



The Sheku Bayoh Public Inquiry

Witness Statement

DCI Stuart Houston

**Taken by [REDACTED] by MS Teams
on Friday 26 August, Wednesday 21 September and Tuesday 11 October 2022**

Witness details

1. My full name is Stuart Houston. My date of birth is in 1976. My contact details are known to the Inquiry.
2. I joined the police in 1996. I am now a Chief Superintendent.
3. In May 2015 I was a Detective Chief Inspector (DCI). In May 2015 I was based at Gayfield Police Station in Edinburgh. In 2013 I was based at Kirkcaldy Police Station for a few months as a Detective Inspector in the Major Investigation Team having previously been in the MIT in Lothian and Borders Police Scotland.

Experience

4. My role on 3 May 2015 was Crime Scene Coordinator (CSC).
5. I have been appointed a SIO previously. I've had experience as an SIO since 2011 and ben deployed as a SIO or deputy in excess of 20 death

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investigations, unexplained deaths or homicides and this includes previous investigations in Fife.

6. On 3 May 2015 I was capable of being a SIO but I wasn't appointed on that day and it was Pat Campbell who was a Detective Superintendent. There should only be one SIO in an investigation.
7. You can however appoint a deputy SIO but I did not undertake that role on the day either. I would say I was neither. It was unusual because you had Pat Campbell as SIO, and also PIRC at the time who were involved in management and decision making in the investigation.
8. I don't know how many investigations I had been appointed for as an SIO. Prior to that I'd been in CID as a detective for quite a long time.
9. I have experience as a Family Liaison Officer (FLO) in death investigations. I have performed the role of FLO on a number of investigations in excess of 20.
10. I have been involved in a death in custody. A person was released from custody and then took their own life. I was a DI at the time. I assisted in interviewing police officers.
11. I was involved in one death following police contact and one serious injury to a person following police contact after May 2015. My role for both was as the on call DCI and both incidents were assessed and passed to PIRC. In the first incident, a police officer had been to the door of the deceased's house. Death following police contact doesn't always mean physically, it can mean just seeing the person. The second incident was when a subject had a significant injury following contact with the police.

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12. Race was not a factor that was mentioned or investigated in any of these incidents

13. I have been involved in cases investigating police officers in my career. I would say these were all after May 2015. I would say four cases, maybe. These were all off duty incidents. There was no race element in any of those cases.

Training

14. There is no specific training for a Crime Scene Coordinator but I would expect those who have undertaken a SIO course and have relevant experience could undertake such a role. The training requirement for SIO is the Senior Investigating Officer course. I completed this as a DI in 22 October 2012 to 2 November 2012. First you have to have done the officer training through initial or advanced detective course but the most important one is the Senior Investigating Officers course which I had undertaken.

15. As a Detective Sergeant (DS) I worked in Detective Training Unit at the Scottish Police College from 2008 to 2010.

16. I am not trained specifically in forensics, but you need to know the capabilities of others to deploy them but do not need to have the specific skills yourself.

17. I did CPD events prior to May 2015, for example a crime scene management seminar March 2013 and SIO development in homicide investigations on 25 September 2013. That's what was relevant to my role on 3 May 2015.

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Training responsibility

18. In MIT part of your role was to ensure you were kept up to date through your line manager. Line managers do have a responsibility for that. I had a line manager – the Detective Superintendent (DSU) was my line manager. I was responsible for other officers. It depends on the role for who you were responsible for. As a DCI you were looking at all DSs and DIs to make sure appropriate training was in place.

19. I'd speak to my officers about training during appraisals or in one on one chats. It was part of ensuring you had a sufficient cadre of specialist people to perform specialist roles. It's about managing cadres. For example the cadres can be FLOs, interview advisers or crime scene managers. You don't want to double-hat people so they overlap. It's about personal development, the most important thing here, but also making sure you have sufficient skills for when you're looking to use them.

20. A cadre within Police Scotland are officers who could be called upon for a specific role. For example crime scene managers, interview advisors or SIOs. Cadres have had training in a particular role and are able to be deployed where needed. They would be listed and could be based anywhere in Scotland.

21. Each cadre within Police Scotland had a person in charge of management of those cadres, and that would include reading SOPs. I would expect they would read SOPs. People managing those cadres would be distributing these to them to keep them up to date with developments. That includes CPD events. I think the SOPs were held on the intranet. The cadre managers would put out updates on new developments, changes in forensic techniques, updates and new case law. I was involved in that myself.

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22. All officers would know what SOPs would be referring to their role. I would expect Inspectors and Sergeants to read the SOPs that were part of their role, particularly the ones that were part of their specialism.
23. I have been asked if this included training for equalities and diversity issues. I wouldn't be sure because I wouldn't always have access to that material. I don't think I could answer that.
24. At the very start of my career, in 1996 in my Scope training record, I had equal opportunities training.
25. The FLO course I completed in 2004 had inputs on Equality and Diversity.
26. Whilst serving in Lothian and Borders Police in 2001 I undertook as did all staff and officers a three day Equality and Diversity course.
27. Throughout my time as a FLO, there were seminars virtually every year at the FLO conference up to the last one I attended in 2012. Quite often these covered parts of equalities and diversity.
28. At Lothian and Borders police in 2012 I did a critical incident management awareness session which covered equality and diversity. 2014 I attended an equalities and diversity values and ethics briefing.
29. There are other courses on my Scope record where the clue might not be in the title.
30. I can't recall fully, but the training I mentioned in equalities and diversity, I would ensure that if there was mandatory training set by the organisation I would make sure my officers go and take it. I think it was mandatory training for all Police Scotland. I highlighted the FLO because significant training was done because of diversity in FLO from cases across the UK.

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31. Learning from across the UK could be equalities and diversity, or it could be scientific advancement. It was learning from other cases. The best form of training was from other circumstances.

32. Over the years there have been a number of inputs, whether domestic murders and misogynistic behaviours that have led to murder. There have been cases that have involved hate crimes. I've heard various cases over the years, more from family liaison, where they have interactions with different religious groups. It could be high profile cases that happen across the country. I've spoken at these FLO conferences. We shared learning and aspects dealing with the community. Equality and diversity issues would be part of that.

33. I've heard an input on the Stephen Lawrence case. It was one of the FLO Conferences. It was the SIO in the case, [REDACTED], who wrote a book on it. I can't remember the year of the conference. That was at the Scottish Police College. I remember a bit about the engagement with the Lawrence family, regarding that. I can't remember specifics.

34. I remember the forensic examination that was revisited and reviewed and how they did that, and how that was used in the ultimate conviction in that case. There's nothing more specific I could recall. The training was regarding the examination of items that could be revisited with advances in technology. The lesson was to think about whether you have cases that can be reviewed with modern advances, for example DNA was quite ground breaking. The lesson was on opportunities to explore new techniques to review old cases.

35. In appraisals I would make sure my officers were undertaking mandatory equalities and diversity training as part of their training requirements. If there was a course that was mandatory then you would make sure people are doing it.

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Previous statements

- 36. A retired police officer from PIRC, maybe John Ferguson, spoke to me on 5 May 2015 about the Forensic Strategy Document (PS01298). They didn't ask me to read over and sign the document.

- 37. I have read my previous operational statement dated 6 May 2015 (PIRC-00165). I do remember preparing it when I read it in advance of giving this statement. That's now the older version of the statement form. I produced a true and accurate account to the best of my recollection at that time.

- 38. I was at Corstorphine Police Station, I was based in Edinburgh at the time. I think I was requested to prepare a statement by the PIRC. Either that or if you're involved in an investigation you would prepare a statement as part of normal practice. If PIRC hadn't been involved, someone would've been investigating, and I would give a statement in any case.

- 39. I spent time in Major Investigations, I was used to preparing statements on a regular basis. A Holmes investigation would create an action to complete the statement.

- 40. I have read my previous statement to PIRC dated 21 September 2015 (PIRC-00166). I've no reason to doubt the time on the statement. I remember it was at Livingston Police Station. I remember the interview. I told the PIRC the truth in the interview. I can't remember if I read over or signed the statement. I've been shown a handwritten copy of the PIRC statement and I see I've signed the bottom page of all but the first page.

- 41. I have been asked, in the event that there is a discrepancy between my recollection now and my previous statements, which version should be preferred. It's a difficult question. Not to minimise my involvement but it was all factual. As far as I'm concerned the majority of my involvement was on 3

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May. I'd be surprised if anything was different than now. If there's any discrepancy I'd want to look at why there would be.

Notebook and daybook

42. I have read my notebook entries for 3, 4 and 5 May 2015 (PS03526). These are the old books. I can't remember when they changed. We've moved onto a different style of notebooks. That looks like a more modern notebook. A lot of them are now electronic ones.

43. I wrote:-

*“Sunday 3rd May 2015
0630 Parade Gayfield Police Station
DCI E DIV CID – On call
03/05/15
1200 Parade Kirkcaldy Police Station
Death of male after police contact
Directed by DCS Boal + DSU Campbell
0030 Off duty*

*Monday 4th May 2015
0700 Parade Livingston Police Station
DCI E DIV –
Attend at Kirkcaldy for
handover meeting to MIT and PIRC
1800 off duty”*

44. The notes are that I was the on call DCI at Edinburgh Division on 3 May. I added extra notes for 3 May because I was away from my normal office. I'm an Edinburgh officer. I was asked by DSU Campbell to attend at Kirkcaldy.

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On 4 May I was at Livingston office. I'm accounting for the days when I wasn't in my normal role.

- 45. I keep a daybook that records more details, if I'm running an investigation or other CID work (PS03527 pages 1, 2; PS03528 pages 3, 4; PS03529 pages 5, 6; PS03530 pages 7, 8; PS03531 pages 9, 10; PS03532 page 11). A daybook is for notes and details of an incident. I can't speak for anybody else but it's normal practice for me to use a big book where it's easy to reference stuff and go back to. A smaller notebook is for times, dates, and for officers who are conducting arrests or noting statements. They note the time in their official police notebook. For any other notes to aid your work in investigation or whatever else, the daybook.

- 46. It's required that I retain my daybooks. I file them in an archive system and I date them. I fill out a sheet with when I used them and completed them. It was easy to recover them for this Inquiry.

Media

- 47. I have not been following the Inquiry so far. I didn't watch any of it. I went in and saw what it was about. Other than that, I saw some of the news reporting. I've not really followed it. I saw a couple of articles on the BBC when different officers had given their evidence to the hearing. I definitely saw Zahid Saeed giving his evidence. I didn't watch his evidence but I saw the bit they showed on the news.

