

The Sheku Bayoh Public Inquiry

Witness Statement

DCS Lesley Boal

**Taken by [REDACTED] at Capital House, Edinburgh
on Friday 23 September and 4 November 2022**

Witness details

1. My full name is Lesley Boal. My date of birth is in 1966. My contact details are known to the Inquiry.
2. I am now retired. I retired in June 2020. I was Detective Chief Superintendent (DCS) when I retired. I had been in this role substantively since July 2014. I was a Detective Superintendent (DSU) before that.

Experience

3. My role was in Public Protection across Scotland. DCSs have their own areas of responsibility. My responsibilities included rape and other sexual crimes, child protection, adult protection, human trafficking, sex offender management, domestic abuse and honour-based abuse.
4. In addition to that I had responsibility for a number of national investigation teams, namely, the National Rape Task Force and National Human Trafficking Unit. In May 2015 I was just about to take responsibility for the

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National Child Abuse Investigation Unit. That was launched at the end of April 2015.

5. My other responsibilities included, along with the other four Detective Chief Superintendents in Scotland, was on-call duties on a weekly rotation. Every five weeks there was an on-call DCS for all crimes out of hours and over the weekend.
6. My duties as on-call DCS included my involvement with the Sheku Bayoh incident.
7. I can't remember being involved in any case where somebody had died in police custody other than the custody environment. Unfortunately we do have deaths in police custody but the vast majority are in the police station or on the way to police stations.
8. Prior to May 2015 I hadn't been involved in any cases involving a death in police custody, or during or following contact with the police. I might have been involved in some aspects of death in police custody when I was a DC or DS but I can't think of any specific cases.
9. The vast majority of my career was in the CID. I was a DC and then a DS for 7 years in Edinburgh. My role was divisional CID and I was not attached to any squads, for example the drug squad. Then I was DI in Edinburgh for a further 3 years. As a DC, DS and DI I was involved in a number of homicide and murder investigations as an Enquiry Officer or Reporting Officer.
10. I have attended many deaths. There used to be a policy in Lothian and Borders where the CID would attend all deaths even when it was obvious it was a medical death. This is when I was a DS in Edinburgh prior to 2000.

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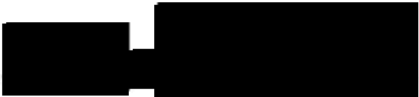
11. I have experience in investigations into police officers on and of duty. For on duty, previously as a uniform Inspector you were allocated complaints against the police and you would investigate them. You'd report to what was then, in Lothian and Borders, Complaints and Conduct. That might have been complaints against police officers on duty or off duty.

12. Then in 2006 I was appointed DCI in charge of Lothian and Borders Counter Corruption Unit (CCU), as it's now called. This was 2006 to 2008. It was previously called Professional Standards. That was investigating police officers and police staff when there was allegations or information that they were committing criminal offences. The officers or members of police staff could be on or off duty. In my role I was mostly dealing with issues of police officers or staff acting along with organised crime regarding controlled drugs, police officers or staff involved in providing information, eg illegally supplying personal data to criminals or members of the media and police officers or staff involved in potentially criminal sexual behaviour over a period of time. For example involving young children. The scope is wide but those are examples of cases I dealt with that are probably already in the public domain.

13. Then I was promoted to DSU in Public Protection in Lothian and Borders. That was 2008 to 2011 or 2012. Then I was DSU for Special Branch until the formation of Police Scotland in 2013.

Experience in cases in which race was a factor

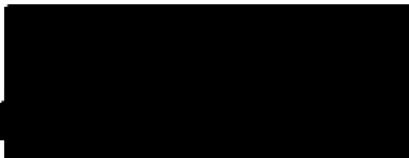
14. Race was a factor in one case I investigated. It was a complaint against two South Asian officers by a male of the same ethnicity. The allegation was related to cultural practices. I would say I needed a level of cultural awareness to investigate that. We had the assistance of an advisor, an expert. We would describe the situation to the advisor and we would plan a strategy. They would consider whether any of our proposed actions would

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inflame a situation, or cause distress or alarm. It was more about cultural appreciation and understanding.

15. You always learn something from an expert, whether a lay expert or one from within the organisation. If you don't learn the risk is you may fail to recognise or understand the individual needs of people.
16. I can't remember if I had any incidents with a racial element in my complaints against the police for on or off duty allegations. I don't think I did but I can't say for certain.
17. I dealt with allegations with a racial element relating to members of the public infrequently. These were cases where there was a criminal offence where race was an aggravating factor. I'm not sure how many related to a black male. But I remember vividly a case involving a Japanese male. There was also a case involving a Pakistani male.
18. I do remember a case involving a black woman. It was a case of anti-social behaviour that escalated to fire-raising. It was a number of years ago. Racism was a factor, it was the reason for the fire-raising.
19. All victims at that time would be referred to victim support. For the needs of the victim and the family there was a whole range of different support that we would arrange. We needed housing and social work to do things as well, such as further support for the family because of their situation. We needed a support group who could understand their position because it was a racially motivated crime. There was lots of dialogue because we were keen to prompt other agencies, particularly housing, given it would have been inappropriate to house the family in the same area.

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Experience of PIRC investigations

20. I wasn't involved in any PIRC investigations before May 2015. After May 2015 I was involved in one matter. I can't remember when exactly but it was mostly likely in 2016.
21. I had a discussion with the PIRC and COPFS regarding the PIRC wishing to undertake all rapes and sexual crimes investigations. I had concerns that the PIRC didn't have the necessary skills to deal with the victims of rape and other sexual crimes. I had concerns how well the PIRC would engage with the well-established procedures involving victims of child sex abuse.
22. Up until that time if it was a police officer involved in a complaint involving rape, sexual assault or child sexual abuse then it shouldn't have been left with the local policing to investigate, it would normally either come to my unit, either the National Rape Taskforce or the National Child Abuse Investigation Unit, or Professional Standards to investigate. I acknowledged PIRC's role as an independent investigator, however I believed the PIRC, at that time, didn't have the necessary skills and training to undertake these investigations.
23. There was quite a bit of discussion as to how the PIRC could undertake such investigations if that was the decision of COPFS. After much discussion I offered the PIRC to attend sexual offences liaison officer courses within Police Scotland to train them to take statements from victims of sexual crimes. Following this, it was decided that in cases where a police officer was suspected of sexual crime, COPFS would be contacted and made aware of the circumstances. They would decide if the investigation would be conducted by Police Scotland or the PIRC.
24. Child protection is a complex landscape and it was unclear on how PIRC would slot in. I don't think some of these complexities were considered when the legislation was written.

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25. The only PIRC-led investigation I've been involved in has been the Sheku Bayoh incident in 3 May 2015. I've not been involved in one since then.


Training

26. I'm trained as a Senior Investigating Officer (SIO) which is probably the most relevant to the duties of the CID at that point which would have been the investigation of the death. I'm not trained in post-incident management. There was training available for that. I was meant to be trained in Lothian and Borders but it was cancelled. When it was available I had moved to Special Branch. The person I was meant to be going with was Keith Hardie. It was training for post-incident management for firearms incidents. I didn't do the training after this. I was aware that Keith Hardie had some sort of training in post-incident management.
27. If we're talking solely about the management of the officers who were involved, post incident management training might have helped. PIM as I understand it generally covers other aspects as well, such as communication strategies, media strategies and community assurance.
28. For training in PIM, I would think it would be helpful to have that broader overall knowledge.
29. The Gold in a critical incident would generally be the divisional commander or an officer from the division. From that you would have your Silver to support the Gold and the Bronzes. The "Bronze" for the CID would be "Bronze Investigation" which is one of the "Bronze" roles that sits under "Silver and ultimately "Gold". Gold group is chaired by Gold. Some members of Gold group have an established role and some don't.

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30. I haven't attended a specific training course for deaths in police custody. I do have some recollection of there being an input during the SIO course or another course I attended.
31. I have had training in equality and diversity. In Lothian and Borders we had equality and diversity training. I can't remember when it was, quite some time ago.
32. Then in Police Scotland, whilst it's not a training course I sat on the Equality and Diversity Steering Group which was chaired by a member the Executive. As my area of responsibility covered areas such as domestic abuse, forced marriage, honour-based abuse, human trafficking, child abuse including FGM and other abusive and exploitative behaviour to persons who are at risk of harm, my portfolio submitted significant updates to the Equality and Diversity Advisory Group, which independent advisers sat on. Our policies would've had significant input in terms of equality and diversity.
33. The Steering Group would act as a sound board. For example we would draft a policy on honour-based abuse, the draft would be shared with external support and advocacy services we worked in partnership with and the final draft would be shared with the Equality and Diversity Advisory Group for any final advice. So I had quite significant input in terms of equality and diversity for the portfolio I had. Our submissions were probably the fullest because of this responsibility.
34. Public Protection has quite significant impact in relation to protected characteristics, for example gender, age, ethnicity, etc.
35. For inputs relating to black men specifically, I don't know. I can't think of focusing specifically on the black ethnic group and gender for our work. It might be that the Advisory Group had looked at this outside my area of

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responsibly for black males. I don't think there was anything particularly focused on black people.

36. I have been told Sheku Bayoh was Muslim. In terms of my cultural awareness around the Muslim community, there might have been reference to Muslim religion in draft policy or SOPs relating to forced marriage and honour-based abuse, but these abusive acts also occur in different faiths so I'd be surprised if it did. There is a misconception that honour-based violence and FGM is particular to the Muslim faith, but my cultural awareness is that this is a social practice associated with cultural ideals and not a religious issue.
37. The part of our work in Public Protection is the identification of "hidden" crimes. We do this by working with community support and advocacy groups. This can include anonymous reporting, third-party reporting or intelligence submissions.
38. For example female genital mutilation can be practiced in some cultures and it's about how to we engage with support groups and women's groups to try and identify if this practice has been committed. It's a bit about engagement and most importantly prevention. The ethos is trying to prevent it before it's committed.
39. I wouldn't engage with local support and advocacy services for example Shakti or Women's Aid. This would be for local divisional public protection units to work with a range of local support services. I and my Detective Superintendent would engage with CEOs of national support groups for example TARA and Rape Crisis Scotland.
40. I didn't have awareness of any local equality and diversity issues in the Fife area. My focus was my specialist role in Public Protection. In relation to the Sheku Bayoh incident, I personally wasn't involved in the initial police

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response. My main desire was to have the family informed as soon as possible and have the Family Liaison Officers (FLOs) deployed. However I was not the initial SIO and had been informed quite early on that the PIRC would be leading the investigation.

41. I'm not family liaison trained. They are specialist officers who are highly trained. As a SIO or Deputy SIO in a murder investigation the FLO is absolutely the link with the family. For example, they document all contact with the family, what information is given, and what is provided. They are an essential cog in the investigation of suspicious or unascertained deaths and relevant critical incidents.
42. As a DCS, training is provided at the Scottish Police College. There's no specific training for how to be a DCS. The skills are within Detective training. The skills vary depending on your role and rank. From memory, the Senior Investigating Officer course is for DI and above. So if your first promotion into the CID is as DSU rank, you could choose to do all the previous courses, or you could do the SIO training. There's no course rank specific after reaching the rank of DI.
43. In terms of SIO if you're an Inspector or above in the CID you have to have that training. There is also other investigative training, for example I was trained as a Senior Identification Manager for disaster victims when there is or is likely to be a large number of fatalities or an incident with body fragmentation. There may be courses you're interested in that you might be asked to be trained in, but there are no courses on how to be a DCI, a DSU or a DCS.
44. My line manager was Assistant Chief Constable [REDACTED]. In Lothian and Borders, in terms of your essential training and your desired wish list of training, that was quite easy to do either through line management or human resources. The first few years of Police Scotland was such a unique journey

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of pulling together 8 forces and the Scottish Drug Enforcement Agency. The focus then was the basic operational and strategic management across Scotland.

45. My experience was during the first few years of Police Scotland if officers had the essential training needed to carry out their role, individuals' desired training was not a priority. For example the PIM training was not essential for my role and Police Scotland probably assessed they had enough people trained as PIM therefore I wasn't offered that training.
46. Because of my overarching responsibilities across Scotland of all areas of Public Protection, specialist training for divisional officers for Joint Investigative Interviews of children, child protection, Sexual Offences Liaison officers and latterly forcewide training for domestic abuse and other forms of gender-based violence, was undertaken within my portfolio area with myself and my four DSUs heavily involved in finalising training material and, depending on the course, delivering inputs. Trying to get all the divisional specialist staff trained to the same high standard continued to be challenging.
47. So in terms SOPs for every area in Public Protection, we wrote them. I had a team of officers for Public Protection policy who wrote the standard operating procedures and revised and delivered the Public Protection training.
48. As on-call DCS, you would have access to the police intranet on a computer if you needed to refer to a specific or relevant document, policy or SOP. Most of us would keep an on-call file where you would store printed out copies of relevant policies, SOPs or suchlike.
49. I would usually print out the lists of who else was on-call nationally across Scotland and contact numbers as well as local policing divisional on-call DIs or DCIs for crime. This was useful when I didn't have access to a computer

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and needed to call anyone. For example later that day when I needed to deal with other incidents.

