

Transcript of the Sheku Bayoh Inquiry

Tuesday, 5 December 2023

(10.00 am)

LORD BRACADALE: Good morning, Inspector Bradley. Would you please say the words of the affirmation after me.

INSPECTOR DAVID BRADLEY (affirmed)

Ms Grahame.

Questions from MS GRAHAME

MS GRAHAME: Good morning.

A. Good morning, ma'am.

Q. You are Inspector David Bradley?

A. Yes.

Q. What age are you?

A. I'm 51.

Q. And you have 12 years police service in Police Scotland?

A. Yes.

Q. And your current rank is inspector?

A. Yes.

Q. Now, having read your Inquiry statement, which we will come to in a moment, I have noted that you joined the Australian Regular Army in 1990 --

A. Yes, that's right, ma'am.

Q. -- as a commissioned officer and you were subsequently commissioned into the Royal Australian Corp of Military Police?

A. Yes.

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- 1 Q. And you served there around 14 and a half years?
- 2 A. Yes.
- 3 Q. And then you transferred to the British Army?
- 4 A. Yes.
- 5 Q. And then the Royal Military Police, where you served for
- 6 another seven and a half years?
- 7 A. Yes.
- 8 Q. That's quite a career history. You continue to serve in
- 9 the British Army Reserve as firstly a Royal Military
- 10 Police officer and latterly on the Army general staff.
- 11 A. Yes, that's correct.
- 12 Q. And then you joined Strathclyde Police --
- 13 A. I did, yes.
- 14 Q. -- in November 2011?
- 15 A. Yes.
- 16 Q. So you decided to come to Scotland and join
- 17 Strathclyde Police?
- 18 A. I did, ma'am, yes.
- 19 Q. Right. And then when Police Scotland were created, we
- 20 have heard that was in April 2013 --
- 21 A. Mm-hm.
- 22 Q. -- you have been a serving officer with Police Scotland
- 23 since that date?
- 24 A. Yes, ma'am, yes.
- 25 Q. Now, I think you will be aware of this, there's a blue

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1 folder in front of you and please feel free to open it
2 up. When I come on to your Inquiry statement and
3 documents that I might want you to comment on, they will
4 come up on the screen in front of you.

5 A. Okay.

6 Q. But in addition we have provided you with hard copies of
7 things.

8 A. Okay.

9 Q. Some of the witnesses that we have had prefer hard
10 copies, find it easier to read than the screen, and some
11 prefer the screen. Please feel free, whatever you
12 prefer.

13 A. Okay.

14 Q. And there should be a copy of your statement in there
15 and a few other documents that we will come to.

16 Let's look first of all at your Inquiry statement
17 which is SBPI 00408 and, as you see, it will come up on
18 the screen and it was taken on 11 September and
19 24 October this year.

20 A. Mm-hm.

21 Q. And it is 71 pages long and if we look at the final
22 page, which we will just move to now, we can see that
23 you signed it on 15 November this year.

24 A. Yes, ma'am.

25 Q. Now, on the screen the copy we have has your signature

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1 redacted, but the copy you have in the folder probably
2 has your signature on it?

3 A. (Nods).

4 Q. But just for my purposes can you confirm that you signed
5 every page of that statement?

6 A. Yes, I did.

7 Q. Thank you. And then if we look at the last paragraph,
8 207, which we have on the screen, it says:

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

13 And you knew that when you signed it?

14 A. I did, ma'am.

15 Q. So you're aware that the Chair will now have your
16 statement in its entirety, he can consider that, but
17 also it will be going on the website --

18 A. Yes.

19 Q. -- once you have completed your evidence and then others
20 who have an interest can look at it as well.

21 A. Yes.

22 Q. Thank you. Your current role with Police Scotland is
23 detailed in your Inquiry statement, but let's look at
24 paragraph 5 first of all and I think in short I can just
25 say that you are the current Head of Operational Safety

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1 Training?

2 A. That's correct, ma'am, yes.

3 Q. And you were posted as inspector in learning, training
4 and development at the Scottish Police College
5 in August 2020.

6 A. Yes.

7 Q. And you were asked to conduct a review into blended
8 learning opportunities within Police Scotland.

9 A. Yes.

10 Q. Could you explain to me what are blended learning
11 opportunities?

12 A. So that was looking at the opportunities for
13 Police Scotland to make best use of online learning or
14 live TeamSpace learning, or the like, in conjunction
15 with live learning opportunities, or face-to-face
16 learning opportunities. And it was as a result of
17 a number of Inquiry recommendations as well as the
18 pandemic training suspension which saw fairly large
19 training backlogs, so it was an opportunity to undertake
20 a review to see where we might make best -- as
21 Police Scotland might make best use of those learning
22 opportunities to be able to reduce the pandemic backlog,
23 meet the Inquiry recommendations from previous inquiries
24 and allow ourselves to accelerate and catch up on
25 training lost.

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1 Q. So, as with many things in life, when the pandemic was
2 in full flow, was there a pause on face-to-face training
3 for police officers?

4 A. There was, ma'am, yes. There was a couple of training
5 pauses around that that caused some significant
6 training -- face-to-face training backlog.

7 Q. And that would be for health reasons?

8 A. Yes, yes.

9 Q. Public health reasons?

10 A. Yes.

11 Q. And so this is an opportunity to incorporate more online
12 training, is it, as well as the physical face-to-face
13 training?

14 A. Yes. The opportunity to explore what we could do around
15 reducing people's time away from home, reducing
16 abstractions to operational environments and yes, as
17 I mentioned, catch up on some of those gaps that we had,
18 or backlogs that we had from the training suspensions.

19 Q. And is part of your consideration of that blended
20 learning opportunities reviewing whether online is
21 appropriate or whether it would be better to be
22 face-to-face?

23 A. Yes, absolutely. To discuss what would be appropriate
24 or what would not be, based off the risk factors around
25 the delivery of that type of training, and the

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1 effectiveness as well.

2 Q. We have heard some evidence that -- well, for example,
3 having people present and maybe scenario-based training
4 is effective, maybe more effective in having that
5 training sink in. Is that something that you're
6 considering?

7 A. Yes, most certainly, yes.

8 Q. Okay. And then this paragraph talks about developing
9 test of change-related products to assess virtual
10 learning concepts. Could you explain that sentence?

11 A. Yes, so part of the project was to look at whether we
12 could rapidly develop a number of products that could be
13 used to both test the concept but also look at some of
14 our key areas of backlog where we might be able to
15 reduce that pandemic backlog whilst testing the product
16 at the same time, and we were able to develop a couple
17 of products to that effect.

18 Q. Can you tell us what they were?

19 A. Yes, so one was the tutor constables course, which was
20 normally a one day face-to-face, classroom-based course
21 of lectures, which we moved to an online training module
22 that was able to be done in the officer's home location
23 with dedicated training time set aside to allow them to
24 get the same impact.

25 Another was the police staff induction course which

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1 does all of the mandatory briefings for a new police
2 staff member joining Police Scotland.

3 The third was a live Teams-based sexual offence
4 liaison officers' refresher course to allow those
5 officers who already have that skill set to be able to
6 get their updates in their home location, again with
7 protected learning time, but without having to come into
8 face-to-face locations.

9 Q. Excellent. So you're also considering what training
10 officers have had in the past and what skills they
11 already have --

12 A. Yes.

13 Q. -- in determining whether online facilities are more
14 appropriate?

15 A. Yes.

16 Q. Thank you. And then it says here that:

17 "At this time I also commenced development of the
18 service strength and conditioning programme in
19 conjunction with the Scottish Police College Physical
20 Education Instructors."

21 Tell us a little about that?

22 A. So the demands of the strengthening and conditioning for
23 police officers are quite unique and I had done some
24 work previously with the college physical education
25 instructors about a programme specifically for public

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1 order officers as we surged in increase in public order
2 capability in the lead-up to the COP26 event. Once
3 I was at the college, myself and the physical education
4 instructors put together a broader programme of strength
5 and conditioning for both generalist officers and
6 specialist officers which forms now the basis of the
7 strength and conditioning programme that's run during
8 the initial training, what we recommend to recruits as
9 well and then subsequently what a number of specialisms
10 undertake based off their unique requirements.

11 LORD BRACADALE: Sorry to interrupt, but, inspector, the
12 proceedings are being transcribed by a stenographer.
13 I wonder if you could just try and speak a little more
14 slowly.

15 A. I can, sir, most certainly.

16 LORD BRACADALE: Thank you very much.

17 MS GRAHAME: So I was about to say, service strength and
18 conditioning, is that to do with physical strength and
19 physical conditioning?

20 A. Yes, ma'am, it's physical strength and conditioning.

21 Q. Thank you. If we look at paragraph 6 of your Inquiry
22 statement you then say:

23 "I then moved to a role as a Temporary
24 Chief Inspector as Head of Operational Training based at
25 the SPC ..."

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1 That's the Scottish Police College, that's at
2 Tulliallan, is it?

3 A. Yes.

4 Q. "... in November 2020. In this post I lead inspectors
5 responsible for Probationer Training, Operational
6 Command Training, Operational Safety Training and three
7 command based Operational Training Centres in the North,
8 East and West."

9 I would like to be clear exactly what your remit is,
10 so if we look at the first, you lead inspectors
11 responsible for probationer training; so to what extent
12 are you responsible for probationers?

13 A. Whilst I have overall responsibility for that department
14 and the other five departments, the inspectors who are
15 responsible for those departments do the detailed
16 specialist work, as I do now in my operational safety
17 training role. So as the Head of Operational Training
18 though, I kept an overview over all of those departments
19 over that period of time.

20 Q. Thank you. So you are -- are you responsible for
21 strategy and for meeting with the inspectors who are
22 delivering that training to probationers?

23 A. Yes, and wider policy issues that might be dealt with at
24 a more senior level.

25 Q. Thank you. And then operational command training, is

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- 1 that for senior officers?
- 2 A. No, that's for junior officers, sergeants and
3 inspectors, specifically dealing with police incident
4 officer training.
- 5 Q. Right. Tell us a little about police incident officer
6 training.
- 7 A. Police incident officer training is the one-week
8 training course that a newly promoted sergeant or
9 inspector who has not had the opportunity would
10 undertake to qualify them to run incidents of a nature
11 that requires that sort of level of supervisory
12 responsibility. It's now a course that is tested and
13 assessed and a qualification awarded at the end of it
14 once they have completed some in-service reflective work
15 and operational work as well.
- 16 Q. Now, we have heard something of this already. If
17 someone has undergone police officer incident training,
18 is that the name that will be given for that training on
19 their SCOPE record?
- 20 A. Yes, I -- from recollection now it will be operational
21 command course, and that will go on their SCOPE record
22 as a qualification once they have met the certification
23 requirements.
- 24 Q. Do you know what it used to be called?
- 25 A. I would only be recalling off my own SCOPE record, it

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- 1 would be on my SCOPE record. I think it was police
2 incident officer training.
- 3 Q. Do you remember when that changed?
- 4 A. No, I don't, no.
- 5 Q. And you mentioned if someone was becoming an acting
6 sergeant. How soon nowadays would you expect that
7 person to undergo this police officer incident training?
- 8 A. Normally the training will only be undertaken once they
9 have been promoted into the rank substantively. They
10 will be prioritised for the training course if they are
11 in a position where they might be likely to use it, so
12 response or community policing would be the areas that
13 they would be prioritised in, to get the course. Not
14 normally given to temporary rank or sergeants holding
15 temporary rank due to capacity reasons.
- 16 Q. What are capacity reasons, just the numbers attending?
- 17 A. Yes, there's a significant backlog for this course
18 post-pandemic and it's my understanding that they will
19 still be looking to qualify all those people that need
20 to be qualified who are currently substantive in role
21 and in getting that qualification through, so they will
22 be prioritised.
- 23 Q. And even before the pandemic was there a backlog for
24 officers?
- 25 A. I couldn't say. I wasn't in the department at that

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1 stage.

2 Q. Right. You said that that police officer incident
3 training qualifies them to run incidents?

4 A. Yes.

5 Q. What does running an incident --

6 A. To lead an incident, you know. You expect -- on the
7 assumption they would assume responsibility for the
8 conduct of that incident when they got to scene.

9 Q. And can I assume that assuming responsibility, is that
10 taking charge of the incident?

11 A. Taking charge, yes, ma'am.

12 Q. So if an acting sergeant hasn't attended the police
13 officer incident training, hasn't been on that course,
14 does that mean they're not qualified to run incidents or
15 lead on incidents?

16 A. Ma'am, at the moment I'm probably stepping outside my
17 current area of expertise on that, if I'm candid.
18 I haven't been involved in that area of training for
19 some time. So I would probably prefer not to air -- if
20 I could --

21 Q. No, absolutely. We can look into this with other
22 people. Let's move on.

23 So you have become the Head of Operational Training
24 and we were going through paragraph 6 looking at the
25 aspects of your current role. You then talk about

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- 1 operational safety training. Now, tell us about what
2 work you do in your role as Head of Operational
3 Training, in respect of operational safety training?
- 4 A. Yes, very similar to the other departments. I will keep
5 an overview of the current issues in operational safety
6 training, provide advice -- policy advice to my seniors,
7 my senior officers in both learning, training and
8 development and wider, and keep close contact with the
9 inspector whose role it was to do the detailed work
10 around, you know, training delivery and development in
11 operational safety training, the role I'm in now.
- 12 Q. Thank you. And then you talk about three command-based
13 operational training centres in the north, east and
14 west.
- 15 A. Mm-hm.
- 16 Q. And you have overall responsibility for those also?
- 17 A. Yes.
- 18 Q. And are those centres where officers doing refresher
19 training or recertification training are undergoing that
20 training?
- 21 A. That's three of the locations where they do. There are
22 a number of other locations around the country where
23 recertification training takes place, but certainly
24 those are three of the general areas where they will
25 work out of as well.

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1 Q. We have heard that there's one in Glenrothes, or there
2 was in 2015?

3 A. Yes.

4 Q. Does that still exist?

5 A. Yes, it does.

6 Q. Is that one of the ones that you have control over?

7 A. As the Head of Operational Safety Training, yes.

8 Q. Thank you. You say you're broadly familiar with the
9 issues around the Inquiry, I understand you have watched
10 some of the evidence of the Inquiry?

11 A. Yes.

12 Q. And you say you were in post for approximately 22 months
13 and then on finishing your time in the temporary rank
14 you were moved post to the Head of Operational Safety
15 Training.

16 A. Yes.

17 Q. And that's a permanent promotion?

18 A. Yes, this is my permanent post, yes.

19 Q. Thank you. If we move on please to paragraph -- the
20 next paragraph. I think you say there:

21 "I then took up the appointment of Head of
22 Operational Safety Training in September 2022 ..."

23 So that was last September?

24 A. Yes.

25 Q. "... but, realistically after periods of long leave

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- 1 I commenced the point in January [of this year]."
- 2 A. That's correct.
- 3 Q. Can you explain what you mean by that?
- 4 A. I had a lot of time owed to me after my time in
5 temporary promotion for the 22 months, so I took
6 a significant annual leave break to be able to clear
7 some of that leave before the end of the leave year, so
8 that meant I really didn't take up my appointment, my
9 current appointment, until January.
- 10 Q. So for the Chair's purpose was it really only in January
11 that you started taking on the role and the
12 responsibilities of the head of the department?
- 13 A. Yes, and whilst I was broadly aware of some of the
14 issues in the lead-up, it wasn't realistically
15 until January that I took responsibility for the
16 department.
- 17 Q. Okay, thank you. And you also mention that you have
18 trained -- and you have done your operational safety
19 training instructors course and that was in March of
20 this year, so you weren't a qualified training
21 instructor prior to taking on the role of head?
- 22 A. Not in Scotland, no. Obviously I had had a number of
23 previous training experiences and qualifications in this
24 field over my career, but specifically to teach in
25 Scotland I would still need to complete, as I did, the

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1 operational safety training instructors course for
2 Scotland.

3 Q. And you have done that in March?

4 A. Yes.

5 Q. And you have taught on -- you have taught as an
6 instructor now on operational safety training courses?

7 A. Yes.

8 Q. How many have you done?

9 A. I think I have done about half a dozen now in the period
10 of time, particularly over our recovery from our
11 training suspension period.

12 Q. And that will be to officers who are undergoing
13 refresher or recertification training?

14 A. Yes, recertification training.

15 Q. Have you taught any probationers in your time?

16 A. No, I have not taken the probationer training course at
17 this time.

18 Q. So that's a separate course to teach probationers?

19 A. Yes.

20 Q. Which you have not undergone at this stage?

21 A. No.

22 Q. Is that something you intend to do?

23 A. Yes. The next course is in April so I will have
24 a fairly active hand in that given the opportunity.

25 Q. Okay. Now, can I ask you a very minor point but I just

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1 want to clear something up. In your statement you have
2 talked about the learning, training and development
3 department and we have also heard evidence from another
4 officer who talked about the training, leadership and
5 development department and he called it the TLD and
6 I think you would probably call it the LTD and I just
7 wondered are they the same department?

