

Transcript of the Sheku Bayoh Inquiry

Monday, 28 August 2023

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(10.00 am)

LORD BRACADALE: Good morning and welcome to this hearing in the Sheku Bayoh Public Inquiry. The Inquiry will sit during this week and the week beginning 12 September, and I am going to ask senior counsel to the Inquiry to explain what evidence she intends to lead during this hearing. Ms Grahame.

MS GRAHAME: Thank you. This hearing is a continuation of the previous hearing which we concluded on Day 60 of the Inquiry on Friday, 26 May this year, and related to post-incident management.

There are six witnesses to conclude this hearing, we intend to call three this week. We will begin today with PC Fraser and move on tomorrow to Mr McEwan, the former national policing commander and head of Criminal Justice Services division. Then we will conclude this week with Ms Boal, who is a former detective chief superintendent.

In the week of 12 September we intend to lead evidence from a former detective sergeant and family liaison officer, Mr Houlston, and from former Assistant Chief Constable Nicholson and Police Sergeant Miller.

Fraser and Miller relate to the search on the Zahid Saeed family home. We led evidence from

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1 Mrs Rashid and her father, Mr Ahmed, about these events
2 on Day 39 on 8 February this year. After Mr Ahmed gave
3 evidence I explained to you that we had not heard
4 evidence from officers who attended the house on 3 May,
5 and at that time the Inquiry had not obtained Inquiry
6 statements from those officers.

7 Mrs Rashid's statement had only been received the
8 day prior to her giving evidence but we have
9 subsequently invited comment from the officers who
10 attended that house in relation to the evidence of
11 Mrs Rashid and Mr Ahmed and the comments made in their
12 respective Inquiry statements.

13 On that date when they gave evidence, I indicated we
14 would be approaching those officers and we have done so
15 and will be calling Fraser and Miller in relation to the
16 search of the home.

17 Thank you very much.

18 LORD BRACADALE: Thank you, Ms Grahame. Could we have the
19 witness in now, please.

20 Good morning, Constable Fraser. Would you raise
21 your hand and say the words of the oath after me.

22 PC RHUARIDH FRASER (sworn)

23 LORD BRACADALE: Ms Grahame.

24 MS GRAHAME: Thank you.

25 Questions from MS GRAHAME

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1 MS GRAHAME: Good morning.

2 A. Good morning.

3 Q. You are Police Constable Rhuaridh Fraser?

4 A. Yes.

5 Q. What age are you?

6 A. 49.

7 Q. And you are a Police Constable with Police Scotland?

8 A. Yes.

9 Q. And have been since you joined the police in 2009?

10 A. Yes.

11 Q. There is a folder in front of you, I think it's a blue
12 folder. Please feel free to have a look at it. We have
13 provided hard copies of some documents in this folder,
14 and you should feel free to look at them if you prefer.
15 Some people prefer hard copies, and some people are
16 happy using the screen, so you will also see the screen
17 in front of you, and if I am going to refer to any
18 particular paragraphs in your Inquiry statement we will
19 bring that up on the screen so that others around the
20 room can also see it. But at all times you will have
21 the hard copies available if you need them.

22 A. Thank you.

23 Q. Let's just go through what is in the folder so you can
24 familiarise yourself with it. You should see a scene
25 entry log.

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1 A. Yes.

2 Q. Feel free to put your glasses on if that makes life
3 easier.

4 A. Thank you.

5 Q. There should be a scene entry log -- we will come on to
6 these in a moment but that is from 3 May 2015, and then
7 a copy of your notebook from that day. The scene entry
8 log I think is about 14 pages, so you might need to
9 flick through.

10 A. Yes.

11 Q. Yes. Then an operational statement that you prepared on
12 20 August, 2015.

13 A. Yes.

14 Q. And then the Inquiry statement that you have prepared.

15 A. Yes.

16 Q. Or that you have signed. Could we maybe just for the
17 moment bring up your Inquiry statement on to the screen
18 and then you will see it. It is SBPI00316. And we will
19 see that the witness statement there is
20 PC Rhuaridh Fraser -- that is you -- and it was taken by
21 a member of the team on 3 April this year. Then if we
22 can go down the page to -- the last paragraph is 92.
23 You will see there that at paragraph 92 it says:

24 "I believe the facts stated in this witness

25 statement are true. I understand that this statement

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1 may form part of the evidence before the Inquiry and be
2 published on the Inquiry's website."

3 And that was explained to you?

4 A. Yes.

5 Q. Then we don't have your signature on the screen but you
6 should have it in the copy in your folder.

7 A. Yes.

8 Q. And you signed that statement and that was on 4 May this
9 year?

10 A. Yes.

11 Q. Thank you. The operational statement, PS17782 is also
12 in your folder and if we can just skim through that.
13 Just go down the page. It is roughly about a page of A4
14 but I think we can see it on the screen here. Are those
15 the only two statements that you have been asked to
16 prepare or have --

17 A. Yes, to the best of my knowledge, yes.

18 Q. So it was -- if we can move to the top of the
19 operational statement, this was one that you prepared
20 yourself?

21 A. Yes.

22 Q. Was that a request to prepare that or was that just as
23 part of your process of working?

24 A. I believe it was a request when they started collating
25 everything from it. I believe it was part of the

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1 Inquiry I was told to write a statement --

2 Q. Right.

3 A. -- a fair time after the incident.

4 Q. Who was the request from at that time?

5 A. I don't know. It was part of the HOLMES Inquiry.

6 I don't know.

7 Q. Okay. Was it the police or was it from PIRC?

8 A. Police, I think.

9 Q. Police, all right. Thank you. Do you remember if PIRC

10 ever asked you to provide a statement to or to speak to

11 them and give a statement to them?

12 A. Not to my knowledge. I haven't spoken to PIRC as far as

13 I am aware.

14 Q. Did the Crown ever come and ask for a precognition or

15 for any more information from you?

16 A. I think I was -- I think I was precognosced.

17 Q. Were you? When was that?

18 A. Possibly earlier this -- at the beginning of this year.

19 Q. All right. Not at the time?

20 A. No, no.

21 Q. Right. We don't have a copy of that precognition.

22 A. Right.

23 Q. So all we have at the moment is your operational

24 statement, which we see is dated 20 August 2015, and the

25 Inquiry statement that you gave and signed in May of

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1 this year.

2 A. Mm-hm.

3 Q. So there is nothing that we are missing that you

4 remember --

5 A. No.

6 Q. Or that you have?

7 A. No.

8 Q. Thank you. In May -- we can take that off the screen,

9 thank you. In May of 2015 -- I have already said you

10 joined the police in 2009 --

11 A. Yes.

12 Q. -- so you had about six years' service in 2015, and were

13 you based at Levenmouth Police Station at that time?

14 A. Yes.

15 Q. And you have said in your Inquiry statement you were

16 a response officer. We have heard about officers who

17 are members of a response team, is that the same thing?

18 A. Yes.

19 Q. Thank you. So you attended calls as and when required?

20 A. Yes.

21 Q. So you hear Airwaves messages, we have heard evidence of

22 Airwaves messages, they come over the radio and the

23 response team will go out and deal with an incident; is

24 that the sort of work you were doing?

25 A. Yes.

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- 1 Q. Are you still in that role today?
- 2 A. Yes.
- 3 Q. Thank you. In 2015, in about the May, do you remember
4 how often were you attending incidents when you were
5 a response officer where there was an allegation that
6 someone was holding a knife?
- 7 A. It wasn't uncommon.
- 8 Q. We have heard a lot of evidence from different officers
9 about this.
- 10 A. Mm-hm.
- 11 Q. And it varies. But we also heard from someone who was
12 in ACR, who said they would come in every shift?
- 13 A. Mm-hm.
- 14 Q. Would that surprise you to hear that?
- 15 A. No.
- 16 Q. No.
- 17 A. No.
- 18 Q. Does that match the sort of experience that you had?
- 19 A. Yes.
- 20 Q. When in 2015 you were attending an incident where
21 someone is alleged to have a knife, how often did you
22 require to use your equipment such as your baton?
- 23 A. To the best of my knowledge I haven't ever used my
24 baton. Or my PAVA.
- 25 Q. Or your PAVA spray. Did you ever have CS spray?

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- 1 A. Yes, yes.
- 2 Q. Have had you ever sprayed that?
- 3 A. Personally, no. Colleagues may well have done but
- 4 I certainly was never in a position to deploy.
- 5 Q. Thank you. Can we look first of all at your notebook.
- 6 So that is PS04704 and this will come up on the screen.
- 7 I think we can see the complete entry there on the
- 8 screen. You will see that some of the personal details
- 9 are redacted on the screen but you will have the copy in
- 10 front of you. I think it says, with an asterisk beside
- 11 it, Sunday 3 May 2015. That is the day we are
- 12 interested in. And you have said, "0700 - 1600 tour
- 13 duty PS". Is that effectively the shift you were
- 14 working that day?
- 15 A. Yes.
- 16 Q. So from 7.00 in the morning to 4.00 in the afternoon?
- 17 A. Yes.
- 18 Q. Then there is an entry beside 1330 hours, so half past
- 19 one in the afternoon you were on duty, and it says
- 20 there, "Start locus protection". And this was at
- 21 Zahid Saeed's home address?
- 22 A. Correct.
- 23 Q. Is that the time you -- when you prepared this notebook
- 24 would that be at the time contemporaneously, or was it
- 25 slightly after? Can you tell us ...?

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- 1 A. It would have been slightly after. Just after I had
2 started it, yes.
- 3 Q. So when you have started locus protection at half past
4 one, would you at some point at a suitable moment take
5 your notebook out and prepare it?
- 6 A. Yes.
- 7 Q. So is this the first sort of -- the closest entry that
8 you had made to the events?
- 9 A. Yes.
- 10 Q. Then it says, "1500 stood down for a comfort break", so
11 you have been doing the locus protection from half one,
12 3 o'clock you get a comfort break. A PC Ward resumed,
13 it said; does that mean that they take over from you?
- 14 A. He would -- that person would have covered me, yes.
- 15 Q. And then you are back at 1530, so half past three, and
16 it says, "Resume locus protection", at that address.
17 And then you mention a PC Adams, PC Adams was also
18 present at that time?
- 19 A. Yes.
- 20 Q. And then, "Initial locus PO was with PC Aitken". What
21 does that mean?
- 22 A. I assume it means initial locus protection. I have kind
23 of abbreviated it but not the R, PRO for protection.
24 I think it would have been made on-the-hoof, and my
25 writing wasn't ...

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1 Q. It's legible, so don't worry about that. Then it says
2 1800, 6 pm, you are off duty. So does this sum up, this
3 page, sum up your duty that day and what you were doing?

4 A. Yes.

5 Q. We can see it is brief. Is that pretty standard for
6 entries in a notebook at that time in May 2015?

7 A. Yes, I treated the notebook as my notes, if you like, as
8 well as noting statements or whatever, that that is
9 created for my -- for myself. That was the way I was
10 trained, if you like, to use the notebook, yes, for my
11 own records.

12 Q. For people who are listening who maybe don't understand
13 police procedures, can you explain how these entries
14 benefit you in your work?

15 A. To record what I -- what I have done and what requires
16 to be recorded and for my memory, yes.

17 Q. We have heard from other officers that they often rely
18 on entries in their notebook to then prepare their
19 operational statement.

20 A. Yes.

21 Q. Is that the short of thing you do?

22 A. Yes, yes.

23 Q. So is it helpful to you to have the date and the
24 timings, and that sort of thing?

25 A. Yes.

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- 1 Q. Although this is brief, does that then allow you to
2 expand on that in your operational statement?
- 3 A. Yes.
- 4 Q. You don't need any more information than this in your
5 notebook, then?
- 6 A. No.
- 7 Q. Seeing those timings and entries, is that sufficient to
8 prompt your memory on what you were doing that day?
- 9 A. It would be if I was requiring to produce a statement
10 shortly after, or within the timeframe of court, yes.
- 11 Q. Can you help us, obviously we have heard from officers
12 who prepare operational statements and we understand
13 that they might be sent to the Crown Office --
- 14 A. Mm-hm.
- 15 Q. -- to give the Crown a better understanding of what was
16 happening?
- 17 A. Mm-hm.
- 18 Q. What was your practice in relation to preparing
19 operational statements? Did you prepare them shortly
20 after or did you have no fixed sort of practice?
- 21 A. It would normally be done fairly -- not too far into
22 the -- not too far away from the incident. Time-wise it
23 wouldn't be an extended period.
- 24 Q. When you say it wouldn't be an extended period, what
25 does that mean?

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- 1 A. Months later.
- 2 Q. So it wouldn't normally be months later?
- 3 A. Uh-huh, yes.
- 4 Q. Why would that be?
- 5 A. Because it usually -- it is usually required fairly
- 6 promptly after the incident. If there's a statement to
- 7 be produced then it's usually required very promptly
- 8 after and quite often before you terminate duty, yes.
- 9 Q. We will hear more about what you did that day but we
- 10 understand that locus protection is an important part of
- 11 the work of an officer.
- 12 A. Yes.
- 13 Q. Is that something that the Crown Office might be
- 14 interested in knowing about at some stage?
- 15 A. Not usually.
- 16 Q. Not usually?
- 17 A. No.
- 18 Q. So you would never have to give evidence in court at any
- 19 trials or anything like that?
- 20 A. I have never had to give evidence regarding locus
- 21 protection unless something has occurred, but it never
- 22 has to me anyway.
- 23 Q. No big disputes on locus protection?
- 24 A. No.
- 25 Q. But you have given evidence before presumably?

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1 A. Yes.

2 Q. This isn't your first time?

3 A. No, no.

4 Q. Okay. So in this case we had a brief -- we mentioned
5 your operational statement was prepared on 20 August.

6 A. Right.

7 Q. So that is over three months after your notebook entry.

8 A. Uh-huh.

9 Q. And that is months after?

10 A. Yes.

11 Q. Why did you not prepare an operational statement shortly
12 after or on 3 May?

13 A. I wasn't told to.

14 Q. So you only prepare them when you are told to?

15 A. Yes.

16 Q. All right. So it's not a situation where you've done
17 locus protection and you think: I should be doing some
18 operational statement?

19 A. No, it didn't ... certainly my line managers and
20 what-not, who would normally tell me to create
21 an operational statement after an incident, there was no
22 mention of a requirement for that at the time.