50. For SOPs and guidance, it was all on the intranet. There was a section on the police intranet in terms of diversity and equality. I probably searched and viewed the section during my time as DCS in Public Protection but I can't remember what was on it now. It may have been that the minutes of the Equality and Diversity Steering Group were saved there. I can't be sure now.

Media training

51. I completed training in media engagement at the Scottish Police College as part of the SIO course, and that was a significant module in the SIO training, culminating in mock television interviews etc. In addition I also completed a "Police and the Media" module over a 10 week period as part of the training I undertook as the FBI Academy in Quantico in 2007.
52. There wasn't any specific aspect of the media training that I put into practice in the Sheku Bayoh case that I can think of. I wasn't involved in media engagement. My experience is, if there's an incident or an ongoing investigation, the SIO would initially draft an "if asked" statement. There would be some discussion with a member of staff from Police Scotland media relations team who are there to manage media enquiries, advise and guide officers and brief the media. There is usually some back and forward discussions between media relations and the SIO prior to finalisation and SIO sign off. The "if-asked" statement sits with media relations until such a time it is provided externally, withdrawn or amended.
53. If you were wanting to put a statement out proactively, it again would be drafted by the SIO and/or the media relations staff. There would be discussions and when finalised and approved by the SIO, media relations

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would release a statement or appeal to news agencies. It might be someone's name or it might be "a police spokesperson said".

54. I wasn't aware of any media engagement between Police Scotland media relations and news agencies on 3 May 2015. Shortly after my arrival at Kirkcaldy Police Station myself and DSU Pat Campbell drafted an "if-asked" statement and DSU Campbell passed it to the on-call PF for consideration. I was informed by DSU Campbell that the PF had instructed that it shouldn't be used and therefore it was discarded. I'm not sure if Police Scotland shared anything with the media or if PIRC did.
55. My understanding was that the PIRC would lead on media. It wouldn't be for Police Scotland to appeal for witnesses if the PIRC are leading the investigation. I subsequently learned, on another day, that Police Scotland had said they were not making any comment because of the PIRC's role. I know from other agencies down South, the Independent Office for Police Conduct, that it's appropriate for the police to say no comment because it's the IOPC's investigation.
56. I don't know about the report of an officer being stabbed. In my statement when I was informed of the circumstances, at about 8 in the morning, I was told that a female police officer required medical attention and it was unclear whether there had been a stabbing injury or not. Probably because the report was that the male concerned had been in possession of a knife.

Previous statement

57. I have read my previous operational statement (PS00669 [REDACTED]). I remember preparing this statement. I don't know when I prepared it. I got a request to submit a statement to the PIRC sometime after. It was quite some time after, I would say months after.

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58. I don't know if it was unusual or not because I'd had no experience of the PIRC. It was unusual to prepare a statement for an on-call incident. There was nothing I had done that was part of the evidence chain. I would provide a statement if I had been involved in the evidence chain in some way such as if I had taken a statement; attended at a scene; witnessed anything or taken a production. Or if I had recorded a person's status as a suspect/accused; interviewed a suspected person; arrested a person; charged a person; took samples, physical data or intimate samples from a person, etc.
59. DSU Pat Campbell should have submitted a statement given he was the SIO for a period of time on 3 May 2015. There might not be anything relevant in terms of the evidence chain in terms of the SIO's statement, but from my experience COPFS now like the SIO to submit a statement providing an overview of the investigation and more recently on occasion cite the SIO to provide the jury with such an overview and then lead officers who were involved in carrying out the actions to give evidence.
60. I wrote a true and accurate statement to the best of my recollection at the time. I typed it up myself electronically but I don't know who I sent it to. I don't think I heard anything back.
61. My recollection would be better when I prepared the statement than it is now. If there's a discrepancy, I'd probably prefer the account nearer the time, but I can't even remember how long it was after the date.
62. It was my understanding that PIRC requested the statement. I didn't hear anything back from PIRC or COPFS after I submitted it.

Notebook and daybook

63. I only kept a daybook. I do need to keep a daybook. I don't know why, I think it must be written somewhere to keep a notebook or a daybook. Probably

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since I've been a Superintendent I attended so many meetings and needed to record what's in the meeting and actions, telephone updates etc, that a daybook is essential. I kept quite a number of daybooks.

64. I didn't routinely archive my daybooks but in the period leading up to my retirement they were boxed and archived. I had a cabinet in my office with my daybooks. They were all archived and left for collection apart from my daybooks from between 2018-2020 when they were stored in a separate place. Op Tarn have requested my daybook for 3 May 2015. I haven't seen the entries since I last used my daybook.

Evidence in the media

65. I haven't really been following the Inquiry. I know it was set up, and commenced. I saw bits about the officers giving evidence to the Inquiry. I've not been following what's been happening. I think there was a couple of officers who gave evidence, the female officer who attended hospital and was injured, and I think there was another couple of officers who gave evidence.
66. I think there were two officers who attended the call. It was in the news and online. I think with the officer who was injured, I can't remember if I heard this or read it, the gist was that she was punched and then stamped on and went to hospital. I think I read on the BBC about the doctor who examined her and there wasn't any obvious injuries to her. I think there was a male officer who gave evidence, the bit I read or saw was about how he felt during or subsequently, his feelings of fear and anxiousness afterwards.
67. It's difficult to say if it's affected my recollection because it's been in the news a number of times since the incident until now. There has been public awareness. It's difficult to say if any of that has tainted my recollection. I don't think I had that great a knowledge at the time. For me, on the Sunday I

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attended it was still quite unclear what had happened. So hopefully it's not affected my recollection.

Role 3 May 2015

68. On 3 May 2015 Pat Campbell was initially the SIO. I had appointed him that morning. Later that morning the PIRC were instructed to lead the investigation by COPFS. As such, my understanding was Police Scotland would support the PIRC in any way requested by the PIRC.
69. Initially, my role was to try and assist the SIO by getting required resources, any specialist resources, speaking with him if I had any concerns, generally supporting him in any way I could. There can only ever be one SIO at a time. I was dealing with Pat and subsequently the PIRC. Just for that day, 3 May. If there were things they needed, mainly resources, I would attempt to arrange them to ensure that actions could be undertaken.
70. My interests were to ensure sufficient resources. In a Gold group if you have something to say that ~~that~~ may be relevant then you can voice it. I wasn't a point of contact between Gold and the investigation, there wasn't a structure there were general conversations. If Gold wanted to speak to the SIO then they wouldn't necessarily have to tell me.
71. I don't think I'd dealt with any other incidents like this in person. Very rarely would a DCS actually attend at an incident, the on call geographical DSU would. Location was probably the factor in this case. If this had happened in another part of Scotland I probably wouldn't have attended. I paraded at Fettes in Edinburgh that morning. My close proximity to Kirkcaldy was probably one of the main reasons why I attended.
72. It was my decision to attend in person, nobody asked me to. If the incident was elsewhere I would've had telephone updates about what had happened.

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If there were requests for resources I would've organised that, by telephone and recorded it on email. I was responsible for mobilising staff from other divisions.

73. I have been asked if there was a benefit in attending in person as opposed to remotely. My personal point of view I was able to hear and see at some stages what was happening, Gold meetings and meetings with PIRC. Having done this, it would be easier to verbalise what had happened during the meeting on the Monday morning which I attended which is to update the Chief Constable and the Executive of incidents that happened across Scotland.
74. There were other incidents that day. During the day I received updates from across Scotland on incidents that took place on Friday, Saturday and Sunday. This would allow me to prepare a summary of all weekend incidents and go through them individually with the Chief Constable on the Monday morning and the Executive. This happened in this case on the Monday morning.
75. I usually typed additional information onto the electronic daily summation, which was formally called the Chief Constable's Incidents of Note, which are prepared for the Executive and all divisional and national departments every 24 hours. I added the information provided from local or national divisional updates in terms of background; what happened; outcomes; ongoing concerns etc. I would either email my updated paperwork to Executive Support on the Sunday night or early Monday morning and a member of staff would print it out for me. At this stage in Police Scotland you couldn't log on to computers in other legacy force areas. The document would've been prepared using my login and sent electronically.

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Executive conference

76. I refer to my statement (PS00669) at page 2: *"At 0930hrs same date I took part in the routine executive conference which reviews significant events over the preceding 24 hours and plans for known events taking place in the succeeding 24 hours. During this time I was informed that the male, who was believed to be Sheku Ahmed Tejan BEYOH, had died and, at 0910hrs, Chief Superintendent MCEWAN had declared this a critical incident. I was informed that Crown Office and Procurator Fiscal Service was instructing the Police Investigations and Review Commissioner (PIRC) to take over and lead the investigation. I was informed that there would be a Gold Meeting at Kirkcaldy at 1130hrs and agreed to attend."*
77. This is an executive conference. The format of this is the ACC who is on call, who on this occasion was Ruaraidh Nicolson, chairs the morning meeting. I give the biggest update in that I see all the matters of interest that happened 24 hours before. There is I think 3 uniform Chief Superintendents (Ch Supt), one covering the East, the North and the West, a senior officer from specialist support who covers RTAs or public order issue and also the on-call media relations member of staff and a minute taker.
78. That call took place at 9:30am as normal. It usually takes 45 minutes to an hour. During that time I was made aware that COPFS had instructed the PIRC to take over and lead the investigation.
79. At 9:30am, PIRC couldn't take over and lead the investigation. My understanding was that the PIRC were attending at Kirkcaldy and there would be a briefing and a handover at that point. Police Scotland would support the PIRC with resource as they determined how the investigation would progress. My thought process was that PIRC had been told to lead the investigation but until they arrived and were briefed, the handover would be impossible.

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80. The way I thought about the handover was the same as I think about an SIO handover. It's not great to change SIOs but these things happen. For example you could have a murder and a divisional SIO appointed until such a time that a MIT SIO commences duty. Until there is that briefing then it's difficult for anybody to lead an investigation. My thought was that there would be a handover to PIRC when they attended at Kirkcaldy and after any briefing.
81. I didn't think there would be nothing done between the Procurator Fiscal instructing the PIRC to take over and lead the investigation and their arrival because that would be not appropriate. You would have important areas uncontrolled. Evidence could be lost or destroyed. Police Scotland would not simply walk away. Scenes have to be protected. Potential evidence has to be gathered. I think that's in the legislation.

Senior Investigating Officer

82. I was a rank above Pat Campbell. In terms of the SIO there is only one and he or she is accountable for the decisions made. The bottom line is the SIO makes policy decisions, records their decisions and the rationale and can review, alter or amend policy decision in the course of their investigation.
83. We use the word oversight a lot but it's difficult to be sure what it means. I have oversight. If an SIO says they want to do something and another person disagrees, it's ultimately the SIO's decision. The SIO can take advice and change their decision, that's fine, but what happens has to be the responsibility of the SIO, you can't have more than one SIO.
84. The SIO can appoint all the advisors he or she wants to assist them. But it's for the SIO to make the decision and decide whether to change it following

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review. There is nothing to stop Silver or Gold speaking to the SIO and offering advice.

85. I appointed the SIO. The policy on deaths at that time was if there was an unexplained death then the on-call DSU would attend. I think the policy was eventually changed because it was unworkable. It was without question that Pat Campbell would be attending Fife after the death. In the circumstances there was no alternative other than for him to take the role of SIO.

86. It wouldn't have been appropriate to have the divisional DI or DCI as SIO when the original officers involved in the arrest, which included use of CS/PAVA incapacitant spray and police batons. The divisional DI or DCI would have potentially known or known of the officers, the duty Sergeant and duty Inspector. So in terms of transparency and objectiveness, it wouldn't have been appropriate to have the SIO from the same policing division. Pat Campbell, who was legacy Strathclyde Police and was at that time attached to Lothians and Scottish Borders Division, was attending anyway therefore it was appropriate for him to be appointed SIO.

87. I think Pat Campbell and I had a couple of meetings. I can't really recall in great detail what we talked about. We talked about officers' outer clothing and any equipment. We did have a conversation about witness statements, operational statements, from the officers.