8 A. They are, ma'am. I think we went from TLD to
9 leadership, training and development to learning,
10 training and development, as we currently are.

11 Q. So if the Chair is looking at evidence in detail he can
12 assume they're effectively the same area that we're
13 talking about?

14 A. Yes.

15 Q. Thank you. Can I ask you, you have already mentioned
16 briefly about your prior experience in training and can
17 we look at paragraph 3 please. So in fact you have said
18 that your first physical skills qualification in terms
19 of training in physical skills was in 1997?

20 A. Yes.

21 Q. And that was when you were serving in the Australian
22 Regular Army. So you have actually been involved in
23 Australia in a number of training courses?

24 A. Yes, ma'am, yes.

25 Q. And you were an instructor in Australia as well?

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1 A. Yes.

2 Q. And are the course -- the techniques and skills that are
3 taught in Australia, are they quite different from those
4 that are taught in Police Scotland?

5 A. Quite the opposite, they're broadly similar.

6 Q. So how many years were you working as an instructor in
7 Australia?

8 A. From 1997 to the time I left the Australian Army in
9 early 2003, I was still teaching quite regularly each
10 year.

11 Q. And regularly, how often were you teaching every year?

12 A. Probably a two-week course -- they were two or one-week
13 courses probably three to four to five times a year.

14 Q. And similar techniques to those taught in Scotland?

15 A. Yes, yes.

16 Q. You mention here a qualification called the Force
17 Science Institute, of realistic de-escalation and you
18 were an instructor in that, that's the second sort of
19 bullet point there?

20 A. Yes, I have an instructor qualification. It's one of my
21 most recent qualifications. The Force Science Institute
22 is an American institute that does peer-based research
23 on use of force with the purpose of trying to improve
24 operational safety or officer safety and I recently
25 qualified online as a realistic de-escalation

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1 instructor.

2 Q. And when did you get that qualification?

3 A. About -- I'm going to say six weeks ago, I completed

4 that training.

5 Q. You didn't have to go to America to do it?

6 A. No, fortunately it was a great example of blended

7 learning where I could do the work online and then work

8 with American colleagues for debriefs and the like live.

9 Q. Tell us a little bit about -- I'm going to be asking you

10 more questions in the future about de-escalation, but

11 tell us a little bit about that course.

12 A. The course is a fairly unique course, I think, in that

13 it uses peer-based research to be able to establish the

14 ability or realities around an officer being able to

15 de-escalate a situation, depending on the certain

16 factors that are established at the time. It's --

17 I think it's unique in the fact that it does use

18 peer-based research around these issues and looks to

19 draw -- from that research to draw conclusions and

20 operationalise those conclusions for officers to be able

21 to put into practice. And the purpose of this course is

22 to support individuals who, like myself, are in

23 positions where they are developing and delivering

24 training, to be able to put that evidence base into

25 practice and to be able to really strongly draw on an

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1 evidence base for the conclusions we make around what we
2 were seeking to teach officers.

3 Q. Do you think that you will find that course to be of
4 assistance to you in developing the Police Scotland
5 training offering on de-escalation?

6 A. Yes, I do. It certainly won't be the only course we
7 would look to, or the only information that we receive,
8 but certainly the research base for the course I think
9 gives a strong foundation for us to be able to make
10 solid decisions. You know, I think one of our key
11 goals, as we continue to develop our course, is to
12 always be able to link back to an evidence base as to
13 why we're looking to do something, or why we're looking
14 to insert a certain section of the syllabus or certain
15 content into the syllabus, so I do think it will support
16 that, yes. I think it will.

17 Q. With it being peer-based or evidence-based, will you
18 seek to get that data from Police Scotland officers
19 maybe by a questionnaire or something --

20 A. Most of it was academic peer-based research, so we
21 looked to set up -- if we were looking to replicate
22 results we would look to set up results like that
23 through our academic unit who has the ability to
24 commission research. You know, in the academic world,
25 as you're probably aware, if you're looking to replicate

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1 those results you do need to have that academic rigour
2 behind them to make it worthwhile, and so if we were
3 looking to replicate results and do similar studies with
4 Police Scotland officers, then we would probably look to
5 use our academic unit to support that.

6 Q. Right. Is that an option that could be taken in the
7 future?

8 A. Yes, yes.

9 Q. And in terms of the actual training that you received
10 about de-escalation, how effective did you find that
11 online?

12 A. I found it -- it was all video lectures with the ability
13 to be able to reach through and speak to individuals as
14 well. I found it a particularly decent blended learning
15 subject, actually. Given I have seen a number of these
16 over the years and was involved in a study similar,
17 I found it probably one of the better online experiences
18 I have had in this field.

19 Q. As well as the lecture style of video, was there also
20 videos of demonstrations or examples given?

21 A. Yes, yes. There was a number of videos that we used for
22 real-life incidents and the like to be able to draw the
23 lessons from, as well as data from the peer-reviewed
24 research that was relevant.

25 Q. And were those -- was that footage recreated by actors

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1 in relation to real-life incidents, or was it from body
2 worn cameras?

3 A. In the most part it was able to be used from body worn
4 cameras because of the wide prevalence of body worn
5 footage in the US.

6 Q. Right. Did you find that -- we have heard evidence that
7 seeing demonstrations, video footage, is an effective
8 way of training officers. Did you find your personal
9 experience of watching videos in this de-escalation
10 course quite effective?

11 A. Yes, I think that's part of it, ma'am. I think the
12 second part of that is effective debriefing around it
13 and being able to make sure we can draw very clear and
14 distinct lessons from what we are seeing. I think the
15 video alone is perhaps not as effective as accompanied
16 with really good solid debriefing and explanation.

17 Q. And by debriefing, can I assume that's a sort of
18 analysis of what happened, what could have been done
19 better, what went wrong, that type of thing?

20 A. Yes, exactly. Being able to draw out those lessons
21 quite clearly for officers who perhaps don't have that
22 depth of expertise in the subject area from instructors
23 who can and who can effectively breakdown a debrief.

24 Q. And was that assessed and marked?

25 A. Yes, yes. I had to do a talk back, a video talk back to

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1 be assessed and marked and two online exams.

2 Q. Right. Now, from the purpose of the Chair, we have
3 heard evidence in this Inquiry about the training which
4 was given in 2015, up to 2015, and we heard evidence
5 from an Inspector Young who was the head of training in
6 2016 and he talked about the 2013 manual and the
7 training that was given up to May 2015.

8 Now, the Chair is also interested in looking at
9 current officer safety training and he will also be
10 looking at making recommendations in the future, and so
11 I would like to ask you some questions about the current
12 training.

13 A. Sure.

14 Q. Now, first of all, I would like to make sure we're
15 talking about the same documents. We have heard
16 evidence that the current manual is -- sometimes it's
17 called the 2016 manual and sometimes it's called the
18 2017 manual. For my purposes today I think if we look
19 at paragraph 39 of your Inquiry statement, we see that
20 you have also said, at the bottom of that page:

21 "Whilst I can't comment as to what occurred before
22 I assumed my appointment as Head of Department with
23 surety, that's probably correct because, again, the
24 whole manual's not been revised since 2017-18."

25 Now, can we look -- no, just at the top of that, you

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1 were talking about Dr Stevenson and you were talking
2 about his manual and you talked about:

3 "... the OST training manual that was version
4 1.2 ... dated 2017 ..."

5 Now, I would like you to look at some hard copies.
6 For those behind me it's taken from a document called
7 COPFS00177, which is the entire manual. We will be
8 going through the individual modules today. It's the
9 initial pages from that and I think there should be
10 a hard copy in your folder.

11 This is really just to make sure we're talking about
12 the same document, so you will see on the front page of
13 the hard copy that there's a foreword and then the
14 second page is the cover sheet, "Operational safety
15 training course manual", and then page 3 it's
16 copyrighted Police Scotland 2016. It says that at the
17 top. Page 3, it says "Copyright".

18 A. Sorry, I'm just struggling to find that one. I've got
19 a version that says "Version 1.2 October 2017" -- oh,
20 sorry, I see that.

21 Q. You see at the very top of that it says copyrighted 2016
22 but then at the bottom it says "Version
23 1.2 October 2017"?

24 A. Yes.

25 Q. So, just for the Chair's understanding, this is the

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1 manual from 2016, copyrighted 2016 but this version,
2 which is the current version, is dated October 2017.

3 A. Right.

4 Q. But they're the same manual.

5 A. Yes.

6 Q. And this is the manual that you're working with now?

7 A. No, I don't think it is, ma'am. I think there are
8 subsequent minor revisions to that that have occurred
9 over time and whilst it hasn't been a massive overhaul
10 of the manual, over the last number of years I believe
11 there's been some adjustments and amendments to that.

12 Q. And in terms of adjustments or amendments that have been
13 made, are you aware of those adjustments and amendments?

14 A. I can only speak in broad terms because it's before
15 I came into the department.

16 Q. All right. So if there's anything as we go through this
17 manual where you feel, "Oh, I think that's changed", or
18 training has changed, I would appreciate it if you would
19 let us know.

20 A. Certainly.

21 Q. Well, we will work from this manual at the moment and,
22 as I say, any changes or concerns you have you can let
23 us know.

24 Can we look at the fifth page, and it's actually
25 fifth to eighth that I'm going to go through very, very

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1 briefly with you and this should be the contents of this
2 manual.

3 Now, we have heard about the 2013 manual which was
4 the previous version. This manual has 19 modules, is
5 that correct? You will see the contents set out.

6 A. Yes, that's what I can see in my manual as well.

7 Q. Great. And looking at page 5 we see that the sections
8 are split into separate modules, so on page 5 module 1
9 is use of force, 2 is conflict management, 3 is tactical
10 communications, 4 is medical implications and mental
11 health. And then on page 6 we see that module 5 is
12 something called tactical positioning?

13 A. Yes.

14 Q. And that wasn't a separate module in the previous
15 manual, as we understand. And then 6 is empty hands, 7
16 is baton, 8 is rigid handcuffs, and module 9 is violent
17 prisoner teams, which again I understand from previous
18 evidence was a brand new module that was added.

19 Then module 10, irritant sprays. 11 is Fastraps and
20 that includes a section 14 which says, "Safe removal of
21 Fastraps". Then module 12, spit hood; 13 is searching,
22 14 is water safety -- these are new -- and then 15 is
23 personal protection shield, which we have heard evidence
24 is also new. 16, cordons; 17, vehicle skills; 18,
25 tactical report writing; and 19, edged weapons.

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1 So it appears from what we have heard previously
2 that this was a much larger manual than was used in
3 2013.

4 A. Yes.

5 Q. Thank you. Now, if the Chair wishes to read this in
6 detail he can do that, but I will go through certain
7 specific sections with you as we go through your
8 evidence today.

9 A. Sure, ma'am.

10 Q. Right. Can we start with first of all looking briefly
11 at paragraph 10 of your Inquiry statement. You say
12 here:

13 "I have been asked how often the content of the OST
14 manual is reviewed. Review of the manual has just
15 commenced, as at September 2023, and is likely to be
16 ongoing over the next 12 months. The last major review
17 of the OST manual occurred in 2017-18. In the interim
18 time period a number of minor modifications have taken
19 place, to my knowledge this is the first major revision
20 of the manual since its inception. It involves
21 a chapter-by-chapter revision and re-evaluation, and
22 that remains ongoing."

23 A. Yes.

24 Q. So what we see here is the 2017 manual, but
25 from September this year you, in your role as head, have

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1 now commenced a major review; is that correct?

2 A. Yes, that's correct.

3 Q. Can you tell us a little bit about that?

4 A. Yes, most certainly. It's been five years since the
5 manual was reviewed. Over that period of time it's
6 likely that aspects of the training and certainly our
7 understanding of what constitutes effective training
8 have changed. It's reasonable, I think, at this point
9 in time, to be able to go back to first principles on
10 that and, as I said, with a real view to making sure
11 whatever goes into our manual is drawn from a solid
12 evidence base and can -- and has a clear provenance.

13 It's -- I think it's a smart thing to do to use our
14 own internal experts on some of these areas of expertise
15 and our external experts, to be able to review and make
16 sure that we're delivering the most up-to-date,
17 effective, evidence-based training.

18 As you can imagine, it's not a small undertaking.
19 The manual is quite large and the department is very
20 much set up as a delivery unit as opposed to
21 a developmental unit and the work -- hence the work
22 takes a bit of a period of time, but given that it has
23 been five, six-odd years since the manual has been
24 looked at critically I felt it was reasonable to take
25 a first principle look at it to ensure that what we're

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1 delivering to officers moving forward is both fit for
2 purpose and reasonable and based off that best available
3 evidence base that we can find to be able to draw from.

4 Q. So you say this will take about a year?

5 A. The target is to have it ready for the next probationer
6 training course in April. That's a stretched target,
7 but at the moment I'm confident actually we will be on
8 track to get ourselves in a position where we can look
9 to get a peer -- a peer review commenced, I would like
10 to hope, in February/March and with a view that we can
11 get the manual out in April.

12 Q. All right. So at the moment your goal is to have it for
13 the next batch of probationers who come in?

14 A. That's right, ma'am, yes.

15 Q. And if you don't succeed in that, do you think the
16 12-month period given here is realistic?

17 A. I think that's -- I think that's realistic. I think
18 I have been conservative in identifying 12 months and
19 that allows us the opportunity if we have some bumps
20 along the way that we can still meet our 12-month
21 target.

22 Q. So would that be a complete review by round with
23 recommendations or with a full manual implementation?

24 A. No, it's with a full manual rewrite. Obviously it needs
25 to go through consultation and governance processes

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1 around that, but we would see a full completed reviewed
2 and consulted manual in place no later
3 than September 2023.

4 Q. So you would have the recommended manual by next year,
5 September, and then you would put through governance
6 procedures?

7 A. No, ma'am, we would want it through governance
8 by September 2023.

9 Q. Sorry, sorry. So all of that would be done
10 by September?

11 A. Yes, we're supported by small training pools at the
12 moment which has allowed us to be able to use -- make
13 the best of that by diverting resources into
14 accelerating that, hence why I'm a little bit more
15 comfortable around perhaps the April target of having
16 a full draft ready to go because we have a few more
17 resources who I can dedicate to that at the moment with
18 the training suspension just commenced.

19 Q. So worst case scenario if it doesn't happen in April it
20 would be full manual ready to go in September next year?

21 A. Yes, that's correct.

22 Q. Right. And that would be available to consider if the
23 Chair wished to see that at that stage?

24 A. Yes, yes.

25 Q. And that review -- well, by September next year, that

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1 would cover all of the topics that you intend to review
2 which is root and branch, from what you're saying?

3 A. Yes, that's correct, ma'am.

4 Q. So will that be every part of the module?

5 A. Yes.

6 Q. All of the modules that we have --

7 A. Yes.

8 Q. Yes. And it would be up-to-date at that stage --

9 A. Yes.

10 Q. -- on all the training that you're aware of?

11 A. Yes.

12 Q. Thank you. But for present purposes we can look at this
13 manual which largely -- subject to any I think you call
14 it minor revisions that you may want to mention today,
15 we can look at this 2017 manual as the -- could you
16 refer to that as a core document for training?

17 A. Yes, yes.

18 Q. We have heard that the 2013 manual was used as a core
19 document from which probationer training,
20 recertification training was all created. Is that the
21 same with this 2017 manual, that probationer training
22 and refresher training is created from this as its core
23 document?

24 A. That's correct.

25 Q. And we heard that with the 2013 manual, that when that

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1 was -- that came into existence, 1 September 2013, that
2 all probationers from that date were given a hard copy
3 of that manual, all trainers were given a copy of that
4 manual, but those doing recertification training did not
5 have hard copies. They perhaps did, but it wasn't
6 automatic for all of them, although they did have access
7 to Police Scotland's intranet. Is that the same
8 position for the 2017 manual?

9 A. Yes, that's --

10 Q. Have probationers been given copies?

11 A. That's still the case, ma'am. Probationers still
12 receive a hard copy, plus they have access online.
13 Instructors of course have a hard copy that they receive
14 during instructor training that they retain and
15 recertification -- officers and staff undertaking
16 recertification have access to the latest version of the
17 manual online.

18 Q. Thank you. And would that be this version that we're
19 looking at here?

20 A. It will be the version -- the most up-to-date version
21 with the minor amendments, yes.

22 Q. Right, thank you. And in terms of the 2013 manual we
23 heard that from that manual there were also a number of
24 PowerPoint presentations prepared from -- is that the
25 same with this manual? Have there also been PowerPoint

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1 presentations prepared for probationers and
2 recertification officers?

3 A. Yes, that's still the case.

4 Q. Right. Are you comfortable that there is consistency
5 across the board between those PowerPoints that are
6 available and this manual here?