23 Q. Right. So it's only if you get a request or an order
24 from a manager --

25 A. Mm-hm.

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- 1 Q. -- to do that?
- 2 A. Yes.
- 3 Q. Who would the manager be that would normally invite you
4 or request you -- require you to do a statement?
- 5 A. More often than not it was the duty sergeant but he
6 would be telling us to do it, yes.
- 7 Q. But no such request on this occasion?
- 8 A. No.
- 9 Q. Was that unusual or was that pretty standard?
- 10 A. Pretty standard. I mean, there was nothing -- there
11 wasn't -- it wasn't immediately after an incident or
12 anything of that sort, so I didn't expect to have to do
13 one, and there was -- there was no request given to me
14 to do one, so ...
- 15 Q. Does that have any bearing or does it reflect in any way
16 on how significant an incident is or a property is in
17 an investigation?
- 18 A. Yes.
- 19 Q. Why is that? Could you explain that?
- 20 A. I assume it was purely because there was nothing of note
21 occurred and there wasn't any incident, and there was
22 nothing happened at that locus.
- 23 Q. So as far as you were concerned it wasn't a significant
24 incident?
- 25 A. Yes.

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- 1 Q. And there was no need for an operational statement?
- 2 A. Absolutely, yes.
- 3 Q. Tell me if I am misinterpreting what you say.
- 4 A. No, absolutely, it was -- there was nothing of note
- 5 happened, to my knowledge, that day, and ... it was just
- 6 a run of the mill day, yeah.
- 7 Q. Can we turn now to the scene entry logbook which is
- 8 PS18504. Now, this is -- we have a PDF here, I think
- 9 it's about 14 pages. Can we just is a have a quick look
- 10 at this maybe at some of the writing in it. If we
- 11 perhaps go to -- sorry, I haven't noted the page. If we
- 12 look at page 9 for example. This page is fine. The
- 13 writing there, is that your writing?
- 14 A. No.
- 15 Q. That is not your writing. Whose writing would that be?
- 16 A. Whoever was attending at the scene would fill in their
- 17 name and the reasons for being there and the time they
- 18 arrived.
- 19 Q. Can we look at the next page, please. Sorry, move on.
- 20 Keep going, thank you. This page here. Whose writing
- 21 is that?
- 22 A. The first two entries is my writing, yes.
- 23 Q. Right. That is your name, Fraser --
- 24 A. Yes.
- 25 Q. -- Rhuaridh Fraser and it says there -- let's look at

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1 this table. There is a line at the very top, first
2 column is time, date in, and loggist details. The first
3 entry is 1330 hours on 3 May 2015 and it's your name and
4 PC number there?

5 A. Yes.

6 Q. Does that mean you were the loggist of the scene entry
7 log?

8 A. The first entry being mine, it was my responsibility
9 initially to start the crime scene log.

10 Q. Right. So you were the one that started it. Was this
11 the first entry that was made by you?

12 A. It would be, yes. Other than the front cover, yes.

13 Q. What is on the front cover?

14 A. It is ...

15 Q. We can go back to the first page.

16 A. The date.

17 Q. Is that the front cover you are talking about?

18 A. Yes.

19 Q. It says, "Time/date commenced: 1330, 3/5/15"?

20 A. Yes.

21 Q. So that was your writing as well?

22 A. Yes.

23 Q. And this is for Mr Saeed's home address?

24 A. Yes.

25 Q. It says, "Scene entry log". Can we go back now to the

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1 previous page with your name at the top. That is
2 page 9, and it says -- so we have your name here, you
3 have started the log and you have started it with the
4 first entry at 1330?

5 A. Yes.

6 Q. So you arrived shortly prior to that, did you?

7 A. Yes.

8 Q. Do you remember what time you arrived?

9 A. No. It wouldn't have been long before.

10 Q. Right. Then it says your reason for entry is, "Secure
11 locus/locus protection".

12 A. Mm-hm.

13 Q. What does that mean, just for people who are listening
14 to your evidence today?

15 A. That means that I was sent to secure it and guard it.
16 So basically go there and make sure nothing happened
17 inside, nobody came or went, yes.

18 Q. Thank you. We will come back to this document in detail
19 shortly. Let me look first of all at your operational
20 statement now. That is PS17782, please. We had that on
21 the screen a short time ago. So this is the statement
22 prepared on 20 August 2015 in Levenmouth Police Station,
23 and it was at 1528 hours.

24 Let's just look at what you have said in this
25 statement. You have told us that on Sunday 3 May you

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1 were working at 7.00 until 4.00 in the afternoon, you
2 were with PC Aitken, and then:

3 "About 1 o'clock on the same date we were requested
4 by the duty sergeant at Levenmouth to attend at
5 Zahid Saeed's home address and put in place a locus
6 protection. We were advised that there were no persons
7 within the property at the time.

8 "On arrival a short time later, same date, there
9 were lights on within the kitchen and this made me
10 believe there may be persons within.

11 "I knocked at the kitchen door and confirmed there
12 were five persons within, two adult females, two young
13 children and a disabled male. Their details were added
14 to the scene log. We thereafter immediately contacted
15 Levenmouth CID and DCs Petrie and Miller attended at the
16 locus.

17 "All persons within were removed by DCs Petrie and
18 Miller.

19 "PC Aitken and I took up positions at the front and
20 rear of the property.

21 "I was relieved from my post about 1800 hours, same
22 date, by other officers.

23 "I took no further part in this enquiry."

24 That really sums up your involvement that day?

25 A. Yes.

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1 Q. When you prepared this statement, was that on the basis
2 of your notebook or your notebook plus some recollection
3 that you had at that time?

4 A. My notebook and some recollection I had at the time,
5 yes.

6 Q. Does this statement sum up really at that time your
7 recollection of events?

8 A. Yes.

9 Q. Looking at the size of this statement, if we can move to
10 the top, please, we will see it is really quite brief.
11 But I would like it ask you some details about it. You
12 mention, if we can just come down the page a little, you
13 do mention your involvement -- if we could stop there --
14 so about 1 o'clock in the afternoon you were requested
15 by the duty sergeant to attend and put in place a locus
16 protection.

17 Can I ask you first of all, we've heard other
18 evidence about operational statements and what they --
19 how long they have to be or how detailed they have to
20 be, and I am wondering is this a pretty standard
21 operational statement for someone that is involved?

22 It's quite brief.

23 A. Well, from what I was involved in, it's fairly standard,
24 yes.

25 Q. So people might have the impression that operational

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1 statements have to be very detailed or lengthy. Was
2 that not something that was necessary?

3 A. I felt at the time that what I did, what I've put in the
4 statement was sufficient for what I was involved in at
5 that locus.

6 Q. If people are looking for more information, can they
7 come back to you and go over the further detail if they
8 have any?

9 A. Yes, yes, they can.

10 Q. But in terms of actually a prepared operational
11 statement by you, self-penned as some people call it, it
12 is enough just to put in those very briefest of details?

13 A. Yes.

14 Q. Thank you. You've said that, as I say, locus
15 protection, and you were advised there were no persons
16 in the property at the time. So when you went to the
17 house you weren't expecting anyone to be there?

18 A. Yes.

19 Q. Can you explain, what difference does it make if you
20 attend a property expecting no one to be there?

21 A. Well, being provided with the information that there's
22 nobody in and then going and there being people in would
23 mean something wasn't right, as in the information I was
24 provided with, so naturally I just -- I went to find out
25 what -- who was inside the house. Yes.

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- 1 Q. You say there you arrived a short time later, presumably
2 Levenmouth isn't far from this property?
- 3 A. To the best of my knowledge, I wouldn't have been in the
4 station, I would have been somewhere in the area, in the
5 response area, anywhere in Levenmouth, yes.
- 6 Q. So you were out touring the area?
- 7 A. (Witness nods).
- 8 Q. You say there were lights on in the kitchen, that is
9 what alerted you to the fact there were people in the
10 house?
- 11 A. Mm-hm, yes.
- 12 Q. You then indicate:
13 "I knocked at the kitchen door and confirmed there
14 were five persons within~..."
- 15 And you detail who those were and you added them
16 to -- their details to the scene log. And you contacted
17 Levenmouth CID, so you called them on your radio?
- 18 A. I think it ... I think I spoke to the duty sergeant who
19 then -- who is my line manager, who then -- I am
20 assuming that is what I did. To the best of my
21 recollection. And he would've passed that information
22 on to the CID.
- 23 Q. Do you remember who the duty sergeant was that day?
- 24 A. No.
- 25 Q. We've heard from DS Dursley, do you remember DS Dursley?

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- 1 A. Yes.
- 2 Q. Could it have been him?
- 3 A. It could have been.
- 4 Q. He is someone you are familiar with?
- 5 A. I am familiar with the name from back then.
- 6 Q. From when you worked there?
- 7 A. Yes.
- 8 Q. How did you go about confirming there were five persons
9 within the property?
- 10 A. That must have been when I knocked and went -- and was
11 afforded entry into the house and that must have been
12 what I observed from being in the house.
- 13 Q. Right. When you were given entry to the property, where
14 did you go when you were inside?
- 15 A. To the best of my recollection I think it would be
16 barely a few paces. I don't recall being much --
17 anywhere really in the house.
- 18 Q. We have heard evidence that when you go in the back door
19 of the property that leads into the kitchen. Does that
20 ring any bells for you?
- 21 A. Could be right, yes.
- 22 Q. Then the living room is sort of visible or a very short
23 distance into the living room. Do you remember if you
24 went in there?
- 25 A. No.

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1 Q. No. I'd like to ask you, just before we leave this
2 part, it says that you put -- you know who was there.
3 Their details were added to the scene log. You said
4 a moment ago that that wasn't your writing in the scene
5 log. So when their details were added to the scene log,
6 who was doing the writing at that stage?

7 A. I've no idea. I couldn't tell you, I've no memory of
8 it.

9 Q. So can you help me understand, you've -- you have
10 started to prepare the scene log?

11 A. Mm-hm.

12 Q. You put the address and the date and time on page 1 and
13 you fill your name in --

14 A. Mm-hm.

15 Q. -- as the loggist at the top?

16 A. Yes.

17 Q. And you are there with PC Aiken, I think you said?

18 A. Yes.

19 Q. Are there any other officers there at that time?

20 A. Not to my knowledge. I can't -- I am assuming that
21 being sent with PC Aitken it would have been myself and
22 PC Aitken there.

23 Q. You have started the log and it says in your operational
24 statement that the details of the occupants were added
25 to the log and we can see that they are in the log.

Transcript of the Sheku Bayoh Inquiry

1 A. Right.

2 Q. Why would you have not completed that section yourself
3 and presumably handed it to PC Aitken?

4 A. I can only assume that PC Aitken took the details.
5 I don't recall doing it.

6 Q. Do you want to look that the log again? Are you sure
7 that is not your writing?

8 Let's look back at the log just for a moment, which
9 is PS18504. If we can scan down the page we see here --
10 if we can go up to the top of the page, please, just
11 slightly up. It says:

12 "Scene entry log.

13 "Person known to have accessed the scene prior to
14 the commencement of this log."

15 And this can:

16 "(Include Emergency Services, Relatives,
17 Neighbours~...)"

18 So this is people who are in the house when you
19 arrive?

20 A. Right.

21 Q. That is right, isn't it? Yes. And then it says the
22 time, and the details of their description, reason for
23 attendance, what they were doing. You will see here the
24 entries, if we can go down to I think page -- let's look
25 at page 8 first of all. You will see 1310, 3 May 2015.

Transcript of the Sheku Bayoh Inquiry

1 There are two entries there, the names are redacted but
2 it says, "In locus on police arrival". The second one
3 says, "Within bedroom and living areas". But none of
4 that is your writing?

5 A. No.

6 Q. Right. Who would have been writing this at 1310 if it
7 wasn't you? Or was this prepared later?

8 A. I can only assume it was my colleague that wrote those
9 and we must have arrived round about 1310.

10 Q. So you arrived about 1310 and when you say your
11 colleague, do you mean PC Aitken filled this in?

12 A. Yes.

13 Q. Did PC Aitken fill this in before you started the log or
14 after?

15 A. It would have been entered retrospectively, after I had
16 started the book.

17 Q. Right. And then if we can go back to the previous page,
18 please, and we see a number of entries there. If we
19 look at the bottom of the page first, it's 1309 on that
20 date there are three entries, the top one is Mrs Rashid,
21 we have heard evidence from Mrs Rashid, "In locus on
22 police arrival" and "Within the living areas". What
23 does that mean, "Within the living areas"?

24 A. I didn't write it so I couldn't say.

25 Q. So it's not a standard phrase --

Transcript of the Sheku Bayoh Inquiry

- 1 A. Like within living areas, it would be kitchen, living
2 room.
- 3 Q. Right. And then the first two entries, the first entry
4 at 2 o'clock is Mr Ahmed, father, and he was there to
5 assist moving his disabled son and he was within the
6 living room and bedroom areas. And then another entry
7 that is redacted at the same time, "To assist moving
8 disabled male". They seem to both have been within
9 living room and bedroom areas, but were you there when
10 that entry was made?
- 11 A. I was outside the building doing locus protection.
- 12 Q. So how common is it for you as the loggist to hand the
13 scene entry log over to someone else, and be outside the
14 property without a scene entry log?
- 15 A. The crime scene log was created and it's then whoever
16 enters and leaves --
- 17 Q. Gets to take it with them?
- 18 A. No, just is logged and whoever is -- it must have been
19 my colleague PC Aitken who was in the area of their
20 arrival.
- 21 Q. So it's not the situation that you stand outside the
22 property with the scene entry log and hand it over to
23 someone else who is going into the property?
- 24 A. They are handed it to fill it in and then hand it back.
- 25 Q. Right. All right, so they -- if PC Aitken wrote this,

Transcript of the Sheku Bayoh Inquiry

1 PC Aitken must have taken it with PC Aitken into the
2 property to see ... or am I misunderstanding you, sorry?

3 A. My understanding would be that it would be -- remain
4 outside the locus, and -- but on this occasion with
5 there being people inside she may have taken it in to
6 log who was in on our arrival.

7 Q. All right. Thank you. Can we look at your Inquiry
8 statement, please. SBPI 00316. If we can look at
9 paragraphs 6 to 9, please. So paragraph 6 this is your
10 Inquiry statement:

11 "It took me a great deal of thought to remember this
12 event. I went back to my notebook and it didn't help my
13 memory much at all. This statement is different to what
14 my memory has produced.