88. It is difficult for the SIO, people come with a lot of suggestions, some people come with helpful suggestions and sometimes not so helpful. That's part of the role. Pat Campbell had to report to a number of people in Police Scotland but wasn't directed on what to do by them.

89. I've not heard of the role of Deputy Post-Incident Manager. I don't know Jane Combe. You do have a Deputy SIO so a Deputy PIM may be something from

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the training. I haven't been PIM trained. I can't remember Conrad Trickett being there at all.

90. I think I was given an action to find out if PAVA had been used before. I think there was an ongoing trial in terms of its use. Previously, all operational officers were equipped with CS incapacitant spray, however PAVA was being rolled out across Scotland as an alternative to CS. I think there was a concern that PAVA had not been deployed before by Police Scotland and whether it could have had an extremely detrimental effect on Mr Bayoh. I was to look into whether anybody in Police Scotland had deployed PAVA before and obtain details. I think that might've been at the Gold Meeting, it might've been Ruairaidh Nicolson who gave me the action.

PIRC's role in post incident management

91. My understanding of what would happen if PIRC were to lead an investigation is that Police Scotland and SPA would support PIRC in any way they wished them to support, resources or whatever. That's how I believed the investigation should be carried out after the briefing and transfer of a SIO.
92. I had no training for dealing with PIRC. I can't remember who told me PIRC would be involved, but it was at the morning meeting at 9:30am. I can't remember who provided that information.
93. In my statement (PS00669) I wrote that I was informed during the telephone conference that COPFS were aware. I take it somebody had contacted the death in custody Fiscal. In my statement this should be the Fatalities Fiscal not CAAPD. They had decided it was going to be a PIRC-led investigation. There was nothing else discussed and no discussion about what a PIRC-led investigation meant.

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94. I have been referred to my statement (PS00669) at page 2: *"During this time I was informed that the male, who was believed to be Sheku Ahmed Tejan BEYOH, had died and, at 0910hrs, Chief Superintendent MCEWAN had declared this a critical incident. I was informed that Crown Office and Procurator Fiscal Service was instructing the Police Investigations and Review Commissioner (PIRC) to take over and lead the investigation."*
95. I can't remember the definition of a critical incident. It's something that would cause significant public concern. Something of an unusual, serious nature, that sort of thing. Could be a helicopter crashing, or a terrorist incident, public disorder. It was a critical incident probably because it was a death in police custody but I don't think Ch Supt McEwan outlined his rationale.
96. There was a mention of terrorism in this incident. I think it was ACC Nicolson that mentioned that the threat level was quite high at that point. I recall that there was a mention to speak with counterterrorism to check whether Mr Bayoh was known on any of the systems.
97. That did happen and I think it was negative. The investigation thereafter would have been different if there was a suspected terrorist element. If Mr Bayoh was known to counter terrorism or security services then there would've been a different response in terms of the investigation. I've not been in that situation before but I would expect a counter-terrorist SIO would have been appointed and there would've been a counter-terrorism enquiry supported by organised crime and counter-terrorism command.
98. It is a call for the divisional commander to the person leading it whether it's a critical incident or not. That is a judgement call in terms of how they believe there would be public response or public anxiety. I don't think there's a set of rules, each situation has to be assessed individually. I think there is guidance around the types of incident it can be but it's up to each divisional

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commander to assess how it may affect their community, they're better placed than someone writing a SOP or guidance.

99. A critical incident would go to executive level unlike a non-critical incident. I have been asked if the involvement of the executive is to use the skills and experience of the senior management of Police Scotland or for responsibility and accountability to be higher in the organisation. I would say it's a bit of both.

100. I don't know if the terminology of Major Incident is used today or in May 2015. I can't think when that phrase was first used. I'd say a Major Incident is less than a Critical Incident but I'm not sure there's a huge difference. I think Major Incident is used more for public communication as opposed for use within Police Scotland.

101. I don't know anything about a decision for PIRC to investigate the engagement between the police and Sheku Bayoh and what happened afterwards, and for Police Scotland to investigate the matters leading up to the engagement.

Professional standards

102. I have been told DSU Pat Campbell states (PS00288 [REDACTED] at page 2): "*I thereafter informed DCS Boal, and Supt Craig Blackhall of the death and Supt Blackhall informed me he would speak directly to the on call COPFS rep and seek guidance from Crown regarding primacy for the investigation. About 0930hrs I was informed by Supt Blackhall that David Green (COPFS - Fatalities Unit) had instructed a PIRC led investigation supported by Police Scotland. I was also made aware that someone from the PIRC would contact me shortly to discuss their attendance.*"

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103. I was informed during the morning executive meeting about COPFS' decision. Maybe Craig Blackhall had called into the meeting. I can't remember any discussion with Craig Blackhall. I've spoken to him on numerous occasions in the past about police officers in my own role. I'd have put it in my statement if I recalled it. It looks like the liaison was between the PIRC and Pat Campbell and not me. The first time I saw PIRC was when they arrived later on in the afternoon.

104. Craig Blackhall was Superintendent in Professional Standards, based in Aberdeen. In terms of advice and investigation of police officers Craig was senior in the role he's very knowledgeable and approachable. I don't know the extent of his involvement in this investigation.

105. It would be normal to involve somebody from Professional Standards. Craig was in Aberdeen so he would've been available on the phone or online to provide advice and assistance. During my time as DCS Public Protection I was Gold on a number of occasions when either the National Rape Task Force or National Child Abuse Investigation Unit were investigating police officers and there would be a representative from Professional Standards because of the dual-aspect of the potential criminality and/or potential misconduct. If the investigation found the criminal threshold had not been met, the behaviour may still be misconduct and Professional Standards would lead the investigation into any such misconduct. Conversely, there may be or there may have been a need to consider either suspension or restrictive duties of an officer under investigation and Professional Standards, not the SIO, progressed this with the appropriate DCC.

106. I can't remember if anyone from Professional Standards was at the Gold meetings. Knowing Craig I would anticipate that he would provide advice to the ACC or Pat, he was on the end of the phone. In my role I didn't need to liaise with Craig. If I felt strongly that there was something that Craig had to

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be made aware of then I would've contacted him. In terms of my overview, I didn't feel the need to liaise directly with Craig.

107. I wasn't involved in liaison with COPFS. Fatalities should be contacted not CAAPD, that's my mistake from earlier in this statement when I said the death in custody Fiscal should be contacted.

108. I have been told DSU Campbell states (PIRC-00211 at page 3): *"I was at this time preparing to leave Livingston and drive to Kirkcaldy, therefore, I made contact with Detective Chief Superintendent Boal via my Police issue telephone and provided her with a verbal update of what had been briefed to me by Detective Inspector Robson. She informed me at this time that she had provided a brief to ACC Ruaraidh Nicolson and that 'on call Policing Standards Department (PSD), Superintendent Craig Blackhall had been briefed, this was to ensure that if the injured male did prove that there was an immediate referral to 'Crown.'"*

109. I don't recall this. It might have been that Pat had received information from the divisional DI. From recollection, it was similar to what I'd been told by Ch Supt McEwan. It might be that during the call at 8:50am he had relayed all the information from P Division. I can't recall it at the moment or recall anything significant that may be different from what Ch Supt McEwan had told me on the call some 50 minutes earlier.

110. I put in my statement (PS00669) that I was informed at 9:30am that Sheku Bayoh had died. I might've been told earlier by Pat and I just can't recall. In my defence, the period between 7:00 or 9:00 or 9:30 at weekends is extremely busy. The on-call DCS is the single person to collate all crime and other matters of interest across the whole of Scotland. Either the phone doesn't stop ringing or you're trying to make contact with people and the clock is ticking.

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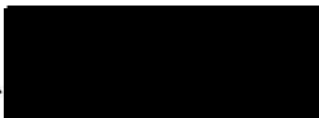
111. I have been referred to my statement (PS00669) at page 3: "At 1130hrs same date I attended a Gold Meeting, which was chaired by ACC Nicolson, at Kirkcaldy Police Station where, after an initial briefing of the circumstances known at that time, it was confirmed that this would be a PIRC lead investigation and Mr Keith HARROWER had been appointed Investigating Officer. I was informed that Mr HARROWER and PIRC investigators were expected to arrive at Kirkcaldy Police Station imminently for the purposes of briefing and taking over the investigation."

112. The role of PIRC wasn't unclear to me at that point. "Confirmed" is probably the wrong word. It was clear to me because it was confirmed before. Maybe it was confirmed to others who weren't present at the 9:30am executive meeting.

113. PIRC's role didn't change over the course of the day. I wasn't informed that PIRC's role had changed. My understanding is that PIRC were going to be leading the whole investigation with Police Scotland assisting.

Nature of the investigation

114. I have been referred to my statement (PS00669) at page 2: "About 0800hrs I received a telephone call from Chief Superintendent MCEWAN during which time I was informed that about 0700hrs that morning a number of calls from members of the public had been received reporting that a male, in possession, of a knife was chasing cars and causing alarm in Kirkcaldy. He informed me that in response a number of local officers had attended and, to effect arrest, had used force, specifically 'CS spray' and police baton. He informed me that after handcuff and leg restraints had been applied the made had stopped breathing, officers commenced CPR and an ambulance had been summonsed. I was also informed that in addition to the male being conveyed to hospital and female police officer required medical attention. It

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was unclear at that time whether the officer had received a stabbing injury or not.”

115. I have been asked, against that background I provided, what did I consider was the nature of the enquiry at that time. I considered the nature of the investigation to be a death in police custody investigation. The investigation should include the whole circumstances but the bottom line was the person had been in police custody at the time of his death in a hospital setting. The police involvement may have had a significant role in the cause of death. It was a death in police custody but was being investigated at that time with the cause of death being unascertained.

116. Potentially there may be criminality on the part of the police officers, however like other unascertained deaths there would be a number of hypotheses and each one would be investigated.

Investigative hypotheses

117. As SIO you have to consider what these hypotheses are and rule them in or out. Criminality of the police officers is a hypotheses. It's for the SIO to decide other hypotheses and what should be done to investigate them. A number might be investigated together.

118. I think it's good to list what they are. I think the hypotheses approach is mentioned in training. In terms of the murder manual, which is a guide for how to investigate homicides, there is a section on hypotheses in that document. For me, and I can't say this for everybody, it allows me to think about every possibility to make sure you're either eliminating a possibility or finding the evidence and following that evidence to see how far it takes you.

119. In terms of Mr Bayoh we learned later on there was a disturbance at an address he'd been at. The question was whether Mr Bayoh was involved,

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who else was involved, what type of disturbance took place and was anyone assaulted during the disturbance. One hypothesis for me would have been, was Mr Bayoh assaulted prior to coming into contact with police and if so was the assault relevant to any injuries he received or relevant to the cause of death?

120. Another hypothesis would be, was his death due to an underlying medical condition, information would be obtained from his GP and/or specialist and statement from family members. If I was SIO I would normally list my hypotheses or anything that may be relevant in terms of a potential cause of death. I would note down the hypotheses and then allocate out priority actions, the most likely hypotheses initially. Where there is no evidence to support a hypotheses, it can be eliminated. That's not to say every SIO is the same, some will and some won't. Also hypotheses ensure you don't exclude anything. Some things could be overlooked otherwise.

121. Ch Supt McEwan and I didn't discuss the nature of the investigation. Race as a possibility was not discussed with Ch Supt McEwan. However, it is in the back of your mind when you're thinking about all possibilities. In terms of hypotheses, one would have been that the male had been treated differently because he was a black male. I can't remember having a conversation with anybody else about it, but the feeling I got was that everybody was thinking along the same lines as me that it was a possibility that the actions of the police officers or a police officer was because Mr Bayoh was black.

122. I have been asked how we would investigate this hypothesis. On day 1 the focus was more on managing and securing those vital bits of physical or other evidence. The longer investigation strategy would have developed the following days and weeks. We were dealing with the critical incident at the time. I'm not saying it wasn't on Pat Campbell's radar in those first few hours, he will have to answer that himself, or the PIRC's radar, but at that early

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stage the focus was on making sure the loci were secured and evidence was recovered. These are the main actions that you have to consider.

123. I would say that I wasn't sure at all exactly what the officers had done at this initial stage. We were trying to work out what the officers had done in terms of restraint, never mind why they did it. On that first day I don't think we even got a good understanding of the police interaction with Mr Bayoh in any detail such as the use of batons or police restraint on him. Maybe others were aware, I certainly wasn't.

124. As I mentioned before, I would list potential hypotheses and as the investigation progresses, hypotheses could be eliminated or alternatively others could be added.

