members of the public, or
5 even views, perceptions. Because I could easily quote
6 many that did, to be honest, but Alan wasn't one of
7 them. The fact is that he's been portrayed as a racist
8 in the press by his family. Did I ever get a sense of
9 that? Nah, never, to be honest."

10 And was that your view of Alan Paton?

11 A. Yes, I think linked to -- we spoke about terminology
12 with agendas yesterday. This was something that was
13 playing out separately.

14 Q. Right, and you talk about the stories that have appeared
15 in the press about Alan Paton. Can I confirm with you,
16 you had not observed any racist attitudes from former
17 PC Paton --

18 A. No.

19 Q. -- in your experience of him? And you do talk about
20 having been involved with him in "all the stuff I was
21 involved in". What does that mean? You say:

22 "... no doubt for all the stuff that I was involved
23 with him~..."

24 A. I think it's -- that first statement is scene-setting my
25 knowledge of all the officers. As part of Alan --

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1 saying having joined and he was part of the shift I was
2 on at the time -- I think I was on that shift for two
3 years -- to then probably sporadic involvement in years
4 thereafter. But on the day, as I say, there was
5 nothing -- and again, I can't comment on private life,
6 but there was nothing that -- if there was issues in
7 private life, that didn't transfer into any dealings
8 that I had with him.

9 Q. So you had actually worked with him for a couple of
10 years?

11 A. Yes.

12 Q. On the same shift?

13 A. Yes.

14 Q. Was that in Kirkcaldy?

15 A. That was Glenrothes in 1998.

16 Q. So can I confirm with you, had Alan Paton ever said
17 anything in your presence that indicated that he held
18 racist views or attitudes?

19 A. No.

20 Q. Had you ever seen him do anything or treat anyone
21 differently on the grounds of their race?

22 A. No.

23 Q. When you then say:

24 "Because I could easily quote many that did, to be
25 honest, but Alan wasn't one of them."

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- 1 Tell us what you mean by that?
- 2 A. That's not specific to racism. As I say, I have
3 encountered people, as I say, who have acted or
4 commented inappropriately in terms of people I have
5 worked with and I think I obviously explained that at
6 the start and people that I would align myself to in
7 terms of good role models as opposed to people that
8 I would effectively avoid.
- 9 Q. When you say, "They had acted inappropriately", can you
10 give us some examples of what you're meaning?
- 11 A. I think it would be probably -- as I say, their conduct
12 within the workplace. If it was something that extended
13 in terms of any overt action or specific direct views to
14 anybody, then I would -- you know, I would like to think
15 I would have had the confidence back then to challenge,
16 or if not, notify. I think it was just more that Alan
17 didn't seem -- yes, I had no issues or any experience
18 with Alan. I think it was just to say others, yes,
19 throughout my policing career I have experienced people
20 acting inappropriately, definitely.
- 21 Q. So you have clearly explained that you have -- you have
22 come across people in your time in the Police Service
23 who you have not wished to align yourself with and you
24 have removed yourself from them.
- 25 You have talked about these people acting

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- 1 inappropriately. I'm trying to work out in what way
2 they have acted inappropriately?
- 3 A. Just going back, more around about your comments, or
4 views that they have shared, views that they hold, but
5 again not specific to racism. Again, for all of the
6 kind of protected characteristics under the
7 Equality Act.
- 8 Q. So in relation to any comments about racism you say you
9 have not seen that, but what about discriminatory
10 comments?
- 11 A. Definitely.
- 12 Q. What type of protected characteristics are you talking
13 about?
- 14 A. From my own experience age, in terms of joining at 17,
15 and again the views of maybe the older generation.
- 16 Q. These were directed at you?
- 17 A. Mm-hm.
- 18 Q. Anything else?
- 19 A. Probably, and again just on reflection given my recent
20 involvement with the force's efforts in terms of
21 tackling sexism and misogyny, would be misogynistic
22 comments to female colleagues in particular.
- 23 Q. What about religion?
- 24 A. I can't say, but if you were to associate religion with
25 potential football, that perhaps --

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- 1 Q. Sectarianism?
- 2 A. Yes.
- 3 Q. You have seen that exhibited over the years?
- 4 A. Yes, and again just within the workplace talking about
- 5 the football and then religion, sectarianism playing out
- 6 in terms of comments, and sometimes the terms used for
- 7 certain teams and --
- 8 Q. By officers?
- 9 A. Yes, who -- again supporting factions in terms of there
- 10 had been a game and just so ...
- 11 Q. Any other protected characteristics?
- 12 A. I would probably include them all in fairness at some
- 13 point. I can't be specific.
- 14 Q. When you say you would probably include them all, would
- 15 you include racism, race?
- 16 A. But I think we talked about jokes with racial
- 17 connotations, a lot of stereotypes, yes.
- 18 Q. You have mentioned I think in another paragraph about
- 19 old-fashioned jokes about the Englishman, the Scot and
- 20 the Irishman. Is that the type of thing you're thinking
- 21 about?
- 22 A. Yes, and more specific jokes roundabout other religions
- 23 and race.
- 24 Q. And would that relate to black men?
- 25 A. Yes.

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- 1 Q. Muslims?
- 2 A. Perhaps, yes.
- 3 Q. Perhaps? You can't remember, or probably but you can't
4 specifically remember anything today?
- 5 A. Again, I think if we can relate -- not so much with
6 WhatsApp because it was different. Jokes that used to
7 be cascade sent amongst contacts that would involve, as
8 I say, various ethnicities, sexist, misogynistic.
- 9 Q. Thinking back now, did you challenge those comments?
- 10 A. No, certainly not in my early years. Again, as I tried
11 to get to grips with an organisation in terms of at
12 17 years old and those -- again, probably not until
13 maybe I was in the kind of supervisory ranks. Again,
14 probably looking at awareness-raising round it, and
15 I certainly wasn't going to adopt some of the practices
16 and that's seen in terms of people's work ethic. In
17 terms of, as I say, I took what I thought in my eyes was
18 the good and bad of the people that I worked with to try
19 and -- as I evolved and developed as an officer.
- 20 Q. And you have mentioned some of the possible reasons why
21 someone may not challenge that type of behaviour. What
22 were your reasons for not feeling able to challenge that
23 behaviour?
- 24 A. So again trying to -- have I been in a canteen where
25 something has been said inappropriate? Have I reacted

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1 and laughed trying to think it was the right thing to do
2 between the team? Would I have thought at that time
3 that it was potentially wrong? Yes. Would I have
4 challenged? No. Again, that fear of wanting to be kind
5 of the team player -- I don't think there was ever
6 a point I thought, "I need to challenge this", but if
7 I did would I be in fear of kind of being ostracised
8 from the shift effectively?

9 Again, just my age, potential immaturity and the
10 kind of steep learning curve of joining an organisation
11 like the police.

12 Q. And why would you find that you laughed at things like
13 that?

14 A. Again, and by any means it's like peer pressure, but as
15 I said I'm not saying I did laugh, but again I suppose
16 it comes down to what do we class as humour? Did
17 I think that there was any ill will or intention because
18 of the joke or sense of humour? And again, it changed
19 dramatically since, but I think in policing there was
20 like the dark humour element of some of the roles and
21 jobs that we did do aren't nice, continue not to be
22 nice, so do we try to lighten the mood by introducing
23 humour to help ourselves in terms of dealing with it?
24 Would that have been deemed inappropriate to others?
25 I think by no means knowing your audience, but you know

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1 the people you work with, that wasn't being complacent
2 to why I didn't voice whatever opinions I can, it was
3 just the environment at that time.

4 Q. Would that include comments that now you look back could
5 be considered racist comments?

6 A. Definitely now but not directed at an individual
7 specific person, potentially a group, yes, but a group
8 that then potentially wouldn't be part of the
9 conversation either, so it was within that environment
10 everybody saw it as humour. If I thought there was any,
11 as I say, intent or some form of specific view that
12 might reflect on how they did the job then I would like
13 to think I would have an issue with that.

14 Q. You mentioned the words about being a team player and
15 you have mentioned peer pressure. Can you explain
16 a little about the impact that had on you?

17 A. So again I think as you -- you want to go into an
18 organisation first and foremost, a new team, again the
19 mixed characters, personalities within that, you want to
20 kind of endear yourself to them as part of fitting in
21 I suppose. Part of that I would see kind of -- say for
22 me being subject, I don't feel kind of victimised, but
23 what would it be classed of then, kind of character
24 building in terms of -- and I didn't have really good --
25 I had mixed feelings with the police before I joined.

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1 When I joined at 17 as a cadet did I think that I could
2 maybe make a difference and bridge that group with the
3 youth, given how they were potentially perceived? Yes.
4 Did I have some success with that? Yes, and from
5 a local level. I was obviously never going to solve any
6 other holistic or broader deep-rooted issues.

7 So yes, I think I potentially may have went along
8 with stuff that was said in an open environment, nothing
9 specific to me, but it would generally be in that kind
10 of team environment because again the reality is that
11 the time that you did have to meet and discuss was in
12 the canteen and I don't want to try and portray like the
13 canteen culture, but that's the times that you were --
14 the only time really in the day that you were together,
15 given the demands of the job.

16 Q. We have heard evidence about different ranks and the
17 quite hierarchical nature of the police. Has that also
18 had an impact on when you felt able to react or
19 challenge behaviour?

20 A. Yes, and I think as even your first line manager,
21 supervisory training you try to provide -- you obviously
22 want to have a close association with your officers, you
23 try -- you definitely have to have a line. Again,
24 usually that includes potentially not being in the
25 canteen where they can relax and be themselves -- not to

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1 say there's anything inappropriate going on. But
2 I definitely felt in my first role as a supervisor
3 that -- you know what I mean, you were kind of being
4 ostracised because, "We're a team and we want to have
5 a laugh", and the supervisor may interfere or disrupt
6 that.

7 Q. A few minutes ago you talked about, "Jokes used to be
8 cascade", you used the words, "cascade and sent amongst
9 contacts". Can you explain what you mean by that?

10 A. Again, not having a phone in the '90s that had the
11 technology it has now, it would be a -- whether it's an
12 analogue or whatever text and you would receive them,
13 and more in the kind of narrative, nothing fancy, so
14 just a normal, standard text message.

15 Q. And nowadays obviously we have memes and photographs and
16 videos that can be communicated. Do they continue to
17 cascade messages, officers, amongst themselves?

18 A. Again, we have talked about it and we know that WhatsApp
19 groups do exist between groups and associations of
20 people. Again, that's not explicit to policing, so
21 potentially yes and I have explained my position on that
22 and that I will soon -- if I'm part of a group that
23 I don't agree with potentially come out and not
24 challenge and that's -- because it's not just solely to
25 policing. Again, if it's associates or whatever,

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1 they're not held obviously in the same standards or
2 expectations of standards as we are.

3 Q. As police officers are?

4 A. Yes, but to be honest I think in the friends that I do
5 have now, there's probably a kind of respect that they
6 won't share stuff with me because they know my position
7 on it.

8 Q. Because of your rank, do you think, or your status as an
9 officer?

10 A. No, just I'm the police and they know where I stand on
11 these issues.

12 Q. Do you feel now you do have the maturity and the
13 confidence to stand up for --

14 A. I just don't get sent anything.

15 Q. Does that make it easier for you?

16 A. Yes, and it's not ignorance to the fact, I'm alive to
17 the fact that it will go on elsewhere probably.

18 Q. Can we look at paragraph 32 please:

19 "I have been asked if I ever got a sense of that in
20 the police force generally, among the rank and file, the
21 canteen or elsewhere. Nah, never. My day business is
22 now dealing with this in the wake of Sarah Everard. So
23 we do a thing about sex equality and tackling misogyny,
24 and I can definitely reflect about inappropriate
25 behaviour and comments. Again, we'll always have that

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1 debate of, was it banter? Regardless, the reflection is
2 that it only takes one person to not agree with it and
3 it's wrong. I think that's just how society's changed,
4 that acceptance. So I would never, as I say, mainly
5 because I have childhood friends in terms of Asian and
6 African, I would never stand for it because that has
7 never been acceptable. Nah, it's not a thing. In terms
8 of inappropriate jokes and the rest of it, yeah. But
9 not somebody out-and-out racist."

10 I would like to ask you some questions about this
11 paragraph. If we can go back to the top please. You
12 mention -- well, first of all maybe just -- I think when
13 you signed this statement you were dealing with
14 something regarding Sarah Everard and misogyny, but is
15 that the same as the work you're doing on digital --

16 A. No, it was in my previous role.

17 Q. So this was your previous role and you have moved on
18 since then?

19 A. Yes.

20 Q. So you have used the word "banter" and I -- sorry,
21 "inappropriate behaviour and comments", and do you --
22 you used the word then, "A debate about whether it was
23 banter"; what does that mean to you?

24 A. Again, well, the term has been about for as long as
25 communication between probably people that are familiar

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1 with themselves, so friends, where you may insult them,
2 they may insult you back but you've got that respect
3 that it's not personal and it's seen as humour between
4 parties.

5 Q. And you will understand that one man's banter could be
6 another man's deeply offensive comment?

7 A. Yes.

8 Q. We have heard some information in the media generally
9 within the past week about banter and a WhatsApp group
10 in relation to Met officers down south being treated
11 very seriously down there and I think it said on the
12 news last week that two officers were going through
13 misconduct proceedings that had been brought by the
14 Chief Constable of the Met to see if they could get them
15 dismissed from the force.