15 "My recollection was that I requested to attend to
16 provide uniformed assistance to business dressed CID
17 officers and take up locus. It appears I was sent just
18 to set up a locus. My memory tells me I went in with
19 the CID and there were people within. Thereafter I was
20 just leaving and doing locus protection at front and
21 back.

22 "8. I thought I was going in with the CID to
23 confirm to the occupiers that CID were who they said
24 they were. That was my memory. My statement seems to
25 suggest I was sent to set up a locus and that was it.

Transcript of the Sheku Bayoh Inquiry

1 "I can only assume this statement is far more
2 accurate than my memory. There was nothing significant
3 about the incident for my memory to have a better memory
4 of it. I had almost no memory of it to be honest."

5 So let's have a look at that, those sections. Let's
6 look at paragraph 6 first of all. Your notebook didn't
7 help your memory much?

8 A. No.

9 Q. We've seen it obviously:

10 "This statement is different to what my memory has
11 produced."

12 When you say "this statement", are you talking about
13 your operational statement is different or your Inquiry
14 statement is different?

15 A. The statement I provided initially, a few months after,
16 is different to what my memory has produced, yes.

17 Q. So that is the operational statement is different?

18 A. Mm-hm.

19 Q. I am really interested in your memory obviously of the
20 events. I think what you say is your recollection, so
21 this is your memory of events?

22 A. Mm-hm.

23 Q. You were asked:

24 "... to attend to provide uniformed assistance to
25 business dressed CID officers~..."

Transcript of the Sheku Bayoh Inquiry

1 So they were CID officers but they were just in
2 a suit or business dress?

3 A. Yes.

4 Q. So to anyone, any member of the public, they might not
5 realise they were police officers?

6 A. Yes.

7 Q. But you would be in uniform?

8 A. Yes.

9 Q. And you were there to take up locus, does that mean to
10 do locus protection?

11 A. Yes.

12 Q. So stand at the front or the back of the property with
13 your scene entry log and note who is going in and out of
14 the property?

15 A. Yes.

16 Q. "It appears I was sent just to set up a locus. My
17 memory tells me I went in with the CID and there were
18 people within."

19 So tell us about your memory of events rather
20 than -- there is no mention of you being sent in with
21 CID in the scene entry log. The scene entry log says
22 you arrived, you are to do locus protection, not to be
23 going into the property.

24 A. Yes.

25 Q. Although you have told us you did go into the kitchen?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. So:
- 3 "My memory tells me I went in with the CID and there
4 were people within."
- 5 Just tell us a little bit more about that.
- 6 A. When I got there and realised there was people in,
7 I think I went in -- I went in to see who was there, and
8 then radioed that back to my line manager, and then
9 I waited for CID, who turned up fairly swiftly, and then
10 in order to -- with the CID being dressed in business
11 dress, to reinforce and to confirm to the people in that
12 they were police officers, I would go in as well.
- 13 Q. So you went in initially to see who was in the property
14 and was it that the point where you or someone, maybe
15 PC Aitken, put the entries into the scene entry log as
16 to the names of the occupants? Or would that have been
17 later?
- 18 A. It -- it would have been later, I think according to my
19 memory I went in myself just to see.
- 20 Q. So PC Aitken wasn't initially going into the property,
21 just yourself?
- 22 A. As far as I can -- yes, yes.
- 23 Q. And you were finding out who was in the property?
- 24 A. Mm-hm.
- 25 Q. Then did you remain in the property, or did you leave

Transcript of the Sheku Bayoh Inquiry

1 the property?

2 A. I left the property.

3 Q. You left the property, called the duty sergeant and

4 waited for CID to arrive?

5 A. Mm-hm.

6 Q. And then you went back into the property with the CID?

7 A. Yes.

8 Q. How many CID turned up?

9 A. Two I think. Just two, yes.

10 Q. I don't know if you will remember their names, we have

11 Inquiry statements from then a DC Miller and

12 a DC Petrie?

13 A. Right.

14 Q. Does that ring any bells for you?

15 A. The names do, yes.

16 Q. Were those the CID officers who turned up?

17 A. Yes.

18 Q. And you went in with them, so this is the second time

19 you have walked into the property. Where did you go

20 that time with the CID?

21 A. I don't imagine it would have been any further. I have

22 no memory of it. With going into convey that the two --

23 the gents in business dress are police associated with

24 me, I don't think I would've gone any further but

25 I don't have any memory of it.

Transcript of the Sheku Bayoh Inquiry

1 Q. When you say not gone any further, what do you mean by
2 that?

3 A. Other than to show my presence to reassure that these
4 two in business dress are police as well. Although they
5 had warrant cards and whatnot, it's often easier and
6 quicker to display myself or a uniformed officer with
7 them.

8 Q. So you are there to sort of vouch for their credentials
9 in a sense?

10 A. Yes.

11 Q. Was that into the kitchen or into the living room, do
12 you remember at all?

13 A. A few paces in the door, which I assume would most
14 likely be the kitchen, but I don't know.

15 Q. You don't remember. So you were there to vouch for the
16 CID. Who walked in first?

17 A. I don't know.

18 Q. Do you have any recollection if you walked in first or
19 if the CID officers walked in first?

20 A. I've no recollection of that, no.

21 Q. Do you remember did someone knock-on the door or ring
22 a bell or --

23 A. No.

24 Q. -- was the door open?

25 A. I don't remember.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So your operational statement and certainly your
2 notebook seem to be suggesting you were there for locus
3 protection, but at this stage would you say that your
4 purpose had altered to then vouch for the CID?
- 5 A. Yes.
- 6 Q. There is no reference to that in the scene entry log.
7 Is that not something that should have been mentioned?
- 8 A. Possibly, yes.
- 9 Q. What would the reasons be for not mentioning that?
- 10 A. Because it was ... I can only assume it was because it
11 was so brief and I didn't carry out any purpose other
12 than to visually vouch for the CID officers.
- 13 Q. When you say "visually vouch", what does that mean?
- 14 A. My presence with them would -- to show that they were
15 with me.
- 16 Q. Did you say anything?
- 17 A. I don't -- I don't ... I don't remember to be honest.
- 18 Q. It's just this idea of visually vouching, as opposed to
19 explaining, would that not be the normal way to explain
20 by talking to people?
- 21 A. Yes, but the -- I can only assume the CID officers
22 were -- they were kind of in charge, so it would be up
23 to them to convey, speak, say what was going on, what
24 they were looking for.
- 25 Q. You did not feel it was your place to really say

Transcript of the Sheku Bayoh Inquiry

1 anything at that stage?

2 A. I don't remember what happened. I can only assume that
3 I would have -- generally if I am used to vouch for
4 business dress officers, then my presence is all that is
5 required. I am not required to do anything else unless
6 they are expecting any sort of physical resistance, in
7 which case I have PPE and things that I would be able to
8 assist with.

9 Q. So this is something that you -- the visual vouching is
10 something that you would commonly do as part of your
11 role?

12 A. Yes.

13 Q. Who was then in charge of what was going on at that time
14 would you say?

15 A. The CID officers.

16 Q. And because of the fact they are in charge, are they the
17 ones doing the talking?

18 A. Yes.

19 Q. Do you ever say very much, you are just there as
20 visual~...?

21 A. Yes.

22 Q. I wonder if people are reassured just by you being
23 there? You know, you are there to~... what does it
24 say ... you're there to vouch for the officers. Are you
25 confident that people are always reassured by your

Transcript of the Sheku Bayoh Inquiry

1 presence standing there not saying anything?

2 A. I haven't thought about it. That is what -- that is

3 what I was told to do, just~... so yes, that is what

4 I did.

5 Q. Just thinking about it now, obviously you've got even

6 more experience now, and you've been an officer for many

7 years.

8 A. Mm-hm.

9 Q. Nowadays thinking about it, do you think you could be

10 more reassuring perhaps by speaking or introducing

11 people who are there in plain clothes?

12 A. Yes, and if the -- having -- my face has already been in

13 the door and then reappearing again, I would, yes

14 introduce the officers.

15 Q. So now if you were in that situation do you think you

16 would be a little bit more vocal?

17 A. It would entirely depend on the situation, but --

18 Q. Of course.

19 A. -- as a rule, yes.

20 Q. You would now?

21 A. Mm-hm.

22 Q. Would you try and maybe give -- I just wonder if maybe

23 that could be quite intimidating with three officers

24 being present in a kitchen and the person I have seen

25 before isn't saying a word. I just wonder how

Transcript of the Sheku Bayoh Inquiry

1 reassuring that would be to people, you know --

2 A. I accept --

3 Q. -- members of the public.

4 A. But I don't recall if I said anything or not, but if
5 that was the case, then I could -- yes, with what you
6 are inferring it could be worrying, yes.

7 Q. Right. There is no mention of this second entry into
8 the house in your operational statement. Was that
9 something you didn't remember in the August, when you
10 prepared your operational statement?

11 A. I would imagine -- it wasn't in my statement because
12 I didn't remember it and because it was so insignificant
13 a contribution.

14 Q. So your impression was that it was insignificant, that
15 second visit into the house?

16 A. Yes, there was nothing that created a memory for me.

17 Q. Right. In paragraph 9, if we can see the complete
18 paragraph 9 it says:

19 "I can only assume this statement is far more
20 accurate than my memory. There was nothing significant
21 about the incident for my memory to have a better memory
22 of it. I had almost no memory of it to be honest."

23 You will understand that the Chair has your
24 statement, your notebook, your Inquiry statement, and he
25 is now hearing evidence and I just want to be clear so

Transcript of the Sheku Bayoh Inquiry

1 that the Chair can understand, you've said here, as many
2 officers have, "Well, my operational statement will be
3 a lot more accurate than my memory now", but I think
4 would it be fair to say that in relation to your
5 operational statement, which we have seen very brief --

6 A. Yes.

7 Q. -- that your memory actually provides further
8 information for the Chair to rely on than just what is
9 contained in your operational statement?

10 A. Yes.

11 Q. So perhaps in certain areas your operational statement
12 is not the complete picture?

13 A. Yes.

14 Q. It is not 100% accurate in relation to all the things
15 that you were involved in?

16 A. It hasn't got -- no, yes.

17 Q. So it has not got everything, it's not complete. And
18 would it be fair to say that in relation to your
19 operational statement, that actually the Chair should
20 have particular regard to the oral evidence that you are
21 giving today?

22 A. Yes.

23 Q. And that maybe will give him a clearer picture of the
24 full events?

25 A. Possibly, yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. Thank you. That is very helpful. Can I ask you about
2 paragraph 4 of your Inquiry statement, just while we are
3 being totally clear about these things. You have said,
4 when you gave a statement to the Inquiry team, you have
5 read your previous statement. That is the operational
6 statement we are talking about:

7 "I have no recollection of creating this. I wrote
8 this statement myself on 20 August 2015. As with all my
9 statements I wrote a true and accurate account to the
10 best of my recollection at the time. My memory was
11 better when I wrote this statement than it is now."

12 But again, perhaps that paragraph should be
13 considered in light of the fact that you are able to
14 recollect further information now and to share that with
15 the Chair, and not everything is in your operational
16 statement?

17 A. Yes, not everything.

18 Q. So he should not read the operational statement as being
19 the complete picture?

20 A. No.

21 Q. And actually there are additional pieces of things in
22 your memory that we are able to bring out today that
23 were just not recorded in your notebook or your
24 statement?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. All right. Once you had a chance to read your
2 operational statement, did you remember writing it or do
3 you still really not remember writing it?

4 A. I still don't remember writing it. I don't dispute it
5 is my statement. I've just -- I had to ask my inspector
6 as to why I did a statement a few months after the date
7 in question. And it was him that advised me that it
8 would have been as part of the HOLMES enquiry which was
9 set up to collate all the information that a statement
10 would have been requested.

11 Q. But not something that you thought on the day would be
12 necessary?

13 A. (Witness nods).

14 Q. Again, if we can look back to your Inquiry statement,
15 paragraph 12, just again to complete this section, we
16 see this statement -- maybe I should look at the
17 previous paragraph, sorry. So this is still looking at
18 your operational statement. This follows on,
19 paragraph 12, from the earlier paragraphs that were
20 talking about your operational statement. Let's look at
21 paragraph 12:

22 "This statement is more likely to be accurate than
23 my memory seeing as it was prepared nearer the time. My
24 Sergeant wouldn't prepare this for me. It reads that it
25 was verified as my own statement, but I can't remember

Transcript of the Sheku Bayoh Inquiry

1 the mechanics of it if it would be a box to tick or
2 something like that."

3 What does that mean?

4 A. That from what I know now would be as part of the HOLMES
5 enquiry wanting a statement of my involvement in ...

6 Q. So the HOLMES computer will identify that you were
7 involved for locus protection?

8 A. Yes.

9 Q. And they want a statement from you confirming that?

10 A. Yes.

11 Q. So that they have a complete picture they can collate?

12 A. (Witness nods).

13 Q. But again what we have said about this operational
14 statement not being 100% accurate stands?

15 A. Yes.

16 Q. We also have the benefit of PC Aiken's statement who you
17 attended the property with and just something you said
18 there about being your statement. Can we look at
19 PS17782, please. Sorry I've got wrong number. I will
20 get that checked and we will come back to that.

21 PS08011. I am not sure we have that on the playlist, we
22 might have to come back to in a moment. I will come
23 back to that after the break and we will get that on the
24 screen.

25 So there seemed to be two main differences as I read

Transcript of the Sheku Bayoh Inquiry

1 your operational statement and your Inquiry statement
2 and what you have said to date. I just want to be clear
3 about those. The first relates to whether you were
4 asked to assist CID and that is why you went in for the
5 second visit in, or whether you were just there as
6 a sort of silent vouching of the CID or whether you went
7 in to provide further assistance to the CID. Do you
8 remember?

9 A. No.

10 Q. No. I am just wondering if you simply went in,
11 uniformed, silent, and then went back out or whether you
12 went into the house and assisted the CID?

13 A. I was just in as a -- I can only assume I was in purely
14 just to silently vouch for the CID, which isn't unusual.

15 Q. Right.

16 A. I wasn't assisting them. Yes.

17 Q. Let's go through these events then. You have contacted
18 the duty sergeant. We have evidence available to us
19 that it was DS Dursley that you contacted.