125. I wouldn't allocate resources, especially if short of investigating officers, into investigating hypotheses until such a time as I was assured that all scenes and other loci had been secured and forensic evidence secured and/or recovered along with any other priority actions. On occasion there may be priority actions within priority actions, for example the scene in Kirkcaldy would have been actioned for examination prior to any indoors scene.

Negative perception of Police Scotland investigation

126. I have been referred to my statement (PS00669) at page 2: "*Conscious of the possible negative perception of local officers carrying out such investigations I asked Detective Superintendent CAMPBELL to muster Detective Officers from neighbouring Divisions and Police Scotland's Major Investigation Team to assist him, as far as possible, to undertake priority actions.*"

127. There could be negative perceptions from family, the public, the media, political and actually from within Police Scotland whether the investigation was being carried out in a way that was both transparent and objective if

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officers involved in the investigation had close association with those involved in the arrest.

128. I can only go by my own experience of negative perceptions. If I was made aware of a complaint against a divisional police officer or member of police staff for a crime or offence that fell within the remit of Public Protection such as domestic abuse or child abuse etc, then I would liaise with Professional Standards and the relevant divisional commander and appoint one of my SIOs from a Specialist Crime Division – Public Protection national team to investigate. This would ensure that the SIO and their enquiry officers had no relationship with the suspected officer or other officers in that division. If there wasn't sufficient capacity within the national team I would appoint an investigating officer or SIO from a different local policing division. It's about, as far as possible, mitigating any potential internal or external negative perceptions and ensuring a totally objective investigation.

129. There could be negative perceptions during any investigation not conducted by the PIRC. I was of the opinion that if a Public Protection type complaint was being investigated within Police Scotland then I was mitigating any potential negative perceptions as far as possible by removing it from the local policing division. Within my area of responsibility that was normal practice when I was made aware of a complaint.

130. If the complaint was of a minor nature then there would be a discussion between Professional Standards and the officer's division to determine who would investigate. The cases that I allocated to Specialist Crime Division – Public Protection were those cases that were more serious that involved potential significant harm.

131. In addition to not having sufficient resources within Kirkcaldy to investigate, it would not have been appropriate for Kirkcaldy officers to be involved in the investigation. This resulted in moving CID resources from other divisions. We

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do this regularly; at the weekend and overnight when CID capacity is lower and for reasons of threat, risk and harm. For example when specific expertise is required such as a child death SIO, FLOs, crime scene managers etc. We generally move resources between Divisions within the three geographical areas within Scotland, ie North, East and West, however there are occasions where we may have to move resources from one geographical area to another ie from an East division to a West division.

132. I think Kirkcaldy officers may have undertaken some tasks before other officers arrived. I would have wanted no staff from Kirkcaldy involved in the investigation. That would've been my ideal. In a way it puts those Kirkcaldy officers in quite a difficult position as well.

133. I have been told DSU Pat Campbell states (PIRC-00212 at page 2): *"I had also had a conversation with Detective Chief Superintendent Boal regarding the use of local officers. I did not want there to be a conflict of interest or an issue with integrity at the initial hands on stages of the investigation. I therefore requested that all critical roles be taken over by officers out of the Divisional area. This in itself was causing problems from a resource point of view."*

134. I think we had that conversation. I don't think he told me about the integrity issue I think it was a conversation between us, my experience of doing this on a regular basis was more than Pat's, but yes obtaining resources on a Sunday morning was difficult. To fill the key roles, I contacted a few officers myself to see if they were available to attend Kirkcaldy Police Station however it was difficult, for example due to family commitments or other engagements.

135. I have been referred to my statement (PS00669) at pages 2 and 3: *"Prior to leaving Fettes I spoke with Detective Superintendent CAMPBELL specifically about resources and availability of personnel to assist or*

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undertake key posts such as Crime Scene Manager, Crime Scene Co-ordinator, Family Liaison Officers, House to House Co-ordinator, CCTV Co-ordinator, Production Officer, Interview Advisor, Diversity and Equality Advisor and Office Manager until otherwise directed by the PIRC. I advised Detective Superintendent CAMPBELL to, in the interim, request Detective Chief Inspector HOUSTON to attend at Kirkcaldy to act as Crime Scene Coordinator.”

136. What I was trying to do was identify officers with specific expertise to attend Kirkcaldy to be utilised by Pat Campbell immediately or at least be briefed. My thought process was, following the handover to the PIRC, the officers with specific expertise could be used by the PIRC in key roles or undertake general investigative actions under PIRC direction. If not required by the PIRC, they could return to their divisional duties.

137. For example a Crime Scene Manager was vital for Pat Campbell in the initial stages to ensure each of the scenes were managed properly. I envisaged that the handover to the PIRC would include Police Scotland's Crime Scene Manager briefing the PIRC's Crime Scene Manager.

138. As anticipated, Pat Campbell was extremely busy managing all aspects of the initial stages of the investigation and required specialist officers to undertake key posts to assist him. My thoughts were that each expert post holder could draft a strategy that could be passed to the PIRC during the handover and if they wanted to they could have accepted it, amended it or rejected it and drawn up their own strategy moving forward.

139. These roles were essential. It was my belief that if the specialist key post holders were in place, either deployed by Pat Campbell or at least briefed, they would be able to support the PIRC if requested and minimise delay. The CSM, Crime Scene Coordinator, FLOs, House to House Coordinator etc have specialist training as well as being generic detectives, so if they weren't

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being deployed in their specialist roles they could still assist the PIRC as required or if not, return to their divisional CID duties.

140. I didn't know if this is normal as it was the first time I had experienced the PIRC being asked to lead an investigation at the outset. The PIRC were fairly new and I don't know if ACC Nicolson or Ch Supt Garry McEwan or others had greater experience of PIRC-led real-time investigations.

141. My opinion was the Diversity and Equality Advisor may be able to add value to the Gold group or Pat in terms of any of the actions that were being taken. Diversity and Equality Advisors within Police Scotland are sometimes underutilised or people sometimes forget about them. Generally their advice is around approach and improving communications and potential perceptions. By pointing out any potential issues or unforeseen impact on certain groups mitigates or minimises any negative reaction. They can provide advice about communication generally, public communication and also FLOs advice on family communication if required.

142. By perception I mean anybody's perception, internal or external. The diversity and equalities advisor could also advise media relations in relation to any media statement. As per the Gold minute, Safer Communities is the department in Police Scotland which is responsible for diversity and equality. The advisor may have been the on-call Safer Communities officer, or a specific person may have been contacted and called out. I didn't appoint the diversity and equality advisor, it may have been Pat Campbell or Ch Supt Garry McEwan.

143. I have been told DSU Pat Campbell states (PIRC-00214 at page 3) that Inspector Gill Boulton was appointed for Diversity. That might've been the Advisor. I know who she is. Gill Boulton was based at headquarters. I don't remember having any contact with her that day or at any other time regarding the investigation into Mr Bayoh's death or the police response.

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144. I don't know about a firearms post incident procedures SOP being used in this situation. I'd have to say the only SOP would be death in police custody, which I've probably not read for a very long time but I would have done. From my recollection, it would be written for a death in police custody in a police station, as well as in within a cell complex environment. I can't remember reading anything in relation to restraint outside, in public, and death following police contact. It maybe does but my recollection is the SOP focuses on deaths within a cell complex, securing CCTV, etc.

145. I would look at the death in police custody SOP first, see what that said. I'd probably have a conversation with Professional Standards for advice or assistance that they could provide. Or if they were aware of a previous situation where a person had died then I might make contact with the SIO in that case, strength, weakness, good practice, bad practice.

146. Then I'd deal with it as a death, outdoors. Where the situation has happened outside, wherever that might be. I would follow unexplained death investigation practice. I can't remember another death in similar circumstances in Scotland.

147. For the death in custody SOP, there would have been one in place in May 2015 following the creation of Police Scotland in 2013. In April 2013 there were 8 different sets of SOPs, one for each legacy force. It was a massive task to review each procedure to develop and publish a single Police Scotland SOP for each police response that required a SOP. At the outset it might have been assessed that one legacy force's SOP was the most appropriate and initially that SOP may have been rebadged as a Police Scotland SOP prior to the relevant business area developing a new document.

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Incident at Hayfield Road

148. I've never used ARLS data. I can't say I've heard of it. I don't know anything about the availability of the ARV for Hayfield Road. The availability of the dog unit wasn't discussed. I don't know who was in charge when it was taking place. I don't know Inspector Stephen Kay. I can't remember discussions about the actions of the Area Control Room.
149. I don't know the exact time the Hayfield Road scene was secured. I don't know when the crime scene protocols or procedures were put in place.
150. At page 3 paragraph 2 of my own statement (PS00669) I stated I was driving from Edinburgh to Kirkcaldy and the weather conditions were atrocious. I phoned Pat Campbell en route to confirm tents had been erected at the scene, because at that time it was sometimes difficult getting tents at a scene to protect a locus. I wasn't checking up on Pat doing things right, I was checking if he had difficulty obtaining tents because I could help him with resources.
151. I was informed that the scene had been secured and scene entry log commenced. The outer cordon would have a crime scene entry log. That would've been put in place prior to that telephone call with Pat Campbell. That was all crime scene protocol. My understanding from that conversation was that the crime scene was secure.

Gold group meeting 3 May 2015 at 11:30am

152. I have been shown minutes for Gold group at 11:30am on 3 May 2015 (PS06491). I've not seen it before. I don't know who wrote it but it says "*Detective Inspector Robson (Minutes)*" so it suggests DI Robson wrote the minute. I vaguely remember attending this meeting. I don't think I received any documents in advance of the meeting.

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153. Terms of reference is a Gold strategy, from Ch Supt McEwan so it's his terms of reference. Actions should take cognisance of the Gold strategy. The SIO or PIRC would have their own investigative strategy that would focus on the death investigation as opposed to the broader strategy that Gold would have.

154. The terms of reference shouldn't be pro forma because each critical incident should be considered on its own rights and needs. However there is probably some critical incident terms that would be generic across the board, for example provide assurance to the public, but they should be focused on the incident generally.

155. I don't know if these terms of reference were read out during the meeting, maybe they were. With the people present, I would've been able to speak up if I wanted to raise an issue.

156. I have been referred to the Gold group minutes for 11:30am (PS06491) at page 1: *"Provide reassurance to the community and public acknowledging the impact this incident may have had,"*.

157. I suppose it's better to ask Ch Supt McEwan what this means. I think what he's trying to say is that the reassurance in terms of the death being investigated by the PIRC. The other issue is of a male with a knife and community concerns about a male with a knife in public. Community reassurance around the whole incident. Police are present in a particular area, crime scenes, police vehicles, that can also cause anxiety. It's not only the death itself, it includes the wider activities thereafter.

158. The community is Kirkcaldy, but I think Garry would be looking at the people of the community who would be most affected, for example it would be the people of Hayfield Road who would receive reassurance messages. That's

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my interpretation of it. I don't recall providing reassurance to black people in the local area being discussed at this meeting.

159. The timing when he wrote this might've been earlier on. Not only in terms of the death but in terms of the wider, broader police activity and what happened.

160. I have been referred to the term of reference (PS06491): "*Ensure the integrity, interest and reputation of the Police Service of Scotland and its staff is maintained and safeguarded.*"

161. I disagree with this. There shouldn't be decisions made to ensure this. Ensuring the reputation of the Police Service, that's not objective and it's not transparent. I think I would have raised this in the meeting. I have picked up on such an entry in Gold strategy previously and voiced my concerns. Perhaps I missed this particular entry on this occasion or perhaps I mentioned it to Ch Supt McEwan. I can't remember. I didn't talk to Ch Supt McEwan prior to drafting this Gold strategy.

162. It's difficult to explain what it means but it's not right. It could be interpreted that when undertaking any investigation or action, the integrity, interest and reputation of Police Scotland should be at the fore.

163. I have been asked if I saw how this term of reference manifested in any of the things I did or my colleagues did. No. For me my understanding is that when PIRC had been briefed and lead the investigation side, this strategy means nothing because it's now the PIRC strategy. To be honest the people who had sight of these bullet points, the Gold strategy wouldn't share them with DCs, DSs or DIs who were carrying out their operational duties eg interviewing witnesses or staff from SPA. I wouldn't expect anybody to think about the reputation of the Police when going about their duties as a professional detective.