- 48. I probably was aware of the news at the time in 2015. In May 2015 I was in Edinburgh and I went back to my normal role. I was aware there was stuff on the news. I didn't follow it closely. I was aware of the attention of the family over the years. I was aware that that was in there, but to be fair, because I wasn't heavily involved in the day after, I didn't really pay a great deal of attention.

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Role on 3 May 2015

- 49. On 3 May 2015 I was DCI for CID of the Edinburgh Division of Police Scotland. I was contacted by Pat Campbell who was the on call Superintendent covering East. I gave an update to him for E Division.

- 50. Later I was contacted by him about a death following police contact. This was at 10:50am. I was called to go and assist Pat Campbell. He explained to me there was a number of different locations and to see if I could coordinate what was required at each area and assign Crime Scene Managers (CSMs). I was to be a Crime Scene Coordinator. I would say this is the role of a senior Detective officer. I think it was given that title at the time. It has been used in the past for when there are multiple scenes. The role is not necessarily about the crime scenes, it's more of being a leader in the police and making sure you can deploy the appropriate people for different places.

- 51. CSMs are normally detective officers who perform a role ensuring that any scene and incident is appropriately protected and examined for forensics. All forensic opportunities are explored. On 3 May 2015 there were 4 or 5 different locations that required that kind of intrusive management. We have to make sure we were not overlapped because resources are limited.

- 52. I have been told DC Brian O'Neill in his statement (PIRC-00129 at page 5) refers to me as "*SIO DCI HOUSTON*" and states (page 6): "*The SIO and Mr SINCLAIR from the PIRC were updated at each progressive stage of the crime scene management of the locus.*"

- 53. I wasn't the SIO. I was a DCI but not the SIO. The SIO was Pat Campbell. Brian might think I was the SIO because usually it would be a DCI who takes the role of SIO. He would know I had previously been the SIO when I was with MIT. But I can't answer for him.

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- 54. It would be more likely to be me for him to update. I briefed the likes of Brian and O’Grady to do certain tasks. If I was deploying them then I would expect them to report back to me. I would ask them to keep me updated.

Police Scotland senior management

- 55. I don’t think I arrived at Kirkcaldy until after midday. DSU Pat Campbell and DCS Lesley Boal were present at Kirkcaldy. The person I first spoke to and got an understanding from was Pat Campbell.
- 56. I have been asked if there would normally be one person who is in overall command of an investigation. It’s a difficult question. It would be unfair to say it was solely Pat Campbell or Lesley Boal who was in charge of the investigation. There is a chain of command. In this case the Detective Superintendent, Pat Campbell, was on call and went to oversee. That’s normal, to raise things as required and ensure all possible investigation is being conducted. Lesley Boal was the on-call Detective Chief Superintendent – she’s Pat Campbell’s oversight line manager for the purposes of the on-call. Lesley Boal had oversight of the investigation. Later on in the morning they became part of the decision making process. I now perform the role that Lesley Boal was doing.
- 57. I’ve not heard of the role of Deputy Post Incident Manager. I would’ve thought there would be assistants. I know PI Jane Combe, she worked at P Division. I didn’t really know her until I had interactions with her that day. My understanding was her role was assisting Conrad Trickett. I’m not sure what her role was. I asked her later on to seize clothing from female officers.

PIRC’s role

- 58. My understanding was that the PIRC were there to be involved in the investigation of what had taken place in the fact that we had a death following

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police contact. I would say their role was to take over that investigation but there was a handover while Police Scotland were involved.

- 59. In the initial stages, the forensic recovery of scenes, people, clothing, is time critical. It was a joint approach between PIRC and Police Scotland to ensure that was done methodically and correctly. My understanding is that this was short lived and it would be a PIRC investigation thereafter. That was my understanding at the time.

- 60. Today their role is still to take on such investigations. It was always my opinion that they were going to take it on. They're not limited to death following police contact.

- 61. I have been told DC Brian O'Neill states (PIRC-00129 at page 1): *"Upon attending at Kirkcaldy Police station I was met with Detective Chief Inspector Stuart HOUSTON. At this time DCI HOUSTON briefed me on the circumstances surrounding the death of Sheku Ahmed Tejan BAYOH. I was further informed that due to police involvement at the time of BAYOH's death a joint investigation had been instigated with the Police Independent Review Commissioner (PIRC) consuming overall command."*

- 62. I wasn't there at 8:45am. It was much later that I spoke to Brian O'Neill. I spoke to Pat Campbell at 10:50am. It depends what time he got there. I remember speaking to all CSMs at one stage. I don't think I was there until after 12:00.

- 63. For my part, I believed PIRC would be undertaking this investigation, that initial part obtaining the initial circumstances, because it was time critical. I don't fall out with that account. They would "assume", not "consume" command, so they would take over. That initial part of capture and control would be jointly done.

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- 64. I wasn't given a specific time that PIRC would take over. My understanding was that it would be jointly carried out. Forensic strategy was done jointly with PIRC. I wasn't aware when the recovery of the scenes was going to be, but I wouldn't have to be aware. A particular part was to look at the different loci and what we were going to do with them. That was important. I knew what their involvement was. I was well aware that they would take over. Timescales when they were taking over were not my concern. My concerns were outside scenes. My priority was to look at what was secured.

- 65. My role was dealing with an unexplained death. At the end of the day criminality on the part of the police officers was a possibility. In any death you look at all circumstances. There was police contact so of course you have to think about criminality. It was our role to secure evidence from the scenes. We needed to speak to people who were there when he lost his life. As a CSM you have to examine crime scenes.

- 66. At that time, racism was not something that came to my thinking or was brought to my attention by anyone. There was loci to recover. But I needed to keep an open mind, particularly in forensic recovery.

- 67. I have been referred to my operational statement (PIRC-00165) at page 2:
"About 1215 hours, same date I arrived at Kirkcaldy Police Station and was later briefed by Detective Superintendent Campbell and the witness Detective Chief Superintendent Lesley Boal."

- 68. The briefing I noted in my daybook (PS03527 pages 1, 2). These are the pertinent points. The main focus in my role was the main loci that needed to be secured and recovered. The briefing was at Kirkcaldy Police Station. It would be in one of the rooms. Looking back from my book it would be about 12:30 onwards to find out what happened.

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69. I know later on I had a conversation with SPA Forensic Services. It was the back of 1 I believe. I have 13:25 noted in my book. I spoke with Mark Heron who was forensic recovery manger from SPA Forensics.

Incident at Hayfield Road

70. I don't think I knew who was in charge of the incident. I understand there was a Sergeant there. I don't know about the involvement of the ACR, the ARV or the dog unit. It was not part of my role.

71. I wasn't involved in incident scene protocols being implemented. That's not terminology I would use. I would say securing the scene. I was told when I arrived that the scene had been secured. I don't know exactly when.

Management of response officers

72. I'd worked at Kirkcaldy but I didn't know any of the response officers involved in the incident.

73. I didn't directly speak to them. But I was there when Conrad Trickett spoke to them about seizing their clothing and equipment.

74. I mentioned this in my statement to PIRC (PIRC-00166) at page 2: *"I was also made aware that the officers who had engaged with the deceased required to have their outer clothing, footwear and all equipment and utility belts seized. As part of the strategy I agreed with the Post Incident Manager (PIM) witness Chief Inspector Conrad Trickett that I would have this conducted under sterile conditions by two officers in an agreed manner."*

75. I was also present when Conrad Trickett made the officers aware of this. It was fleeting. It wasn't my role to engage with them in any conversation. He didn't have any issues with me taking their clothing. I think they were in the

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canteen at Kirkcaldy Police Station. There was a snooker table, there was a counter area and a small room with a TV. I don't remember any conversations about them. I don't recall anybody else.

- 76. I know who PC Amanda Givan is. She was the Federation representative. She was in the building but I'm not sure if she was in that room or not.

- 77. I wasn't aware of any measures to avoid conferral. I don't know why the officers were placed in the canteen. I don't know who decided to put them there. I wasn't aware of any discussions to separate the officers. I wasn't aware of any measures to restrict the officers' use of mobile phones.

- 78. I have been asked if I was aware of a decision to implement a firearms post incident procedures SOP and adapt it to the current situation. I wasn't aware of this decision. Unless that was something between Pat Campbell and Conrad Trickett.

- 79. The seizure of equipment might be from this SOP but I covered that in a forensic document I later produced. I don't know any other SOP. There is an SOP with enhanced post incident management. I think that's something I would seek clarity on. In relation to seizure of clothing from someone who subsequently died, the process would be the same, seize clothing. I'm not aware of an SOP being adapted and using the procedure in any other incident I've been involved in.

- 80. I'm not aware of any faulty CCTV at the back Kirkcaldy Police Station. I only worked there in 2013 and was there from March 2013 to round about November 2013. It would be the responsibility of the officer in charge of the station.

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Force Medical Examiner

- 81. I was aware of the FME. I wrote in the Forensic Strategy Document (PS01298) at page 5: *“In line with the post incident procedure all officers will be spoken to by a Forensic Physician, with any injuries noted and photographed if agreed by the officer.”*

- 82. I didn't know who Dr Gillian Norrie was. The involvement of the Forensic Physician was being dealt with as part of the PIM so I didn't have involvement with that. She was spoken to by Conrad Trickett, I believe. I've not seen her evidence to the Inquiry.

- 83. If someone's been assaulted it would be normal to record evidence of the assault, record issues and photograph appropriately, if they consent. You'd need a forensic physician to give an opinion.

- 84. I have been asked to comment on Dr Norrie's evidence to the Inquiry at the hearing on 9 June 2022 and have been told that she said she hadn't previously been asked to examine police officers in her FME capacity, that it was very unusual and that she wasn't sure it was something she should be doing so she first checked with her boss who agreed that it was quite unusual but that she should go along and do it.

- 85. I have instructed FME to look at officers' injuries and report on them. When I did it previous it was not in Fife. If an officer has been assaulted in an incident and someone has lost their life, you'd want their injuries recorded and examined and photographed. SPA Forensics would photograph the injuries. For an opinion on an injury you can't ask a photographer. You can have the photographs shown to a doctor at a later date.