7 A. I'm more comfortable than I was when I first took over
8 the department because I had one of my sergeants do
9 a review earlier this year to ensure that both the
10 initial training set of theory PowerPoints and the
11 recertification theory PowerPoint were consistent with
12 each other and the manual. I think there were some --
13 I think there was some drift between initial and
14 recertification for a period and I think that was
15 a result of the fact that prior to this year the lead
16 physical education instructors who taught operational
17 safety training at the college worked within probationer
18 training and not operational safety training and we have
19 since moved those officers who deliver -- who are the
20 lead deliverers of operational safety training, initial
21 training, into the department with us to -- so they now
22 are led by operational safety training, to increase the
23 consistency and make sure that we move together sort of
24 more in lockstep around that.

25 So, whilst there might be some minor variation now

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1 I'm much more comfortable than I was and again, I would
2 expect that once we have completed a complete review of
3 the manual then what follows from that of course is
4 looking at the training materials for that and being
5 able to use that one version of the truth to be able to
6 update and ensure those (inaudible) presentations or
7 those PowerPoint presentations and other training
8 material is all consistent.

9 Q. So, happier today than you maybe were when you came into
10 the department that there is consistency --

11 A. Yes.

12 Q. -- between the training the probationers are getting and
13 recertification training?

14 A. Yes, yes.

15 Q. And hopefully next year you will be even happier about
16 that?

17 A. I will be much happier next year, yes.

18 Q. Good. And as well as consistency are you happy about
19 the standardisation of the text and the materials that
20 are out there?

21 A. Yes, and I think, you know, ensuring that there is very
22 solid version control in place, that's there's one
23 version of the truth held online, that has been some
24 work over the last six to eight months. And there are
25 lessons actually we learned from the Inquiry as -- in

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1 the previous years as material was being gathered that
2 to our mind we wanted to see a more rigid and more
3 effective assurance process around how we version
4 control, and indeed when and where things change in
5 a syllabus and how we document and record those as well.

6 Q. So that's very nice to hear you have learned lessons
7 from the Inquiry in relation to training. Could you
8 give us an example?

9 A. So, for instance, trying to identify when an element of
10 training might have changed and not being able to quite
11 pinpoint, you know, the date/time that a syllabus was
12 changed, so what we do now is we quite ruthlessly record
13 via memo that's recorded that goes out to, you know,
14 every instructor that is held centrally in our own
15 record retention systems to ensure that subsequently,
16 you know, five years down the track, eight years down
17 the track, ten years down the track, if we want to be
18 able to identify a specific date and time that certain
19 elements of training changed, well, we can see what that
20 record looks like and also a rationale of why those
21 decisions were made.

22 Q. So that will improve in the future as well?

23 A. Yes, yes.

24 Q. Yes. And as well as hearing about the manual, hearing
25 about PowerPoint, we have also heard evidence about

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1 things called lesson plans.

2 A. Yes.

3 Q. Are you satisfied there's consistency and
4 standardisation in relation to those, based on this
5 manual?

6 A. Yes, and again I'm -- I will be more satisfied the
7 further we move down the track with the process.
8 They're broadly consistent, but I do think there's --
9 again, as we move forward there will be things that get
10 picked up in sequence as we work out of a new core
11 document that we will be able to then draw quite clearly
12 from to ensure that there is a golden thread of
13 consistency that runs through all of the training
14 materials and documents.

15 Q. Right.

16 A. But, as you can imagine, it's also quite a big ask.
17 There is a lot of them and so it will take some time to
18 be able to work our way through those to ensure that.

19 Q. Right, but that work is ongoing --

20 A. Yes.

21 Q. -- and something that you're actively improving?

22 A. Yes.

23 Q. And then we heard evidence in relation to the 2013
24 manual that there was some uncertainty, perhaps
25 inconsistency, amongst the number of instructors and

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1 what they were actually teaching. An example was given
2 of certain instructors who had been taught something in
3 the '90s, liked the technique and continued to teach it
4 on their own individual instructor courses, training
5 courses, and there had been attempts to improve that
6 situation. Is that something that you have experienced
7 in your role as Head of Department, that inconsistency
8 with instructors?

9 A. No, no, not at all. I'm quite confident that our
10 instructors teach to the manual and the teaching pack.
11 I can understand why that happened in the past given
12 that there was, you know, a legacy force issue there,
13 people were bringing different experiences from
14 different previous services, but it's not been the case
15 now and I would argue it's probably not been the case
16 for a number of years actually. They teach off the
17 manual. Where the variation sometimes comes is around
18 how the technique is taught, but I would not expect to
19 see instructors, you know, at this time bringing
20 anything out into the teaching syllabus that was not
21 taken from our core manual and our core teaching packs.

22 Q. So nothing out of left field, but in terms of what you
23 said about how techniques are taught, what do you mean
24 that there might be variations in that?

25 A. I think it's really natural that when you have,

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1 you know, 30-odd instructors full-time, plus a number of
2 divisional instructors working part-time, teaching in 13
3 locations around the country from a set of notes, that
4 they can drift occasionally in how they might teach
5 something. What we do to look at managing that is we
6 run standardisation training days now where -- I think
7 the next one is in February -- where we bring as many
8 instructors in together as we can to then review those
9 techniques and how they're taught, to try and again
10 generate consistency, or being as consistent as we
11 possibly can with the instructors teaching it the same
12 way around the country.

13 I'm not talking about very, you know, major
14 variations, but, you know, I think it is natural that
15 some will teach -- because they have a different
16 teaching style and running standardisation days allows
17 us to pull everyone back into the centre again, have
18 some good solid professional discussions about how
19 things can be taught and decide on a way forward to
20 ensure that again once we send them back out to the
21 regions again and they're teaching two courses a week
22 for 40-odd weeks of the year, that we're getting them as
23 consistent as we possibly can.

24 Q. So these standardisation days for instructors, how often
25 do they attend those?

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1 A. I think we have run -- I think we have run two already
2 this year so the next one is February. It's a week for
3 us actually in February because we can get a week
4 in February where we will run through -- in fact that
5 week will be a run through of the current syllabus where
6 we will see and demonstrate the walk through/talk
7 through of each of the techniques to again generate that
8 consensus and that understanding of this is how this
9 will be taught moving forward again. And it just
10 recentres the instructors and allows them to go back out
11 going "Okay, that's our agreed way forward", and so yes,
12 the next one is February for us.

13 Q. And for -- how many instructors do you have?

14 A. Right now I've got 28 full-time instructors. The number
15 of divisional instructors varies, but it's roughly the
16 same amount, maybe a little bit more. Some are more
17 active than others.

18 Q. Are they all full-time or are they --

19 A. No, no. The 28 are full-time and the others are
20 part-time who are drawn from operational shifts and
21 other tasks to support training delivery.

22 Q. Now, we have heard of something called skills fade. How
23 often are the instructors being trained, how -- is it
24 once a year, is it more than that?

25 A. Is it -- are you referring to the full-time or the

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1 part-time instructors, ma'am?

2 Q. Let's look at full-time first of all.

3 A. Okay, so the full-time instructors are teaching twice
4 a week and so -- 40 weeks a year, so their schemas
5 around training are quite well developed and they're
6 well practiced. The divisional instructors come in
7 three to six times a year and work with us. They're
8 less skilled and they do need -- they're always
9 supervised by full-time instructors. They don't run
10 training on their own, so they're support instructors.

11 We have run a skills development day, for instance,
12 for divisional instructors earlier in the year with
13 a view to looking to continue to run more because we
14 recognise the fact that it can be pretty difficult for
15 a divisional instructor who perhaps hasn't taught for
16 four months to come in and work with a full-time
17 instructor because, you know, there can be concerns
18 about that, but the way we mitigate that is they never
19 teach on their own, they're always with one of the
20 full-time cadre or two of the full-time cadre to be able
21 to ensure that they're still teaching effectively and
22 they can still support effectively.

23 Q. So you take account of skills fade particularly with the
24 part-time instructors?

25 A. Yes.

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- 1 Q. And you mitigate against that --
- 2 A. Yes.
- 3 Q. -- by pairing them with someone who is a full-time
4 instructor?
- 5 A. That's correct.
- 6 Q. Is that an effective mitigation of your concerns?
- 7 A. I think it is. I think moving forward we would still
8 like to do more with the divisional instructors. As
9 I said, for the first time this year we started to get
10 them together for standardisation days. Some of the
11 resourcing challenges around the service make it
12 challenging for them to be released, but moving forward
13 we will still want to continue to do more with them.
14 They welcome that opportunity to come back into the
15 centre and work with the full-time cadre and the
16 supervisors from the department. And yes, it's
17 something I think moving forward we will continue to do
18 because it's an assurance process, it's a governance
19 process for us that allows us to both deepen their skill
20 sets, but refresh them in where we're at as well.
- 21 Q. And do you have any views on the sort of optimum
22 regularity in terms of training your divisional
23 instructors, your part-timers?
- 24 A. I look to get them in three times a year, that's my
25 preference, but I also like them to be teaching more.

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1 They're teaching at the moment a minimum of I think four
2 courses a year. We had a meeting last week with some of
3 my senior instructors and this issue arose and so we
4 will look at some -- tightening some governance
5 processes around that with support of our supervisors
6 and our leaders, to try and get them released a little
7 more through the year so that they're taking a course
8 more regularly as well. I think it's an area that
9 I would like to see tightened up over the next 12 months
10 and like I said, it was raised with me by some of my
11 senior instructors only a couple of weeks ago.

12 Q. Is that something that you will look at as part of this
13 overall review?

14 A. We won't wait for the review. That will happen in the
15 next month or two. We will put a draft policy together
16 and seek approval through our seniors to be able to gain
17 support from the divisions. And again, you know,
18 I really understand that it's quite challenging in the
19 resource environment to release these instructors but
20 I think it's really important for their development
21 moving forward to be released at regular intervals so
22 that, as you said, we minimise their skill decay and
23 support them in their own development as well, so they
24 become more effective instructors over time.

25 Q. All right, thank you. We have also heard evidence in

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1 relation to the 2013 manual that in addition during some
2 of the locations for training there were posters and
3 notices up that would be an aid to training --

4 A. Mm-hm.

5 Q. -- if I can put it no more highly than that. Is that
6 something that you have, standard posters that go up in
7 training locations?

8 A. Yes, those posters are still around in many instances.
9 I don't think they have been refreshed for some time, so
10 again, coming out with a new core document gives us
11 a new opportunity to be able to refresh other training
12 and teaching aids like those type of posters as well.

13 Q. So once you have reviewed the manual you will be able to
14 standardise any documents or posters or texts that come
15 from this core document?

16 A. Yes.

17 Q. Thank you. Is there anything else that you use as
18 a document or a means of training that I have not
19 mentioned already?

20 A. No, I think the lesson plan/teaching packs, the
21 PowerPoints, the theory PowerPoints and the core
22 document, plus of course physical training aids. We
23 look to enhance our physical training aids and make them
24 as effective as possible for officers to get their hands
25 on and use so that -- and operational first aid is

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1 probably the best example of that. So they're using the
2 equipment that they use in the operational environment
3 in the recertification and they're using it on training
4 aids that can replicate, as best as possible, some of
5 the operational circumstances that they're going to be
6 using the equipment.

7 Q. So we have heard about PPE, like batons and sprays
8 and -- but that's part of operational safety training?

9 A. Yes.

10 Q. And we have had in the hearing sort of mock versions of
11 those things.

12 A. Mm-hm.

13 Q. And we have also heard of things like a valve which goes
14 over the face in first aid?

15 A. The bag valve mask, yeah, or certainly the hard face
16 mask in our operational training, operational safety
17 training.

18 Q. So they will all be used as part of the training
19 programme that you devise?

20 A. Yes, and then moving forward things like -- and it's
21 going to sound like an unusual thing -- sections of
22 for instance a thigh, a rubberised thigh that allows
23 people to apply tourniquets, wound pack effectively, and
24 the same thing with sleeves that allow officers to apply
25 tourniquets effectively to staunch catastrophic

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1 bleeding. We use those in the training environment to
2 increase the fidelity of training and allow officers to
3 practise those in an environment that is more like --
4 you know, more like what they're going to do
5 operationally.

6 Q. That's an interesting phrase, "The fidelity of
7 training". What's that?

8 A. Trying to make it as real as we can, as effective as we
9 can. That's quite resource intensive and -- but the
10 research does show the greater fidelity we can -- or the
11 greater realism we can get in training, the greater we
12 can reflect the operational pressures of training, the
13 more effective it can be. Some of the most recent
14 research shows that actually repetitive low fidelity
15 training shows some promise as well, and we will keep an
16 eye on that --

17 Q. I'm going to have to ask you to say that again because
18 you said that very quickly.

19 A. Sorry. Some of the training -- some of the most recent
20 research is showing that repetitive lower fidelity
21 training can show some promise as well, but in the main
22 it would be our view that where we can enhance the
23 realism of training as best as possible, once the
24 officers have attained a certain skill base, then that
25 would be our goal, to get better outcomes, better

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1 training outcome.

2 Q. We have heard two things, we have heard that
3 scenario-based training is very effective for people
4 digesting the training; do you find that?

5 A. I do. The only thing I would qualify that with is that
6 the officers do have to have a reasonably effective
7 skills base to be able to draw on to apply in that
8 scenario-based environment. If we haven't got the
9 officers to a stage where they can effectively employ
10 a skills base then the scenario-based training becomes
11 less effective because they've got nothing to draw on.
12 So we still need to ensure that our officers get an
13 effective skills base before we launch them into
14 scenario-based training because otherwise we're not
15 setting them up for success in that training as well.

16 But yeah, by and large I think scenario-based
17 training shows great promise and continues to show great
18 promise in delivering effective training outcomes.

19 Q. And in terms of the mode of delivery of techniques under
20 this manual, there's some scenario-based training; is
21 that right?

22 A. Yes, yes.

23 Q. And will there continue to be as part of the review
24 a consideration of the benefits of that training?

25 A. Most certainly. If anything the opportunity -- the

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1 continued opportunity to insert more opportunities for,
2 you know, part or full scenarios to expose officers who
3 once they've got that baseline of skills to those
4 operational pressures is something we will actively seek
5 out. It certainly won't be getting less.

6 Q. And the other thing that we have heard some evidence
7 about is that during training if a fellow officer is
8 pretending to be the subject or such-like, that they
9 would not wish to hurt or injury their fellow classmates
10 and it can be very difficult to recreate realism in
11 training. Is that something that you take account of?

12 A. We do, and unlike our England and Welsh colleagues who
13 do use officers, trainees, as role-players -- as the
14 role-players in the scenarios, we don't. We use our
15 instructors. The reason why we do that is for exactly
16 the reason -- or one of the reasons that you mentioned,
17 there about -- they're more realistic. We find it safer
18 to use our instructors as well because they're more
19 versed in being able to measure and mitigate how they
20 respond to the officer. We think that scenario is more
21 controllable as well because the instructor is more
22 likely and able to respond to effective work from the
23 officer, or the officers involved, and so we mitigate
24 that issue by using instructor role-players for all our
25 scenario-based training.

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- 1 Q. And are there fitness levels for your instructors?
- 2 A. No, no. Police Scotland doesn't run a regular fitness
3 requirement for its serving officers other than
4 specialisms, outside of probationer training.
- 5 Q. Do you have any concerns about whether instructors are
6 sufficiently fit and able to avoid harming themselves if
7 they are trying to recreate realism in the training?
- 8 A. No. We're very measured in the way we conduct
9 scenario-based training and whilst we can never preclude
10 injury in operational safety training because it is, by
11 its nature, a physical training skill, we do track and
12 monitor injuries quite carefully and, you know, where we
13 would see, for instance, a potential for injury for an
14 instructor then we would look to act around that -- in
15 fact we did earlier in the year, where we recognised
16 that a specific role-play or scenario could potentially
17 cause injury to the fingers and thumbs of an instructor,
18 and so we removed that from the scenario base on that
19 basis because we were concerned about potential
20 instructor injury.
- 21 Q. So if you have concerns about instructor injury and you
22 remove a demonstration, or a scenario-based example from
23 the curriculum, does that cause you any concerns in
24 terms of providing officers with sufficient training?
- 25 A. You know, there's always going to be a balance between

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1 that and that was a very, very specific example because
2 of the unique nature of the risks to the instructors.
3 We still do a complete walk through of that -- you know,
4 that scenario. We still have officers show that they
5 can apply the technique required, but there's always
6 going to be a balance between how we generate as much
7 realism as possible whilst making sure both the trainees
8 and the instructors are safe whilst we do it. And the
9 use of safety officers, of course, the use of the lead
10 instructor being able to communicate with the
11 role-player during the scenario to control the intensity
12 of the scenario is important, and of course the
13 instructor will only -- will control and moderate the
14 scenario to ensure the safety of these students whilst
15 still trying to get the best learning opportunity out
16 there.