16 Would you agree now that banter now should not be
17 dismissed and ignored?

18 A. Definitely not, and again just reflect on interactions
19 we all have with people in everyday life.

20 Q. Do you think that banter was ignored or dismissed
21 previously?

22 A. I think just in line with the same thing about humour
23 and jokes, the fact that the view was that it was
24 acceptable because of the humour element but not
25 probably appreciating the impact.

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1 Q. So, from your experience in the Professional Standards
2 Department, do you accept that banter does require to be
3 addressed?

4 A. (No audible reply).

5 Q. Do you think the word "banter" maybe diminishes the
6 significance of some of these comments, inappropriate
7 comments that can be made?

8 A. Yes, it tries to normalise -- it tries -- by using that
9 it seems it's okay, which it's not.

10 Q. And that maybe using that word dismisses or minimises
11 the concerns of someone who has been offended?

12 A. Yes.

13 Q. You say at the end of that paragraph:

14 "In terms of inappropriate jokes and the rest of it,
15 yeah, but not somebody out-and-out racist."

16 What do you -- what distinction are you drawing
17 there?

18 A. Again, if someone wants to make a joke and if it had
19 anything to do with race, religion and the other
20 elements, and if it was conveyed to try and be humour,
21 whether it was appropriate or not I don't think of --
22 and again, a colleague that have sat -- expressed their
23 own personal views on a particular -- as I say in terms
24 of race, any form of ill will or, as I say, that I think
25 that they would go out and that would transfer on how

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1 they delivered the service to that particular
2 race/religion. I don't think there's, "I think this
3 about that race". It was never personal. I mean it was
4 more generalised I think in terms of the jokes, the
5 comments, as opposed to someone expressing that real
6 hate of a particular class.

7 Q. How would you define an out-and-out racist?

8 A. I can't. It was just to distinguish between if someone
9 thinks they're being humorous and the fact that it's
10 inappropriate, that's one thing. For somebody then to
11 express specific views about anybody is taking it
12 a stage in terms of that -- in terms of that
13 pre-meditation in terms of how they feel driven by it,
14 whatever their motives are.

15 Q. And who would decide whether what's said is a joke, or
16 what's said is racist?

17 A. I think that comes down to the -- well, it would come
18 down to the individual. I suppose someone's intention of
19 what they think is a joke and if they're to be addressed
20 that that's unacceptable and they then learn from that,
21 I suppose that's one way of educating, but again if it's
22 something in terms of an overt action or comment or some
23 form of view, I would -- that's the distinction I would
24 make.

25 Q. Would it be the person observing that would form that

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1 view?

2 A. Well, as I know in terms of any kind of hate crime it
3 doesn't have to be between two people, it could be
4 a bystander as well.

5 Q. So would it be one individual observing or a group of
6 individuals observing that would be the people who would
7 decide?

8 A. Depending on the circumstances. If it's a group
9 environment or depending on the make-up of the audience.

10 Q. So it would be them that would decide is this racist or
11 a joke?

12 A. It would have to be either -- yes, because obviously if
13 it wasn't -- the person that's the source of it seems to
14 be -- I'm not saying oblivious, but I suppose they're
15 taken out of the equation. It's how it is perceived by
16 others.

17 Q. Then you will see just at the start of paragraph 33 you
18 say:

19 "I have been asked if I mean inappropriate racist
20 jokes."

21 You say:

22 "Aye. You can reflect on it in terms of text jokes
23 and all the rest of it, jokes about nationalities,
24 Englishman, Irishman, Scot. I don't think that's
25 specific to the police. And I know we're looking at

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1 different landscape in terms of institutional racism and
2 maybe other police forces. Communities are different as
3 well. That's changed now in terms of diverse
4 communities that are predominantly policed by white
5 Europeans. We then have integrated other cultures and
6 communities into Fife predominantly, because I've never
7 really worked anywhere else community-based."

8 I want to ask you a few questions about this
9 paragraph. You are asked about inappropriate racist
10 jokes and you said yes, so you have heard inappropriate
11 racist jokes?

12 A. And again extending to the other protected
13 characteristics, yes.

14 Q. Effectively all the protected characteristics?

15 A. Yes. It wasn't specific just to race.

16 Q. From police officers?

17 A. (Nods).

18 Q. And you talk about, "Text jokes and all the rest of it",
19 it talks about nationalities. What do you mean by that?

20 A. I think that was going back to the cascade, at a time in
21 whatever period that you would see a thread of different
22 themed texts effectively that would be sent to people's
23 contacts.

24 Q. And you say:

25 "I know we're looking at a different landscape in

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1 terms of institutional racism and maybe other police
2 forces."

3 Can I ask first of all, you use the term
4 "Institutional racism", what is it you mean introducing
5 that term?

6 A. No, I just think now the landscape that as an
7 organisation we are accepting now that racism exists
8 within policing, and again it's how we respond to that
9 as part of the coming -- and our ambition to be an
10 anti-racist organisation.

11 Q. And then you mention other police forces?

12 A. I just think it's not specific to Police Scotland, it's
13 policing across the UK, potentially worldwide.

14 Q. And you talk about the communities changing and are now
15 more diverse, "Predominantly policed by white
16 Europeans". Can you tell me a little bit more about
17 this?

18 A. I think probably the context of that was -- whether it
19 was earlier in the statement or a previous one, I think
20 again is trying to set the scene of Kirkcaldy or even
21 indeed Fife back then. I think I was asked in terms of
22 my awareness of the black community and I was trying to
23 say that I wasn't aware that it was a particularly big
24 community. I then tried to say that the
25 Eastern European community in terms of they have -- that

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1 appeared to be a bigger presence to me at that time, as
2 opposed to the black community, and again policed by
3 predominantly white officers. But again I know the
4 landscape in terms of how our kind of profile round
5 recruitment has changed as well.

6 Q. And you say:

7 "I've never really worked anywhere else
8 community-based."

9 So where is your -- the majority of your
10 community-based work?

11 A. I would class that as Fife, up until 2015 I have worked
12 predominantly in Fife. I think I explained it was
13 a small, compact region and community.

14 Q. If we look at paragraph 34 please:

15 "My knowledge of racial diversity in Fife is my
16 experience through the crimes that we dealt with. Early
17 doors in my career, early 2000s, was a major increase in
18 Eastern Europeans, predominantly Polish. That was
19 through industry as well. They predominantly worked on
20 farms and Kettle Produce. Agricultural industry. And
21 the reason we knew that is the fact that they actually
22 like to drink and like to fight with each other."

23 Can I ask you what impact are you suggesting the
24 increase in Eastern European people in Fife has had on
25 the crimes that you and your officers had to deal with?

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1 A. First and foremost I don't -- I think reflecting on that
2 I don't like how in the last sentence I have effectively
3 stereotyped in terms of that all Eastern Europeans drink
4 and fight with each other, so I reflect on that.

5 I think it was more --

6 Q. I was going to ask you about that in a moment. Looking
7 at that sentence now, how -- you will appreciate that
8 that does appear --

9 A. No, totally.

10 Q. -- to be a racial stereotype?

11 A. I totally understand that.

12 Q. And that paragraph does appear to be very derogatory.

13 A. I apologise for any harm that's caused.

14 Q. Well, let's stick with this paragraph for the moment.
15 The question I had asked was what impact were you
16 suggesting, or describing there that the increase in
17 Eastern European people in Fife had had on the crimes
18 that you were dealing with when you have worked in the
19 area?

20 A. So this was -- and again, I will try and articulate it
21 better than I have there. It was more about my dealings
22 with people from diverse communities and the fact is
23 that I did attend incidents where Eastern Europeans had
24 been fighting with each other, so that's the fact as
25 opposed to generalising, and as we engaged with them,

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1 that allowed me to get a greater understanding of their
2 background. There was an initial distrust in the police
3 and it was explained to me that that had derived from
4 their background in Eastern Europe, or whether it was
5 specific to Poland at that time, so again it was an
6 understanding of we go as the police to respond to an
7 incident, to assist in best we can, and to receive
8 resistance, but to understand that that was derived
9 through their experiences and background.

10 So that raised awareness and as a consideration for
11 me to tailor potentially -- and I think I spoke about
12 those reasonable adjustments for the next time, or how
13 could we actually, for what is a potentially hard to
14 reach community, how can we improve those relationships
15 as part of a new and emerging diverse community.

16 Q. So you have talked about you had dealt with cases, or
17 investigations where Eastern Europeans had fought with
18 each other.

19 A. Mm-hm.

20 Q. No doubt you have dealt with cases where white people
21 from Fife have fought with each other?

22 A. Definitely.

23 Q. Would you suggest that all white people in the Fife
24 region like to fight with each other?

25 A. No. So again, potentially the wrong example to give, so

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1 if I was to have my time now, my engagement with the
2 Polish community, I understood there was barriers to
3 overcome in terms of their distrust in the police owing
4 to their previous experiences.

5 Q. As part of the mistrust that the community may have,
6 could that arise partly from a perception perhaps that
7 officers think they all like to drink and fight with
8 each other?

9 A. I would hope not, but that's -- as part of the question
10 and answer format that the Inquiry statement took, I was
11 just trying to give an example and introduce my first
12 dealings with diverse communities and that again, how we
13 needed -- not one size fits all, how we needed to tailor
14 our service to them to increase that public trust and
15 confidence from their previous experience.

16 Q. In terms of Eastern Europeans and Polish people, from
17 your experience of working in that community did they
18 have a negative view about how they were perceived by
19 police officers?

20 A. Not that I'm aware of.

21 Q. Do you know why that distrust or mistrust had arisen in
22 relation to the police?

23 A. So again -- and as I've got a lot of colleagues that are
24 from Eastern Europe in terms of police officers, they
25 provided that context in terms of the different approach

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1 in terms of Eastern Europe of police, I think subject in
2 terms of physical violence, it's just that there
3 appeared to be a different policing approach, different
4 culture.

5 Q. When you're talking about a different approach, who
6 would take that approach; who are you talking about?

7 A. No, in terms of the policing in Eastern Europe was
8 different from policing in specifically Fife.

9 Q. So they had perhaps negative experiences in Poland --

10 A. From their lived experience, yes, and that has come with
11 them and obviously seeing then Police Scotland, they
12 have concerns, fears as a result of that, so there was
13 barriers to overcome.

14 Q. And you think their concerns were that the police in
15 Poland were more physically violent than Scottish
16 police?

17 A. Potentially, yes.

18 Q. And is that in itself perhaps a generalisation and
19 a stereotype?

20 A. No, I think it was from speaking to our colleagues from
21 Eastern Europe in terms of it is a different policing
22 style and their lived experience, so I'm not saying that
23 every Eastern European has been assaulted by the police,
24 that's not -- they have had a different experience to
25 police in Poland to the UK.

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1 Q. And presumably not every police officer in Poland
2 engages in physical violence?

3 A. No.

4 MS GRAHAME: I'm conscious of the time.

5 LORD BRACADALE: Is that convenient? Fine. We will take
6 a 20-minute break.

7 (11.30 am)

8 (Short Break)

9 (11.56 am)

10 LORD BRACADALE: Yes, Ms Grahame.

11 MS GRAHAME: Thank you.

12 Could we turn to paragraph 35 of your Inquiry
13 statement please. This says:

14 "That was really about the first dealings with that
15 with the police. Were they accepted? Are they
16 accepted? Yeah. I think where they come about is
17 through private housing as well. You did get like
18 pockets, new-build estates, that were bought
19 carte blanche by investors, let out. So you did have
20 pockets of Eastern European communities. That also
21 crept into recruitment in the police as well. So we had
22 actually a really great relationship because we had
23 a couple of good Polish officers at Kirkcaldy at that
24 time as well, which, again, you need to know the
25 landscape of where they have come from in terms of that

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1 potential distrust in the police because where they have
2 come from, potentially corruption and all the rest of
3 it."

4 Let's look at this paragraph. I'm particularly
5 interested in your comment:

6 "That also crept into recruitment in the police as
7 well."

8 Do you see that in the middle of the paragraph?

9 A. Yes. It was just more as a profile of the community
10 changed, so did the profile of recruits into the police,
11 from all different backgrounds.

12 Q. So as people from Eastern Europe or from Poland arrived
13 in Scotland, some of them came into the Police Service?

14 A. Yes.

15 Q. Can I ask you about the word "crept". "Crept" sounds,
16 if I may say, slight -- like quite a negative word?

17 A. It's just most it wasn't immediately apparent. It was
18 a transition, effectively, as -- depending on obviously
19 when people arrived in terms of to seek employment in
20 general. It wasn't like a mass recruitment drive
21 towards the -- targeted at Eastern Europeans, it was
22 just as time went on slowly you started to see the
23 profile of our organisation change, so again if it's the
24 wrong choice of words I apologise, but it was a slow
25 process and it built on it and I think that was just --

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- 1 it grew as it went along, sorry.
- 2 Q. So started small and grew over time?
- 3 A. Yes.
- 4 Q. And now do you have far more Polish officers and
5 Eastern European officers in the Police Service?
- 6 A. Yes. I don't know the number, but yes.
- 7 Q. And again, we see at the end of that paragraph that
8 there's a comment where you talk again about potential
9 distrust in the police because:
- 10 "... where they have come from, potentially
11 corruption and all the rest of it."
- 12 What did you mean by that?
- 13 A. It's just potentially one of the factors that may lead
14 to us building that relationship with them. From the
15 lived experience of -- from having come from
16 Eastern Europe.
- 17 Q. But again, would you accept that that's
18 a generalisation?
- 19 A. Yes, I was just trying to give some context, not --
20 nothing factual, it was just potentially a factor.
- 21 Q. So not based on any actual knowledge that you personally
22 had, but a generalisation of the possible corruption?
- 23 A. And also something that I have maybe been informed of by
24 my colleagues that have lived there.
- 25 Q. Polish colleagues?