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164. I can say categorically I never heard anybody discuss or instruct Pat Campbell to focus his investigation in a certain way. A number of the priority actions were necessary to ensure potential forensic was not lost or destroyed. For example due to one of the loci being outside – Hayfield Road. The timing of priority actions being allocated would depend on the resources required and what resources were available at a particular time. The availability of resources at the outset was the difficult part. The raising of priority actions would be routine for an SIO.
165. The approach in terms of the scene, the body, somebody coming to say there had been a disturbance, an additional scene being preserved and a statement taken from that individual. If you take it away from a death in police custody to a person being dead at the scene, in suspicious circumstances e.g. stabbing, those priorities would be routine. You would investigate. That part of it would not be unfamiliar.
166. For eye-witnesses, what would normally happen is that uniform officers would take an initial statement and then detective officers would be deployed and you would sit down and take a full statement to go into all the details. It may have been difficult for Pat Campbell, depending on the resources available at any given time, to ensure all priority actions were allocated as soon as he would wish. I don't know how many eye witnesses there were.
167. I have been referred to page 2 of the Gold group minutes for 11:30am (PS06491): *"Priority Actions – Statements from Martin Dick/Saeed Zaheed/Independent witness speaking to male with knife"*.
168. I can't recall why that was listed as a priority. I can't recall who Martin Dick or Saeed Zaheed are. As a priority this might've assisted in terms of Mr Bayoh's actions leading up to contact with the police.

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169. This was Pat Campbell's Investigative Strategy. It was his priority actions. Pat has thought they were important and I wouldn't disagree, I thought they were important as well.

170. I have been asked why it was not a priority that the eyewitnesses who saw the engagement between the police and Sheku Bayoh were traced. That would've been a priority action as well. PIRC were going to take it on. I would expect a House to House Coordinator to be deployed and start developing a strategy or Pat Campbell to consider and discuss with the PIRC when a handover took place. A House to House Coordinator would normally liaise with a CCTV Coordinator. The parameters would start at the locus at Hayfield Road and work outwards following Mr Bayoh's route to the scene. This would hopefully establish any eye-witnesses or any persons who may have relevant information. The CCTV Coordinator's parameters would be established likewise to capture any relevant footage.

171. I think it's misleading the way the minutes have been typed up. I think all the priority actions were from statement from "Martin Dick" down to "forensic considerations". Because in terms of the locus, securing 5 loci is absolutely a priority action. My feeling was that Pat was considering all these areas of priority actions and was trying to do what could be done to manage or control or get something in place for PIRC to handover. At that stage we knew it wasn't going to be a police lead investigation.

172. I have been referred to the Gold group minutes for 11:30 (PS06491): "4. *Review of policy/decision log – (All)*
Only Police Decision made at that time was in relation to Chief Supt McEwan declaring the situation a critical incident at 0910hrs 3/5/15.
Also recognition that the circumstances would be investigation by the PIRC."

173. In my role I wasn't involved in the Gold policy/decision log. I could have been mentioned in Pat Campbell's SIO policy log because it was my decision to

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initially appoint Pat Campbell as SIO prior to being informed that COPFS had instructed that the PIRC was to lead the investigation.

174. It's unclear whose policy it is in the minute. There is a requirement to record decisions. Policy or decisions should be reviewed when new information becomes available. The rationale for any amendment should be recorded as well. At the time of the Gold meeting at 11:30, the only Gold policy made is by Ch Supt McEwan, although it is unclear in the minute. From my recollection it was Ch Supt McEwan who declared it as a critical incident.

175. I have been shown the Gold group minutes for 11:30am (PS06491) at page 2: *"5. Family concerns – (Det Insp Robson)
Circumstances discussed regarding Collette Bell contacting Police and being informed that male believed to be her partner (Sheku Bayoh) was deceased but subject to formal identification."*

176. I can't remember what was discussed at this part. I've not experienced this before, but in saying that I'm not saying it's not done, but just that I've not had experience in doing it. SIO training includes the role of the FLO, in my experience what would normally happen would be if there was an unexplained death, the death message would be passed by uniform officers who would carry out a "safe and well" type check in relation to who they were passing the death message to. In addition, the officers would advise that specialist FLOs would be contacting them. In my experience that is the normal practice.

177. It depends on the circumstances when next of kin would be notified. There may be occasions where it would be appropriate to advise the family that a person had been found deceased when formal identification had not taken place but circumstances strongly suggest it was a family member for example a missing person.

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178. I remember there was identification by photograph. My opinion, which I'm not saying is police policy, is that in those circumstances I would've held back on informing Collette that it may be her partner who had died, until such a time that at least identification by photograph had been made.

Community issues

179. I have been referred to the Gold Group minutes for 11:30am (PS06491) at page 2: "6. *Community issues – (Safer Communities/CI Shepherd)* Allocated to CI Shepherd who was to make local elected members aware and also liaise with Fife Migrant Forum and the independent advisory group. *Community Impact was to be considered including community reassurance.*"

180. Elected members are local elected councillors, MPs, MSPs. If there's a critical incident it's normal to make them aware. In my own experience, we would give them a brief overview in confidence and there would be discussions if there are any media statement to be made. You could ask them if they had a particular expertise in some area. For a critical incident it would be written up quite clearly what you were asking and timelines for them to get back.

181. I don't know who the Fife Migrant Forum are. I don't know what their involvement was. I don't know if the independent advisory group was a local Fife IAG or the overarching Police Scotland IAG.

182. A community impact assessment should be raised for any investigation declared a critical incident, and that is usually drafted by Safer Communities in liaison with the SIO. A CIA breaks down the broad statements outlined in the Gold Strategy, identify specific groups who may be impacted and separately consider their concerns, needs and support. The plan should include engagement with groups to ensure the community impact assessment is a relevant living document. I would presume that people of

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black heritage in Kirkcaldy, Fife and the rest of Scotland would have been considered in the community impact assessment.

183. Community reassurance means listening, responding to concerns, anticipating concerns, providing information, ensuring everything is clearly understood. I suppose it's just responding to their individual needs. Some people need further support to provide reassurance or reduce anxiety than others. For example some people may have specific support groups, third sector support and advocacy with a focus on a particular group of people, who can help reduce any anxiety and provide them with information.

184. It would have been Nicola Shepherd's responsibly if she was Bronze to draw up a community impact assessment in consultation with the SIO. A community impact assessment is a living document that is constantly evolving as a result of receiving information from the public, third sector input, media, community intelligence, etc. The more information or feedback received or obtained, the more the community impact assessment can be adapted. This living document can be alive for a significant period of time during the course of an investigation and on occasion beyond. As a police officer you don't necessarily know what may cause anxieties or tensions in a particular community. You may be able to anticipate concerns but to ensure you understand individual concerns, need and what support or information is required, you have to engage and listen and from that identify those who need further support.

185. I have been asked why the minutes (PS06491) refer to monitoring of social media at the bottom of page 2. Depending on the investigation it's something that can be undertaken. Monitoring social media is resource intensive depending on how long it is monitored. In some investigations it's helpful to identify witnesses or background material, or it may highlight community tensions. In my experience the term "monitoring social media" does not relate to monitoring a specific person, it is to have an overview of posts on social

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media in an attempt to identify persons who may have relevant information and/or monitor community tensions.


186. I don't know if this is normally undertaken in investigation of deaths in police custody. I know I have deployed it myself for high profile investigations where we were trying to identify persons who have relevant information or monitor community tensions. There may be other occasions where monitoring social media would be considered and while I can't say for certain because I haven't been involved, I would imagine it may be considered for serious incidents such as serious public disorder; football related violence etc. I don't know if the request on this occasion was submitted and, if it was, if it was approved.

PIRC briefing

187. I have been referred to my statement (PS00669) at pages 3 and 4: *"About 1330hrs Mr HARROWER and other PIRC investigators attended. A briefing, which provided the same information as provided at the Gold Meeting was provided... In the absence of any strategy being discussed, I suggested that, in the interim, each police lead would draw up a strategy, for example forensic strategy, house to house strategy etc and obtain Mr HARROWER's agreement and sign off prior to implementation. This didn't receive clear endorsement. The only real information provided was that there would be PIRC investigators deployed to the hospital to undertake body transfer to the mortuary; a couple of PIRC investigators would be deployed at the main scene at Hayfield Road, Kirkcaldy and Family Liaison would be handed over to the PIRC at an early juncture."*

188. I remember parts of the meeting. There weren't very many people from the PIRC there, if my memory serves me right, at least 2 possibly 3.

189. Maybe my expectations were too high. I'd never been in that situation before, but given PIRC had been requested to lead the investigation a number of

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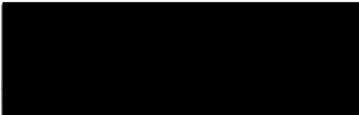
hours beforehand, I thought they would have been actively considering their investigation strategy including their media or communication strategy and FLO strategy. Perhaps they had, but they didn't communicate any such plans at the meeting.

190. I suppose for me when you're lead investigator you have a whole range of things to consider. I maybe, wrongly, expected too much from PIRC to look at these areas, consider strategy and plan how they'd go about it initially. I appreciate there was a lot happening and the strategy would develop as the investigation progressed. I would think essential points could be covered, some sort of information given by the PIRC as how they were going to start the investigation and hit the ground running with thoughts about what they were going to do.

191. A strategy is a course of action. A strategic plan. Forensic strategy is what to seize, what evidence to recover and body recovery. Maybe the PIRC had started developing key strategies but it wasn't communicated at the briefing meeting.

192. I thought, given that there was some individuals in Police Scotland with expertise in these areas, Police Scotland could draft a strategy and immediate actions and I thought that might give the PIRC a bit of a helping hand. We were in a position to do it because of expertise.

193. For example, Stuart Houston is highly experienced in Crime Scene Management and forensic strategy, he's done it for years. He's been SIO in high profile complex investigations. My thoughts were that Stuart could draft the strategy, priority actions, and give it to PIRC and they could decide whether to adopt, amend or reject it. For me time was moving on and I felt that there were people who could help and assist the PIRC but ultimately it was their responsibility.

Signature of witness..... 

194. I don't think my idea was adopted by PIRC. I wasn't frustrated but more disappointed at the lack of communication of how PIRC were going to move forward. There may have been more conversations I wasn't party to. I'm sure there would be. But at the Gold meeting I didn't think there was clear instruction or acknowledgement of what the PIRC's responsibilities were and how they were going to undertake the urgent actions required.

195. As an example, I remember Stuart Houston making reference to body recovery, and how he believed the body should be recovered, including the taking of nasal swabs. It was directed at the PIRC. There was no response at the meeting. They might've picked that up after the meeting but I wasn't aware.

Forensic Strategy

196. I didn't see a forensic strategy document or the agenda. I think myself, Pat Campbell and Stuart had a brief meeting but that was not part of the Gold. We talked about forensics, well mainly Stuart did.

197. I don't know the time of this meeting. I have been told the forensic strategy meeting is said to have started at 4:45pm. I can't recall if that's right. If PIRC were there in that meeting then I wasn't there. I wasn't aware about Stuart Houston being Crime Scene Coordinator. Stuart has huge experience, he's highly regarded. I have been told Crime Scene Managers were deployed and a forensic strategy was produced. I wasn't aware of any of that but I'm happy that it happened.

198. I have been referred to my statement (PS00669) *"About 1700hrs I attended the Forensic Strategy Meeting which, albeit all PIRC investigators were present, was chaired by Detective Chief Inspector HOUSTON. Also present for the initial generic briefing was other key staff who had attended, including HOLMES trained staff."*

Signature of witness..... 

199. I've noted it in my statement so I must have attended the meeting. I have forgotten this.

Management of response officers

200. I didn't know any of the officers beforehand. I still don't know who they are now.

201. I would say the Police Incident Manager (PIO) is responsible for them. This is the duty inspector. The duty inspector may have been based at Kirkcaldy or another police station in that area. I don't know who it was at the time. I don't know who Stephen or Stevie Kay is.

202. I wouldn't think it would be the immediate line manager who would be responsible for them.

203. In terms of where the officers were placed, I don't know who took that decision. When I arrived they were all there. I don't know where they were placed. It was a room within the station. I never spoke to any of them.

204. In terms of taking their statement that would be a decision for Pat Campbell. Asking them not to confer I don't know who would have given that instruction. Whether it was the PIO or Pat, or a discussion between the both of them

205. It may have been the PIO who asked them to complete paperwork. It may have been Pat, if they hadn't prepared paperwork then it would be for him to request that the paperwork is completed.

206. I wasn't aware of any arrangements to avoid conferral. I can't recall if conferring came up in any discussions. I can't recall that being anything that I was concerned about.

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207. I don't know about the CCTV not working at the back of the police station. It's not unusual for CCTV not to be working. It is concerning, but for various reasons there might be a malfunction or fault, and it takes time for people to come out and fix it.