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Recovery of police equipment

86. In order that we could have sterile recovery of each officer's equipment, I asked a CSM, I think Alan Monteith, along with a colleague, who went to an office that was available. They covered the table in brown paper which was changed after every officer. They put the items in production bags and labelled it. All productions were seized and catalogued. The male police officers were dealt with by males, the females were two females, Inspector Jane Combe and DC Jennifer McAulay.
87. I don't know what time it was carried out but I'm aware it was ongoing. There was a slight delay in arranging the room and finding CSMs to do it. I can't recall it being a significant delay. In my daybook at 15:30 (PS03529 pages 5, 6) I briefed the 4 officers. There was a strategy meeting at 16:45 where quite a lot of these actions came out of. At 19:40 I got an update.
88. I have been told PI Jane Combe states (PIRC-00190 at page 2) that I contacted her at about 4pm to obtain the uniform and personal safety equipment from the female officers. I'll take her word for that.
89. I have been told DC David Bellingham states (PS00935) he and DC Alan Monteith were given a briefing at about 3pm in room 2.2.4 at Kirkcaldy Police Office in relation to retention of clothing, CS or PAVA Spray and other items of officer safety equipment. I have been told DC Monteith provides the same time for the meeting (PIRC-00061 at page 3). I'm not disagreeing with that.
90. I was told to recover the equipment round about the same time. It's about 3pm in my daybook (PS03529 pages 5, 6).
91. I have been told DSU Pat Campbell states (PIRC-00213 at page 3): "*I went on to explain to the officers that I would attempt to recover the clothing as*

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quickly as possible to allow them to go home. I also told them that the recovery of clothing would be done under controlled sterile conditions done individually. This is normal protocol. I then asked whether any of them had any questions, however this was met with silence. This action itself was directed at Detective Chief Inspector Houston. There was a Gold Group meeting at 1130 hours that morning, which I attended, however I believe I slightly late due to speaking with the officers involved.”

92. I wasn't there at that time because I arrived after 12. I wasn't in the room with Pat Campbell. I was there with Conrad Trickett later. I wasn't there when that was spoken about.

93. I have been shown the PIM Log (PS00387). I have never been a PIM so I've never completed one. I've seen a blank one before. I don't know who kept the log. I would expect a Post Incident Manager to keep a PIM log but I've not been trained in it.

94. I have been referred to the PIM log at pages 14 and 15: *“1400. Discussion with DCI re: taking clothing. DO's in white suits. Cover table brown bag. Lay out clothing. Take record of it. Labels. Name. Need all wearing out clothing.... 1530 Discuss length of time of recovery clothing with D Supt Campbell – stated he would speak with DCI Stuart Houston.”*

95. DO's is detective officers. The point at 1400 was maybe when we went in to say we were going to do it. I can't recall a conversation with Pat Campbell. You can interpret that line about "length of time of recovery" in a lot of ways. I can't recall a length of time but I do recall it was in progress at that stage. I can't draw anything from the line about the length of time of recovery. Is it the length of time the recovery is taking or the length of time spent with each officers? I don't know why he would speak to me about time spent with each officer.

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96. I have been asked if I recall a delay caused by not finding female officers to seize the female officers' clothing. Maybe that was the reason but I can't recall.
97. I'm not aware of any issues with officers' clothing. In an ideal world the equipment would be seized as soon as possible. There could be potential for material that may no longer be there. It was those officers' personal equipment and you'd expect any forensic recovery to still be on it. That may depend on the exposure to weather or conditions. I have been asked if it's unusual that they didn't have their equipment seized when they returned to Kirkcaldy Police Station. I wouldn't know why it wasn't seized in the morning. I was there to prepare a forensic process. A forensic scientist would have to answer what could be lost or what the risks would be in not seizing the equipment in the morning.
98. The Forensic Strategy Document (PS01298) details the recovery of CS Spray and PAVA spray. This is at page 5 of 7 of the document and page 6 of the pdf. My involvement was asking the officers to seize this. The instructions would've been given when I briefed the officers who were going to give that.
99. I don't know when I wrote the strategy. It was at some point that day. In my daybook (PS03529 pages 5, 6) I've written: "*1530... Briefed officers to seize clothing and police equipment from officers – DC Alan Montheith + DC David Bellingham*". Below that I've written "*Inspector Jane Combe + DC Jennifer McAulay*", they were dealing with the female officers. That's as per my instructions from the Forensic Strategy Document.
100. There were no discussions about CS and PAVA spray records that I can recall. I'm aware that officers, when the spray is issued to them, have to keep records. It's not something I've personally had to do. I'm aware there is a record system that's kept but I've not been involved in that. I know there is a process for the auditing of the officers' CS and PAVA. I don't see the records

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in the Forensic Strategy Document and it's not something I recall. I know the systems are audited on occasion. The records were not part of my role in recovering the equipment at this stage in the investigation.

Amanda Givan's evidence

101. I think I did see Amanda Givan but I only recall Conrad Trickett being in the canteen when I was there. I knew she was the Federation rep but I had no reasons to engage with her. I understand from recollection she was in the building. I may have said hello on the way past but I've not had any engagement with her.

102. The only thing I'd seen from the Inquiry evidence was when Alan Paton had mentioned my name, I've not looked at anything further. I wasn't aware that Amanda Givan gave evidence. I wasn't aware she's still in the police, she's maybe retired.

103. I have been referred to PC Amanda Givan's evidence to the Inquiry at the hearing on 14 June 2022: *"Yes -- well, when I say there was no one -- there was no one in control of the canteen area, which I would have expected if you had brought a number of police officers back to sit together, I would have expected someone to be there, even just to check on their welfare and make sure they were okay, but yes, Pat Campbell, the superintendent as he was at the time, said that he was -- he was the investigating officer... It was all a bit chaotic and I just generally got the impression that I was in the way and I absolutely didn't want to be slowing anything down or hampering their investigation, so I -- but I left my business card, I told them that my intention was to go back downstairs and make sure the cops were okay... I suppose telling him that I was going down to look after them, or to remain with them, I was hoping that he would send along someone from Police Scotland that would do that job. It's absolutely their responsibility, so I was hoping that that would be the case.*

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104. I don't know if she's saying that the handling of the cops were chaotic or the police station was chaotic. If she spoke to Pat Campbell that's a matter for Pat Campbell, it's not really a matter for me. My understanding is that there was a process in place, Conrad Trickett was in place. It's a matter for him to comment on, not me. I was there to do specific things, recovery of items, I don't know who was present with them. I don't think it's fair for me to comment because I don't know who was there.

105. I would expect a line manager to be there in the canteen to look after the officers' welfare. If I was the senior officer I would expect a Sergeant or the Inspector to be there from a welfare point of view. You have a duty of care over what happened to someone. You might want someone to be present with them. I can't say what happened on that day.

106. On my side often you'll have a vehicle collision involving a police vehicle; I'd want the line manager to go to the hospital to make sure the officer is ok. If something traumatic happened then I'd want someone to be thinking about their welfare.

107. The involvement of the Federation would vary. If an officer is assaulted then we might involve the Federation. But that is with the officer's consent.

Completion of paperwork

108. I'm aware of an instruction put out prior to this incident, maybe from the Deputy Chief Constable (DCC) at the time, regarding the right for officers to give operational statements. There is a process where an officer could give an operational statement. This may be seen as a criminal or a misconduct matter. I can't recall any time when an on-duty police officer refused to give a statement.

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109. An officer being interviewed under caution is very different. I wasn't aware of this happening here. If you're interviewing someone under caution you're not obliged to say anything. It is a huge difference.

110. At stage 1 no suspicion falls on anyone. A police officer can say they don't want to give a statement. They have a duty as part of an investigation is that they are obliged to give a statement.

111. What you can have is a grey area when they've been involved. If suspicion falls on a member of the public we don't go and note a statement from them. The question of when you give a statement and when you don't, it's a grey area. Quite often you take statements in murder investigations and there's no suspicion on anyone. When suspicion falls on someone they have a right to be represented. In Cadder v HMA we now have legal representation in interviews.

112. When a police officer is involved in an incident they have a duty to give a statement. When suspicion falls on a person they don't have to give a statement.

113. It is not necessarily an issue if a person who gave a statement later becomes an accused person. For example if you probe the account and reasonable suspicion falls on an person. I was involved in a case which there is case law about, the case against [REDACTED]. This is the essence of engaging with a person and when suspicion has crystallised against an individual.

114. Stage 1 is where suspicion doesn't fall upon a person and we can cast a wide net. You have the right to ask questions, whether they answer them or not it doesn't matter. At stage 1 there is no suspects. No matter the circumstances there are no suspects. For reasonable suspicion you must think that a crime has been committed.

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115. I was aware that the officers involved in the incident with Sheku Bayoh weren't giving statements. These officers were given advice: nobody needs to give a statement.

116. I had no involvement in discussion surrounding the officers completing Use of Force forms, statements or notebooks.

117. There will be a force procedure or a SOP governing completing use of force paperwork. That would be a matter for line managers to deal with. As a detective I've not had a lot of involvement. I've seen the use of force SOPs and endorsed them in the past. I'm aware line managers have a responsibility to ensure completion of use of force forms and it's over to them. The line manager would depend on the rank; if it's a constable then to sergeant, sergeant to inspector. It certainly wouldn't come to me in my rank at the time and certainly not now.

118. I think Police Scotland gives advice to officers regarding this process. I think there's a part on the form about requirements to complete them. I think part of them goes on Scope now. I assume it will be time, date, locus, a pro forma.

119. Use of Force and deployment of spray all needs to be recorded and there would be advice regarding this. Line managers would be responsible to make sure that was done. In 26 years in the police I've not used a Use of Force form.

120. I believe that officers must complete notebooks at the end of a tour of duty. Use of Force forms must be provided soon after the incident. I don't know the exact time. I would expect it to be as soon as possible after the incident.

121. I'm not aware of any practice where a more senior officer would complete notebooks or Use of Force forms on behalf of the officers.

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122. I would include officers who have been injured on duty and unable to complete forms because I think it would fall into the same bracket. Normally if an officer sustains an injury in the course of their work they must complete a form to document this. These are completed and could be completed at the same time as Use of Force form.

Status of suspect and witness

123. There are only two categories in an investigation, suspect or witness. You're either a witness or a suspect. If a person is a suspect, then somebody somewhere has declared that. There is a process where you might arrest them or speak to them at the station. If you're a witness you'll go and note a statement from them.

124. In these circumstances I don't know what was said to them in relation to that. In a normal investigation you would be pretty clear. If you're saying someone's a suspect you'd have to treat them differently if you wanted to use something as admissible.

125. I can't think of any specifics where the status has been given in writing. I can't think how you would do this.

126. I had no involvement in deciding if the officers were suspects or witnesses.

127. I'm not aware of what the SPF role would be in this.

Memoranda on statements from subject officers

128. I recall seeing a force memo on statements from on duty police officers prior to May 2015. On the intranet we have now, you're able to search for them. The system at the time did have a search facility. If you were looking for

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something you could find it easily. It was Neil Richardson who was the DCC. I can't remember when I last saw it. If I needed it I would've gone and looked it up.

