

# Transcript of the Sheku Bayoh Inquiry

Friday, 3 March 2023

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

- 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?

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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 --

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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."

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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 --

## Transcript of the Sheku Bayoh Inquiry

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."

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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 --

## Transcript of the Sheku Bayoh Inquiry

- 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.

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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 --

## Transcript of the Sheku Bayoh Inquiry

- 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?

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

- 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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

- 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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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)

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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.

## Transcript of the Sheku Bayoh Inquiry

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 --

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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."



## Transcript of the Sheku Bayoh Inquiry

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:

## Transcript of the Sheku Bayoh Inquiry

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).

## Transcript of the Sheku Bayoh Inquiry

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?

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

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,

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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.

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

- 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

## Transcript of the Sheku Bayoh Inquiry

- 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)

20

21

22

23

24

25

# Transcript of the Sheku Bayoh Inquiry

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## INDEX

DI COLIN ROBSON (continued) .....	1
Questions from MS GRAHAME (continued) .....	1
Application by MS MITCHELL .....	122
Ruling .....	129
DI COLIN ROBSON (continued) .....	130
Questions from MS MITCHELL .....	130