20 A. Oh, right, right.

21 Q. We have actually heard from DS Dursley in evidence. He
22 gave evidence on Day 41 of the Inquiry, which for
23 others' benefit was 28 February. He gave you
24 an instruction to secure the Zahid Saeed family home, to
25 secure it as a locus, to take along a scene entry log

Transcript of the Sheku Bayoh Inquiry

1 and shut it down as a locus. I think he was the one
2 that told you there wasn't anyone at the address.

3 A. Right.

4 Q. Then I think you -- we have a record of your response,
5 PC Fraser, 431 from 43 Bravo. Does that mean something
6 to you.

7 A. 431 from 43 Bravo, that would be me on the radio calling
8 431 as in the duty sergeant, my line manager, and
9 43 Bravo would have been my call sign.

10 Q. Right. You had said:

11 "It is currently occupied, there's a female and her
12 son, her brother and her mother all here at this time,
13 details in as to who's within and pass them back over."

14 Dursley said:

15 "Yes, that is all received. Just stand by, I will
16 get the DS to get directly in touch with you."

17 And then at paragraph 83 of your Inquiry statement
18 you were asked to listen to that, I think when the
19 Inquiry team took a statement from you, and if we can
20 have a look at paragraph 83, you say that is you
21 speaking?

22 A. Yes.

23 Q. "The fact I'm radioing to say it is currently occupied
24 is that I was there thinking it wasn't occupied. That
25 gives me the impression I went there to secure the

Transcript of the Sheku Bayoh Inquiry

1 locus, as in that nobody was there."

2 And that fits in with your operational statement.

3 A. (Witness nods).

4 Q. Then I think there's -- you were asked to listen to
5 another Airwave transmission for those who are here
6 PS08297, and the duty sergeant said:

7 "Bravo, the CID here are going to nip down.

8 Basically it's a case of obtaining details from people
9 within and we're going to try and get them elsewhere.

10 But as I say CID are going to come down with a car and
11 give you a hand with that."

12 And you said:

13 "Yes, yes. We're just in the process of noting
14 particulars."

15 Noting particulars, is it?

16 A. Yes.

17 Q. And what does that mean, for people who are listening?

18 A. Noting particulars is someone's name, usually it's your
19 name, date of birth, address, phone number.

20 Q. All right.

21 A. Place of birth.

22 Q. Place of birth. Is that sort of contact details and so
23 you can identify the person?

24 A. Yes.

25 Q. Is that in case you need to get in touch with them

Transcript of the Sheku Bayoh Inquiry

1 later?

2 A. Yes.

3 Q. Is that the sort of task that when you are completing

4 the scene entry log that you would do normally or ...?

5 A. Well, it wasn't normal because we were sent to a locus

6 that wasn't supposed to be anybody there, but there was,

7 so~...

8 Q. Is that not normal that there's people at a locus when

9 you arrive?

10 A. With my instruction being to go and secure the locus and

11 there being nobody in and then arriving and there was

12 people in, that circumstance hasn't arisen to me before,

13 so ... part of securing the locus I would want to know

14 who was in the house, yes.

15 Q. So you'd never arrived at a locus and there were people

16 in?

17 A. I had never been told to go to a locus and secure it and

18 there being people inside with -- yes, no, no, I hadn't

19 done that before.

20 Q. That had never happened before 2015?

21 A. Not to myself, as far as I can recall, no.

22 Q. Right --

23 A. Not when there isn't some prior involvement in the locus

24 yes, so normally to secure a locus it would be after

25 an incident or through some mechanism but it's the first

Transcript of the Sheku Bayoh Inquiry

1 time I've been sent to a locus to secure it with people
2 inside, yes.

3 Q. Right. Had you been given any training or instructions
4 in relation to how to handle this sort of situation?

5 A. Not that I recall. I would just be assuming that we
6 would need to know who was inside, so ... to find
7 out~...

8 Q. Right. Did you think about what the sort of authority
9 was that you had to go in and ask people who they were
10 and what their name and date of birth and address
11 and phone number and place of birth were?

12 A. I don't think -- I didn't ask the questions, no.

13 Q. Did you know from -- you obviously didn't know from
14 experience. Did you know from training or information
15 that you might need authority to go in and ask people
16 for these details?

17 A. If -- well, I don't recall just entering the property,
18 I don't recall what happened exactly but I would imagine
19 asking -- they can refuse, if I ask them for their
20 details, they can -- they are perfectly entitled to
21 refuse but there was -- I hadn't been informed there was
22 a warrant or anything of that sort.

23 Q. Right. Did you tell people that they could refuse to
24 provide that information?

25 A. No.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. You'd not been informed there was a warrant. We have
2 heard evidence that there wasn't warrant. You'd not
3 been told that. Was that something you would normally
4 have checked as part of your role or ...?
- 5 A. If -- if there had been a warrant I would have been
6 told, yes.
- 7 Q. Right, so were you able to assume that there wasn't
8 a warrant?
- 9 A. Yes.
- 10 Q. Did you understand the circumstances where you might
11 need to seek a warrant?
- 12 A. I ... I wasn't aware of the reason why the locus needed
13 secured, and it didn't -- I don't think it entered my
14 head regards a warrant. I was just ... I just --
15 I assume I just knocked on the door and it got opened
16 and I asked them what was going on. That's all I can
17 assume I did because I wouldn't have just marched in.
- 18 Q. You weren't aware of the reason why the property was to
19 be secured?
- 20 A. No.
- 21 Q. Is that information that you would have found helpful?
- 22 A. Probably, yes.
- 23 Q. Would it have helped you to engage more fully with the
24 occupants if you had been provided with that
25 information?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, yes.
- 2 Q. Nowadays, obviously as a more experienced officer, is
3 that the sort of information you'd find helpful if you
4 are going into someone's house?
- 5 A. Yes, I would probably these days seek more information
6 before just -- with the instruction I was given I would
7 probably seek more knowledge about what was involved,
8 yes.
- 9 Q. What would the benefit be to you in carrying out your
10 role if you were given more information?
- 11 A. It would allow me a greater understanding of -- as it
12 turns out who was in the house or -- and a greater
13 background or basis to work from as to who might be in
14 the house or ... whatnot.
- 15 Q. What about your involvement with the family who were
16 there or the occupiers? We will come on to that in more
17 detail but would it help new in that respect?
- 18 A. Yes. Uh-huh. It would just give me greater
19 understanding of who was likely to be in or ... yes.
- 20 Q. Who in Levenmouth or anywhere would be in a position to
21 provide you with that information, or in the role you
22 are in now who would you go to to get more information?
- 23 A. I would automatically go to my line manager, my duty
24 sergeant, for -- automatically to them or unless I was
25 in direct communication with CID, in this case, but

Transcript of the Sheku Bayoh Inquiry

1 I would be looking for my duty manager, my line manager,
2 to provide me with more information.

3 Q. Put you in a better position?

4 A. Give me a better picture, yes.

5 Q. Would you normally go to the CID to ask for
6 information --

7 A. No.

8 Q. -- when you arrive or~...?

9 A. No, I would -- normally it would be my line manager,
10 yes, the duty sergeant, yes.

11 Q. In terms of training do you think that there are areas
12 where you could maybe have been given more training on
13 these things? Obviously you had not faced this
14 situation before, do you think further training in
15 relation to this, approaching a house and securing
16 a locus and speaking to the occupants, would that have
17 been quite helpful?

18 A. Well, it's not a situation I have come across prior to
19 this and I haven't since. You can't be trained on every
20 possible eventuality, to do what -- so you get trained
21 and then you learn on the job, and you do what you think
22 is best.

23 Q. So you didn't have any learning on the job in relation
24 to this scenario. Do you think if you had been given
25 training about this scenario or this type of situation,

Transcript of the Sheku Bayoh Inquiry

- 1 that might have plugged a gap there?
- 2 A. It could well have done.
- 3 Q. Yes. Maybe put you in a better position to know what to
4 do, what the limit of your authority was and what the
5 options were?
- 6 A. Uh-huh, yes.
- 7 Q. As well as the warrant, we have also heard other
8 officers talk about consent being a legitimate way of
9 gaining access to a property or securing items in
10 a property; is that something you are aware of?
- 11 A. Yes.
- 12 Q. So if people consent, you don't need a warrant I think
13 is what we have been told?
- 14 A. Yes.
- 15 Q. Is that true?
- 16 A. Yes.
- 17 Q. Can you explain to me how you go about obtaining consent
18 if you're doing locus protection and you want
19 the details of the occupants, say? You said earlier
20 they were entitled to refuse. But can you explain how
21 you would go about getting consent?
- 22 A. For their details or to get into the house?
- 23 Q. Either, either for their details or to get into the
24 property. Or do you not think you need consent for
25 either of those?

Transcript of the Sheku Bayoh Inquiry

1 A. Oh, yes, yes, I would -- I would knock-on the door, and
2 introduce myself and if I was allowed entry, then
3 I would go in.

4 Q. Right.

5 A. If ... and I would just ask questions, speak to them,
6 and ask them what -- who are you and can you give me
7 your name, address, date of birth, that sort of thing.
8 It would be through talk, yes.

9 Q. Yes. We heard some evidence previously from a DC Finch
10 actually who said that he would -- if he was asking
11 someone for consent, in the absence of a warrant, that
12 he would explain to them why he was there?

13 A. Mm-hm.

14 Q. And he would explain that they could withdraw consent at
15 any time, he was asking for consent but they could
16 withdraw that.

17 A. Mm-hm.

18 Q. They were free to say no.

19 A. Yes.

20 Q. And he would write that down in his notebook and then
21 get them to sign it. Is that something you would have
22 done in 2015?

23 A. I think I would have verbalised that and not necessarily
24 have got a signature in my notebook.

25 Q. Thinking about that evidence that we've heard, do you

Transcript of the Sheku Bayoh Inquiry

1 think that would be a good way of proceeding, to make
2 sure that there's a signature somewhere?

3 A. Yes.

4 Q. Confirming -- yes. Is that the sort of thing you do now
5 if you are seeking consent, or do you just simply rely
6 on conversations?

7 A. I would certainly -- yes, to be blunt, I don't have that
8 scenario crop up where I work now.

9 Q. Right?

10 A. But, yes, that would be something I would be looking to
11 do now, yes.

12 Q. Right. You've got more experience now?

13 A. Uh-huh.

14 Q. Even though that is not your current role. But you are
15 still in a response team, are you?

16 A. Yes.

17 Q. You've not got any up-to-date experience of turning up
18 at a locus and securing it and finding occupants?

19 A. I secure locuses, yes, and do locus protection duties
20 where I am now but I haven't come across a similar
21 incident like this in my recent years.

22 Q. All right. Okay.

23 A. But I would always seek a signature nowadays.

24 Q. Nowadays. Right. Is that because of experience or
25 because you have had additional training? Or is it

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- 1 something else, an SOP or guidance that you have been
2 given?
- 3 A. It's more because the procedures now require signatures
4 for all sorts of things now that weren't required
5 previously.
- 6 Q. And previously including 2015?
- 7 A. Yes, yes.
- 8 Q. We know there's nothing in your notebook on that date,
9 so can I assume that you didn't obtain -- you didn't
10 obtain a signature somewhere from the occupier to
11 consent to giving you information and you entering the
12 property, or for the CID to enter the property?
- 13 A. I can only assume that -- well, I have no signatures so
14 there was no -- yes, there was no written consent.
- 15 Q. When you say no written consent, do you think there was
16 some other consent?
- 17 A. I believe I must have been afforded entry into the
18 house. I didn't note any of the details of the people
19 but in order to speak to the people within, I can only
20 assume -- I don't recall but I can only assume I knocked
21 on the door and the door was opened.
- 22 Q. Do you consider the opening of a door sufficient to be
23 a recognition of consent?
- 24 A. No, the person must -- they can -- numerous ways, they
25 can verbally say it or they can just motion or walk

Transcript of the Sheku Bayoh Inquiry

1 entered and searched?

2 A. If there's a warrant in place.

3 Q. Right. Are there any other circumstances that you've

4 come across in your experience?

5 A. Where they can refuse to give their name?

6 Q. Yes. I am just asking in case there is anything we've

7 not covered. We have obviously looked at the issue of

8 a warrant and we've looked at consent. Are there any

9 other circumstances, maybe if there's some sort of -- we

10 have heard other evidence there might be some sort of

11 emergency situation that permits the police to do

12 things?

13 A. Yes, well, if -- yes, if there's something ongoing or --

14 yes, if you are in pursuit of a suspect in a house

15 or... yes.

16 Q. Do you know much more about that possibility, from your

17 own experience?

18 A. I haven't had that sort of experience.

19 Q. Absolutely fine. Thank you. I was going to ask you

20 about the statement from PC Aitken.

21 A. Right.

22 Q. I wonder if we could have that on the screen. We've got

23 that now. PS08011. At the moment we don't have the

24 facility to split the screen and show you two things.

25 It might be the lettering would be a bit small anyway.

Transcript of the Sheku Bayoh Inquiry

1 What I am going to do is just quickly read through your
2 statement and we will identify the differences between
3 your statement and PC Aitken's; is that all right?

4 A. Yes.

5 Q. So your statement, which is PS17782 has at the top your
6 name, PC Fraser, your date of birth, your six years
7 service at the time and the place you were stationed,
8 Levenmouth Police Station.

9 A. Yes.

10 Q. We will see on the screen PC Aitken's statement follows
11 the same sort of style, same format?

12 A. Yes.

13 Q. Then your statement says, which I am reading from.

14 "Statement at 1528 hours on 20 August 2015."

15 Now, her date of preparation is slightly different,
16 so she has prepared her statement at 0751 on 11 August,
17 so that is nine days before you prepared yours. Same
18 police station. She says:

19 "Unaccompanied - Statement - Verified as Own -
20 Source Notebook."

21 So it appears that PC Aitken prepared her own
22 statement, same as you did?

23 A. Yes.

24 Q. And she used her notebook, same as you did?

25 A. Right.

Transcript of the Sheku Bayoh Inquiry

1 Q. Then I am reading out yours, all right? We can follow
2 as we look through PC Aitken's. So this is your
3 statement. PS17782 states:

4 "I am a uniformed Police Constable stationed at
5 Levenmouth Police Station.

6 "On Sunday 3 May 2015, I was working at 0700 -
7 1600 hours tour of duty on uniformed mobile patrol
8 within the Levenmouth area, accompanied by PC Aitken."

