

SHEKU BAYOH INQUIRY

RESPONSE OF GARRY MCEWAN TO RULE 8 REQUEST OF 14 FEBRUARY 2023

I am Garry McEwan. My date of birth is [REDACTED] 1971. My business is c/o Police Scotland. I retired from the Police Service of Scotland on 15 April 2021 after 31 years' police service.

I received a Rule 8 request on behalf of the Chair from [REDACTED], solicitor to the Inquiry, dated 14 February 2023. This statement is my response to the Rule 8 request with the questions asked by the Inquiry shown in italics below.

- 1. To what extent were you engaged as Strategic Firearms Commander in the incident involving Sheku Bayoh on the morning of 3 May 2015?*

As stated in my statement to the Inquiry (SBPI-00258), my role in 2015 included certain "on-call" commitments. I was the Local Policing Commander for Fife Division of Police Scotland and I had also been a trained Strategic Firearms Commander for approximately seven years at that time. Part of my duties would include working weekend cover for one week out of every five or six throughout the year, covering the North and East of Scotland.

This meant that for one week out of every five or six weeks, I would be the Strategic Firearms Commander covering the North and East of Scotland but would also be responsible for oversight of any serious or significant crime. It was in this additional "oversight" role that I was initially engaged and involved on the morning of 3 May 2015. I was not engaged specifically as Strategic Firearms Commander as this was not declared a firearms incident.

- 2. Was the incident involving Sheku Bayoh a firearms incident? In order for it to be a firearms incident, would it need to be declared as such?*

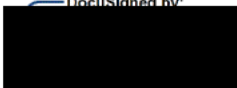
No, the incident involving Sheku Bayoh was not declared as a firearms incident.

Yes, in order to be a firearms incident it would need to be declared as such.

- 3. When you were first informed of the circumstances of the incident, did you consider that it could or should have been declared a firearms incident? Please explain in as much detail as possible.*

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At the time I was first made aware of the incident, Sheku Bayoh had already been restrained by officers. The matter was already under control. The declaration of a firearms incident certainly *could* have been made at an earlier stage by officers engaged earlier but that would be based on their assessment of the information available at that time.

As set out in the Armed Policing SOP (PS10985), at paragraph 8.4.1, an incident can still be treated as a firearms incident, even if not involving a firearm, where it is “otherwise so dangerous that the deployment of police firearms resources may be required to safely control the situation.”

The question of whether that *should* have happened is really one for the officers who were on the scene.

Personally, had it been my decision then I might well have declared it a firearms incident depending on the information that was available at that time. But these are immediate operational decisions taken in a fluid operational setting and the officers on duty were entitled to take their own decisions based on what they knew.

4. *What is the difference, if any, between a firearms incident and a firearms deployment?*

A “firearms incident”, or more accurately a ‘Spontaneous Firearms Incident’ is defined in the Armed Policing SOP (PS10985) at paragraph 8.4.1 as

“An incident that takes place without warning, the circumstances of which demand that armed support to the initial police response must be considered.”

A “firearms deployment” would be where Authorised Firearms Officers (AFOs) are deployed to attend at a firearms incident.

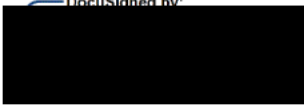
5. *Did you state your views on the firearms aspect of the incident to anyone on 3 May 2015? If so, please provide details of the discussions.*

I do not recall discussing the firearms aspect of the incident with anyone on 3 May 2015.

On the morning, when I learned of the circumstances, it did occur to me that it could be a firearms incident and that I might have been engaged from that perspective. But the time for stating or discussing that had passed by the stage I was involved.

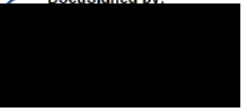
6. *Was Sheku Bayoh’s actual or perceived race a consideration in any of your above answers?*

No.

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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.

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Date: 24/02/23