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- 1 A. Yes.
- 2 Q. About their own specific experience?
- 3 A. Yes.
- 4 Q. And did you find that the comments they made about their
5 own specific experience in Poland influenced your
6 attitudes and views of corruption in Poland?
- 7 A. It didn't influence me, it just gave me a better
8 understanding and awareness, again how to try and tailor
9 any approach that I had going forward, considerations.
- 10 Q. And how did you use that information to -- or that
11 knowledge to tailor your own actions?
- 12 A. Again, just awareness raising. I know if I was to
13 obviously come into contact with somebody from
14 Eastern Europe that I may have a challenge around
15 building that rapport from that early contact, or if
16 I know that I potentially have conflict or resistance
17 from the outset that maybe not to take that personally
18 because there was potential reasons behind that, but --
19 and again that applies to all members of the public in
20 terms of their first -- in my dealings with them, you
21 don't know what background or lived experience they come
22 from and not to take it personally in fact if they don't
23 respond in the manner which I would -- I'm not saying
24 expect, but a normal response.
- 25 Q. We have talked about the comments that you had made

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1 about Eastern Europeans and Polish people before the
2 break. In relation to if a situation arose when you
3 were at work on duty and comments were made by
4 an officer such as the ones that appeared in your
5 statement, would that cause you to challenge what they
6 had said?

7 A. Again, I think that that is the -- and again, where
8 I have made the mistake in trying to set the scene and
9 make that statement and, as I say, definitely in terms
10 of the stereotyping it would be the kind of unconscious
11 element of it, so I might not pick up on that unless it
12 was direct and again, I have been educated since in
13 terms of the kind of unconscious bias element of our
14 behaviours.

15 Q. So you have had additional training since your first
16 statement -- this is your first statement?

17 A. Yes.

18 Q. You have had additional training with the police since
19 that day?

20 A. In awareness, yes, and in fairness before that as well,
21 but that's ...

22 Q. We will come on to that training in a moment. Have you
23 found that your recent training has assisted you in
24 recognising comments which might be derogatory or
25 discriminatory?

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1 A. The training and probably more importantly my time in
2 PSD, just given that's what I was basically dealing with
3 on a daily basis, that wider awareness of issues across
4 the force, against a greater understanding of how things
5 can be perceived, so it was definitely a learning aspect
6 for me.

7 Q. You had been in PS -- Police Standards for a couple of
8 years and that was before you wrote your first statement
9 in March 2022?

10 A. Yes.

11 Q. To what extent did you find your time in Police
12 Standards actually helped you understand any biases
13 which you yourself --

14 A. Sorry, sorry, not particularly biases. It was more just
15 about the wider issues and how people's actions and
16 behaviours could be construed that maybe weren't
17 completely obvious to me. But again that would depend
18 on the circumstances.

19 Q. And to what extent has your recent training assisted you
20 in recognising unconscious bias?

21 A. Yes, I think it causes you to hold up a mirror to
22 yourself in terms of how you conduct yourself, not just
23 within policing, but in how I go about daily business in
24 life and again how -- the wider responsibilities with
25 parenting etc as well is what I learn is to try and pass

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1 that on to the people that I can influence.

2 Q. Were you, as part of that training in unconscious bias,
3 asked to reflect on whether you had any biases? You
4 have talked about holding a mirror to yourself.

5 A. I think with that and other elements of training you're
6 asked to do that first. Again, it takes that bit of
7 I think confidence, but you need to really if you're
8 going to learn anything from it is look at yourself and
9 question yourself and test yourself in terms of is this
10 something that you can relate to and if you can, more
11 importantly what can you do to -- I'm not saying prevent
12 it, but consider your actions on a daily basis.

13 Q. And have you held that mirror up to yourself?

14 A. Yes, not just for unconscious bias, for all things.
15 I think I said to you my involvement with the kind of
16 sexism and misogyny work that I was involved in.

17 Q. Focusing on the biases, were you able to identify in
18 yourself through that process biases that you yourself
19 held?

20 A. Yes, I think previously -- and again, I don't like to
21 think -- I would like to try and draw a difference
22 between what I committed to paper trying to set the
23 scene as opposed to my assumptions of that particular --
24 that was just poorly articulated as opposed to the views
25 that I hold. I was trying to explain the circumstances

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1 in answer to the questions from the Inquiry.

2 Q. And before the break you didn't -- you looked at the
3 paragraph and reflected on that and you have given your
4 evidence on that.

5 Can I ask you about unconscious bias. I have asked
6 a lot of officers about unconscious bias and, to
7 summarise, there has been very little evidence given
8 about training about that, so I'm interested in your own
9 experience of assessing your own unconscious bias.

10 Could you help the Chair understand the process you went
11 through in trying to identify your own unconscious bias?

12 A. As opposed to the training awareness I was given or --

13 Q. Well, if you did it separately tell us about that first
14 of all --

15 A. Yes, to be honest --

16 Q. -- if it was part of the training tell us about that.

17 A. It came about through the -- again, my time in PSD
18 coincided with the initial publication of the
19 Dame Angiolini report in terms of complaint handling and
20 unconscious bias featured as part of that. I think for
21 us to better understand the associated recommendations
22 we were given an input on that, so again how we were
23 going to cascade up a particular -- or potentially
24 understand how we can raise awareness around that.

25 So yes, as I say, we were given the -- the way

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1 I find I learn is give tangible examples, so these were
2 realistic examples from workplaces, not specifically
3 policing, and that I could definitely relate to some of
4 them, again making them about associated comments as
5 well sometimes.

6 Q. Can you remember any and talk us through what you were
7 taught?

8 A. Examples?

9 Q. Yes, can you remember any?

10 A. No, but I think I recall there were three elements to
11 unconscious bias, again with the overarching one of you
12 appear from your own background -- everybody's opinions
13 are drawn from potential pre-conceived -- or from your
14 own upbringing and experiences and how you then draw
15 your own perceptions and views and with that you might
16 then treat people you consider similar in a more -- in
17 a different way to then someone that's potentially
18 different from you, so it was understanding from the
19 lived experiences from survivors of that effectively,
20 the impact that that had on that, so it was giving the
21 tangible examples but more importantly, which I could
22 relate to, but the biggest impact factor was the
23 references from people to how that had impacted on their
24 lives.

25 Q. And that assisted you in understanding the impact of

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1 unconscious bias?

2 A. Yes, as opposed to just being front-facing and talking
3 through the principles of it. I definitely learn better
4 and understand through the kind of tangible examples to
5 this and then more importantly the kind of relevance and
6 the credibility of someone having experienced it and
7 been victim of it.

8 Q. And was part of that meeting people who had been the
9 victim of unconscious bias?

10 A. Yes. It was -- if I recall, it was in person in terms
11 of PSD personnel and I think potentially formed
12 a presentation as part of that. There was either
13 statements from people, or if I -- I can't recall if it
14 was messaging or videoing from people telling you about
15 their experience and how -- having been subject to it,
16 how it made them feel, how it impacted on their lives.

17 Q. And you talked about treating them in a different way
18 because of unconscious bias and -- sorry, you talked
19 about people who look like you, or are like you,
20 treating them in a different way. What did you mean
21 a different way?

22 A. So that was the -- what I was -- one of the principles
23 is that you -- and again whether there's the academia
24 around it to say people that you think are like you, you
25 will treat in a more favourable way. Again, I don't

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1 think if I can -- again if I do that, I do it without
2 thinking, I suppose that's the whole concept of
3 unconscious bias. But I could definitely relate to the
4 kind of tangible examples that were given.

5 Q. And the flip-side of that coin will be that if they
6 don't look like you, you will treat them in a less
7 favourable way?

8 A. Potentially.

9 Q. So in relation to unconscious bias were you able to --
10 when you held that mirror up to yourself, were you able
11 to recognise that you had some unconscious bias?

12 A. Had or -- had in terms of probably going back to my
13 infancy because I like to think it's not -- you're only
14 talking two years ago. I would like to think I was of
15 the general awareness through equality and diversity
16 that again the importance of not treating people the
17 same because everybody is different, but treating people
18 in order of their needs, beliefs and all the elements of
19 that in terms of that bespoke service to -- in terms of
20 policing with the public.

21 Q. Was that training that you had originally had when you
22 came into the service?

23 A. In terms of equality and diversity?

24 Q. Yes.

25 A. No, I think it was part of -- I think it was when

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- 1 I initially got in Fife Constabulary.
- 2 Q. When you got into Fife?
- 3 A. Yes, but I don't think any formal training perhaps took
4 place until -- I think it was potentially 2007/2008.
5 It's on the SCoPE record.
- 6 Q. You have a hard copy of your rank, postings and training
7 record. If you look at page 5, this list as
8 I understand it -- we have been provided with a copy of
9 this, this week. It's not yet going to be on the
10 screen, but if you can see page 5, that there was an
11 equality and diversity awareness course in it April of
12 2007 that you attended.
- 13 A. Mm-hm.
- 14 Q. And then in September of 2008. You see that?
- 15 A. Yes.
- 16 Q. Do you remember anything about either of those courses?
- 17 A. I don't recall the second one.
- 18 Q. The disability awareness?
- 19 A. Yes, in terms of differentiating. But I knew that
20 the -- I'm unsure if the disability one would have been
21 potentially online but definitely the first one because
22 it took place over a number of days in person at our
23 then headquarters of Fife Constabulary in Glenrothes.
- 24 Q. How did that help you?
- 25 A. Again, I think the title is awareness, and as part of

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1 that there was the -- I'm not saying legislation, but
2 there was the kind of narrative and theory round
3 elements of it, but to bolster that and kind of bring it
4 home there was also presentations from people from
5 different backgrounds.

6 Q. Did you find that particular course helped raise your
7 awareness of issues regarding diversity and equality?

8 A. Definitely because you were hearing it first-hand how
9 people had potentially been -- lived experience of
10 people living in our communities to how they had been
11 potentially mistreated, or treated differently so again
12 --

13 Q. To what -- and was that -- did that have more than an
14 impact than an online course or a written course?

15 A. 100%. Again, because you were -- I have had training
16 but the fact is it's delivering the topic but
17 potentially not with the expertise and I think you will
18 learn better from hearing from the people that it
19 directly relates to.

20 Q. So any training you have had over the years, how would
21 you rate that particular training course?

22 A. That would --

23 Q. In terms of diversity --

24 A. That was very good because it was the first of its kind,
25 so we're used to training in terms of for our roles and

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1 responsibilities specific to what your role or
2 department you are, so that's to give you the skills to
3 do that particular role.

4 This was different because it didn't just -- it
5 applied to the whole of the organisation at that time
6 and it wasn't I would say groundbreaking but as I say it
7 was the first course bespoke to equality and diversity,
8 so that's what made me -- that's what made it stand out
9 effectively.

10 Q. Was that a compulsory course for you?

11 A. I would imagine so. I didn't know if there would be an
12 option to opt out but it's something -- I wouldn't in
13 any case.

14 Q. Have you had a course like that since?

15 A. Potentially not with the -- it's kind of badged as
16 equality and diversity, but I have attended a number of
17 training courses and inputs where the equality and
18 diversity theme or even ECHR would be a thread for
19 consideration as part of that.

20 Q. We have heard that sometimes there's mention of things
21 like diversity and race, or human rights as you're
22 saying, in other courses but the focus with other
23 courses may be separate from diversity?

24 A. Yes, the main topic yes.

25 Q. You have also mentioned completing another equality and

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1 diversity course. I think it is probably the final
2 entry in your training records, 3 January 2023.
3 Equality, diversity and inclusion e-learning. Is that
4 an online course?

5 A. Yes.

6 Q. Tell us about that?

7 A. So again you're -- because it's online you get the
8 notification I think and obviously there are directives
9 from the force that every employee was to undertake that
10 training, so you're sent a notification to undertake it.
11 There's a timescale associated with that. It's up to
12 line management to manage and afford staff the time to
13 do it and it's kind of modular, so I know that
14 encapsulated a lot of elements and that you would work
15 through it.

16 Again, it was online, but a mixture of theory, plus
17 again with technology now supported by potential videos.
18 It was quite -- I'm not saying interactive but it was
19 visual as opposed to just the narrative and at various
20 times there would be kind of knowledge tests based on
21 that particular element that there had to be a pass rate
22 effectively before you moved on and I can't recall,
23 maybe three or four sections to that, but it would
24 obviously indicate you have successfully completed it
25 and that would naturally be added to your training

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1 courses, having undertaken that e-learning.

2 Q. We have heard some evidence that there's now
3 a compulsory course and I think someone called it
4 a Moodle course?

5 A. Yes, so that's that.

6 Q. Is that the same thing?

7 A. Yes, sorry.

8 Q. Is that all officers in Police Scotland will have to
9 complete that course?

10 A. Yes. Staff. Officers and members of police staff, as
11 I would understand. The whole of the organisation.

12 Q. You have talked about it having theory and video and
13 being interactive. How did that course compare to the
14 2007 course which you have obviously found to be of
15 assistance?

16 A. It supplemented my existing knowledge. I think if it
17 had been -- if that had been the first course in terms
18 of a new concept, I don't think it would have the same
19 impact. I have obviously benefited from having the in
20 person and obviously how equality and diversity has
21 evolved over the years, my involvement in PSD. So
22 personally for me I found it very informative, obviously
23 it included every recent development in terms of
24 equality and diversity.

