

Transcript of the Sheku Bayoh Inquiry

Thursday, 9 March 2023

(10.00 am)

LORD BRACADALE: Good morning, Detective Chief

Superintendent Campbell. Will you take the oath?

DETECTIVE CHIEF SUPERINTENDENT PATRICK CAMPBELL (sworn)

LORD BRACADALE: Ms Grahame.

Questions from MS GRAHAME

MS GRAHAME: Good morning.

A. Good morning.

Q. You are Detective Chief Superintendent Patrick Campbell?

A. I am.

Q. What age are you?

A. I'm 51 years of age.

Q. And how many years' service do you have?

A. I have completed 27 years.

Q. And in 2015, you were a detective superintendent?

A. I was.

Q. And that was for local policing in the whole of Lothian
and Borders?

A. That's correct.

Q. We've heard, I think, one of our previous witnesses,
Colin Robson, say that you were in charge on 3 May of
basically the east of Scotland?

A. Yes, that's correct.

Q. Were you the on duty detective superintendent for the

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1 east of Scotland?

2 A. For the east of Scotland, yes.

3 Q. Did that include Kirkcaldy?

4 A. It did, yes.

5 Q. We've also heard that you were a very busy man that day.

6 Would that be fair to say?

7 A. Yes, I was, yeah.

8 Q. I'll ask you more about that later.

9 A. Yeah.

10 Q. There's a blue folder in front of you, as you can see.

11 A. Yeah.

12 Q. What we've done is we've provided you with hard copies

13 of all of your statements and things. Now, if at any

14 time you want to have a look at any of those, that

15 folder is for your use, and please feel free to make any

16 use of it.

17 A. Okay, thank you.

18 Q. If I'm going to refer you to a document, it will also

19 come up on the screen, and on the screen we have

20 redacted copies of things which we can display. But if

21 you prefer the hard copy, you do have it.

22 A. Okay, that's great.

23 Q. Can we first of all look at -- I'll take you through all

24 your statements -- PS00288, and I think this is

25 an operational statement by you. It's got your name at

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1 the top, and if we look at the date, it says 19 May 2015
2 at 1500 hours, and it's a self-penned statement that you
3 wrote at Livingston police station.

4 A. Yeah.

5 Q. So this was just over two weeks after the events.

6 A. Yes.

7 Q. And I think you say in your Inquiry statement that you
8 did your best when you wrote this to be accurate and to
9 be honest about the events you were describing?

10 A. I did, yes.

11 Q. Now, in addition, I think you have seven statements that
12 you gave to PIRC. First of all, before I go through
13 these in turn, can you explain why there were so many?

14 A. Yeah. I think it's really due to the kind of extensive
15 role I had on 3 May, involvement in various strands, as
16 obviously we will discuss. Also at the time I was still
17 operationally deployed as a detective superintendent
18 within an area dealing with live incidents, so to take
19 maybe one or two days out of your week was really
20 difficult, so it was more kind of ad hoc statements,
21 you know, split over quite a significant period of time
22 to facilitate basically my work schedule more than
23 anything at all. I think that's probably the best way
24 to explain it.

25 Q. So PIRC would come multiple times to fit in with the

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1 busy work schedule that you had?

2 A. Correct, yes.

3 Q. Let's start with the first one, PIRC 211, and this
4 should be a statement to PIRC dated 19 June. You'll see
5 that on the screen. It was taken by investigator
6 Kareen Pattenden at Livingston Police Office, and I'll
7 just go through the basic details at the beginning of
8 each statement before I ask you one or two questions.

9 The next one is PIRC 212, and this was then taken on
10 3 July 2015, again at Livingston Police Office. And do
11 you recognise that?

12 A. I do, yes, yeah.

13 Q. And then 6 July 2015 was a statement, PIRC 213. Again,
14 taken at Livingston.

15 A. Yes.

16 Q. And you recognise that as well?

17 A. I do.

18 Q. 7 July 2015, PIRC 214. Do you see that --

19 A. Yes.

20 Q. -- on the screen, again taken at Livingston?

21 A. Yes.

22 Q. Then 215, dated 8 July 2015, again at Livingston. You
23 were based at Livingston Police Office at the time?

24 A. I was based between Livingston and Dalkeith, I had
25 an office at both offices, yes.

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1 Q. Then we have one for the 15 July 2015, PIRC 216.

2 A. Yeah.

3 Q. So that was essentially six statements that we've looked

4 at on the screen --

5 A. Yeah.

6 Q. -- between 19 June and 15 July.

7 A. Yes.

8 Q. All given by you at Livingston Police Office to PIRC?

9 A. Yes.

10 Q. You recognise all of them?

11 A. I do.

12 Q. You've had an opportunity in the past to look at all of

13 them, haven't you?

14 A. I have, yes.

15 Q. Were all of them your best efforts to be accurate and

16 true in your recollection?

17 A. Yes, they were.

18 Q. Then finally there was another PIRC statement given in

19 January 2018, so almost three years later,

20 12 January 2018, and this is PIRC 217. Again, have you

21 had a chance to look through that statement?

22 A. Yes, I have.

23 Q. And again, was that true and accurate?

24 A. Yes, it was.

25 Q. Now, I think in your Inquiry statement, at paragraph 13

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1 for those that are looking, you've said your memory then
2 was probably better than it maybe is now?

3 A. Yeah, I think that's true.

4 Q. Lots of witnesses have said the same to us. So if
5 there's a difference between your first set of PIRC
6 statements, say in 2015, and your evidence now, we'll
7 obviously ask you to talk about any of that, but if
8 there is a difference when the Chair looks at that
9 later, should he prefer your PIRC statements or should
10 he prefer your evidence? Or do you not want to be that
11 general?

12 A. It's pretty -- a kind of generalisation to be honest
13 with you, I don't think I'd like to be specific around
14 that at this stage.

15 Q. That's absolutely fine.

16 Now, if we hear that PIRC did have some difficulties
17 getting a statement out of you -- you're nodding,
18 I think, you would accept that, would you?

19 A. Yes.

20 Q. Do you want to make any comment about that?

21 A. Erm, no, I think it was just that it's quite challenging
22 to facilitate the time that PIRC were looking to speak
23 to me during that busy period in my service. But other
24 than that, I did my best to accommodate it.

25 Q. I wondered if you'd like to say anything about the

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1 sort of, the pressures on you at that time in terms of
2 the work you were doing. You've talked about being on
3 duty as a detective superintendent. Could you help us
4 understand to some extent the type of work you were
5 involved in at that time?

6 A. Yeah. It's -- so there is a detective superintendent
7 for each of the territorial divisional areas so it's
8 a really busy portfolio looking after major crime, local
9 crime, public protection issues within that particular
10 territorial area. And also in 2015 it was the very
11 early stages of Police Scotland, so again some legacy
12 issues still existed within particular areas. So again
13 it was quite a challenging role at that time to look at
14 bringing everyone together into Police Scotland as such,
15 and even two years -- in 2013 obviously we became
16 Police Scotland, but two years at 2015 there were still
17 challenges round about access to IT, we'll probably
18 hear, round about the bringing together standard
19 operating procedures and legacy issues and policies that
20 were being merged into a national policy as such, it was
21 still in the stages of working through.

22 So, that aside, you had -- well, I had oversight of
23 all significant crime matters within that particular
24 area, Lothian and Scottish Borders, which was a huge
25 area covering West, East Lothian as well as the

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1 Scottish Borders, so~...

2 And other than that, there was other aspects I still
3 carried with me through my portfolio round about leading
4 on particular areas for Police Scotland such as I led on
5 identification round about some of the issues that we
6 were looking at through identification, as a national
7 role, and also had involvement in quite a significant
8 cold case which I had dealt with earlier on in my
9 service but due to the very nature of it, I kept that as
10 the kind of lead SIO officer on it, so as well as the
11 local issues I still had some national portfolio issues
12 and other legacy areas that I was still basically
13 running with at that particular time.

14 Q. Was that a cold case from the Lothian and Borders area?

15 A. No, it was a cold case from Lanarkshire.

16 Q. So actually still continuing with a case from
17 a different area as well?

18 A. Yeah, yeah, and it was a case that obviously had a lot
19 of media attention around it at the time, and just with
20 the liaison and the close contact I'd built up with the
21 family, it was deemed appropriate that I continued with
22 the SIO aspect of that particular case.

23 Q. Did that take up a lot of your time as well?

24 A. It did, yes, yes. So, as I say, it led to areas such as
25 exhumation of various graves and things such as that at

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1 the time, and also round about further significant
2 searches of areas within the Lanarkshire area for the
3 remains of this particular individual. So, as I say, it
4 took up quite a significant period of time as well.

5 Q. Has that case gone to trial now, has that completely
6 finished?

7 A. Yeah, so basically the male deemed to be responsible is
8 deceased, so it was dealt with at that time and led by
9 the Lord Advocate Frank Mulholland, and, as I say, the
10 focus just now and still is on the recovery of the
11 remains of the particular individual. This is a case
12 going back to 1957 within Coatbridge in Lanarkshire.
13 So, as I say, there is no aspect of prosecution still to
14 be progressed around it, it's simply body recovery just
15 now unfortunately.

16 Q. You've talked about the sort of the jurisdiction and the
17 area that you were working on at that time. Can you
18 give us some sense of understanding about the number of
19 cases or the number of people that you were involved in?

20 A. Yeah, so, I mean, I had oversight of all CID public
21 protection intelligence personnel within that divisional
22 area, which was round about 350, 400 --

23 Q. Thousand?

24 A. No, 400, yeah, within that particular area. So you had
25 that strategic oversight of all criminal, crime-related

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1 matters, you were part of that divisional executive team
2 led by a divisional commander, so you were responsible
3 for that, the feed of anything that was ongoing into
4 your command team as such, which thereafter you
5 progressed that through into the executive of Police
6 Scotland at that time.

7 Q. So that's not the population, that's the number of
8 ongoing matters that you're actually dealing with?

9 A. No, sorry, maybe --

10 Q. It's maybe my -- I probably misunderstood.

11 A. I think you asked about how many resources, so it was
12 roughly about 400 resources within Lothian and Borders
13 that I had oversight of.

14 Q. Is that officers and staff?

15 A. Officers and sergeants and staff. So that's
16 encompassing intelligence, public protection, and
17 criminal investigation.

18 Q. I see. Sorry.

19 A. But thereafter you are dealing with aspects that emerge,
20 so through the three years I was there, there was
21 homicides, there was significant public protection
22 investigations, there was a chance of an external review
23 as well with Scottish Government, there was significant
24 other crime matters you were dealing with on
25 a day-to-day basis. So, as I say, it was anything

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1 emerging, it was live-time investigations you were
2 basically thereafter overseeing strategically.

3 Q. We've heard evidence that things can come in urgently or
4 as emergencies, and have to be dealt with very quickly.

5 A. Yeah.

6 Q. Is that the sort of day-to-day reality of the job you
7 were doing at the time?

8 A. Yeah, yeah. So, I mean, you had basically -- you are
9 reacting to, as well as being proactive to some of the
10 investigations, but you are reacting to incidents that
11 are developing through the course of any particular day
12 and thereafter when you are on call, as I was on 3 May,
13 you have multiple divisional areas to look after. So
14 you're on call for a seven-day period, so anything
15 outwith normal working hours, so anything after
16 5 o'clock through to 7 o'clock the next morning and all
17 through the course of any weekend, you have the whole
18 divisional -- the whole east of the country to basically
19 manage the crime aspect of that, if that makes sense.
20 The force itself, and still is, was divided into three
21 particular areas, so north, west and east, and there
22 would be a detective superintendent such as myself that
23 would have that responsibility for each of the
24 territorial areas across the country.

25 Q. It sounds very busy?

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1 A. Yes.

2 Q. And was there any time to sleep during that seven-day
3 period? You don't have to answer that question.

4 A. Yeah, yeah.

5 Q. So on -- slightly taking you away from the statements
6 that we were looking at, but the statements you gave to
7 PIRC were given during that period that you were working
8 as detective superintendent?

9 A. Yes, they were.

10 Q. Can we look at now what's called a Rule 8 response,
11 SBPI 00134. Now, we've heard of these from other
12 witnesses, and just so that the public understand, this
13 is when you receive a number of questions from the
14 Inquiry team --

15 A. Yes.

16 Q. -- written questions, and you were then given the
17 opportunity to respond to those in writing, and this is
18 what happened --

19 A. Yes.

20 Q. -- here. You were sent a number of questions, and you
21 then prepared a response to that Rule 8 request.

22 A. I did, yes.

23 Q. So essentially this is the first statement, if you like,
24 to the Inquiry --

25 A. Yes.

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1 Q. -- from you. We'll see it on the screen. You've got
2 a hard copy as well.

3 A. Yeah.

4 Q. If we look towards the bottom of that document, we will
5 see that it was signed on 16 May last year.

6 A. Yep. That's correct.

7 Q. So if we can go right to the bottom, please. You'll see
8 your signature's been redacted but the date you signed
9 it is there at the bottom.

10 A. Yeah.

11 Q. And there are 25 answers to 25 questions, and then at
12 the end there's a paragraph that says:

13 "I have answered these questions to the best of my
14 recollection, but without access to all relevant
15 material. Notwithstanding this, I believe the facts in
16 this witness statement are true. I understand that this
17 statement may form part of the evidence before the
18 Inquiry and be published on the Inquiry's website."

19 And you understood that?

20 A. Yes.

21 Q. You were asked to put that paragraph in, and you
22 understood that would be the position when you signed
23 it?

24 A. Yes, I did.

25 Q. Then can we look at SBPI 00256. This is an Inquiry

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1 statement, so effectively the second contact that you
2 had with the Inquiry team.

3 A. Yep.

4 Q. And it was taken by a member of the Inquiry team on
5 10th, 11th and 17 November and 14 December last year?

6 A. Yes.

7 Q. So there were a number of discussions with you and the
8 Inquiry team, and those are the correct dates?

9 A. They are, yes.

10 Q. And then, as I understand the procedure, you're sent
11 a typed draft, if you like, statement.

12 A. Yeah.

13 Q. You were then given the opportunity to go over that,
14 make any changes that you wished to make --

15 A. Yes.

16 Q. -- additions, redactions, removing things, altering
17 wording, and then you would -- you had a fresh version
18 incorporating all the changes which you would then be
19 asked to sign.

20 A. Yes.

21 Q. If we can look at the bottom of your statement, it's
22 117 pages, and we will see that it's -- on your copy
23 you'll see you've signed it on every page. We have
24 a redacted version on the screen. And it was signed by
25 you on 1 February this year.

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1 A. Correct.

2 Q. And that was on the basis you were content with the

3 final format --

4 A. Yes.

5 Q. -- as you amended it. Again, if we look at the final

6 paragraph, which is 499, you do say:

7 "... there is relevant documentation that I have not

8 yet seen, I believe to the best of my knowledge, that

9 the facts stated in this witness statement are true.

10 I understand that this statement may form part of the

11 evidence before the Inquiry and be published on the

12 Inquiry's website."

13 A. Yes.

14 Q. And in light of that you signed. Just so that people

15 understand where it's been said publicly in the Inquiry

16 that disclosure to core participants such as yourself is

17 on an ongoing basis.

18 A. Yeah.

19 Q. So much documentation has been disclosed which you've

20 had an opportunity to speak to your --

21 A. Yes.

22 Q. -- advisers about, but that disclosure will continue,

23 as we continue with our work.

24 A. Yes.

25 Q. So I think this is you've just wanted to say here that

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1 you've not yet seen everything?

2 A. Yes.

3 Q. Because we're continuing to disclose on an ongoing
4 basis?

5 A. Yes, that's correct.

6 Q. And if something new comes to light over the next few
7 months or later, would you be -- you'll obviously have
8 a copy of that, as you're a core participant --

9 A. Mm-hmm, yeah.

10 Q. -- but you've maybe reserved the right to comment on
11 that in the future if there is something else?

12 A. Yes, that's correct.

13 Q. So this statement was signed on the basis of the
14 information that you had to date?

15 A. Yes, yeah.

16 Q. Right.

17 Right, there's three other things I'd like you to
18 have in front of you. As part of your statement, you
19 talk about a daybook.

20 A. Yes.

21 Q. Now, we've heard some evidence about daybooks and the
22 use they're made of by other officers. Would you look,
23 please, at PS18269. Now, we've got a version on the
24 screen. If you give me a moment, I'll take you through
25 that. But the pages I'm particularly interested in

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1 which haven't been redacted are roughly about 5, 6, 7, 8
2 and they've got handwriting on them. Do you see that
3 handwriting on the screen at the moment?

4 A. I do.

5 Q. Is that yours?

6 A. That is, yeah.

7 Q. And as I understand it, this is an extract from your
8 daybook?

9 A. It is, yeah.

10 Q. Now, you'll see that's very, very small, it's been
11 condensed in size to get it on to the screen, but I've
12 asked if the hard copy could be made available to you
13 today. Now, would you have a look at that? Is that
14 your original daybook?

15 A. (Pause). Yeah. That's correct.

16 Q. I thought it may be easier for you to have the
17 full-sized version.

18 A. Absolutely.

19 Q. You'll see that there's a pink Post-it at the beginning
20 which should be marked --

21 A. Yeah.

22 Q. -- in this to highlight the page that we also see on the
23 screen.

24 Now, you'll appreciate that your original book is
25 not redacted, but the versions on the screen have had

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1 things like personal addresses and details removed.

2 A. Yes.

3 Q. So as we go through the pages, where there's
4 a redaction, I'll ask you not to read out any personal
5 addresses.

6 A. Yeah.

7 Q. You will have that in front of you as we go through it.
8 For the Chair's benefit, can you explain how you used
9 a daybook in May 2015?

10 A. Yeah. It was -- basically the daybook is mainly used by
11 detectives, I've used it for the last 25 years of my
12 police service. It mainly documents your day-to-day
13 activities, what you're responding to and what you're
14 managing and dealing with. So, for example, you would
15 date it at the day you came on duty and the time you
16 came on duty, and thereafter, if you're attending
17 meetings or whatever else, you would maybe note down
18 anything at all relevant.

19 If you're dealing with a particular incident, as
20 I was, I would detail that within my daybook, detailing
21 it within your police issue notebook is virtually
22 impossible, to be honest with you. You would go through
23 a notebook a week dealing with some of the incidents we
24 deal with and how detailed some of them become. So it's
25 far more effective and far more easier to use a A4-type

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1 daybook to manage particular incidents and detail your
2 thoughts and your priorities around that, rather than
3 trying to manage it within a small notebook, if that
4 makes sense.

5 Q. What size is your notebook?

6 A. Goodness, it's just a -- it's a really small document.

7 Q. Smaller than the daybook?

8 A. Yeah, it's a really small -- normally it fits in the
9 pocket of your jacket almost, know what I mean, type
10 thing, that's the way it was designed. And it was
11 designed, as the name suggests, for taking notes, not
12 for taking more extensive details of particular
13 significant incidents that you may be dealing with as
14 such, so it's far more effective to manage it within, as
15 we call it, a daybook. And that's now common across
16 Scotland.

17 Q. And you said when you come on duty you might start a new
18 page and --

19 A. Yes.

20 Q. Are the notes prepared contemporaneously to events
21 happening --

22 A. Yes.

23 Q. -- or are they prepared -- not retrospectively?

24 A. Not retrospectively.

25 Q. So if you have notes from 3 May 2015, they would have

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1 been prepared on 3 May 2015?

2 A. Yeah, they are live-time notes that I have detailed at

3 the time.

4 Q. What do you do with the notes that you take in that

5 daybook?

6 A. So I think everyone's got a different method of how they

7 manage their daybooks, I keep all my daybooks in that

8 particular manner, I store them all, I date them all,

9 I number them all, and the notes are thereafter utilised

10 for any subsequent investigation or review that may be

11 carried out, you can thereafter go back and refer to

12 your daybook at that particular day or date around that.

13 Or, as I say, if it's to thereafter note a full

14 statement from yourself you can thereafter go back and

15 say: well, I can recall that on 6 December I was here

16 and this is what I've noted for it, and thereafter you

17 can note your operational statement from the notes

18 you've taken at that particular time.

19 Q. I understand that in fact you had the daybook with you

20 when you gave your Inquiry statement; is that right?

21 A. I did, yes.

22 Q. And was that the same when PIRC took statements from

23 you?

24 A. It was, they seized my daybook at the end of that,

25 I think, yeah.

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1 Q. Then can I ask you to look at something else, it's
2 PS17854. I think in your Inquiry statement at
3 paragraph 482 you call this an SIO management policy
4 file; is that correct?

5 A. That's correct, yes.

6 Q. And there should be a hard copy of that in your blue
7 folder. Let's just have a look at -- this is headed up
8 on page 1 on the screen:

9 "Death in police custody investigation.
10 "Sheku Bayoh."
11 Then if we can carry on, you see your name:
12 "Detective Superintendent Pat Campbell."
13 And then if we can -- yes, if you could just come
14 down slightly. No, sorry, up. That's it.
15 So at the top we see the heading:
16 "Management policy file."
17 And it says:
18 "Decision no: 1."
19 Is each decision numbered chronologically?

20 A. They are, yes.

21 Q. And we will see in the top right there of that page the
22 number 61451. So that's effectively page 51 or page 1
23 of the ...

24 Can we move down slightly, and just looking at this
25 page, the top part says:

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1 "Decision."

2 So can you explain to us what this policy file is?

3 A. Yeah, so the policy file is something that we'd maybe
4 utilise for any major incident, critical incident or
5 significant incident that you're managing or you are SIO
6 for, or senior investigating officer for. So you
7 wouldn't deal with, or you wouldn't raise a management
8 policy file for any normal day-to-day matter, it would
9 be a more significant incident. So for example if I was
10 dealing with a homicide, I would begin my management
11 policy file around that, about the -- and it would
12 document, when you look at the guidance for it, and the
13 training around it, it's not a decision-making log, it's
14 for to basically make -- it's more about your strategic
15 priorities and your strategic decisions, not every
16 decision you make. So it's the kind of high level
17 decisions that you would make in responding to
18 a particular incident as such. But it's only for those
19 high level, those critical, those significant incidents
20 that you would deal with.

21 Q. Can you give us some examples generally so we can
22 understand what you mean when you say high level
23 decisions?

24 A. Yeah, so I normally, and people -- the various senior
25 investigating officers set them out differently, if you

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1 know what I mean. But, for example, that aspect of the
2 page you're looking at just now is the initial
3 notification of the incident and the direction for me to
4 be appointed as senior investigating officer. So again,
5 it's just that introductory aspect that the telephone
6 call from who was Detective Chief Superintendent
7 Leslie Boal at the time asking me to attend Kirkcaldy
8 office to thereafter take on the role of SIO in respect
9 of the ongoing incident.

10 So again that was really significant, so again just
11 the appointment of myself as SIO is a strategic
12 decision, is something there to make. But again, the
13 decision to, for example, contact various detective
14 inspectors around the country to look at resources,
15 I probably wouldn't document in that. That would be
16 more a kind of lower level decision round about the
17 bureaucracy of managing and resourcing a major incident,
18 if that makes sense.

19 Q. Yes.

20 A. So it would be a high level, round about areas such as
21 identification protocols, appointment of family liaison
22 officers --

23 Q. Forensic --

24 A. -- forensic capture and so on and so forth, so it's
25 those kind of high level strategic pillars of

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1 an investigation you would probably detail within your
2 management policy file.

3 Q. As you mention here, we can see the decision is noted
4 here as 07.45 hours and then can you read what this
5 says?

6 A. Yeah. So basically:

7 "0745 - Informed via telephone call from
8 DCS Leslie Boal of developing incident within Kirkcaldy
9 area in respect of male following arrest by police. Has
10 now been conveyed to hospital and is giving significant
11 cause for concern. Requested by DCS Boal to attend
12 Kirkcaldy P. Office as a matter of urgency and provide
13 strategic direction for investigation. Requested to
14 liaise with MIT [which is major investigation team]
15 on-call detective inspector to identify relevant
16 resources."

17 Q. So this was a call you received from DCS Leslie Boal?

18 A. That's correct.

19 Q. And that was at 7.45 in the morning?

20 A. It was actually 08.15.

21 Q. Sorry, I thought that's --

22 A. Yeah, it does say 07.45 there but after looking at my
23 daybook it was actually 08.15, the call at 07.45 was
24 a further call I made to Leslie, not to do with this
25 incident. So it was a bit of confusion when I was

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1 actually penning my policy file around that, but that
2 call was at 8.15.

3 Q. Now, I'll ask you to explain that in a bit more detail,
4 but you mentioned your daybook and one of the things
5 I wanted you to explain is how information in your
6 daybook relates to information in this policy file.

7 A. Yeah. So again, it's extremely difficult to detail and
8 note your decisions that you make at that particular
9 time within your management policy file responding to
10 a live-time incident when there's multiple things that
11 you actually have to manage and deal with. So the
12 guidance and the best practice in respect of policy
13 files is they should be completed as soon as reasonably
14 practical around that.