208. It's unfortunate that there was technical problems with CCTV in the vans. It's not unusual. I have experienced recording equipment malfunctioning during a sensitive interview. Unfortunately when it comes to IT these things can happen.

209. I don't know who is responsible for the CCTV at the station. I can't speak for Fife division, I've never worked there. In Lothian and Borders there would be the station inspector who was normally the community inspector who would have the responsibility for the running of the station. The department for either repairing or reporting malfunctions to the supplier of the equipment would be IT.

210. I don't remember where I entered the station, probably the front door.

Completion of paperwork

211. The Inquiry provided me with a memorandum (PS10953; PS10954) regarding taking statements from on duty police officers. I hadn't seen that memorandum before the incident on 3 May 2015.

212. Use of force forms must be completed before the end of officers' tour of duty same for the use of incapacitant spray. Normally their shift sergeant would ensure that Use of Force forms or incapacitate spray forms are submitted before end of duty that day.

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213. On 3 May 2015, the shift sergeant may have been involved in the use of force, and maybe used incapacitant spray, so the shift Inspector should ensure the officers have complied with the use of force paperwork requirements.

214. I don't know if there are consequences for not completing these forms, I've never experienced a situation where somebody hasn't. It's well-known to every officer that they complete these. I don't know what the position is from a disciplinary point of view. I hardly think an officer would forget to do it.

215. I've never encountered a situation where they've not completed the use of force or use of incapacitant spray forms. I wasn't aware the officers hadn't completed these forms. After reading the memorandum, in retrospect, I think that they could have felt that they were implicating themselves by doing so.

216. I don't think it's a legal duty, in statute, but it is included in the SOPs that we must do it. There are a range of consequences that could result from not completing them. Depending on what SOP it was, there might be corrective advice, or disciplinary action.

217. I haven't had experience of officers being unable to complete these forms. I would have thought at least an initial report could be submitted by their sergeant and then it could be corrected by the officer later. The Force have to know when an officer has used force or incapacitant spray, so there must be notification of that by some means. So if the officer is unfit, I presume someone could do it on their behalf and the officer could review and amend at a later time.

218. PCs must complete notebooks. They don't have to complete daybooks. The basis for it is to keep as chronological as possible a record of salient, important or statutory requirements during their tour of duty. It is a duty on the

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officers. In some parts it's a statutory duty on the officers in terms of an arrest of an individual, there's a duty to record specific details.

219. I have been asked what would be the consequences for an officer not completing a police notebook. It's difficult because apart from the statutory requirements, what an individual thinks is salient or important is very much up for the officer, to consider what is necessary or relevant. It's not their operational statement. It can be brief details which provide a reminder or an overview for themselves or anyone else. There is very clear instruction about the type of information to be recorded to comply with statutory requirements. I can't recall reading the Police Scotland notebooks SOPs. I would anticipate the consequences would be corrective advice, a warning or other disciplinary action.

220. I have been told some of the response officers did not make any notebook entries with details of the incident for 3 May 2015. I wasn't aware of this. I would have expected or thought that some information could have been recorded which wouldn't implicate an individual if that is what they were concerned about. To have nothing at all about the incident is surprising.

221. On the day, I was expecting officers to complete their operational statements. After reading the memorandum that was something that was clearly wrong in my interpretation. The memorandum suggests that some officers should not have to provide operational statements. My experience is operational statements vary in terms of how in depth they are in terms of the circumstances and the officer submitting it.

222. I mentioned requesting operational statements to Pat Campbell, my expectation is that he would receive some information from officers who had been involved or at the scene. I expected there would have been a number of officers who had attended the scene who had not been involved in the

Signature of witness..... 

restraint of Mr Bayoh therefore there should have been no difficulty whatsoever asking them and those officers providing operational statements.

223. I was in a different room from Pat, in a different part of the building. I recall at some point going and speaking to Pat to ask how things were going and asking if operational statements had been provided and I was told that they hadn't, or they hadn't yet. That was after the Gold meeting at 1:30pm, I would probably say late afternoon.

224. I think if an operational statement is given, I would review the operational statement and decide if there are any other points to consider. On that day I wasn't expecting each officer to be subject of a full scale interview and statement noted.

225. I don't think I discussed use of force forms, spray forms or notebooks with Pat Campbell. But my experience and expectation was that they would've been completed in any case.

226. They would've been submitted to the enquiry as normal. In terms of use of force and spray forms, they would've gone to a department who deals with monitoring for professional standards or operational support. Somebody in Police Scotland would record the use of force and spray. In addition a copy would be invaluable, I would've thought, to the investigator, whether that would be Pat or the PIRC.

227. The officers' status, I would've said they were witnesses at that point. It think that was, if I remember correctly, that was Pat Campbell's position. That's what I would've expected it to be. I would say you're a witness by default until you're declared a suspect.

228. There has to be reasonable cause to suspect that an individual is acting in some way that was criminal. When there is evidence that provides

Signature of witness..... 

reasonable cause to suspect, then the SIO would record the individual's status to be that of suspect, and that suspected person's rights are provided by statute, in terms of caution, legal representation, that sort of thing.

229. In 2015 the person's status could be communicated at a point where there is detention, and their rights would be provided to them. They would be informed of their rights, in terms of their status. I'm not aware of any situation where this has been communicated to a suspect in writing.

230. In terms of the decision making, the SPF have no part in that. It's completely the jurisdiction for the SIO. In terms of the support of the officers suspected of a crime and who within the SPF to be informed, that would be the decision of the suspect officer. My experience is, if informed, the SPF act as support for their officer either prior to or following interview and/or arrest. My own experience is the officer has to give permission for that. Police would offer to contact the SPF on their behalf to make them aware.

231. I am not aware who was in charge of following up with the officers in subsequent days to obtain their statements.

Memoranda on statements from subject officers

232. I have been referred to two memoranda dated 26 March 2015 (PS10953; PS10954).

233. I hadn't seen these before. Such memoranda can be emailed to departmental/division heads and uploaded onto the Police Scotland intranet. If they are important, they may stay on the front page of the intranet for a few days to maximise visibility. The publication would be the responsibility of the relevant business area, so in this case it would be Professional Standards.

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234. The memoranda would be relevant to my overall responsibilities for the national Public Protection investigation team such as the National Rape Task Force; Domestic Abuse Task Force or the National Child Abuse Investigation Unit, given Specialist Crime Division – Public Protection carried out investigations into police officers who were suspected of sexual crimes, domestic abuse etc.

235. I didn't see it at the time but I should have done. This will sound like an excuse, but in 2015 in last week of March and start of April I was on annual leave. I received on average maybe 100 per day emails and it was nearly impossible to catch up after being on annual leave. On my return I was out of office quite a bit as we were about to launch the National Child Abuse Investigation Unit on 21 April 2015 which meant I had to ensure resources and accommodation, IT etc, in the four hubs across Scotland. In addition, training was taking place, our internal and external communication strategy was being progressed and I was arranging the national launch. In short, I was extremely busy following my return from annual leave and didn't get the opportunity to get through the hundreds of emails.

236. Saying that, I can't say for certain any email about the memoranda was sent to me. In 2014 there was one DSU in charge of Public Protection and Local Policing. In 2014 they split the roles with two DSUs, one for each area. Some departments hadn't updated their circulation lists so there were a few occasions when I received an email for all heads of divisions and departments and the DSU for local policing didn't, and vice versa. This might have been such an occasion but I can't say for definite. All I can say is I didn't read it.

237. Every week there was a DCS meeting with the ACC for crime and the DCC where important changes to policy would have been raised. This might have been raised but unfortunately I was on leave for that week.

Signature of witness..... 


238. I have been referred to the memorandum 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.*"

239. I suppose it's a bit of a grey area. I would say no it didn't apply in this case. But it may be argued otherwise. Even though there wasn't a criminal complaint, because nobody had made a complaint, the circumstances were such that one could be envisaged, maybe. I hadn't seen this and my thoughts at the time were that the officers could've provided operational statements or at least those officers who hadn't been directly involved in the restraint should have provided an operational statement.

240. 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).*"

241. I personally don't think this applied on 3 May 2015. I may be wrong. At that stage, it was still an investigation into an unascertained death. It was about establishing the cause and initiating an investigation into the circumstances surrounding the death and also ensuring there were no outstanding injured persons. That was the primary concern. That's what we were focusing on. How did Mr Bayoh die and what had happened to him.

242. 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*

Signature of witness..... 

a statement from any suspect in a criminal investigation; and this facet is an operational matter for Police Scotland.”

243. I think it's quite misleading, I'm not too sure what that means to be honest. The second paragraph states that the officer is under the status of officer under suspicion of criminal allegation, i.e. a suspect. The third paragraph refers to the aforementioned statement under investigation, but they're not under suspicion. The gathering of evidence then changes their status to suspect.

Forensic Medical Examiner

244. Force Medical Examiner is old Strathclyde terminology. It's Forensic Medical Examiner. I wasn't aware of the FME's involvement. I remember it was mentioned later in the evening that an FME had attended to examine the police officers for injuries. It might've been the Gold meeting at 8:15pm, but it was later on.

245. I've not seen the FME's evidence to the Inquiry. I don't know who the FME was.

246. I have instructed the FME to examine police officers on one occasion previously. I wouldn't say it was normal but there are certain circumstances where that would be a consideration. It is one role of a FME to examine police officers for injuries. If there were injuries that required medical attention the officer would go to hospital and you would obtain that evidence of the doctors who examined the officers at hospital. If there was no requirement for an officer to attend accident and emergency, however there was a requirement to evidence the presence or absence of injuries, then that could be undertaken by a FME.


Signature of witness..... 

247. The previous occasion I referred to is going back many years, probably about 20-odd years, but the circumstances involved two police officers and involved allegations of use of force or restraint and sexual assault. There was no need for the officers to be taken to hospital so therefore any injuries or lack of injuries would have been documented by the FME.

248. I have been asked to comment on Dr Norrie's evidence to the Inquiry at the hearing on 9 June 2022 to the extent 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.

249. I can speak from quite a bit of experience on this. In Lothian and Borders Police I was the senior police representative involved in the significant change from the individual FME contract with Lothian and Borders Police to a NHS Lothian-led custody healthcare provision and NHS Lothian-led forensic medical services. This piece of work included outlining the duties and responsibilities of FMEs. After the creation of Police Scotland I sat on the Police Scotland / NHS strategic group developing a similar approach across Scotland with the other health boards.

250. The Faculty of Forensic and Legal Medicine, which is based in London, is part of the Royal College of Physicians. The FFLM sets standards in relation to FME training; qualification; roles; responsibilities etc. I am 99% sure one of the listed duties of an FME is the examination of police officers. In the Lothian and Borders Police memorandum of understanding or service level agreement with NHS Lothian, the examination of police officers was included and that would have been included in other health board areas. Dr Norrie's probably right she didn't have that experience because it doesn't happen often, but there will be other FMEs who have undertaken such examinations. It is unusual but it is part of their role.

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251. I have carried out an internet search of the Faculty of Forensic and Legal Medicine publication on the Role of the Independent Forensic Physicians. It is dated 2014. One of the roles, they have many, is to deal with police officers injured whilst of duty including needles, stick injuries and risk of exposure.¹

Recovery of equipment

252. I wasn't involved in forensic recovery of the response officers' uniform and equipment. I knew they were to be forensically recovered but who was actually dealing with it I didn't know. I don't know when it was recovered. It was on the list as one of the priority actions. I don't know about any delay.

253. I have been told DCI Stuart Houston states (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. I was instructed to undertake the role of crime scene coordinator for the scenes that had been identified. I was also tasked with securing the outer clothing, footwear and all equipment of the police officers that had been in contact with the deceased at the time of the incident and the immediate aftermath."*

254. I don't remember this specifically but it sounds right. I suppose I can't specifically remember it, but in terms of being appointed Crime Scene Coordinator this was just the same as Pat was appointed SIO until such time PIRC arrived and took over the investigation.

255. If we left it until PIRC arrived and had a briefing, there were important items that may have forensic value that could be lost. I didn't think we could just sit back and do nothing until PIRC arrived. Stuart being appointed might've just

¹ FACULTY OF FORENSIC AND LEGAL MEDICINE (fflm.ac.uk)

Signature of witness..... 

been for a few hours, but on the day he has that experience to identify if there were items to be secured as a matter of urgency until PIRC CSC took over from Stuart. I can't specifically remember that conversation but the conversation must have included the outer clothing and equipment of the officers being forensically secured and passed on to PIRC. I wasn't aware of any delay in carrying this out.