129. I have been referred to two memoranda dated 26 March 2015 (PS10953; PS10954). I would've seen these back in March 2015 and I should've be aware of them. I was aware at the time. I would've known it was there so I could go back to it. It was available on the intranet as well as all force memos.

130. It would probably have been circulated on the intranet as a news item to say it had been updated or released. This is what happened to most of them. Sometimes they would come from line managers but this one I can't remember. As a DCI for Edinburgh, it's not something I was using. As an officer you've got to keep yourself up to date on any changes in process. There may be duties on line managers if there are significant changes in legislation. I would think most force memos would be put out and brought to the attention of divisional commanders.

131. There may be occasions where you note a statement from an officer in an interview. Depending on the seriousness of the situation. I've asked for statements to be taken from officers on murders that may be relevant when they touched something or put on a light. It's to take a specific statement.

132. I have been referred to the memoranda of DCC Neil Richardson (PS10953) at page 1: *"Direction has been provided to PSD from the Crown Office and Procurator Fiscal Service (COPFS) to the effect that the practice of obtaining statements from officers' subject to 'on duty' criminal complaints must cease with immediate effect... Should a statement be required from a subject officer for on duty criminal complaints, this must be done under SARF (Solicitor Access Recording Form) conditions after consultation with a PSD Chief Inspector."*

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133. I have been referred to the memorandum from Ch Supt Eleanor Mitchell (PS10954) at page 1: *“One such area, which raised significant debate, was the obtaining of operational statements from on-duty Subject Officers with the status ‘under investigation for a criminal allegation’. This status can only be reached either through assertion of criminality by a complainer or based on evidence gathered and always concludes with a submission in report format to the Criminal Allegations Against the Police Department (CAAPD). ”*

134. In terms of reasonable suspicion, they both sound like the same thing. Being under investigation for a criminal allegation is the same as being under suspicion that a crime has occurred. The main issue is: has a crime been committed?

135. It is further stated on page 1: *“The decision in simplistic terms is the gathering of evidence, and in turn the aforementioned operational statements to the point of submission to CAAPD can be considered no different than gathering a statement from any suspect in a criminal investigation; and this facet is an operational matter for Police Scotland.”*

136. I take that to mean that if someone takes a statement in the initial part that they are a suspect, that statement can still be sent on to CAAPD. My take is that at the ingathering stage, an operational statement has been submitted before suspicion has fallen upon someone.

137. The term “Enquiry Officer” for a complaint could be the person who was dealing with the initial complaint against the police. It could be a group of officers. The term is used when there is a complaint against the police and someone is allocate to investigate it. PSD would be the people to speak to more than me.

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Liaison with family and friends

138. I was not involved in delivering the death message. I'm not aware of any delay in delivering the death message. I don't know who produced any of the death messages.

139. I'd previously been a FLO and also a FLO Coordinator many years ago.

140. On 3 May 2015 I think I was asked to make contact with a Family Liaison Coordinator but in the end they weren't required. It was PIRC officers who were appointed. In my daybook I wrote "1230 [REDACTED] – FLO" (PS03527 pages 1, 2). I was asked to make contact and see if officers were available. I had no further involvement and that went to PIRC. [REDACTED] was from another division who was a FLO Coordinator at that point in another area of Scotland.

141. I think it must've been Pat Campbell who asked me. I've not written that down in my daybook. Nobody else would ask me. 1230 is written beside it so that must've been when he asked. I've had no further involvement about FLOs.

142. I've not written down which family it was for. It was to identify two FLOs. My understanding now is that those FLOs were never deployed. I don't know the reason for that. I was so heavily involved in other stuff and getting the Forensic Strategy Document in place that it was dealt with by somebody else in the end.

143. Speaking generically, depending on circumstances, my own experience has been that any contact with a family is important. It all depends on the circumstances for how challenging that can be for officers or anybody else. It's hard to put a finger on this. I have experienced difficulties in the past. As a FLO and a previous SIO in murders, it is a very demanding role because they're required to be that conduit to the family is some of the most horrible times a person can ever experience. It is a very challenging job.

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144. I wasn't involvement in media engagement. I'm not sure who that was. I don't recall anybody from corporate communications or media services. I had a specific role and I wouldn't expect to me involved with the media. In this incident it would a local commander. It didn't cross my mind that it would be part of my role.

145. I have been referred to the PIM log at page 16: "1930. Press release handed over by Press Officer – [REDACTED]. Shown to Scott Maxwell, James McDonough. Fed Rep."

146. If there was a Gold Meeting they probably attended that. The Press Officer Kate would probably be from corporate but I don't know who that is. The Gold Meeting would say who it is.

Media engagement

147. I don't think I saw anything in the media on 3 May 2015 about this case. I don't recall anything. I can't recall the media report of an officer being stabbed with a knife so I don't know where that came from.

148. I was involved in media engagement in my role as DCI. It was part of my role to do media releases. Media, outcomes of court cases. Not in this case though.

149. There was training on detective training courses at various stages. The benefit of having a corporate comms department is that guidance and advice you would have before you go out to deliver a briefing. Subsequent to this event, on a number of occasions where I've had media sitting beside me or very close to me when I'm doing something for advice.

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Gold group meeting 3 May 2015 at 14:40

150. I have read the Gold group meeting minutes for 3 May 2015 at 14:40 ([REDACTED] PS07268). I don't know who produced the minutes.

151. Looking at my book I was at that meeting. I have written the 5 locations in my daybook (PS03528 pages 3, 4). The meeting was in the big hall at Kirkcaldy which is now the courtroom. I wasn't in the Gold group, but it was a briefing for myself. I'm not sure who was Gold but my take from the list it would be ACC Ruairaidh Nicolson.

152. The command structure is Gold, Silver and Bronze. Gold commander, Silver who is Deputy and Bronzes would be the investigation, local, MIT, media etc. If you want to be formal in that structure, the investigation process is an update from Bronze, if you want to be formal. All major events would operate in this system.

153. The highest ranking officer is ACC Nicolson. There's only ever one Gold, Silver would deputise for them and I don't know who it was on this occasion. I would see Ruairaidh Nicolson as in charge of the management. Bronze is a gear that is part of the big machine. The overall management of the incident is not just investigation.

154. The SIO in the investigation is just investigating, not dealing with the other facets of the incident. Gold would be in overall charge but they have delegated the investigation. So Pat Campbell would feed in up the chain. Gold would be directing. The Bronze Post Incident Manager would be the person in charge of post incident management. This has to be in line with the Gold strategy.

155. I was a minor part in that process. Normally you wouldn't need a DCI at that meeting. I think what's happened here is that I wasn't that long there so it

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was a good opportunity to learn what had been going on. I think it's a briefing for me and part of their Gold group.

156. As ACC, Ruairaidh Nicolson would be Chairing. Normally it would say who chaired the meeting at the top.

157. I think I had an account of the incident from Pat Campbell and I wrote down a few things when I initially spoke to him. In my daybook I wrote down the 5 locations (PS03528 pages 3, 4). That's what's been emphasised to me. I don't recall anything specific, unless there's something in the minutes I've spoken to.

158. I've attended these Gold group meetings previous to 3 May 2015. In my current role I'm expected to be in Gold group meetings.

159. The meeting ensures everyone is aware of the Gold Strategy, everyone is brought up to date of investigation, direction, highlight any issues that need to be addressed. I would expect someone to ask for it to be pulled together, everyone needs to know what happened and where everybody is going.

160. I have been referred to the Gold group meeting minutes at page 5: "*Staff have been advised by Federation staff not to provide any statements.*"

161. I don't know who said that. I think I was aware of this quite early on as I stated previously, maybe I know that from this meeting. I can't remember who said that. All I can recall is that the Federation had advised the officers not to provide statements at this stage. I didn't need to know much more than that personally. It's not for me to question that.

162. The strategy would be to secure the loci pending further discussions of what to do at them. We could prioritise what should be examined first.

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163. The locations being secured were Hayfield Road/Hendry Road which is where the incident with the police had taken place. The next address was [REDACTED] [REDACTED] which was the home of Mr Bayoh. The hospital is where his body was. Craigmount was the address of Martyn Dick who he had been in the company of earlier in the evening. Methil Brae was the address of Zahid Saeed.

164. They were being secured at that moment in time. The purpose is to recover evidence of why that person has died. For [REDACTED], the circumstances between Zhid Saeed and Sheku Bayoh may link back to the cause of death and what had taken place. At this moment in time it was really unclear what happened. This altercation between Mr Bayoh and the police officers was known but we didn't know what happened prior to that. It was a wide net to try and establish what had taken place.

165. I didn't attend Victoria Hospital. I spoke to the CSM who was being deployed in relation to the recovery of Mr Bayoh's body. I had nothing to do with liaison with hospital staff. My involvement was to ensure every bit of evidence was recovered. This is an unexplained death at this moment in time and we're trying to get an understanding of why he had died.

166. If I was a SIO I might attend a post mortem examination, or have a deputy go. I had no involvement in the post mortem whatsoever. I was careful to hand over to the PIRC. I was no longer on the investigation when the post mortem examination took place.

167. I have been referred to the Gold group meeting minutes at page 6: *"CCTV Strategy – TSU also called out re presence of CCTV in police vehicle which attended at locus (update police vehicle CCTV seized has not been working since March 2015, seized regardless,"*

168. I can't recall specifics of this at all.

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169. I have been referred to the Gold group meeting minutes: *“4. Review of policy/decision log – (All)
Discussed – 1 policy decision recorded. 0910hrs 3/5/15 C.Supt McEwan declared the matter a critical incident.”*

170. Ch Supt McEwan has decreed that this is a critical incident because the matter is so high profile. There is a definition of a critical incident. The main part is that the public expectation of the police response may fall below what is expected. It's a matter so critical or serious it's going to end up in the public domain. Community impact is so massive. I can't remember this but I would expect a critical incident to be engaged after someone has died following engagement with the police. It would be a critical incident under the terms of the definition.

171. At the time there was significant work done in critical incident management over the years. I can't remember which SOP or where it would be but there would be direction on that.

172. For me a Major Incident could be a fire, a flood or a train derailing, for example. A multi-agency matter is a Major Incident. A Critical Incident is slightly different, because it affects a group, a neighbourhood or an area, whatever that may be.

173. A Critical incident wouldn't necessarily be communicated to all officers. At 0910 I wasn't there. The policy decision would be declared as that. I would expect that I should be made aware it's a Critical Incident and I fully expect that to be a Critical Incident.