15 So again, what I do is that I would detail
16 significant decisions and issues and areas that I would
17 want to thereafter transfer into my policy file in my
18 daybook, and thereafter, when I had time, perhaps if
19 there's a quiet hour later on that day or whatever,
20 I would thereafter sit down and thereafter transfer some
21 of the significant decisions I had made from my daybook
22 into my management policy file.

23 Q. So you use the daybook first for your notes in
24 live-time, contemporaneous?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. This file will take information from the daybook and you
2 will prepare it retrospectively, perhaps the same day,
3 but after the daybook?

4 A. Yes.

5 Q. Can entries in the policy file also be completed days
6 after or is it only on the day?

7 A. They can be, but again with this particular incident,
8 I think I completed it on 4 May, because I handed my
9 policy file over on the morning of 5 May to
10 DCI Keith Hardie, so my management SIO policy file, what
11 you do is if there's a further SIO coming on to take on
12 the investigation I would simply detail in it, hand it
13 over to DCI Keith Hardie from the Major Investigation
14 Team and Keith would also note, "Received policy file
15 from DSU Pat Campbell now lead for investigation", and
16 such. So again, this one was completed on the 4th,
17 I think just there's a notation on the 5th just about
18 the handover to Keith Hardie.

19 Q. So the daybook's prepared on the day, on 3 May?

20 A. Yeah.

21 Q. The policy file you said completed on the 4th, so a day
22 later, from information in the daybook?

23 A. So I started to complete it on the morning of the 4th,
24 as in like 2 o'clock, 3 o'clock in the morning of the
25 4th.

Transcript of the Sheku Bayoh Inquiry

1 Q. Early hours?

2 A. Early hours, yeah.

3 Q. Based on information in the daybook?

4 A. Yeah.

5 Q. Or your recollection and the daybook?

6 A. Yeah.

7 Q. And then on 5 May you handed over the policy file to
8 Hardie?

9 A. Yes.

10 Q. And that was the end of you completing --

11 A. Yes.

12 Q. -- the policy file?

13 While we're on this page, you were talking about the
14 call from Leslie Boal and you said it was 8.15 actually
15 about the incident?

16 A. Yeah.

17 Q. And you said when you checked your daybook. Can you
18 explain that a little bit more?

19 A. Yeah. So Leslie Boal at that time on 3 May was the
20 senior officer from the crime portfolio that was on duty
21 within Police Scotland as on-call, so, as I said before,
22 there would be three detective supers for each of the
23 territorial areas, from east, west and north. We would
24 manage time-related matters within each of the districts
25 and thereafter we would contact Leslie on

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1 a morning-to-morning basis before she attended the
2 executive meeting with the ACC who would be on call and
3 provide an update round about that 24-hour grab of
4 crime/public protection matters. So again, it would
5 feed into Leslie, Leslie would feed into the force
6 executive almost, round about these are the pertinent
7 relevant crime matters that are developing just now
8 across the country.

9 So the 07.45 hours call would be myself basically
10 giving Leslie a brief from the east of the country
11 around crime matters other than the incident at
12 Kirkcaldy, but other matters that were developing. So
13 that day we had -- I think we had an unexplained child
14 death, for example, we had I think a stranger rape, we
15 had a number of different other matters ongoing, so
16 I would feed into Leslie round about these other matters
17 at that call and it wasn't until 8.15 that we discussed
18 in more detail round about the incident at Kirkcaldy.

19 Q. So you were the on-call detective superintendent, you
20 were on for seven days?

21 A. Yes.

22 Q. Was 3rd May your first day?

23 A. No, so we at that time it was now -- I think it ran
24 Wednesday to Wednesday, so that was --

25 Q. Halfway through?

Transcript of the Sheku Bayoh Inquiry

1 A. Halfway through, yeah, yeah.

2 Q. And was this a normal sort of call with --

3 A. Yeah.

4 Q. -- Leslie Boal at 7.45, that you would have every day?

5 A. Yeah, 7.30, 7.45 Leslie would get into the briefing with

6 the ACC round about 8.30, so again we would feed into

7 Leslie just about the relevant matters that were

8 occurring across the country.

9 Q. So that was a normal start --

10 A. Yes.

11 Q. -- to the morning, and then at 8.15 she calls you

12 back --

13 A. Yes.

14 Q. -- and informs you about the incident in Kirkcaldy?

15 A. That's correct.

16 Q. Was that the first you heard about that incident?

17 A. So Colin Robson had given me information earlier that

18 there had been an altercation within Kirkcaldy but

19 I didn't get any more information at that time around

20 it, that's -- again, just to complicate things even

21 further, each of the divisional areas that I'm looking

22 after within the east of the country, so the four

23 divisions have an on-call detective inspector,

24 Colin Robson was the on-call detective inspector for

25 Fife, so Colin would feed into me regarding crime

Transcript of the Sheku Bayoh Inquiry

1 matters for that particular area, it's almost like
2 a pyramid system, and I would then have to -- he would
3 feed into me, I would feed up to Leslie, Leslie would
4 feed into the force executive as such.

5 So I was aware that there was an incident but
6 I didn't have very much detail of it, all I was aware
7 was that Colin was going to provide me with an update as
8 the day progressed.

9 Q. We actually heard from Colin Robson that, and we have
10 Airwaves -- I don't need you to go to this, but he
11 mentioned on an Airwaves message at 7.43.05 from
12 Hayfield Road that he was making various calls and he'd
13 spoken to Chief Inspector Stones, updated him, and he
14 was going to contact the on-call super, and his evidence
15 was that he did in fact make a call to you --

16 A. Yes.

17 Q. -- shortly after that Airwaves message. So would that
18 be the call?

19 A. It was, yes, it was very brief because, as I say, I was
20 still managing other aspects across the regional area at
21 that time and I wasn't aware of the significance of it
22 at that particular stage.

23 Q. Do you remember what Colin Robson told you about?

24 A. I genuinely can't. It was a really short call, just the
25 fact that there had been an incident in Kirkcaldy, and

Transcript of the Sheku Bayoh Inquiry

that he was waiting on a further update and he would contact me as soon as around it, so it was really kind of short, around the information that I had at that time about it.

Q. Would we be able to see anything in your daybook that notes it?

A. No, I don't think there is anything, I can check.

Q. Would you?

A. Yeah.

(Pause)

No, I think the only thing -- there is a -- and I think this is after the incident, there's a mark on the page after the -- it's been highlighted here about Kirkcaldy/MITs, I don't know if you have that.

Q. If we could get that back on the screen, so that's from the daybook, that's PS18269?

A. I think it's just the page before.

Q. Thank you. We can see on that page there it says Sunday
3 May 2015?

A. Yeah.

Q. If we go down, please, it says E division, P Division?

A. Yeah.

Q. And then keep going down, the redactions will redact anything that doesn't relate to the events at Hayfield Road.

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1 Then we see is that J division, E division?

2 A. Yeah.

3 Q. And then there's an entry with an asterisk, Kirkcaldy

4 MITs. Is that the one you are referring to?

5 A. Yes, I think that's after I have spoken to Leslie Boal,

6 I don't think I've noted anything from Colin Robson's

7 phone call at the time.

8 Q. All right. No, that's --

9 A. That points back to the entry around about -- to make

10 contact with the MITs round about resources.

11 Q. Can you read that out for us, since we're looking at it

12 on the screen:

13 "Kirkcaldy - MITs.

14 "2~..."

15 A. So:

16 "2 x officers approached male in street - walking

17 wounded."

18 So that refers just now that there was an injured

19 officer, so it's just shorthand for myself, but I recall

20 what that was. And thereafter the line below that is:

21 "CPR~..."

22 So I think it's noted that CPR had basically

23 commenced, and ...

24 Q. Can you read what's after that?

25 A. I can't read that. I don't know if that says:

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1 "... DSU - on-call ..."

2 I don't know what that word is in the middle, but
3 "on-call", so I don't know if that's in respect of
4 looking at the on-call MITs to make that phone call
5 round about resources, but it's just the early notations
6 around the incident as I was beginning to get it through
7 as such.

8 Q. So by the time you've made this entry you're aware that
9 something's happened in Kirkcaldy?

10 A. Yes.

11 Q. And whether that was from Leslie Boal or Colin Robson --

12 A. I think it was Leslie.

13 Q. You think that was Leslie?

14 A. Yeah.

15 Q. And when it says:

16 "2 x officers approached~..."

17 What does that mean?

18 A. So it's really shorthand and it was just the early
19 stages of the information that I was getting at the time
20 round about the initial call, the initial two officers
21 in attendance had been approached by a male in the
22 street and one of them had been injured but was walking
23 wounded as it was described to me, there was no
24 significant injury at all to the individual.

25 Q. Just for completeness, there's nothing on the next page

Transcript of the Sheku Bayoh Inquiry

1 about this, is there?

2 A. No.

3 Q. It moves on to a different phase?

4 A. Yeah.

5 Q. If we could look at that on the screen so everyone could
6 see, so that appears to be the end of the entries in
7 relation to that?

8 A. Yes, I think the only thing above it is the details of
9 two E division, two C division, two J division, two
10 MITs. That was about the identification of early
11 resources to come and assist the investigation at that
12 time, so I'd identified resources from the surrounding
13 divisional areas, even at that early stage, to come to
14 Kirkcaldy immediately to start to manage the incident.

15 Q. You think that's part of the redaction?

16 A. No, that aspect of it is to the right of it here.

17 Q. Right. We can put that to one side, but there's
18 another -- sorry, can we go back to the policy file,
19 please, we were on a page relating to that. We're
20 looking at the one that started 7.45. Then if we can
21 move down the screen, do we see there that there's
22 another section on that page which says, "Reason".

23 Now, what is it that you insert in this?

24 A. So the decision that's been made and thereafter the
25 reason would be the justification why that decision has

Transcript of the Sheku Bayoh Inquiry

1 been made and the rationale behind it.

2 Q. So what have you said here?

3 A. So basically what I put there is that obviously that
4 incident has occurred, the significance of the incident
5 is known at that stage, that -- from the discussions
6 with Leslie it was clear that there was going to be
7 quite a significant investigation around what had
8 occurred. So she'd asked me to attend and provide
9 strategic lead for the investigation at that early
10 stage.

11 So what I've put down there is the reason or the
12 rationale for me attending is:

13 "To attend and provide strategic direction for the
14 investigation."

15 And also:

16 "To identify suitable resources within [the Major
17 Investigation Team] structure to support any potential
18 enquiry."

19 Q. And effectively was that you being appointed by
20 Leslie Boal as SIO?

21 A. Yes.

22 Q. So was that the moment that you were -- your appointment
23 was made official, if you like?

24 A. Yeah, so that discussion at 8.15 into about 8.20, 8.30
25 was around about what we were looking at was a death in

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1 police custody or if it didn't actually become a death
2 we were looking at a significant investigation round
3 about police contact which had led to significant
4 injury.

5 So the aspect of that was the fact that it was
6 deemed to be appropriate, and I agreed with Leslie, that
7 a detective superintendent should lead on that
8 investigation. In legacy forces prior to
9 Police Scotland coming online, the standard at that time
10 for Strathclyde Police, which I was part of, was that
11 any death in custody should be dealt with and managed by
12 an officer no less than the rank of a detective
13 superintendent. And again -- so I fully supported
14 Leslie's decision to take the lead on this.

15 Q. Just for completion, can we look at decision number 8,
16 and this is at page 61457. The numbers are at the top
17 of the page. Thank you. Keep going. So that's
18 decision number 8 in the book, 61457. Do we see there
19 the decision, can you read that out for us, please?

20 A. Yeah:

21 "Identification of ..."

22 (Pause).

23 "Identification of ... [single point of
24 contact]~..."

25 I don't know what that word says, actually, I'm

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1 sorry.

2 Q. No, it's fine.

3 A. "Identification of ... [single points of contact] and
4 strategies to take forward the investigation."

5 So it's my early kind of thoughts round about --
6 I mean, the priorities was crime scene or scenes, the
7 forensic strategy, the house-to-house strategy and what
8 that entailed, victim strategy as well as the FLO
9 strategy, which I've detailed there. So they begin to
10 look at that investigative framework to manage the
11 investigation.

12 Q. So four things that were viewed at that stage as
13 strategies to take the investigation forward?

14 A. Yes.

15 Q. And one of them is crime scene or forensic strategy?

16 A. I would suggest crime scene and forensic strategy.

17 Q. Crime scene and forensic strategy. Then if we move down
18 to the reason, what does that say?

19 A. That's:

20 "To provide governance and framework for the
21 investigation."

22 Q. Then could you look, please, at another document, and
23 again you'll have a hard copy of this, PS01298, which we
24 see is a forensic strategy document. If we can move
25 down, please, we have this on the screen, it's

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1 a separate document entitled:
2 "Forensic strategy~..."
3 In relation to the deceased, Mr Bayoh.
4 If we can move down, I think it's only about
5 four pages, if I remember rightly.
6 A. Yeah.
7 Q. This sets out a summary of events, and then as we move
8 down on to the next page, page 3 of 7, you'll see
9 priorities listed, and there are a number of loci listed
10 with bullet points under each.
11 A. Yes.
12 Q. And then keep going, please. That comes to an end on
13 page 5 of 7. Then in my copy, as we go on to page 6 of
14 7, is a forensic strategy meeting 16.45 hours on Sunday
15 3 May at Kirkcaldy police station. You were present?
16 A. Yeah, I chaired that meeting.
17 Q. As was a Detective Chief Inspector Stuart Houston, and
18 that's -- is this an agenda for the meeting?
19 A. No, I think this is minutes.
20 Q. Or minutes? Minutes.
21 A. There is an agenda, I don't know if the agenda is part
22 of this document.
23 Q. It's not part of this document but --
24 A. There is a separate agenda, yeah.
25 Q. This is the minutes of the meeting --

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1 A. Yeah.

2 Q. -- showing who was present?

3 A. Yes.

4 Q. Can you explain to the Chair, we have your policy file
5 mentioning a forensic strategy, crime scene forensic
6 strategy, we see this document which is a forensic
7 strategy document, tell us how this document comes into
8 being?

9 A. Yeah, so for any significant incident, any homicide,
10 major crime response that we are dealing with, nine
11 times out of ten we'll move towards some sort of
12 forensic strategy meeting, so for example if it's
13 a homicide we would schedule that for as soon as
14 reasonably practical to get the relevant individuals and
15 specialists around the table. So, for example, for
16 a homicide we'd have an SIO, senior investigating
17 officer, crime scene manager, some production officers,
18 we would have the Procurator Fiscal representative, we
19 would have some of the specialists from the forensic
20 side, such as a biologist, we would have somebody from
21 scene examination.

22 So again, what we would have, we would have a cadre
23 of specialists around the particular table to thereafter
24 develop the forensic priorities that exist for that
25 particular incident. So that will be about what is

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1 deemed to be most appropriate, what specialists should
2 be put in first to a particular scene to ensure that we
3 capture the optimum evidence at that particular stage.
4 So again we will take -- I will, as SIO chairing, that
5 I would take advice from the various specialists saying
6 we should maybe put someone in first; or we need to
7 recover the body, this is the best way to do that; or do
8 we need a pathologist out at this particular time. So
9 it would be after the scene is secure we would basically
10 take a step back at that time and thereafter come round
11 the table with the specialists involved in it and
12 identify what the priorities are.

13 So basically this is what's occurred here, we are
14 basically having the specialists around the table
15 looking at what are the priority areas, what we --
16 what's PIRC going to lead on or take on as such and what
17 are Police Scotland going to support them with. And
18 where are the priority scenes, so is it a priority scene
19 first of all at Hayfield Road, for example, because
20 that's where the incident occurred, it's a thoroughfare,
21 we knew that weather was poor or again one of the other
22 scenes.

23 And the scene is a deceased as well, so again we
24 deem that to be an actual scene, and again the
25 priorities around that at that time, moving Mr Bayoh

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1 from the hospital to the mortuary as such and how we
2 would do that and transfer.

3 So again it's pretty detailed, but it's almost
4 putting your foot on the ball, as I say, and taking
5 a step back and looking at priorities to ensure that you
6 do not lose anything evidentially. And, as I say,
7 that's the whole purpose of the forensic strategy
8 briefing document/meeting that occurs, and that would
9 only be the first of usually many forensic strategy
10 meetings as you progress through an investigation,
11 depending on the complexities within a scene.

12 Q. When was the forensic strategy document prepared? Was
13 it in advance of this meeting?

14 A. Yes, it was. So, yeah, that was, and it was presented
15 at that meeting, yeah.

16 Q. And who prepared that document?

17 A. That was DCI Stuart Houston.

18 Q. And what was his role that day?

19 A. So Stuart Houston was also on call that particular day,
20 he was covering the Edinburgh city area, and I knew
21 Stuart, and I contacted Stuart to come over to Kirkcaldy
22 to manage a particular aspect of the investigation which
23 was round about the multiple scenes that we had
24 identified. So almost to oversee strategically and
25 co-ordinate the five scenes that we had at that

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1 particular time.

2 So again, what we would normally do if we have one
3 scene it's simple there, a crime scene manager would be
4 deployed who would manage the scene, but because of the
5 complexities of this incident there was five scenes as
6 such. So again what I was wanting, I was wanting
7 someone to have an oversight of the various scenes to
8 ensure that everything was done as I was wanting it done
9 as such, if that makes sense. But it's quite an unusual
10 posting, we have done it on a number of occasions, you
11 have a co-ordinator when there are multiple scenes, and
12 that was my reason for bringing Stuart over, to deal
13 with that.

14 Q. We may have heard reference to him as crime scene
15 co-ordinator, would that be a fair description of his
16 job?

17 A. Yes.

18 Q. We may have also heard a description of him as deputy
19 SIO. Would you agree with that description?

20 A. He was probably the next senior in command to myself.
21 Leslie Boal was obviously there just to provide support
22 to them as Detective Chief Super, but for the
23 investigation side Stuart was the next rank-specific
24 officer as DCI. Because of the aspect that we knew this
25 was moving to PIRC, the appointment of a deputy SIO

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1 wasn't really -- it wasn't really necessary at that
2 particular stage. We knew within 24 or 36 hours we were
3 going to hand it over to PIRC to manage and take on the
4 investigation and lead on the investigation, so although
5 Stuart was there as a confidant, as someone to support
6 me as SIO, the appointment of him as deputy SIO I think
7 potentially on paper but in theory it just didn't
8 happen, we didn't have the investigation, we didn't
9 manage the investigation long enough, to be honest with
10 you.

11 Q. So crime scene co-ordinator is maybe a more accurate
12 description --

13 A. Yes, absolutely.

14 Q. -- for that day? You've talked about PIRC leading the
15 investigation within 24 to 36 hours; was that the
16 timescale you envisaged on 3 May?

17 A. It's difficult to say, because I had never actually been
18 involved in a live-time response to a critical incident
19 such as this with PIRC. The timescales round about the
20 notification of PIRC to lead on it, I got from a PSD,
21 a professional standards rep, Craig Blackhall, at
22 09.35 hours on the 3rd and the notification at that time
23 was that -- from David Green at the Fatalities Unit at
24 Crown Office, that this would be a PIRC-led
25 investigation supported by Police Scotland, so at 9.35

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1 I was aware of that, but it wasn't until round about
2 10.20, 10.22 hours that Keith Harrower, the DSI from
3 PIRC, made contact with me and we agreed various
4 priorities at that particular stage.

5 So I think in answer to your question I wasn't
6 really aware how long I would manage it as SIO at that
7 particular time, I think I anticipated it certainly
8 would be until the arrival -- minimum arrival of PIRC.

9 Q. So there was uncertainty about that --

10 A. Yeah.

11 Q. -- handover for you, and did that uncertainty exist for
12 others as well, as far as you were aware?

13 A. Yeah, absolutely, I think it was -- it was new business
14 to Police Scotland at the time. I had been involved
15 with PIRC mainly over telephone calls and direction for
16 deaths following police contact previously, but it was
17 mainly round about they were looking for direct -- they
18 were giving direction remotely almost. This was the
19 first time that I had ever actually been physically
20 deployed alongside PIRC to manage such a critical
21 incident.

22 Q. You said the first contact you had with PIRC was about
23 10.25, did you say?

24 A. 10.22, I think it was.

25 Q. You mentioned Keith Harrower?

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1 A. Yes.

2 Q. Do you know Keith Harrower's background?

3 A. Yeah.

4 Q. Tell us about that.

5 A. Keith was an officer with Strathclyde Police, so --

6 Q. Had you known him?

7 A. I had known him. I hadn't worked with Keith. Keith was

8 mainly, I think he was in the serious crime squad and

9 thereafter he was in the intelligence arena. Our paths

10 crossed during various roles I had within headquarters

11 at Pitt Street in Glasgow with Strathclyde at the time,

12 but I had never actually worked with him as such. But,

13 as I say, our paths had crossed during various meetings

14 or forums that we were at together.

15 Q. Do you know what rank he'd held when he was in the

16 police?

17 A. I think he was Detective Chief Inspector, but I'm not

18 sure, I think that's what he maybe concluded in the

19 Inquiry.

20 Q. Do you know what experience he had in dealing with

21 sudden deaths, deaths after police contact or in police

22 custody?

23 A. No, I don't.

24 Q. We'll no doubt hear more about this.

25 A. Yeah.

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1 Q. Did you share with Colin Robson that this was going to
2 be a PIRC-led enquiry?

3 A. I did, yes.

4 Q. We've heard that you'd had a number of calls with
5 Colin Robson during that day.

6 A. Yes.

7 Q. I think in your Inquiry statement, paragraph 374, but
8 I don't need to have that on the screen, you describe
9 yourself as the owner of the forensic strategy, and you
10 actioned the development of the forensic strategy. So
11 how was the -- you've told us it was written by
12 DCI Houston, but how was the strategy, how did it
13 evolve?

14 A. It evolved during the course of that morning through
15 consultation and discussion I had with
16 DSI Keith Harrower remotely as he was pulling together
17 PIRC resources and attending at Kirkcaldy office, so
18 there was a number of conversations around some of the
19 forensic priorities with myself and Keith during the
20 course of the morning.

21 PIRC arrived round about 13.35 hours that day, and
22 we -- I went into an initial briefing with Keith and
23 PIRC representatives as well as some of my team probably
24 round about 13.45/14.00 hours that day before the second
25 Gold Group where we discussed in more detail around some

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1 of the priorities that we had. In addition to that,
2 DCI Stuart Houston had a separate forum within that
3 hour/two-hour period with representatives from PIRC to
4 identify the forensic priorities as well, so that was
5 delegated to Stuart to manage and look at that.

6 Thereafter, Stuart began to develop the document
7 round about -- which you see in front of you, and myself
8 and Stuart had a meeting to discuss the document: was it
9 suitable? Was there anything else we should put within
10 the document? Which thereafter led it to be presented
11 at the forensic strategy meeting where again, through
12 discussion with Keith and the PIRC representatives, we
13 obviously discussed whether or not there was anything
14 else we had to put in it or take out or whether there
15 were any other priorities we had to look at around it.

16 So again, that's exactly the process that we had,
17 and at the conclusion of the forensic strategy meeting
18 we were both happy from a Police Scotland side, as
19 myself as SIO as well as from Keith as the lead PIRC
20 investigator.

21 Q. So you effectively, as I understand it, provided
22 strategic direction, I think this is what you say at 379
23 of your Inquiry statement:

24 "Strategic direction about the relevant loci sits
25 with me as SIO."

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1 A. Yes.

2 Q. Is that a fair --

3 A. Yeah.

4 Q. -- summary?

5 Now, you've mentioned a number of timings, very

6 precisely. Are they from your daybook?

7 A. Some of them are and some of them are from statements.

8 Q. So you've refreshed your memory on the statements and

9 the daybook?

10 A. Yes.

11 Q. Do you have in your daybook the time that PIRC arrived

12 at Kirkcaldy?

13 (Pause)

14 I think if we go back to your daybook that's

15 PS18269.

16 (Pause)

17 If we move down the page, I have it as page 5,

18 but ... that's it. Is that page 4, pdf? And then over

19 on to the next page, do you see anything on either of

20 those pages, or the next page, that helps you identify

21 when PIRC arrived?

22 A. No, but I know they arrived at half past 1 or

23 thereabouts, it was half past 1 or 25 to 2, I'm not

24 clear in my mind around that.

25 Q. I'll have your statements checked.

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1 A. Yeah, yeah.

2 Q. Thank you.

3 Now, a moment ago when we were looking at the
4 forensic document, the forensic strategy document, you
5 described to us about what would happen if you were
6 dealing with a murder, and you talked about getting the
7 experts in to that forensic strategy meeting, you talked
8 about a Fiscal, you talked about maybe pathology,
9 a pathologist, maybe forensic experts.

10 Now, if we look again at the minutes at the back of
11 the forensic strategy document, PS01298, then I just
12 want you to look at who was present. The agenda. The
13 minutes at the back. Thank you. Just there.