9 You say PC Aitken, her statement says PC Fraser, so
10 you were both together. Then moving on to the next
11 paragraph:

12 "About 1300 hours, same date, we were requested by
13 the duty Sgt at Levenmouth to attend at [Zahid Saeed's
14 home address redacted] and put in place a locus
15 protection. We were advised that there were no persons
16 were within the property at the time."

17 Your statement and hers seem to be exactly in
18 accordance, yes. Then it says:

19 "On arrival a short time later, same date, there
20 were lights on within the kitchen and this made me
21 believe there may be persons within."

22 And to that extent you say -- that is what you've
23 said and she says:

24 "On arrival at approx 1305 hrs, same date ..."

25 So she adds in a time. That wasn't a time that was

Transcript of the Sheku Bayoh Inquiry

1 within your notebook but she seems to have an additional
2 recollection?

3 A. Right.

4 Q. Do you agree that that was roughly the time that you
5 arrived, just shortly after 1 o'clock in the afternoon?

6 A. I can't dispute it. Yes, it's quite possible.

7 Q. Right.

8 A. Yes.

9 Q. Have you any reason to think that that is wrong or
10 incorrect?

11 A. No.

12 Q. This is your statement:

13 "There were lights on within the kitchen and this
14 made me believe there may be persons within."

15 And she says:

16 "We noted there were lights on within the kitchen."

17 And then she recollects the weather:

18 "It was a dark afternoon due to inclement weather
19 and this made me believe there may be persons within."

20 So she has some additional information there about
21 the weather.

22 Then your statement reads:

23 "I knocked at the kitchen door and confirmed there
24 were five persons within, two adult females, two young
25 children and a disabled male. Their details were added

Transcript of the Sheku Bayoh Inquiry

1 to the scene log. We thereafter immediately contacted
2 Levenmouth CID and DCs Petrie and Miller attended at the
3 locus."

4 Do you see that? So again there seem to be
5 similarities between your statement, which I am reading,
6 and the statement on the screen from PC Aitken. Then it
7 says:

8 "All persons within were removed by DCs Petrie and
9 Miller."

10 That is the same sentence:

11 "PC Aitken and I took up positions at the front and
12 rear of the property."

13 And she says:

14 "PC Fraser and I took up positions at the front and
15 rear of the property. At 1600 hours PC Adams attended
16 and took over my position and I was stood down."

17 So she has an extra recollection about PC Adams
18 arriving. I think you mentioned that he was there as
19 well.

20 A. (Witness nods).

21 Q. It's not in your statement but it was in the scene entry
22 log. Then:

23 "I took no further part in this enquiry.

24 "I cannot identify the accused."

25 It looks like these statements are very -- in very

Transcript of the Sheku Bayoh Inquiry

1 similar terms. In some respects the wording is exactly
2 the same and I am wondering, you said earlier before
3 the break that you had written your own statement.

4 I just wonder in terms of seeing the similarities here,
5 is it possible that you had PC Aitken's statement in
6 front of you when you wrote your statement?

7 A. I don't see how I would. I don't recall, it is just
8 described in the same manner.

9 Q. In some cases the wording is exactly the same in the two
10 statements. I just wondered if there was comparison or
11 if there was a style that you used, perhaps PC Aitken's
12 statement was used as a style?

13 A. The way I've written the statement appears to be the way
14 I would normally write a statement, and follows the same
15 pattern as statements I normally write, yes.

16 Q. So is it just a coincidence that the wording is so
17 similar?

18 A. I don't know, it must be. I don't know.

19 Q. I am just wondering if part of the reason why your
20 recollection isn't maybe as sharp about the statement
21 and preparing the statement is because you copied
22 PC Aitken's statement.

23 A. I don't recall, I've no memory of doing it. There is
24 a possibility I maybe asked PC Aitken --

25 Q. Do you want to see the top, we can go to the top --

Transcript of the Sheku Bayoh Inquiry

- 1 A. -- what happened, what happened that day. I don't
2 recall seeing any of it.
- 3 Q. Yes. Obviously both statements say that they were
4 "verified as own", and the source was the notebook.
5 We've looked at your notebook and we've looked at your
6 operational statement which contains additional details
7 that aren't in your notebook and it doesn't say that
8 either of you relied on the scene entry log to prepare
9 your statements. Is that unusual, not to use the scene
10 entry log?
- 11 A. It is not unusual, it is usually lodged as a production,
12 certainly not easily accessible.
- 13 Q. It is not easy accessible to you?
- 14 A. No, if it is lodged it's in productions.
- 15 Q. So by the August when you were preparing this statement
16 that has been requested, that wouldn't have been
17 available to either of you?
- 18 A. No.
- 19 Q. Is it possible that PC Aitken's memory of the events was
20 just better than yours and that is why we see additional
21 information in her operational statement about
22 the weather, and the five people within? None of that
23 information was in your notebook.
- 24 A. It's possible, yes.
- 25 Q. Is it common to use other officers' police statements to

Transcript of the Sheku Bayoh Inquiry

1 prepare your own?

2 A. No.

3 Q. Is there anything wrong with that?

4 A. I just didn't -- it wouldn't be done, you just don't do
5 it. I may have spoken to her about what happened that
6 day, and she will have gone through what she must have
7 put in her statement and what her recollection was to
8 assist me in writing my statement, but certainly copying
9 statements isn't acceptable.

10 Q. Right. That is not something you would commonly do, is
11 it?

12 A. No.

13 Q. She wouldn't be -- would that mean she wouldn't give you
14 her statement to copy?

15 A. No.

16 Q. Thank you. We can take that off the screen now, please.
17 I would like to ask you some questions -- we've not
18 heard from DC Miller or DC Petrie as they then were but
19 we hope at the end of this section of the hearings to
20 hear from DC Miller. Can I ask you just about one or
21 two things that -- we do have Inquiry statements from
22 them, and they will be available to the Chair. They
23 have been signed, so they form part of the overall
24 evidence that the Chair can consider and there's one or
25 two things that they say respectively that I'd just like

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1 to check with you and you can help me understand.

2 So for those in the room, and I don't need it on the
3 screen, DC Miller's Inquiry statement is SBPI00315, that
4 is just so people know where I am reading from, and it's
5 paragraph 26.

6 DC Miller says:

7 "We more or less volunteered ourselves to go
8 along~..."

9 So he talking about himself and DC Petrie:

10 "... to try and assist response."

11 So the suggestion that he was trying to assist you
12 as response:

13 "It wasn't really to take over or anything like
14 that, it was just to provide assistance. But when we
15 got there they were looking for us to take the lead."

16 Do you -- does that accord with your recollection
17 that you were hoping they would take the lead on
18 matters?

19 A. I would have been expecting them to take the lead,
20 having been told to go and secure the locus, and
21 I -- I would have thought they would be the lead, yes.

22 Q. When you talk about or they have been talking about
23 taking the lead, what would you have expected the CID
24 officers to do?

25 A. To ... well, I was sent to secure the locus and

Transcript of the Sheku Bayoh Inquiry

1 basically stand outside, so whatever was to be dealt
2 with inside, I would have thought they would have been
3 the ones dealing with the inside of the property.

4 Q. Do you have any comments about this idea that they turn
5 up to provide assistance but he comments that, "They
6 were looking for us to take the lead". Does that
7 surprise you?

8 A. (Witness nods).

9 Q. Why?

10 A. Because I -- other than to secure the locus, I had, to
11 the best of my knowledge, no idea what it was all about,
12 what the locus was for and ... So I hadn't heard
13 anything else on the radio or anything, so I assumed it
14 was for CID and so them turning up at locus would be to
15 take control, if you like.

16 Q. Just for everyone who is listening today, is it the case
17 that CID officers are seen as more senior, more ...

18 A. Well, a DC is the same as a PC but they are carrying out
19 enquiries, I assumed, in relation to that address so it
20 would be their responsibility to -- and I had assumed it
21 was on the request of CID that it was secured, so them
22 turning up is just a follow-on, I assumed they were
23 already prepared to come anyway, seeing as I was to be
24 securing it.

25 Q. In terms of the assumptions that you were making you've

Transcript of the Sheku Bayoh Inquiry

1 talked about CID, did you assume that CID were in charge
2 of the investigation?

3 A. I assume it was their enquiry, yes.

4 Q. And because it was their enquiry they would have more
5 knowledge perhaps about what was going on?

6 A. Yes, uh-huh.

7 Q. Then DC Petrie, just in fairness to let you know what he
8 says:

9 "Uniformed officers had attended and they were
10 looking for a bit of assistance in trying to secure that
11 address."

12 Does that seem to accord with your understanding?

13 A. I don't recall us having any problems securing it. It
14 was purely that I'd been sent and told the property was
15 unoccupied and there was nobody within to their turning
16 up and there was people within, so we didn't have any
17 problems securing it, it was just that the unknown was
18 that there was people in -- inside.

19 Q. If you'd turned up and there wasn't anyone in the house
20 and you were going to secure the property, what would
21 that have involved for you and PC Aitken?

22 A. It would've involved walking the perimeter and ensuring
23 it was secure and guarding the doors basically, keeping
24 sight all around the property. That would've been it.

25 Q. Making sure nobody was going in and out --

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. -- without you at least recording that?

3 A. Yes.

4 Q. So not entering the property at all?

5 A. No.

6 Q. Just standing at the doors, and watching and observing?

7 A. Yes.

8 Q. Then in anticipation of what? If the house had been

9 empty and you were securing the property?

10 A. We'd have been there until we were stood down or CID --

11 my assumption would have been until CID turned up or

12 I was stood down or somebody came to take over my post.

13 Q. So you had assumed at some point, maybe not ten minutes

14 after you arrived but at some point they would have come

15 because you thought they were leading the investigation?

16 A. Yes.

17 Q. And they would have more knowledge about why that

18 property was of interest?

19 A. To carry out their enquiries, yes.

20 Q. Then DC Miller says in his statement there were some

21 people within the property, and they weren't

22 particularly happy about having to leave so we were just

23 going along to try and explain that to them. Do you

24 remember when you were there if the CID were explaining

25 things to the occupants?

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1 A. No, I don't.

2 Q. When he says they weren't particularly happy about
3 having to leave, was that about having to leave the
4 property?

5 A. I don't know.

6 Q. Do you remember the people who were in the property, how
7 they appeared to you; would you agree that they weren't
8 particularly happy?

9 A. It's not unusual for people to be unhappy about the
10 police being at their door. And I don't -- I don't
11 recall there being any big hoo-hah, any issue, other
12 than, yes, they wouldn't have been happy the police were
13 there which is perfectly normal.

14 Q. Is that quite common?

15 A. Mm-hm.

16 Q. Nothing out of ordinary as far as you could tell?

17 A. (Witness nods).

18 Q. DC Miller says, paragraph 30:

19 "We spoke to the officers just outside just before
20 we went in. I think they told us at that time that
21 there was a disabled man, the kids were there and there
22 was an older lady as well. They've also told us that
23 they were not particularly happy as well. They weren't
24 aggressive or anything like that, but they were annoyed,
25 upset annoyed rather than upset emotional, which is

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1 understandable."

2 Do you remember anyone being upset annoyed?

3 LORD BRACADALE: Constable, I notice on a number of
4 occasions that you have nodded or shaken your head.

5 A. Yes.

6 LORD BRACADALE: Proceedings are being recorded so would you
7 say yes or no rather than just nod or shake your head.

8 A. I will do, sorry.

9 LORD BRACADALE: Thank you.

10 MS GRAHAME: Sorry, I should've reminded you of that.

11 So I was asking if you remember anyone being
12 annoyed, "upset annoyed", as is described?

13 A. No, I don't remember. Like I said it's perfectly normal
14 for people to have some form of dispute, or are not
15 happy about the police being at their house so it's
16 not -- it's run-of-the-mill, yes.

17 Q. DC Miller at paragraph 32 also says:

18 "I am asked if I recall how many officers were
19 already there when I arrived."

20 So this is DC Miller:

21 "There were either two or three. I think maybe the
22 front door was locked and they were round the back
23 door."

24 Would that be correct?

25 A. Yes, I -- yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. "I can't remember why we certainly went in the back
2 door. I seem to think that there was somebody inside
3 because when we chapped the door I think it was
4 an officer that let us in, rather than Mrs Rashid, but
5 it's difficult to say."

6 Do you remember if it was you that let DCs Miller
7 and Petrie in?

8 A. No, I don't remember.

9 Q. You don't remember at all?

10 A. No.

11 Q. Were you inside when the CID arrived?

12 A. I don't remember at all. I don't know.

13 Q. He also says:

14 "It was Mrs Rashid who spoke to us, immediately she
15 started asking questions."

16 This is when they've arrived in the house.

17 A. Right.

18 Q. Mrs Rashid was one of the occupants, we've heard.

19 A. Right.

20 Q. So:

21 "... immediately she started asking questions, what
22 was going on, all the rest of it. We tried to explain
23 what was happening and the need to take it~..."

24 I think -- we've not heard from DC Miller but
25 I think he means to take the property.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Do you remember being in the house when that
3 conversation was going on?
- 4 A. No.
- 5 Q. Mrs Rashid asking a lot of questions?
- 6 A. No, I don't remember.
- 7 Q. Do you remember if Mrs Rashid was speaking when the CID
8 arrived?
- 9 A. No. I don't remember being in the house with CID.
10 I don't.
- 11 Q. I thought earlier before the break you told us you had
12 gone into the kitchen area or into the house as a sort
13 of silent vouching of the CID officers?
- 14 A. Basically I showed them -- other than showing them where
15 the people were in -- just inside the door and my
16 presence showing them in and then leaving was -- would
17 be my involvement, I believe. But that is what I am
18 assuming my involvement was, I don't recall exactly.
- 19 Q. You just don't recall actually setting foot inside
20 the house?
- 21 A. I do remember going in and seeing people, and the five
22 people and whatnot but I don't recall there being any
23 particular major issue, shall we say, verbal or
24 physical.
- 25 Q. Do you remember a conversation, engagement, between the

Transcript of the Sheku Bayoh Inquiry

- 1 officers and the people in the house?
- 2 A. I don't. I would only be assuming if I said yes, that
- 3 they would be engaging.
- 4 Q. You've mentioned five people. Where were the five
- 5 people that you remember seeing?
- 6 A. Where were they?
- 7 Q. Yes, where in the house?
- 8 A. They would have been, I assume, in my vision a few steps
- 9 in, sort of thing, in the initial room. That's all
- 10 I can assume.
- 11 Q. I am trying to work out what you actually remember.
- 12 A. Uh-huh.
- 13 Q. And we don't want you just to assume things if possible.
- 14 Can you try and think back. Were all five people in the
- 15 room you were in?
- 16 A. (Pause). To the best of my memory, I think so.
- 17 Q. Right. So do you remember what room that was that they
- 18 were all in?
- 19 A. The first one I came to after going in the door, which
- 20 would be the kitchen, I would think.
- 21 Q. Thinking back now, where were they positioned in that
- 22 room?
- 23 A. The disabled male in the far corner and possibly a lady
- 24 standing --
- 25 Q. An older lady or a younger lady?