17 You know, you wouldn't expect -- and we would hope
18 that we wouldn't be going 100% levels of resistance for
19 students because also we're probably not going to
20 generate a great learning opportunity there. The
21 students are under enough pressure when they're engaged
22 in scenario-based training in front of their peers quite
23 often, without us having to go to the extent where
24 students or instructors are injured.

25 Q. So if we hear of scenario-based training, there's

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- 1 a range or a level of intensity, if I can put it that
2 way, between the least realistic and the most realistic?
- 3 A. Yes.
- 4 Q. Even in that scenario-based training?
- 5 A. Yes, most certainly, yes. The instructors will tend to
6 work to the capability of the students.
- 7 Q. So for your probationers, who are very new to the
8 service, and the least experienced, you would imagine,
9 of those students that you teach, they will have less
10 intensive scenario-based training to accommodate a sort
11 of understanding of their lack of skills and experience?
- 12 A. Yes, over that period in initial training we would
13 expect them to build up intensity. You know, you start
14 quite low-level and then build up, build up those levels
15 of resistance, as indeed the individual students are
16 comfortable as well because some of course come with
17 previous experience and some handle the scenarios better
18 than others. And as I said, it's one of the real
19 advantages of using instructor-led scenarios because the
20 instructor can better tailor the learning response to
21 the students that they have in front of them and I think
22 that allows us to get a better training outcome when it
23 comes to scenario-based training.
- 24 Q. So can instructors tailor it both to individuals on the
25 course, so if it's one-to-one training, or to the course

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1 as a whole?

2 A. Yes, and I think ultimately there will be perhaps two to
3 four to six students involved in any one scenario and
4 they will receive that tailored response both by the
5 conducting instructor and the role-player, based off how
6 they're performing in the scenario, because of course we
7 want to make sure the student has a positive training
8 experience as well. The instructors aren't there to
9 win, to win out, and to assert any dominance over their
10 students. They're there to provide the best learning
11 opportunity. So whilst all scenarios might not go well,
12 the student still has to leave with a positive feeling
13 about what they have learned from that training. To not
14 do that would be, I think, a real challenge. I don't
15 think we would be getting our job done if we did it that
16 way.

17 Q. And so for the opposite end, very experienced officers
18 with many years of experience on the job, can the
19 instructor again tailor that training perhaps in
20 intensity for those students?

21 A. Yes, I think within the realms of safe conduct, but
22 again our instructors are really conscious that it's
23 been 12 months since many of these very experienced
24 officers, despite the fact they have -- excuse me -- of
25 their many years experience have engaged in this type of

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1 training, so they will still need to be measured in how
2 they respond to what may appear to be a senior, very
3 senior officer who has spent years in service, but may
4 not have been involved in a physical confrontation or
5 a challenging confrontation like that for many months,
6 or indeed since their previous recertification. So we
7 still need to be conscious, even with the officers that
8 we get on recertification, that this has to be
9 a positive learning experience for them. This is their
10 one time of the year where they get to refresh those
11 skills and gain confidence in their ability to be able
12 to go back out in the operational environment.

13 Even those officers who are not doing frontline
14 response duties or community policing duties are being
15 used regularly for events now, so for them it's just as
16 important, although they won't be getting the regular
17 exposure than our response officers perhaps will. So
18 within the realms of what's safe and within the realms
19 of what we're seeing from the make-up of the
20 recertification course -- because instructors know where
21 these officers are coming from -- they will still tailor
22 the training output so the attendees can get the best
23 out of it.

24 Q. So the instructor can see who is involved in the course
25 and can tailor it, perhaps building in intensity as the

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1 course develops, depending on their experience and
2 skills and the way they're developing the training?

3 A. Yes, and how the students are responding to the scenario
4 as well, you know, that intensity can change depending
5 on how effective the students are in dealing with it.

6 Q. Thanks. Can I ask you to look at something else now
7 just to clarify for me what it is. It's PS18569. This
8 is headed up:

9 "National operational safety training.
10 "Teaching pack.
11 "National recertification 2 day course."

12 Now, we have heard other evidence that nowadays
13 recertification is over a two-day period for officers?

14 A. Yes, that's correct.

15 Q. And does it incorporate first aid?

16 A. Yes, it's about -- the first morning is first aid, the
17 next day and a half is operational safety training
18 recertification, taught by the same trainers.

19 Q. Yes, so we heard that previously it was one day a year,
20 it's now two days a year?

21 A. Yes, it's -- we were, I think, one of the first forces
22 in the country to move to a two-day training model. The
23 rest of England and Wales is following. At the moment
24 I think there are still forces down in England and Wales
25 that are on a one-day training model, but the rest of

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1 the services are catching up with regards to that.

2 Q. So for the benefit of the Chair, is this the teaching
3 pack that's given to instructors?

4 A. Yes, that's a version of the teaching pack. It has been
5 updated since I think this has occurred but that's the
6 pack that each instructor can access to conduct the
7 recertification course.

8 Q. And are they given hard copies of those?

9 A. Yes, yes, they can access hard copies.

10 Q. Or something like this?

11 A. Yes.

12 Q. And does this set out the timetable for day one and two?

13 A. Yes.

14 Q. And what they are expected to teach on that course?

15 A. Yes.

16 Q. And as we move down the pages, if we could look at
17 page 13 first of all please. This should be headed up,
18 "Teaching methods". Perhaps I'm not on the right --
19 keep going down. That's it. And it says:

20 "The recognised teaching method for National Initial
21 Operational Safety Training is Problem, Solution, and
22 Breakdown."

23 Can you explain that to us please?

24 A. Yes, it's a very simple method that allows the
25 instructors a framework to build on for each technique

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1 that they work through. They first present a problem to
2 a solution -- a problem to a student and that might be
3 a brief explanation of the type of issue or incident
4 that they're facing. They then give a solution to that
5 and that should involve a demonstration, at best speed
6 as possible to generate an interest in the student and
7 generate credibility and buy-in for the student, and
8 then they break down that technique for the student and
9 allow practise of the technique as they move along to
10 allow the student to gain proficiency.

11 Q. Is there only one solution?

12 A. Generally for the type of physical skills that we're
13 talking about, yes. And the rationale for that is we --
14 it's not always the case. In times past, you know,
15 there might be three or four solutions, but when you
16 have only two days to train with a student, trying to
17 give them three or four options for a simple -- what is
18 a comparatively simple problem doesn't allow them the
19 opportunity to practise any of them to a great extent.

20 It's a really good example, actually, of an evolving
21 practice when it comes to operational safety training,
22 I think, certainly for ourselves, but wider. It used to
23 be the case that we would talk about giving students
24 a toolbox of techniques to be able to select from. The
25 challenge for that when you only have limited training

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1 time is they don't get to practise many of them or any
2 of them very effectively and so now we would drive
3 towards a model where we do our best to limit the amount
4 of techniques that we want to teach a student and make
5 them as consistent as possible across a broad range of
6 problems, to allow them to generate some proficiency in
7 the technique. It's unreasonable, I think, to expect
8 a student, for instance, to be given three different
9 solutions to a specific problem, one of which might be
10 40 problems they get over two days, and expect
11 a proficiency to be developed.

12 Q. Right. And then we see that:

13 "Techniques will be practised by the students in
14 isolation; however the techniques will be further
15 practised and enhanced by situational training and
16 consolidation drills."

17 What's situational training?

18 A. Scenario-based training. It's another term for
19 scenario-based training.

20 Q. Thank you. And consolidation drills?

21 A. Yes, consolidation drills are opportunities to be able
22 to put schemas of techniques together, or link
23 techniques together to enhance the student retention, so
24 you might put say two or three complementary techniques
25 that might logically follow each other together and

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1 allow the students to be able to practise those drills
2 in repetition, to increase repetition of training and
3 hopefully increase retention.

4 Q. "Instructors will emphasise throughout the training the
5 realities of operational policing, and the challenges
6 faced when dealing with non-compliant persons."

7 We have heard some evidence about non-compliance and
8 is that something that you provide students with
9 training on now, about how to deal with non-compliance?

10 A. Yes, yes. I think we have always in many respects --
11 well, I think we have always looked to teach students
12 how to manage all aspects of profiled offender
13 behaviour, and I know you have heard evidence of
14 profiled offender behaviour --

15 Q. Yes.

16 A. -- and with regards to the realities of operational
17 policing, our instructors are encouraged to use the
18 experiences of the students as well, because of course
19 many of them are experienced operational officers
20 themselves, to be able to enhance those training
21 experiences.

22 We do look to drive towards the realities of
23 operational policing and be open and honest about some
24 of the challenges that officers see and bring that out
25 in the training.

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1 Q. Can I ask you, the first line, "Techniques will be
2 practised ... in isolation", do you teach as part of
3 this course anything to do with teamwork or, working
4 together with colleagues?

5 A. We do now. The most recent refinement of the
6 operational safety training recertification which will
7 make its way into the next probationer training module
8 focuses on team arrest tactics and how officers better
9 work together.

10 I do think in the past -- and again, it's not
11 limited to Scotland, it was very much a national UK
12 model -- we didn't pay enough attention to how officers
13 can effectively work together and yet for the most part,
14 whilst some officers work in isolation -- more so down
15 in England and Wales than Scotland -- our officers do
16 tend to work together and so providing them with methods
17 and a scheme to allow them to effectively take control
18 of a subject and work together as a team we felt was
19 very important moving forward, so we have invested time
20 in developing very simple models of team-based arrest
21 and had rolled it out over the last six weeks initially
22 as effectively an initial -- the initial part of
23 a refinement programme and so far actually it's getting
24 really positive results from officers. They feel really
25 confident after that training.

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1 So that was what the meeting last week was about,
2 about firming up what that new two-day recertification
3 model looked like that integrated that, but team-based
4 arrest, multiple officer arrest I think is really
5 important for officers to be able to understand and
6 apply effectively in the operational environment because
7 it leads to safer, faster arrest, which is obviously our
8 goal.

9 Q. So did you say there that that's been rolled out over
10 the past six weeks?

11 A. Yes, we have just undertaken a small refinement of the
12 practice which was authorised through our governance
13 processes which -- one of those aspects included was
14 team-based arrest tactics.

15 Q. Right. So how many officers who are doing
16 recertification training have you taught with these new
17 techniques?

18 A. I will have to give you an estimate. We take 18 courses
19 of say 280 -- probably up to a couple of thousand
20 officers now I would suggest have gone through that over
21 the last six weeks. Perhaps 1,500-odd officers over the
22 last six weeks.

23 Q. And you said you were getting positive results, are
24 you --

25 A. Yes, high confidence rates in their ability to apply

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1 team-based arrest techniques in the operational
2 environment.

3 Q. Could you briefly explain what those team-based multiple
4 officer arrests are?

5 A. Yes. Without going into the specifics of the tactics,
6 it gives the officers a very clear identification of
7 what their role is. Often what we see when we see
8 officers having to arrest a non-compliant subject in
9 particular is that they operate in isolation and you
10 will have seen it on videos that you see on social media
11 of officers trying to effectively arrest someone who is
12 resisting. You might, for instance, end up with both
13 officers dragging the subject either side. That's not
14 an uncommon thing. You might see one officer get
15 a handcuff on, for instance, before the subject is under
16 control.

17 What we're looking to do is give officers a real
18 clear guide as to what their specific role is in that
19 arrest and whilst it's not going to be perfect by any
20 means, none of these matters are, it does give them
21 a much better, clearer, simple role for them to be able
22 to perform, that works together rather than against each
23 other because unfortunately that's what can occur if
24 they are working in isolation between themselves on
25 either side of the subject and if they don't have

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1 a clear idea of role they can end up working against
2 each other inadvertently. This allows them to work
3 better together and, as I said, hopefully leads to
4 a faster, safer arrest.

5 Q. And when we're talking about multiple officers, would
6 that be two officers or more, or is there a --

7 A. Two officers because that's how we operate normally,
8 with some discussion about what the role of the third
9 officer is should they arrive as well.

10 Q. So if a situation arose where it was all units were
11 asked to attend, could your technique -- new techniques
12 involve just two officers and then evolve if other
13 officers arrived?

14 A. You know, I wouldn't want to be absolutist about it and
15 say multiple officer arrests will always involve two
16 officers. I don't think that's a reasonable position
17 for me to take. But, as officers develop proficiency
18 and they continue to come back to us and they continue
19 to get comfortable with those sort of techniques, then
20 we would hope to use as least officers as possible.

21 You know, that's going to depend on impact factors,
22 and again I know the Inquiry has heard discussions on
23 impact factors and the challenges around that. No
24 circumstance is going to be the same, but it at least
25 gives the officers a really strong, simple set of roles

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1 that they can apply in the operational environment to
2 hopefully generate faster, more effective arrest.

3 Q. And so this has been incorporated into recertification
4 training --

5 A. Mm-hm.

6 Q. -- in the past six weeks?

7 A. Mm-hm.

8 Q. Has something else slipped out of the recertification
9 training programme?

10 A. We took out a number of techniques that were -- were
11 very traditional, complex motor skill-based techniques.
12 And again, when we talk about, you know, wanting to draw
13 from evidence-based practice, we know that complex and
14 fine motor skills techniques can be really challenging
15 for officers to employ under pressure, so where we can
16 we have looked to continue to reduce those techniques
17 and replace them with more simple gross motor
18 skills-based techniques that the officers have more
19 opportunity and are more likely to be able to recall
20 under operational stress and employ.

21 So that's what dropped out, to be able to do that
22 and we will continue to work towards that as a goal
23 because the least -- the minimal amount of techniques we
24 can teach that are gross motor skills that are
25 consistent, that are able to be practised across

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1 different environments, allow us to give the officer the
2 best opportunity to be able to recall them under
3 operational pressure.

4 Some of those techniques that we withdrew were --
5 have probably been staples of policing tradition for
6 decades, never really been critically reviewed, no one
7 could really provenance them as to their effectiveness
8 and of course our research and our qualitative and
9 quantitative analysis says that they're not effective.

10 Q. So will this multiple officer arrest, these techniques,
11 will they be incorporated as part of the overall review
12 into the new manual?

13 A. Yes, the sections on those are written so those
14 techniques and the others will be in the new manual.

15 Q. So after six weeks is the feedback, the results, so
16 clearly positive that you will incorporate these into
17 the next manual?

18 A. Yes, I'm fairly relaxed about it -- as long as the
19 feedback remains consistent, because we check it on
20 a monthly basis, as long as that feedback remains
21 consistent I would be content that those techniques and
22 those concepts will go into the next manual.

23 Q. And do you get written feedback from students after
24 every course?

25 A. Yes, every student gets sent a level 1 feedback -- what

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1 we call a level 1 evaluation, so straight from the
2 student initially feedback questionnaire that they can
3 fill out afterwards, that they provide us with feedback
4 on their training experience and their competence levels
5 around whether the training met their expectations,
6 exceeded it or greatly exceeded their expectations
7 around both operational first aid and operational safety
8 training.

9 Q. And is there good levels of completion of these feedback
10 forms?

11 A. Reasonable levels of completion, certainly enough to be
12 representative. So, for instance, I think the last one
13 we had over 280 officers complete that feedback, so our
14 quality assurance teams have set up a system that does
15 that, that allows us to autogenerate reports around that
16 to feed information -- and of course students can make
17 qualitative comments as well, which we then get to
18 review as well as the quantitative feedback that they
19 provide.

20 Q. And so this is more recertification?

21 A. Yes.

22 Q. Will you also consider incorporating that into training
23 for probationers?

24 A. Most certainly. Level 1 feedback is taken from
25 probationers by our quality assurance department.

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1 Operational safety training is one of the areas that's
2 always covered on level 1 feedback for probationers as
3 well.

4 Q. And so, although this has been a change for
5 recertification, will probationers in the future, next
6 year, be taught these multiple officer arrest
7 techniques?

8 A. Yes. The intent is to have that ready to go for
9 the April course.

10 Q. Okay. Thank you. We see reference at the bottom here
11 to appendix A. There's appendices at the rear of this.
12 Just very briefly, do we see on page -- what is page 21
13 of the training materials -- we can see the numbers at
14 the bottom right-hand side. We're on 13, 16, let's go
15 to 21 and do we see here that this sets out the sort of
16 programme of training in this recertification programme
17 and it covers things like positional asphyxia, acute
18 behavioural disturbance, head injuries, alcohol
19 intoxication and drug intoxication?

20 A. Yes.

21 Q. So there's specific reference now to alcohol
22 intoxication and that covers:

23 "Facilitated discussion and relevant PowerPoint
24 slides used to teach students how to identify and manage
25 alcohol intoxication."

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1 And the same again for drug intoxication?

2 A. Yes. This has obviously been superseded by a new
3 operational first aid delivery model with a different
4 lesson plan that's much more pragmatic and practical and
5 works our way through the primary survey in a much more
6 pragmatic way rather than have the students just do
7 effectively a PowerPoint lesson on these issues.