14 I don't see the name of a Procurator Fiscal there.

15 A. Yeah. No, I mean, there won't -- a Procurator Fiscal
16 will not attend all forensic strategy meetings. I mean,
17 as I say, it depends on the circumstances. For homicide
18 they generally will attend all, but for other
19 significant incidents it's really up to themselves if
20 they want to attend that.

21 Q. Was a Fiscal invited to attend that meeting?

22 A. I'm not sure, it was Dave Green who was the on-call
23 Procurator Fiscal for fatalities, I had spoken to Dave
24 a couple of times during the course of the day around
25 various aspects of the investigation, but I'm not sure

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1 if -- I know Stuart had spoke to SPA Forensic Services,
2 and Stuart probably will be able to explain that better,
3 but he'd spoke to a number of individuals, I see we have
4 one of the scene examiners, Gordon Young, at the forum,
5 but I'm not sure.

6 I think there was notification for COPFS rep to
7 attend the Gold Group, but again I don't think that
8 occurred either, as far as I'm aware, during the time
9 I was involved in the investigation. But it's not on
10 every occasion that a Procurator Fiscal will attend
11 a forensic strategy --

12 Q. We'll come on to the Gold Group meetings.

13 A. Yes, yeah.

14 Q. So when it says senior examiner, is Gordon Young what
15 you would call a forensic expert?

16 A. Yeah, scene examiner, yeah, he is. I don't know if he
17 is a senior examiner, but he's from
18 SPA Forensic Services, yeah.

19 Q. Let's move on to 3 May. Now, it may be that you'll wish
20 to have your daybook in front of you for this. I'd like
21 to ask you about your connection with Colin Robson,
22 because we'd like to understand who was SIO.

23 We've heard from Colin Robson that he was the
24 on-call duty SIO for Fife division. You've already said
25 that yourself. And we understand that you were

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1 appointed SIO, and we were trying to understand who was
2 the SIO at the time that~...

3 A. Yeah.

4 Q. We've heard from Colin Robson that he attended
5 Hayfield Road, when he was listening to the Airwaves.
6 He attended the first time, he described it as simply
7 effectively as a reinforcement to assist his colleagues.
8 He took an officer to Victoria Hospital, realised things
9 were progressing at Hayfield Road, then returned to
10 Hayfield Road as duty on-call SIO. And his evidence was
11 that at that second visit he had his duty SIO hat on, if
12 you like. I'm summarising. I think he said:

13 "I had the SIO thinking cap on in terms of the needs
14 and priorities of the investigation~..."

15 On that second -- on that return.

16 A. Yes.

17 Q. Then we've obviously heard from him and from you that
18 you both had a conversation, you'd been appointed SIO by
19 Leslie Boal, and we're trying to understand, as I say,
20 who was SIO?

21 A. Yeah. There can be only one SIO. I mean, there is only
22 one SIO, I mean, and I was appointed SIO, so from 8.30
23 onwards there was only one SIO. I think there's
24 potentially a bit of confusion with some of the legacy
25 postings of individuals, and what I mean by that is that

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1 the on-call detective inspector within a particular
2 divisional area, so legacy Strathclyde, the on-call
3 detective inspector wouldn't be named or deemed to be
4 the on-call SIO, they would simply be the on-call
5 detective inspector covering a particular area.

6 To be an SIO you really have to have an incident to
7 lead on. So it's almost -- in Fife there's
8 a generalisation that he's the on-call SIO for
9 absolutely everything that occurs over that particular
10 period he's on call, which again probably brings a bit
11 of confusion to that.

12 But to be very clear there is only one SIO and there
13 can only be one SIO. If you have multiple SIOs, it just
14 totally blurs the lines and confuses things. So, on my
15 appointment as SIO, Colin was managing aspects of the
16 response by Police Scotland at that time on my behalf
17 through the consultation that we were having, and he may
18 have seen himself as the initial SIO because he was
19 physically there at that particular stage, but from 8.30
20 onwards it's very clear in my mind through Leslie Boal,
21 through ACC Nicholson, that there was only one SIO
22 because of the extent of the investigation that was
23 going to be required around this. This wasn't going to
24 be something that would be quickly resolved in a number
25 of hours, we knew that the consequences of this was

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1 going to basically carry on for days and weeks ahead.

2 Q. So your appointment as SIO came from Nicholson and Boal
3 directly on a call?

4 A. Yes.

5 Q. So in terms of, if I can call it, the official SIO, that
6 was you?

7 A. Yes.

8 Q. You were providing that strategic direction?

9 A. Yes.

10 Q. And if we've heard from Colin Robson that it was his
11 understanding he was SIO, then -- you've talked about
12 an initial SIO, do you think he's wrong to say that he
13 was SIO or would you accept that he was an initial SIO?

14 A. Yeah, I mean, he was leading on the initial response of
15 that incident from a CID perspective as such. For me it
16 would be too early to appoint him as an initial SIO, it
17 would simply be as the on-call lead for crime for that
18 particular area, he was leading on the response to it.

19 As, I mean, within 30, 40 minutes, or an hour after the
20 incident, I was appointed the SIO as such. So ...

21 I don't -- I'm not sure how significant it is, to be
22 honest with you, it seems more a kind of play on words
23 that Colin deemed himself to be the initial SIO.

24 I would see it more that he is the initial lead officer
25 responding within that territorial area to quite

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1 a significant incident but with the machinery sitting in
2 the background round about ACC Nicholson and Leslie Boal
3 and myself, I mean, it was clear that there was going to
4 be -- there was going to be a requirement for a greater
5 strategic governance around how we were going to respond
6 to such an incident.

7 Q. So if we've heard from Colin Robson that it was his
8 impression that he was SIO and then at the first
9 Gold Group meeting at 11.30 -- you may have listened to
10 Colin Robson's evidence, he talked about that was the
11 point of handover. So he provided the update at the
12 first Gold Group meeting and then there was this
13 handover to you from round about 11.30, and I took that
14 from him on 1 March.

15 A. Yeah.

16 Q. You obviously have listened to that. So again, do you
17 feel that's accurate or do you think that's inaccurate?

18 A. I mean, I'd ask the question who appointed him as SIO
19 because there was no appointment of SIO. So, as I say,
20 I think I take it his response was simply the lead
21 officer in respect of the response to this incident.
22 There was only one SIO appointed for this, and that was
23 myself.

24 Q. And is it necessary for someone to be officially
25 appointed SIO in order to take on that role?

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1 A. Yeah. Yeah, I would say. I mean, you are appointed as
2 SIO to lead on an investigation by a senior officer.

3 Q. Is that the normal practice?

4 A. That is the norm. And there was so much going on in the
5 background that Colin was unaware of, such as my liaison
6 with PIRC, with PSD into Crown Office, into Leslie Boal,
7 back into ACC Nicholson, which was all ongoing from 8.30
8 to I arrived at 9.15 within -- or 9.20 within Kirkcaldy
9 office.

10 So all that aspect of SIO lead-in to, such as phone
11 calls to Craig Blackhall round about: this is the
12 circumstances, can you link in with on-call Crown Office
13 Fatalities Unit round about where this investigation may
14 sit if Mr Bayoh succumbs. So all this is ongoing in the
15 background that Colin's probably unaware of and sitting
16 with myself as SIO to lead on that strategically.

17 Q. And is that the type of information the SIO would
18 normally be --

19 A. Yeah.

20 Q. -- involved in?

21 A. Yes. That high level strategic oversight of okay, we've
22 got what we have at Kirkcaldy but the machinery sitting
23 in the background, how do we thereafter notify the
24 relevant agencies around that, was also a priority at
25 that stage, obviously, with the circumstances, the whole

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1 aspect of the statutory notification of a potential
2 death or a serious injury following police contact and
3 to Crown Office Fatalities Unit. And thereafter that
4 went from Fatalities into PIRC on-call, and thereafter
5 that decision-making round about where the investigation
6 is going to sit at that time was all taking place
7 probably without Colin Robson even being aware that this
8 was all happening.

9 Q. Right. If you've listened to Colin Robson's evidence,
10 do you have any concerns that he was going off in
11 directions prior to 11.30 that you have concerns about?

12 A. No, I think probably the main concern, and I think I've
13 put this in my statement as well, is that -- and I think
14 Colin also highlights the fact that the understanding
15 and appreciation at the initial stages, particularly at
16 the scene at Hayfield Road and how critical that was,
17 not leaving in situ for example the knife and various
18 aspects is not best practice.

19 So again -- and Colin quite rightly points out that
20 if he could do it differently he would do it, so he had
21 done it with the best of intentions but I don't think he
22 realised the potential consequences of what we were
23 actually dealing with at the time.

24 Q. I think he did give evidence about his own views on --

25 A. Yeah.

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1 Q. -- the recovery of the knife, and is that a view that
2 you share, you have concerns about that?

3 A. Yeah.

4 Q. To be specific, what are your concerns about the way the
5 knife was recovered from the scene?

6 A. It doesn't lead to the best forensic capture that we
7 could have had at that time.

8 Q. What do you mean by that?

9 A. So, if you're looking for the optimum forensic
10 capability of capture from that knife, round about
11 fingerprints, DNA, you would have left that in situ, you
12 would have got it covered, even with a bucket or
13 whatever else, just to leave it in situ at that
14 particular stage. We would thereafter have photographed
15 it, videoed it, 360 camera around that whole locality,
16 and we could have thereafter done measurements round
17 about from where the incident occurred to where the
18 knife was and so on and so forth; best evidence as such
19 around that.

20 So again ... I can see why he done it, he done it
21 with the best of intentions, but regarding, I mean, best
22 practice it's probably not been adhered to in respect of
23 that.

24 Q. When you talk about all the things that could have been
25 done, would that have been done by forensic scientists

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1 or experts?

2 A. Yeah, we would have deployed a crime scene manager and
3 again we would have taken the various specialists with
4 us to the scene and done what we had to do around that,
5 round about measurements, round about 360 cameras, round
6 about what's the best aspect of securing the knife,
7 seizing the knife, to allow fingerprints or DNA to be
8 obtained at that level, as such.

9 So again, that's a normal consequence of any
10 investigation at that particular level we would deal
11 with. I mean, we would generally leave the scene as it
12 was when we turned up other than beginning to remove
13 things from it at that point, which thereafter causes,
14 brings with it complications later on, as you begin to
15 basically investigate.

16 Q. You've also mentioned the involvement of PSD, the
17 Professional Standards Department?

18 A. Yes.

19 Q. Can you explain a little about why they get involved?

20 A. Yeah, so the on-call PSD, who was Craig Blackhall at the
21 time, is really the gateway into Crown Office Fatalities
22 Unit and ultimately into PIRC, so I wouldn't naturally
23 contact the Fatalities Unit on my own, I would usually,
24 with a -- particularly for a death or serious injury
25 following police contact, the normal gateway is through

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1 the on-call PSD -- Professional Standards rep, who would
2 thereafter make that phone call around that. Which is
3 really beneficial because as an SIO you've got so
4 many -- you're spinning so many plates at that
5 particular time, so it's great to take that away and
6 say, "Look, I have made Dave Green from Crown Office
7 aware of it and I'm waiting for him to come back to me.
8 Leave it with me just now and as soon as Dave Green
9 comes back I'll give you a call back around that". And
10 Craig did. So again it's just -- that's the natural
11 route in respect of protocol or procedure into PIRC.

12 Q. So that relieves you of the responsibility of making
13 contact --

14 A. Yes.

15 Q. -- with -- and we're hoping to hear from Mr Green --

16 A. Yeah.

17 Q. -- in the future.

18 So that side of things, however, was dealt with by
19 Craig Blackhall?

20 A. It was.

21 Q. You having contacted him to do that?

22 A. Yes.

23 Q. Apart from the recovery of the knife, during the period
24 that Colin Robson was -- from the time he was at the
25 scene and up until 11.30, at the first Gold Group

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1 meeting, did you have any other concerns from having
2 listened to his evidence about things that he was
3 dealing with?

4 A. Erm ... no. I mean, I arrived quite quickly at
5 Kirkcaldy, I arrived about 9.15 that morning, and I had
6 an initial meeting with Colin round about 10 o'clock
7 that morning, and again I think I've detailed it in my
8 daybook, but --

9 Q. Do you want to --

10 A. Yeah.

11 Q. -- refer to that?

12 A. So --

13 Q. We can go back to your daybook and we can have that on
14 the screen as well.

15 A. Yeah.

16 Q. So that's PS18269 and if we go down to about page 4.

17 A. So maybe just a bit of background around this. So
18 basically when I arrive, I'm contacted by Craig --
19 sorry, I'm contacted by Colin Robson around 9.10 hours,
20 Colin explains to me that Mr Bayoh is -- unfortunately
21 has passed away, so that's the first notification I get
22 at that time. And I say to Colin, "Look, I'm really
23 nearby just now", and I wasn't sure how to get into the
24 office, so I said could Colin meet me in the backyard,
25 the car park. So I arrived around about 9.15, 9.20 and

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1 prior to going into the office I made contact with
2 Leslie Boal and Craig Blackhall to inform them of the
3 unfortunate death. So at that time I went into the
4 office I initially met with Garry McEwan, Garry made his
5 way to Kirkcaldy and Garry had explained to me that he'd
6 identified it as a critical incident at that stage.

7 That thereafter led me to move to an adjacent room
8 with Colin and we began to identify the priority actions
9 at that particular stage around it. So what I did,
10 I did ask Colin to do was to pull -- to examine the
11 STORM system, which is an incident management system,
12 and to basically get copies of all the incidents that
13 basically referred to Hayfield Road or nearby around
14 that, and so what I've got on my daybook, as you see
15 there, is round about the initial priorities --

16 Q. So we see at the top you've got a time there 09.10?

17 A. Yes.

18 Q. We actually see in your policy file --

19 A. Yeah.

20 Q. -- I'll just refer you to these very, very briefly and
21 we'll come back to this page in the daybook.

22 A. Okay.

23 Q. But if you look at the policy management file, page 4,
24 decision 4, so this is PS17854, and if we go on to
25 page 61454, decision number 4, you'll see there,

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1 I think, you've written in:
2 "Informed by DI Colin Robson~..."
3 I'm not sure what:
4 "... ref deceased~..."?
5 A. "... ref deceased now PLE'd at 0904 hours."
6 Q. So that was you being informed by Colin Robson --
7 A. Yeah.
8 Q. -- that Mr Bayoh had passed away?
9 A. Yeah.
10 Q. Then on the next page, I think, which is I5, decision 6,
11 you say:
12 "Brief~..."
13 Is it?
14 A. "Briefing to Divisional Commander P division
15 Garry McEwan Chief Super, 0910 hours critical incident
16 called."
17 Q. I'm just looking at this now and I see that decision
18 number 5 is, I don't see that in my copy. Do we have
19 decision number 5? It goes from 4 to 6. On your copy,
20 can you ... you'll have the same copy as I do, actually.
21 A. Yeah.
22 Q. We'll maybe see if we can check the original on that
23 one.
24 A. It's maybe just the numbering I've done on it.
25 Q. Right, so you got a call from Colin Robson to tell you

Transcript of the Sheku Bayoh Inquiry

1 that Mr Bayoh's died?

2 A. Yeah.

3 Q. You then speak to -- you find out that Garry McEwan has

4 declared a critical incident. That's at ten past 9.

5 And you go into Kirkcaldy Police Office and the first

6 thing you do is start calling up the call cards, the

7 STORM cards?

8 A. Yes.

9 Q. To see what the messages were?

10 A. Yes.

11 Q. And is that you familiarising yourself with the

12 information in the call cards?

13 A. Yes.

14 Q. You mentioned priority actions; is that the point at

15 which you start thinking about --

16 A. Yeah. So basically, yeah, on the ...

17 Q. Will we go back to the daybook?

18 A. Yeah.

19 Q. Let's do that, and so that's PS18269, and if we can go

20 back to page 4, I think it is.

21 A. Yeah. So again, while I'm sitting with Colin I'm

22 detailing some of the priority areas that I'm looking

23 at, so you'll see down at the left-hand side there I've

24 got "Deceased", "Locus" --

25 Q. Is this under a box that appears to maybe say,

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1 "Priorities XX"?

2 A. "Priorities", then I have "XX" next to it, yes.

3 Q. Right.

4 A. Yeah. So I've got "Deceased", "Locus" ... I'm not sure

5 exactly what that says after that. (Pause).

6 But below that again is:

7 "Unidentified male who is associate of deceased --??

8 Injured??"

9 So that's referring to Mr Saeed.

10 Q. We can move up, please.

11 A. House-to-house.

12 Q. Is that "H2H"?

13 A. Yeah. Co-ordination paperwork around it, so beginning

14 to start to think about let's review the parameters that

15 we're looking to put in place. Then below that

16 "Operational statements", sometimes officers involved,

17 and thereafter intelligence priorities -- intelligence

18 and:

19 "Intelligence profiles of deceased + Saeed."

20 At that stage.

21 Q. Only of those two at that moment?

22 A. Yeah. It was so early on at that particular stage,

23 that's the priorities that we were looking at. So

24 that's almost kind of mind-mapping exactly, putting down

25 exactly what I'm trying to get done with the resources

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1 that we had at that time.

2 Q. Where had you heard about Zahid Saeed?

3 A. Erm ... I'm not sure. I don't know if it came from --

4 at that time, I think we were aware or I was aware,

5 Colin had briefed me around about Collette Bell's call

6 around that time, so I've a feeling it came from the

7 call card from Collette Bell.

8 Q. We have heard about a call that Collette Bell had made

9 to the police at 8.36 in the morning --

10 A. Yes.

11 Q. -- regarding her partner not being at home, and her

12 house, and I think she'd mentioned his friend had

13 contacted her, that's why she'd returned home?

14 A. Yes.

15 Q. And he was Zahid Saeed?

16 A. Yes.

17 Q. So could that be how you knew about that?

18 A. I think it is, and then if you look at the opposite

19 page, I mean I have -- the call cards are detailed on

20 the opposite page there and one of them is

21 Arran Crescent, Kirkcaldy, which has Collette Bell's

22 name across from it, so that's one of the call cards we

23 have, and Colin's got in front of him at that particular

24 time.

25 Q. We'll look at the facing page, if we can move to the top

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1 of that, please. So it says at the top there, is that,
2 "ID Sheku Bayoh"? Or does that say "IP"?
3 A. Sorry, whereabouts are you?
4 Q. On the next page.
5 A. Sorry, yeah.
6 Q. Have you finished the --
7 A. Yeah. So I was -- the only point I've made, I've noted
8 up the top of the first page there that the Federation
9 rep has been called out, Amanda Givan, and Amanda Givan
10 comes into the room with myself and Colin Robson round
11 about 10 o'clock or thereabouts and she introduces
12 herself.
13 Q. Where do you see that?
14 A. The very top line of the --
15 Q. Top of the left-hand side?
16 A. Yeah, the left-hand side.
17 Q. And you say that was about 10 o'clock?
18 A. I think it was just after 10 o'clock.
19 Q. So underneath that, you've got:
20 "0910 - critical incident."
21 A. Yeah.
22 Q. So are some of the entries made at different times
23 or ...?
24 A. Yeah, they may have been. But they've all been done
25 round about the material time when I'm getting so much

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1 information in at that stage. I'm also informed that
2 there's a Gold Group been scheduled now for 11.30.

3 Q. Right.

4 Then -- so we're looking at 9.10 the critical
5 incident, the first Gold Group meeting will be at 11.30,
6 and you've underlined that a couple of times, what's the
7 word after?

8 A. "Member". So I was asked to make sure I could
9 facilitate membership of the Gold Group.

10 MS GRAHAME: Now, I'm going to come on briefly and ask about
11 this concept of a Gold Group, but I'm conscious it's
12 11.30.

13 LORD BRACADALE: We'll take a break, then, for 20 minutes.
14 (11.30 am)

15 (A short break)

16 (11.57 am)

17 LORD BRACADALE: Yes, Ms Grahame.

18 MS GRAHAME: Thank you.

19 Detective Superintendent, before we -- sorry,
20 Detective Chief Superintendent, before we broke for the
21 short break, I was about to come on to ask you about the
22 Gold Group meeting.

23 A. Yes.

24 Q. In the sense of: could you explain what this Gold Group
25 is and what -- explain the structure of gold, silver and

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1 bronze for us, please.

2 A. Yeah, no problem. So it's something familiar to
3 policing in the UK. It's a strategic governance
4 structure for how we manage critical, major incidents.
5 It ensures that there is governance, oversight and
6 accountability around not just the investigation but
7 other aspects that are pertinent to the enquiry, or
8 investigation, such as community impact, media,
9 community reassurance, equality, diversity, and various
10 other strands that may be particular to the incident
11 you're responding to. Again, you may have Crown within
12 that Gold Group structure, and again it really depends
13 on the nature of the -- what you're responding to. It
14 may have partners involved in it as well.

15 So gold, the gold commander as such has that
16 oversight of not just what I had with the investigation
17 but has all the other different powers that are
18 impacting on the response to the investigation, so
19 a really significant role.

20 Down from that you have silver, who supports gold
21 and the command structure that he has or she has put in
22 place, and would normally run an adjacent or parallel
23 group round about some of the other aspects that maybe
24 gold has asked him or her to take on as such.

25 And under that there are a number of bronze leads,

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1 or bronze commanders, depending on what you call them as
2 such. But for example, you would have bronze
3 investigation, so bronze investigation for this incident
4 was myself, and thereafter you would have bronze media,
5 bronze community impact, bronze EDI -- equality,
6 diversity, inclusion -- bronze community reassurance,
7 bronze community impact, bronze finance, various other
8 bronze leads who would thereafter feed through at the
9 overarching Gold Group meeting round about any feeds
10 that they want to present to the gold commander.

11 So myself as bronze I would have a separate
12 briefing, a separate group which basically would
13 encompass the investigation. For example, if it was
14 a homicide -- I keep going back to homicide but that's
15 probably the best example -- I would have a briefing in
16 the morning and at close of play every day and
17 thereafter I would also attend the Gold Group and give
18 the highlights of the investigation as it progresses
19 over that period as such. Really kind of high level
20 strategic actions that I've carried out over that
21 period, to inform the gold round about how it's
22 progressing as such and if there were any issues that
23 I would want to share with the wider group, which, as
24 I say, encompasses the various strands that had impacted
25 on any investigation.

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1 So it ensures that there is that accountability,
2 governance, around what we're dealing with. And I mean,
3 this is a really good example, there is more to the
4 investigation into Mr Bayoh than simply the
5 investigation side of things. That's only one
6 significant strand, but there are so many others that
7 the gold commander, who was ACC Nicholson at the time,
8 obviously he's looking for information on a regular
9 basis, as to how that's progressing so he can thereafter
10 inform the force executive regarding the progress of the
11 investigation and round about the aspect of critical
12 incident, and eventually how we can return to some
13 sort of normality.

14 That's really the gold structure, how we can
15 thereafter move through the various phases of the
16 enquiry to return to some sort of business as normal.
17 I think that's probably the best way I can describe it.

18 Q. Was this gold command structure set up after it was
19 declared a critical incident or before?

20 A. I think it was after, yeah, so it was declared at 09.10
21 by Garry McEwan, the Chief Super, who was the on-call
22 for that part of the country at the time. So the
23 meeting for -- the executive meeting at that time was at
24 9.30, so ACC Nicholson would have chaired a kind of
25 strategic meeting, which is a daily meeting at the

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1 weekends that the ACC on-call chair with senior
2 representatives from crime, from operational support,
3 from various parts of the country, to provide
4 an overview of what's happening in Scotland in respect
5 of criminal matters and other aspects of public
6 reassurance, community impact, even events that are
7 ongoing as such.

8 So these would all feed into that executive meeting
9 in a morning over a weekend whereby the ACC would
10 thereafter -- on taking that information in would
11 thereafter make that further phone call to the on-call
12 detective -- sorry, the on-call deputy Chief Constable,
13 who would be on call for the force at the weekend as
14 such. So again that's how that would work.

15 Q. And on 3 May gold command you've said was ACC Nicholson?

16 A. Yes.

17 Q. And there was one silver, he was Garry McEwan?

18 A. Garry McEwan, yeah.

19 Q. And there are multiple bronze?

20 A. Yes.

21 Q. And one of those was yourself?

22 A. Yes.

23 Q. As SIO of the investigation part?

24 A. Yes, bronze investigation lead.

25 Q. Is that what it's called?

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1 A. Yes.

2 Q. Bronze -- so you were SIO, bronze investigation and
3 we've also heard that you were maybe an IIO, initial
4 investigating --

5 A. (Witness nods).

6 Q. Is that a phrase used from the post-incident procedures
7 SOP?

8 A. Yeah. Exactly.

9 Q. That's three separate titles but was it effectively one
10 job?

11 A. One job, yeah.

12 Q. And we've talked about Colin Robson, you've explained
13 his role that day. Was he aware or made aware of his
14 place in the structure and his place in the
15 investigation team?