25 Does it replace the in person one? I'm not too

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1 sure. I think I was -- you're also able to move through
2 it at your own pace as well, I don't think you have to
3 start it and complete it on that day, so again it's --
4 and again we have talked about the challenge of demand
5 is affording yourself the time on duty to do this. It
6 may be a challenge for others in terms of trying to
7 capture the number of people in the organisation.

8 Q. Can I ask you about paragraph 16 of your Inquiry
9 statement. It relates to training. Sorry, it will be
10 the second Inquiry statement, which is I think is 251,
11 paragraph 16. You have been asked about training and
12 you say:

13 "I don't know if there was a knowledge check to
14 assess our awareness. I remember there was a shock and
15 awe element. I think the thread of all of it that I've
16 always maintained is to consider everybody and be
17 respectful of everybody's beliefs. In terms of society,
18 we have been on a journey to where we are now. We need
19 to be aware of how our actions could be perceived and be
20 considerate and respectful of all, regardless of what
21 their beliefs are."

22 Are you referring here to the 2007 course that you
23 were talking about?

24 A. Yes.

25 Q. And what was the "shock and awe element" of that course?

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- 1 A. Yes, I think certainly for me that was the first time
2 you had members of your community coming in to tell --
3 regardless -- again, I was quite -- my view is that
4 the police delivers a good service. To be told that's
5 not how it is perceived by others is kind of a wake-up
6 call. You think you can provide a good service, but
7 again with the public we serve telling us different it
8 was the kind of wake-up call for me.
- 9 Q. And having had that wake-up call, what impact did that
10 have on your policing and the job you were doing?
- 11 A. Again, I think it treated not to be -- definitely not to
12 be complacent, and again I suppose how we evaluated our
13 service to the public and I think the way that you do
14 that is -- and again I think what was drawn out there is
15 by engagement with them. I mean, the thing is we did
16 the service and we walked away without, "Was that
17 customer service?" Or, "How did we do?" It exists in
18 private organisations, "Did our service meet your
19 expectations?" And the mechanisms of how we would get
20 that form of feedback because I think feedback from
21 externally certainly has more probably credibility and
22 accuracy and weight than us trying to review our own
23 actions and how we learn and move on from that.
- 24 Q. Do you have any suggestions for the Chair about how
25 the Police Service could improve that level of

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1 engagement between the police and members of the
2 community and the public?

3 A. I think my view to then to what we have in place now
4 I think is obviously significantly different in terms of
5 what Police Scotland has put in place in terms of our --
6 predominantly with my background with victims of crime,
7 we have advocacy groups where we have close working
8 relationships. We will engage with them. They will
9 provide feedback in terms of various elements of
10 survivors, in terms of the response, actions of the
11 police and again leading from all -- and if it's
12 obviously criminal justice outcomes straight through to
13 prosecution and that kind of holistic service to
14 victims.

15 Q. You have talked about groups. I was going to come on to
16 this later, but I would like to ask you now. You
17 mention in your statement a Sex Equality and Tackling
18 Misogyny working group. It's paragraph 26 I think.
19 Now, this obviously relates to sexism and misogyny but
20 I'm interested in the group itself. Why was this group
21 set up?

22 A. Undoubtedly in the wake of the Sarah Everard incident
23 down south.

24 Q. When was it set up?

25 A. I think it would be the start of 2022 perhaps.

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1 Q. Who is on the group? Is it all officers, or do you have
2 lay persons or ...?

3 A. So it's led by a member of the force executive at DCC
4 level who embarked on leading the group. It consists of
5 senior management, it consists of staff associations, so
6 it's an internal -- it commenced as an internal group,
7 staff associations and the various staff associations
8 were there, also different corporate functions within
9 the organisation in terms of strategy innovation, with
10 stakeholder engagement. I think potentially the
11 Scottish Police Authority.

12 Yes, so it started relatively small to ensure they
13 got the Terms of Reference and purpose of the group and
14 I think it has obviously expanded since then. I have
15 not been involved in recent months since I moved to my
16 new role.

17 Q. And what, from your recollection, was the aim of this
18 group?

19 A. I think from the outset it was to recognise that sexism
20 and misogyny existed within Police Scotland as opposed
21 to a group set up sometimes, a working group to try and
22 establish if an issue exists. So right from the outset
23 these issues existed within Police Scotland, our
24 communities told us that, our staff told us that and
25 learned experience told that from various incidents and

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1 it's how we would respond as an organisation in terms of
2 tackling that.

3 Q. And who was the Chair of that group?

4 A. It was DCC Grahame.

5 Q. And was there a similar group set up in relation to
6 race?

7 A. I understand --

8 Q. Or is there a similar group?

9 A. I understand there's an EDI, Equality and Diversity
10 Inclusion group.

11 Q. Who chairs that?

12 A. I think it is DCC Taylor -- sorry, it is DCC Taylor.

13 Q. And how long has that group been in existence?

14 A. That's existed for a number of years is my
15 understanding.

16 Q. And how is the success or failure of these groups
17 measured?

18 A. I think in terms of internally was -- and I think it was
19 part of the kind of healthy discussions and challenges
20 at the outset of the meeting is for -- basically around
21 staff associations to -- I think insights, surveys,
22 lived experience told us about the issue. I think like
23 anything when we tried to consult on it with our staff,
24 there were a multitude of matters, sometimes that kind
25 of resistance to engage with it because probably the

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1 perception is, "Well, we have told you all this before
2 and nothing changes", so I think again that was one of
3 the first challenges was to demonstrate in how you build
4 that trust and confidence of -- the best way you can
5 show you have listened is because you've got something
6 tangible in terms of outcome and change. I think it was
7 definitely going to take -- or is taking time to build
8 up that trust and confidence within our organisation to
9 show and demonstrate that as a result of tackling this
10 changes will be made, whether that's obviously
11 procedural, guidance, I'm unsure.

12 Q. And how is the -- do you know much about the race group?

13 A. No, I don't.

14 Q. No. Do you know how it is made up or the members?

15 A. Again -- so I think like the majority of groups there
16 would be obviously an internal strategic group
17 effectively, but again I think as part of that checks
18 and balances in terms of measuring its progress, that no
19 doubt there's that peer review or like -- or reference
20 groups, I think of both there's a professional reference
21 group made up of various partners in terms of updating
22 them on -- again, because it's not proclaiming that we
23 know how to tackle this or we've got all the answers, so
24 again it is about consultation and partnership working.

25 Q. Do you know what the aims of that group are?

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1 A. In terms of the EDI? Sorry, I don't know.

2 Q. No.

3 A. Apart from obviously in terms of the equality and
4 diversity.

5 Q. And what work do they do? You have talked about
6 changes, what changes have they implemented, do you
7 know?

8 A. Again, I appreciate it is still in its infancy and
9 I think --

10 Q. The race group, do you know --

11 A. Sorry, I have had no involvement with that.

12 Q. You don't know. Do they have a very -- the race group,
13 do they have a visible presence within the Police
14 Service?

15 A. Yes, so -- and again I think trying to bring the sex
16 equality, tackle misogyny, and the EDI, trying to bring
17 it under -- and all the various other elements under one
18 banner so that's what I have referred to in terms of
19 policing together. So that's been widely publicised on
20 our intranet, I think potentially publicly as well, and
21 again with the kind of mission statement of the ambition
22 of the chief with regards to making our service an
23 anti-racist organisation, along with anti-discrimination
24 as well and tackling sex equality, tackling misogyny and
25 also discrimination as well.

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- 1 Q. How effective do you think the publicising of these
2 groups has been on the intranet because we have heard
3 some evidence that officers don't always have time to
4 access things on that?
- 5 A. So, yes, and I can appreciate that. It does depend on
6 the role that you undertake in terms of your -- more so
7 from if you're office based and actually you're using
8 a computer on a regular basis you will have access to
9 the intranet. I appreciate obviously the response
10 colleagues there might be limited access or opportunity
11 but again there's line management briefings as well, so
12 again when you can't capture the large number of
13 officers we're looking to direct or the messaging,
14 there's line managers' tool kits and I think you had
15 obviously talked about the kind of product or changes as
16 part of the EDI group, I'm surmising that that EDI
17 training that I have just undertaken would have been
18 part of that -- part of the group and the coordination.
- 19 Q. So they may have had a role in instigating that new
20 e-learning course that you have done?
- 21 A. Yes. It would make sense that it would -- as that kind
22 of strategic oversight group that that would have been
23 either initially actioned from there actually to be
24 undertaken perhaps by different departments within the
25 organisation.

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1 Q. Thank you. Now, you said in I think your first
2 statement -- I don't need to take you to it -- you said
3 that at that stage you had not done any bespoke courses
4 on diversity alone, but having had the opportunity to
5 look at your training records, you seemed to now
6 remember attending the 2007 course.

7 A. Yes, in fairness I had access to my -- that's taken from
8 my kind of personnel record on the computer that I did
9 have access to that when providing a statement.

10 Q. And you have now undertaken this year the e-learning
11 course?

12 A. Yes.

13 Q. So the position in relation to training, does that
14 change on a semi-regular basis?

15 A. Yes.

16 Q. Can we look at paragraph 20 of your -- I don't have
17 a note, sorry. I'm not sure if it's this statement
18 or~...

19 (Pause).

20 It is this. You say at paragraph 20 -- and this is
21 251, your second Inquiry statement:

22 "For my terrorist detention training, ethnicity and
23 religion had to be a consideration. This was fairly
24 simple, a 2 day course. It was and remains at the
25 Scottish Terrorist Detention Centre in Govan in

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1 Strathclyde. It was to increase the cadre so that it
2 didn't always fall to Strathclyde officers, owing to the
3 location. There was input in background about
4 terrorism, about ideology, depending on the ethnicity of
5 people coming in, faith, religion, what's fair, etc.
6 This is fairly common in custody procedure, it does
7 feature in normal custody training. It wasn't learning,
8 it was awareness raising, it was education on process
9 but also on the wider considerations."

10 Can you tell us a little bit more about this
11 training you have had? We have not discussed this
12 before.

13 A. Yes, I think it was trying to -- by no means bridging
14 the gap, but it does certainly look on paper between
15 2007 for equality and diversity training to then
16 effectively this year, that -- to give that perception
17 that we have been void of any kind of inputs in terms of
18 equality and diversity. I was giving an example of the
19 other -- with the record in front of me and examples of
20 the other courses I attended that had equality and
21 diversity thread through it and so that was those two
22 courses and again even on top of that would be stop and
23 search as well.

24 Q. When did you attend this course?

25 A. In terms of the terrorist detention centre?

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1 Q. Yes?

2 A. That was 22 March 2012, so within five years of the
3 initial equality and diversity training.

4 Q. And you say:

5 "There was input and background about terrorism,
6 about ideology, depending on the ethnicity of people
7 coming in, faith, religion ..."

8 Tell us what you meant by that?

9 A. I think -- and I have made it tangible to the custody
10 training, so any person that we're bringing into custody
11 for whatever reason we need to -- it's the care and
12 welfare and whatever -- in terms of one, the
13 vulnerability, but also any other needs in terms of
14 their time within custody. That could relate to medical
15 background, etc. So again, from my brief time in
16 custody having people come in that required to pray,
17 require copies of publications, that again we have to
18 have that awareness that that could be asked of us in
19 terms of -- I suppose there's more of that kind of ECHR,
20 the human rights element of their time in custody and
21 how we treat them.

22 Q. We have heard some evidence from a Brian Geddes,
23 an officer, who was a custody sergeant in 2015 and he
24 gave evidence about being aware of different types of
25 food that may be required by individuals in custody and

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1 you're talking about religious materials. Would that
2 include like religious textbooks?

3 A. Yes.

4 Q. So this is something that you have also had specific
5 training in, in relation to --

6 A. Training specific to the post, but awareness raising in
7 terms of wider equality and diversity associated with
8 that.

9 Q. I'm interested in the fact that it's at the Scottish
10 Terrorist Detention Centre. So it says that there's
11 quite a lot of training being given focusing on people's
12 ethnicity, their faith, their religion, but this is all
13 linked to terrorism. Tell us about how that impacted on
14 you in terms of understanding the factors that might be
15 relevant to terrorism?

16 A. It didn't, to be honest, because I was more -- I suppose
17 at that time there was processes in terms of activating
18 the detention centre itself. Again, there was just
19 a little bit of background of I think at that time just
20 the landscape in terms of counter -- or terrorism or
21 counter-terrorism, again just from an awareness
22 perspective and also the considerations that when people
23 were brought into custody, from whatever background, it
24 is that -- whatever reasonable adjustment and
25 considerations needed to be taken into account.

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1 Q. I'm interested in whether -- you're talking about
2 training generally as raising awareness for you and
3 other officers and you're talking here about being
4 trained in relation to people with different religions
5 from yourself, from other religions round the world.

6 A. Yes.

7 Q. Was there an impact in being taught about that in the
8 detention centre and thinking about terrorism; did you
9 connect people of different ethnicities, different
10 faiths, different religions with the association of
11 terrorism?

12 A. No, and again I wasn't taught about religion, I was
13 taught about the concept and process about the detention
14 centre. As part of that there was awareness raising
15 around the CT landscape and whether it was from our
16 experience of previous activations of what
17 considerations we needed to consider, again I had the
18 coordination function, as part of that you would still
19 have your custody staff who would effectively be in
20 charge of that element. It was again simply awareness
21 raising. There was no training on separate religions.
22 I just recall the kind of generic overview that was
23 provided, whether it was background in terrorism,
24 whether that related to religion, ideology, I'm not
25 sure.