174. In essence the job is to assist the investigation into an unexplained death. My role remains the same. Get an explanation of why a person has died. If it's a

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Critical Incident or not my role is the same. The way we approached it is exactly the same.

175. How declaring a critical incident affects the investigation depends on the circumstances. The purpose of declaring a Critical Incident is how the incident is going to be managed and documented. You're highlighting the community impact, concerns, how you're documenting that and how you're managing that.

176. It shouldn't make a difference to my role, it's the same evidence that we're gathering, the same crime scene examination. Investigating the death is really important and it shouldn't be a different service whether it's a critical incident or not. I have to emphasise that it should be exactly the same.

177. I can't speak to what others may react. You have to be aware of community tensions, you may have people on cordons, police officers standing at the tape, and they need to be aware of the community impact. There may be public and media questions at the scene.

178. It's very different now than 2015, you'll have it on social media within 10 minutes. So we're in a different position now than seven years ago.

179. Another example of how critical incidents may affect the investigation is that the location where you carry out the examination may be extremely sensitive for a number of reasons. It might be something that you need to be aware of. There may be family nearby, etc. I wasn't aware of that in these circumstances, but it's something that I, as a senior officer and directing somebody to do something might be conscious of and might ask them to consider.

180. I wasn't aware of any community tensions on 3 May 2015. I had a job to secure loci and I didn't think this would affect that job. Engagement with the

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community is so far down the line. This was not part of my role at that time and I was aware others were dealing with that.

181. I have been referred to the Gold group meeting minutes:

*“6. Community issues – (Safer Communities/CI Shepherd)
Discussed and Chief Inspector Shepherd to contact elected members, Fife Migrants Forum with regards to the incident, chairperson of Fife Migrants Forum to be invited in to discuss,”*

*CIA review – (CI Shepherd)
Tasked to CI Shepherd who was also to consider security of Kirkcaldy Police Station re media interest and any community tensions.”*

182. Safer Communities in 2015 was a department. Community Safety Department, I would now consider it. It’s part of the police that may engage in a diversity aspect, prevention of crime aspect but it’s quite often community engagement. I don’t remember the specifics of what was said at the meeting.

183. You may look to call lay advisors or other specific groups who may be able to assist with community engagement. That was not something I was involved in with this.

184. I have been told DC Peter Grady states (PS00778) that he met with me at 2:40pm. I wrote in my daybook that I briefed Peter Grady, one of the crime scene managers, at 15:00 (PS03528 pages 3, 4). This was separate to the Gold group meeting.

Meeting with PIRC

185. I do recall having a meeting with all PIRC staff. I wrote in my daybook (PS03528 pages 3, 4): “1500... PIRC – Gary Sinclair. PIRC – John Ferguson”. It would’ve been just after the Gold Group meeting. I spoke to DC

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Grady about the hospital and spoke to PIRC just after. I think they had arrived very shortly before that.

186. I have been told DSI Stuart Taylor states (PIRC-00358) that I had a discussion with all PIRC staff a short time after a briefing he had at 2pm.

187. It wouldn't be a short time after 2pm, it would've been the meeting after the Gold group meeting. I record times in my daybook when I'm speaking with somebody. It would be done at the time.

188. I don't know exactly what was discussed. We discussed that I was going to produce the Forensic Strategy Document and then have a forensic strategy meeting.

Forensic strategy

189. The Forensic Strategy Document is to make sure that the people that are investigating follow it and understand it. It's for each location and individual. It's written as the guide or strategic direction for forensic recovery in this investigation.

190. I have read the Forensic Strategy Agenda (PS17896). I think it was one of my colleagues who prepared this. It states what we need to cover and follows a very standard agenda. It states the investigative process, priority of what you're hoping to achieve, significant productions and any other business.

191. I don't think I would write that agenda. The numbering system is not something I would use. The agenda has got me as Chairperson, I didn't chair that meeting it was Pat Campbell. It's got me as SIO and I wasn't the SIO, which again makes me think I didn't write this.

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192. I'm not sure when it was prepared. The forensic strategy meeting was at 3:45pm so I think it would be a short time before that.

193. The agenda is just to try to keep the meeting on track like any meeting, make sure you're not missing anything, covering all important subjects, and make sure everyone understands their role. It was probably printed a few times and handed around the room to make sure we're all on track. Every forensic strategy meeting I've been responsible for or chaired in the past we'd have an agenda to keep everybody right. I would say it's good practice.

194. I have been referred to the Forensic Strategy Agenda at page 2:

"4... e. Significant witnesses – Forensic Strategy

i. Martin Dick

ii. Kirsty Macleod

iii. Zahid Saeed"

195. At that stage we're thinking of significant people who have been in touch with the deceased just prior to his death. They were significant because they were there at that time. I'm assuming the information comes from an earlier briefing we were given and we were told who was there. The loci are detailed there and it would move on to the people. That would make complete sense.

196. I wouldn't add anybody to the list myself unless there were some material part to the investigation. If you had a witness you wanted to engage with you would need somebody who had a connection to the investigation.

197. The important part for forensic strategy is some contact with the deceased. Whether they are friends or not doesn't matter. If they'd had some interaction or engagement, violent or otherwise, you'd want to recover something from them. These are people in a house together. You'd want to capture DNA or fingerprints from that location as well.

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198. Bear in mind this is about forensic capture in the there and then. I wasn't aware of any of the witnesses at the time being with Mr Bayoh at the time of his death. This is a forensic strategy and there being a suggestion of violence between him and Mr Saeed. Other parts of the investigation will deal with the key witnesses who had seen something. I was dealing with key witnesses who were involved in forensic capture. They had been engaged or in the company of Mr Bayoh prior to his death. The other witnesses may have had more to offer than these witnesses in the grand scheme. There's a priority to try and get this captured if we can from a forensics perspective.

199. I have read the Forensic Strategy Document (PS01298). I think I drafted this. I would expect me to do it. It's more my style of writing.

200. Page 6 onwards and the summary overview of the forensic strategy meeting might not have been me but I've added it to my Forensic Strategy Document. After the forensic strategy meeting it adds minutes with a brief overview of that meeting. The first draft of the document was probably prepared just before the forensic strategy meeting and subject to discussion. The minutes were added afterwards.

201. It's for the enquiry overall. Forensic strategy is subject to review. This is always version 1. Whether it was changed after I left the investigation I don't know. This is setting out what I put in place and I asked people to do. I think all unexplained deaths or homicides you would expect this to be done. If I'm in charge of something I'd want something like this to lead people for strategy.

202. At about 4:45pm we had the forensic strategy meeting. I wasn't the chair but I was present from that meeting and I formed part of that initial setting the agenda and ensuring direction. It was chaired by Pat Campbell.

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203. My part would be a participant to the meeting and add what I needed to add, give suggestions on what we're required to do. The insight I gave was probably written in the document from where it says "prioritise". My input would be what achieve at each location. Locus 1, Locus 2 etc, what was to be done. This includes recovery of items from the officers as I've outlined in this statement previously.

204. I think there was PIRC in the meeting. I didn't know all their names. I knew some of them from previous investigations. John Ferguson, for example, I knew who he was as a FLO. I knew Gary Sinclair from previously in the police. Keith Harrower I also knew. There were also others I didn't know. I dealt with Gary Sinclair and John Ferguson the most because I was dealing with the CSM stuff. My understanding of what their involvement was would be supporting or undertaking the latter part of the investigation. The meeting was in line with what they wanted. We agreed that their investigation would be in line with the forensic strategy. They were taking that over and we were there to support that in that interim period.

205. PIRC had input. There was no dispute over what we were saying and they could say if they wanted to do something different. They had oversight of our investigation. You probably don't think about it at the time. We were thinking about priorities, we needed to go and recover evidence and information that was required. They were oversight and we were doing what they were requiring.

206. At that point, Pat was still directing the investigation at that time. I wouldn't say PIRC were directing me in any way. I proposed what we were going to do and they said if they agreed with it. Again, what we were doing here is not unusual. I would expect people to investigate an unexplained death.

207. The meeting is to make sure everybody is clear in the intentions for the forensic strategy and what we're going to achieve. This makes it clearer

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when we deal with the houses. It's about what we can do now. It must be chronological and methodical.

208. For example with the outside location, weather in Scotland isn't great so the priority is capture what's outside before you lose it in the rain or sun in some occasions. In these investigations it would be a natural thing to do to make sure we're briefed accordingly.

209. Whether it was me who said we're having the meeting, I'm not sure, but someone would call it. Before we do anything else we'd want to be crystal clear about forensic recovery. Before you'd deploy anybody out to recover, you'd have that meeting.

210. All the loci were protected and cordons were in place before I got there. Before going to the loci to recover evidence, we'd want to have that meeting to ensure we knew what to do.

211. Prior to me going into that meeting I would prepare a summary of events, it's at page 4 of the Forensic Strategy Document (PS01298). The last sentence, all of the "loci, other than locus 1 where Detective officers..." that emphasises that it was me who wrote that, that's what I would say. It's making sure we're prioritising.

212. Delay in having the meeting could be a number of things. Here I think we've had other people from other areas, CSM from out with Fife, scene examiners on a call out basis, PIRC as well are coming along at that time. I don't think it was too much of a delay.

213. We've been around the loci and it's been protected and there's scene entry logs in place; I've seen deaths over the years where it's taken that length of time to get that into place. I know it seems a long time but it's better to do it that way and make sure we're not missing anything. Why would you rush

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into something when you can plan it better, get agreement and ensure everybody knows what to do. I don't think the delay makes any difference here. The delay allows us to assess everything we're going to do, get agreement, and be clear about all the roles and requirements.

214. Overall strategy is to recover any relevant evidence. I think in the forensic strategy there was an agreement that PIRC investigators would accompany the CSMs. There wasn't anything like PIRC doing one thing and Police Scotland doing something else. That wouldn't work. It was Police Scotland doing it with PIRC oversight. I was quite content that what was written down on the strategy document was what we were going to do. I was quite content that we knew what to do and I didn't feel there was any issue in the involvement of PIRC.

215. There were addresses, with a limited number of people, Locus 3 and 4 at this initial stage would remain under protection with entry log in place. We were never going to get to that on 3 May. We had to bite off what we could chew and deal with what's in front of us. In my time there I never got to those locations. There was no sense of leaving it to PIRC, that's not my understanding.