16 A. Yeah. So, a response to an unexplained death in
17 general, it's -- you automatically move to experience
18 and to the mode of "this is what we do", so I think I'm
19 trying to explain that the fact is that you don't
20 actually have to really tell people, inform people
21 exactly what the actions are around it. I mean, we
22 would normally, as we did that particular day, you
23 almost go into that investigative mode around about
24 responding to an unexplained death at that particular
25 time. So the areas I've got down as priorities I have

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1 almost a standard lift from any death investigation I've
2 been involved in over the last 25 years and you simply
3 would just move into that automatic mode around that.

4 Colin was there to support me in the investigation
5 and round about some of the priority actions around
6 that. So -- and I've known Colin for a period of time,
7 so there's been various other deaths in Kirkcaldy and in
8 the surrounding area in Fife that I've responded to as
9 on-call where Colin has been on-call as well at that
10 particular stage. So we had a relationship, we knew
11 exactly what was required and the standard investigation
12 and so on and so forth.

13 So it wasn't anything new, it wasn't anything where
14 I'd have to sit down and say to Colin, "Well, you know
15 your role here", I mean, this almost became automatic,
16 the fact is that we knew how we would respond and the
17 great majority of the CID personnel involved in these
18 investigations are very experienced and they know that
19 if they're asked to go and detail an action or take on
20 some sort of activity in respect of a direction I'd
21 given, I mean, you don't have to physically sit there
22 and say, "This is what I want you to do, I want you to
23 go to the door, I want you to bring them into the
24 office, I want you to get a statement from them". They
25 generally know that. I mean, as I say, if we say,

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1 "Well, we're looking for a statement for Pat Campbell",
2 so they'll know they'll go and get Pat Campbell, get
3 a statement from him and come back in and feed back into
4 the investigation.

5 Q. On the morning of 3 May you've described about your
6 arrival at Kirkcaldy at roughly 9.15?

7 A. Yeah.

8 Q. We've heard about Colin Robson returning, the officers
9 returning, we've heard evidence from DS Dursley and
10 various other officers who were involved that day. Was
11 there a point at that sort of time in the morning, after
12 9.15 when you arrived, where you had a sort of
13 introductory discussion or briefing with officers to
14 introduce yourself, explain what was going to happen?

15 A. No. So it was too fast-moving to allow that to happen.
16 There was priority actions already being in progress,
17 for example Collette Bell was already within the office
18 at round about that time, we knew the significance of
19 Collette Bell's call into the control room, round about
20 the concern -- the concerned for call and the nature of
21 it. So with the limited resources I had at that
22 particular time we were still waiting on resources
23 coming from the surrounding divisions into Kirkcaldy.
24 In a great number of occasions when you're running with
25 major investigations or incidents that are live-time you

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1 generally wouldn't have a briefing immediately, I mean,
2 you would -- that -- sometimes in the manuals they call
3 it this golden hour whereby you basically try to look at
4 what you have in front of you and try to manage that and
5 deal with it and get the evidence or the intelligence
6 and information that will eventually point your
7 investigation in a particular manner through the various
8 hypotheses you maybe have in front of you.

9 Q. Let's explore the hypotheses that you've mentioned.

10 Explain to us what you mean when you talk about
11 hypotheses.

12 A. At the start of any investigation you keep an open mind
13 at all times around the potential reasons why someone
14 may have died. So again, it's crucial for that
15 transparency and accountability that you have that open
16 mind around it. So I can recall even driving through to
17 Kirkcaldy, I mean, I had about four or five different
18 hypotheses that were running through my mind in respect
19 of what may have occurred.

20 Q. Tell us what they were.

21 A. So, obviously I was aware that there had been restraint
22 by the police officers, so again one of the aspects is:
23 did Mr Bayoh die as a result of restraint? Did Mr Bayoh
24 die as a result of an earlier assault which subsequently
25 led him to Hayfield Road? Did Mr Bayoh die as a result

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1 of some sort of medical condition that we hadn't
2 identified at that time? Did Mr Bayoh die as a result
3 of drink, drugs, intoxication, overdose? And thereafter
4 probably the fifth one, which at that time was round
5 about: was there some aspect of counterterrorism, CT,
6 ideology aspect to what we were looking at, at that
7 particular time? Although there was no intelligence
8 indicating anything as such. But again what I'm trying
9 to entail is you keep an open mind around what you're
10 dealing with and you don't go down one particular road.

11 Q. Explain to us, once you've identified these different
12 hypotheses, what do you do in relation to each of those?

13 A. Well, through the course of the investigation, you begin
14 to actually identify or eliminate that the potential
15 aspect is one of these. So again, you begin to cross
16 them out, almost, and put the rationale behind why you
17 actually are now moving towards that more than this one
18 other as such. So again, as the investigation
19 progressed that morning, we were aware of the calls,
20 for example, as the morning/afternoon progressed, around
21 about Arran Crescent, around about the relevance to the
22 altercation with Mr Bayoh and Mr Saeed. We obviously
23 had the calls from the three members of the public at
24 Hayfield Road about Mr Bayoh acting erratically, in
25 possession of a knife, and we thereafter had the coming

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1 together on Hayfield Road with the police officers and
2 the restraint.

3 So again, it became quite clear over the course of
4 the morning/early afternoon that this was the
5 circumstances or the sequence of events that we were
6 going to prioritise. So again, the hypotheses round
7 about restraint, drink, drugs, intoxication, medical
8 condition, they're all still very much in your mind and
9 you're working through each of them as such round about
10 background checks you're getting done, round about
11 intelligence: is there anything at all indicating -- is
12 there anything, as I said, round about ideology or
13 CT-related which we were able to eliminate very, very
14 quickly around that aspect of it. So thereafter you're
15 moving through your various other hypotheses, at all
16 times keeping an open mind around that, but again as the
17 day progresses, as we begin to get information into the
18 incident room, it becomes clear exactly what we are
19 dealing with at that particular time.

20 Q. Just so that people are completely clear about what
21 you're saying, we've heard reference to CT as
22 counterterrorism?

23 A. Yes, correct.

24 Q. Have you noted down your hypotheses in your daybook or
25 your --

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1 A. No, I've not.

2 Q. -- policy file? Is there somewhere else that you note
3 those down?

4 A. No, I think it's just about keeping an open mind around
5 it, and, as I say, I've always approached any incident
6 with that, I mean round about the fact that you
7 detail -- you don't focus on a particular area. I mean,
8 the fact is that the information coming to me at that
9 time was simply round about this occurred due to
10 restraint. But again, as I say what I am looking at is
11 the wider aspect of other potential consequences and why
12 this has happened.

13 Q. How do you, when you're considering your hypotheses,
14 you've explained what the five were, how do you work out
15 how to exclude them or eliminate them from your working
16 hypotheses?

17 A. Through information, intelligence, evidence that we
18 obtain during the course of the investigation, you begin
19 to be able to eliminate the various hypotheses that you
20 have developed.

21 Q. When do you decide that you have sufficiently
22 investigated a hypothesis and you're comfortable with
23 eliminating it?

24 A. So that's -- it's probably difficult to say, it's really
25 when you believe that you have sufficient information,

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1 intelligence that points you in a different direction.
2 So, the aspect of the incident on 3 May, the hypotheses
3 round about restraint, alcohol, drug intoxication,
4 medical condition, they were all still very, very
5 relevant, because it was really difficult to eliminate
6 any of them at that particular time. So again they
7 continued, the hypotheses around that, the CT aspect we
8 could eliminate pretty quickly around any ideology
9 aspect of this, that this was motivation around it.

10 So again that was -- we could eliminate that through
11 some of the background checks we could do across the
12 network of policing in the UK. But again, there were
13 a number of hypotheses that were left open and continued
14 to be left open as I handed the investigation over
15 because of the absence of operational statements, for
16 example, the result of the post-mortem examination
17 pending toxicology. So again, there was a number of
18 hypotheses that I could not basically conclude or
19 eliminate as I handed the investigation over.

20 Q. You have mentioned counterterrorism and how it was
21 eliminated quite quickly. How was it that you were able
22 to eliminate that?

23 A. Well, there was no information or intelligence
24 indicating that there was any motivational aspect, that
25 this was some sort of CT-related attack. The climate in

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1 2015 was very different than it is now, particularly
2 within policing, whereby the threat level to police was
3 severe. We had various guidance put out internally
4 around keeping safe, round about travelling to work, we
5 had CT-related incidents across Europe in the preceding
6 months to this. So again, that aspect was very much in
7 the minds of officers as well. I mean, it was about,
8 like, don't travel to work in your uniform, don't be
9 deployed in a single-man car, or a single-person car,
10 make sure that it's double-crewed cars that are out at
11 that particular time. So again, it was a different
12 environment that we find -- or landscape that we find
13 ourselves in just now.

14 But to answer your question, there was nothing, no
15 intelligence at all that we could see identifying any
16 CT-related aspect to this incident. And again, what we
17 would do is, as I say, it's not just internally within
18 Police Scotland, we have obviously other law enforcement
19 partners across the UK that we can link into their
20 network as such, basically to see if there is anything
21 at all that we should be concerned of, or that we should
22 be considering at that particular time.

23 Q. What checks did you have or instruct to carry out in
24 relation to counterterrorism?

25 A. Yeah, so it was really to link into the wider UK

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1 policing network, particularly the CT side,
2 counterterrorism side, to see if there was anything all
3 that could indicate that there was any aspect of
4 terrorism, of terror-related motivation around us, and,
5 as I say, we could quite clearly eliminate that there
6 wasn't.

7 Q. In terms of considering counterterrorism as one of the
8 hypotheses, was there anything that caused you to
9 consider that in the first place, from the circumstances
10 that --

11 A. It was really the circumstances of the incident. What
12 we had was a male with a knife, at 6 o'clock in the
13 morning in a relatively quiet town, Kirkcaldy, acting
14 erratically. So again, that wasn't the initial focus,
15 it was -- that was just one of the hypotheses, as I say,
16 just to keep it extremely open and transparent that we
17 were looking at absolutely everything that we could
18 basically consider to ensure that we -- there was
19 rationale, there was accountability around my
20 decision-making around that. So, as I say, it was only
21 one aspect of it, but from the necessary checks that we
22 carried out through an intelligence side we could quite
23 clearly identify that there was no aspect of
24 terror-related motivation around this.

25 Q. We've heard evidence from other officers that knife

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1 incidents and calls about knife incidents were very
2 common in -- at that time in 2015, and in fact we heard
3 some evidence that multiple calls about knife incidents
4 would be made on a shift basis for officers. What was
5 it in particular that turned this incident into one
6 where you considered counterterrorism as a hypothesis?

7 A. So again, it was just -- I think it was just the
8 circumstances that, as I was running through what I was
9 dealing with, and my kind of wider considerations around
10 that, and I think it was raised at the Gold Group as
11 well by ACC Nicholson, was -- it was an unusual type
12 incident at that time of the morning for a ... And
13 again, this came independently from three particular
14 members of the public who witnessed this. So again this
15 wasn't coming from a single source, this was coming from
16 multiple sources round about the erratic behaviour of
17 an individual in a town at that time in the morning
18 which you -- I mean, you potentially find, my experience
19 is knife crime, knife-related incidents usually occur --
20 they occur at all times of the day and night but
21 predominantly it's a kind of afternoon, early
22 evening-type thing within a domestic setting or within
23 a dwelling house as such, you know what I mean. You
24 don't very much -- I don't think I've ever seen
25 a similar incident to this in 27 years, at that time in

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1 the morning, of a male acting as such.

2 So again, this wasn't a single focus, to reassure
3 you, this was just one strand of multiple hypotheses
4 that I was looking at.

5 Q. I'm interested in the particular circumstances that
6 caused you to consider counterterrorism. So you've said
7 it was raised by Nicholson at the Gold Group meeting --

8 A. Yes.

9 Q. -- but you're describing travelling to Kirkcaldy in the
10 car in the morning thinking about the possible
11 hypotheses?

12 A. Yes.

13 Q. This was long before the Gold Group meeting, and you've
14 talked about the particular timing on a Sunday morning,
15 you've talked about the number of calls you'd received
16 from members of the public into the police; were there
17 any other factors or circumstances which caused you to
18 consider the possibility of counterterrorism?

19 A. As I said before, I think it was also the climate within
20 the UK at that time in 2015, and it was to appreciate
21 there was a threat to policing in the UK, the threat
22 level was, as I say, raised to severe, that attack on
23 law enforcement or police was highly likely. We had had
24 a number of force memos, memorandums, we had had
25 information passed from the force executive around about

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1 stay safe, round about take care, around responding to
2 incidents and travelling to and from your workplace,
3 round about the security of police offices, police
4 stations, where you parked the motor vehicle, how you
5 interact off duty and things such as that. So I think
6 it was the climate at the particular time within law
7 enforcement and the threat to policing in general, and
8 with a really unusual incident that made me consider
9 that as a hypothesis, do you know what I mean? To be
10 honest with you, that was my main considerations.

11 Q. Anything else that you can think of?

12 A. No.

13 Q. You've not mentioned the fact that Mr Bayoh was black.
14 Was that one of the factors?

15 A. No, absolutely not. If it was a white male with a knife
16 restrained by police officers I would still have the
17 same -- I would still have the same hypothesis around
18 let's get the checks done around is he linked to any
19 particular aspect of the terror network as such, around
20 that. So again the -- Mr Bayoh being black had no
21 relevance at all to it.

22 Q. So the -- if it had been a white male involved in those
23 circumstances --

24 A. Yes.

25 Q. -- would counterterrorism checks have still been carried

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1 out?

2 A. Absolutely.

3 Q. Who was it that you instructed or directed to carry out
4 those counterterrorism checks?

5 A. So that would be the intelligence cell that was
6 established to manage that.

7 Q. Is that a separate department, if you like, within the
8 service?

9 A. Yeah, the intelligence cell is linked to the
10 investigation, it's a structure basically that you would
11 ask for the necessary background checks, wider network
12 checks on particular individuals that are involved or
13 come into the incident as such. So they support the
14 investigation.

15 Q. We've heard from DS Dursley that checks were carried
16 out, he invited checks to be done -- instructed,
17 I should say, checks to be done by a member of staff in
18 Kirkcaldy Police Office in relation to Mr Bayoh himself
19 and Collette Bell during the morning.

20 That was just by a member of staff in Kirkcaldy
21 Police Office is that separate from this intelligence
22 cell you are talking about?

23 A. Yeah, I mean, we have a 24/7 capability based within
24 Scottish Crime Campus in Gartcosh that we can link in
25 with around any further more in-depth checks, checks

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1 that we would want carried out in respect of anything.

2 So again, there is that local aspect but there's
3 a wider aspect, that we have governance 24/7, 365 days
4 a week -- a year, sorry, around the wider checks across
5 the network within the UK, which links into other law
6 enforcement partners, not just within Police Scotland as
7 such.

8 Q. So UK-wide?

9 A. Yeah.

10 Q. And who was it you contacted in the intelligence cell to
11 carry out these checks?

12 A. So that would have been through discussion with
13 Colin Robson, with the initial stages of the
14 investigation asking for these checks to be carried out,
15 and I think it came as an action from one of the
16 Gold Groups to ensure that that had been done as well.

17 Q. Do we see that noted in your daybook?

18 A. No, I don't think we do.

19 Q. No. By the time you wrote the daybook, had you ruled
20 out counterterrorism as a hypothesis?

21 A. No. No. No, my daybook was written as I was basically
22 going through the day as such.

23 Q. Is there anything in your policy file regarding checks?

24 A. I don't think there is, no.

25 Q. So --

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1 A. It's a standard process. I mean, we would naturally --
2 anyone that comes into an investigation such as this or
3 any homicide or organised crime investigation, we would
4 have an intelligence structure to support the
5 investigation round about who is this particular
6 individual? Is there any particular threats? Is there
7 any information that we require as we progress the
8 information round about officer safety as such and
9 anything else we need to know around it?

10 Q. And that would be done through DI Robson?

11 A. Yeah, I think it was DI Robson or he had allocated --
12 I think he'd allocated it to someone else to take on.

13 Q. Who did you have checks done on initially?

14 A. So I didn't particularly have any checks done on anyone
15 initially, I delegated that through the team supporting
16 me as such.

17 Q. So, although you're providing strategic direction, and
18 this is a working hypothesis, did you dictate who the
19 checks would be carried out on?

20 A. No.

21 Q. So normally, in the normal course of events, would it be
22 wider than just simply the deceased?

23 A. Yeah. Yeah.

24 Q. Who would it encompass, these checks?

25 A. So we would -- we would generally, in any investigation,

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1 we would -- any relevant particular person of interest
2 that came into the investigation, we would do some
3 checks on, background checks on, to see if there is
4 anything at all that we should be aware of as such.

5 Q. What constitutes a person of interest?

6 A. Some -- anyone that comes into the investigation, round
7 about a more, a greater understanding of when we are
8 speaking to them or we're engaging with them as such
9 that we're fully aware of the background.

10 Again, it's -- it's really relevant to all
11 investigations, we would have that more detailed
12 intelligence structure sitting behind any investigation,
13 supporting it with the necessary information, just to
14 provide you with a greater understanding of the
15 particular individual you may be dealing with as such.

16 Q. Would it include Zahid Saeed?

17 A. Yeah, I think it -- I believe it encompassed the
18 majority of people, during the time I was involved in
19 the investigation, that came into it. I mean, we would
20 do the necessary checks around that as such.

21 Q. Would it include someone like Collette Bell, who was the
22 partner of the deceased?

23 A. I'm not sure about Collette Bell.

24 Q. Martyn Dick, a friend?

25 A. It may have. As I say, as SIO I have strategic

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1 oversight of the investigation, the intelligence
2 structure would generally look at all of the persons
3 that have come into the enquiry and look at if there is
4 anything at all that we should be aware of. And again,
5 that we would just do through checks round about access
6 to police systems that we have, around anything at all
7 that -- again, we inform the investigation as we move
8 forward.

9 Q. But it's a person of interest rather than just every
10 name that comes to your attention in the investigation?

11 A. Yeah, it would be a person of interest rather than every
12 single witness that crosses into an investigation.

13 Q. And who decides who those persons of interest are?

14 A. So that would be really for the intelligence structure,
15 the intelligence cell, to make that decision around it.
16 I mean -- or the individual officer who has been
17 allocated the action around to interview Pat Campbell,
18 so again they may want to look at the background of
19 Pat Campbell before they go and speak to him, round
20 about is there any warning signals? Is there background
21 that we should be aware of? Is there a warrant live for
22 him, for example? Is there anything at all that there
23 is intelligence held which indicates that we should be
24 concerned around approaching Pat Campbell?

25 So again, the individual officers getting the

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1 actions would carry out some background checks and go
2 through the intelligence structure to see if there is
3 anything at all that they would have. And it's really
4 to go and speak to someone with as much information as
5 you possibly can at that particular time of any
6 investigation.

7 Q. So when we look at your daybook there was a part on
8 intel, wasn't there, that you mentioned earlier? If we
9 can have that back on screen, please. Sorry, it's
10 PS18269. And I think page 4 towards the bottom of that
11 page there is, you made reference to one of the
12 priorities being intel.

13 A. Yeah, and it's basically, at that early stage, probably
14 the two most relevant individuals are the deceased and
15 Mr Saeed, so I'd asked for intelligence profiles to be
16 created around both of them at that point. And the
17 justification around that was obviously to look at the
18 background of Mr Bayoh, but also round about the fact we
19 were unaware at that time of what involvement Mr Saeed
20 had within the incident, and I think I detail that just
21 a couple of lines up where it's:

22 "Unidentified male is an associate of the deceased
23 - is he injured?"

24 So again, that was reference to Mr Saeed at that
25 time from the information we had from Collette Bell's

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1 call into the call centre.

2 Q. That's item 4?

3 A. Yeah. So again, the relevance and -- of Mr -- we were
4 unaware of. So again, was there -- and that goes back
5 to the hypothesis, was -- one of them was, the fact was,
6 was the deceased injured as a result of an earlier
7 incident which thereafter took him to Hayfield Road?
8 So -- and was the unidentified male, who we believe was
9 Mr Saeed, had he been injured, because what we had was
10 the deceased a short time after this with, in possession
11 of a knife.

12 So you keep an open mind, you're unaware exactly how
13 relevant Mr Saeed is to it. Was he a contributing
14 factor to an earlier assault on the deceased or was he
15 simply a witness to this? Or is he lying injured
16 elsewhere within that particular area? So again, it's
17 around that, I mean, who is Mr Saeed? Where does he
18 live? How can we get hold of him; how can we contact
19 him? So these things are all going round. So again,
20 the profiles, the intelligence update round about both
21 the deceased and Mr Saeed, were important at that time.

22 Q. Then, looking at the hypotheses you mention about
23 perhaps drink and drugs, intoxication --

24 A. Yeah.

25 Q. -- of some sort.

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1 A. Yeah.

2 Q. Tell us how you prioritised steps, investigative strands
3 in relation to that hypothesis?

4 A. So -- and again, a lot of this came from Collette Bell
5 and from the information we were getting from Collette.
6 We were aware that he'd obviously been at a family
7 gathering I believe on 2 May and there had been contact
8 with Collette, I think about 11 o'clock that evening
9 where she thought he was -- I can't remember her words
10 in her statement around it, but he seemed to be a bit
11 annoyed about something, and thereafter we -- we were
12 aware through Collette that he'd attended at the house
13 of Martyn Dick and through the course of that morning,
14 speaking to Martyn Dick and his partner it became clear
15 again round about the aspect of Mr Bayoh being out of
16 character within Martyn Dick's house, which they pointed
17 out.

18 And speaking to Mr Saeed, obviously he indicates
19 that as well. He appeared to be under the influence of
20 alcohol or some sort of drugs or substance, which was
21 extremely out of character for him. The information we
22 were getting, that Mr Saeed was indicating that he
23 believed somebody had disrespected him within
24 Martyn Dick's house, so again, there was a wider aspect
25 to the hypothesis round about alcohol, drink, drugs,

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1 intoxication, which may have been a contributory factor
2 to his death.

3 So again, that was one of the areas of obviously
4 focus as well.

5 Q. So that hypothesis, you were able to find information
6 that perhaps supported that hypothesis?

7 A. Yes.

8 Q. Then you talked about a medical condition being one of
9 the possible hypotheses. What actions or steps did you
10 take in relation to that?

11 A. So that was more about the statement from Collette Bell
12 round about was there anything at all that -- was he
13 suffering from any illness? Did he have any injury?
14 Was there anything at all that we should be aware of at
15 this time? So again, on most unexplained death
16 investigations one of the standard hypotheses is: is
17 there an underlying medical condition? And we're not
18 going to find that out really until after the
19 post-mortem examination, but we might have some
20 information from family, friends that there has been
21 some sort of either illness or medical condition that is
22 in the background to this as such. So it's again just
23 one of the hypotheses I had.

24 Q. So not something you can perhaps eliminate until after
25 the post-mortem?

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1 A. Yeah.

2 Q. But was there anything that you were able to identify
3 from information that day that indicated there was
4 a medical condition?

5 A. Not that I can recall, no.

6 Q. And then you talked about an earlier assault, and you've
7 mentioned the situation with Zahid Saeed, so that
8 continued to be a working hypothesis?

9 A. Yeah.

10 Q. And was that -- you've described how you were interested
11 in Mr Zahid Saeed and was that something you wanted, you
12 wanted to take a statement from him?

13 A. Yeah, it's a priority action.

14 Q. Then you've also mentioned restraint --

15 A. Yeah.

16 Q. -- as being a possible hypothesis. Tell us about that
17 hypothesis?

18 A. The initial information that came to me from Leslie Boal
19 was that there was a restraint by the police on
20 Mr Bayoh. That was also emphasised by Colin Robson once
21 I spoke to Colin Robson, and Colin had explained that
22 PAVA CS had been discharged and also there had been
23 baton strikes. So again just with that information that
24 was an obvious hypothesis that it was going to stay
25 live.

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1 Q. When you say "stay live", what does that actually mean?

2 A. So it was one that I ran with through the course of the
3 duration of -- when I was SIO and through the enquiry
4 that I was unable to eliminate at that time, that
5 restraint was a potential contributory factor to the
6 death of Mr Bayoh.

7 Q. So you were not able to eliminate that hypothesis?

8 A. No, in the absence of any operational statements or
9 eyewitness accounts or anything at all during the early
10 stages I had the investigation, I could not eliminate
11 it.

12 Q. Were those the main planks of how you would have gone
13 about eliminating it if you had received operational
14 statements or eyewitness accounts?

15 A. It would have significantly assisted.

16 Q. So in the meantime, that remained a live working
17 hypothesis?

18 A. Yeah.

19 Q. Were there any other avenues or priority actions that
20 you sought to assist you in this hypothesis and moving
21 forward with this hypothesis?

22 A. Yeah, no, I mean, there's a number, some of them are
23 listed there as well round about operational statements
24 of -- I mean, I've noted that down at a very early
25 stage, the requirement for them.

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1 Q. I think you read that out earlier from your daybook?