8 So, whilst that was relevant at that time, there's
9 a new authorised first aid syllabus that is taught that
10 incorporates those issues.

11 Q. And how does it differ from a PowerPoint?

12 A. It's much more practical, so the students are on the --
13 on the teaching environment and working their way
14 physically through the primary survey, or our key
15 techniques and practices, live with the instructors,
16 again using those elements of training material, using
17 the first aid kits that they would expect to see in the
18 operational environment and being -- and physically
19 practising each of the techniques as they move towards
20 them and the like, yes.

21 Q. And you talk about the primary survey. Could you just
22 very quickly recap on that?

23 A. So the primary survey for us is the model that each
24 officer uses to be able to work their way through from
25 effectively the most serious life-threatening aspects of

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1 a casualty that they might encounter, to the point where
2 they can get themselves ready to hand over to ambulance
3 at the time. So, for instance, they are to check for
4 danger, they are to look for response using the AVPU
5 scale, which I know the Inquiry has heard some evidence
6 of before. They will check -- they will shout for help,
7 they will check for catastrophic bleeding, they will
8 manage the airway and the breathing at that point in
9 time and then they will look to get themselves ready to
10 hand over to ambulance using a standardised model of
11 handover.

12 Q. Right. If we can look at page 24, do we also see
13 that -- top of the page -- it says:

14 "Tactical positioning materials are contained within
15 Module 5 of the current OST Manual. Tactical
16 positioning should be reinforced throughout the course."

17 And then it says:

18 "Contact and cover.

19 "Instructors will ..."

20 And it talks about teaching methods and student --
21 it says:

22 "No Student practice."

23 We have heard some evidence about contact and cover,
24 is this still very much part of the OST programme?

25 A. It is actually the only aspect of the programme that's

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1 been reinforced in this last refinement. Tactical
2 positioning and contact and cover are probably one of
3 our primary means of stopping officer assault.
4 Unfortunately, as happens when we're in the operational
5 environment, officers can mistake proximity for control
6 when it comes to subjects and get too close to our
7 subjects, so both contact and cover, the reactionary
8 gap, fighting arc, zones and stances, and tactical
9 positioning is something that out of our most recent
10 refinement is being heavily emphasised throughout the
11 course because we do think it's a methodology that if we
12 can change the culture slightly around how officers view
13 their distancing, then they're less likely to be
14 assaulted, or in a better position to be able to react
15 to a change in subject behaviour that might result in
16 their assault.

17 Q. We have heard evidence about something called the
18 reaction gap?

19 A. Yes.

20 Q. Is that something that's taught to officers still today?

21 A. Yes, it is, yes.

22 Q. Both probationers and those doing recertification
23 training?

24 A. That's correct, yes. We used to teach three zones of
25 reactionary gap. We now teach two with a transition

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1 zone. We would prefer officers to be either outside of
2 the subject's ability to be able to immediately assault
3 them, or close enough that they can take control. What
4 we don't want the officer doing is standing in
5 a position where they're static at the range where
6 a subject can actively assault them and they won't have
7 time to react.

8 Q. So again, variations and improvements have been made to
9 the training on contact and cover?

10 A. Yes.

11 Q. But it still remains an important part?

12 A. A very important part.

13 MS GRAHAME: A very important part of training.

14 I'm conscious of the time. Would that be~...?

15 LORD BRACADALE: We will take a 20-minute break now.

16 (11.30 am)

17 (Short Break)

18 (11.54 am)

19 LORD BRACADALE: Ms Grahame.

20 MS GRAHAME: Thank you. We were just looking through this
21 document about the recertification pack. Could we look
22 at page -- well, 36 on the actual document, which
23 starts, "Day 2 lesson plan". You see that? "Day 2
24 lesson plan". And then if we can go on to the next page
25 do we see that here it sets out a sort of example of

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1 what that would look like:

2 "The learner will be able to;

3 "Explain the theories, principles and concepts

4 relating to OST, particularly in relation to the

5 National Decision Model, Tactical Options Model ECHR and

6 Police Scotland's criteria for the use of force."

7 A. Yes.

8 Q. So the use of force is still a -- is that a fundamental

9 part of the training programme?

10 A. Yes.

11 Q. Yes. And it says the learner will be able to:

12 "Demonstrate appropriate techniques and

13 procedures~..."

14 And then it says:

15 "Demonstrate correct edged weapon tactics in line

16 with the current Operational Safety Manual."

17 A. Yes.

18 Q. And I think we looked earlier this morning at module 19

19 which is edged weapons, and would that -- the techniques

20 mentioned in that module in the manual be the sort of

21 things that you would expect the learner to demonstrate?

22 A. Yes.

23 Q. And there's a comment there, "References used", and

24 again there's reference to the manual:

25 "... Instructors Guidance, Teaching Pack, Risk

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1 Assessments and PowerPoint."

2 The only thing we didn't mention earlier today was
3 risk assessments. Can you explain what that is
4 a specific reference to?

5 A. Yes, the risk assessment is a risk assessment that's
6 completed for the operational safety training programme
7 that identifies the risks, the training risks around the
8 conduct of training and how we conduct training in
9 a safe manner.

10 Q. Right. And then there's comment there in the table:

11 "Resources and equipment required."

12 And is this specifying the type of bits of equipment
13 you would expect to be used as part of this exercise?

14 A. Yes.

15 Q. All right. And then can we move on to page 61 and 62
16 please and 61 we see a reference to "Knife defence", so
17 again that's being referred to as part of this
18 programme:

19 "A full breakdown of Knife Defence is included
20 within Module 19 of the current OST Manual."

21 That relates to edged weapons.

22 A. Yes.

23 Q. And:

24 "Instructors will:

25 "Two instructors will demonstrate and explain knife

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- 1 defence using teaching method 3."
- 2 A. Yes.
- 3 Q. What's that a reference to? Is that a particular
- 4 technique or a particular method of teaching?
- 5 A. It's a particular method of teaching. At the moment
- 6 they're broken into teaching methods 1, 2 and 3. 1 is
- 7 a talk through, 2 is a demonstration and perhaps some
- 8 student practise, 3 is a much more thorough student
- 9 practise or engagement.
- 10 Q. Is this more akin to scenario-based, or is it just
- 11 simply the method of teaching?
- 12 A. No, it's methodology, it's not scenario-based.
- 13 Q. It's not based, right. And if we can move on to the
- 14 next page, 62, and we also see at the top of the page
- 15 there's four bullet points. Looking at the last two of
- 16 those:
- 17 "Officers/staff should thereafter move towards
- 18 safety whilst checking their surroundings and giving
- 19 consideration to other tactical options."
- 20 What's expected there of the learner?
- 21 A. The learner in this practice is expected to be able to
- 22 demonstrate their ability to be aware of their
- 23 surroundings and move away from the subject and
- 24 employing, as you can see there, the CUTT principles
- 25 with -- so we're expecting in that practice to see the

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- 1 student be moving back, aware of their surroundings
2 whilst applying the technique.
- 3 Q. So withdrawing from the subject perhaps?
- 4 A. Yes.
- 5 Q. Moving away from them, or even disengaging?
- 6 A. The ultimate -- the ultimate aim is for the student to
7 be able to disengage where practical. In this scenario
8 realistically the restrictions around the training
9 environment are we're just looking to see them to
10 disengage rather than perhaps move towards the subject.
- 11 Q. Is there specific training given now on disengagement as
12 a sort of proactive tactical option?
- 13 A. It remains one of the tactical options that can be
14 explored.
- 15 Q. So it's always been a tactical option?
- 16 A. Yes, it should always be a tactical option,
17 disengagement.
- 18 Q. Then we see a reference to apply the CUTT principle. We
19 have heard evidence about this; and what does CUTT stand
20 for?
- 21 A. So you've got create distance, use cover, transmit and
22 then select a tactical option.
- 23 Q. And we have heard that CUT with only one T was
24 a technique that was taught as far back as the 2013
25 manual?

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- 1 A. Mm-hm.
- 2 Q. And perhaps before that.
- 3 A. Yes.
- 4 Q. Is that another sort of fundamental technique that
5 police officers are taught?
- 6 A. It's one of the only principles that we can afford them
7 when it comes to the risk around edged weapons and it's
8 a principles-based approach to enable them to do or to
9 take steps that may protect them when they're faced with
10 spontaneous edged weapon threat. It's a last ditch
11 principle. It's not a proactive principle and it's kept
12 simple deliberately because if we're faced with edged
13 weapon threat officers are suffering from a significant
14 potential cognitive load at that point in time, so it's
15 not specific, it just gives them a set of principles to
16 be able to apply.
- 17 Q. And we have heard that when you talk about a spontaneous
18 threat this could be used where somebody brandishes or
19 pulls out an edged weapon, a knife, from an area of
20 concealment and threaten -- perhaps threatens the
21 officer with it.
- 22 A. Yes, again it could be within a premises, you know,
23 where the subject has drawn an edged weapon from -- or
24 the like from an area of the house of course as well.
25 Yes, that's the principle that we give them, or the

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1 principles that we give them around how to react to
2 that. However, you know, I caution against its
3 application in a pre-emptive environment. It is
4 designed to be a reactive strategy and we should be
5 really conscious of the challenges of trying to apply
6 that in particular environments as well.

7 Q. And what are those challenges?

8 A. If we take say, for instance, an open environment, the
9 first principle around creating distance -- it's
10 difficult for the officer to create distance from
11 a subject because they're reacting to the subject's
12 actions. So there's going to be an immediate delay.
13 The delay from the research says we're probably talking
14 about 0.3 of a second for the officer to recognise that
15 something has changed, that there is a threat. In that
16 timeframe the subject can cover about 7 feet, if they're
17 moving towards the officer. We then need to factor in
18 the reaction time of the officer, or the decision time
19 of the officer to be able to consider personal
20 protective equipment, or their own actions, and then
21 indeed do that.

22 So, say if we were to add another period of time
23 where the subject is continuing to move towards the
24 officer, if the officer chooses to back up at that point
25 in time, for instance, be it in an open or a closed

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1 environment, the subject is moving faster than the
2 officer. The officer with their equipment and the like
3 is perhaps moving at best backing up at about 8 miles
4 per hour, the subject is probably exceeding that in the
5 first few steps. So it's quite easy for our subject to
6 close the distance on an officer quite quickly.

7 We, of course, when it comes to unarmed officers as
8 well need to consider the PPE that they have at their
9 disposal to be able to mitigate that sort of threat, and
10 when it comes to edged weapon threat, the PPE that
11 unarmed officers have at their disposal is not best
12 suited to managing edged weapon threat.

13 So that will be the challenges -- a couple of the
14 challenges around creating distance. In an enclosed
15 environment such as a flat, a stairwell or the like,
16 then you have the challenges of the environment.
17 You know, if they're in a flat or a home, they're not
18 familiar with the environment, there's furniture,
19 there's doorways and the like. The subject of course is
20 familiar with the environment in many instances, so
21 creating distance is not easy for an officer when faced
22 with spontaneous edged weapon threat.

23 Using cover has some of the same challenges around
24 it. If we think perhaps the concept -- probably the
25 most -- or the most likely concept that comes to mind,

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1 standing behind a vehicle. Again we have those
2 challenges around the subject acting and the officer
3 needing to react. It's -- the subject is readily able
4 to close the distance around a vehicle at an unarmed
5 officer, for instance, and the officer is at
6 a disadvantage in needing to react to that and try and
7 move away.

8 As far as transmit, we would expect and hope the
9 officers would be able to transmit that there is an
10 edged weapon threat at scene and the standard that we
11 discuss is hitting the emergency button, for instance,
12 and shouting "knife". But we shouldn't be surprised if
13 when faced with the type of lethal threat that an edged
14 weapon offender or subject poses to an officer, that
15 they are cognitively overloaded and they don't do it,
16 and it's not unusual for officers not to necessarily
17 shout that, although we teach it as an opportunity.

18 As far as tactical options go, our tactical options
19 for unarmed officers when it comes to edged weapon
20 threat are limited. They can use empty hand tactics
21 most certainly, but that is a real high risk tactic
22 because they're at close range with the edged weapon
23 offender. They could perhaps use their baton. Our
24 baton effectiveness rates are roughly 50% so it's a low
25 effectiveness option. They could use perhaps their

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1 irritant spray. Irritant spray effectiveness rates are
2 roughly 80%, but when it come to an edged weapon
3 offender it doesn't disable the offender necessarily.
4 The subject can still perhaps press the attack. And of
5 course they could perhaps look to disengage and
6 around -- with some of the challenges that I have
7 outlined there.

8 So it's why I say the CUTT principle isn't
9 a pre-emptive principle, it's not a principle that we
10 use to mitigate risk to send officers to edged weapon
11 calls. It's a principle -- it's a best effort that we
12 can give the officers to try and employ when they're
13 faced with spontaneous edged weapon threat.

14 Q. Thank you. Can we move on please to -- well, we will
15 see the appendices start at page 67. The timetable is
16 set out in appendix A. B follows on and then I'm
17 interested in page 71 which is appendix C, and this
18 should be headed up "Scenarios". Does this set out the
19 scenario-based training that officers are now given on
20 the recertification source?

21 A. Yes.

22 Q. Yes. And it says there:

23 "Instructor to student ratio: 1:9."

24 Is that the -- you mentioned different ratios
25 earlier?

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1 A. That's our standard recertification ratio is one to nine
2 and as well if I can highlight that these are the
3 scenario -- this is the scenario pack that's also used
4 in the initial training course as well.

5 Q. So is this the same scenario training that's given to
6 the probationers?

7 A. Yes, we draw from the same set of scenarios. It's only
8 the application that changes.

9 Q. Right. And obviously subject to what you said earlier
10 about instructors tailoring particular intensity of
11 programmes and examples --

12 A. Yes, ma'am.

13 Q. -- depending on the students?

14 A. Mm-hm.

15 Q. And then there's -- the table sets out the aim on
16 page 71, it says:

17 "To provide students with realistic scenarios in
18 which to apply learning from the OST Initial Course."

19 And then "Overview" is given as:

20 "These scenarios are written to replicate violent
21 and/or life-threatening incidents and designed to
22 provoke a response from the student. They are not
23 strict and can be adjusted to suit learning needs and/or
24 training venues. Students can be deployed either in
25 pairs or individually, however most scenarios require

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1 pairs."

2 A. Yes.

3 Q. Would that in a sense replicate what would be likely to

4 be happening operationally?

5 A. Yes, it represents the most likely deployment model for

6 most of our officers involved in responding to

7 incidents.

8 Q. Right. And then there are instructions given in

9 relation to those -- that overview and then:

10 "Debrief considerations."

11 And there are a number of bullet points mentioned

12 there. We can see them on the screen:

13 "NDM ..."

14 National Decision-Making Model:

15 "... officer response, decision-making under

16 pressure/dealing with conflict.

17 "Rationale for use of force/Human Rights

18 considerations.

19 "Powers and policy in the Use of Force;

20 "Identification of Behavioural Indicators for

21 example person in crisis etc."

22 Does that relate to the behaviour of the subject who

23 may be in crisis?

24 A. Yes.

25 Q. And then:

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1 "Identification of Positional asphyxia and Acute
2 Behavioural Disturbance if applicable."
3 A. Yes.
4 Q. "Tactical positioning."
5 Which you have just briefly explained:
6 "Communication skills.
7 "Teamwork and cooperation."
8 And you have told us that in the past six weeks
9 there's additional training on teamwork.
10 A. Yes.
11 Q. "Holds and restraints.
12 "Correct use of PPE including baton, handcuffs and
13 Irritant Spray."
14 Would that also include leg restraints, Fastraps?
15 A. Yes.
16 Q. "Contingency plans/public perception issues."
17 What's that?
18 A. I can't speak to the rationale around that as to --
19 because I obviously didn't write the pack on that.
20 I imagine -- certainly contingency planning is part of
21 the National Decision Model anyway, they should have
22 options and contingencies. With regard to public
23 perception it may generate a discussion, for instance,
24 around what the public might perceive around actions of
25 the officers at that point in time.

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- 1 Q. Right, and then again we see:
- 2 "Recognition of ABD~..."
- 3 Which is acute behavioural disturbance:
- 4 "... positional asphyxia etc."
- 5 So that's repeated again as the last bullet point.
- 6 A. Yes.
- 7 Q. And then if we look at -- I think page 73 has the index
- 8 of the practical scenarios. Are they all taught?
- 9 A. Are they -- no. The instructors in the current version
- 10 are able to select from a bracketed number of scenarios
- 11 to do with in recertification based off the profiled
- 12 offender behaviour section of the recertifications that
- 13 they're working with. So we give them a steer that they
- 14 can select, for instance, one of three or one of four
- 15 options to move through profiled offender behaviour as
- 16 part of the programme.
- 17 Q. Are there scenarios which are more commonly taught, or
- 18 less commonly taught?
- 19 A. I would have to go back and have a look at the running
- 20 sheets to have a -- to be able to get a view on that.
- 21 Q. So in terms of selecting any number of the 19 scenarios
- 22 that are listed here, is that down to the individual
- 23 instructors?
- 24 A. Only within the bounds of what we give them with regards
- 25 to the brackets for each profiled offender behaviour.