216. I would say Locus 1, the hospital, is the priority. Mr Bayoh has died, you can't leave him in the hospital for hours. The roadway and evidence deteriorating in inclement weather were other priorities. There's unfortunately a deceased person and there's a part about dignity that you want to deal with that person as soon as possible and get that recorded as well. Mr Bayoh was in a room off the A&E area. Locus 2 is a roadway and we can deal with that as well.

217. The priority between these loci doesn't really make a difference. You can have a team at the hospital making a forensic recovery of the body and a team at the roadway. Locus 2 might need more time because they needed a POLSA to search the area. You can do both loci together.

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218. Forensic recovery of the body and clothing of the deceased was done in conjunction and under the direction of the appointed PIRC investigating officer. If there was something that PIRC wanted specifically done we would do that. It didn't feel like direction, they didn't tell us what to do, but if the officers were told to do something then they would.

219. Cultural and religious factors in dealing with a person's body is important, but it comes later on, whatever race or religion that person is. We're working on the direction of the COPFS as well as PIRC.

220. I note in the forensic strategy that the deceased is Muslim, there are religious observations to be done. For example the taking of hair samples might be against beliefs. We report this to the PF and it's for them to identify what happens to the body in the post mortem.

221. Forensic recovery means ensuring we're not losing anything. With any dead body we're doing it with respect and tactfulness. For the religious aspect at that stage, we're aware of it. I've written at page 8 of 8 of the Forensic Strategy Document (PS01298) the family might not want a post mortem and the family may wish for a burial within 24 hours. I'm aware there's potential religious factors to consider but it's not my decision. I'd be ensuing we're reporting that to the COPFS to make sure they're considering this. Anything we do is not invasive, it's for recovery of the evidence and for further examination.

222. The further examination would be by the COPFS. Cultural and religious factors should be highlighted to COPFS in the death report. I wasn't involved in the preparation of the death report. My name shouldn't be on it anywhere.

223. Taking statements from the response officers is not something to include in the forensic strategy. Taking statements from the friends of the deceased

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isn't the priority. It's not the witness statements that I'm interested in, it's the clothing and biometric samples. It's not my remit to obtain statements. I'm interested in obtaining forensic evidence.

224. Some of the officers obtaining the forensics would take a statement. They'd be taking the statements and I would ask them to take clothing, DNA etc. It can be appropriate to take the statement there and then.

225. I have been asked if at any time I considered how Sheku Bayoh's race or religion would impact the public's perception of what happened and if this had any influence in the forensic strategy. Not at all. The fact you've got an open scene, in any investigation, may attract media attention. You'll ask them to contact media services. On locus protection, it's somebody else's role to undertake that media engagement. You've got a street partially shut down and public coming to and from their houses. That's why you have scene entry logs. It's different today because you've got a lot more people with social media but then you didn't.

Searches of property

226. My involvement in the searches of property would be, as per the forensic strategy, instruct the CSMs to carry out the searches and come back and tell me what has been recovered when it's complete. I'm not going anywhere personally. In this case I didn't because I'm letting them go on and do their roles. My role is to collate that. I'm not going out there to the loci.

227. In these circumstances, the CSMs were all DCs. CSM is a role, not a rank, so somebody who's been trained in it. I'm there as a person overseeing all of

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them. There wasn't a need for DCs to go to the DS, they're coming to me. I'm asking them to do things and feed back to me.

228. DS Graeme Dursley was the DS on duty for Kirkcaldy. He was dealing with other aspects of this, other witnesses. He had involvement and gave me updates. He's not listed as attending the forensic strategy meeting but I've got in my daybook (PS03530 pages 7, 8): "*Update from Graham Dursley*". Colin Robson was the DI who was dealing with this side. I gave the CSMs a specific role to preserve the forensic aspect.

229. I would expect the CSMs to come back to me. I was looking for updates. If they had a questions about something they might go to a closer line manager. I was setting tasks and expecting them to come back. If they had specific questions then it's up to them who to ask.

230. I pretty much expect them to feed back to me at the end, unless they wanted clarity on something during the task. For example the deceased's body, at 7:40pm, DC Peter Grady came back to me with an issue. I would expect them to come back and ask me for a bit of clarity on something.

231. I can't recall me making Garry McEwan aware of what loci were secured. I don't know if Pat Campbell or Lesley Boal did this. I can't personally recall making him aware.

Hayfield Road recovery of evidence

232. Locus 2, Hayfield Road, is an outdoor location, at risk of oversight from members of the public. Stuff is likely to be moved. You're only picking that up after it's cordoned. This would be items, police batons and the knife recovered from the scene. Some stuff has been taken already so the scene was not how it was at the time of the incident. We also examined vehicles at the scene for damage. It became pertinent in this case because Mr Bayoh

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may have damaged another car. A lot is going on there but there's a big scene. We had try and recover as much as we possibly could.

233. There is a slight difference between a cordon and full protection. You can cordon off an area. Beyond that you've got security and protocols. A scene entry log is made and a CSM has reviewed what's in place. That initial taping off is one point and the CSM coming along is different. It's assurance that it's done correctly. If there's a risks of weather damage to an item, you might record the evidence's position and move it, or try and cover it. You can put something over it to protect it, for example I've done this with a bucket before. It's hard to generalise.

234. Tents can be used, but it depends what you're trying to protect. Tents can be various sizes, but they're not huge. Trying to cover a whole area with a tent is difficult. Smaller areas such as blood or footprints may need a tent. But it depends what you're trying to protect. A tent for a body is required for dignity of the deceased and allows examination to take place. That's a good example for when to use a tent.

235. I don't know about possible blood found on a police officer's radio. I don't know how any of the radios were forensically tested. I know we recovered radios from the police officers, but I wasn't aware of a radio at Hayfield Road with blood on it.

236. I was made aware that a knife had been recovered and removed from the scene and lodged as a production. It had gone out of the scene I was responsible for so it was moved out the scene prior to my attendance.

237. I have been told Inv Garry Sinclair of PIRC states (PIRC-00309 at page 2):
"About 1330hrs within Kirkcaldy Police Office police witness DCI Stuart HOUSTON identified himself to me and informed me that he was the scene co-ordinator for the incident. He informed me that police witness DC Brian

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O'NEILL was the Police Scotland scene manager for Hayfield Road, Kirkcaldy. He also informed me that a number of items due to the heavy rainfall had been removed from the locus prior to being photographed by staff from Scottish Police Authority (SPA) and that they were currently within Kirkcaldy Police Office."

238. That's accurate. I was aware the items had been removed. They'd been removed prior to when I arrived. I was told at the time it was heavy rainfall. That's not unexpected. They can be covered or removed. That's a decision somebody has taken but it's too late for me to do anything about that.

239. I have been told the items were batons, handcuffs and a knife; and a mobile phone and a lighter that may have been in the deceased's possession. These were all removed prior to my involvement.

240. I have been told that Inv Sinclair and Inv Rhodes state I told them a photograph of the locus had been taken by DC Derek Connell on his mobile phone showing the knife where it had been found by the police witnesses prior to it being removed.

241. This is accurate. They never said anything to me about this photograph in response. I was probably repeating what I was told when I told them. Gary Sinclair was certainly involved as CSM. It was the right thing to do was to tell him what happened before I've been involved. He needs to know this.

242. I have been told that Inv Sinclair states (PIRC-00309 at page 3): *"About 1640hrs same date the other PIRC officers and myself whilst within Kirkcaldy Police Office had another meeting with police witness DCI HOUSTON and agreed an approached to deal with the scenes at the hospital and Hayfield Road. At this time I requested that I wanted to view the items that had been removed from the locus prior to being photographed by SPA."* I have been told this is also the position of Inv Rhodes (PIRC-00324 at page 3).

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243. I think he did want to see them and I think he did see them. I didn't have any issue with this. I don't have a clue why he wanted to see them. It might've been while we were waiting to start the forensic strategy meeting. Because this was before I came in, they were packaged and in the evidential chain, in the process as productions.

244. I've got in my daybook at 9:45pm (PS03531 page 9, 10) there was a discussion between myself and Gary Sinclair. The pavement and roadway were clear but gardens were needing searched. A drain maintenance vehicle was needed as well. It was agreed to open the road. My understanding is that the gardens and hedges were still protected. I've written that it was agreed with Gary Sinclair. It was me proposing that we open it and it was PIRC who agreed with that.

245. In my daybook at 8:55pm (PS03531 page 9, 10), DC O'Neill updated me that POLSA was ongoing, and that there were no cars damaged. That would be again the reason why I went to Gary Sinclair and said the roadway was complete. I wouldn't have done anything without asking PIRC. There was an update from the CSM, who had completed the roadway. You would then open the road immediately so you're not inconveniencing people longer than you have to.

246. I have been told Inv Sinclair states (PIRC-00309 at page 4): *"About 2125hrs same date police witness DCI HOUSTON approached me and informed me that the POLSA team had attended and had searched most of the cordon off area with the exception of the garden areas. This was due to darkness and the POLSA team would return the following day to complete the search. He informed me that 2 items had been recovered and photographed in situ namely ... Watch strap ... Headphones. Due to this I agreed that Hayfield Road could be reopened and that the only area that needed to remain cordoned off were the gardens [REDACTED] Hayfield Road."*

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247. That sounds accurate to me. Slight difference in the times. I'm content that was the conversation that took place. To my knowledge I don't really know about the SIO, it seemed similar as me. I was trying to do my part and was not really involved in that side. Gary was my first contact so I was just dealing with him. I don't know what the interaction was between the SIO and PIRC.

Sheku Bayoh's address & Martyn Dick and Kirsty Macleod's address

248. As far as I'm concerned Sheku Bayoh's address was to be protected and that was it. They had been protected at the start of the investigation. They're acknowledged in the Forensic Strategy Document (PS01298) that something needs to be done. At this time this locus is not a priority.

249. My understanding of this address and [REDACTED] is that the deceased was at these addresses so it's about preserving them. The legal basis is that they are scenes that may be linked to this death. As far as I was aware there were no warrants at the location. But you'd protect the loci in order to get warrants further down the line. We're within our rights to do this.

250. You would need to ask people to move. It's quite common that we do as police. You don't know what's there until you search it. The deceased had been there prior to his death, that's the reason for searching. I'm not sure if the occupiers were asked to move, that was done before my involvement. I was made aware that police officers were present at each location.

251. The fact is, we're not going to get to them on 3 May. My thought process was, as long as they're preserved, I don't need to go there at this time. I'm making a guess, but I think they were secured by uniformed police, so you can seize anything that's relevant to an investigation. To be blunt, because they're protected by police, I maybe didn't give those loci the attention they

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needed at that time. That's prioritisation in doing the things that need to get done.