2 A. Yeah, I think it is number -- the second line from the
3 bottom of the page.

4 Q. Is that 8, "Operational statements"?

5 A. Yeah, and even one above it, house-to-house, so
6 house-to-house at Hayfield Road, is that going to
7 identify witnesses to the restraint? The custody van,
8 the potential CCTV within the van, which again I say
9 that is an urgent action, let's get the technical
10 support unit out as a matter of urgency to basically
11 download that, which greatly assisted as well. CCTV in
12 general, the wider aspect of a CCTV trawl: is there
13 anything at all around public/private space CCTV that we
14 should prioritise that would give us a further
15 indication of exactly what occurred at Hayfield Road.

16 So there are various aspects of it, I mean, even to
17 the media, the media was doing an appeal for
18 information, their own witness appeal around passing
19 motorists, dashcam footage and so on and so forth. So
20 things such as that would have greatly assisted that
21 hypothesis and supported it as such.

22 Q. You've perhaps watched some of the evidence where we've
23 played different parts of CCTV, dashcam footage, mobile
24 phone footage; have you seen any of that?

25 A. No.

Transcript of the Sheku Bayoh Inquiry

1 Q. We understand from earlier evidence there was an issue
2 with the CCTV in the van.

3 A. Yes.

4 Q. Tell us about that.

5 A. So, I mean, it would have greatly assisted because of
6 the position where the van was; if we had that footage
7 there, it would have almost picked up the actual
8 restraint and the incident with Mr Bayoh. So again, I'd
9 asked for the TSU to be called out, I think it was
10 through Colin Robson and eventually DI Dursley, I think,
11 to basically make that call around it's a Sunday morning
12 but it couldn't wait until the Monday, until they came
13 back on, so I wanted them called out to basically
14 examine did we have that footage that we could get that
15 early insight into exactly what did occur there. So
16 again, that was something that was considered and deemed
17 a priority by myself.

18 Q. We've heard that the CCTV in the van wasn't working?

19 A. I don't think it had been working for some time,
20 I gather.

21 Q. And then in relation to restraint, you've talked about
22 this as a hypothesis and --

23 A. Yeah.

24 Q. -- things that you were pursuing, to consider that
25 hypothesis. Can I ask you, did you bear in mind that

Transcript of the Sheku Bayoh Inquiry

1 Mr Bayoh was black and did you consider at that time
2 a number of very public inquiries down south about
3 issues arising where black men in particular when they
4 are restrained by the police may have a poor outcome?

5 A. So the fact that Mr Bayoh was black didn't really have
6 any bearing on my direction at the time. If it was
7 a white male that had been restrained and died I would
8 have still carried out the same actions around that.
9 I was aware of a number of the incidents, investigations
10 down south, in particular regarding black males who have
11 died following police contact or restraint. So that
12 was -- I was aware of that, I was aware of some of the
13 reviews that had been carried out around that. But
14 again, regarding the actions that I developed and put in
15 place at that time, there was no bearing on the fact
16 that he was black, I would have carried out the same
17 actions and managed it the same way if it was a white
18 male.

19 Q. So that knowledge or awareness didn't actually impact on
20 the actions which you identified as requiring to be
21 carried out?

22 A. No, I think, as any senior officer within
23 Police Scotland we were aware of these incidents down
24 south, in particular where restraint had been used or
25 either excessive force or the manner of handcuffing or

Transcript of the Sheku Bayoh Inquiry

1 placing in cells or vehicles had eventually caused the
2 death of the particular individual. So again it was --
3 I was very aware of that, but, as I say, the actions
4 I carried out would have been carried out if it was
5 a white male involved in this incident.

6 Q. When you're talking about putting people in vehicles,
7 are you thinking of positional asphyxiation as
8 a possibility?

9 A. Yeah, yeah.

10 Q. So that was something else you were considering?

11 A. Yeah, and I mean I dealt with a death in custody whereby
12 it was a male who was arrested in Edinburgh who had
13 basically been placed into the rear of a police van face
14 down handcuffed, heavily intoxicated, and on arrival at
15 St Leonards custody suite was unresponsive and
16 subsequently died. So again, I was very much aware of
17 positional asphyxia and about the implications around
18 that.

19 Q. What was the cause of death in that particular
20 situation?

21 A. I'm not sure because I handed the investigation over.
22 Again, I was on call unfortunately and dealt with the
23 initial stages of it.

24 Q. Is that the case that although you're on call and maybe
25 deal with the initial stages you don't always find out

Transcript of the Sheku Bayoh Inquiry

1 what the outcome --

2 A. Yeah.

3 Q. -- ultimately is?

4 A. I simply handed that over to a further SIO at that time.

5 Q. I think I've asked you this, but is there any document
6 in front of you where we can see the hypotheses that you
7 identified and see how those progressed? Is there
8 anything in your policy file or ...?

9 A. No, I don't think there is. No, I mean, it was
10 something I would -- I would probably detail if I was
11 maintained as SIO, I would thereafter begin to note down
12 the hypotheses around it and how I've basically been
13 begun to eliminate them and how they have developed, or
14 if I have been unable to eliminate them as such. But
15 with the fact that I only really had that for the best
16 part of 36 hours, I didn't detail those as such.

17 But they were very much in, as any SIO would explain
18 to you, you know, I mean, that's the initial stages of
19 your thinking round about the development of a number of
20 hypotheses for exactly what occurred and it's that open
21 mindedness, it's about that transparency and
22 accountability round about let's not eliminate anything
23 at this particular time.

24 Q. You talked earlier about the policy file containing high
25 level actions and decisions. Is the policy file

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1 generally where you would expect to note down
2 hypotheses?

3 A. Yes.

4 Q. And you prepared this largely, I think you said, on the
5 4th and then handed it over on the 5th?

6 A. Correct, yeah.

7 Q. But is there anything in here at all that would assist
8 the Chair when he comes to consider this document that
9 would even identify that you had identified hypotheses
10 or anything along those lines?

11 A. No, I don't think there is around it. As I said, it was
12 so fast-moving at the time that I was around, I don't
13 think I detailed exactly what my thought processes were
14 around the various hypotheses that I had.

15 Q. Looking back now, is that something that you maybe wish
16 you had done?

17 A. Yeah, I mean I think the policy files have come a long
18 way since 2015, you know what I mean, around about
19 a more thorough, detailed approach to what you're
20 actually completing and writing down as such. So again,
21 that was a period in time where the policy file which
22 I was completing was really kind of quite short time
23 high priority actions and more so now I would probably
24 detail, and a lot of detail round about the hypotheses
25 that I was working through in my mind as such so that

Transcript of the Sheku Bayoh Inquiry

1 there is that rationale and accountability around it.

2 Q. Nowadays with the policy file is there a section that

3 identifies an area where you should note down your

4 working hypotheses?

5 A. I'm not sure, to be honest with you, unless it's changed

6 recently. There wasn't, but it may have changed over

7 the last couple of years.

8 Q. But in terms of your own personal practice, that's

9 something that you now do, is note down hypotheses?

10 A. Yeah, it's something I've always done, not note down,

11 but something I've always kept an open mind around about

12 what exactly are we dealing with at this particular

13 stage. Now, in 2015, a number of people would

14 probably -- a number of SIOs would probably have written

15 them down and detailed them, I worked them through in my

16 mind, you know. I mean, I took time to basically work

17 out what we had and thereafter focus on what the

18 priority hypotheses were, which were the ones we have

19 already discussed.

20 Q. So you've always worked through that --

21 A. Yeah.

22 Q. -- process in your mind?

23 When did you start noting down those hypotheses in

24 your policy file?

25 A. Erm ... I'm not actually that sure, to be honest with

Transcript of the Sheku Bayoh Inquiry

1 you, I'd need to look back at the various policy files
2 that I've done since 2015 to be honest with you to give
3 you that answer.

4 Q. But in 2015 it's not something that you were --

5 A. It's not something I was doing, no.

6 Q. I just want to check, it's not that this is the only
7 incident where you didn't note down --

8 A. No, no.

9 Q. -- your hypotheses?

10 A. No.

11 Q. It's a more recent development in your practice, is it?

12 A. Yes. Yes.

13 Q. Thank you.

14 Can I move on and ask you a little about
15 Collette Bell's call to the police in the morning?

16 A. Yeah.

17 Q. We've heard evidence from DS Dursley and DI Robson that
18 they were very conscious that there could be a possible
19 link --

20 A. Yes.

21 Q. -- between the reason she'd called the police and the
22 male and the events at Hayfield Road. Was that
23 something that was brought to your attention?

24 A. Yeah, it was brought to my attention by Colin Robson at
25 the briefing that I, myself and him had around about

Transcript of the Sheku Bayoh Inquiry

1 10.00 -- between 10.00 and 10.30, round about the
2 development of the various priorities and thereafter the
3 linked incidents, which is in my daybook.

4 So again, the aspect of Collette Bell, it was really
5 significant round about the call card and what that
6 detailed.

7 Q. Can I just ask you about the timings of that? We've
8 heard evidence that Collette Bell called at 8.36 in the
9 morning, that DC Mitchell and DC Parker were sent to the
10 house to do what they described as a welfare check on
11 Collette Bell and the property, and they arrived at
12 approximately quarter past 9 in the morning and waited
13 for her to return to the house.

14 A. Yeah.

15 Q. She had a baby at that time about 15 weeks old, and she
16 was with her mother, Lorraine Bell. So at the time that
17 Mitchell and Parker were sent to the house, you weren't
18 aware that there was a possible connection?

19 A. No.

20 Q. Were you aware that anyone had been sent --

21 A. No.

22 Q. -- to Collette Bell's house?

23 So in terms of your involvement with that location,
24 you had no knowledge, influence or responsibility in
25 relation to that?

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1 A. No, I can remember speaking to Colin around it and
2 saying how relevant that was and he explained to me that
3 this action was already in progress, I think he said to
4 me that Collette Bell was already at the office at that
5 stage.

6 Q. So by the time you had this briefing, between 10.00 and
7 10.30, you think Collette Bell had already been brought
8 to Kirkcaldy?

9 A. Yes, or was en route. One or the other. I think that
10 was the update that I got.

11 Q. So all the decisions that were made in relation to
12 Collette Bell and her property and being brought to
13 Kirkcaldy Police Office were not done by you?

14 A. No.

15 Q. And in fact you didn't have any awareness until that
16 briefing with Colin Robson?

17 A. Yes, correct.

18 Q. So was it Colin Robson who was handling that matter
19 before he spoke to you?

20 A. Yes, and, I mean, because I'd said to him, I says, "Oh,
21 do we have someone basically actioned to basically go
22 and speak to Collette?" And he said, "It's all in
23 hand", he either said she's en route or she's in the
24 office just now.

25 Q. Did you have any involvement with arrangements to bring

Transcript of the Sheku Bayoh Inquiry

1 her into Kirkcaldy --

2 A. No.

3 Q. -- or taking her -- we've heard she went into the

4 number 1 interview room in Kirkcaldy, did you have any

5 involvement with that?

6 A. No.

7 Q. Tell us about this briefing with Colin Robson between

8 10.00 and 10.30.

9 A. So again it was to identify the priorities and again,

10 Colin has the call cards printed out in front of him,

11 this would be the hard copies I believe at that time,

12 and we're talking through the various call cards that

13 appeared to be relevant to the incident that we're

14 dealing with at that time, and I think probably the

15 page ... it's at the top of that page:

16 "Death in custody - Kirkcaldy."

17 Q. Maybe just come down slightly. Sorry, go up, sorry.

18 A. It's that aspect, "Death in custody - Kirkcaldy", which

19 I've got DI Colin Robson opposite that.

20 Q. Right, yes?

21 A. So again what you've got is that I've got Hendry Road

22 Kirkcaldy and it's quite exact timings, which is

23 reflective of the call cards, so 07.14 hours, and Colin

24 has read out exactly what it said on the call card.

25 Q. So is this Colin Robson had brought call cards with him

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1 to the briefing?

2 A. Yeah, yeah.

3 Q. And --

4 A. Yeah. So I've simply written down what he has given me

5 and I've asked him to -- I'm saying, "Who are the

6 callers, or who has reported that?" And you'll see

7 through the right-hand side of that there's "TST", and

8 then there's "Rep", which is reporter, and then there's

9 two names, I think Harry somebody or other and then --

10 Q. Right, I won't ask you to mention all the names but we

11 have heard evidence from a Harry Kolberg who was

12 a caller, and we've heard evidence he made two calls.

13 A. Yeah. So all I'm trying to indicate there is I've

14 identified that as an urgent action so TST is to take

15 statement, so at that time when I'm going through the

16 call cards in my mind I'm basically saying, "Priority,

17 priority, let's get statements for these individuals",

18 so the TST is the action I'm thereafter generating in

19 respect of that.

20 Q. I can't read your writing there but then the other one

21 may be a Linda?

22 A. Linda Lambert, I think it is.

23 Q. And we heard evidence from a Linda Lambert.

24 A. Yeah.

25 Q. So these were direct references to calls that had been

Transcript of the Sheku Bayoh Inquiry

1 made to the police that morning?

2 A. That's correct.

3 Q. And then underneath, what does it say, is this you
4 noting down things from the call cards?

5 A. So, yeah, so Colin's reading the call card out to me, so
6 at 07 -- he's basically what has been read out to me:

7 "African looking male chasing complainer's cars
8 jumping in front of cars and stopping them."

9 So again, all I've took is the main aspect of what
10 the call card says and thereafter developed the actions
11 around that.

12 Q. Then the second thing that you have there is -- does
13 that say Hayfield Road?

14 A. Yeah.

15 Q. And what do you have here?

16 A. So:

17 "Hayfield Road Kirkcaldy.

18 "0715 hours. Black male in possession of large
19 knife - white T-shirt, no jacket, 9-inch knife. Male
20 subdued - ASP strike / CS spray.

21 "Hospital - Victoria Hospital."

22 And then there's two again witnesses above that
23 I think it's Joyce Joyce and Alan Pearson, I think it
24 is, and again that's the calls that have come in at that
25 time from the individuals.

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1 So Colin's read the call card out and I've reduced
2 what he has said to me into that synopsis as such.

3 Q. Where it says "male subdued", what was the reference
4 after that?

5 A. It's ASP strike, which is a baton strike.

6 Q. So you were aware at that time that the man had been
7 struck with a baton?

8 A. Yes.

9 Q. And CS sprayed?

10 A. Yes.

11 Q. And then the third entry is -- again, this a note from
12 the call cards?

13 A. Yeah.

14 Q. And we have a redaction in this section, which is in
15 relation to Collette Bell's address.

16 A. Yeah.

17 Q. But where it says "Bell", can you tell us what you've
18 said there?

19 A. Yeah, so again it's come from the call card:

20 "Bell came into the house at [her address] to find
21 house trashed. She had received call from deceased's
22 friend stating he had been assaulted by her boyfriend -
23 assault took place about one hour ago in Kirkcaldy."

24 Q. And we've got a redaction on the line under that, but
25 what's the first entry there, does it say:

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1 "(1st phone ..."?
2 A. Erm ...
3 (Pause):
4 "(1st phone in here / 2nd person ...)"
5 I cannot understand exactly what I've written there
6 unfortunately. Something to do with -- I don't know if
7 there's been two calls or the phone back and there has
8 been further communication around that.
9 Q. So again was this from a call card or was this
10 information from -- (inaudible - overspeaking) --
11 A. Yeah, I believe it was. I believe it was a call card,
12 yeah. And I've got an action there about, "Take
13 statement from Collette Bell", and that's that
14 discussion I said I had with Colin who informed me that
15 that's in hand.
16 Q. So in terms of the instruction to take a statement from
17 Collette Bell, had arrangements already been put in
18 place by the time of this briefing?
19 A. Yes.
20 Q. Did you approve those or did you have any input in that
21 at all?
22 A. It was -- I believe it was ongoing or it was about to
23 commence, but I did agree with the fact that she did
24 require interview.
25 Q. Can you explain us to why you agreed with that?

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1 A. She's a significant witness, I mean, in respect of
2 the -- she has contacted the police with a concern for
3 the deceased, so it was critical that we engaged with
4 Collette as soon as possible to find out what is the
5 background to this incident we're dealing with, can you
6 fill in some of the blanks to support some of the
7 hypotheses that we -- that I have at that particular
8 time. And again, even who is the deceased at
9 Victoria Hospital. I mean, what is -- who is -- can we
10 identify who this is at this particular time. So she
11 was a really significant witness.

12 Q. Did you have any input at that time about the death
13 message?

14 A. No.

15 Q. Did you have any input into the wording of the death
16 message?

17 A. No.

18 Q. When or where it was relayed?

19 A. No.

20 Q. Did you -- were you aware at the time of this briefing
21 whether there had been a death message relayed?

22 A. No, it hadn't been done at that time.

23 Q. Did you ask, say, Colin Robson about the possibility of
24 a death message?

25 A. No.

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1 Q. Why not?

2 A. My understanding was she was either not at the office or
3 she was en route to the police office at that stage, so
4 it was very early on, my expectation was that we were
5 unsure exactly how relevant Collette Bell was at that
6 particular time, although with my experience I thought
7 there was something significant with what she was
8 telling us.

9 Again, the aspect of death message to Collette at
10 that time didn't cross my mind to be honest with you,
11 I wanted to get a more kind of updated version of
12 exactly what was she reporting, what was her concern,
13 who was she concerned about, and when was the last time
14 that she had seen the person that she was reporting
15 missing and so on, so again it was very early on with
16 that so I was more concerned about, or more interested
17 in the fact of what does Collette Bell almost have to
18 offer the investigation and provide us with that
19 information in respect of that.

20 MS GRAHAME: I do want to go into this in a little more
21 detail but I'm conscious that it's now 1 o'clock.

22 LORD BRACADALE: That's a convenient point, we'll stop for
23 lunch and sit at 2 o'clock.

24 (1.01 pm)

25 (The short adjournment)

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1 (2.07 pm)

2 LORD BRACADALE: Yes, Ms Grahame.

3 MS GRAHAME: Thank you.

4 Can I go back to something we asked about before

5 lunch, in particular the CCTV of the van?

6 A. Yes.

7 Q. Which van was it where the CCTV should have been working

8 but wasn't?

9 A. I've no idea, I was informed that there was a van with

10 CCTV at the locus.

11 Q. Right. We've heard about a custody van as it was

12 called, a transit van --

13 A. Yeah.

14 Q. -- driven by the first two officers at the scene. Was

15 that more likely to be the van that was being discussed

16 or --

17 A. I think there was only one van with CCTV potential at

18 the scene.

19 Q. We've heard about a fish van, it was called a fish van,

20 but it was a much smaller van.

21 A. No, it's not that.

22 Q. It wouldn't be that?

23 A. No.

24 Q. So much more likely to be the custody van?

25 A. Yes, yeah.

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1 Q. And after you'd discovered that there was a problem with
2 the CCTV, it wasn't playing, and you've told us that it
3 hadn't been working for a while, did you carry out any
4 further investigations into gathering in an explanation
5 as to why that hadn't been working?

6 A. No, I did not. I would have expected the divisional
7 area to pick that up, Chief Superintendent Garry McEwan
8 was the commander who was involved in the incident so I
9 would imagine he would have picked it up, but certainly
10 not for myself.

11 Q. So why would Garry McEwan pick that up if -- you'd
12 obviously wanted to identify CCTV for the purposes of
13 your investigation --

14 A. Yes.

15 Q. -- and narrowing down the hypotheses. Why would
16 Garry McEwan be the one to pick that up?

17 A. So the information came back from the technical support
18 unit representative that came out to examine the van and
19 the CCTV that it was inoperational and it looked as if
20 it hadn't been recording for some time was the
21 information that came back to myself around that and
22 I think it was discussed at one of the Gold Groups as
23 well around that aspect of it.

24 As SIO it's nothing I would have actually got
25 involved in round about maintenance and repair of CCTV,

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1 I would have left that to a divisional rep within that
2 particular area. So Garry McEwan is the divisional
3 commander of that particular area so I would imagine
4 Garry or the area commander, who was Nicky Shepherd at
5 the time, would have picked up on the aspect that it
6 wasn't working, the fact that we had the T issue called
7 out, they would have detailed the fault with the system
8 anyway and it would have thereafter went through the
9 whole process of being repaired, I would imagine, trying
10 to come out and identifying it as not functional.

11 Q. Right. So was it effectively as soon as you discovered
12 that there wasn't any evidential value from the purpose
13 of your investigation, your interest came to an end?

14 A. Yes.

15 Q. And thereafter any ongoing interest would be seen as
16 maintenance and repair?

17 A. A local matter I would suggest it would be, yeah.

18 Q. Right. Did you consider whether there was a reason
19 behind the fact it hadn't been playing or working on
20 that day?

21 A. No, however the information came back was it hadn't been
22 working for some time, it wasn't just that particular
23 day it hadn't been recording, but the information that
24 came back, I think through Colin or through one of the
25 other persons involved in the investigation, was it

Transcript of the Sheku Bayoh Inquiry

1 hadn't been working for some time. So it wasn't just
2 that day it hadn't recorded. I'm not sure exactly the
3 extent how far it went back but the information was it
4 wasn't just that day, the information that I received.

5 Q. Did that information then lead you to think there was no
6 nefarious reason behind that?

7 A. Yes, absolutely.

8 Q. Did you consider who commonly drove that custody van?

9 A. No.

10 Q. And whether the first two officers at the scene we've
11 heard evidence I think last year in the first hearing
12 that they often drove that particular van, did you carry
13 out any investigations in relation to why the situation
14 had continued for some time?

15 A. No. As I said in the kind of introductory remarks,
16 I was there as an on-call senior investigating officer
17 dealing with the critical nature of the investigation.
18 Areas such as that would have undoubtedly been picked
19 up, I would imagine, through the course of the enquiry,
20 but for myself dealing with that critical aspect of the
21 first days or first day of it, it was something that
22 wasn't a priority for me to be honest.

23 The other aspect is I wasn't aware who regularly
24 drove that van, and I had no knowledge at all of the
25 officers involved in the incident, I'd never met any of

Transcript of the Sheku Bayoh Inquiry

1 the officers before that were involved actually as the
2 principal officers involved in it.

3 Q. We've heard that you were brought in from Lothian and
4 Borders because you were independent, if you like --

5 A. Yeah.

6 Q. -- of the response team and those involved?

7 A. Yes.

8 Q. Just before lunch we were talking about Collette Bell.

9 A. Yes.

10 Q. I'd like to go back to that, and you talked about you
11 were not aware of the situation with Collette Bell until
12 between around 10.00 and 10.30, when you had your
13 briefing --

14 A. That's correct.

15 Q. -- from Colin Robson. And we looked at your daybook,
16 PS18269, and you have talked us through some of the
17 entries within your daybook which related to information
18 from the call cards?

19 A. Yes.

20 Q. Just before lunch you said you weren't really sure how
21 relevant Collette Bell was at that particular time when
22 you first became involved. I think you'd been advised
23 or you were aware that there was a potential link
24 between the reason she'd made a call to the police and
25 the events in Hayfield Road?

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1 A. I would say it was more than a potential, it was
2 a significant link, I think I highlighted that. I mean,
3 to me that call was really significant, and it did
4 appear to link into the timescales and what had -- she
5 was reporting. So again, it wasn't just a potential
6 then, it was a really significant line of enquiry.

7 Q. I think you did say before lunch that she would be
8 a significant witness or a significant person --

9 A. Yeah.

10 Q. -- for you to speak to --

11 A. Yes.

12 Q. -- as part of your enquiry.

13 And as well as noting the entries in the call card
14 which you have gone through, I think on the next page of
15 your daybook you do note down matters in relation to
16 Collette Bell in particular?

17 A. Yeah.

18 Q. So you've noted down "Bell" and entries from the call
19 cards on the first page 4, but on the following page
20 there's entries next to "Collette Bell"?

21 A. Yes.

22 Q. Can you explain when you prepared these notes? We'll
23 wait until they're on the screen. Thank you, that's
24 them.

25 A. So that must have been between 10.00 and 11 o'clock. It

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1 looks as if it's been whilst Collette Bell has been
2 within the office being interviewed. I've got noted
3 down at 10.20 hours the call from Keith Harrower at the
4 PIRC which had detailed at the time of the call.

5 Q. Is that the first sort of entry?

6 A. Yeah.

7 Q. What does -- under the redacted passages, what does that
8 actually say? It starts --

9 A. "Interview advisers."

10 So again, I'm just kind of noting in my mind I'm
11 looking for an interview adviser as well potentially, so
12 this is just --

13 Q. Would that be in relation to Collette Bell in particular
14 or --

15 A. No, just in general, just for the investigation, yeah,
16 yeah, it was just something I hadn't picked up earlier
17 on in my priorities.

18 Q. So this is another priority that you're thinking about?

19 A. Yeah.

20 Q. And would that be in relation to interviewing witnesses?

21 A. In general, yeah, yeah.

22 Q. And what sort of role did they take?

23 A. They produced an interview plan for the interviewing
24 officers, they would collate the relevant statements
25 prior to that and produce an interview plan. Thereafter

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1 they'd brief who's going to interview the particular
2 individual and develop a strategy around triggers,
3 pointers in respect of that, areas to be covered. So
4 again quite a significant role as well.