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1 We wanted to give them a steer as to the type of
2 incidents we expected them to run as scenarios,
3 depending on where we were at in the programme, but we
4 also wanted to give them instructional flexibility to be
5 able to move between those scenarios for -- between
6 recertifications. They all get recorded on the running
7 sheet, what they used.

8 Q. Can you help the Chair understand what these brackets
9 are?

10 A. So, for instance, it might be that when we're dealing
11 with a certain profiled offender behaviour such as
12 assaultive resistance, that we might see them use
13 scenario 6, a warrant at the door; scenario 10,
14 a licensed premises; or if we're dealing, for instance,
15 with passive resistance we might look at scenario 8,
16 passive protest. So it allows them to tailor the
17 scenarios to the -- as I said, the area of the programme
18 that they're presently operating in.

19 Q. Would the training -- I'm interested in "Vulnerable
20 person in the street", "Mental health", that type of
21 thing. Is that something that's commonly used?

22 A. Yes, certainly, particularly in initial training. But
23 again for recertification I would have to go back to the
24 running sheets to look at the data on that.

25 Q. Right. I'm also interested in "Non-compliant knife",

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1 number 13. So is that someone with a knife who is not
2 complying with the instructions from the police?

3 A. Yes, yes.

4 Q. Is that used quite --

5 A. Again, ma'am, I would have to go back to the running
6 sheets to have a look.

7 Q. All right. Well, the Chair can read all of these in due
8 course but could I pick one or two and ask you to give
9 some further detail?

10 A. Please.

11 Q. If we look at scenario 1, which is, "Vulnerable person
12 in the street", so the tables for each of these
13 scenarios sets out the type of scenario at the outset
14 and gives it a title, it then gives scenario
15 requirements and it says:

16 "1 Role-player, Officer PPE, FIST suit (if
17 appropriate)."

18 This is on page 74.

19 A. Ma'am, could we move to that page if that's okay.

20 Q. Yes, sorry, I just realised that. Thank you. 74, if we
21 move down. There we are. So we're looking at
22 scenario 1, the type is "Vulnerable person in the
23 street", the requirements are set out. What does it
24 mean:

25 "1 Role-player, Officer PPE, FIST suit (if

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- 1 appropriate)"?
- 2 A. The FIST suit is a suit that was purchased a couple of
3 years back which is a protective suit for officers, for
4 the subject officer, which provides them with some
5 personal protective equipment to mitigate injury for the
6 officer. They're available for officers to wear -- for
7 the trainers to wear should they be required for the
8 thing. It's actually -- that particular type of suit is
9 not so much in service any more. We don't see it used
10 in recertification, but when this scenario pack was
11 written a couple of years ago I presume that they did.
- 12 Q. Right. When it says "One role-player", is that
13 a reference to the instructor, there will be one
14 instructor taking on a role, or does it mean one
15 participant officer?
- 16 A. One role-player means one instructor, ma'am.
- 17 Q. One instructor. And then would there be two officers
18 carrying out the scenario and they will have their PPE
19 with them?
- 20 A. Yes. An incident like this would normally be briefed to
21 two officers. In many of the scenarios we might take
22 the option to provide two other officers available in
23 PPE that the initial two officers could call on to
24 simulate the ability to call on assistance should that
25 be required as part of the scenario.

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1 Q. Right. So the scenario training can actually envisage
2 a situation in operational terms where reinforcements or
3 additional officers are available?

4 A. Yes, and you recall about the concept of trying to make
5 it as realistic as possible. When those scenarios are
6 conducted there's normally a delay, for instance,
7 between when the two officers who are involved in the
8 scenario would request assistance and that assistance
9 arriving within the scenario to replicate the delay that
10 you would normally get operationally as well.

11 Q. Right, okay. Then, "Student brief", this will be for
12 the officer undergoing training:

13 "The Control Room have received a 999 call from an
14 unknown person via a mobile telephone. The caller
15 stated that there was a person in Main Street annoying
16 members of the public. No further details were obtained
17 as the reporter's mobile cut off.

18 "You have been tasked as a uniform response to the
19 incident."

20 So this explains the background of the scenario to
21 the officers --

22 A. Yes.

23 Q. -- or the probationers. And then role-player 1, the
24 instructor, his brief or her brief is:

25 "You have a developmental difficulty and will

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1 display the following behaviour;

2 "You have difficulties interpreting both verbal and
3 non-verbal language like gestures or tone of voice.

4 "You will repeat what the officer has just said~...

5 "You will be oversensitive to touch/sounds.

6 "If the officer approaches you will become visibly
7 upset and frightened.

8 "You have not been taking your medication."

9 And "Objective":

10 "The aim of this scenario is for the responding
11 officers to be able to identify that the subject has
12 developmental difficulties and to follow Police Scotland
13 procedures in relation to vulnerable persons."

14 I'm interested in the objective of this. We have
15 heard that obviously officers are not trained medical
16 staff. There's quite a lot of information on that
17 briefing sheet about the lack of medication and the
18 behavioural issues. To what extent will this
19 scenario-based training assist an officer in identifying
20 that a subject has developmental difficulties and may be
21 a vulnerable person?

22 A. I think you have correctly identified that we don't
23 expect officers to diagnose specific conditions, but
24 where the circumstances are such that it's safe to do
25 so, we would expect officers to be able to identify the

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1 signs and symptoms or appearances that would assist them
2 in coming to a conclusion that the individual is perhaps
3 vulnerable.

4 Training like this definitely assists that. It
5 gives the officer the opportunity in a safe environment
6 to be able to -- with less pressure perhaps than they
7 would face operationally, to be able to reflect on even
8 post-incident the type of things that they saw through
9 debrief -- you know, through their debriefing practices
10 as well, and practise their own communication skills in
11 being able to work with a member of the community who is
12 perhaps showing vulnerability.

13 Q. So would this scenario allow officers to practise
14 communication skills and perhaps tactical communication?

15 A. Yes, yes.

16 Q. And what would the ultimate outcome of this be? So this
17 is the only -- the next page is scenario 2. This is the
18 complete scenario 1 here. If officers correctly
19 identify the person is vulnerable, correctly identify
20 that their behaviour is such that they are classed as
21 vulnerable, what training do officers get on what
22 happens next?

23 A. Well, officers have certain power under the Mental
24 Health (Care and Treatment) (Scotland) Act that in
25 a public place they may wish to make decisions on. They

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1 may wish to seek to identify next of kin. They may wish
2 to seek an ambulance to attend to the scene in this
3 incident and, you know, as we would -- as the scenario
4 plays out we would expect the officers to be replicating
5 the type of radio calls that they would be looking to
6 make in order to be able to safely and effectively
7 resolve the incident and take care of the vulnerable
8 person.

9 Now, the officers will make decisions based off what
10 they see and how the scenario plays out but those are --
11 it's, I suppose, a set of -- a sample of options there
12 that the officers could engage in, in dealing with
13 a subject like this.

14 Q. So the scenario, although it is contained on one page,
15 you would perhaps expect officers in the scenario-based
16 training to demonstrate that they can use tactical
17 communication --

18 A. Mm-hm.

19 Q. -- perhaps feed back to ACR using their radio?

20 A. Yes, yes.

21 Q. Maybe request an ambulance?

22 A. Yes.

23 Q. Maybe ask to see if perhaps if there's a hospital
24 nearby?

25 A. Mm-hm.

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1 Q. Check if someone has -- not escaped from a hospital, but
2 perhaps walked out of a hospital, maybe vulnerable?

3 A. Yes, I think these are options for the officers,
4 particularly because of the nature of the incident, it's
5 not dynamic, it's relatively stable. The officers are
6 clearly not under any threat or risk here, so we would
7 expect them to have more cognitive capacity to engage in
8 some of these more complex interactions. And this is
9 probably a good example of a scenario where that's
10 practical to be able to do that because some of those
11 other factors around threat, risk and harm to the
12 officer or subject are perhaps not present.

13 Q. So you would expect any officer in this scenario to rely
14 on underlying skills and techniques that they know about
15 anyway, like communication skills, feeding back to ACR,
16 that type of thing as well?

17 A. We would expect to see good communication skills from
18 officers in this environment to be able to do their best
19 to identify that the person is indeed vulnerable and
20 then look to take what next steps they can to ensure the
21 person's safety.

22 Q. Right. So ensuring the person's safety is the ultimate
23 goal; is that right?

24 A. Yes, most certainly. Of course it always is. You know,
25 when it comes to policing incidents we would always look

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1 to ensure the safety of the subject, the safety of the
2 public, the safety of officers.

3 Q. Thank you. So the scenarios that the Chair can read in
4 this document, they don't give the answers as such,
5 there's not one solution?

6 A. No.

7 Q. There are a lot of options --

8 A. Yes.

9 Q. -- and it is about how the scenario develops?

10 A. Yes, I think that's fair. I think it would be
11 unrealistic for us to suggest there was a single
12 solution, but what our instructors do is then tease
13 those -- tease the results out during the debrief to
14 talk about potential options, what the officer was
15 considering, what their colleagues were thinking as
16 well, and what they might be able to contribute based
17 off their experiences to generate a more fuller learning
18 outcome. But it would be -- it would be difficult to
19 generate a simple single solution for any of these and
20 we probably wouldn't want to because no solution -- no
21 incident is the same and the impact factors are
22 different based off different incidents and the way the
23 officers perform will be different. And so, yes,
24 it's -- I think it's reasonable to suggest there is more
25 than one outcome and the debriefing is about talking

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1 about the effectiveness of that outcome and what could
2 be done better in the future perhaps.

3 Q. And so after the scenario has been played out, is there
4 then an opportunity to debrief and for all the
5 participants to maybe discuss and say, "Oh, you could
6 have tried this" or "Maybe that would have worked
7 better", or that type of thing?

8 A. Yes, in our current debriefing model what we look to do
9 is identify individuals from the wider training audience
10 who will focus on specific aspects of the interaction
11 that you saw, very similar to that list right at the
12 front, and they will focus on that aspect. That
13 involves them more broadly in the scenario.

14 The officers will of course be asked about their
15 thoughts and views. The role-player will provide their
16 views on how the officers managed the incident, as well
17 as the instructor. So we try to take as broad a scope
18 as possible, reviews, because again, as we said, there
19 are varying operational experiences in the room. We
20 want to make the best of those operational experiences
21 when we're looking at conducting an effective debrief.

22 Q. Right. And how long do those debriefs take place? Are
23 they -- is there time given for that, or is it a very
24 short period?

25 A. There's no time given for it and they can take a long

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1 time, they can take a shorter period of time, but what
2 we would expect is our instructors to thoroughly cover
3 the aspects of each of those debriefs.

4 Q. Do you find this method of training effective in terms
5 of the officers' understanding their options?

6 A. I do. I find the officers don't particularly like the
7 pressure of necessarily taking part, and I can
8 understand that, but invariably after they have
9 conducted the scenarios you get really good feedback
10 from them around how they felt, what they experienced on
11 that and yes, we get a good response from this type of
12 training.

13 Q. Can I ask you, if there's been this -- the scenario 1
14 has been played out and the officers participating did
15 not use tactical communication, they did not feed back
16 to ACR -- say, for example, they went straight to their
17 sprays and the person was restrained to the ground. Can
18 I ask you what -- how would that be approached in the
19 training environment?

20 A. I think one of the key things here is again we want
21 to -- we don't want to put the officers on the defensive
22 around this but we do want to tease out some of the
23 decision-making processes, so what we would be keen to
24 understand is what the officers were thinking at that
25 time because it will be different for different

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1 officers. You know, what was their perception at the
2 time; what was their rationale around their choices
3 here? Cognitive of the fact that depending on how much
4 pressure they were feeling in the scenario they may not
5 be able to give as detailed an explanation as we would
6 like, but that's -- I think that's the goal there, is to
7 be able to really tease out, "Okay, well, what were you
8 thinking there?" And, then, you know, if the scenario
9 has perhaps not had an optimal outcome, be able to give
10 them something to takeaway to work on and say, "Okay,
11 this is probably where you need to be looking at
12 subsequently".

13 And again, in a scenario like this where there's no
14 threat or risk to the officers that, you know -- and
15 I wouldn't expect my -- our subject or our role-player
16 here to necessarily be portraying anything other than,
17 you know, passive or active resistance say, I would be
18 surprised to see officers in this set of circumstances
19 look to PPE, but again if it happened then we do need to
20 make sure that we debrief effectively to be able to
21 explore why the officers felt that because ultimately
22 use of force is an individual justification and it would
23 be for the officers to be able to look to explain to us
24 why that looked like the right option at the time.

25 Q. Right. So you would -- in the training scenario you

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1 would analyse their mindset, what risks they perceived,
2 what threats they perceived and why they acted in
3 a certain way?

4 A. Yes.

5 Q. And then give them some constructive advice on ways they
6 could maybe do it differently?

7 A. Yes, yes.

8 Q. Okay. Thank you. Could we also look please at page 77,
9 which is scenario 4. I think this is again in relation
10 to a vulnerable person, same requirements. On this
11 occasion the student brief:

12 "An anonymous caller has reported a suspicious
13 person ... near a bench.

14 "This individual keeps shouting out to members of
15 the public and appears very agitated.

16 "The caller states that the person appears to have
17 mental health issues."

18 The role-player briefing is:

19 "You have been feeling unwell lately and have been
20 hearing voices in your head telling you that you are
21 a martial arts expert. You are in the street shouting
22 out and mumbling to yourself.

23 "As Officer(s) approach, you will display karate
24 type 'chops' and kicks to prevent them getting close to
25 you. You are no threat to any other person, but shout

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1 random phrases.

2 "If any Officer gets too close to you, attempt to
3 take hold of their arm, ask for help then quickly let
4 go.

5 "Any use of baton, PAVA or empty hands will have no
6 effect.

7 "If officers demonstrate effective communication
8 skills you will become compliant and ask for help."

9 Objective:

10 "The aim of this scenario is for the responding
11 officers to be able to identify that the subject has
12 developmental difficulties and to follow Police Scotland
13 procedures in relation to vulnerable persons."

14 So, first of all, again this appears to be
15 a vulnerable person but slightly more active than the
16 one we looked at in scenario 1. You mentioned about
17 behaviour a moment ago and you said it would be passive,
18 or active resistance. How would you describe this sort
19 of behaviour which seems to be a slightly different
20 level from scenario 1?

21 A. Yes, I think it's reasonable to suggest if the subject
22 is karate chopping or kicking towards the officer,
23 irrespective of the rationale behind it, the officers
24 are at risk if they get close and are kicked or punched,
25 or chopped. So you're looking between active resistance

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1 and assaultive resistance because the challenge of
2 course is that, irrespective of the rationale or reason
3 behind the strikes, they can still cause injury to the
4 officer or the officers. So, you know, this is, as you
5 can see, a more challenging scenario to deal with and
6 I would expect a greater variation perhaps in how
7 officers undertaking this scenario would perhaps deal
8 with it based off impact factors and their own
9 perception of risk as well.

10 Q. So two things there. Where it says, "You are no threat
11 to any other person", would you agree with that given
12 that they are -- the role-player is displaying
13 karate-type chops and kicks? Even though they may not
14 have connected with someone, would you agree that
15 they're no threat to any other person?

16 A. I think my interpretation of the scenario is they're no
17 threat to any other member of the public at that point
18 in time.

19 Q. I see.

20 A. You know, potentially if the officers were to get too
21 close they would be a potential threat to the officer.

22 Q. Right.

23 A. I would expect and hope that officers maintaining
24 effective tactical positioning might be able to keep
25 themselves at a safe position, but, as I said, I think

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1 we would see a wider variation of outcomes based off the
2 perception of risk.

3 Q. And then it says in the role-player briefing:

4 "If officers demonstrate effective communication
5 skills you will become compliant~..."

6 Is that something that you would expect officers to
7 at least attempt? We have heard evidence about
8 preclusion and the need to try things, or consider them
9 not possible. Would you expect in this scenario that
10 all the officers would attempt to try out communication
11 skills?

12 A. Given the scenario -- given the scenario outlines that
13 no other members of the public are at risk and that,
14 you know, it would indicate that the subject is not
15 actively closing the distance at officers, then I would
16 likely expect officers to attempt communication skills
17 in this instance.

18 Q. And when you say the subject's not active, there's no
19 suggestion there that he is walking towards or
20 threatening to kick an officer?