252. I can't speak to what happened before I was there. My interpretation is if you've got something that might be subject to an investigation, you'd tell them and ask them to leave and examine it as a consensual crime scene or take a warrant. That would be from the people who were there. I know the [REDACTED] one, something happened at that address, the [REDACTED] one I'm not too sure about.

253. There was a suggestion that the knife came from one of the addresses, So, again, that would be your justification for shutting the scene down and seeing what was in there. That would be part of your investigation.

254. My understanding is the searches were done long after I was done. I've no detail of anybody searching those houses in the time I was involved. I don't know what was found in the searches.

255. The CSMs would report back to the SIO, or potentially myself. I've written in the Forensic Strategy Document (PS01298) that the loci are under protection so it falls within my remit. But the SIO is in charge of the overall investigation. Ultimately the SIO agrees the forensic strategy.

256. I have been asked where the occupiers of [REDACTED] were relocated to. There will be something put in place, I'm not entirely sure, maybe went to family? This specifically I don't know. I would expect who was there would make arrangements.

257. On some occasions I've taken houses for months. I'd like to think it was the original attending officers. It's been seized and shut down by the time I get there. Absolutely if the SIO or someone else is wanting them to take their

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house there would be a responsibility of who is securing their house. I don't know the answer to that on this occasion.

Zahid Saeed's address

258. For Zahid Saeed's address ([REDACTED]), you're not needing the whole house as such. It's not the whole house that needs to be secured. It's focused to what's relevant. You're only going to get the clothing and the car and that was it. I don't think the house was seized as a locus. I don't think that house was ever actually secured for any period of time. That was my understanding of what was going to happen. Officers took possession of the vehicle.

259. I've written in my daybook (PS03531 pages 9, 10): "*2220... Scene returned to family.*" I can't recall whether police officers were standing by the house or not. If it was secured it would be for a very short period of time. I'm not sure about it being secured, I can't recall. I think it was more when Mr Saeed was engaged and gave the officers the clothing. It wasn't secured overnight and it wasn't for a huge period of time.

260. My understanding is that if the occupiers were removed for a period of time then it's to allow officers to seize the clothing. If they were asked to leave it was for a period of time to allow that to be recovered. His car was uplifted. I don't recall what time officers went there. Again, I think Mr Saeed was in the police station when I arrived.

261. I have been asked to explain the following instruction in the Forensic Strategy Document (PS01298 page 4): "*Locus 5... To examine and forensically recover the clothing and any other items within the scene as described by Zahid Saeed*". That was restricted to the clothing and the vehicle he was driving. From what I've written there we've been led by Mr Saeed as to what to recover. I'm not aware of the time that happened.

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262. The priorities with Zahid Saeed were different, he went with police officers to complete that recovery with him in the house. He's the witness to that altercation. If we didn't recover his clothing then we would be failing.

263. I have been told Gordon Miller and Kevin Petrie's statements refer to securing Zahid Saeed's address at 1:40pm (PIRC-00144; PIRC-00151). I don't remember them. They might be local officers. As far as I'm concerned there was no search at that time. I'm not aware of that happening at 1:40pm. There may have been the property secured. The house was then returned.

264. I don't specifically recall. These officers' accounts may be correct. It makes more sense to me that the house was seized. When you get to the house and seize the clothing it would make sense for the house to have been secured beforehand. I can't speak to who was removed or in the house.

265. Something in the house is linked to the unexplained death. It is the responsibility of the SIO and me that the clothing needs to be removed with forensic integrity. If we hadn't got that clothing and that was important in a later day we'd be criticised.

266. I have been told the occupiers' position is that no permission was given for the police to secure the property and that a complaint was made. I wasn't aware of this. I would dispute that they said they didn't give permission. If we didn't have permission then we'd stay there until we had a warrant.

267. This is the first I've heard about them disputing their house being taken. That's news to me. I'm a bit annoyed about that because if there was a complaint against the police I should've been told. I've never been asked about the Methil property. I think I've got a right to know. If there's a complaint I'd have the right to know that.

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268. On page 6 of the Forensic Strategy Document (PS01298) it states: *“It was also agreed that in relation to locus 5 once the clothing of Zahid and the vehicle had been secured this would be returned to the Saeed family due to the requirement of a relative with a disability requiring to be returned to the address..”* I had forgotten this. I can’t remember that being secured at the time.

269. I have been asked what were the circumstances of Zahid Saeed being taken to hospital. I wasn’t aware Zahid Saeed was taken to hospital. I maybe knew at that time but the first I saw him that day was at Kirkcaldy Police Station. The only thing I was told was he was in the company of the deceased and had been in some sort of altercation with him, that’s all I knew.

Sheku Bayoh’s body

270. I’m not aware of anything about repatriation of Sheku Bayoh’s body. I don’t know where he would be repatriated to.

271. I have been told Inv Sinclair states (PIRC-00309 page 3): *“About 1515hrs same date the other PIRC officers and myself attended a meeting within Kirkcaldy Police Office with police witness DCI HOUSTON to discuss scene management and forensic issues, during which agreement was reached on how the now deceased’s body would be dealt with at the hospital and mortuary.”*

272. There was a meeting with PIRC, Gary Sinclair and John Ferguson. It was a quick discussion about when the port mortem would be. Identification would be required. Swabs of the mouth and nose of the deceased were to be taken. The reason for that was that if you’ve sprayed with someone with CS it can be in the nostrils so you want to capture that. Peter Grady’s issue was the blood in the nose and mouth. It was agreed that because of the blood presence, the swab would only provide blood. It’s that part that the CSM

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would phone me about. We agreed to take the medical intubation tubes so we could examine more. It's about thinking ahead about examination of the blood and saliva.

273. Identification was mentioned as required for post mortem. Removal from the mortuary to the post mortem examination would be required. We were having that discussion for recovery and post mortem down the line. It's about thinking ahead and planning what you're going to do.

274. I'd absolutely expect the officers dealing with Mr Bayoh's body to wear protective clothing. They're trained to do that and that's what they should do. The CSM would know that. Uniformed officers entering a scene would need protective clothing as well. I'm not aware of any specific departures from normal practice.

275. I have been told the bags used to recover the evidence were left unsealed and were not labelled when they were handed from the police officers to SPA and PIRC. I wasn't aware of that. The only reason you'd have a bag unsealed is if clothing was wet and you'd need to remove it. You'd unseal it to be dried. But you'd expect it to be sealed in the first place and then the seal would be broken and then resealed. But I'm not aware of any bags being unsealed.

276. A lot of the impact of this on the evidence would relate to where the bags were left and whether the bags were left open, albeit unsealed. It would depend on the circumstances. If they were in one bag together that would be different. If they were left on the street that would be different. The evidence could be contaminated, but you could also lose evidence out the bag. What does it mean that the bags were unsealed? It might be an interpretation thing as well.

277. I have been asked what forensic benefit there would be in leaving the knife in situ. Depends how it was recovered. If recovered with PPE and a suit on, the

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loss of forensic evidence would be minimal. I'd rather leave it in situ to have it properly recovered by a crime scene photographer and potentially videoed. I'd want to see where it is in relation to other things at that scene. You might not see it in context. For forensics, as long as it's recovered appropriately it shouldn't make a significant difference.

278. Identification of the deceased was a matter for whoever was dealing with that side.

279. On this occasions I had no involvement with the post mortem. That took place long after I was gone.

Nicole Short's injuries

280. I think recovery of evidence of Nicole Short's injuries was part of the recovery strategy of clothing and equipment, mentioned at page 5 of 7 of the Forensic Strategy Document. Officers were spoken to and injuries noted and photographed. That was part of the document.

281. Nobody told me to photograph Nicole Short, that's why it's written in the document. In line with the PIM process the officers should be examined. If they consented to having injuries photographed then that would happen.

282. Not particular to any officer, but that was the overall strategy and engagement with them. I understand this was done with some officers but not all. I think the CSM dealing with the clothing spoke to the photographer from scene examination. Any injuries being examined would be the forensic physician. If there's anything visible they maybe asked for that to be photographed. I'm not sure if the forensic physician was there, I know it was part of the discussion that they would be involved and if injuries were found they would be photographed.

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283. I have been referred to the PIM log at page 15 and 16: *“1608. Request DCI Stuart Houston for injuries to be photographed on Nicole Short – she agreed.... 1750 Nicole Short to photographer for injuries.”*

284. I’m not disputing that at all. The CSM would dealing with this. There would be no specific instructions. It’s not for me to direct specific things to be done.

285. I have been told Inv Sinclair states (PIRC-00309 at page 3): *“About 1515hrs... DSI HARROWER requested that DCI HOUSTON organise to have photographed a reported injury on the head of the female police officer, later identified as Constable Nicole SHORT, who was involved in the incident.”*

286. I don’t recall that. I’ve got it written in my book about photograph of injuries, but nothing specific. I was aware the female police officer had been at hospital and been checked out. I didn’t know specifics. As far as I was concerned they were going to be captured as part of that process.

287. I have been told Inv John Ferguson states (PIRC-00363 at page 4): *“At 1640 hours I together with other investigators, had a further meeting with the police witness Detective Chief Inspector Stuart HOUSTON, and agreed an approach to deal with the scenes at the hospital and Hayfield Road. In this regard, a Forensic Strategy was formalised. It was requested by DSI Harrower that the female police officer (PW Nicole Short) injured during the incident, had any apparent injuries photographed...”*

288. I have been asked if the approach was per Inv Sinclair’s account that Nicole Short’s reported head injury was to be photographed or per Inv Ferguson’s account that any apparent injuries were to be photographed. I would go with Inv Ferguson, “any” injuries should be photographed. I think this is more accurate. That’s what I would expect someone to say. That’s what I say, go

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and photograph any injuries that are being complained about. I've not been specific in my note in my daybook.

Zahid Saeed criminal allegation

289. I have read my previous statement dated 21 September 2015 (PIRC-00166). I think PIRC phoned me at the time. They were in Hamilton and I was in Edinburgh at that time. I agreed to meet them at Livingston. I do recall Billy Little phoned me up or emailed me and said he wanted to take a statement from me. I recall at the time, as stated in the statement, top of page 2, he was directed to make enquiries about the allegation by Zahid Saeed. I thought they said it was an assault and robbery, not an assault. The crime of robbery is different from what would be an assault.

290. I absolutely provided what I could remember. Bearing in mind this is a good few months after the incident. I do recall at the time there were points in the CCTV I wouldn't have picked up on if they hadn't showed me it. I don't know if I signed it, as far as I know I would. I have been shown a handwritten copy of my statement and confirm I've signed all pages but the first page, which is the personal information not the content of the statement itself.