5 Q. And then underneath that you've said you've noted a call
6 at 10.20?

7 A. Yeah.

8 Q. With Keith Harrower from PIRC?

9 A. Yeah.

10 Q. What was that in relation to?

11 A. That was the first call from Keith identifying himself
12 as the PIRC lead officer at that time. So again, we had
13 a discussion at that stage that Keith was trying to
14 identify resources from PIRC, they may be a considerable
15 time, what his intention was to attend at Kirkcaldy
16 Police Office obviously to lead on the investigation at
17 the direction of Crown, and that he would -- we spoke
18 about, I gave him a brief, where we were with some of
19 the early stages of the investigation, just round about
20 some of the priority actions that I'd identified.

21 So again, going back into the previous pages of the
22 book, round about the priorities, round about the
23 various themes we'd identified at that time. And we
24 kind of agreed that these would be the areas of focus at
25 this stage and Keith indicated he'd give me a call later

Transcript of the Sheku Bayoh Inquiry

1 on that morning once he began to make his way towards
2 Kirkcaldy.

3 Q. Did you have concerns about -- you have mentioned PIRC
4 resources, can you explain what impact those had on
5 their ability to come to Kirkcaldy and take the lead?

6 A. Yeah. I mean, I think it -- I believe it was probably
7 the most significant deployment of PIRC at that
8 particular stage. They came online obviously in 2013,
9 just after Police Scotland and, as I said before, I had
10 previous dealings with them, mainly remotely, around
11 deaths following police contact.

12 But I think it was the mechanics about how the
13 PIRC/Police Scotland investigation would thereafter
14 materialise and what that would involve. So again
15 I think it was the capability, capacity of PIRC at that
16 particular time to respond to such a significant
17 incident caused me a little concern at that point, not
18 knowing exactly when they would arrive and what sort of
19 resources they would attend with. I spoke to Keith
20 about kind of strategy moving forward and Keith had
21 indicated round about such as joint deployments of some
22 of the more crucial witnesses or areas of note such as
23 joint crime scene manager deployment to
24 Arran Crescent -- sorry, to Hayfield Road.

25 So again, because it was so fast-moving it was

Transcript of the Sheku Bayoh Inquiry

1 really, really difficult to hold this back because it
2 was -- as I say, we had Collette with us, we knew we had
3 to trace Saeed, Martyn Dick was becoming relevant at
4 that particular stage as well, and because of the
5 fast-moving nature of it, it was really, really
6 difficult to basically hold it back or stop doing what
7 you were doing at that particular time, and to Keith's
8 credit he agreed with that, the fact that we would just
9 simply progress the activities and the actions that we
10 were progressing at that particular time and I was
11 saying to Keith I would keep him fully updated where we
12 were with it.

13 But it did give me a bit of concern round about how
14 practically that would work once PIRC arrived in respect
15 of ownership and direction and the ability to have the
16 capability and the capacity to respond to what we were
17 actually dealing with.

18 Q. You talk about having difficulty holding back. In
19 relation -- you've talked about -- at 10.20 there you've
20 noted the first contact with PIRC, with Keith Harrower
21 over the phone?

22 A. Yes.

23 Q. Where was this sense of being held back coming from?
24 Was it the police feeling they should hold back because
25 PIRC were going to take the lead, or was that coming

Transcript of the Sheku Bayoh Inquiry

1 from PIRC wanting the police to hold back?

2 A. Erm ... I mean, I think the areas that I had identified
3 as priority I ran by Keith and said: look, my suggestion
4 just now, you are the lead investigator of this, this is
5 sitting solely with the PIRC, with support from
6 Police Scotland, however we have such as Collette Bell
7 is essential, we need to trace Saeed, critical that we
8 speak to him, we're aware that the deceased had attended
9 Martyn Dick's house to watch the boxing, so again,
10 Martyn Dick was concerned(?).

11 So there were areas that I'd spoke to Keith about,
12 about the relevance aspect of it and how crucial it was.
13 There were other areas we spoke about, about the
14 house-to-house, round about the priority of the scene at
15 Hayfield Road, again which we were happy to stand back
16 from, secure it as it was at that stage and we would
17 thereafter look at the joint deployment at that stage of
18 a crime scene manager from PIRC as well as folk from
19 Police Scotland round about production officers and
20 such.

21 So again, I think putting on hold -- I don't think
22 it was the case that we were putting anything on hold,
23 I think it was just that I was giving Keith
24 an understanding the fact is that it was -- it would
25 have impacted on the potential success of the

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1 investigation if we basically had such as, "Okay
2 Collette, you're at the office but we can't speak to you
3 just now because we're waiting on PIRC", or,
4 "Detectives, don't go to speak to or try to trace Saeed
5 because we're waiting on PIRC attending". So that call
6 is at 10.20 hours we don't have PIRC arriving until
7 13.35 hours. By that time of the arrival of PIRC
8 a great deal of these statements and the identification
9 of the priorities have either been progressed to
10 an extent where we know exactly or we potentially know
11 or have an understanding of what's occurred.

12 So again it's really difficult because traditionally
13 as an SIO I would fast-track a lot of these actions
14 around it, and I did do so that day as well, but again
15 through consultation with Keith that look, I know you're
16 coming through to lead on but this is my suggestion that
17 we still progress some of these aspects of the
18 investigation.

19 Q. It sounds like although PIRC were lead investigators,
20 that the direction, the strategy, the actual tasks were
21 all being done by Police Scotland at that stage in the
22 morning?

23 A. Yes, they were, but it was through consultation with
24 Keith who agreed that they would be the priority action,
25 so it was difficult for Keith to lead on

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1 an investigation is actually not within that particular
2 territorial area or he's not aware of some of the
3 competing challenges that we're facing. So, as I say,
4 through communication -- and there was a number of calls
5 we had during the course of the day before he arrived --
6 it was around making sure that he was aware and he
7 endorsed as lead investigator and the lead agency being
8 PIRC what we were actually progressing and taking on.

9 Q. And thinking to your evidence earlier about the gold,
10 silver command structure, you talked about the
11 investigation being part of the bronze investigator --

12 A. Yeah.

13 Q. -- column of work holding up this structure. Were PIRC
14 effectively coming in to take over that element?

15 A. Yeah, yeah, so --

16 Q. Not the whole thing?

17 A. No, no, the bronze investigation aspect of it at 9.35
18 when Craig Blackhall makes me aware that PIRC would want
19 to lead on it, they'd been appointed by Crown, I knew
20 eventually that once the arrival of PIRC and there was
21 an effective handover, that that bronze investigative
22 strand would sit solely with PIRC with the support of
23 Police Scotland.

24 Q. But all the other work that Nicholson as gold command
25 was in charge of and the silver command, Garry McEwan

Transcript of the Sheku Bayoh Inquiry

1 and the other bronze --

2 A. Yes.

3 Q. -- members of that structure, they were still under the

4 charge of Police Scotland?

5 A. Yes.

6 Q. So PIRC's only role was in relation to the investigation

7 side?

8 A. That's correct, and I believe thereafter they got

9 a terms of reference from Crown Office, I think it was

10 the following day, round about exactly what they would

11 take on as part of the investigation and what

12 Police Scotland would manage as such, I think that came

13 the day after in respect of that.

14 Q. In terms of your ongoing role, you were SIO appointed by

15 a senior member of the police?

16 A. Yeah.

17 Q. How did your relationship with PIRC develop after they

18 did arrive at Kirkcaldy? I mean, you've talked about

19 them having a handover --

20 A. Yeah.

21 Q. -- and being in charge, but you've also told us today

22 that you continued to be involved for a while?

23 A. Yeah, I did, and it was difficult to stand back from the

24 investigation when it was moving at such pace and we

25 were progressing so much activity and actions around it,

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1 and, as I say, PIRC arrived round about 13.35 on 3 May.
2 At that time, there was a limited number of PIRC
3 resources that were available at that stage. We did --
4 I did go into a briefing with Keith and some of the team
5 that arrived from PIRC as well as some of my resources,
6 and we explained to them where we were and some of the
7 priority areas that we were focusing on and what
8 information, evidence, intelligence we had at that
9 particular stage, and these were thereafter the
10 priorities around that. So that was almost
11 an investigative briefing/handover to the PIRC in
12 respect of where we were at that time. That was prior
13 to the 14.40 Gold Group.

14 However, I did continue to basically maintain some
15 sort of ownership in tandem with Keith Harrower around
16 the enquiry through the course of that day because, as
17 I say, it was so fast-moving and we had significant
18 resources from Police Scotland involved in it at that
19 particular stage.

20 Q. How effective do you think that handover process was?

21 Because we're -- we've heard evidence about PIRC come in
22 and they take over, they're the lead investigator, and
23 there could be some suggestion that that appears -- that
24 they slot in seamlessly and Police Scotland step back.
25 What was the reality actually like on the day?

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1 A. I think there's two points to that. I think the
2 structure and the response by PIRC today is as you
3 describe about that almost seamless transition, that
4 PIRC come in, and would take on the investigation. The
5 challenges we had in 2015 was that there was no tried
6 and trusted model round about how this relationship
7 would merge and work, and was it seamless? No it
8 wasn't. I mean, there was challenges with it.

9 But we are in a far better place now in respect of
10 that because of collaborative working, because of
11 testing, because of immersive training and so on and so
12 forth. But at that time it was difficult because we had
13 PIRC resources, and again, round about the extent of
14 even areas such as forensic awareness and capability,
15 the crime scene managers, was it up to date, was that as
16 accurate as resources we had from Police Scotland round
17 about such as forensic opportunities that existed at
18 that particular time?

19 I knew a lot of the PIRC resources that turned up
20 because they were ex-police officers, mainly from kind
21 of the Strathclyde area, so again I know they had
22 been -- they had left the police for a number of years.
23 So again, I had slight concerns round about their
24 awareness of capability and also the capacity round
25 about the number of resources that turn up at that time

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1 to take on an investigation such as this, which was
2 gathering pace, there was significant media attention
3 around it. So it wasn't just investigative side, there
4 were other areas that were playing out at that time.

5 Q. When you say you had concerns about their capacity, what
6 do you mean by that?

7 A. Resources-wise. I think we had about -- I recall at one
8 time we had probably about 20, 22 resources on it at one
9 time from Police Scotland, detective officers involved
10 in the investigation. I think at that day, I think they
11 turned up with four or five PIRC.

12 So it was clear that PIRC on their arrival had to
13 prioritise what they thought were the significant scenes
14 around that. So again, that was developed through the
15 course of the afternoon of the 3rd round about they
16 would prioritise the Hayfield Road scene and some other
17 areas that we were examining with Police Scotland,
18 looking at -- I think the decision at that stage was
19 Keith and PIRC to look at Hayfield Road and the
20 deceased's remains as a scene and for the other
21 remaining scenes to sit with Police Scotland to progress
22 under the instruction of PIRC, but for our resources to
23 basically manage them as such.

24 Q. So Police Scotland continued to manage those areas --

25 A. Yes.

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1 Q. -- and those scenes?

2 Can I ask you if you have any comments about --
3 you've mentioned the PIRC officers who arrived were
4 formerly, you knew some of them from Strathclyde --

5 A. Yes.

6 Q. -- at that time, and they'd left the police service
7 years prior to their work in May 2015. Were you aware
8 of any differential in terms of the rank, you know, when
9 they'd left the police, what rank they were at? You
10 were a Detective Superintendent at that stage.

11 A. Yeah.

12 Q. So a senior officer, and you had a number of inspectors
13 working beneath you --

14 A. Yeah.

15 Q. -- and sergeants and constables. And you've talked
16 about the numbers you had. Above you, you also had
17 Chief Superintendents, you had an ACC in charge of the
18 Gold Group?

19 A. Yeah.

20 Q. You've talked about the numbers of PIRC personnel, but
21 what about their experience in the police force, the
22 ranks that they had reached before they left? Did you
23 have any sense of their prior experience of police
24 investigations?

25 A. Yeah, one or two of them, I did. One or two, they

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1 worked under me in various parts of the country, so
2 I was aware of their capabilities.

3 Q. Do you remember what their names were?

4 A. Yeah, so John Ferguson, so John -- unfortunately he's
5 passed away now, but John was one of the crime scene
6 managers, when I was DCI he was a detective sergeant, he
7 was one of the crime scene managers in Lanarkshire when
8 I was a DCI in Lanarkshire so I knew John pretty well.

9 Q. And he'd been a sergeant?

10 A. He'd been a detective sergeant?

11 Q. Detective sergeant?

12 A. Yeah, yeah. So, as I say, I knew a number of them but
13 I wasn't really aware of their full background. They
14 knew me as well. So ... but again, I think it was --

15 Q. Did any of them have your rank --

16 A. No.

17 Q. -- for example?

18 A. No.

19 Q. So no detective superintendents?

20 A. No.

21 Q. What rank, from memory now -- had they been inspectors?

22 A. Yes, I'm sure they were inspectors or DIs and I think
23 Keith was a DCI, I may be mistaken, but I think Keith
24 was a DCI.

25 Q. Keith Harrower?

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1 A. Yes.

2 Q. We'll no doubt hear more evidence about this in the
3 future.

4 A. Yeah, yeah.

5 Q. So did that cause you any concern about the level of
6 experience that these former police officers had?

7 A. So the level of rank structure with PIRC or the previous
8 ranks they were in didn't really cause me any concern,
9 it was more about how effective they could be in
10 an environment such as we were faced with, with the fact
11 is that this was -- and I may be wrong -- I think this
12 was the first critical deployment en masse as PIRC
13 responding to a critical incident. Again, I might be
14 mistaken with that, but that's my knowledge of it.

15 Q. We have heard this might have been their first
16 involvement of a death in this situation.

17 A. Yes, so it was -- as well as the circumstances and the
18 nature of the death being extremely significant and
19 challenging and the fact is that it was very, very
20 unusual, what had occurred, we had the added or I had
21 the added, I would say it was a challenge of PIRC being
22 deployed probably in the first instance to a critical
23 incident and how that relationship would bed in and how
24 we would manage that.

25 And again, I think I've noted that in my statement,

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1 but there was a reluctance perhaps on my part to
2 relinquish control of the incident due to the fact that
3 I was conscious that it was moving at pace and
4 I believed in the right direction at that stage, so, as
5 I say, I had a bit of trepidation round about would it
6 set it back, the investigation, if we'd done a complete
7 handover at that particular time, and again that was the
8 kind of reluctance I was thinking and feeling around it.

9 Q. So you were reluctant to hand over because of concerns
10 that you had about where things might go?

11 A. I think it was just the fact that, what could the PIRC
12 actually do and take on with the numbers that they had
13 when we had so many different priorities, as detailed in
14 my daybook, all ongoing at that particular day. And
15 that's even before we come to the status of officers and
16 operational statements.

17 So again, if you look at some of the early
18 priorities, that had to be managed and we had to deal
19 with that at that particular time. We had five
20 potential scenes which required a crime scene
21 co-ordinator, a crime scene manager at every scene,
22 production officers at every scene. So again the
23 resources were so significant, and because of the
24 relevance to it, because of the aspect that these
25 were -- a number of these places were -- scenes were the

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1 dwelling houses of basically witnesses, it was crucial
2 we'd done what we had to do and handed them back to the
3 families and to the owners of the properties.

4 So again, there was things we couldn't delay and we
5 couldn't basically hold back on, we had to progress. So
6 I did do a lot of that, but I did do it through
7 consultation with Keith to say, "Look, I know you're not
8 here yet but this is my next thought, this is where I'm
9 going with this. What's your thought round about status
10 of officers, for example? I mean, I see them as
11 witnesses, what do you see them as?"

12 You'll probably come on this, but, as I say, there
13 was -- it was being managed from 9.30 remotely by PIRC
14 by Keith being the DSI, deputy senior investigator, for
15 PIRC on call and being allocated the role to lead on it.
16 In reality the incident's been ran by myself at
17 Kirkcaldy with the support of Police Scotland but I'm
18 keeping Keith up to date with where we are with it, and
19 there was that early lines of communication as expected
20 with it, and, as I say, there was no way there was any
21 friction or any animosity with that, that was -- I mean,
22 it was completely fluid.

23 Q. I was going to ask you if that reality had caused any
24 tension --

25 A. No.

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1 Q. -- or concern?

2 A. No, not at all.

3 Q. You mentioned earlier the terms of reference in relation
4 to PIRC and, as I understand it, is that essentially the
5 part of the instruction from Crown Office to PIRC?

6 A. That's correct.

7 Q. What clarity did you have about PIRC's terms of
8 reference?

9 A. So my understanding -- I don't think the terms of
10 reference came through until the next day. So in
11 general my understanding is that -- from Keith was that
12 they had been asked to look at the aspect of the
13 incident at Hayfield Road involving the restraint of
14 Mr Bayoh, the subsequent aftermath of that, with the
15 earlier part of the timeline as described earlier round
16 about Arran Crescent, the involvement of Saeed,
17 Martyn Dick, Kirsty, his partner, and also the motorists
18 prior to the confrontation with the police officers at
19 that time. That would sit with Police Scotland.

20 So that was the kind of early terms of reference
21 that Keith described to me that they would deal with
22 particular aspects of it. So, for example, we're into
23 detail round about the house-to-house parameters and
24 strategy, for example, once we began to look at the
25 priorities around that. Because the Hayfield Road site

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1 was a high priority to do that, and we know from
2 experience, I mean, it's -- you really need to get
3 detectives out there on the ground chapping doors
4 looking for any eyewitnesses in regard to this.

5 So again, the decision would be that -- and myself
6 and Keith discussed this -- that we would simply put
7 Police Scotland door-to-door, house-to-house, officers
8 in Hayfield Road but any significant witness who was
9 an eyewitness we came across that we would simply make
10 PIRC aware and PIRC would thereafter deploy staff and
11 interview that particular person.

12 Q. So it was clear to you at the beginning that PIRC were
13 to focus on Hayfield Road --

14 A. Yes.

15 Q. -- and the events there. But even in relation to that
16 aspect, the house-to-house in that area had to be
17 conducted by Police Scotland officers?

18 A. That's correct.

19 Q. But on the understanding that if you did come across any
20 witnesses, they would be -- PIRC would be alerted and
21 they would handle that from there?

22 A. That's correct.

23 Q. In relation to the earlier matters, so you're talking
24 about -- we've heard evidence about the calls to the
25 police and Mr Bayoh being seen with a knife --

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1 A. Yes.

2 Q. -- coming towards Hayfield Road. Who was in charge of

3 that aspect?

4 A. So that was ourselves, that was Police Scotland.

5 Q. So that was still Police Scotland?

6 A. Yeah, yeah, yeah, so we had -- they were priority

7 actions that I had generated, as I showed you in my

8 daybook, round about TST, take statement from~...

9 Q. Harry Kolberg and --

10 A. Yeah, so they were all high priority actions round

11 about: let's get detectives out there just now and --

12 Q. And PIRC didn't have any involvement with that?

13 A. No. No, the subsequent involvement is obviously they

14 would go back and re-interview if they deemed it to be

15 appropriate over the coming days or weeks.

16 Q. So on 3 May?

17 A. Yeah, that was Police Scotland.

18 Q. That was all Police Scotland.

19 Arran Crescent, Collette Bell's address?

20 A. Yeah.

21 Q. Was that Police Scotland --

22 A. That's Police Scotland, yes.

23 Q. So even though there was an apparent connection that

24 appeared to you to be made between Hayfield Road and

25 Arran Crescent, PIRC weren't involved with that aspect

Transcript of the Sheku Bayoh Inquiry

1 of it?

2 A. So I'm not actually -- Arran Crescent, I'm sure that

3 there was some sort of oversight with PIRC on that one,

4 but there were selected areas that they were looking at,

5 obviously there was a real relevance with it ... I'm

6 sure it was Police Scotland, we put crime scene managers

7 and resources into that, but it may have been a joint

8 deployment, but I need to check on that, to be honest

9 with you, but it certainly wasn't PIRC on its own. If

10 it was anything at all it was a joint deployment.

11 Q. Then you mentioned earlier the name Martyn Dick. We've

12 heard evidence from Mr Dick.

13 A. Yeah.

14 Q. Was that a PIRC matter or was that Police Scotland?

15 A. No, Police Scotland.

16 Q. Anything else that was Police Scotland? What about the

17 family address of Zahid Saeed and tracing Mr Saeed?

18 A. Police Scotland.

19 Q. Police Scotland as well?

20 A. Yeah.

21 Q. And Collette Bell's house, Police Scotland?

22 A. Yeah.

23 Q. The journey to Hayfield Road, Police Scotland?

24 A. Yeah.

25 Q. Martyn Dick's house, Police Scotland?

Transcript of the Sheku Bayoh Inquiry

1 A. Yeah.

2 Q. Zahid Saeed's family home, Police Scotland?

3 A. Yes.

4 Q. So was PIRC largely in charge of the events at

5 Hayfield Road and then the hospital?

6 A. Yeah. I think it's unfair to say that they were only in

7 charge of that. They were in charge of the full

8 investigation, I mean, they had that strategic oversight

9 of everything, the resources around the areas of detail

10 that Police Scotland were involved in was because we had

11 the capacity to basically manage these different areas

12 whereas PIRC didn't at that time.

13 Q. Can you explain the concept of -- I know they were the

14 lead investigators and you've now said they were in

15 charge or they had oversight, in what way did they have

16 charge over you and the actions that you were taking?

17 A. So that was down to communication. So the lead for

18 PIRC, as I say, was DCI Keith Harrower and obviously

19 I was the lead for Police Scotland for the investigative

20 strand, and it was about that one-to-one communication

21 between myself and Keith round about, "Keith, this is

22 what I'm thinking, what are you thinking? This is where

23 the priorities lie. How are we going to resource this,

24 are you happy for us to progress this aspect or do you

25 want PIRC involved in this?" So there was that

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1 communication through the course of the day round about
2 how we would look at managing the priority areas that we
3 had at that particular stage between police and PIRC
4 with the knowledge -- and it was always, and it was
5 always in my mind that there was no doubt that PIRC were
6 the lead investigating agency around this, and that was
7 clear at 9.35 in the morning, I think the point I'm
8 trying to make was that to enable them to meet the
9 demands of the requirements of that day they required
10 significant resources from Police Scotland to assist
11 them with that.

12 Q. And as part of that, were you satisfied that you could
13 provide those resources and that those resources would
14 be available to PIRC?

15 A. Yes.

16 Q. And were you satisfied that those resources would be
17 independent?

18 A. From Police Scotland?

19 Q. From the situation that had arisen in relation to
20 Hayfield Road which involved Police Scotland officers
21 from Fife Police or Police Scotland as they were but
22 from the Kirkcaldy area?

23 A. Yeah. So I brought in a number of officers from outwith
24 the Fife area as well as Major Investigation Team
25 officers who came in as well to support the

Transcript of the Sheku Bayoh Inquiry

1 investigation. There were one or two from Fife still
2 involved in it, and that was due to the fact that some
3 of the significant actions were already, were already
4 moving and the officers had been involved in it and
5 I deemed it to be ... I didn't deem it to be competent
6 to remove them from it when they had built up
7 a relationship or they had begun to, such as the two who
8 were dealing with Collette Bell were Fife officers.

9 So again, a lot of this was already in progress, so
10 to stop it and bring in other officers who -- a lot of
11 them hadn't arrived at that time in the morning, they
12 were all kind of making their way to Kirkcaldy to get
13 briefed around it.

14 Q. We've heard that a number of officers travelled to
15 Kirkcaldy office?

16 A. Yeah.

17 Q. They weren't necessarily Kirkcaldy officers, they may
18 have been from other areas or other offices in the
19 Fife --

20 A. Yeah.

21 Q. Did you have a concern that any officers even from the
22 region of Fife was too close a connection?

23 A. So myself and Leslie Boal discussed that quite early on
24 around if possible to utilise officers from outwith the
25 divisional area, and again that was really just to

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1 protect them as well as to ensure transparency and
2 integrity with the investigation as it was progressing.

3 So again, we got officers from the surrounding
4 divisional areas as well as the Major Investigation Team
5 but because of the number of priorities that were
6 sitting there we had to utilise some Fife resources who
7 were from outwith the Kirkcaldy area, but in general the
8 strategy was to utilise officers from outwith
9 P Division, the Fife area.

10 Q. And where were the Major Investigation Team from?

11 A. They're from all over Scotland, they're based in
12 a number of different hubs across the country and it was
13 just who was on duty at that particular time, but they
14 respond nationally to any demand.

15 Q. We may have -- in the future we may be hearing from
16 Keith Hardie.

17 A. Yeah.

18 Q. Who, as I understand it, is from the Major Investigation
19 Team?

20 A. He was.

21 Q. He was, and is he one of the people who came in to --

22 A. Yeah, Keith came in at the end of day one, and the
23 intention -- one of the instructions of the ACC was that
24 Keith would -- this was moving kind of late
25 afternoon/early evening of the first day into a PIRC-led

Transcript of the Sheku Bayoh Inquiry

1 investigation supported by the Major Investigation Team
2 of Police Scotland, and it was thereafter also moving on
3 to a HOLMES platform, which is -- which would manage the
4 incident as it began to develop.