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1 A. I couldn't say, it was a lady.

2 Q. Right.

3 A. The rest were sitting, possibly on couches.

4 Q. On couches. Thinking of that answer, if there were
5 couches, do you think maybe the room might have been
6 more likely to be the living room?

7 A. Could be.

8 Q. Can you describe the age of the lady standing?

9 A. I've ... in my head I've got a female stood there.
10 I don't have a visual recollection of the age. (Pause).
11 I haven't registered if it's an -- a person in advanced
12 years, elderly, or a younger female. I haven't ...

13 Q. You've said that the rest were sitting on couches?

14 A. Quite possibly.

15 Q. Can you describe the people sitting on couches?

16 A. As in their age or gender?

17 Q. Anything you can remember about them. If you remember
18 age, tell us.

19 A. No, I couldn't say an age or ... I've got them in my
20 statement, the two adults and the children but ...
21 I remember the female standing and the disabled
22 gentleman, and --

23 Q. We've heard he may have used a wheelchair.

24 A. That is why I referred to him as disabled. I know
25 nothing more. Then the kids on the couch. Yes.

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1 Q. How many kids were on the couch?

2 A. There would be -- well it was two, I've said that there
3 was two adults, a disabled male, and the kids, so it
4 would be the kids with another adult.

5 Q. Another adult. Do you remember anything about the other
6 adult who was on the couch?

7 A. No.

8 Q. Age at all?

9 A. It was just a very quick scan and I was focusing on the
10 female that was standing nearest to me.

11 Q. Why were you focusing on that female; was there
12 something in particular?

13 A. She was the first person I came to. That would be all.

14 Q. Okay. Was she speaking at all?

15 A. I don't think she -- she had any English.

16 Q. Right.

17 A. Certainly that became evident.

18 Q. I will come on to that in a moment. We've heard
19 evidence that Mr Zahid Saeed's mother didn't speak
20 English or didn't speak good English, so is that
21 probably who you remember standing in that area?

22 A. It would have been, because, yes, she didn't have
23 English and I just ... yes.

24 Q. Okay. So if DC Petrie says in his statement:
25 "My recollection is that uniformed officers were

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1 there before us and I believe they were all in the
2 property."

3 Do you remember if that -- does that prompt any
4 memories about you being in the property before the CID
5 arrived?

6 A. Yes, because I was in to see what was going on inside
7 with the lights being on and whatnot and then radioed
8 back to say ... yes.

9 Q. Thank you. DC Petrie also says:

10 "I believe Mrs Rashid and her mother were in the
11 living room, which was just a short distance from the
12 door that we entered which was a kitchen."

13 And then you went into the living room. Does that
14 sound familiar now?

15 A. It could well have been because the back door was
16 abutted -- came out from the main building, so yes, it
17 must have been the kitchen at the back door and then
18 turn right and then immediately there, that must have
19 been the living room, yes.

20 Q. So hearing that, does that make you think maybe where
21 the people were was the living room of the house?

22 A. Yes.

23 Q. Right. He describes Mrs Rashid, not the mother, the
24 other woman who was in the house, as being quite irate
25 and asking questions. Do you remember anything about

Transcript of the Sheku Bayoh Inquiry

1 that?

2 A. No.

3 Q. Either in relation to her demeanour or her asking

4 questions?

5 A. No. It is perfectly understandable.

6 Q. All right.

7 A. But it's not unusual, again, for people to be irate at

8 police in their house.

9 Q. So thinking about that second time that you went into

10 the property, how long did you spend in the property

11 that time?

12 A. I don't know. It can't have been long. I don't

13 remember at all. (Pause). I didn't note the details

14 and I don't know how long I was in for.

15 Q. Can you give us your impressions now, thinking back to

16 that date?

17 A. A few minutes quite possibly.

18 Q. All right. Would that be in the living room?

19 A. Yes.

20 Q. Did you go anywhere else in the house?

21 A. Not that I remember, no.

22 Q. Can we look at your Inquiry statement again, please,

23 paragraph 33. I think this is where you talk about

24 the people who were in the house, let's just look at

25 that:

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1 "I do remember going a couple of paces in the door
2 and seeing females in traditional cultural clothing
3 expressing to me by signage that they didn't understand
4 what I was saying. English wasn't their first language.
5 All I remember after that was being outside on locus
6 protection, standing outside. I couldn't say how many
7 people were in there, two or three is all I can guess.
8 I can't remember anything else about what happened."

9 But I think thinking about things today, you have
10 recollected from the scene entry log there were five
11 people occupying the house?

12 A. Mm-hm, yes.

13 Q. Two women, two children and a disabled man, you said?

14 A. Yes.

15 Q. I am interested in your reference to "traditional
16 cultural clothing". Can you describe to us the clothing
17 that the women were wearing?

18 A. Colourful ... colourful long dresses and head --
19 colourful head ... it wasn't a hat, it was wraps or
20 something on the head.

21 Q. So did both of women have their heads covered?

22 A. Yes, probably, yes.

23 Q. Can you describe the style of clothing? You have said
24 it was colourful. Can you help us understand a little
25 more about that?

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- 1 A. I've got flowers in my head. I don't know if that is
2 right but it was certainly patterns, various colours.
- 3 Q. There's no mention in the scene entry log at that stage
4 of you entering the property or seeing the occupants.
5 Thinking back now, is that the sort of information that
6 should be in a scene entry log?
- 7 A. On reflection, I would say I should have put entries in
8 to say I had entered the building, yes.
- 9 Q. Right. So if you were doing it now, is that what you
10 would do?
- 11 A. Yes.
- 12 Q. We've heard from Mrs Rashid that she has -- we've heard
13 evidence from her that she was actually wearing pyjamas
14 when the police arrived. Would that accord with your
15 recollection of the sort of colourful clothing?
- 16 A. Could do, yes.
- 17 Q. Could be. She also has given evidence that she was
18 wearing a hijab; is that the type of head covering that
19 you were thinking you remembered seeing?
- 20 A. I don't know how to -- what the term is for the
21 headdress. But there was -- it could be if that is what
22 she says.
- 23 Q. Was that also part of the traditional clothing that was
24 being worn?
- 25 A. Yes, I just took it as cultural clothing, and -- I don't

Transcript of the Sheku Bayoh Inquiry

- 1 know the names for the specific items. Yes.
- 2 Q. Of course. Did you associate the way the women were
3 dressed with any particular culture or religion or
4 ethnicity?
- 5 A. I took it to mean they had a religious and cultural
6 background different to mine. I didn't -- and I was
7 becoming quite aware that they didn't have English or --
8 in any significance and that predominantly the English
9 was my concern, yes. But as far as religious --
10 I wasn't aware of what their religious -- I couldn't
11 assume what their religious and cultural -- what
12 meanings that gave me.
- 13 Q. Did you, having become aware from your observations that
14 they were wearing cultural clothing, did you seek to
15 identify the particular religion or culture that they
16 were part of?
- 17 A. In -- by asking them?
- 18 Q. Yes.
- 19 A. No.
- 20 Q. No. Did you, from your awareness at that time, consider
21 that they might be members -- you might be in the home
22 of a Muslim family?
- 23 A. It didn't cross my mind. It appears I got -- I was
24 unable to communicate sufficiently with them so that was
25 my -- I didn't take into account what -- or assume what

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- 1 their particular -- Muslim or otherwise religion.
- 2 Q. In terms of communication were you attempting to
3 communicate at this point or did you remain silent?
- 4 A. On my initial entry into the house?
- 5 Q. I am talking about the period when you can see the
6 people in the living room and you could observe their
7 clothing, and you have said a moment ago about
8 communicating?
- 9 A. Mm-hm.
- 10 Q. So were you trying to speak to them at that point or
11 trying to engage in conversation?
- 12 A. Yes. Purely to explain my presence and to create some
13 dialogue, yes, to find out what I could -- what was
14 going on, yes.
- 15 Q. Can you help me to understand the sort of things that
16 you were saying at that stage in the living room?
- 17 A. It would be along the lines of that I was police, was
18 this their house, but it wouldn't have gone very far at
19 all with the -- with it being obvious that they weren't
20 understanding what I say. So I would have sought to get
21 out again and to seek further guidance.
- 22 Q. Who would be able to provide that further guidance to
23 you?
- 24 A. It would be the duty sergeant that I would be on to
25 because if I was there myself with my colleague it would

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- 1 be my duty sergeant.
- 2 Q. And that would be through your radio?
- 3 A. Yes.
- 4 Q. Right. Observing the clothing and being aware that
- 5 there may be cultural differences between you and the
- 6 occupants, were you aware of any matters that perhaps
- 7 you should be sensitive to in your role that day as
- 8 an officer?
- 9 A. Not at that time. Making assumptions -- I usually trip
- 10 myself up if I make assumptions in houses or with the
- 11 members of the public, so what was in front -- what was
- 12 presented to me with what these people were wearing
- 13 wouldn't automatically make me assume that they couldn't
- 14 speak to me, no. Unless I was told, yes.
- 15 Q. Right. Had you had -- at that time had you had a lot of
- 16 training in issues regarding equality, diversity,
- 17 inclusion, that type of thing?
- 18 A. Yes, I will have had training.
- 19 Q. When was that training prior to 2015?
- 20 A. It would have been at the College on -- when I joined
- 21 the police.
- 22 Q. 2009?
- 23 A. Yes.
- 24 Q. Do you remember any other training in that respect
- 25 between 2009 and 2015?

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- 1 A. I don't, no.
- 2 Q. I think you say in your Inquiry statement, I think you
3 were asked about maybe an awareness of whether Muslim
4 women might feel uncomfortable in male company and you
5 said you weren't aware of females being uncomfortable
6 speaking to males.
- 7 A. Yes, I am -- I'm aware of the religious -- I want to say
8 protocols but that is not the right word, in relation to
9 that, but I don't -- I wouldn't automatically assume it,
10 no.
- 11 Q. No. Did you have much experience of dealing with people
12 from different cultures in 2015?
- 13 A. Yes, the area Levenmouth has many different cultures.
- 14 Q. Right.
- 15 A. But I wouldn't always just assume. Some cultures, they
16 may have enough English, for example, or are able to
17 communicate what isn't acceptable for them, so then
18 I just wouldn't assume that someone couldn't speak.
- 19 Q. Would you expect them to volunteer that information to
20 an officer?
- 21 A. Yes.
- 22 Q. Would you invite them, would you ask them if there is
23 anything you could do as an officer to make things
24 a more comfortable experience for them?
- 25 A. I would certainly, if that was made known to me, then

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- 1 I would absolutely facilitate that I was taken out of
2 there, and that if it was male people then a female
3 would be -- would be changed for me.
- 4 Q. When you say made known to you, how would you expect
5 that to be made known to you or communicated to you?
- 6 A. By the person I was speaking to.
- 7 Q. And if they have an issue --
- 8 A. Or some other person with them, yes.
- 9 Q. If they have an issue with language, how would you
10 expect that to be made known to you?
- 11 A. Probably by hand signs, "no, no", or something of that
12 sort. Or, yes, like another member of the group or the
13 family who maybe have slightly more -- are able to
14 communicate that to me. It wouldn't take a lot.
- 15 Q. Looking back now with the situation, you've said this
16 was a situation you weren't anticipating, you thought
17 no one was in the house?
- 18 A. Yes.
- 19 Q. You had not had experience of a situation like this
20 where you've arrived for locus protection and were told
21 no one is in the house but turned up and there were
22 people in the house?
- 23 A. Yes.
- 24 Q. But looking back now at the communication in the living
25 room with the occupants --

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- 1 A. Yes.
- 2 Q. -- do you think you would do it differently nowadays
3 with the further experience that you have?
- 4 A. I think I went into that house to treat -- and treated
5 the people in the way I would want to be treated, and
6 that is how I have always treated people that I've come
7 across in my job. So I would probably do the same again
8 in that -- other than maybe in the passage of time
9 become even more aware of the cultural significance, but
10 again, assuming there are cultural, religious leanings
11 isn't a problem -- I wouldn't do it -- I can't assume
12 that somebody has cultural leanings without being
13 informed.
- 14 Q. You do recognise that if people are from a different
15 culture from your own, that treating them in the way
16 you'd like to be treated might not actually be treating
17 them in the way they would like to be treated?
- 18 A. Yes. When I say treated the way I am treated, I meant
19 politely, respectfully, as opposed to me myself as
20 a male person.
- 21 Q. When you say respectfully, what did you know at the time
22 about how respect can be shown to people from different
23 cultures, different religions? Were you aware of
24 differences?
- 25 A. I could tell -- yes, by the clothing my assumption would

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1 be there would be differences. But to assume that --
2 some people deviate from their religions by different
3 amounts, and so I can't assume that they've deviated
4 from the initial leanings or remain totally at it. And
5 just by using calming hand signals and tone of voice and
6 an empathetic manner I would look to establish even
7 a small amount of "no male", "no man", anything basic.
8 But, yes, unless -- I couldn't just assume it.

9 Q. So if that had been communicated in some way, sign
10 language or maybe a few words, what would you have done
11 at that point?

12 A. If it was to be known, yes, that it was me as a male
13 person was the problem, then yes, I would remove myself
14 straightaway.

15 Q. Would you then contact the office on the radio?

16 A. I would -- well, PC Aitken was female so it would be ...

17 Q. Was she in the living room at that time?

18 A. I don't know, but I was with PC Jaci Aitken, being
19 a female she could take over what -- my engagement with
20 the lady.

21 Q. How would you then communicate those cultural
22 differences with other officers? You are the scene
23 entry log, you are entering things into that log, is
24 that a means of communicating cultural differences with
25 other people at the scene?