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- 1 Q. So what were you taught about religion insofar as you
2 mentioned it there; what do you mean by that?
- 3 A. Just that it was referenced. I wasn't taught anything
4 about religion during that course.
- 5 Q. What information and guidance were you given on how to
6 deal with people who may be of different religions?
- 7 A. So again when -- as they would come into custody what
8 they maybe required, so in terms of the rights of an
9 accused, which again expands to any person coming into
10 custody, whether they did require the use of an
11 interpreter, an appropriate adult, how we facilitate --
12 I suppose it's how we best facilitate their time within
13 that environment and what their rights were and how did
14 we ensure that they obtained those rights and any other
15 provision of what they required.
- 16 Q. Were you given examples of Muslims and how they may need
17 to be treated in a different way?
- 18 A. Potentially, but I think it's just as you explained
19 earlier about if they needed -- again, Bible, any other
20 publication, prayer mat, provision of praying, if that
21 was required.
- 22 Q. Were there examples given about people who may be
23 members of the Church of Scotland?
- 24 A. I couldn't recall.
- 25 Q. Do you remember any examples given?

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- 1 A. Not specifically that, no, but likewise I don't recall
2 specifically Muslim either.
- 3 Q. As part of this course did you subsequently make any
4 association or connection or link in your mind between
5 people of different faiths or religions and terrorists?
- 6 A. No. I think the takeaways was what function I would be
7 performing if I was -- if it was activated and I was
8 required to attend, which is more procedural and the
9 reality is I wouldn't have had any involvement or
10 association with the people coming into custody. That
11 would -- there would still be the custody provision for
12 that, who they obviously trained appropriately.
- 13 Q. Thinking about unconscious bias, do you think that this
14 created any unconscious bias in your own mind?
- 15 A. From what I was being told in terms of the kind of
16 threat picture or the kind of CT landscape?
- 17 Q. Yes.
- 18 A. I'm not sure. I don't recall that I had any strong
19 views or takeaways from it. Again, it was there for --
20 by introducing that I was just trying to demonstrate
21 that void of any bespoke equality and diversity
22 training, there was threads and considerations around
23 about the wider equality and diversity of other courses
24 that I had attended.
- 25 Q. You have mentioned Dame Elish Angiolini and a working

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1 group and I think if we look at paragraph 24 in your
2 Inquiry statement, you formed part of that working
3 group -- we may hear more evidence about this later in
4 the Inquiry, but I'm interested in your experiences in
5 the working group. Could you tell us a little bit more
6 about the role that you took?

7 A. Yes, so as I say I think as I recall that potentially
8 not the full report but some form of interim report had
9 been published just as I had commenced my role in PSD
10 which contained a number of recommendations, so
11 obviously the management team at that time set up
12 a working group where we would effectively consider and
13 work through the associated recommendations. There was
14 a number of elements and categories to that and I was
15 given the policy and guidance associated recommendations
16 to progress.

17 Q. And what did that involve, the policy and guidance
18 recommendations?

19 A. I can't recall the specific wording of the
20 recommendations. However, what it caused us to do is
21 reflect on the standard operating procedure in terms of
22 complaints against the police. I do recall a number of
23 the -- or part of the recommendation was looking at more
24 of the kind of accessibility element from the public to
25 making a complaint, but also having received complaint

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1 roundabout reasonable adjustments as well. Again,
2 I don't know from what sources they drew information
3 from to provide those recommendations, but I assume some
4 form of feedback, like earlier in terms of how we learn
5 and how we adapt.

6 Q. We will maybe hear more about this in the future. But
7 did you -- in terms of your role, how would you describe
8 it; was it a leading role in relation to policy and
9 guidance?

10 A. So I was the lead for policy and guidance, so the
11 working group would be the overarching for all the
12 different strands and the recommendations so I took the
13 policy element away, effectively had another sub-group
14 where we considered the approach that was required to
15 potentially address the recommendation which mainly, as
16 I say, evolved -- involved the review of the standing
17 operating procedure. As part of that we consulted with
18 partners, including PIRC, Crown Office, to revise it and
19 then obviously consult benchmark as well in terms of
20 other police forces and organisations.

21 Q. You mentioned complaints from the public, was it only
22 from the public or could it be from police officers
23 themselves?

24 A. It was the whole complaints against the police process,
25 so it involved every element, from the public to also

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1 the complaints against police officers on duty/off-duty,
2 so it was the full operating --

3 Q. So it could be any complaint against a police officer?

4 A. Yes.

5 Q. From any source?

6 A. Yes.

7 Q. And there was an interim report in 2019?

8 A. I think that's what I'm referring to if -- obviously the
9 timing of me coming to PSD because I don't think the
10 full report was published until later that year.

11 Q. Did you continue once you went into PSD in this work is
12 that you were doing?

13 A. So that was as I came into PSD, that coincided with the
14 interim report, so I think the summer of -- was it 2019?

15 Q. 2019.

16 A. That was when the -- so that coincided with the interim
17 report, that was my -- basically again one of my first
18 jobs in PSD as part of kind of getting to know the kind
19 of day job. And that -- I basically had that for the
20 few years that I was in PSD.

21 Q. And then there was a final report in November 2020. You
22 were still in PSD at that time?

23 A. Yes.

24 Q. And recommendations were made, so in your statement --
25 can I just be clear, you were involved right throughout

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1 when you were in PSD?

2 A. As part of the working group, yes.

3 Q. As part of the working group. And you were involved at
4 the interim stage and at the final stage?

5 A. Not so much the final stage because I'm not unsure of
6 the fact that the recommendation relating to the
7 guidance was discharged. Obviously there was a revised
8 version of the standard operating procedure submitted
9 before I left. I'm unsure obviously what happened since
10 then in terms of discharging that recommendation but
11 I suppose as part of any review we would have to give
12 evidence of the work that we have undertaken and either
13 discharging or potentially if there's circumstances that
14 we can't.

15 Q. So there may have been changes made but up until the
16 interim report in 2019 you were the lead on the policy
17 and guidance group?

18 A. From 2019.

19 Q. From 2019.

20 A. Yes.

21 Q. So in your statement you give summaries of
22 recommendations that were made at that time.

23 What did PSD or Police Scotland do with the
24 recommendations when they came out? Do you know?

25 A. So again, I didn't lead on the wider report, I just had

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1 one strand of it, but I know like any review we would
2 look for potentially quick wins, but also not knowing
3 how long the review had been going on for, sometimes
4 the -- I'm not saying the delay, but for the time from
5 the review commencing to when it is published, the
6 recommendations may already have been met by the changes
7 in policy and how we have evolved or matured as an
8 organisation, but I did think they were kind of
9 categorised in terms of potential quick wins, what
10 we'd -- it's kind of the short-term, medium-term,
11 long-term, but I know there was obviously a bit of
12 consultation with the review team in terms of
13 clarification round some of them, if they weren't clear,
14 but also I think from my understanding a lot of them
15 weren't potentially for the police, or within the
16 control of the police to change. I think there was
17 a lot of kind of cultural societal issues that were
18 associated with the recommendations.

19 Naturally as an organisation we could do as best to
20 potentially mitigate that within the organisation, but
21 I know a lot of them did obviously go into the wider
22 society.

23 Q. Do you know what role PSD had in responding to the
24 recommendations in either the interim report or the
25 final report?

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1 A. I would imagine if it was -- if the report was issued to
2 the chief constable, I think given the nature of the
3 review it was for PSD to lead on. No doubt the updates
4 and any report response would have been routed back
5 through the force executive. I don't know what the
6 obligations were in terms of response. Naturally we
7 would respond in writing, probably to demonstrate the
8 actions that we have taken. Whether there was
9 a frequency to that, or just one final report, I'm
10 unsure of, but as the meetings went on I could hear
11 through the discussion that we were of the view that
12 whatever relevant recommendation had been discharged
13 because -- or we thought discharged because we had
14 implemented or taken this action.

15 Q. So it wasn't just quick wins that were the aim, there
16 was a long-term process?

17 A. Yes, I get the feeling that some recommendations
18 potentially referred to deep-rooted issues, one -- again
19 potentially within the organisation and also in society.

20 Q. But PSD would have had --

21 A. They were the lead on that, on behalf of the
22 organisation, yes.

23 Q. So if we go to PSD we could probably get more
24 information. They would be the best option.

25 How would you describe the general awareness of Dame

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1 Elish's report, interim or final, in the service itself,
2 not just amongst the PSD department or not just amongst
3 the chief constable and senior officers, but generally
4 in relation to lower ranks?

5 A. It's difficult because I was involved in it, I suppose,
6 from the kind -- the wider organisation I'm not sure
7 I would -- whether there was internal communications.
8 Naturally there was notifications of it in the public
9 domain in terms of media around that. Again, with the
10 volume of officers we've got, whether one would have
11 picked up on that, whether that really -- I'm not saying
12 interested them, but because it wasn't their day job
13 they might not have been aware potentially.

14 Q. Was awareness again raised through the intranet?

15 A. Yes, and I think more what had -- what I think would be
16 more important to me, yes, the awareness of it, but
17 I think more so the resulting actions from the
18 recommendations and that -- again, whether that related
19 to policy guidance, processes, I'm unsure.

20 Q. Are you aware of what difference it made on a day-to-day
21 basis, these reports? Did they make a difference to
22 constables going about their business?

23 A. I wouldn't imagine so.

24 Q. And what impact -- what was your perception of any
25 impact these reports had on the day-to-day business of

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1 the police officers on the ground?

2 A. I think because we were made aware of various reports
3 from various organisations, or that -- I don't think to
4 officers they would. It would be the resultant action
5 that we required to take to discharge the recommendation
6 in terms of any implementation of whatever measure it
7 pertained to.

8 Q. Can I ask you about another report that Dame Elish
9 prepared and I don't think you were on a working group
10 on this, but it was earlier and it was in October 2017
11 that it was published. It was a report on deaths and
12 serious incidents in police custody and I'm wondering
13 generally, from your awareness of the service at that
14 time, what impact that report had on the day-to-day work
15 of constables on the ground?

16 A. As I said, the publication of the report for operational
17 officers I think it would have no impact. It would be
18 the resulting change or action from those
19 recommendations that we implemented that -- whether they
20 knew that was a result of a report that a change in
21 process or updated procedures -- whether they would be
22 aware, I don't know. I suppose to them would it matter
23 and, if it did, I suppose it would be the onus was on us
24 as an organisation to make sure we clearly articulated
25 that in any communication.

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1 Q. Now, I know that this was a period prior to you becoming
2 Chief Inspector in PSD, but did you have any awareness
3 or any knowledge in October 2017 of involvement by the
4 PSD in relation to responding to that earlier report
5 from Dame Elish?

6 A. No, and it's not even -- I can't even say it's
7 a report -- given the role that I undertook and my
8 involvement with PIRC going forward from 2019. In terms
9 of those matters, it's not -- I don't think I'm even
10 aware of that report.

11 Q. So even now today that's not something you are aware of
12 yourself?

13 A. No.

14 Q. Can I ask you about recognising racism or racist
15 behaviour, or racist language. Do you feel you are in
16 a good position to recognise that in others? You
17 obviously have line management experience and I'm
18 interested in your views on that.

19 A. I'm probably better placed now from my time in PSD.
20 Again, it was just by my involvement in that nature of
21 business in terms of complaints against the police, so
22 I'm better placed now than I would have been in 2015.

23 Q. And without that time in PSD and without your recent
24 training, how would you feel your skills were at
25 recognising racism?

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1 A. Again, I appreciate the kind of onus and responsibility
2 of the organisation to provide us with training on
3 various matters, but I think void of that there's the
4 kind of personal and moral obligation of me being
5 a member of a community myself in terms of recognising
6 the rights and wrongs, probably more through society,
7 the media, as opposed specifically to anything that
8 I have learned from the police. As I say, I have
9 explained in terms of being -- as a parent, I've a boy
10 growing up, I'm not reliant on what the police are
11 telling me to know -- try and instill in him what's
12 right and wrong and how I expect him to act and how --
13 in terms of the considerations of how he treats others
14 as well.

15 Q. Now, earlier we looked at the paragraphs relating to
16 Polish people and Eastern Europeans and as soon as you
17 looked at paragraph 34 you recognised an issue that you
18 wanted to raise. Are the comments that you had made in
19 your first Inquiry statement, along those lines,
20 indicative of comments that you hear other officers
21 making?

22 A. I think, just for clarity, I did recognise that before
23 today, just as part of preparing to give evidence. And
24 by no means in terms of a kind of plea of mitigation,
25 I think that was -- they weren't comments that I made.

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1 It's obviously my trying to articulate to help best
2 understand my awareness of diverse communities, be it
3 very poorly articulated. I appreciate how it has been
4 perceived and, as I say, I apologise for that, but yes,
5 I think it goes back to the inappropriateness of some of
6 the comments over the years and how that can be
7 perceived.

8 Q. And the statement that you signed, your first Inquiry
9 statement, was taken in October and November of 2020 --
10 sorry, that's ... sorry, let me just get the date of it.
11 Your first Inquiry statement, 133. It was taken by
12 a member of the team in March 2022 and you signed that
13 statement, but obviously since then, prior to giving
14 evidence and during evidence, you have recognised the
15 comments and how they will be perceived.

16 So thinking about comments that might be made now,
17 in 2022 or 2023, in the service, in Police Scotland, are
18 they reflective of comments that might be made now, or
19 attitudes that might exist?