5 Q. Thank you.

6 I'd like to go back to the situation with
7 Collette Bell.

8 A. Yes.

9 Q. We were just about to look at your daybook entries in
10 relation to Collette Bell, so I wonder if we could do
11 that. I think we're on page 5. We can see under the
12 reference to the call with Keith Harrower from PIRC, you
13 have got the name Collette Bell written?

14 A. Yes.

15 Q. I wonder if you can tell us what you have here?

16 A. Yeah, so I think this information's came to me while
17 she's been at the office and I've been briefed in
18 respect of it. I think it probably came through
19 Colin Robson. So:

20 "Collette Bell - [interviewed] IV..."

21 Which is interviewed:

22 "Has child to him. Last spoke to him at 11.40 hours
23 last night and said someone had 'disrespected him'."

24 And I've thereafter put an arrow to:

25 "Afternoon of 2 May."

Transcript of the Sheku Bayoh Inquiry

1 And:

2 "Appeared under influence.

3 "Watching boxing at Martyn Dick's home address with

4 Zahid Saeed - mobile numbers have been provided for

5 both."

6 Q. So on this page you have the names Martyn Dick and

7 Zahid Saeed --

8 A. Yeah.

9 Q. -- mentioned.

10 What actions or steps did you take once you had that

11 information?

12 A. So the actions from that was obviously to trace

13 Martyn Dick and also for Saeed as well.

14 Q. Do you remember that briefing with Colin Robson?

15 A. Vaguely, yeah. It looks as if it's came directly after

16 the briefing to Keith, just with -- as I say, I've noted

17 a lot of this had a particular time around it. So

18 it's ...

19 Q. Was that sort of mid-morning or ..?

20 A. I think this was -- it was before 11 o'clock, so it's

21 whilst Collette's at the office.

22 Q. So she's still at Kirkcaldy Police Office at that time?

23 A. Yes, yes.

24 Q. She's being interviewed at that time?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And you're getting an update from Colin Robson?

2 A. Yes.

3 Q. Were you aware at that time that Collette Bell had her

4 baby with her?

5 A. No.

6 Q. Had you been made aware that she was breastfeeding?

7 A. No.

8 Q. Do you know whether she had her -- were you made aware

9 that she had her mum with her?

10 A. No, I wasn't.

11 Q. Were you aware at this stage that a death message had

12 been passed to her just shortly before the statement was

13 started?

14 A. No, I wasn't.

15 Q. Had you been involved in any way with the decision to

16 deliver that death message to Collette Bell?

17 A. No, I wasn't.

18 Q. Is that the sort of information you would have wanted to

19 know?

20 A. Yeah. So there are aspects of any investigation you

21 have to delegate and trust your officers to -- you know,

22 your DIs and DSs and detectives to take on and deal with

23 you. It's really difficult to try to manage under

24 a microscope every action you put out when it is really

25 moving at a really fast pace, I mean, I'm speaking to

Transcript of the Sheku Bayoh Inquiry

1 Keith, Dave Green, one or two others. Mr Nicholson's
2 arriving, Leslie's going in as well as some of the other
3 actions you're looking to put out, as well as the
4 officers who are within the Kirkcaldy office at that
5 time.

6 So the briefing I got from Colin was very, very --
7 was as briefly as probably I've noted down there. The
8 areas that you've asked me about he's not gone into in
9 respect of that. I wasn't actually aware until I heard
10 Collette Bell's evidence, for example, that she had
11 attended with her child and her mother. So I was
12 unaware of that.

13 Q. Is that the sort of thing you would have liked to have
14 been made aware of?

15 A. Yeah, and I don't know if Colin's probably used that,
16 that it's under control and he has a grip of it and he
17 doesn't need to inform me around that, and there's
18 enough going on that I'm dealing with that he's quite
19 happy to take that aspect away and manage it as such.
20 But as I say, I can see maybe why he's done it but it's
21 something as SIO, when it's as critical as that, that
22 I would want to be aware of.

23 Q. If you had been made aware of the situation with
24 Collette Bell, the baby and breastfeeding and the fact
25 that a death message had been passed to her --

Transcript of the Sheku Bayoh Inquiry

1 A. Yeah.

2 Q. -- which we've heard was quite a shocking and upsetting
3 moment for her, how would you have handled
4 Collette Bell, if you had been aware of all of that?

5 A. Yeah. I mean, there's a number of different options.
6 I think it was probably right to bring her to the
7 Kirkcaldy office. I wasn't aware, and it would probably
8 beneficial if her mother could maybe have taken her
9 child, but I appreciate she was breastfeeding and that's
10 obviously more difficult. So to be honest with you
11 a mother and a child has no place in a police station as
12 witnesses, so again with hindsight it probably shouldn't
13 have been done there, we could have done it at a more
14 appropriate location, we've got a number of kind of
15 family suites across the country now that we can --
16 victims of any kind of sexual abuse or historical crime
17 we can take them to, which is a more convenient
18 location.

19 Q. Would you have had something available like that in
20 2015?

21 A. Yeah. So with hindsight, yeah, it's probably not the
22 best place to take a mother and child, and again the
23 aspect, and a witness statement from her at the time
24 when she is extremely distressed is something we
25 wouldn't do these days, you know what I mean, it's

Transcript of the Sheku Bayoh Inquiry

1 something that we would give her time to basically be
2 consoled by her family and friends and we would make
3 arrangements over the coming days to go and get a more
4 thorough statement from her.

5 The most important aspect of engaging with Collette
6 would be to get that initial information, which doesn't
7 need to be in a statement form at that particular stage,
8 it's really just about: you've called the police, can
9 you explain why you've called the police? And
10 thereafter we kind of went subsequently and noted
11 a statement from her.

12 Q. Could that have been more of a conversation to get the
13 information you needed?

14 A. Yes, and it normally is. The first run-through of any
15 statement is a conversation, you don't initially write
16 the statement as soon as the person sits down, you will
17 say to them, "Look, tell me exactly what happened". And
18 they will run through exactly what the statement
19 eventually consists of as such. But that first full
20 recall, as we put it, during any interview is just
21 a verbal recall.

22 Q. When you said give her time and then you talked about
23 maybe in the next few days, I think you said?

24 A. Yeah.

25 Q. Would you have gone back at a later stage, not even

Transcript of the Sheku Bayoh Inquiry

1 necessarily that day?

2 A. Yeah, yeah, it's -- you know what I mean, it's -- she is
3 a witness, a significant witness, but the information we
4 had verbally from her would have allowed us to
5 for example identify Martyn Dick's relevance, or Saeed's
6 relevance as well because she gave us mobile numbers for
7 both of them, for example. That we already had, but and
8 again, it's easy to be critical of the officers now,
9 looking back, and I think they've done it for the best
10 intentions, I mean, it's -- I mean, they would have been
11 informed by Colin to note a statement from her, and
12 again it seems really hard and cold in the cold light of
13 day that that's what we did do and retrospectively we
14 could probably have stood back from it and said, "We'll
15 come and see you in two days' time, can you give us
16 a phone when you're ready to speak to us", but they did
17 do it with the best of intentions to do that, but
18 I appreciate the sensitivity around that.

19 Q. Are you aware of an SOP that requires a statement to be
20 taken as soon as possible?

21 A. No.

22 Q. We heard from Collette Bell that she also gave
23 information to the officers about Kadi Johnson, who was
24 the sister of Mr Bayoh and was his next of kin.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. Were you aware of Kadi Johnson as being the next --

2 A. I was, yes, just after the briefing from Colin Robson

3 I was aware of that, yeah.

4 Q. Was that information given to you by Colin Robson or at

5 a later stage?

6 A. It wasn't at that time but it was later that I was made

7 aware that we believed that the next of kin was

8 Kadi Johnson.

9 Q. Do we see that on your daybook there?

10 A. I see just at the bottom of that page, I note Kadi's

11 name is not mentioned but there is an aspect of FLO:

12 next of kin and equality diversity considerations, just

13 at the bottom of the page.

14 Q. And that was, that related to the next of kin?

15 A. Yes.

16 Q. Does it mention Kadi Johnson --

17 A. It doesn't, no.

18 Q. -- anywhere there? It may be that there's an entry in

19 your policy file?

20 A. I think there is, yeah.

21 Q. Do you want to have a look at your policy file? Now,

22 I think at some point you do mention at page 61462,

23 which is decision 13, there may be a reference there to

24 Kadi Johnson at that stage.

25 (Pause)

Transcript of the Sheku Bayoh Inquiry

1 I mean, this may have been a later entry.

2 A. Sorry, is that decision 14?

3 Q. 13, I think, it will be 61 -- it's the right page on the

4 screen.

5 A. Oh, yes, yeah.

6 Q. And the name Kadi Johnson is there?

7 A. Yes.

8 Q. It says:

9 "Next of kin - sister."

10 A. Yeah.

11 Q. So, at least by this stage in the file, I don't think

12 there's a time given there, there is a time at the

13 bottom but you've already told us that this is prepared

14 retrospectively?

15 A. Correct, yeah.

16 Q. And I think your Inquiry statement says the timings on

17 the pages aren't necessarily the time of the event,

18 rather they are the time you completed this or

19 a recollection?

20 A. Yes, a recollection.

21 Q. Were you aware, when Collette Bell was in the police

22 station, that she'd also mentioned that Mr Bayoh had

23 a child with another lady, Connie Barcik?

24 A. No, I wasn't.

25 Q. And we've heard evidence from Collette Bell that he had

Transcript of the Sheku Bayoh Inquiry

1 plans to meet Connie that day and to have contact with
2 his child. Were you aware that Connie existed?

3 A. No, I wasn't. That information didn't come to me, no.

4 Q. Had you been aware at that time that Mr Bayoh had plans
5 that day and Collette Bell was concerned she didn't want
6 Ms Barcik to be standing waiting with her child for the
7 handover, what would you have done if you'd known?

8 A. I mean, the priority was informing the next of kin,
9 Kadi, of the death of Mr Bayoh. Thereafter, I mean, in
10 general the conversation would be for: would Kadi mind
11 whether or not we made contact with his ex-partner to
12 basically inform her around this matter? So I wouldn't
13 automatically have went directly to Connie at that
14 stage. The priority was more about the next of kin and
15 the family being informed of the death.

16 Q. So if you'd been aware of the existence of Kadi Johnson
17 as next of kin when Collette Bell was still in the
18 station, what would you have -- what actions would you
19 have instructed if you'd been aware of that?

20 A. Had been aware of?

21 Q. Kadi Johnson as next of kin. We heard evidence from
22 Collette Bell that she passed that information to the
23 police officers.

24 A. She did, yeah, yeah.

25 Q. You've said that you weren't aware of that when you took

Transcript of the Sheku Bayoh Inquiry

1 your notes in your daybook.

2 A. No.

3 Q. If you'd been aware in the morning when Collette Bell
4 was in the police office, what steps would you have
5 taken in relation to Kadi Johnson?

6 A. So we were looking to deploy -- as one of the early
7 priorities was the identification of family liaison
8 officers to deploy to the family, and this came in
9 an early discussion between myself and Keith Harrower
10 when we spoke about the early priorities was -- one of
11 them was the identification of family liaison officers,
12 and there was discussion with Keith at that time, and
13 Keith had indicated that he'd rather have trained family
14 liaison officers from Police Scotland deployed to the
15 family at the initial stages. And thereafter what that
16 did bring was complications about identifying suitable
17 family liaison officers that were on duty within
18 Police Scotland at that particular time.

19 Q. What were the difficulties?

20 A. So there was a number of challenges, we didn't have
21 anyone on within the divisional area that was trained
22 and there was no one on within the surrounding divisions
23 that we could find. I think the nearest one was Dundee
24 or Perth, Aberdeen I think we had identified, and what
25 we had also which further complicated matters was when

Transcript of the Sheku Bayoh Inquiry

1 I'd actioned Colin Robson and I spoke to Stuart Houston
2 about this as well, about identifying suitably trained
3 family liaison officers, and I think I spoke to
4 Keith Hardie also about it.

5 The STORM/SCoPE systems were a personnel system
6 which identifies who's on for a particular skill, so you
7 can -- there was a drop-down menu you can put on,
8 a drop-down menu that you can look at, put in "family
9 liaison officer" and who's on duty at that particular
10 time or who's available.

11 The initial aspects of that were inaccurate, and
12 I was getting a feedback from Colin Robson that the
13 person they thought was on duty was not on duty, so
14 there was a delay with that as well. The two that we
15 had identified, who were from northern divisions, were
16 going to take a significant amount of time to basically
17 come down from where they were, and there was
18 discussions, as I say, between myself and Keith Hardie
19 at the time round about: was there any suitable MIT
20 resources on that were family liaison trained around it?

21 So we had identified -- there was no one on from the
22 MIT who were family liaison trained, as I can recall,
23 but we had trained family liaison officers from --
24 I think they were based out in Edinburgh, that were off
25 duty, one being Kevin Houlston and I believe from

Transcript of the Sheku Bayoh Inquiry

1 consultation I think it was Keith Hardie that contacted
2 him, or Colin Robson. I think it's Keith because he was
3 part of the MIT structure at that time. And we
4 basically asked or recalled Kevin Houliston back to
5 duty, and we identified, I think, a further female
6 within one of the other divisions who was off duty, and
7 again asked her to recall to duty at that particular
8 stage, and asked both of them to make their way to
9 Kirkcaldy Police Office for a briefing.

10 Q. I'll come back to that, if I may.

11 A. Yeah, yeah.

12 MS GRAHAME: I'm conscious of the time for the transcribers.

13 LORD BRACADALE: A 15-minute break.

14 (3.03 pm)

15 (A short break)

16 (3.18 pm)

17 (Proceedings delayed)

18 (3.24 pm)

19 LORD BRACADALE: Yes, Ms Grahame.

20 MS GRAHAME: We were talking just before the lunch about the
21 FLOs and appointment of the FLOs to family members. You
22 gave me a number of issues that caused difficulty that
23 day, if I can describe it as that.

24 A. Yes.

25 Q. Can we go through those individually just to get more

Transcript of the Sheku Bayoh Inquiry

1 information about this.

2 The first was you described them as -- there as
3 being an inaccuracy in the information that you were
4 able to obtain from a drop-down menu. Was this on
5 a computer system?

6 A. Yeah. So this came from Colin Robson, that he was
7 trying to identify suitable FLO resources, and we have
8 a system called SCoPE, which is a personnel system that
9 all police officers have access to, but within that they
10 have a search facility that you can search for
11 specialisms, so crime scene manager, CBRN, interview
12 adviser, various things like that.

13 Q. Family liaison officer?

14 A. Yeah. So again you can put that and then you can look
15 at who's on at that particular time when you're actually
16 doing the search for it, who's on duty. And the
17 information came back to me subsequent to that was that
18 it would appear there was inaccuracies on that system,
19 that the person that appeared to be on duty when Colin
20 or one of his staff had contacted them to see for them
21 to come out, they were made aware that they were off
22 duty. So again that was the initial delay with it,
23 which took us a bit of time to work out exactly, well,
24 who was it who was on duty that was FLO trained as such.

25 Q. Who was it that was on duty that was FLO trained?

Transcript of the Sheku Bayoh Inquiry

1 A. So Kevin Houlston -- sorry, we couldn't find anyone who
2 was -- sorry, the two that I think I've mentioned --
3 I think there was one in Dundee and one in Perth, and
4 I think there was one other, I think, in Aberdeen
5 area -- that we could find that were on duty, but it was
6 going to take a bit of time for them to actually come
7 through to, obviously, Kirkcaldy to manage this.

8 Q. When you allocate or obtain the services of a FLO
9 trained officer, are they based in the area that you're
10 working in, or do they --

11 A. No.

12 Q. -- come from anywhere in Scotland?

13 A. Anywhere. It's a national specialism, so they could
14 come from anywhere.

15 Q. So is it always the case that, when you're trying to
16 find a FLO, that they could be coming from different
17 parts of Scotland?

18 A. Yeah.

19 Q. And on this occasion you talked about the distance
20 between northern division, is that because the officer
21 who was FLO trained was --

22 A. Yeah, it would be, I think -- as I say, this was coming
23 to me from Colin. I think the officer, there was one in
24 Dundee and there was one, I think ... I may be wrong,
25 I thought it was Aberdeen, I thought it was A Division,

Transcript of the Sheku Bayoh Inquiry

1 I think that was given to me, and it was going to take
2 a bit of time for them to actually attend to take on the
3 role of FLO, which was going to cause some further
4 unnecessary delay.

5 Q. Was that because of the travelling distance --

6 A. Yes.

7 Q. -- between Dundee or Aberdeen, wherever they were?

8 A. Yeah, yeah.

9 Q. Were they actually on duty there, though?

10 A. The information I got was that they were on duty, yeah.

11 Q. So did you look elsewhere for someone --

12 A. Yeah, yeah.

13 Q. -- who was closer?

14 A. So I'd spoke to Keith Hardie around this, just that: was
15 there anyone within the MIT structure, Major
16 Investigation Teams, that were on duty at that time that
17 were FLO trained? And I don't think there were at that
18 time across the country on a Sunday morning within the
19 MIT cadre that were on that were FLO trained. And,
20 again, subsequent to that we identified -- and I believe
21 both of them were off duty, one of them being
22 Kevin Houliston, and I can't recall the second officer's
23 name, but we thereafter made arrangements for them to be
24 recalled to duty, to come back on, to basically attend
25 at Kirkcaldy for a briefing around that.

Transcript of the Sheku Bayoh Inquiry

1 Q. And where was Kevin Houlston based?

2 A. He was at home.

3 Q. And how far away was he from Kirkcaldy?

4 A. I think he was within the both Lothians and Borders

5 area, I'm not sure exactly where his home address is,

6 but I think he lives in that -- in that area.

7 Q. A relatively short geographical distance?

8 A. Yeah, yeah.

9 Q. And you mentioned earlier another officer, a female

10 officer, you can't remember her name.

11 A. I think she was in the same general area, but again

12 I was just getting this from Keith and from Colin.

13 Q. Who did you contact or speak to, to have them recalled

14 to duty and to travel to Kirkcaldy?

15 A. So that was -- I spoke to Leslie Boal about this as well

16 because of the delay. So we had -- I think it was

17 Keith Hardie that arranged for both of them to basically

18 be recalled to duty and attend.

19 Q. Were they MIT?

20 A. I've a feeling they were, yeah. Yeah, I think Kevin was

21 with the Major Investigation Team at the time.

22 Q. When did they arrive at Kirkcaldy?

23 A. So they arrived I think about 2 o'clock.

24 Q. And is that something we can see in your daybook?

25 A. I'm not sure if it is, to be honest with you, I need to

Transcript of the Sheku Bayoh Inquiry

1 check.

2 Q. Please feel free.

3 A. So I think it's down at the page ... the 1140 hours

4 Gold Group.

5 Q. Right. Let's go to page -- I think page 4 was the first

6 sort of main ... and then 5 --

7 A. Yeah.

8 Q. -- we were looking at just before the break.

9 A. Yeah, so number 7 there.

10 Q. On the right-hand side?

11 A. Yeah.

12 "FLO - 2 x DI MITs called out and DC from Tayside

13 MIT."

14 So I think it was that aspect that I had updated the

15 Gold Group that we were having problems and we'd spoke

16 to one of the DIs in the MIT, I thought it was the --

17 I know I spoke to Keith Hardie around it, but I don't

18 know if Colin had maybe spoke to one of the DIs in the

19 MIT as well, detective inspectors, and we were trying to

20 resource that whole functional area, which was really

21 challenging on a Sunday morning.

22 Q. And do we see in your daybook anywhere the time that

23 they arrived?

24 A. No. However, as I say, that's ... that was an update at

25 the Gold Group at 11.40, which ran through til certainly

Transcript of the Sheku Bayoh Inquiry

1 over an hour, so it would have been around about
2 1 o'clock or thereabouts, but I've a feeling that they
3 had not arrived because I hadn't -- I know I had spoke
4 to Leslie Boal around about 2 o'clock around the fact
5 that the delay was now becoming significant, and we
6 thereafter basically just suggested -- we came to the
7 agreement we would simply deploy officers within the
8 divisional area who were attached to the investigation
9 at this time because we couldn't delay the delivery of
10 the death message any further.

11 Q. Explain, in a perfect world, how long would you like
12 there to be between --

13 A. Yeah.

14 Q. -- identifying the death of someone, and you'd already
15 passed a death message to Collette Bell.

16 A. It's such a significant action and it's such a high
17 priority action. Even back then, I mean, it's 2015,
18 it's crucial that you get that information to the family
19 as soon as possible. And in general the system works
20 very, very well, we do get that message out very quickly
21 to the family. It's one of the significant regrets
22 I have about being an SIO on that particular day about
23 the delay with the message going to the family. And it
24 was ... there is absolutely no doubt, in a perfect world
25 we would have liked that message -- and I would have

Transcript of the Sheku Bayoh Inquiry

1 certainly wanted that message to be delivered as soon as
2 possible, certainly within an hour, an hour and a half
3 of -- the problem usually is, is about identifying the
4 resources and getting them to come for a briefing to the
5 office, which takes normally around about an hour, hour
6 and a half, 90 minutes, but certainly within a kind of
7 two-hour window you would be looking for a deployment,
8 once you've got that general identification of who you
9 believe it is to go out. So I would've expected by
10 1 o'clock in normal investigations we would have had
11 that message delivered.

12 Q. So from the -- we've obviously heard about Collette Bell
13 getting the death message at a stage where, although
14 there hadn't been a formal identification --

15 A. Yeah.

16 Q. -- there was a view taken that it was likely to be her
17 partner.

18 A. Yes.

19 Q. And would it be -- you've talked about one to one and
20 a half hours or a two-hour window, would that be from
21 that point, essentially the moment you're giving the
22 death message to Collette Bell?

23 A. The moment we've got almost a 95%, 99% identification
24 who it is, from that time -- which I believe we were
25 about 1045 hours that day -- so certainly within the

Transcript of the Sheku Bayoh Inquiry

1 space of 90 minutes I would have expected. And in
2 general it does happen as quick as that. And again it's
3 with regret just due to the circumstances, the
4 inaccuracies of the system, the aspect of travel for
5 some of the identified family liaison officers, and
6 thereafter having to recall family liaison officers back
7 on to duty again that we, through agreement between
8 myself and Leslie Boal and ... that we decided we would
9 simply deploy two officers, and it was the two officers
10 that delivered the death message to Collette, so we
11 directed them to speak to the family and inform them of
12 the death of Mr Bayoh.

13 LORD BRACADALE: Could I just clarify a matter, please,
14 Detective Chief Superintendent.

15 You said earlier that you weren't aware of the death
16 message being passed to Collette Bell at the time. Did
17 you become aware of that at some point in the day and,
18 if so, when was that?

19 A. It was round about -- certainly before the first
20 Gold Group, so it was between 10.45 and 1130 hours.
21 Before I went into the Gold Group, I was aware of the
22 death message having been passed.

23 LORD BRACADALE: And did you know about the terms of that
24 death message?

25 A. I didn't, no, sir. I didn't.

Transcript of the Sheku Bayoh Inquiry

1 MS GRAHAME: And how long were you involved in trying to
2 locate a suitably trained FLO?

3 A. So I wasn't personally involved in it. As I say, I'd
4 spoke to Colin -- Stuart Houston I think had been
5 involved in it as well, as well as Keith Hardie --
6 around identifying anyone who was on duty that could
7 attend quickly to basically take that on. So I'd
8 directed the actions around the three individuals to
9 identify a suitable resource to come to Kirkcaldy for
10 a briefing prior to being deployed to the family.

11 Q. What was it that prompted you to call Leslie Boal to
12 discuss the issues with the FLO?

13 A. So Leslie was within Kirkcaldy at that time. She was
14 there for the first Gold Group at 11.30.

15 Q. So when was it you actually raised the issue with
16 Leslie Boal --

17 A. So --

18 Q. -- about the FLO?

19 A. So it was round about -- so again I'd spoke to Leslie
20 when she arrived at Kirkcaldy office, which was round
21 about, I think about 10.30 or thereabouts, she was
22 coming through for the Gold Group with ACC Nicholson.
23 So I'd spoke to Leslie round about some of the priority
24 actions that were ongoing, and we spoke about the FLO,
25 and I was saying that we were trying to identify

Transcript of the Sheku Bayoh Inquiry

1 suitable resources. I think we'd identified, as I say,
2 one in Dundee, I think it was, that they were having to
3 travel a distance.

4 So she knew at that time that there was potential
5 issues with the identification of a suitable resource,
6 and again thereafter round about, I think it was about
7 five to 2 or thereabouts, I'd spoke to Leslie around
8 about -- my concern round about the fact that this was
9 causing a significant delay.