21 A. Yeah, he is not closing the reaction gap. It says
22 clearly in the scenario as the officer approaches that
23 the subject is engaging that to prevent them from
24 getting close, so I wouldn't expect the role-player,
25 for instance, to be closing the distance on the

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1 officers, so I would expect that in this sort of
2 scenario -- in this scenario that the officers could
3 perhaps maintain tactical positioning and an effective
4 reaction gap to allow them the time to attempt and be
5 able to engage in tactical communications.

6 Q. What if the role-player did start moving towards
7 officers, you know, as part of the scenario -- you have
8 said it can't be absolutely precise -- would you expect
9 them to drop communication skills completely?

10 A. No, but I would expect their communication skill and
11 style would change based off the cognitive pressure
12 that's now being applied to them. You know, one of
13 their challenges in managing incidents like this is that
14 we both want to give the officer and the subject time to
15 be able to think in a more complex manner. There's
16 various ways we describe this in how our brain works in
17 a sort of analogy, but if we consider that when officers
18 feel safe and when the subjects feel safe they're often
19 able to engage in more complex thinking, and complex
20 thinking is what's required to be able to effectively
21 engage in, you know, tactical communications,
22 de-escalatory language and the like.

23 But that changes when officers are under threat or
24 they perceive that they're under threat. They are less
25 likely to be able to engage in effective tactical

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1 communication because the threat increases the cognitive
2 pressure on them and they revert to more direct
3 language. And this is -- you particularly hear this
4 when you see videos or the like of officers under threat
5 where they're effectively repeating commands, you know,
6 very directive commands, "Drop the knife, drop the bat",
7 you know, "Get back, get back". That's an indicator
8 that the officer is unable to engage that part of their
9 thinking where they can actively engage in complex
10 communication, so even under the type of pressure
11 invoked in good scenario-based training we could
12 potentially see a change in communication style of the
13 officer as they're looking to do a number of things at
14 once. They're making decisions about the potential
15 threat or perceived threat, they're making decisions
16 about trying to draw PPE potentially, move out of the
17 way, and they're trying to give verbal commands or
18 verbal direction at the same time.

19 It's not unusual to see officers not be able to
20 engage in more complex thinking and more complex
21 communication once that threat scenario changes.

22 Q. So in terms of scenario 4, would you expect in this
23 scenario, if the role-player starts to walk towards the
24 officer, that their cognitive threat, or their cognitive
25 load would be to such an extent they wouldn't be able to

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- 1 carry out any communication skills?
- 2 A. I don't think you can be as prescriptive as that because
- 3 it really depends on the officer's level of comfort in
- 4 their own skill sets, it depends upon their perception
- 5 of threat, how they're feeling about the scenario.
- 6 I don't think you can be as prescriptive -- some will
- 7 handle it better than others, but it's quite individual.
- 8 Q. So it depends on the individual?
- 9 A. Yes.
- 10 Q. It might depend on their experience?
- 11 A. Yes.
- 12 Q. It might depend on how much exposure they have had to
- 13 scenarios like this in their own practice, their own
- 14 operational skills?
- 15 A. Yes. More experienced officers have a lot of experience
- 16 and will have schemas that they can draw on, you know,
- 17 points of reference from previous experience that will
- 18 allow them to jump to those conclusions automatically.
- 19 Q. We may hear evidence in the future that in terms of
- 20 handling stress that experience and exposure can reduce
- 21 levels of stress for officers and it very much depends
- 22 on the individual officer.
- 23 A. Yes, I think that's reasonable and there are other,
- 24 you know, techniques that we can look to, to introduce,
- 25 to try and reduce operational stress for officers. The

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1 whole purpose of that is to allow them to continue as
2 best as possible to operate in a frame of mind that
3 allows them to engage in complex thinking.

4 Now, that only takes you so far. There will always
5 be circumstances and environments that overwhelm the
6 ability of the officer to think in a more complex
7 manner, particularly when it comes around -- comes to
8 perception of risk. And, you know, we are -- we are
9 limited by the bounds of human performance on that when
10 it comes to what we expect of an officer, and I do think
11 we need to be honest around what our expectations are.
12 And that's why I say in a scenario like this you could
13 see a real variation here and an important debrief,
14 you know, point might be around asking the officer what
15 they were thinking at the time and you might get the
16 reaction, "I kind of wasn't, I just drew my baton",
17 because that was the automatic response that they went
18 to based off their perception of the risk. It probably
19 wasn't necessarily a considered decision, although,
20 you know, less so in scenario-based training, but
21 certainly when you look at the realities of that that's
22 the type of response or variation of response that you
23 might get.

24 Q. So for Police Scotland who are training all of the
25 officers where you understand some are less experienced

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1 than others and some are maybe brand new members of
2 response teams and some have been on them for ten years
3 or 14 years, how are Police Scotland training officers
4 to try and mitigate against the impact of them simply
5 saying, "I've forgotten everything I've ever been
6 trained and I'm just going to do what my instinct tells
7 me to do"?

8 A. Ma'am, I think you hit at the heart of the challenge of
9 training in use of force for police officers. There's
10 ways we can do this. We brief them on the impacts of
11 these issues and even the current manual does that. We
12 can equip them with techniques moving forward around
13 things like how we control breathing, to look to try and
14 keep ourselves in a framework, or in a mental framework
15 that allows us to engage in more complex thinking. We
16 can give them techniques such as taking tactical pauses
17 before we enter houses, you know, to give ourselves that
18 chance to put ourselves in the right mental state. We
19 can talk about tactical positioning, as we do, because
20 the more distance and time we can give our officers, the
21 more likely it is perhaps they can stay in an
22 appropriate mental framework to be able to do that. We
23 can talk about the challenges and risks of perhaps,
24 you know, compressing time and space and the importance
25 of where we can -- because it's not always practical --

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1 buying time and space to be able to do that.

2 So these are some of the aspects but, you know,
3 I would hesitate to say that that's an absolute. There
4 will always be times when officers will need to
5 intervene and react, or when confronted with a certain
6 level of risk that will become automatic and they will
7 make decisions that are automatic decisions based off
8 experience and perception of risk.

9 But I think, you know, to answer your question
10 around how we train them, we still need to train to the
11 lowest level of officer who is trained, which is the
12 equivalent of our probationary officer who has just
13 finished their training and continue to go back to that
14 and understand that the experienced officers will be
15 able to perhaps take that training on, or perhaps
16 perform a little better in the operational environment.
17 Not always, but perhaps.

18 Q. But would there be an expectation that a more
19 experienced officer would be able to draw on the skills
20 and techniques in the training that has been given to
21 them over the years?

22 A. To an extent. However, we have to understand that,
23 you know, if we adopt a model, as we do -- and the rest
24 of the UK is the same, and in fact most of the
25 international policing community is the same -- where

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1 we're only going to engage and invest in this training
2 once a year, we have to accept that over a period of
3 12 months we are going to see a skill decay, both
4 cognitively and physically, in that officer.

5 Now, that can be mitigated by the fact that if that
6 officer, for instance, has engaged in handcuffing
7 regularly, every week, in between -- you know, in
8 between recertification periods, we would probably
9 expect to see a better performance.

10 But when it comes to the higher end of threat,
11 that's more challenging. Officers don't and aren't
12 always exposed to that. So even our experienced
13 officers, if you put them in a position where they're
14 faced with high threat, that may be beyond their levels
15 of performance, despite the fact that they might have
16 been an officer for ten years because they're not
17 regularly exposed necessarily to that level of threat,
18 risk and harm.

19 Q. But if they are regularly exposed even -- we have heard
20 evidence that knife incidents are very common in
21 Scotland. We have heard evidence that officers will
22 respond to a knife incident in Scotland every shift,
23 three shifts a day, every day of the week, every week of
24 the year.

25 A. Right.

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1 Q. And even for individuals they will regularly be
2 attending knife incidents, or alleged knife incidents.

3 A. Yes, and I think we need to separate between the
4 attendance of a knife incident and being threatened with
5 a knife, two very, very different experiences. Now,
6 I worked, for instance, in one of the highest knife
7 crime areas of the country when I was a constable and
8 I attended a number of knife incidents, a number of
9 knife incidents, but I can count on one hand the amount
10 of times I was exposed to the active blade of a knife
11 and I know the impact it had on me, you know, I can
12 recall one incident immediately where I was impacted by
13 the effects of tachypsychia, everything slowed down for
14 me, auditory exclusion, I couldn't hear my radio,
15 couldn't hear anyone else but my breathing. That went
16 on for some time.

17 Now, I would class myself as a relatively
18 experienced officer in the attendance of knife incidents
19 but that didn't make me immune to the impact of such
20 a high threat call when faced with it, so I think it's
21 reasonable to say that attending knife incidents per se
22 is definitely a high pressure -- a high pressure
23 environment but even for experienced officers we should
24 temper our expectations of performance based off the
25 limitations of what they can physically and cognitively

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1 be able to process at the time.

2 Q. So you're talking about a situation where someone

3 brandished a knife at you?

4 A. Yeah, in fact it was brandishing a knife at other

5 members of the public. It wasn't even directly at me

6 but I needed to intervene.

7 Q. So they had a knife visible in their hands --

8 A. Yes.

9 Q. -- and was using it in a threatening manner?

10 A. Yes.

11 Q. And that took you -- your experience to this sort of

12 level of threat where you could just hear yourself

13 breathing?

14 A. Yes, it's -- the concept is called auditory exclusion

15 and it's a fairly well documented concept around

16 high threat, high risk incidents and what it feels like

17 is, you know, everything else is blocked out, you don't

18 hear the radio, you don't hear vehicles, you don't hear

19 colleagues, you don't hear anything but, in my case, my

20 breathing. I have only experienced it one other time

21 and that was in an operational environment in Iraq on

22 deployment, again a similar high-threat environment.

23 But that's -- and I would consider myself a -- going

24 regularly to those type of calls and so even as an

25 experienced officer these type of -- these type of

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1 effects can take place and it would be difficult to
2 suggest that in any way we can make officers immune to
3 this. You know, we can make them aware of it, but if
4 we're investing two days' training a year I think it's
5 unlikely that we're going to make officers immune to
6 that.

7 I contrast that with our armed policing colleagues
8 who train every five weeks because it's their job to go
9 to high risk incidents and so perhaps are more attuned
10 to that type of environment. But even for them,
11 you know, those type of incidents they can still suffer
12 or be affected by the effects of cognitive pressures.

13 Q. Can I ask you, you have obviously recognised the impact
14 that that had on you in terms of your physiology or your
15 experience; is that the sort of thing that an officer
16 would be able to recognise, the impact of seeing that
17 knife being brandished on their own reaction time and
18 their own ability to --

19 A. They're absolutely not going to recognise it at the
20 time. On reflection they can recognise that.

21 Q. Right.

22 A. But we also have to educate them on it. We also have to
23 make sure they understand that that's the type of thing
24 that can happen because certainly, you know, it's been
25 my experience that officers perhaps won't even recognise

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1 or realise that that's the type of thing that's
2 occurred, and the research shows that as well. When you
3 look at some of the peer-reviewed research around these
4 type of aspects of engagement, it's not until post --
5 it's very deliberate -- post-incident interviews where
6 these questions are asked that officers will identify,
7 "Oh, yeah, that did happen to me, I did suffer from
8 tachypsychia, everything slowed down", or "I didn't hear
9 anything", and these are quite common responses,
10 including for instance tunnel vision, you know, being
11 focused on the subject, for instance, to the exclusion
12 of everything else happening around.

13 Q. So, although they might not know the language that you
14 have been describing, would you expect them to be able
15 to express their experience of how they felt?

16 A. Not necessarily if they have never been exposed to it
17 before, and that's why I think it's really important in
18 our training that we do expose them to the concepts of
19 the type of things that they might experience at the
20 high end of risk. Yes, I think we need to -- certainly
21 in my time in the Australian Army where we were dealing
22 with similar concepts, we spent time talking to the
23 students around, "These are the type of things that
24 happen", and it's only because of that training,
25 for instance, that I knew that when it occurred to me

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1 subsequently I was able to identify it.

2 Q. How do you replicate the reality of that scenario, that
3 high risk scenario, in officer safety training?

4 A. I think it's really challenging to do. I think --
5 you know, certainly the higher fidelity training you can
6 do, the better, but also I do think we need to be
7 confident and comfortable expressing our -- expressing
8 the capability of officers, of where -- you know, where
9 their performance envelope sits. There will be calls
10 that unarmed officers attend that are outside the
11 scope -- you know, sort of the performance envelope that
12 we would expect them to operate in, given the investment
13 of two days training a year because there will be calls,
14 even if we were to go further than that, where officers
15 who for instance are facing edged weapon threat, where
16 that's more than likely always going to be outside of
17 the performance envelope of an unarmed officer because
18 we can't give them the skills and the PPE to be able to
19 manage to deal with that with moderate investment in
20 training.

21 That's why we have our specialist officers who are
22 able to undertake those type of roles because they have
23 an expanded performance envelope with better training,
24 more regular training and more tactical options and so
25 I think, you know, the challenge for us is how do we

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1 effectively expand the performance envelope of the
2 unarmed officer without being unrealistic, exposing them
3 to levels of risk that being unarmed means they can't
4 handle and it would put them at significant risk as
5 well.

6 Q. But in terms of what you have been describing, that's an
7 extreme threat where there's a knife being brandished,
8 so compared to scenario 1 that we looked at and
9 scenario 4, where someone's maybe behaving in a -- not
10 a normal way and there's no knife or weapon being used
11 at all, can I safely proceed on the basis that's not the
12 type of scenario that you're describing --

13 A. No, no.

14 Q. -- that we see in 1 or 4?

15 A. No, no, but I think, as I said, what we would see in
16 scenario 4 is a greater variation on outcome.

17 Q. So if one of the students, in relation to scenario 4,
18 immediately went to their sprays or their batons and
19 restrained the person to the ground, would -- you would
20 expect that type of scenario?

21 A. Yes, I would expect it to be discussed in the debrief
22 around why they have made that -- he has selected that
23 tactical option and what their thought process was
24 around that, given that we have, you know, effectively
25 a static subject who is not necessarily offering any

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1 direct threat to the officers unless approached and that
2 there's no other indication of lethal threat,
3 for instance, in that scenario, so whilst we might get
4 a variation, I would expect the instructors to debrief
5 that, most definitely.

6 Q. Would you ever expect officers to simply move
7 straight -- in scenario 4 -- move straight -- no
8 tactical communication skills, straight to CS spray,
9 straight to baton and straight to restraint?

10 A. I would not expect it, but we need to understand again
11 the use of force is individualised, but I would be
12 certainly looking for an explanation as to why they were
13 considering those tactical options, given what they had
14 seen and what they have been briefed at the call.

15 Q. We've heard evidence that officers individually have to
16 justify every single use of force.

17 A. Yes.

18 Q. So if they use a spray and a baton, they have to justify
19 both of those.

20 A. Yes.

21 Q. And that that has to be -- there has to be an
22 explanation as to why they felt that was justified.

23 A. Yes.

24 Q. Why they felt that was reasonable.

25 A. Yes.

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1 Q. So would you expect that really if in scenario 4
2 somebody restrained the person, you would expect that
3 justification process to be carried through as part of
4 the debrief?

5 A. Definitely. I would expect the officer to be able to
6 explain why they had taken the actions they had taken
7 and we require them to.

8 Q. Thank you. We're on page 77. Can we look at -- the
9 final two I will just very quickly touch upon.

10 Scenario 8, you mentioned earlier, "Passive
11 protester". We heard some evidence -- this is page 81,
12 scenario 8. How would you -- so this is -- the student
13 brief is it's a protester for climate change:

14 "Subject is seated in the middle of the junction
15 blocking the roadway. You are to ask the subject to
16 move and update the Area Control Room prior to taking
17 any further action.

18 "... [ACR] will inform students to arrest the
19 subject, however 30 further protesters are approaching
20 locus and a cordon is required ... no supervisor ... The
21 situational training will cease when you inform the
22 trainer that the junction has been secured and subject
23 has been arrested ..."

24 The role-player is a protester sitting on the
25 roadway:

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1 "When approached by the officers state you are
2 peaceably protesting and will not be moving.

3 "You will lie on your front tuck arms under body and
4 refuse to be arrested, offering slight resistance when
5 officers take control ..."

6 Again the objective is to use effective tactical
7 communication, tactical positioning and the appropriate
8 use of force whilst under pressure and taking charge
9 from there. How would you describe this behaviour by
10 a passive protester?

11 A. Okay, so we would class this as passive resistance at
12 this point in time. Slight resistance when the officers
13 take control, you might be straying into the realm of
14 active resistance, but realistically this is a passively
15 resistant scenario.

16 Q. So in terms of threat to the officer, if the person is
17 not complying with instructions, perhaps to get off the
18 road, but how would you expect officers to respond to
19 that?