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1 A. I would certainly pass it verbally. And -- to whoever
2 was to be entering. As to -- and quite possibly when
3 PC Aitken was noting the details, which I am assuming it
4 was her, then she would put a small note next to the
5 names saying "no males spoken".

6 Q. So again, if she had opinion told this by the occupants.
7 Anything else? Any other areas in the scene entry log
8 where you would mention cultural issues?

9 A. Off the top of my head I couldn't tell you, no.

10 Q. If we look back at the scene entry log, which was
11 PS18504, there was the page -- I can't remember which
12 number it was now. There it is. There doesn't seem to
13 be -- this is the page that you said wasn't your
14 writing, it mentions --

15 A. Yes.

16 Q. -- Mr Ahmed and Mrs Rashid and it did go on to the next
17 page, if we could just look at that briefly. There we
18 are. This is the entry I asked you about earlier.

19 A. Yes.

20 Q. 1310. Let's go back up to the previous page. There is
21 nothing in any of that part of the scene entry log that
22 mentions cultural issues?

23 A. No.

24 Q. No. Is there anywhere on the scene entry log that you
25 remember would be an appropriate place to put something

Transcript of the Sheku Bayoh Inquiry

1 like that in?

2 A. I would assume next to their name would be
3 an appropriate place.

4 Q. But no column that specifies that?

5 A. Not that I can think of, no.

6 Q. Okay. Thank you. Let's go back to your Inquiry
7 statement, please, back to paragraph 33. You talk there
8 about signage:

9 "... they didn't understand what I was saying.
10 English wasn't their first language."

11 And we have heard evidence that the mother wasn't
12 good at English, wasn't able to speak English but
13 Mrs Rashid gave evidence in English?

14 A. Right.

15 Q. When you said:

16 "... expressing to me by signage that they didn't
17 understand what I was saying~..."

18 Can you explain to us what was happening there? Do
19 you remember what the signage was?

20 A. I don't remember. No.

21 Q. No. We've heard evidence that in 2015 officers could
22 use their radios to contact an interpreter. Do you
23 remember that?

24 A. Yes.

25 Q. Is that something you tried to do that day or

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1 considered?

2 A. I didn't do it that day.

3 Q. Right. In paragraph 34 you say:

4 "I have been asked what I would normally do if
5 someone was signing that they couldn't understand what
6 I was telling them. I would look to gain the services
7 of someone who could establish communications with them
8 via an interpreter or a person who could communicate
9 with them. More than likely an interpreter. I would
10 seek to try and ascertain what language they would be
11 most comfortable using."

12 So is there a reason -- paragraph 35:

13 "I can't remember what happened after that, whether
14 there was an interpreter requested or not."

15 Do you remember if you asked for an interpreter that
16 day?

17 A. I don't remember but my interaction with them was brief.
18 And I had no knowledge of what was to be lying ahead in
19 the enquiries and that it would be up to CID who were --
20 who would arrive and sort things out.

21 Q. Right. Then if we can just for a moment look back at
22 33, you say there towards the end of that:

23 "All I remember after that was being outside on
24 locus protection, standing outside. I couldn't say how
25 many people were in there, two or three is all I can

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1 guess. I can't remember anything else about what
2 happened."

3 Then if we go down to paragraph 52:

4 "I have been asked if I remember any of the
5 occupants, beyond the females I mentioned earlier. From
6 my statement, I can only assume there was a disabled
7 male. This would mean a male in a wheelchair, that is
8 what I would mean by writing 'disabled'. I have no
9 memory of it."

10 Am I right this thinking that you do have
11 a recollection now of seeing them in the living room,
12 the disabled male in the wheelchair, a woman standing
13 and three people on the couch, an adult female and two
14 children? You do remember that?

15 A. Yes.

16 Q. So if there is a difference between your statement to
17 the Inquiry and your evidence today, should we prefer
18 your evidence today?

19 A. Well, it's what was presented to me whilst I was giving
20 the statement and it is kind of started to create
21 a picture for me, and then, well, it's -- it's never
22 been far from my brain ever since, and through --
23 I wasn't able to discuss it with anyone, and so just
24 through myself mulling it through may well have
25 triggered up more, it's possible.

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1 Q. And today the process of going through things in a lot
2 of detail, has that also helped trigger some of the
3 recollection that you have been able to give us today?

4 A. To an extent, yes.

5 Q. So if there is any difference should the Chair prefer
6 the evidence today?

7 A. Yes.

8 Q. Thank you. At paragraph 53 you say:

9 "I wouldn't do anything differently with the
10 wheelchair user, other than take into account the
11 restraints of somebody with mobility issues. I'd need
12 take in account their needs. I'd ask what they required
13 and ensure any reasonable request was met."

14 A. Yes.

15 Q. Is that something that you did on the day, taking
16 account of the needs of the adult male who was in the
17 wheelchair, asking what they required, and ensuring any
18 reasonable request was met?

19 A. I had no ... to the best of my memory I didn't have any
20 interaction with the chap and with -- I was only in
21 there such a brief period, as far as I can remember,
22 that I had no opportunity to speak with the person
23 I think or engage, and when -- I was in and out so
24 briefly that I didn't give him any opportunity to say
25 anything.

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- 1 Q. So you didn't have any communication or attempted
2 communication with him? So on the 3 May you didn't do
3 any of this?
- 4 A. No.
- 5 Q. At all. Right. Did anyone else try to engage with him
6 or take account of his needs when you were present?
- 7 A. To the best of my knowledge, no.
- 8 Q. In relation to that you say you would take account of
9 the constraints of someone with mobility issues. Was
10 that information that you shared with your duty
11 sergeant; that there was someone in the house in
12 a wheelchair?
- 13 A. I think I was more -- I don't think I did, no. I think
14 it was more just the fact there was people within that
15 was my overall consideration or concern. But if it came
16 to it --
- 17 Q. Were you aware from your involvement with the occupants
18 that one of them had had surgery recently?
- 19 A. No.
- 20 Q. And one of the children had had surgery?
- 21 A. No.
- 22 Q. No. Do you remember the occupants leaving the property?
- 23 A. No.
- 24 Q. Were you there when they left?
- 25 A. I don't know when -- when did they leave? I would be

Transcript of the Sheku Bayoh Inquiry

1 able to tell you if I was there, but I don't know when
2 they left.

3 Q. Can we see that on the scene entry log? Do you want to
4 look at that again? You have the hard copy but we can
5 have that back on the screen. That is PS18504, and
6 page 9 might be the best place to start. We looked at
7 this earlier. This is page 9. I think it starts with
8 your first entry: Fraser 1330.

9 A. Yes.

10 Q. We then see PC Aitken with you. We see Petrie
11 and Miller named, arriving at 1340, ten minutes after
12 you started the scene entry log. If we go on to the
13 next page, and there's officers obviously mentioned
14 there?

15 A. Yes.

16 Q. Carry on, please. Then we see other officers mentioned.
17 Then at the bottom of that page, it's 2105 you will see
18 SOC, Mr Foy, scene of crimes. Then further down the
19 next page, please. We will see these are the final two
20 entries: 2105, the name and designation is Zahid Saeed,
21 "occupier assisting MIT recovering items". Then
22 2135 hours, "locus protection concluded".

23 A. Yes.

24 Q. You had concluded your own tour of duty at 6 o'clock
25 that day, so this was after you --

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- 1 A. Yes.
- 2 Q. -- your involvement was completed. There doesn't seem
3 to be any mention there of people leaving.
- 4 A. No.
- 5 Q. No. Would you not normally expect that to be in the
6 log? Is there somewhere else in the log where we can
7 see that?
- 8 A. I would have thought it would be in the log, yes.
- 9 Q. Right. You have no recollection of the family leaving
10 the property?
- 11 A. No.
- 12 Q. Or any of the events around that?
- 13 A. No.
- 14 Q. Is there anyone else that would have been doing the log
15 at that stage?
- 16 A. PC Aitken. If I was there and -- whoever was at the
17 area of the -- where the door where they would be coming
18 out the door towards the road.
- 19 Q. Did you have any involvement at all with the family's
20 arrangements to leave the property?
- 21 A. No.
- 22 Q. No. Do you remember Mr Ahmed, the father, arriving at
23 the property?
- 24 A. No.
- 25 Q. Do you remember if there was any searches carried out in

Transcript of the Sheku Bayoh Inquiry

1 the property?

2 A. No, I don't.

3 Q. You don't remember. I think in -- we won't go to it at

4 the moment but in paragraph 68 of your Inquiry statement

5 you say you don't remember whether you wore any gloves

6 or -- you know, blue gloves as part of your entry there.

7 Can we look at page 10 of the scene entry log, which we

8 have on the screen. It says -- do you see at 1530 your

9 name? This is when you've returned from your comfort

10 break. Do you see in the "protective clothing worn"

11 column, the "N" is scored out and it says "yes", you

12 wore protective clothing. And that would amount to

13 gloves, overshoes, mask, suit or other, if there was

14 any. Nothing specified.

15 A. Yes.

16 Q. So in your Inquiry statement you don't remember wearing

17 blue gloves. It appears from the log, and that is your

18 writing, that you did wear some protective clothing.

19 Can you tell us: did you wear protective clothing?

20 A. No, I ... I think that's a misplaced line on my part,

21 which should have been -- should have gone down the

22 "yes" column as opposed to the "N", "no" column.

23 Q. So that was maybe a mistake on your part?

24 A. Yes.

25 Q. Were you involved at any stage in putting on protective

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- 1 clothing and perhaps going round the house or looking
2 for items or anything of that sort?
- 3 A. Not to my memory, no.
- 4 Q. And thinking now today, do you remember putting on blue
5 gloves?
- 6 A. No.
- 7 Q. If you enter a locus that is secure, presumably you
8 should be wearing protective clothing?
- 9 A. With -- with me turning up and expecting nobody there
10 and there being people in, you're right, I should have
11 worn gloves, but it overtook me to find out who was in
12 as opposed to getting gloves.
- 13 Q. So if we look at the entry above yours, this is at
14 3 o'clock, 1500 hours, it's Adams. I think this is when
15 you went on a comfort break.
- 16 A. Uh-huh.
- 17 Q. The Ns are scored out there as well. Do you think that
18 is another -- perhaps just not quite in alignment?
19 Because above it we see a line right down the middle of
20 the "yes" and "no". That is for Ward, Officer Ward?
- 21 A. Yes.
- 22 Q. But the one on the bottom of that page at 1705 the yes's
23 are scored out. So does that help you when you compare
24 the other entries on that page?
- 25 A. Yes, it's a bit too nonchalant with the pen, it would

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1 appear.

2 Q. We've heard evidence from Mrs Rashid, as I said earlier,
3 that she recalled officers wearing gloves and looking
4 round the rooms upstairs in the property. Was that you?

5 A. Not to my knowledge, no. I have no memory of that.

6 Q. You don't have any memory of that?

7 A. No.

8 Q. Do you remember any officers wearing gloves?

9 A. No.

10 Q. No. Do you remember going upstairs --

11 A. No.

12 Q. -- in the property. And you didn't have any involvement
13 when the occupiers left the property. We've heard
14 evidence from Mrs Rashid that she had left some items
15 and wanted to recover them --

16 A. Right.

17 Q. -- but she wasn't permitted to do that.

18 A. Right.

19 Q. Do you know in your experience as a -- in locus
20 protection what parameters are there in terms of
21 discretion for an officer? If somebody who has occupied
22 a property comes back and says "I forgot an item in the
23 house, can I get it?", what sort of things are factors
24 in whether you allow either them to go back into the
25 property or for you or someone to go in and collect

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1 items?

2 A. If they came to me and asked to get something, then
3 I would consult whoever was crime scene manager or in
4 charge at the locus. I wouldn't -- I would pass the
5 request on to them to make a decision. It's not
6 something that I would decide myself.

7 Q. But you weren't involved in any of that?

8 A. Not to my --

9 Q. -- on the day?

10 A. No.

11 MS GRAHAME: I don't have a lot of further questions. Can
12 you just give me a moment and I will check through.

13 (Pause).

14 I have one or two further questions, but perhaps
15 this would be an appropriate time to ...?

16 LORD BRACADALE: We will stop for lunch and sit again at
17 2 o'clock.

18 (1.01 pm)

19 (The short adjournment)

20 (2.06 pm)

21 LORD BRACADALE: Ms Grahame.

22 MS GRAHAME: Could we go back to your Inquiry statement,
23 Constable Fraser, I don't have a lot of questions but
24 there is a couple of paragraphs at the end of your
25 statement I would like to ask you about.

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1 The first is paragraph 90:

2 "I have been asked if race played any part in my
3 actions or decisions, or if I was aware of race played
4 a part in any of my colleagues' actions or decisions.
5 I don't remember if race was a factor but I can't see
6 how it would be. I would deal with them the same as any
7 other. If it appears that they are not ok with the
8 English language that would be dealt with appropriately,
9 same with disability or medical issues. It would all be
10 dealt with appropriately and~..."

11 If we can move on please:

12 "... respectfully."

13 So appropriately and respectfully:

14 "I say, deal with people the same way you would like
15 to be dealt with yourself."

16 And I think you covered that before lunch.

17 A. Yes.

18 Q. But I would like to ask you some questions about that.

19 If we can go back up so we can see the start of
20 paragraph 90 on the screen, and you were asked if race
21 played a part. I just want to explore that a little bit
22 in relation to what you've told us today. You've talked
23 about seeing two women in cultural clothing.

24 A. Yes.

25 Q. And you've kindly described that clothing to us.

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- 1 A. Yes.
- 2 Q. And what they were wearing in the living room. I think
3 you've said there:
4 "If it appears that they are not ok with the English
5 language ..."
6 A. Yes.
- 7 Q. I want to understand, did you see those ladies in the
8 living room, see the clothing and assume that they would
9 have an issue with the English language?
- 10 A. No.
- 11 Q. Why do you say no?
- 12 A. Because I can't just assume by someone's appearance what
13 they can and can't do or what I can or can't do. There
14 has to be a bit of communication for me to know, and by
15 seeing someone dressed in whatever manner, I can't just
16 assume that they can't speak English or have cultural or
17 religious leanings whereby, yes, my presence was not
18 allowed.
- 19 Q. Okay. Just focusing on the language issue, we've heard
20 evidence and we've talked about this, that Mrs Rashid
21 can speak English and gave her evidence in English.
- 22 A. Right, yes.
- 23 Q. But her mother was not able to speak English or not able
24 to speak English well.
- 25 A. Right.