20 A. No, if -- and again, I have committed that to paper so
21 is that evidence that there is? Yes, potentially on my
22 part and again hopefully I have explained what I was
23 trying to achieve by that, so again I'm probably not
24 going to pass comment on others in terms of again it's
25 how it's -- how it's said, how it's perceived, again,

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1 and the subjective nature of it.

2 Q. And do you feel in a good position, a better position to
3 recognise discriminatory comments made by others?

4 A. Yes, definitely, and, as I say, I'm kind of confident
5 enough to also receive that -- not saying criticism, but
6 I would welcome to be challenged as well if I was to
7 make comments that was considered by others to be
8 discriminatory or otherwise.

9 Q. At paragraph 42 of your statement you comment:

10 "I don't think you get anybody saying that the cops
11 in Kirkcaldy are the most heavy-handed in Fife."

12 I just wanted to ask you, is there a perception in
13 Police Scotland -- sorry, it must have been the previous
14 statement. Is there a perception that there are other
15 officers who are more heavy-handed?

16 A. I'm just going to wait for it to come up on the screen
17 if that's okay.

18 Q. Sorry. I've got it as 42:

19 "I don't think you get anybody saying that the cops
20 in Kirkcaldy are the most heavy-handed in Fife."

21 I don't see it there. Oh, yes, it's the last line,
22 sorry:

23 "I don't think you get anybody saying that the cops
24 in Kirkcaldy are the most heavy-handed in Fife."

25 Are there others who have a reputation of being more

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1 heavy-handed?

2 A. Well, there would be because there would be associated
3 complaints. Again -- and this is probably what I would
4 require noted is that as part of the Inquiry -- the
5 format of the Inquiry statement is question and answer
6 and it's conversational. Not knowing the question there
7 and obviously it's provided effectively that answer, I'm
8 very conscious of things getting taken out of context.
9 I think it was in that to show that, yes, as the police
10 we're not -- we're not perfect, there is -- I don't want
11 to say "minority", but there's complaints that get made
12 against the police in terms of how they act, be it
13 criminal or non-criminal. I think with that I'm trying
14 to say I'm not aware of a kind of culture of -- and
15 that's personally, in terms of the police at that time
16 in Kirkcaldy being heavy-handed, but I suppose not being
17 in PSD I wouldn't know how many -- at that time how many
18 complaints against the police in Kirkcaldy at that time
19 of a -- whether in terms of assault or excessive force.

20 MS GRAHAME: I have two other matters that I still wish to
21 cover. They should be relatively brief but you may
22 wish --

23 LORD BRACADALE: We will do them in the afternoon then.

24 2 o'clock.

25 (1.00 pm)

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1 (The luncheon adjournment)

2 (2.03 pm)

3 LORD BRACADALE: Ms Grahame.

4 MS GRAHAME: I know that the Inquiry team will be making
5 contact with the Professional Standards Department, but
6 I'm wondering if it there's something else you could
7 maybe help me with and please feel free to say if you
8 don't know the answer to this.

9 When you were in the role of SIO, or you conducted
10 that role as part of an investigation -- and in this
11 case when officers were gathered together in the
12 canteen, was it open to you as an SIO to make contact
13 with Professional Standards and maybe access the
14 disciplinary records of individual officers, or to check
15 that out as part of your investigation?

16 A. Potentially at some point, not at that particular time.
17 Obviously if I was allowed or if I was to remain
18 involved in the investigation, it potentially would have
19 been a consideration, again if there was
20 justification/rationale for that.

21 Q. You have said that there's certain generic things that
22 you do as part of an investigation. We looked at page 1
23 of your daybook and you had a number of them listed, we
24 went through that in detail. Is that the type of thing
25 that you could access as part of an investigation,

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1 checking the records of individual officers?

2 A. When there's complaints made against the police, yes.

3 At that stage we were dealing with an incident involving
4 the police contact, so perhaps not my first
5 consideration, but as the enquiry progressed that may
6 have fallen within the parameters, yes.

7 Q. Is that the type of information that you could gather
8 in, or have gathered in, in other investigations, where
9 you did talk about gathering in information and data on
10 the individuals involved?

11 A. The intelligence profiles I think specifically in terms
12 of civilian witnesses. Again, if it was prudent that we
13 needed any background information on the officers then
14 perhaps -- and again as part of that profile we'd have
15 given information around any serious allegations, any
16 use of force, etc.

17 Q. In terms of timescale, had you been continuing in your
18 role as SIO in May 2015, would you have -- what sort of
19 timescale would you have started thinking about looking
20 into the officers' disciplinary records and complaints
21 that had been made or whether there had been complaints
22 made?

23 A. Again, I think it -- obviously I wasn't involved as it
24 progressed, but they were witnesses at that time, so
25 I don't know I would actively -- or it would be the

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1 first consideration to go and get their profile in terms
2 of any previous complaints because at that time we
3 weren't dealing with a complaint against the police.

4 Q. So at that stage not something you considered on 3 May
5 when you were SIO?

6 A. No.

7 Q. Can you envisage what the circumstances would be which
8 would prompt that action to be taken?

9 A. So again, if there was a complaint about the police
10 relating to a subject officer I would look -- if that
11 was the investigation that I was dealing with, I would
12 maybe look for -- well, I would look for the background
13 information in terms of previous complaint history.
14 Obviously in the aftermath and early stages of that,
15 that -- there was no information to suggest any
16 wrongdoing or any overt act on behalf of the -- on the
17 part of the officers, hence why treated as witnesses.

18 Q. We have heard that -- just asking a little bit more
19 about what would constitute a complaint against
20 the police, we have heard some evidence that there
21 was -- and you have said yourself that you were aware in
22 the afternoon when the officers went to the Johnsons to
23 deliver the death message that the possibility or
24 concerns about racism being a possible motivating factor
25 for the events at Hayfield Road was raised by the

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1 family. Would that be sufficient to constitute
2 a complaint against the police, or would you be looking
3 for something more than that?

4 A. Yes, I think at that stage it was the views being
5 expressed, obviously in the absence of any information
6 regards to it. I think if complaints are made in
7 general terms that we would have to maybe explore the
8 provenance of it and in terms of if there was any
9 inference of criminality or wrongdoing on the part of
10 the officers, so if people have made statements
11 previously and expressed a dissatisfaction, that doesn't
12 necessarily immediately conclude that it's a complaint,
13 but again that's part of the communication with those
14 individuals.

15 Q. So would you have expected something a little bit more
16 formal than just expressing concerns?

17 A. In terms of us to progress, a complaint against
18 the police. But again it's not uncommon that if we have
19 been investigating an incident and as part of that
20 somebody wants to make a complaint against the police,
21 that was something that we would probably sign post them
22 to because again it would have to be considered and
23 investigated by someone different from who the complaint
24 is against.

25 Q. So the complaint itself would be investigated

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1 separately?

2 A. Yes.

3 Q. But in terms of you as an SIO accessing disciplinary
4 records, that is something that could have been done at
5 a later stage in the investigation?

6 A. If circumstances dictated, yes.

7 Q. Thank you. Can I ask you about -- we were talking
8 earlier before lunch about Alan Paton and I think the
9 paragraph that I referred you to in your Inquiry
10 statement was 31 and I think it may have been the first
11 Inquiry statement, or maybe not.

12 Thank you so much. So this -- this was a part of
13 the first Inquiry statement in relation to race and we
14 talked about Alan Paton earlier and when you were
15 explaining what your views were about Alan Paton one of
16 the things that you said was, "They were linked to
17 agendas yesterday", and I think that was a reference
18 maybe to the use of the word "agenda" yesterday, which
19 we dealt with in the afternoon.

20 A. Yes.

21 Q. If -- can I ask you again about the use of the word
22 "agendas". If anyone raises an issue of racism in
23 relation to actions of the police and whether -- I mean
24 raises an issue of racism specifically saying or
25 suggesting that actions of the police have been

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1 influenced in some way by racist attitudes or
2 motivations and on occasion there may be an immediate
3 comeback saying, "Well, that's a racist agenda", have
4 you -- do you understand what I'm talking about?

5 A. Yes.

6 Q. So that agenda could be a suggestion of, "The family are
7 raising race as an issue", or -- you understand where
8 I'm coming from?

9 A. Mm-hm.

10 Q. Would you agree that that could be viewed as quite
11 a dismissive attitude, the effect of which is to
12 undermine the value of the point made by the family
13 suggesting that racism could be an issue?

14 A. Yes, I accept that and obviously we discussed it, the
15 use of the word, and how that can be perceived. I think
16 in the context of what I said yesterday is did I feel
17 personally for the officers as this progressed knowing
18 that there was stuff out there in the media that
19 included matters linked then in that case to their
20 private life? And, as I say, it was just my express of
21 the empathy for the officers that this was, you know,
22 out in the public domain. And there could be every
23 right for that, I just -- I'm allowed to feel a bit of
24 empathy for the officers that with their private life
25 and families that it is naturally going to have an

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1 impact, whether it to be founded or otherwise.

2 Q. When we have heard about the family on the afternoon of
3 3 May raising the issue of racism potentially having
4 been a factor in the death of Mr Bayoh, were you aware
5 of any officers expressing the view that this was an
6 agenda on the part of the family, or that that was
7 somehow not a genuine concern, but simply an agenda that
8 they had?

9 A. No, and I would never correlate that with the -- the
10 feedback from the officer that had been there that that
11 was the position/view of -- or the immediate position or
12 view of the family and they are entitled to their
13 opinion based on at that time the lack of information
14 that they had been given.

15 Q. In considering the views of the family, were you aware
16 that these views were dismissed to some extent by being
17 portrayed -- those views being portrayed as part of an
18 agenda?

19 A. Dismissed by who, sorry?

20 Q. Dismissed by officers?

21 A. No, because I think -- well, as me as in -- clearly the
22 word is in my statement, again hopefully I have
23 explained that, but we never -- we never tried to
24 dismiss the views or position of the family because that
25 was the whole part of the investigation if those views

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1 and observations/positions would be founded/supported or
2 in fact if it was unfounded.

3 Q. So having been aware on 3 May that this was something
4 that had been raised by the family, and on the basis it
5 wasn't dismissed as some sort of agenda, what steps were
6 put in place to respond to those concerns at that time?

7 A. I couldn't tell you because I wasn't involved, but
8 I suppose it would just -- again at the early stages in
9 the hope that a full and thorough investigation would
10 provide potential outcomes in terms of the reasons and
11 we talked about the -- why did this take place, how did
12 this take place, and any outcome from that.

13 Q. So if you had been continuing in the role of SIO on
14 a longer-term basis that you have said you were, what
15 would you personally have expected to be done with
16 regard to investigating these concerns on the part of
17 the family, that racism was a factor?

18 A. Again, as part of keeping that open mind, that it would
19 have been fully considered along with every other
20 potential element.

21 Q. And in relation to possible racism, what particular
22 steps or actions would you have instructed as SIO to
23 consider specifically the question of race?

24 A. Again, it would probably be to get a better
25 understanding, and again that would be used through the

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1 investigative arm of the FLOs. So again, we're involved
2 in a number of incidents where the family have raised
3 issues and sought clarity. Again, it's -- that is the
4 concept and purpose of the family liaison officer, being
5 deployed to create that relationship: one from an
6 investigative perspective because there's information
7 that we would require from the family as part of any
8 investigation, but also as that point of contact and
9 understanding.

10 Any issues, again it is fed back in and if we
11 can't -- if I'm not in control of how to explore that
12 then potentially bringing in some form of
13 specialism/skill to better understand and explore that.
14 So I think as part of the investigation we would look
15 for some form of equality and diversity coordinator, or
16 consultant in effect, and they would have advised us
17 accordingly, having gained the information from the
18 family, as to how we best explore and potentially
19 evidence that.

20 Q. And would that equality and diversity consultant be
21 a member of the police, or would it be someone who was
22 seconded in to the police to assist?

23 A. Again, I know we have -- and again, maybe not
24 a consultant, but we do have the kind of coordinator and
25 through our Safer Communities department at that time we

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1 had access to a department that had a broader knowledge
2 and a more expert knowledge than us. If it was
3 something that needed to potentially be evidenced we may
4 look for independence advisory support.

5 Q. Where would you access that?

6 A. It would be through our partners, again it is the
7 provision of -- so we do have specialisms nationally and
8 across the UK, but no doubt there would be a conduit
9 through partners to identify the person best placed for
10 that.

11 Q. And engaging the services of a consultant or an
12 independent advisory board, would that be the
13 responsibility of the SIO?

14 A. Yes.

15 Q. You have talked about how a FLO is part of the
16 investigation team, is that in addition to their welfare
17 responsibilities?

18 A. For the family?

19 Q. For the family.

20 A. Yes, as I say, there's a number of elements to their
21 role.

22 Q. And as well as the FLO liaising with the family, what
23 could be done in relation to investigating the
24 possibility of racism in relation to police officers who
25 were actually at the scene because obviously the family

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- 1 weren't at the scene, so how would you go about
2 investigating the motivation of the officers?
- 3 A. Yes, you would obviously include that as part of your
4 investigative strategy and again in consultation with
5 the family and understanding where those views are
6 coming from. But again, if it couldn't be explained
7 through open communication then -- again, even
8 consultation with them what they looked for. It may be
9 brought out in witness statements and again I suppose it
10 would be understanding the allegation in terms of
11 putting the provenance of that. If it was just a view
12 without any form of support and evidence or information
13 then I suppose we would just include that as part of the
14 kind of hypotheses -- working hypotheses and then
15 eventually at one point to go back to the family and
16 update them that through investigations that we carried
17 out this was something we couldn't support and again
18 just -- and work with them.
- 19 Q. So would that be done by taking witness statements from
20 civilian eye-witnesses?
- 21 A. Mm-hm.
- 22 Q. And would it also assist that part of the investigation
23 to have statements from, or accounts from the officers
24 themselves?
- 25 A. Yes.