10 We knew that Kevin Houliston and one other were
11 coming out at that time, but they hadn't still arrived.
12 So, again, because of now three hours after the death
13 message being delivered to Collette, we couldn't wait
14 any longer on that and, as I say, it's with regret that
15 it did take so long.

16 Q. And after Houliston and the other officer arrived, were
17 they briefed at some stage as FLOs?

18 A. Yeah. So, I don't know if you want to get into this
19 later on, but this is round about the aspect of: what we
20 had at that time was Kevin Houliston and one other
21 arriving round about 2, 2.30. The decision was made
22 prior to their arrival to deploy Parker and Mitchell to
23 deliver the death message to the family around about
24 2.30, as far as I can recall, 2.35, and they did attend
25 and deliver a death message to Kadi Johnson at that

Transcript of the Sheku Bayoh Inquiry

1 time.

2 Kevin Houliston had arrived at that stage, however

3 what we were getting and what came back from the

4 feedback from Parker and Mitchell who had attended, who

5 had contacted subsequently Dursley and thereafter

6 Robson, that the information that they had passed that

7 there was friction between Police Scotland and

8 Kadi Johnson and the family because of the information

9 that had been passed, and they were looking for some

10 further information regarding how Mr Bayoh had ended up

11 deceased.

12 Q. Can I take you through that --

13 A. Yeah.

14 Q. -- period of time a little bit more slowly.

15 You had been advised that Kevin Houliston and

16 another officer were being recalled to duty.

17 A. Yes.

18 Q. And they were going to make their way to Kirkcaldy.

19 A. Yeah.

20 Q. They were both trained FLOs.

21 A. Yeah.

22 Q. And they arrived, I think you said earlier about 1400;

23 you're now saying maybe nearer 1430?

24 A. It was between 2 and 2.30, as far as I can recall.

25 Q. Is there anything in your daybook or your policy file

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1 that would assist us in identifying the time that they
2 arrived?

3 A. No, I don't think there is, but I can recollect they
4 were there at the time that the feedback came from
5 Mitchell and Parker to -- back into myself round about
6 the first death message being delivered. So they were
7 there at that time, and that was round about 3 o'clock,
8 so they were definitely there at that time.

9 Q. Can you help us understand why -- there's already been
10 a delay, you've explained your concerns about that
11 delay --

12 A. Yeah.

13 Q. -- but you know that trained FLOs are on their way to
14 Kirkcaldy, they're coming from the Lothian and Borders
15 area.

16 A. Yeah.

17 Q. Why did you decide not to wait for the trained FLOs to
18 arrive?

19 A. Because there was that time delay again on them
20 attending and thereafter being subsequently briefed
21 around what we had and what we were dealing with and, as
22 I say, the decision with myself and Leslie Boal was we
23 would simply deploy officers to deliver the initial
24 death message and thereafter we would deploy FLOs, as
25 soon as they arrived, with a more thorough explanation

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1 around what had occurred to the family and again to
2 engage with the family at that time. So it was mainly
3 due to the fact that both of us agreed that we couldn't
4 delay any further. We knew they were on their way, but
5 again it was going to take a bit of time for them to get
6 there and also for -- to be briefed around what had
7 occurred.

8 Q. What checks did you have carried out in relation to how
9 long it was going to take them to arrive at Kirkcaldy?

10 A. I think I recall being told they were there within the
11 hour, because they were coming on -- they were off duty,
12 they were having to come back on to duty, so the
13 information passed was round about within the hour.

14 Q. And when did you receive that information?

15 A. When I was informed that they had identified Houliston
16 and one other to come out.

17 Q. When was that?

18 A. That was round about -- I think it was about quarter to
19 2, or -- between quarter to 2 and 2 o'clock.

20 Q. Why did you decide it was a better option not to wait
21 for that hour and to send two untrained DCs?

22 A. It was just the delay. It was going to delay it another
23 hour, another hour and a half. So by that time there
24 was significant information within the community that we
25 were picking up, there was information within the media

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1 that we were picking up as well at that time and, as
2 I say, it was a decision we made to deploy untrained
3 FLOs to -- untrained -- not trained FLOs to the family
4 to deliver that initial death message.

5 Q. Looking back at events now, you're aware of the
6 situation --

7 A. Yeah.

8 Q. -- and the difficulties that arose; reflecting on that
9 decision now, do you think you should have waited until
10 you had trained FLOs in place?

11 A. I genuinely don't think it would have made any
12 difference. I think the issue, with hindsight, is that
13 it would have been probably far more beneficial to
14 deploy PIRC FLOs who were independent to the incident
15 into the family unit, other than deploying
16 Police Scotland FLOs when we have Police Scotland
17 officers involved in the restraint.

18 So that's my reflection on it, I think -- and I know
19 that there was real issues round about PIRC FLO
20 resources being identified on that Sunday. I did speak
21 to Keith around that on a number of occasions, and
22 I think Leslie had spoke as well at the Gold Group, that
23 it was an opportunity for PIRC FLOs to deployed, but
24 again there was no opportunity round about PIRC FLOs
25 being deployed on the Sunday we were informed.

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1 So, with hindsight, would it have been more
2 beneficial for Police Scotland FLOs to be deployed?
3 Yeah, probably. Would it have made much difference to
4 the potential issues and friction that came between the
5 family unit and Police Scotland officers at that time?
6 I don't think it would. I think it would have been
7 probably more beneficial, with hindsight, that we
8 deployed PIRC FLOs who could have given a more
9 independent, transparent overview of their role, which
10 is independent from Police Scotland, and that may have
11 assisted the family to perhaps understand that there was
12 now an independent body now coming in to investigate
13 exactly what had occurred.

14 Q. First of all, is there anything else that you could have
15 done to speed up the arrival of Houlston and the other
16 officer who was a FLO?

17 A. I don't think so. I mean, other than we identified them
18 at an early stage, that we were going to have to recall
19 individuals from being off duty. I think the surprise
20 was for a national force at that particular time to have
21 no FLOs on duty within that particular central belt area
22 was something that we learned was pretty significant,
23 and the nearest FLOs that we could get on duty were in
24 some of the northern divisions, so again that was ...
25 that was one of the challenges we faced.

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1 As I say, I mean, it's something that ... I mean,
2 I significantly take learning from it about the aspect
3 of, I mean, early deployment of trained FLOs to the
4 family unit. But at that time, because of the
5 circumstances of the incident, it may have been
6 beneficial that the deployment of FLOs came from PIRC
7 and not from Police Scotland.

8 Q. When you use the phrase "pretty significant" in terms
9 of -- was it PIRC you meant didn't have -- you were
10 referring to? PIRC didn't have trained FLOs was pretty
11 significant --

12 A. No, I think --

13 Q. -- or Police Scotland trained FLOs?

14 A. Yeah, Police Scotland trained FLOs, to be honest.

15 I mean, it's -- for an organisation the size of what we
16 are, or were, to have no on-duty capability at that time
17 was surprising to me, and the fact that we had to look
18 at some of the northern divisions to look at resourcing
19 a critical incident was, again, pretty significant that
20 we had to look as far afield as that. And also, as
21 I say, the challenge with PIRC not having the capacity
22 to call out FLOs from their cadre was an additional
23 challenge.

24 Q. Whether we're thinking about PIRC FLOs or
25 Police Scotland FLOs, have they -- what skills do FLOs

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1 have to help that liaison or interaction, engagement
2 with families?

3 A. Yeah, they do. I mean, they have -- they went on
4 a training course about that interaction round about the
5 role of the PIRC as well as being -- the role of the FLO
6 as well as being that direct link into the family of
7 a deceased person, they're also part of that whole
8 investigative structure as well. So it's a joint role
9 in respect of that.

10 So, and again a lot of the -- although they are
11 trained, a lot of it comes with their deployment and
12 their experience, and the real benefit of having
13 an experienced family liaison officer involved in any
14 significant investigation, the benefits they bring is
15 really significant in my experience. So ...

16 Q. Can you give us some further explanation of that?

17 A. No, I think it's just that, as well as answering the
18 questions from the family, you know what I mean -- I'm
19 talking about homicides in general, or even child
20 deaths -- as well as answering some difficult questions
21 from the family, they can also assist the investigation
22 with some of the antecedence around what's occurred and
23 what the family unit are asking around, and again
24 potentially point the investigation in a particular
25 manner.

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1 So the role is, as I say, it's almost a dual role of
2 being part of the investigation team but also being that
3 direct link into the family unit.

4 Q. I was going to ask you about that, because we have heard
5 some evidence about their benefits in relation to the
6 family welfare --

7 A. Yeah.

8 Q. -- but we've also heard some evidence that they remained
9 part of the investigation team. Is that your experience
10 of the --

11 A. Absolutely, yeah. It's, you know what I mean, it's ...
12 it's crucial that they have that dual role. They're not
13 there simply to support the welfare and the wellbeing of
14 the family, although that is a crucial role. They are
15 deployed, they are detectives, so that's the reason
16 they're trained and deployed into that particular family
17 at that time is to, as I say, look at particularly
18 antecedence round about the family, what's occurred,
19 why's it came to this, what's the feeling around it, is
20 there any requests that they're looking for, as well as
21 access to the deceased, I mean, from the FLOs' side and
22 they can do a lot of access transition round about that.

23 They also, in my experience, played a real crucial
24 role to myself as an SIO round about what they can bring
25 to the investigation, round about what the family are

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1 feeling or thinking, or of concerns around disruption,
2 and thereafter they can put in place a strategy to
3 manage that as such. So it's a crucial role.

4 Q. Does that dual role exist whether they're
5 Police Scotland FLOs or PIRC FLOs?

6 A. Yeah, I mean, I can't comment. I'm not sure of what
7 training the PIRC FLOs get, but I would imagine it is in
8 line with Police Scotland.

9 Q. Can I ask you about the strategy that you had in place
10 in relation to Collette Bell's house, Arran Crescent?

11 A. Yeah.

12 Q. You've talked about when you became aware that she was
13 in the police office. In your Inquiry statement -- and
14 please feel free to look at it -- at 391, you say the
15 house was seized on your instruction. Maybe go to 391.

16 (Pause)

17 You were asked about Collette Bell's address here,
18 and you say:

19 "The house was seized on my instruction. This was
20 after the call at 08.30 and her concern for her partner
21 Sheku Bayoh, that she had found him to be missing and
22 also from the briefing regarding the lead up to the
23 alteration in this incident."

24 A. Yeah.

25 Q. Can you explain to me, given what you'd said earlier

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1 about not really even knowing she was in Kirkcaldy
2 initially, in what way was the house seized on your
3 instruction?

4 A. So it was originally seized on the direction of
5 Colin Robson, but I endorsed that aspect of it. As you
6 quite rightly put, that that attendance at that -- at
7 Collette's address was done without my knowledge or my
8 direction, but when Colin explained to me around it
9 I totally agreed with it and endorsed that aspect of it.

10 Q. And when you say endorsed, what does that mean?

11 A. So as SIO I supported Colin's decision to basically
12 secure that property.

13 Q. And as part of that endorsement, did you ask any
14 questions about the authority on which it had been
15 seized?

16 A. No, I didn't at that particular time, but with the
17 relevance to the investigation into an unexplained
18 death, I could see that, the whole aspect why we would
19 seize it at that stage -- we hadn't searched it at that
20 point, but the aspect of seizing all the relevant
21 locations, as I say, I couldn't see any issue with that
22 at all.

23 Q. And, not having any issue with it, what was your view
24 about the legal authority for seizing Collette Bell's
25 house?

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1 A. So that would be under common law power, I mean, to
2 seize a property linked to an unexplained death. We
3 were unsure exactly what we had at that point. It was
4 relevant because of the call that Collette Bell had made
5 round about the disturbance within it. Quite rightly
6 so, the officers that attended went into the house and
7 searched for any other person within or any other person
8 that may have been injured, and thereafter obviously
9 came back out. And again, as I say, I mean, the amount
10 of incidents I've dealt with such as this, this isn't
11 common practice for what we do.

12 Q. We've heard some evidence about the nature of consent --

13 A. Yeah.

14 Q. -- and we've heard evidence from Mitchell and Parker
15 about their views on that. Did you ask whether
16 Collette Bell's consent had been obtained or ...?

17 A. No, I didn't, I didn't get into the details of that, but
18 this is quite a common occurrence whereby through the
19 course of any investigation there is a need to prevent
20 the loss of any evidence, so we would seize initially
21 a property and thereafter, depending on the aspect of
22 the requirement to search, we would either go through
23 consent with the householder or we would look at
24 warrantry around it.

25 Now, there's been a number of occasions I have been

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1 involved in whereby we would seize a property off
2 a witness and they would thereafter refuse or not give
3 consent to search. Now, we would simply go back to the
4 Procurator Fiscal and explain the circumstances of what
5 we had and we would get issued with a warrant, and the
6 great number of times around that, and so we would
7 thereafter basically search the property in respect of
8 a warrant.

9 So, as I say, the properties were all relevant and
10 all linked to the movements of Mr Bayoh prior to him
11 becoming in contact with the police in Hayfield Road.

12 Q. So in relation to Collette Bell's address --

13 A. Yes.

14 Q. -- in terms of searching the property --

15 A. Yes.

16 Q. -- was that done on your instruction?

17 A. No, it wasn't. So that was an action which I had given
18 to Stuart Houston as the crime scene or the scene
19 co-ordinator to manage that. So Stuart had to take the
20 whole aspect of the five loci away from me. Although
21 I obviously chaired the forensic strategy meeting,
22 signed off the forensic strategy document, the aspect of
23 search and the resources utilised for that all sat with
24 Stuart Houston.

25 Q. Let's look at that forensic strategy document, and this

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1 was PS01298. If we can look at page 4 of 7, so PS01298,
2 and page 4 of 7. Do we see at the top of that page
3 there's mention of locus 3, and it's Collette Bell's
4 property?

5 A. Yes.

6 Q. This document, the forensic strategy document says:

7 "In this initial phase this locus will remain under
8 protection with a screen entry log in place."

9 There's no mention there of searching.

10 A. No, it's a high level document, the strategy document.
11 It wouldn't go into as much detail around it. It's
12 really around the discussion where the priority loci are
13 at that time.

14 Q. Where would the discussion take place in relation to
15 searching the properties?

16 A. So that would have took place with Stuart Houston
17 briefing the crime scene manager around what was
18 required at that location.

19 Q. When would that take place?

20 A. That would have took place prior to the search of the
21 property.

22 Q. So where can we find that in your daybook?

23 A. So that's in the forensic strategy document.

24 Q. So it wouldn't go back into your daybook then?

25 A. I'm not sure, I don't think it did, but ...

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1 Q. Do you want to have a look at the daybook and see if
2 there is anything?

3 A. I think it's the whole aspect of the delegation by
4 myself to Stuart Houston of the various scenes, is what
5 I'm trying to put forward.

6 (Pause)

7 So the Gold Group at 1140 hours in my daybook.

8 Q. Right. Is this page 5, I think?

9 A. Yeah. So you'll see that the brief that I give him
10 around that is around the various relevant loci.

11 Q. This is the right-hand side --

12 A. Yeah.

13 Q. -- five loci --

14 A. Yeah.

15 Q. -- and one of them mentioned is Arran Crescent --

16 A. Yes.

17 Q. -- and it has the name Collette Bell next to it.

18 A. Home address of Collette Bell, yeah.

19 Q. Does this mention search, sorry?

20 A. No. To be honest, it probably wouldn't. That is
21 a discussion I had with Stuart when we were looking at
22 the forensic strategy document. The information we were
23 getting was that there was no friction, there was no
24 feedback they were getting that there was going to be
25 any issues with the search under consent. And, again,

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1 if it did come to that, we would simply have reverted to
2 warrants.

3 Q. So if we've heard from Collette Bell that she didn't
4 consent to a search, does that differ from your
5 understanding of events that day?

6 A. Yeah, there was no information coming back to me at all
7 round about any of the locations that there had been
8 a refusal for search in any of the locations.

9 Q. We've heard some evidence from a DC who's spoken to the
10 Inquiry about how you can go about obtaining consent --

11 A. Yes.

12 Q. -- from a homeowner, and that can be part of
13 a discussion with the homeowner where it's explained to
14 them what the nature of the consent is, that they can
15 voluntarily agree to have the house searched or seized,
16 that they can withdraw that consent at any time.

17 A. Yeah.

18 Q. And that a record of that can be kept in a notebook?

19 A. Yeah.

20 Q. And it can be signed, and that would be good practice?

21 A. Yes.

22 Q. And we have heard other evidence to suggest that is good
23 practice --

24 A. Yeah.

25 Q. -- if you're seeking to search a house on the basis of

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1 consent.

2 What was your understanding of the approach that
3 would be taken by officers at these loci?

4 A. So what you describe is best practice today. What we
5 had eight years ago, it wasn't as well known that that's
6 what we would do. At locations just now, as soon as we
7 get there and we get consent to search, we'll either
8 note it in a notebook or we'll note it on a statement
9 and we will explain to them about their refusal. But it
10 wasn't as commonplace in 2015.

11 Q. And what was the normal practice in 2015?

12 A. The normal practice would be simply to ask if there was
13 any issues, and if they reverted to any issues being
14 apparent around are the refusal, we would simply have
15 went for -- to search a property, for a warrant to
16 search a property. And, as I say, I can think of
17 a number of examples, dealing with homicides in the west
18 of Scotland, whereby there has been the refusal of
19 particular individuals to allow us to search and we have
20 simply went for warrants at that particular time.

21 Q. But you would -- even in 2015 you would expect
22 an officer to ask the homeowner if they consented?

23 A. If they had any issues with it, yeah, yeah, I mean,
24 it's -- that would be a normal discussion around the
25 fact, "Look, you're a witness to this incident, it's

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1 only because of the fact, because of the movements of
2 Mr Bayoh that we are looking at this location just now,
3 our intention is to seize it at this time to see the
4 relevance of it". And so I would expect the officers to
5 speak to the householders in respect of that manner and
6 say, "Look, if there's any issues with that" -- and
7 again if the householders or the individuals concerned
8 with these properties had any particular issue, they
9 could have made us aware of it. As I say, we would have
10 explained to them, "Okay, we still basically need to
11 search the property just now, and if you don't consent
12 to it we'll simply look at speaking to the
13 Procurator Fiscal about a warrant".

14 Q. Right. Did you personally carry out any checks to --

15 A. No.

16 Q. -- ensure that the correct legal authority was in place,
17 whether consent or a warrant, in relation to
18 Collette Bell's house?

19 A. No, and I think it's difficult to explain round about
20 ... my role in respect of that is a strategic role
21 whereby you're delegating various responsibilities to
22 individuals you can trust around particular aspects. As
23 I say, Stuart Houston, who -- I knew Stuart for a number
24 of enquiries that we'd been involved in together, I knew
25 that what he would put in place would be sufficient to

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1 basically account for the search by consent and if there
2 were any issues he would have made me aware of them as
3 such, so I wasn't particularly aware in drilling down
4 into, "Can I just check with you if Collette Bell's
5 house -- has she consented? Has she given us written
6 consent?"

7 So, no, I wasn't involved in all that, to be honest
8 with you, it was delegated down from my role.

9 Q. So your position is that Stuart Houston would have been
10 looking into those level issues?

11 A. So he would have had deployed crime scene managers to
12 all the different locations, who would have engaged with
13 the householders around what we were planning to do
14 about the return of the property how long it was likely
15 to take and so on. That's, as I say, a normal course of
16 events.

17 Q. And that he would have been more interested in the
18 details of the authority --

19 A. Yeah.

20 Q. -- and whether it had been obtained?

21 A. And if there was any feedback coming that there was any
22 issues with any of the consent that was given or
23 implied.

24 Q. We've talked earlier today about Colin Robson --

25 A. Yes.

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1 Q. -- continuing and the issue about whether he was SIO or
2 not. Would you have expected Colin Robson to have been
3 involved in some of those issues, given he'd been
4 involved in the morning?

5 A. I think Stuart was overseeing it, but I think Colin was
6 obviously involved in a number of locations because of
7 his involvement in the morning. But, as I say, with
8 Colin, Colin's experience, Stuart with his experience,
9 the whole aspect of the search of the properties was
10 delegated down to what I believe was a competent team to
11 deal with that.

12 Q. Do you know when Collette Bell's house was searched?

13 A. No, not exactly, but I think Collette Bell's was the one
14 house or the one property we kept overnight, I seem to
15 recollect.

16 Q. We might talk about that.

17 A. I may need to check that. But there were -- some of the
18 locations were very, very quickly resolved because there
19 was very little we had to do at them. I'd need to check
20 my policy file or my daybook around that, but I think
21 there was one property that we basically -- we held, we
22 held overnight, and I think it was Collette's house,
23 because of the signs of the disturbance within.

24 So, again, that was -- I believe that I made the
25 decision round about holding on to that until after the

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1 post-mortem examination, in case we required further
2 analysis of that property. But, again, I'd probably
3 check my policy file around it.

4 Q. I'd like to move on to another property. Martyn Dick;
5 you've mentioned Martyn Dick a few times. We've heard
6 evidence from Martyn Dick he had a partner at the time
7 Kirsty MacLeod, who is now his wife, and I think you've
8 made mention of Martyn Dick in your daybook.

9 Can we look at any entries, first of all, where you
10 mention Martyn Dick? I'd like you to explain to the
11 Chair what you knew about Martyn Dick. I think on the
12 previous page to the one we see on the screen there was
13 his name mentioned, at the top of the right-hand side.

14 A. Yeah, so that's the -- so the previous page is the
15 priorities, so that's 12, I think:

16 "Mark Dixon - NFD."

17 I'm not sure the relevance of that, but Martyn Dick
18 is obviously below that.

19 Q. It's no longer on the screen. We'd have to see slightly
20 higher. That's it. So, right-hand side against the
21 Roman numeral 12, and you can see the name Martyn Dick.

22 A. Yeah.

23 Q. And what are the letters next to his name? It looks
24 like A3, but ...

25 A. I don't know if it's A4 or 43, I'm not sure exactly what

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1 that is. But I think what you've got there -- and the
2 other side of that, there's a potential third loci. So
3 again this is early stages of this, we're just kind of
4 unpicking exactly what's occurred. So that's the first
5 notation of Martyn Dick in my daybook as such.

6 Q. Tell us what you knew about the connection between the
7 events in Hayfield Road and Martyn Dick.

8 A. So Martyn Dick was, and Kirsty, were associates of
9 Mr Bayoh and when we began to look at the timeline of
10 the deceased's movements from the evening of 2 May into
11 the 3rd, his engagement initially with Saeed at the home
12 address and thereafter the attendance at Martyn Dick's
13 house to watch the boxing, which was on in the early
14 hours of the morning. When we began to note statements,
15 there was information coming from Saeed in particular
16 that they had went -- Saeed and the deceased had went to
17 Martyn Dick's house to watch the boxing. This was
18 a pre-arranged event that they were going to watch the
19 boxing, they were friends, and on arrival at
20 Martyn Dick's house, they basically stayed to watch the
21 boxing. But I think when we began to look at what Saeed
22 was saying, and also from Martyn Dick and Kirsty, was
23 that it would appear that at that stage, 0500 hours in
24 the morning or thereabouts, that the deceased was acting
25 out of character, and there was indications from Saeed's

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1 statement that he was mentioning that someone had
2 disrespected him. So again the relevance was -- and we
3 know that -- sorry, just to continue, to conclude that
4 side of it, we know from Saeed's statement that the
5 deceased thereafter left and Saeed left a short time
6 later, and that's the last time Martyn Dick's house was
7 relevant.

8 Q. So in terms of the connection, there was no suggestion
9 or information available to you at that time that
10 Martyn Dick, or Kirsty MacLeod for that matter, had been
11 anywhere near Hayfield Road?

12 A. No.

13 Q. It wasn't in connection with those events, and no
14 information available to you to suggest they had had
15 some connection with his death in Hayfield Road?

16 A. Yeah, there was -- there was no information, but there
17 was a lot we didn't know at that stage, so it's about
18 keeping that open mind round about: is this relevant or
19 not? The difficulty is if we do not take a particular
20 action at that stage and secure particularly a property
21 and it thereafter becomes relevant, there's a potential
22 we may lose any evidential aspect to that, because we've
23 not carried out that action. So I think it's quite easy
24 to say that the fact there was no relevance, but we
25 didn't know at that time what -- how relevant it was.

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1 Q. So this was part of -- going to the house of Martyn Dick
2 was part of keeping an open mind about all the
3 possibilities, all the hypotheses which you had at the
4 back of your mind at that time?

5 A. Yes.

6 MS GRAHAME: Now, I will be going into this in more detail.

7 I wonder if that might be --

8 LORD BRACADALE: Is that a convenient point to stop? Very
9 well, we will stop there and we'll continue with your
10 evidence at 10 o'clock tomorrow morning.

11 THE WITNESS: Thank you, sir.

12 (4.10 pm)

13 (The hearing adjourned until 10 am
14 on Friday, 10 March 2023)

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