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1 Q. I am trying to understand how you could have said if it
2 appears they are not okay with the English language.
3 What was it about the way the mother approached you,
4 compared to Mrs Rashid that made you think there was
5 a language barrier?

6 A. To get the impression that English wasn't -- the lady
7 wasn't confident with English it would be a shaking of
8 the hands or no words of English being presented to me.

9 Q. Is that your recollection of how the mother appeared to
10 you on that day?

11 A. Yes.

12 Q. That she was making -- I think the word used at one
13 point was signage or signing?

14 A. Yes, that is my overriding memory of the interaction
15 with the female that was in front of me.

16 Q. What about Mrs Rashid, the lady I have told you gave
17 evidence in English?

18 A. Yes.

19 Q. What about your communication with her?

20 A. I don't remember speaking to any female in the house
21 with the cultural clothing and -- I don't remember
22 speaking to anybody in the house directly actually, in
23 English.

24 Q. What was it about Mrs Rashid, you've talked about the
25 clothing, you've said you didn't communicate with her,

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1 what was it about her that made you think there would be
2 a language barrier with her?

3 A. Is this the lady that wasn't directly in front of me?

4 Q. From your description it would appear to be -- you
5 talked about another lady on the couch with two
6 children.

7 A. Yes. There was no English forthcoming from the room, so
8 it was my assumption, after the first person I directly
9 tried to communicate with, that -- and there was no
10 English from that lady, that nobody else volunteered any
11 English. So my assumption thereafter was that nobody
12 had a good grasp, if you like, or a grasp of English.
13 Or felt confident to speak.

14 Q. Did you think about addressing the lady sitting on the
15 couch directly yourself --

16 A. No.

17 Q. -- to check whether she could speak English?

18 A. No.

19 Q. Looking back now, is that something that maybe you think
20 you should have done?

21 A. I maybe left the property too quickly and didn't try and
22 engage others, but I may have felt that I had
23 overstepped the mark, that I was far from welcome in the
24 house and I didn't want to make matters worse.

25 Q. Right.

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1 A. And that maybe others, ie the CID, would have a better
2 knowledge of what was -- what would be occurring. So in
3 order to placate I certainly felt the right option was
4 to leave, you know.

5 Q. Can you explain to us -- we obviously weren't there --
6 can you explain to us how you had that feeling that you
7 were far from welcome in the house? What was done or
8 what happened that made you feel unwelcome?

9 A. It was purely that there was no English forthcoming, and
10 my assumption was that -- from the lady directly in
11 front of me or anyone else and that it was causing
12 anxiety to the people in the room. So it was just
13 a sense that I felt the best option at the moment was to
14 leave and seek further guidance.

15 Q. So when you were there, what was your impression at that
16 time of the reaction that the presence of the officers
17 was having in the occupants?

18 A. It was causing them distress, yes.

19 Q. Thank you.

20 A. For a reason I didn't -- wasn't aware of at the time.

21 Q. But at that point you left?

22 A. Yes.

23 Q. Did you do anything to try and find out the cause of
24 that distress or to raise with your -- with the officer,
25 the duty sergeant, that there appeared to be some level

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- 1 of distress amongst the occupants?
- 2 A. I don't remember what -- well, there's the radio
3 transmissions, but I don't recall approaching that
4 subject with them. I didn't realise at the time that,
5 yes, it was the fact I was a male person in the house
6 speaking to the females which wasn't acceptable for
7 them.
- 8 Q. Is that now what you think the cause of distress would
9 be?
- 10 A. That is what -- yes, that is my belief just now, yes.
- 11 Q. But nobody at the time said that was the --
- 12 A. No, it was purely the -- one we were police and, two,
13 there was no English.
- 14 Q. Right. Can we look at paragraph 91, please. You say:
15 "I haven't heard or told any racist jokes among
16 police officers. I am not aware of any racist views
17 held by police officers. I'm not aware of any racial
18 discrimination by any police officers."
- 19 A. Yes.
- 20 Q. Is that the current position as well as the position in
21 2015?
- 22 A. Yes.
- 23 Q. How confident are you -- you've told us that you got
24 training in equality and diversity issues in 2009 when
25 you joined the police?

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- 1 A. Yes.
- 2 Q. How confident were you in 2015, when you were at this
3 house, that you would have recognised any sort of racial
4 discrimination?
- 5 A. Oh, I would've -- recognised somebody being racist? Oh
6 yes, I could have recognised that straightaway, yes.
- 7 Q. How confident are you that if someone was telling a joke
8 that was racist or had underlying tones of racism or
9 views that had racism at the heart of those views, how
10 confident are you that you could recognise those?
- 11 A. Yes, I could. Yes, very confident.
- 12 Q. What would you do if you were confronted by someone
13 expressing such views or jokes?
- 14 A. I would challenge it there and then, and then escalate
15 it, report it to my line manager, whoever that would be
16 on the day.
- 17 Q. Right. Have you ever come across a situation where
18 you've had concern about comments or views that were
19 being expressed by any officers?
- 20 A. No, no.
- 21 Q. How confident are you that you would be in a position to
22 recognise any -- we've heard a phrase unconscious bias,
23 that people can have unconscious bias and express views
24 or comments that are rooted in that unconscious bias?
- 25 A. If I got the impression anyone held any sort of racist

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- 1 belief or view, then I would recognise it.
- 2 Q. We've heard evidence from Mrs Rashid and we've talked
3 about her today. I don't know if you have listened to
4 her evidence at all, have you?
- 5 A. I haven't followed any part of this.
- 6 Q. Was that a conscious decision on your part?
- 7 A. Yes.
- 8 Q. So your evidence is not influenced by anything you have
9 heard from Mrs Rashid?
- 10 A. Only what -- how I have come across in the media. Even
11 then I haven't particularly read it or ... yes, looked
12 at it. Headlines, that was probably it.
- 13 Q. All right. When she gave evidence I asked her about
14 a comment in her Inquiry statement, as I have done with
15 you today, and for anyone listening, it relates to
16 paragraph 42 of her statement. She said that:
- 17 "When the officers~..."
- 18 She has been asked about the officers being in the
19 house that day.
- 20 A. Yes.
- 21 Q. She said:
- 22 "... they were uncaring, and I felt almost like we
23 were being treated differently because we were Pakistani
24 and Muslims."
- 25 I asked her about that paragraph in her Inquiry

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1 statement, and she explained in evidence that they were
2 Muslims, she was wearing a hijab, and she said they felt
3 quite vulnerable at the time and she thought if anyone
4 else -- if it had been anyone else in that living room
5 in that house that day they would have been treated
6 differently. I wanted to ask you about that. Whether
7 from your recollection, and you know your involvement
8 that day, were they treated differently because they
9 were Muslims and they were Pakistani?

10 A. No.

11 Q. No. If you'd gone into that house that day and it was
12 a white family sitting there, with a disabled son,
13 a woman with two children and her mother, would you have
14 treated them differently that day?

15 A. No.

16 Q. Looking back now can you think of anything you could
17 have done differently in relation to Mrs Rashid and her
18 family?

19 A. I ... I could have made a greater effort to understand
20 their anxiety or -- as to -- the furthest I went was
21 recognising that English was a problem for me, but
22 I could have possibly gone further on the day to try and
23 establish what the concern was with me being in the
24 house, with hindsight.

25 Q. This may assist the Chair because he will have to look

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1 at things and think how they could have maybe been
2 improved. So thinking back now, can you think of any
3 way that you could have done things differently? Can
4 you help him understand what maybe more could have been
5 done by you?

6 A. What more ... what more I could have done to help
7 the house --

8 Q. You said you could have made a greater effort to
9 understand their anxiety, so what would that greater
10 evident have looked like in a sense?

11 A. Trying to communicate with the others in the room, try
12 and identify if anybody had any English at all, which --
13 I only got as far as the first lady and then retreated.
14 Beyond that -- and that may have brought me to a greater
15 understanding of -- the issue primarily, I assume, is me
16 being a male person. I don't see much beyond that, to
17 be honest. Because my knowledge of why I was there
18 and -- was slim, so I didn't know what was going ahead,
19 I couldn't tell them and, yes, English -- I very much
20 rely on my mouth more than anything to help me.

21 Q. So English you've explained but also if you had been
22 given more information before you arrived would that
23 have helped?

24 A. I could have attempted further to say, yes, it's ...
25 this is what -- it usually helps, well it always helps

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1 when you can tell people what is lying ahead in that
2 what is likely to and what is not likely to happen. It
3 usually makes quite a difference.

4 Q. So giving people more information about why you are
5 there and what is going to happen, does that help --

6 A. Yes.

7 Q. -- deal with people?

8 A. Yes.

9 Q. You weren't in the position to do that on that day
10 though?

11 A. No.

12 MS GRAHAME: Could you give me one moment, please.

13 A. Yes.

14 MS GRAHAME: Thank you very much. I have completed my
15 questions.

16 LORD BRACADALE: Thank you. Any Rule 9 applications?

17 Ms Mitchell? Just Ms Mitchell.

18 Constable, would you withdraw to the room, please,
19 while I hear a submission.

20 (The witness withdrew)

21 Rule 9 Application by MS MITCHELL

22 MS MITCHELL: Thank you, sir. There are three areas that
23 I would like to explore with this witness. The first is
24 his use of the terminology "cultural leanings" or
25 "religious leanings", it is to ascertain what he means

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1 by that term, and whether or not he received any race
2 training on such terms.

3 That is quite a discrete simple point.

4 The second one is my learned friend asked towards
5 the end of the evidence how confident the witness would
6 be to recognise any racism and she put to the witness:

7 "Question: ... we've heard a phrase unconscious
8 bias, that people with can have unconscious bias and
9 express views or comments rooted in their unconscious
10 bias."

11 And the witness has answered:

12 "Answer: If I got the impression anyone held any
13 sort of racist views or beliefs, then I would recognise
14 it."

15 What I would like to explore with this witness is
16 whether or not, first of all, he had training on
17 unconscious bias, whether or not he knows what it is and
18 whether or not he has himself reflected on it. The
19 Inquiry may remember that evidence has been given of
20 witnesses who said they have done I think modules,
21 I can't remember the exact phraseology, but modules of
22 that variety that may have included that, so it's to ask
23 him about that.

24 The third issue is in relation to what he said about
25 the information he obtained from the people within

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1 the house. He said that what was requested was their
2 names, address, their date of birth and their place of
3 birth and it is to explore why that as a particular is
4 necessary. This Inquiry will of course understand that
5 a police officer is entitled to ask for name, address,
6 place of birth and nationality if it so requires to do
7 in circumstances where it believes that either a person
8 has committed an offence and ask them that, or if they
9 believe that people have information pertaining to
10 a particular offence, and it is to ascertain why in
11 these circumstances these people were asked for their
12 place of birth. I appreciate that he was not the person
13 who asked this question, but he was there and present
14 and indicated in his evidence that those questions were
15 being asked, so it's to explore that with him.

16 LORD BRACADALE: Thank you. I shall allow you to ask
17 questions in respect of issue one and issue two. I do
18 not think I would be assisted by further exploration in
19 relation to that last matter with this witness.

20 Can we have the witness back, please.

21 (The witness returned to the stand)

22 Questions from MS MITCHELL

23 LORD BRACADALE: Constable Fraser, you are going to be asked
24 some questions by Ms Mitchell KC who represents the
25 families of Sheku Bayoh.

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1 Ms Mitchell.

2 MS MITCHELL: I'm obliged.

3 Just two particular areas I would like to explore
4 with you, officer. The first one is a phrase you used
5 during the course of your evidence. You used the phrase
6 repeatedly "cultural leanings" and "religious leanings".

7 A. Yes.

8 Q. I would like to explore with you what you meant when you
9 said that phrase.

10 A. The cultural leanings and religious leanings, I used
11 that in reference to the practices followed under
12 a particular culture or religion, purely -- purely
13 vocalised, I couldn't think of the proper word.

14 Q. That might assist me with my next question because what
15 I was going to ask you surrounding that area is when you
16 received race training were you told about such phrases
17 or was such phraseology discussed with you?

18 A. I couldn't -- I couldn't tell you. I don't recall if it
19 was. I would more than likely suggest it is due to my
20 inability to think of the -- a suitable appropriate
21 word, "leanings" at the time was the best that I could
22 come up with. Practices, or beliefs. Yes.

23 Q. So on reflection would it be your evidence that that was
24 probably your phraseology rather than something you had
25 been told?

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1 A. Yes, yes.

2 Q. I also want to continue to ask you some questions about
3 your training. We heard that you got training obviously
4 in 2009?

5 A. Yes.

6 Q. Which, by the time 2015 came along, was certainly not as
7 long as some of the officers -- other officers that have
8 given evidence had been trained. Do you remember much
9 now in the 2020s that we are in, do you remember much
10 now about your race training?

11 A. No. I think equality and diversity and race training
12 was all in the first few weeks of college. But I don't
13 remember any specifics, no.

14 Q. Would you personally consider it helpful if you had
15 refresher courses?

16 A. Yes, yes.

17 Q. I want to ask you specifically about one part of race
18 training, and that is training on unconscious bias. You
19 may remember my learned friend asked you that before.

20 A. Yes.

21 Q. Do you know what unconscious bias is?

22 A. Where people maybe unconsciously express or do specific
23 things without ... without actions they take directly
24 with -- for instance, the person may be racist by their
25 actions but they don't profess to having any racist

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1 views.

2 Q. Have you reflected upon whether or not you may have any
3 unconscious bias?

4 A. Yes. I generally reflect after I have spoken -- after
5 each person I have spoken to as to how I have presented
6 and carried myself, and if I've done -- given the person
7 justice.

8 Q. Have you ever reflected on whether or not you have any
9 biases in relation to race, unconscious that they may
10 be; have you ever reflected upon-that as a possibility?

11 A. No.

12 MS MITCHELL: Thank you.

13 LORD BRACADALE: Thank you. Thank you very much, constable,
14 for coming to give evidence to the Inquiry.

15 A. Thank you, sir.

16 LORD BRACADALE: When I rise you will be free to go. We
17 will adjourn now until tomorrow morning at 10 o'clock.

18 (2.34 pm)

19 (The Inquiry adjourned until 10.00 am on Tuesday,
20 29 August 2023)

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