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1 Q. And then would that allow further consideration to be
2 given as to whether there was any evidence for that line
3 of investigation?

4 A. That's correct.

5 Q. Finally can I ask you about a comment you made earlier
6 today. For those reading the transcript it's [draft]
7 page 58, line 12. You said:

8 "Answer: As an organisation we are accepting now
9 that racism exists within policing."

10 I would be interested in knowing in what ways in
11 your experience is racism in policing demonstrated
12 nowadays?

13 A. How do we evidence it or ..?

14 Q. No, how is racism demonstrated within the Police Service
15 now? How can we see it? Where do we see it?

16 Will I read out the --

17 A. No, I can understand it. I suppose it's -- what, in
18 terms of being hidden in plain sight or ..? By saying
19 that, I think it's --

20 Q. Well, you said:

21 "Answer: As an organisation we are accepting now
22 that racism exists within policing."

23 A. Because our communities have told us, our staff have
24 potentially told us.

25 Q. So it's information that you're gathering --

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1 A. Yes.

2 Q. -- in from the community, from the public?

3 A. Yes.

4 Q. And from members of your own staff?

5 A. That's correct.

6 Q. And from police officers themselves?

7 A. As I say, from communities, the public and within the
8 organisation. People have told us it exists.

9 Q. And these are real-life examples you have been given?

10 A. I'm unsure of the specifics but I appreciate from a --
11 as my view as an organisation, instead of carrying out
12 the work to identify it exists there is acceptance that
13 it does and actually putting the effort in to eradicate
14 it because it has got no place in the service and
15 society.

16 MS GRAHAME: Would you just give me one moment please.

17 (Pause).

18 Thank you very much. I have no further questions.
19 I would like to say one thing, if I may. In light of
20 the evidence we have heard today and over the past
21 couple of days it would be my intention to put before
22 you at some stage detailed evidence from the executive
23 of the Police Service of Scotland as to how it has
24 responded to and discharged the recommendations of the
25 Dame Elish reports and also to allow you to hear

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1 evidence about the equality, diversity and inclusion
2 activity which is being taken forward by the Police
3 Service and overseen by the Policing Together oversight
4 board chaired by DCC Ms Aisler.

5 And further and finally, in light of other evidence
6 we have heard today, that it would be my intention to
7 invite the Inquiry team to contact the Police Service
8 department to gain more information about their work to
9 also draw that to your attention.

10 LORD BRACADALE: Thank you.

11 Are there any Rule 9 applications? Ms Mitchell.
12 Nobody else.

13 Chief Inspector, would you retire to the witness
14 room please.

15 (The witness withdrew)

16 Application by MS MITCHELL

17 MS MITCHELL: There are five issues that I would like to
18 raise.

19 The first relates to the control measures being used
20 in the room where all the officers were sitting. The
21 issue that I really want to focus in on in particular is
22 timings and who was present in the room. We understand
23 from evidence already given that by 7.39 police officers
24 were told to come back to the station and by 8 o'clock
25 I think all but Nicole Short were back at the station

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1 and in the canteen.

2 We have heard evidence of this witness explaining
3 that control measures were in place and those control
4 measures were Sergeant Maxwell, who he admitted wasn't
5 independent, but also he indicated that Amanda Givan was
6 a control measure.

7 What I would like to discuss or explore with this
8 witness is the timings of Amanda Givan, when she
9 arrived, where she went, because we understand -- the
10 Inquiry may recall that Amanda Givan arrived at the back
11 of 9.00. She said that -- and I'm quoting her from her
12 evidence at paragraph 44.5:

13 "It's not a secure part of the building, it's
14 a thoroughfare, so people were coming and going. I left
15 there to go and try and find out what was happening."

16 So she went up and spoke to this witness along with
17 Pat Campbell. She returned at a later stage, downstairs
18 again to those that were there and I want to put and
19 explore with this witness the fact that she thought
20 somebody else would be the person that would be in
21 control and coming down and that was in fact what she
22 had gone up to ask Pat Campbell.

23 The reason why I think this witness might be able to
24 answer is because Amanda Givan said that Colin Robson
25 was with Pat Campbell when she was speaking to him, so

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1 it's to ask him about those matters and also to check
2 with him, given the fact that he was a senior officer,
3 when these officers got back, who directed the officers
4 to go to the canteen, did he give them any orders when
5 they arrived not to speak about the incident, or did he
6 give any orders for no one else to go into that room.

7 Finally, something arising from the examination was
8 that in giving his evidence about Sergeant Maxwell and
9 Amanda Givan this witness said at [draft] page 53, lines
10 5 to 7, discussing the fact that they were in the room
11 and effectively were control measure as he saw it, he
12 says:

13 "Answer: If they chose, after what I had asked, to
14 discuss, the Federation rep would be aware, whether she
15 was able to disclose that, and Scott Maxwell would as
16 well."

17 And I simply don't understand what he means about
18 whether or not the Federation rep would be able to
19 discuss whether or not anyone had had a conversation, so
20 to ask him what he means by that and obviously -- so
21 that's the first issue I want to explore.

22 The second is around the issue of civilians. This
23 witness was asked at [draft] page 59:

24 "Question: So would you have treated them [meaning
25 police officers] any differently if they had been

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1 civilians?"

2 And he responded:

3 "Answer: No."

4 I simply wanted to ask whether or not, if nine
5 civilians had been involved in restraining someone who
6 had died, would they have brought them all together and
7 had them sitting in the one room for a number of hours
8 unsupervised at times, and ask him surely they would
9 have wanted to ask them for individual statements.

10 The next issue I want to discuss or explore with the
11 witness is the statement that he gave that Sheku Bayoh
12 ran towards another officer with a knife. Now, the
13 question of what information senior officers had and on
14 what basis they decided that police officers were
15 witnesses or suspects I would respectfully submit is
16 going to become a very important matter during the
17 course of the hearing.

18 Therefore, I think it's important to find out where
19 the various stories came from as to things that simply
20 weren't true. For example, when Sheku Bayoh was
21 approached by the police he didn't have a knife, he
22 didn't have a machete, no officer was stabbed, yet these
23 reports were being circulated amongst police and amongst
24 the media. And because it's on the basis of such
25 information that senior police officers took this

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1 version of events, or -- it was in fact in fairness
2 a number of versions of events that weren't clear,
3 I would like to check with this witness about the leap
4 of faith that he made in the assumption and also to ask
5 whether or not he was responsible for other things that
6 the Inquiry will come to hear about what senior officers
7 understood the position to be. For example, senior
8 officers who heard that Nicole Short had tripped up and
9 officers went to her aid as Sheku Bayoh was alleged to
10 have a knife, whether or not he had a machete, and to
11 ask this witness if it other officers come to court and
12 say that, was that anything that you might have said at
13 any point? Did that come from you?

14 Finally on that point I would like to ask that
15 witness when did his state of knowledge change in
16 relation to what the true picture was in relation to
17 Sheku Bayoh, and when it did, did he flag it up or bring
18 it to anyone's attention that the original information
19 he gave was incorrect.

20 The fourth issue I would like to discuss with this
21 witness is the issue of resources and separation of
22 the police witnesses, touching on the earlier point that
23 I made.

24 We have heard from other civilian witnesses in this
25 case that they were brought in and separated. We heard

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1 from Martyn Dick and Kirsty MacLeod that they were
2 separated even as early as leaving their home, taken in
3 separate police cars, and we have heard that Zahid
4 was -- when he was with the police he was kept separate
5 even from his own family and the Inquiry will remember
6 evidence of his own family wishing to speak with him and
7 not being able to speak with him when he was outside his
8 house.

9 So it's to explore with this witness the actual
10 number of rooms in Kirkcaldy Police Station. The
11 witness said that due to resources, "Where was I going
12 to put them?" And it was to explore if there weren't
13 enough places in Kirkcaldy, what else could have
14 happened? If there's a large-scale disturbance, for
15 example, and five or six people are brought in by
16 police officers and they want to take statements from
17 them, how is that coped with by Police Scotland? Are
18 they taken to another police station, are there other
19 methods that could have been employed to keep them
20 separate? So asking about that from a resource
21 perspective.

22 The last issue that I want to ask this witness about
23 is race and record keeping. We have heard evidence from
24 this officer about the fact that the views that are held
25 in society that can involve racist, sexist, antisemitic,

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1 homophobic attitudes, those are matters that can be
2 found in the public, members of the public, and also
3 clearly can be found within the police force.

4 What I want to explore with this witness is if at
5 the lowest end there are jokes and banter, inappropriate
6 comments, and they're dealt with simply by one person
7 challenging another person, or perhaps simply taking
8 that one level up and speaking to a senior officer,
9 what, if anything, is done about record keeping these
10 incidents because what he says in his evidence is -- and
11 this is today at [draft] page 31:8, he says:

12 "Answer: So again, you're relying if -- if it's
13 challenged between the people involved and it doesn't go
14 any further, then I don't know how you can control or
15 ensure if there was line management aware."

16 So he is essentially saying there if it's just
17 between the two people then he doesn't know how that
18 would be done and also he said, in relation to how these
19 matters would be dealt with if they were erased, he says
20 that what he would do is:

21 "Answer: ... manage expectations of what they are
22 looking for to do because it would be a bit remiss if
23 the fact that the actions you took thereafter weren't in
24 keeping with how they wished to progress -- have it
25 progressed or resolved."

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1 So to ask around that. If the person themselves who
2 has made the complaint says, "That's enough, I don't
3 want it dealt with in any other way, I'm happy that it's
4 finished", is that an end to the matter? Would the
5 person who expressed such a view have some record of it
6 in their file or such and whether or not in those
7 circumstances, if it these numbers weren't recorded and
8 statistics can't be gathered on it, how can the Inquiry
9 know how much racist, sexist, antisemitic and homophobic
10 views can be held by police officers if we don't have
11 this information?

12 Those are my questions.

13 LORD BRACADALE: Thank you. I will rise to consider this
14 application.

15 (2.33 pm)

16 (Short Break)

17 (2.52 pm)

18 Ruling

19 LORD BRACADALE: I'm going to allow Ms Mitchell to ask
20 questions about the second matter, that's to say how
21 a group of civilians involved in restraint would have
22 been dealt with.

23 Also the matter of the physical limitations in
24 Kirkcaldy and the extent of that and whether police
25 offices could have been used for separation, and I shall

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1 also allow her to ask questions on the record keeping of
2 internal matters relating to racial issues.

3 In respect of the other two matters relating to the
4 canteen and the account of Mr Bayoh running at the
5 officers with a knife, it seems to me there is
6 sufficient evidence from witnesses who have already
7 given evidence, this witness and witnesses who are to
8 come to allow these matters to be developed in
9 submissions.

10 Can we have the witness back please.

11 (The witness returned)

12 Chief Inspector, Ms Mitchell who represents the
13 families of Sheku Bayoh is going to ask you some
14 questions.

15 Ms Mitchell.

16 DI COLIN ROBSON (continued)

17 Questions from MS MITCHELL

18 MS MITCHELL: I'm obliged.

19 Chief Inspector, I'm going to take you back to a bit
20 of your evidence that you gave us earlier and you were
21 being asked questions about how you would have treated
22 the police when they returned to Kirkcaldy Police
23 Station and just for reference at [draft] page 50, lines
24 9 to 11, you were asked a question by Senior Counsel to
25 the Inquiry:

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1 "Question: So would you have treated them any
2 differently if they had been civilians?"

3 And your answer to that was:

4 "Answer: No."

5 I just want to explore that a wee bit. If, for
6 example, you had a large number of people -- not
7 necessarily nine, but perhaps anything around that size,
8 five, six, seven, eight, nine people, if they had been
9 involved in restraining someone who had died and you
10 wanted to bring them all back to Kirkcaldy Police
11 Station to ascertain what had happened, would you have
12 brought them together and placed them all together
13 sitting in the one room?

14 A. Potentially, yes. Again, it would be dependent on the
15 circumstances and I think going back to how I had kind
16 of tried to explain the circumstances in terms of the
17 kind of how and why of bringing them back, maybe to gain
18 that control thereafter if -- and again the available
19 resource -- if there was a necessity to separate them at
20 the time.

21 Q. So the two things that you would have in mind are
22 control?

23 A. Mm-hm.

24 Q. And resources?

25 A. (Nods).

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1 Q. So we have already heard in relation to control and you
2 believed that Scott Maxwell was a -- if not control then
3 someone who could assist there --

4 A. Mm-hm.

5 Q. -- and Police Constable Givan were two forms that you
6 identified that you thought were control. If you had
7 brought nine people back and you didn't know the
8 circumstances of what had happened at the critical time,
9 so exactly the circumstances that we found here, and if
10 those people were simply civilians, how would you have
11 dealt with them? Would you have brought them back and
12 would you have brought them all together and had them
13 sitting altogether in one room unsupervised?

14 A. Yes, because I have been faced with those circumstances
15 before.

16 Q. What did you do in those circumstances?

17 A. We brought them back as a collective because there was
18 no other alternative. Having brought them back as
19 a collective in one place we would then have, as part of
20 that, control measures, police officers sitting with
21 that group of individuals.