256. For me that would be quite an easy task to undertake. It would absolutely be a priority. I have been told the delay may have been caused by finding female officers to corroborate seizing the clothing of the female response officers. I wasn't aware of that and it would surprise me if that caused a delay. If there was a shortage of female staff, a female officer could be with the female response officer while undressing and the item of clothing could be handed to the male corroborating officer who is separated by a screen or a door. If you're referring to an outer jacket or stabproof vest, there are no issues of dignity and such items could be seized by a male officer. If you're undressing to underwear then it would not be appropriate for a male officer to be present unless there was a practical means of maintaining their dignity as explained above.

Amanda Givan's evidence

257. I don't know PC Amanda Givan. I don't know if she's a Federation rep. I can't recall if there was a Federation rep with the officers at the time. It may have been mentioned in a meeting but I can't recall.

258. 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*

Signature of witness..... 

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.

259. I don't think I would call it chaotic, it might have seemed chaotic to somebody outwith Major Investigations. Pat Campbell was dealing with a number of complexities including a number of scenes and issues with resources. In addition he was aware that the PIRC would be taking over the investigation. There are a range of demands which included trying to get resources from outwith Fife Division as much as possible, it may have seemed chaotic to someone who has never been an SIO or Deputy SIO but to me it was busy and challenging.

260. It is Police Scotland's responsibility for welfare of the officers. I don't know if anyone was with the officers throughout the day. I think someone from Police Scotland should've been with the officers throughout the day. I'm not defending anybody, but for me that's not particularly Pat's responsibility, that's a Divisional Responsibility. Pat was the SIO, he was responsible for the investigation prior to the PIRC taking over. Officer welfare is the Division's responsibility, in this case P Division. Therefore, Ch Supt McEwan is ultimately responsible in terms of welfare for his staff.

261. I have been referred to a further section of PC Givan's evidence to the Inquiry at the hearing on 14 June 2022: *"I asked about post-incident procedures, given the nature of what we were -- what the police were dealing with, and he said he would get -- he would get back to me... When I asked -- when I*

Signature of witness..... 

asked if that was a consideration, you know, I got a kind of -- not a startled look, but, you know, the impression I got was that was the first of him considering that that might be suitable. Q. Who gave that you startled look? A. Superintendent Campbell."

262. I don't remember that exchange, I wasn't there. I don't know the answer to the relationship between the SIO and the PIM in relation to the canteen. Just thinking logically, anything to do with the investigative side of the incident would be Pat's, and subsequently the PIRC's responsibility. Anything to do with welfare would be the Division's. I don't know how the PIM fits in to this. There's more of a slant towards Pat's responsibility in terms of the PIM. There would have to be liaison between the PIM and the SIO because nothing that would impact on the investigation should be undertaken with the authorisation of the SIO.

263. I don't know what post incident procedures were in place in relation to the canteen.

Gold group meeting 3 May 2015 at 14:40

264. I have read the Gold group meeting minutes for 3 May 2015 at 14:40 ([REDACTED] PS07268

265. I think I must've been there because I'm recorded as being there.

266. I have been referred to the minutes (PS07268 [REDACTED]) at page 4: "1. *Terms of Reference – Gold Strategy (CS Garry McEwan) ... Ensure early notification to PIRC to enable a transparent and robust independent investigation into the death of Sheku Bayoh B 30/9/1983.*"

Signature of witness..... [REDACTED]

267. This is the first time I've seen them. I don't remember who took the minutes. I don't really remember attending this meeting. I don't remember the change to the terms of reference.

268. As I stated before I was acutely aware that any terms of reference that mentioned the integrity of Police Scotland being maintained and safeguarded shouldn't appear in any strategy. I can't recall voicing my concerns on this occasion, maybe I didn't pick up on it or maybe I did mention it, but I see that the Gold strategy changed which I agree with as the previous one wasn't appropriate at all.

269. I haven't seen a term of reference about notifying PIRC before. I didn't have experience of PIRC taking over an investigation at an early stage or at any stage before. The terms of reference Gold strategy is a Police Scotland Gold strategy, so I suppose it's to remind all officers that all relevant information has to be provided to the PIRC without delay. This is in order for them to have a full as possible picture to carry out a robust investigation. Whilst they're at the meeting it's not for them, PIRC, it's for the police and those in positions of responsibility under their command or in the investigation. I don't disagree with it. It might be stating the obvious but it documents that we have to handover everything to PIRC, and have to do it as soon as possible. This is my interpretation.

270. I don't remember what was said at the factual update. I don't remember DI Robson giving that update.

271. I have been shown handwritten notes from the meeting (PS06514 at page 1):
"Factual update DI Robson... All calls linked, units attended – STAY SAFE RISK ASSESSMENT".

272. These are not my notes. My name is on the list of attendees in these notes. I don't remember this being said.

Signature of witness..... 

273. I have been shown handwritten notes from the meeting (PS06514 at page 2):
"Male – went for female. On ground kicked to head."

274. I don't remember this update. To be honest I can't remember now what my understanding of the incident was of the incident at the time. I have a better recollection of the initial part of the day. I specifically recall in the early morning not knowing if the female officer's injuries involved a stabbing injury or not. I can't remember anything about a kick to the head.

275. I have been shown handwritten notes from the meeting (PS06514 at page 2):
"- during struggle he lost control of knife". I have also been shown the handwritten notes of PIRC's Alex McGuire (PIRC-01467 at page 7): *"...lost control of the knife."*

276. I don't remember that.

277. I can't remember how the factual update affected the investigation. Factual update gives information but more importantly for those individuals who had a specific role as an investigating officer whether that's Pat or PIRC they may amend their lines of investigation or priority.

278. I can't remember if we discussed the status of the officers. It sounds terrible but I just can't remember this meeting at all.

279. Anything discussed would be put in the minutes. The status of officers is not a joint decision to be made. It would be the decision of the SIO, or if the handover had taken place the PIRC, to make that decision and document that decision. The decision rests with the SIO or the Lead Investigator.

280. If I had disagreed with something the SIO, Pat Campbell, had decided, I would have shared my view with him. However if he was clear that he was

Signature of witness..... 

going to progress as per his decision, I would leave it. As I mentioned before, there can only be one SIO. If I was SIO and a senior officer instructed me to do something that I didn't agree with, I would hand the senior officer the SIO's policy book for them to record the policy and rationale I was to follow and ask them to sign and date the policy book as the decision maker.

281. I've not seen Pat's policy book. Pat Campbell's SIO policy book would include the initial startup decisions and immediate strategy. It would be inappropriate for Police Scotland to order or advise the PIRC to do or refrain from doing something when they have been appointed Lead Investigator, given they would be responsible for the decisions following handover. That's not to say Police Scotland shouldn't assist the PIRC as directed.

282. I would say by this stage it's PIRC's decision whether the officers were witnesses or suspects. It would be for PIRC to record such a decision in a policy book.

283. I would say as an SIO, the SIO policy log is where strategic policy decisions and operational priorities are recorded and the rationale for them. I would record the more operational matters, routine choices and judgements in a decision log. As an SIO I would use an SIO policy book far more than a decision log. For me a decision log is used for less strategic or contentious matters.

284. The repatriation of Sheku Bayoh's body wasn't talked about at all in my presence.

285. Pat Campbell gave the investigative process briefing at point 3. I don't remember that. This is the first I've heard about this Federation advice. I don't have any comment on the Federation advice, other than what I said earlier in terms of the memorandum, they didn't need to give operational statements.

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286. I didn't know about the strategy for taking the officers statements. I didn't know about the PIM log "no statements at this time". I think there's a difference between taking a statement and asking them to provide an operational statement.

287. I have been referred to the Gold group meeting minutes (PS07268):
"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,".

288. I don't remember any reaction to the CCTV not working.

289. I have been referred to the Gold group meeting minutes (PS07268):
"...update PF Fatalities David Green has been notified and he has made Nicki Patrick and Steven McGowan aware, neither have attended and David Green awaiting update)".

290. I don't know if COPFS' non-attendance is unusual because I've never been in a situation of a death in custody where the investigation has been passed over to PIRC so I don't know if that's normal.

291. I would say in relation to my own business area or other critical incidents, my experience historically is that the PF would generally attend Gold meeting, however as time has moved in there is no expectation that the PF would attend a Gold meeting. The circumstances I am thinking about are unlike a death in police custody where the PIRC have been instructed to lead the investigation so it's like comparing apples and pears. There may have previously been occasions when the PF who attended police Gold meetings were asked to make what were operational policing decisions and perhaps putting the PF in an awkward position given a Gold meeting predominantly gives an overview and not the full circumstances in detail, ie asking them to make a decision without access to all relevant information during an

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investigation which could be contrary to any later independent prosecutorial decision and potentially put the PF in a difficult position.

292. If a PF influenced an operational policing decision without knowing the whole the facts then it would be unhelpful to both the police and the PF.

293. My experience of having a PF at a police Gold meeting is to allow them to have a general overview of an ongoing investigation. My experience was not around this investigation it was a number of years ago involving a major complex criminal investigation where the police on a few occasions, in my opinion wrongly, were perhaps looking to the PF to make decisions which were of an operational policing nature and the PF was quite rightly not happy to do so. The case in mind was not like this case.

294. I have been referred to the Gold group meeting minutes (PS07268 [REDACTED]):

"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."

295. I don't remember the community issues or possible community tensions in this case. I don't know why Kirkcaldy Police Station security was an issue.

Liaison with family and friends

296. I had no involvement in delivering the death message to the family. I did ask Pat on a number of occasions what was happening with the family because I was concerned. It wasn't a lengthy discussion, I wanted an update. Time was moving on.

297. It had been a number of hours since Mr Bayoh's death. My understanding was the next of kin hadn't been formally informed by anybody from Police Scotland or PIRC. They may have become aware of it from other sources.

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My concern was that we really needed to tell them as soon as possible of the death for obvious reasons. Any delay for me, even though you could only pass on what you know was factually correct at the time, to hold back from doing that I didn't think was appropriate.

298. I was really keen for the death message to be provided and FLOs to be deployed as a matter of urgency because I think any family when they see the delay in being informed especially when the police have been involved at the time the person has been died I think anyone would question why there was a delay, it's a natural reaction. I suppose my disappointment was, at the PIRC briefing, that this hadn't been done.

299. In the meeting with PIRC at 1:30pm, I think I wanted family liaison to be handed over to PIRC at an early juncture, words to that effect. I think this should have been one of the key priorities. I was aware at that meeting the family hadn't been told.

300. I was aware that somebody had been informed because at the 11:30am Gold meeting DI Robson explained that Collette Bell was made aware but not the next of kin.

301. I said at 3:50pm I spoke to Pat Campbell and explained that the family was made aware of the death but had not been informed of the police contact at the time.

302. I refer to my statement (PS00669): *"About 1550hrs I spoke with Detective Superintendent CAMPBELL who informed me that Mr BEYOH's next of kin was aware of the death but had not been informed that there had been police contact at the time of his death. As such I and Detective Superintendent CAMPBELL drafted a form of words."*

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303. I think it was around 3:50pm that I spoke with Pat about the FLOs being deployed.

304. I assisted with finding FLOs. We identified DS Kevin Houlistoun in the MIT as a FLO, a really experienced FLO. We thought he would be a very good officer to deploy. I think arrangements were made to call him out. I don't think I did it personally.

305. From my recollection I don't even know whether Kevin was deployed. From my recollection there might've been a problem with him coming out. I can't remember the difficulty. I can't remember seeing Kevin at Kirkcaldy.

306. I can't remember any FLOs being appointed for the Bayoh family.

307. My understanding was that PIRC's FLOs weren't available and they weren't being deployed immediately. Therefore my understanding was Police Scotland would deploy FLOs and PIRC FLOs would take over from them. I think from my statement I wasn't sure when that was going to be. Nothing made me think there was going to be PIRC FLOs attending that day, but I knew we needed somebody who was well trained in the role of a FLO.

308. In relation to the death message I think Pat and I came up with a form of words but that was after the family had been made aware of his death. It's in my statement. I don't know the officer who gave the death message.

309. There may have been upset from the family from the form of words that were used. They were brief but did highlight that Mr Bayoh, during the course of his arrest, had stopped breathing and had been subsequently taken to hospital. At that time that was factual. We couldn't say with any certainty what had happened. I was aware of concerns raised about the form of words that were passed.

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310. I was aware that Ch Supt McEwan and Nicola Shepherd visited the family. I was then aware of significant concerns of the family about the information given to them.