291. I was aware of Zahid Saeed's evidence to the Inquiry in the news, a small bit that he didn't want to answer what he was asked. He was being a bit obstructive to be honest, but it might have just been a clip I'd seen. I'd had dealings with him in a previous investigation and spent quite a bit of time with him over a number of months.

292. From what I recall, I was aware he had been in the company of the now deceased, they were friends. There had been some sort of altercation either during watching or after watching boxing match on TV. There had been some kind of fight. Mr Saeed had left and went home. The deceased engaged with

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police officers sometime after that and subsequently died. I was aware there were some sort of altercation between them and that was it.

293. My involvement with him on 3 May was to understand the circumstances of his involvement and to get his clothes. There may have been blood transference and it was part of my role to recover that. I think I was told early on that he was in the police station. At some point early on there was a briefing from Pat Campbell or someone that he was in the police station. I can't remember what time that would be but I was told he was there.

294. I had no role in dealing with Zahid directly. The plan was that the officers dealing with him and take his clothing and get any samples required. I wouldn't personally have any engagement with him.

295. I knew Simon Telford by sight because we were both in Lothian and Borders. I didn't know John McGregor. I didn't know him at all. Simon I recognised but that was it.

296. What I saw on the CCTV with PIRC was the officer, Simon Telford, handing over an object to Zahid. It didn't mean anything to me. They were suggesting the officer had robbed him of his phone and they were handing it back. I'm pretty much oblivious to that. He was shouting at the officers. Because I knew him, I thought I could assist in speaking to him. I had a reasonably good relationship with him and that was my involvement.

297. I have been shown footage of CCTV Camera 13 at Kirkcaldy Police Station (PS00197) and referred to a transcript of the footage prepared by PIRC (PIRC-01473).

298. In the PIRC transcript there's an error. It's CI Gill Boulton, not Lesley Boal, who appears on the footage during the time I'm speaking with Zahid. In the conversation I had with Zahid, he's asked me about an officer being injured. I

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said she was just doing her job. I'm not giving anything away to him there, I'm just saying there was a police officer involved. I'm not going into details with him at all and I don't think there's anything in there that's contentious.

299. When he goes out he is upset. I say "sorry" for his loss. He asks how the officer was. I didn't know the story at the time. It is that time and he wanted to know what happened and about his friend. I don't think there's anything that concerns me about his treatment by police at that time.

300. Regarding the time we were standing outside, I have been told Zahid Saeed states (PIRC-00034): *"He asked me to cooperate and they had to find out why Shek had assaulted me and what else happened."*

301. That's absolutely right. Roughly what I'm saying is we need to find out what had happened. He's not a suspect but we're speaking to him and engaging with him. We're not overstepping the mark, we had to find out what had happened.

302. I thought this was earlier in the day, not 5:29pm. I don't remember saying specifically the assault, but just what happened between them, and what's happened in the entirety. I don't recall any specifics. I was just concerned he was very angry and upset, and as someone he knew, I thought to speak to him would help.

303. I have been told Zahid Saeed states the following events on 3 May 2015 after he spoke with me outside and had been medically examined for injuries (PIRC-00034 at page 7): *"When I realised I was in a proper interview room I didn't feel comfortable at all, it was just the shock. The officers said that they wanted to put the statement on video. I wasn't happy with that and I said I wanted to go home. At this point they called Stuart Houston in. I had told them this was not normal practice and I wasn't happy. Initially officer 2 stayed in the room with Stuart and I for a short time and then left. Stuart tried to tell*

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me this was normal procedure to video the statement and he tried to persuade me to do this. I told him I wasn't prepared to do it and I wanted to go home. I think I told him 2 or 3 times. I probably spent about 10 or 15 minutes with Stuart. I continually went quiet for periods. I thought I was getting taken advantage of particularly as I was intoxicated with alcohol at the time and had head injuries. Stuart then left the room and I heard him whispering to the officers outside the corridor, although I didn't hear what they were saying."

304. I think I spoke to him and said I want to record the statement. It is normal practice on occasion. It's not outwith the usual practice for this to be done. If he could do that that would be fine. I would dispute he was under the influence of alcohol. He's been with the police for some time. I don't recall him ever saying he had an injury at any time. I've been told he'd been to hospital and been checked, left with painkillers. If he'd been seen and had medical attention it wouldn't make any difference. Bearing in mind he's a witness and he'd be told he's free to go.

305. I don't know if Zahid Saeed was the only one who had their statement was video. I've had cases when we'll video their statement because it will be contentious. That may be a reason why it videoed on this occasion. He asked me if it was unusual. I'd seen it done previously. I wasn't aware of the reason why the statement was going to be videoed.

306. I said to him it was done on occasions, not totally normal, but not unusual. I don't know why they were doing it. I wouldn't say I was trying to persuade him to do it. He's a witness, he can walk away at any time. I would dispute that. I wasn't trying to persuade him in any way.

307. I don't understand what he means by being taken advantage of, we were trying to understand the circumstances of his friend dying. He had been in the company of someone who had died, police were within their rights to ask him

Signature of witness.....

questions about that. Once again, none of this has been put to me before in 7 years.

308. I haven't a clue what the two officers and I we were discussing outside the door at the end.

309. I have been told Zahid Saeed states (PIRC-00034 at page 9): *"The last thing I would like to say is that when I was with the police I felt like I was being treated like a criminal, a suspect."*

310. I don't think he was treated as a suspect. He was being spoken to because his friend who he'd been in the company of had died and police were trying to establish what had happened. I didn't see this in the actions that I'm aware of.

4 May 2015

311. On 4 May 2015 I went back to Kirkcaldy at 10am. The was a handover at the MIT to DSU Campbell and DCI Hardie. I had not a great deal of involvement after that. It would be a case of running over with the officers what you've done to date, what's been put in place and the forensic side.

312. What I recall from that day is that the PIRC had a heavy part to play with MIT officers. So my role was explaining what happened and what had to be done, in terms of that Forensic Strategy Document, and let them progress the investigation.

5 May 2015

313. In my daybook for 5 May 2015 I was contacted twice by Zahid Saeed. He contacted me because he knew my name. He was looking for his phone and

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his car back. I told him I'd tell PIRC. I referred him to PIRC and told Billy Little. I didn't know the answers so there was no point in me dealing with it.

6 May 2015

314. I have been told DSI Stuart Taylor in his statement (PIRC-00358) states: *“At 17.00hrs, Inv Ferguson and I attended at Corstorphine police office where we had a meeting with DCI Stuart Houston regarding scene management.”*

315. I do recall this meeting but I don't have it in my book. In my head I thought this was the Tuesday but it's obviously been the Wednesday. I don't remember. We maybe went over the forensics document but I don't know anything. They've not noted a statement from me.

316. It would make sense if this is when I handed my own operational statement to them.

Further contact

317. I don't think I was contacted again until Operation Tarn was formed and I was asked to provide books, notes and anything held on police systems.

318. Nobody from PIRC or the COPFS were in contact with me after this.

Race

319. From when I joined the police, there's more recognition of equality and diversity issues and training from the various public inquiries over the years. It's throughout society, not just policing, that has changed. Public inquiries and incidents across the world, if you think about the matters that have happened in recent years. Policing should reflect society and should be aware of this as well.

Signature of witness.....

320. There could be any number of changes and developments. There can be further training and development in technology. Forensics might change as well. You need to look at all that as a whole and how it makes us more equipped because it's always changing and evolving.

321. I have been asked if I am aware of any difficulties in policing that were identified in the Stephen Lawrence Inquiry, in the input from [REDACTED] or otherwise. I'm sure there was, quite a lot in his input about management in communities, tactics deployed for suspects and advances in technology. Going back and looking through a different lenses. There's always an opportunity. The forensic bit was of particular interest and the tactics to get the people responsible. There are many different aspects to one enquiry. There have been other investigation over the years who deal with new technology and advances that we need to learn from.

322. In my own personal actions, I don't think race had any part. We're dealing with an unexplained death. There's a bit from the forensic strategy and a bit about post mortem. I carried out my role of what I was doing in an unexplained death of a person. The race part is nothing to do with my role, which was to investigate a death, irrespective of who that person may have been. The actions I have taken and directions for people to do, were procedures in investigating an unexplained death.

323. I noted the part about faith that was relevant. But changes or taking different actions due to race wouldn't be a correct way of describing it. I acknowledged that that part would be considered, I don't think that's me changing my actions. It was in my mind but I was doing the actions that I would do anyway. It's something I did think about. Other than that I was doing what I was required to do that day.

Signature of witness.....

324. I have been asked if I was concerned at all about how Sheku Bayoh's race might be a factor in the public perception of the events, and whether anything was done or not done in light of that. Again, it's difficult for me because as we went through that day there was no public perception. It wasn't well known to the public. The essence is because steps are being taken with PIRC being involved, then COPFS, I was only involved for a short period of time. I won't get the same perception from the public as someone who was dealing with the investigation for longer. It could become very obvious later on. I'm not part of that decisions making process by that point.

325. Any death following police contact will, rightly, bring public scrutiny on the police, irrespective of the race of the person. I would say it should be properly and appropriately investigated. At that early stage I didn't know what had happened. You had to keep an open mind during the investigation, we needed to gather the information, any evidence make sure we do our part to ensure it will be scrutinised by someone else. Absolutely no difference to another case when police actions will become under scrutiny, absolutely correctly so. My main priority was making sure we did our part correctly. It was obvious from the outset that I did my part right to progress the investigation. It didn't matter who that was, I wanted to do that to the best that I possibly could.

326. I have been asked if I'm aware of any examples of discriminatory behaviour in Scottish policing. No, not personally. I've heard of anecdotal stuff in the public domain that's been reported. I've probably spent the last period of time in specialist departments where that wouldn't be tolerated and I wouldn't tolerate that. Maybe that's why I've not experienced that. I've been supervising for a while so maybe that sets me apart from being exposed to those things. Personally I've not seen anything like that.

327. I have been asked if I'm aware of any racist views held by any police officers or heard any racist jokes or comments from any police officers. Not

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personally. If I became aware of someone holding racist views I'd do something about it. No place for it in the police service or in life. Why tolerate something like that.

328. Same thing with jokes and comments. Because of my position I've been in for a period of time they'd be foolish to do that in my presence. When I was young in service, the generation of police I joined were a bit more aware of language, how to conduct yourself. If there was something I would've dealt with it.

329. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

December 15, 2022 | 4:10 PM GMT

Date.....Signature of witness.....