22 Q. And in the circumstance, in the example that you gave,
23 what police officers were tasked to do that role? Did
24 they have a specific --

25 A. On that day?

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- 1 Q. Yes.
- 2 A. Yes, so I think I explained Scott was there as
3 a supervisor and as the support for welfare, the
4 Federation rep, and again it is my account that I had
5 requested someone as independent as possible at that
6 time --
- 7 Q. Sorry, that's my fault, I meant in the example that you
8 gave where you had police officers --
- 9 A. So just the officers that had attended because the
10 witnesses -- in terms of this hypothetical scenario
11 which has been obviously -- does play out on a regular
12 basis, that you would use the available resource at that
13 time, say two officers, to control the numbers of
14 witnesses you are referring to until we had a plan and
15 logistics in place to get the witness statements from
16 them and as part of that if there was forensic
17 considerations as well.
- 18 Q. And in coming to that matter would you look in terms of
19 logistics about resources?
- 20 A. Yes.
- 21 Q. That's the second thing you came to. Can you explain to
22 us what issues arise then in these circumstances for
23 logistics and resources?
- 24 A. So again, if I brought a number of witnesses back and
25 there were only two officers available, those -- if it's

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1 two officers to deal with each witness then I would need
2 more resource in terms of whether the plan was to take
3 them away one by one, we would need less resource, or if
4 it was to then separate them you would need two
5 officers, or I would like two officers per witness, so
6 effectively if you're talking seven, eight, then you're
7 talking 14, 16 officers to do that.

8 Q. And would you have had the capacity to put them in
9 separate places in Kirkcaldy Police Station?

10 A. Probably not, just owing to the availability of rooms.

11 Q. So the two limitations on your resources are the
12 officers and the number of rooms at Kirkcaldy?

13 A. That's correct.

14 Q. Do you know how many rooms you had, out of interest, at
15 Kirkcaldy for interviews?

16 A. For interview, there's two interview rooms at Kirkcaldy.
17 Again, that's also in conjunction with the custody area
18 as well, so they are in use. There's other rooms that
19 could potentially be used.

20 Q. I want to move on to a further issue in relation to
21 resources. We have heard -- the Inquiry has heard of
22 other civilian witnesses who were brought and who were
23 immediately separated. The Inquiry has heard, for
24 example, that two people that were asked to come were
25 Martyn Dick and Kirsty MacLeod and they were separated,

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1 put in separate police cars, taken separately and dealt
2 with. They have also heard that Mr Zahid Saeed was kept
3 separate, even from his family speaking to him, when
4 the police were in his company outside the family home.

5 In those circumstances, where the families and the
6 relatives and friends were being dealt with in that way,
7 it would seem that the civilians were being dealt with
8 in a way which was ensuring that they were being kept
9 separate but not the police?

10 A. I think the actions were to take statements from those
11 individuals. Obviously you can't note a statement from
12 one person in the presence of another witness that you
13 would intend to note a statement from. There was no --
14 there was no intention to separate, I think it was just
15 by the nature of the action we were performing they had
16 to be alone when they gave that statement, as opposed to
17 a specific instruction to separate the witnesses.

18 Q. The Inquiry has heard that in terms of resources what
19 might be suggested as a surplus of officers were also
20 sent to the homes of Martyn Dick and also Zahid Saeed,
21 so there may well have been resources. Was any
22 consideration given to that, to try and separate them
23 and use some of those resources?

24 A. Not that I recall, no.

25 Q. I would like to move on to another issue, it's in

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1 relation to record keeping in respect of race and some
2 of the evidence that you have given us here today.

3 You have said even in your own experience in
4 WhatsApp groups and messages, friends now -- I think for
5 reference it is [draft] page 51, lines 11 to 18, and you
6 have said that friends don't send things which they
7 think would offend you perhaps. I will read the exact
8 phraseology, you said:

9 "Answer: Yes, but to be honest I think the friends
10 I do now have there's probably a kind of respect that
11 they won't share stuff with me because they know my
12 position on it."

13 And the question was:

14 "Question: Because of your rank do you think?"

15 And you said:

16 "Answer: No, just I'm in the police and they know
17 where I stand on these issues."

18 So even within your own friends there presumably are
19 people expressing views that you do not agree with of
20 a nature, as we have been talking about, sexist, racist,
21 those kinds of things?

22 A. (Nods).

23 Q. Clearly in society we take our police officers from the
24 general public and in the general public you have
25 already given evidence that members of the public can

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1 hold these views.

2 You gave evidence about the way that issues are
3 flagged up when they are dealt with -- if we can perhaps
4 put it this way, when they are dealt with at the lowest
5 level, when someone has heard something that's
6 inappropriate: sexist, homophobic, racist, misogynistic,
7 the -- one of the options is to raise that directly with
8 another person.

9 A. Mm-hm.

10 Q. And that can be an end to the matter if that person
11 considers the matter has been resolved satisfactorily.

12 The other way that you explained that it can be done
13 is by raising it effectively one level up; is that
14 correct?

15 A. Yes.

16 Q. And the matter can be dealt with in that way and I think
17 what you have said there is that the person who makes
18 the complaint has some degree of agency as to what
19 happens thereafter, they have some degree of involvement
20 in how you would proceed with the matter if someone came
21 to you saying that they had raised that; is that
22 correct?

23 A. Potentially, yes.

24 Q. So just for the sake of the Inquiry that's [draft]
25 page 31 today at lines 8 to 11; and 31, lines 16 to 20.

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1 I will just repeat what you said. You said:

2 "Answer: I suppose it's managing expectations of
3 what they are looking for you to do because it would be
4 a bit remiss if the fact that the actions you took
5 thereafter weren't in keeping with how they wished it
6 progressed or resolved."

7 So that's -- you take into consideration what the
8 person who comes to you with the complaint does.

9 In those two instances what record keeping is kept
10 of the conversations either between simply two
11 police officers or yourself as a more senior
12 police officer if a more junior person comes to you?

13 A. It could just be exactly -- and the same scenario with
14 a notebook and/or daybook depending on the
15 circumstances.

16 Q. And what would then be done with that information, if
17 the matter was resolved between the two people first of
18 all? What would be done with that information that you
19 kept; would your book go anywhere?

20 A. Again, in keeping with managing expectations, if it's
21 between two people and they resolve it, I suppose the
22 question is does it actually get escalated to
23 management, do they actually have an awareness? We
24 wouldn't know. If it's between two people, then
25 I imagine that would have just been resolved and there

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1 would be no record keeping.

2 My expectation is that if it is raised, regardless
3 of the outcome, then it is recorded in some fashion in
4 a notebook. If that's then a matter that needs
5 escalated -- for instance if it is a performance action,
6 in terms of record keeping it is something that we could
7 notify PSD is the fact that an issue has arisen, if it's
8 been dealt with and resolved at a local level in terms
9 of performance action, just articulate exactly the
10 circumstances for that to be held within police systems
11 in the event of any further incidents that were raised,
12 just to give that background that there's issues that
13 existed before.

14 Q. Okay, so I just want to check, if I can go through that
15 in a wee bit more detail. So what you have said is if
16 two people have that conversation and it's dealt with
17 between those two people, then it may simply be between
18 those two people?

19 A. Yes.

20 Q. It possibly might be recorded in a notebook but that
21 might be the end of the matter?

22 A. Mm-hm.

23 Q. If it's escalated, if I can just check -- and by
24 escalation you mean reporting it to somebody more senior
25 than you and said that this is an issue -- there are

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1 options that can be taken. Is one of the options for
2 that more senior officer to simply then speak to the
3 person who has said the thing which is racist, sexist,
4 homophobic or antisemitic and have the matter simply end
5 at that point?

6 A. If the circumstances dictated it and it wasn't then
7 constituted as anything criminal, yes.

8 Q. So is that the test: if it wasn't criminal, no --
9 nothing would go elsewhere?

10 A. It depends if it -- that circumstance if the
11 supervisor -- and again, I'm probably speaking with
12 hindsight and my experience in PSD, if the supervisor
13 doesn't feel experienced enough to deal with that, again
14 in consultation with the complainer, effectively, they
15 may seek advice and guidance from senior management or
16 in fact PSD of how to progress that.

17 Q. Say they don't have that crisis of confidence and they
18 believe that they can deal with the matter by going
19 directly to the person and addressing it with them, how
20 would that be recorded?

21 A. Again, it could be recorded in a notebook to outline the
22 discussion that's taken place. If that then corresponds
23 in an interview or meeting with the person that's
24 responsible for these comments, again note that
25 interaction and any outcome. If they then -- and again

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1 best practice would be to share that with senior
2 management and PSD to have that record because if that's
3 dealt with in isolation I suppose in a hard copy, if
4 there was to be further issues how would you audit that,
5 I suppose.

6 Q. Indeed. So my first question arising from those issues
7 is you say if an interview is required. Now, an
8 interview is presumably more formal than speaking to
9 somebody?

10 A. Yes.

11 Q. Would it have been -- would it be possible for somebody
12 in the supervisory capacity to simply go and speak to
13 the person without calling a formal meeting, or would
14 a formal meeting always be called?

15 A. I think in terms of keeping themselves right, the fact
16 that there is a formal meeting and also the company of
17 somebody else, so again the kind of principle is that
18 kind of corroboration, following not what is a legal
19 process but in keeping with that.

20 Q. So are you saying that if somebody raises it with
21 a senior officer there is always an interview and that's
22 always recorded?

23 A. If the person needed spoken to, best practice is that
24 would be recorded. If not then again try and evidence
25 that it ever took place. That is again the basic

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- 1 principle with any contact with the police with --
- 2 Q. So you're not aware of any instances, for example, when
3 a more senior officer would simply have a word with
4 a more junior officer?
- 5 A. Again, it's maybe something that happened in the past.
6 Now with the process and procedures that -- I don't
7 think any supervisory officer -- I think it is widely
8 recognised that any interaction with staff in that
9 nature would require to have some form of documentation.
- 10 Q. Where does that documentation, if it is raised, where
11 does that documentation go?
- 12 A. So I suppose with the notebook, if it was recorded in
13 a notebook or daybook, I suppose that would have to be
14 transposed on potentially an email, or it then may take
15 the form of a briefing paper or a note to senior
16 management to explain the circumstances and the action
17 the supervisor took to then --
- 18 Q. Sorry.
- 19 A. No, and that would then be something that could be sent
20 to PSD. We have more of an electronic database for that
21 information to be recorded onto.
- 22 Q. What would be the circumstances in which the further
23 step would be taking and sending it on somewhere else.
24 What's the criteria for the matter being escalated from
25 just being put in a note to sending it to Professional

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- 1 Standards?
- 2 A. I don't think there's any -- if it causes for -- any
3 circumstances where it's an officer caused to be
4 addressed in terms of how they behaved, I would like
5 that information to be escalated and then also
6 transmitted to PSD.
- 7 Q. Okay, now, you say, "I would like that", is there a rule
8 on it? Is there a regulation we can go and find which
9 says, "If this matter comes to you that's where we --
10 that's what has to happen"?
- 11 A. I'm not sure, to be honest.
- 12 Q. So do we know if other officers are following that same
13 view that you do?
- 14 A. I couldn't say.
- 15 Q. So we have this criteria that you say you would like
16 to -- you're not sure if other officers do that. Is
17 there anywhere else -- we will take the first example of
18 if two people are just talking to one another and they
19 put it in the notebook, is there anywhere else that
20 information would be stored? Would they, for example,
21 ask for it to be put in their colleagues' records?
- 22 A. Yes and that's -- and in terms of record that would be
23 the PSD that would hold that internal system for that,
24 so it is --
- 25 Q. But if two officers are simply speaking to one another

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- 1 and resolve it that way, would there be any trace of it
2 for being placed on the personal records?
- 3 A. No. Unless they recorded it and chose to record it and
4 the fact that if they were giving their colleague
5 an opportunity to learn or reflect on their actions, but
6 potentially they made that entry, that again that would
7 be probably individual.
- 8 Q. So that would be the person putting that in their own
9 file, saying, "This happened and this is how I dealt
10 with it"?
- 11 A. Yes, and I have had it that people have approached PSD
12 and supervisors and provided effectively a timeline or
13 catalogue of issues that they have chose to record as
14 they have went, and at a time that they thought or had
15 the confidence to do it, they have raised it.
- 16 Q. But that wouldn't be recorded, as it were, against the
17 person who had made the comment?
- 18 A. No, because at that time it wouldn't have been shared.
- 19 Q. So if two officers are resolving matters between
20 themselves, unless one officer writes in their own
21 record about what that is, there isn't any record kept
22 at all of that in the other person's records?
- 23 A. Because we would be unaware.
- 24 Q. In those circumstances that you have described, if the
25 police officers would be unaware of two officers dealing

Transcript of the Sheku Bayoh Inquiry

1 with these matters by themselves, or in circumstances
2 where there isn't a rule, as far as you know it, to
3 require people who are in a more senior position to pass
4 that on to Professional Standards, if those numbers are
5 not recorded, how can the Inquiry know how much racist,
6 sexist, antisemitic or homophobic views are held or
7 expressed by police officers in Scotland?

8 A. I suppose it would be difficult to kind of
9 quantify/qualify in those circumstances.

10 MS MITCHELL: No further questions.

11 LORD BRACADALE: Thank you.

12 Chief Inspector Robson, thank you very much for
13 coming and giving evidence to the Inquiry. I'm going to
14 rise for the weekend in a moment and you will then be
15 free to go.

16 So the Inquiry will adjourn until Tuesday at 10 am.

17 (3.13 pm)

18 (The Inquiry adjourned until 10.00 am on Tuesday,

19 7 March 2023)

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Transcript of the Sheku Bayoh Inquiry

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