311. I have read the death message as stated by DS Dursley: *"Following an incident this morning, in the Hayfield Road area of Kirkcaldy, officers from Police Scotland have been attempting to arrest Sheku Bayou, during which time he became unconscious, conveyed to hospital by Scottish Ambulance Service and despite best efforts by medical staff died shortly after 9am this morning."*

312. I don't remember it specifically but that sounds familiar. I don't know what happened with the statement.

313. I have been shown a handwritten note with the death message written on it (PS05793). I don't remember if anyone was given the handwritten note.

314. I have been referred to my statement at page 4: *"About 1550hrs I spoke with Detective Superintendent CAMPBELL who informed me that Mr BEYOH's next of kin was aware of the death but had not been informed that there had been police contact at the time of his death. As such I and Detective Superintendent CAMPBELL drafted a form of words."*

315. I have been told DSU Pat Campbell states (PIRC-00215 at page 6): *"On looking at this document, I can state that this is the document that I wrote in consultation with Detective Chief Superintendent Boal as a form of words to be provided to the family as the death message. This paper was passed to Detective Inspector Robson to relay to the Detectives via telephone at the residence of the NOK."*

316. I have been told DSU Pat Campbell states (PIRC-00214 at page 5): *"From memory about 1500 hours, that day, Inspector Robson informed me that one*

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of the Detectives was on the telephone and that the family required further information. He went on to say that they were asking a number of difficult questions. I then sat down and spoke with Detective Chief Superintendent Boal and together we put together a form of words. The actual words used was not entered in to the policy book, however, the decision to do so was and is detailed as number 14.

I did however write these words down in to my day book and read as follows: During the arrest of the male, Sheku Bayoh on Hayfield Road around 0715 hours, this morning he has become unconscious and on arrival at Hospital, despite efforts of medical staff has died."

317. I think that is what I'm trying to say in my statement. The next of kin was aware of the death but not informed of police contact. If anyone's loved one died the family is going to be asking the question. I agree that they should have been informed as far as we could of the circumstances. We knew that he lost consciousness while the police were effecting an arrest. Aside from that, at that point, I don't think I could've added much more.

318. I think I was only made aware of what happened with Collette Bell at around 11:30am, I think that had happened earlier on in the morning or just about that same time.

319. I have been asked if it is normal practice to take a statement from a bereaved partner after delivering the death message. It depends on the circumstances. I would probably say it's more normal to have a conversation rather than note a formal police witness statement. That would seem a bit insensitive. In terms of trying to gain information, having a conversation with an individual at the time would be important. But do it in a sensitive way.

320. For example it might be a person who's been missing from some time. You believe you've identified the body. It might be appropriate to take a statement

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from a next of kin then when you're anticipating finding that the person has died.

321. It might not be appropriate in the circumstances of Mr Bayoh's death. Especially if it's his partner. I have been told she was taken to a police interview room. I would say that's insensitive. There has to be a balance between getting important information from her and giving her a chance to digest the terrible message that has been passed to her. The officers might be able to do that in a sensitive way depending on who they are and what their experience is. Taking a formal witness statement in these circumstances seems insensitive.

322. I have been referred to my statement (PS00669) at page 4: *"About 1950hrs I attended a Gold Meeting chaired by ACC Nicolson where an update as to the investigation and also liaison between Chief Superintendent MCEWAN and Mr BEYOH's family was provided. It was clear from Chief Superintendent MCEWAN's update that the deployment of FLOs from Police Scotland would only further upset a grieving family and timeous PIRC FLO deployment was advised."*

323. I have a slight memory of this. I think this was after Ch Supt McEwan and Nicola Shepherd had visited the family and I heard that any further input from Police Scotland would further upset the family and an independent PIRC FLO who would be able to advise of roles and responsibilities should be deployed. The FLO not being from Police Scotland would assist the family. I don't know about the PIRC deployment of FLOs but I don't think it happened that night.

324. Ch Supt McEwan would not be in charge of family liaison. My impression was, first of all, I think he personally knew Mr Bayoh's sister, and I think he wanted to visit the family for, perhaps, more personal reasons as opposed to giving a more formal update of the death and investigation. I may be wrong but that was my perception. I could tell by his demeanour that he was totally

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shocked and shattered that Mr Bayoh had died and I could understand why he would have wanted to visit the family, however I don't think the outcome of this helped in any way whatsoever. I think it would have been far better to have allowed trained and experienced FLOs to be the conduit between the SIO and the family which would have been the normal course of action. I think personal feelings, perhaps, got in the way, which is understandable given his link to the family.

325. I don't think it is documented anywhere that Ch Supt McEwan was Silver. If he wasn't the Gold Commander then he would have been Silver given he was the Divisional Commander. It is not at all normal for a Silver Commander or a Gold Commander to be involved in family liaison. Having said that, I've not been in a situation where the circumstances were a death in custody and a Divisional Commander personally knew the family. It was probably well intended but in my opinion it would have been better to leave family contact to highly trained FLOs. I don't know if Ch Supt McEwan or Nicola Shepherd had been previously trained as a FLO but if they had that would be some time ago. The training and continuous professional development of FLOs nowadays is extensive.

Media engagement

326. I was not involved in media engagement. The only thing I was involved in was soon after my arrival at Kirkcaldy, prior to the arrival of the PIRC, I became aware that Ch Supt McEwan had drafted a media statement. It was an "if asked" statement in that it wasn't going to be released pro-actively. I reviewed the draft "if asked" with Pat Campbell, this is included in my original statement. That was my only input.

327. I think we amended it slightly. I think Pat shared it with COPFS and was told it was not to be used at all. I don't know why the draft "if asked" statement was not to be used. Perhaps Pat Campbell would be aware as he liaised with

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COPFS. Perhaps it was because by that point COPFS had appointed the PIRC to lead the investigation and it should be for the PIRC to release any media statements, not Police Scotland.

328. I don't know of any other communication between Police Scotland and the media. That was my only involvement. Pat Campbell liaised with COPFS, I didn't.

329. I have been referred to my statement (PS00669) at page 3: *"I thereafter reviewed a draft media release which had been prepared by Chief Superintendent MCEWAN. This included an appeal for witnesses. This media release was subsequently not released on the instructions of Crown Office and Procurator Fiscal Service."*

330. I have been referred to the PIM log (PS00387) at page 16: *"1930. Press release handed over by Press Officer – Kate. Shown to Scott Maxwell, James McDonough. Fed Rep."*

331. I wasn't aware of this. From my statement I was dealing with a suspicious death at that point in the day so I wasn't aware of very much that was happening between those times.

Gold group meeting 3 May 2015 at 20:15

332. I don't remember attending the Gold meeting at 8:15pm.

333. I have been shown the Gold group meeting minutes for 3 May 2015 at 20:15 (PS03139). Having read the minutes I vaguely remember attending. I haven't see the minutes before.

Signature of witness..... [REDACTED]

334. From what I can recall it was an update more than a discussion. I see it's Mr Bayoh's brother in law Ch Supt McEwan knew, not his sister as I stated earlier. I knew there was some relationship.

335. I see at page 4: "*AOB... Action book to sit with SIO Keith Hardie*"

336. I am unaware of DCI Keith Hardie being appointed SIO. I can only think that it was a typographical error and it is recorded as Keith Hardie instead of Keith Harrower who was the PIRC Lead Investigator. I would have anticipated that if a police SIO was transferring from a DSU to a DCI there would have been discussions with myself, Pat Campbell and ACC Nicolson. I can't see why the police SIO would change given the role of SIO or Lead Investigator was the responsibility of the PIRC as specifically required by COPFS.

337. Pat Campbell shouldn't have been the SIO after the 1:30pm PIRC briefing and following a formal handover with Pat. I would say the SIO was Keith Harrower, as the PIRC's lead investigator. My undertaking was Keith Harrower was taking over the investigation and Police Scotland would provide any resources and assistance to allow PIRC to undertake their investigation.

338. The handover of SIO would normally be recorded.

339. I had no involvement in the property searches.

340. I had no further involvement. I think I left Kirkcaldy Police Station not long after the Gold meeting. I had lots to prepare for the meeting on Monday morning.

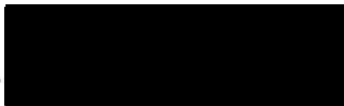
Race

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341. I started my service in Lothian and Borders Police. In terms of equality and diversity training I can't recall any such training during my initial probationary period. It became a priority in the early 90s. It would've been the early to mid 90s all officers and staff in Lothian and Borders Police had to attend a mandatory five day diversity training course. The programme of training lasted many years until all employees were trained. I think diversity and equality training was then transferred to be provided during probationer training, or if somebody needed re-trained, centrally at the Scottish Police College for the 8 forces and latterly Police Scotland.

342. In terms of other aspects I think it's become far better. The Equality and Diversity Steering Group have improved standards. Each area has to provide evidence of how they were thinking about equality and diversity in their area in policy, practice and in strategy. My area was in depth because I had a whole range of other areas which perhaps would have more sensitivities around protective characteristics. On a quarterly basis we had to evidence what we were doing and how strategies were being put into practice. In addition, around the 1990s in Lothian and Borders Police, diversity was a "core competency" which had to be evidenced during all police officers' appraisals; when applying for competency threshold payments and when applying for promotion. In relation to Police Scotland there were other aspects that I found beneficial, particularly being a member of the Equality and Diversity Steering Group.

343. I would say that the death of Stephen Lawrence along with other reviews, Public Inquiries and community feedback has had a significant impact in terms of policing in Scotland. The police have become less of a police force and more of a police service, becoming more acutely aware of the different needs of communities. That journey has been ongoing for some time.


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344. When I first started the police, equality and diversity was never mentioned. There was very little training or awareness or thought given to the differing needs to individuals. But policing has become more about the wellbeing of communities as opposed to it being all about investigating and arresting criminals. More and more police time is spent dealing with wellbeing and more often than not those at need are those who are marginalised or who have situational vulnerabilities.

345. I think the main thing was about the contact with the family. Not that I made any decisions around that, but that's the one part that I found was going to be significantly difficult in that if we didn't get it right then there would be more heartache and I don't know if we got it right. I think the family said we didn't get it right, so that for me suggests we didn't get it right.

346. It's hard to say how race relates to this. From my experience in dealing with third sector organisations, in terms of trust and confidence in the police there seems to be less trust and confidence from black and other minority ethnic groups. Whether that's due to their own experience in the police or experience of friends and associates, or in the media or a cultural issue. But my experience from my own area of business is we engaged with a whole range of support and advocacy services from black and other minority ethnic groups to give trust and support. This aims to give them confidence to report some really serious crime – some sexual crime, some serious violent crime in domestic settings because there was that lack of trust and confidence in the police. If we got it wrong with the family, if they didn't have trust and confidence issues before, they would going forward.

347. ~~is that~~ I've mentioned before that there are few deaths in police custody. Mr Bayoh was a black male and I don't know the percentage of black males in Kirkcaldy or Fife and I'm guessing that the percentage is incredibly low. This death was tragic but significant in that there are so few deaths in custody and this was a black male in an area that he himself would be in a small minority.


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348. I think everybody in police was acutely aware, although nobody said it, of what could be implied or considered, that this could be a situation where excessive force had been applied because the male was black. The investigation was aware of that possibility, and aware of how that could be the perception of members of the public. I don't think anything was done or not done because of this that I was aware of. I was aware that it could be perceived to be a racially-motivated assault by police officers.

349. That's what the investigation is about, the investigation could have highlighted that race was a factor. The police should not suppress any suggestion that the assault was racially-motivated. The investigation was to find out how Mr Bayoh died, did police officers or a police officer actively contribute to or cause his death and if so why did they act in such a way. On the day I was involved in, it didn't have an impact on the investigation. I would be hugely disappointed if someone carried out an investigation in such a way to suppress any evidence that race was a factor in his death, or if it was an incomplete investigation that didn't examine a racially-motivated factor.

350. For any experiences of discriminatory behaviour in policing, there must have been examples but to think of a specific occasion, I can't. In terms of that rank structure in policing once you get above Inspector level then you are so much removed from frontline policing matters.

351. I sat on a disciplinary hearing as a Superintendent where the allegation against the officer was for conduct which involved racial communications. I remember it was totally inappropriate verbal and electronic communications. If I remember correctly the outcome of the hearing was the officer was dismissed from Lothian and Borders Police. Over the years I would have been aware of others but can't give specific examples.

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352. I can't think of any racial jokes or comments made by police officers. I would've been surprised if anyone tried to make any racist comments in front of me. Or a sexist comment, for that matter.

353. 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.

Date 6/1/23 Signature of witness.. 