20 A. If we were to set aside the issues around right to
21 protest and the like and look just at the set of
22 scenarios here --

23 Q. Yes, yes.

24 A. -- this is a really good opportunity to use the
25 five-step appeal process and I know that you have

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1 covered this earlier in the Inquiry in regards to
2 tactical communications.

3 Q. We did.

4 A. You will be aware that that was taken from the original
5 verbal judo syllabus. It was something that was adopted
6 by policing in England and Wales and subsequently
7 Scotland, as a framework and a model for tactical
8 communications to allow the officer to be able to step
9 through a process.

10 Where I feel it works particularly well is for
11 subjects that are clear of mind, that are non-emotional
12 and that are non-compliant, so the subject is not in
13 crisis and realistically at this point in time can be
14 assessed effectively by the officer as actively -- as
15 simply being non-compliant, very purpose driven.

16 What the five-step appeal process offers the officer
17 at this stage is a framework that gives the subject
18 every opportunity to be able to comply, for the reasons
19 outlined in the five-step appeal process, or the steps
20 identified, before the officer takes action to effect an
21 arrest at that point in time. So I think that would be
22 something -- excuse me -- that I think that would be
23 ideal to see perhaps in a scenario like that.

24 It does take the officer recognising that the
25 five-step appeal would be appropriate. Certainly as we

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1 rewrite the manual we're going to be probably quite
2 clear around that that's a really good use of the
3 five-step appeal process, indeed it's what's briefed in
4 a lot of public order operations as well, around how we
5 step through that process.

6 Now, depending on the level of risk and threat, as
7 in -- or the wider risk around the area, the public
8 order considerations, we might abbreviate that process,
9 but for me the five-step appeal process is a really
10 solid process that could be employed in this
11 environment, before moving to arrest.

12 Q. So would you expect your students to be demonstrating
13 an attempt at going through that five-step positive
14 style of communication?

15 A. I think as we move forward we will because we will be
16 quite explicit about this is an opportunity -- as
17 I said, subject to clear headed, not emotional,
18 non-compliant, this is a good time to be able to employ
19 that as opposed to a more say crisis communications led
20 model, the more complex model.

21 Q. And so this is the first time you have mentioned this
22 five-step technique. You didn't use that with the
23 vulnerable persons techniques scenarios we looked at, 1
24 and 4.

25 A. No.

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1 Q. Can you explain why?

2 A. No, because I think, you know, when we talk about the
3 vulnerable persons, with the vulnerable person they are
4 not potentially clear of mind. You know, their thought
5 may be contaminated by ill health, or the like. They
6 are potentially quite emotional and they may still be
7 non-compliant, but there are different reasons for that
8 than perhaps the protesting scenario. I would expect to
9 see a more empathetic, more engaged approach to generate
10 a positive outcome for the vulnerable person.

11 Here in this model we're looking at an individual
12 that is making a very conscious decision, clear of
13 thought, that they're going to be non-compliant with
14 the police. Now, if, as I said, the wider circumstances
15 would suggest that moving to arrest is reasonable and
16 they might not be, depending on the issues around,
17 you know, the right to protest and the right to cause
18 disruption and the like, that's why this model works
19 better in this environment because it is a clear step
20 through and it gives someone who is clear of thought
21 a very clear indication of where they're at and why
22 they're heading towards arrest and it gives them the
23 opportunity not to get to that point of arrest. It does
24 give them the opportunity at every point along the
25 process to comply and avoid arrest.

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1 Q. So in terms of the style of communication that you would
2 expect to see in scenarios 1 and 4, you said you would
3 expect a more empathetic approach. Can you give the
4 Chair some examples of what you mean by that?

5 A. I think we would want the officers to be engaged in
6 a more active listening sort of -- a model of active
7 listening -- that's not to say they weren't active
8 listening to the protester, but I think we would want to
9 see the officers be seeking more information to be able
10 to establish the level of vulnerability. You know,
11 I think we would want the officers to be -- you know, to
12 be employing some of the de-escalatory techniques that
13 we see outlined in the operational safety training
14 manual. You know, we would want them to be taking an
15 approach that is honest, that is empathetic, you know,
16 that shows some autonomy for the subject, that allows --
17 and shows respect to the subject and, again, that's not
18 to say we wouldn't be showing respect to the protester,
19 but these are the -- it's the difference between
20 engaging in -- for want of a better term I will call it
21 crisis communications versus a more directive approach
22 with the five-step appeal.

23 Q. We know from the 2013 manual that active listening was
24 covered in that. Is that something that continues to be
25 taught to police officers?

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1 A. Yes, it's still in the manual, it's still in the initial
2 training and it's still in recertification as well.

3 Q. Is that a valuable tool for officers in terms of
4 communicating with vulnerable people?

5 A. I think it is. And again, you know, within the realms
6 of what is feasible in the circumstance I think it still
7 remains a valuable tool. You know, right now
8 for instance we're engaging with our National
9 Negotiators Unit to revise or to review that chapter on
10 tactical communications so that we ensure we get the
11 most up-to-date learning and consistent learning on how
12 to do this as effectively as possible for officers and
13 so that's the type of content that will be incorporated
14 into the manual moving forward, but whilst I expect
15 perhaps the models might change slightly given updates
16 in training over six or seven years, the principles will
17 remain the same, you know, around how we engage with
18 someone that we perceive to be in crisis when the
19 tactical situation allows and it's safe to do so.

20 Q. So when we talk about tactical communication, is an
21 integral part of that also active listening --

22 A. Yes.

23 Q. -- as well as speaking?

24 A. Yes, I think it is. It's one of the principles around
25 effective communication is that we're actively listening

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1 to the subject where we can because again, we do need to
2 be conscious that some subjects will not be able to
3 communicate with us effectively. But where they can,
4 where they're in the mental state that will allow us to
5 do so then yeah, I expect officers to employ active
6 listening techniques.

7 MS GRAHAME: Thank you. I wonder if I could pause you there
8 for a second. Would this be an appropriate time for
9 lunch?

10 LORD BRACADALE: Yes. We will stop for lunch and sit at
11 2 o'clock.

12 (1.00 pm)

13 (The luncheon adjournment)

14 (2.05 pm)

15 LORD BRACADALE: Ms Grahame.

16 MS GRAHAME: Thank you. Before lunch we were talking about
17 active listening. Can I ask you to look at the module 3
18 of the 2017 manual please, which is PS18538, and it is
19 page 4 of that module. Maybe I've got the wrong one.
20 No, it's page 4, yes. There we are. So there's an
21 image at the top but if we look at the text:

22 "Active listening is a method to take in the
23 subject's information, and can be a basic conflict
24 resolution skill. Officers/staff should ..."

25 And there's four bullet points listed:

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1 "Be open and receptive.

2 "Hear all of what is said.

3 "Interpret what is said.

4 "Act on what is said.

5 "Empathy is a powerful tool and can defuse a verbal

6 confrontation, resulting in compliance and control.

7 Summarising what the subject has said displays

8 understanding. Explain to the subject what options are

9 available and the actions that may be taken. Words

10 alone may not establish control, or resolve every

11 encounter, especially if a subject is intent on conflict

12 with an officer/staff."

13 And is that the -- that's the text obviously of the

14 current manual, or the 2017 manual. Is that the type of

15 information that is shared with probationers and those

16 undergoing refresher training?

17 A. Yes.

18 Q. Thanks. And then on the opposite part of that column,

19 right-hand column, "Communication tools", and one of

20 those is:

21 "Listen, active listening.

22 "Empathise, shows understanding.

23 "Ask, if more information is needed.

24 "Paraphrase in the officer/staff own words."

25 And:

Transcript of the Sheku Bayoh Inquiry

1 "Summarise, condense the facts".

2 And then if we move on to the next page just for
3 completeness, you also mention the:

4 "Five-step 'positive style' of tactical
5 communication."

6 And you call that appeal but step 1 is "Ethical
7 appeal", step 2 is "Reasonable appeal", and this is also
8 taught I think as part of the current training
9 programme?

10 A. Yes.

11 Q. And going back to page 4 we have heard that this is
12 included in the 2013 manual. Now, there are variations.
13 The word "method" in the first line was "system" in 2013
14 and the word "information" -- "subject's information"
15 was "subject's spoken words", and then in the paragraph
16 at the bottom it says:

17 "Explain to the subject what options are available
18 and the actions that may be taken."

19 In the 2013 manual it said:

20 "Options and intended actions should then be
21 explained to the subject."

22 So no significant alterations, it would appear. And
23 I think you said before lunch that active listening is
24 one of those core parts of tactical communication that
25 has been taught for a while?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Thank you. And I think you also said you would expect
3 officers to employ active listening techniques if
4 they're adopting tactical communication as part of their
5 response to any incident or subject?
- 6 A. Yes, where that's practical in the circumstances.
- 7 Q. Where practical. I think is it fair to say that it
8 always depends on the individual circumstances that the
9 officers are faced with?
- 10 A. Yes, very much so.
- 11 Q. And we will come on to looking at that in a moment, but
12 that can depend on if the public are in the area,
13 whether there's escape routes available in the
14 environment, it can depend on the subject's behaviour
15 and also the skills and experience of the officers
16 themselves?
- 17 A. Yes, yes.
- 18 Q. Thank you. Can we go back just to complete our look at
19 the scenarios. There was one further scenario I wanted
20 to ask you about, so if we can go back to PS185 -- no,
21 sorry, PS18569, which was the national operational
22 safety training teaching pack --
- 23 A. Yes.
- 24 Q. -- that we were talking about before lunch. And if we
25 can go to page 86 which is scenario 13 and again we see

Transcript of the Sheku Bayoh Inquiry

1 it on one page. It is "Non-compliant, knife". The
2 requirements were the same as before. The student brief
3 is:

4 "You are on duty and being deployed to the
5 Dog & Duck Public House.

6 "Information has been received that a male, who has
7 a head injury, is wandering around the pub approaching
8 customers and being abusive towards them.

9 "He was told by the licensee to stop causing
10 problems. The male told him to 'fuck off' and pulled
11 what looked like a knife out of his coat pocket."

12 So he appears to have actually pulled out or
13 brandished a knife in a sense, so this is a different
14 level, this incident that we're dealing with here. And
15 the role-player it says:

16 "You are under the influence of alcohol and have
17 been involved in a fight earlier, during which you
18 received a cut to the head. When approached by
19 the police, produce knife and move towards one
20 officer~..."

21 So again, this is an instruction to the role-player
22 to actively move towards an officer:

23 " ... simulating assaulting them."

24 Can I just be clear, is the role-player to simulate
25 assaulting them or is that just part of the training, or

Transcript of the Sheku Bayoh Inquiry

1 can -- are they just simulating it because it's
2 a training exercise, or is the role-player actually
3 pretending or simulating an assault?

4 A. I would interpret that to be the role-player is moving
5 towards the officer with a view to seeking to assault
6 them.

7 Q. But he is simulating that in the scenario training?

8 A. Yes.

9 Q. Right, thank you. If the officer -- so if in terms of
10 assaulting, there would be a threat to the officer from
11 that?

12 A. Yes.

13 Q. "If the officer tries to take control, resist.
14 "If officer uses PAVA, it will only be effective if
15 it directed in the eyes."
16 And the objective of this scenario is:
17 "The aim of this scenario is for the officer to use
18 effective tactical communication, tactical positioning
19 and the appropriate use of force whilst under pressure.
20 PAVA aftercare if applicable."
21 I'm interested in the objectives here because what
22 we see here is a knife being brandished, someone who is
23 under the influence of alcohol who is actively moving
24 towards an officer and threatening them, threatening to
25 assault them, but here it also says the aim of this

Transcript of the Sheku Bayoh Inquiry

- 1 scenario is to use effective tactical communication.
- 2 Would you still expect in this scenario that an officer
- 3 would try effective tactical communication?
- 4 A. I think within bounds, and again within the limitations
- 5 of what we should expect under pressure. Effective
- 6 technical communication in this instance may be very
- 7 direct, very clear words of command, and again that's
- 8 what you would probably expect in the operational
- 9 environment as well. I think it would be unrealistic to
- 10 expect officers in this set of circumstances to engage
- 11 in, you know, complex communications and complex
- 12 engagements with the subject.
- 13 I think what we're more expecting to see from
- 14 an officer in this instance would be very clear, very
- 15 unambiguous direction to the subject, and that's in
- 16 keeping more with what we would expect under the
- 17 operational pressures as well.
- 18 Q. Could you help the Chair by giving an example of what
- 19 good practice would be in terms of the type of tactical
- 20 communication someone could adopt?
- 21 A. I think you would be expecting the officers to be giving
- 22 clear orders and direction to the subject to get back,
- 23 to drop the knife, to move back, some form of words like
- 24 that. I think that's about as realistic and as detailed
- 25 it would get in that set of circumstances.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Right, thank you. And then it says:
- 2 "Tactical positioning."
- 3 And again, can you just explain what you would
- 4 expect a reasonable sort of response in that scenario to
- 5 be?
- 6 A. Yes, and as I mentioned earlier about those last ditch
- 7 strategies around how to manage spontaneous edged weapon
- 8 threat, we would be expecting the officers to do their
- 9 best to employ the CUTT principles in this instance
- 10 because they have come across an offender who has now
- 11 presented an edged weapon at them. As best as possible
- 12 you would be looking and hoping for them to be able to
- 13 engage in those strategies, as challenging as that may
- 14 be.
- 15 Q. So the CUTT principle --
- 16 A. Yes.
- 17 Q. -- would be one of those strategies. Then the
- 18 "appropriate use of force whilst under pressure", and
- 19 how -- can you explain how you would assess that
- 20 objective, the appropriate use of force?
- 21 A. Again, like every use of force the officer will need to
- 22 justify their decisions to use force. In this instance
- 23 if we have a subject who is actively seeking to assault
- 24 the officer with an edged weapon we are looking at
- 25 potentially serious and aggravated resistance at this

Transcript of the Sheku Bayoh Inquiry

1 point in time and you would expect that the officer
2 would be able to justify using quite a high level of
3 force. And again, that depends on impact factors and --
4 and that's why we can't be prescriptive around this
5 because impact factors do have such an influence on
6 an officer's selection of use of force.

7 Q. What are the impact factors in this scenario?

8 A. The edged weapon, most certainly. That's probably the
9 key impact factor. The environment, the close
10 proximity. In a public house we would presume that the
11 distance between the subject and the officer is not
12 significant, so the ability to create distance will be
13 challenging. The level of intoxication of the subject
14 making him unpredictable with regards to his actions.
15 And then you need to then consider the individual impact
16 factors around the officers and their capabilities,
17 you know, their size relative to the officer [sic],
18 their skill level, their experiences. So that would be
19 an example I think of the set of impact factors that
20 might be --

21 Q. Would the customers in the pub be a factor?

22 A. Yes, if there are customers around the requirement or
23 the necessity to protect members of the public will
24 influence an officer's decision. And when I say
25 "decision" here I think it's really important that,

Transcript of the Sheku Bayoh Inquiry

1 you know, these -- particularly when it comes to high
2 levels of threat, these are not necessarily conscious
3 decisions, officers are not necessarily running through
4 a checklist of things that are occurring, or checklist
5 of items in their head. They're making these decisions,
6 you know, automatically and instantaneously based off
7 their previous schemas, training, experiences, etc.

8 Q. So in terms of the training in this scenario, how is it
9 that you assess the objective of the appropriate use of
10 force; is this again part of the debrief process
11 afterwards, you go through those justifications?

12 A. Yes, ma'am. We would look to do it at that point.

13 Q. Right, thank you. And is there some sort of assessment
14 during the training process of whether the force used
15 was reasonable?

16 A. In the debrief?

17 Q. Uh-huh.

18 A. Certainly part of the debrief process is to look through
19 Police Scotland's -- or to go through Police Scotland's
20 test of reasonableness in assessing the use of force and
21 have the officer explain, through those steps, as to
22 why -- and be back-briefed on those steps as to how it
23 would necessarily meet Police Scotland's test of
24 reasonableness.

25 Q. And when you say "back-briefed", what do you mean?

Transcript of the Sheku Bayoh Inquiry

1 A. As in the briefing back from the instructor as to their
2 views on what they have seen as well.

3 Q. So is it possible for an instructor to say, "That was
4 just really poor, that was excessive and you would need
5 to think about maybe different techniques"?

6 A. I would not expect my instructors to debrief in that
7 form. I expect them to be much more constructive around
8 that and be able to breakdown the rationale as to why
9 they were thinking perhaps the options that were
10 selected by the officer might be inappropriate in the
11 circumstances.

12 If we were to approach it that way I think we would
13 shut officers down. I think we need to approach it in
14 a much more positive way around what are the learning
15 outcomes here and what are we going to take forward from
16 that scenario.

17 Q. Okay. You have talked about the test for
18 reasonableness, I wonder if we could look at a module
19 please, PS18536. So this is part of the current -- the
20 2017 version. PS18536. This is the module 1, use of
21 force.

22 A. Yes.

23 Q. And if we could look at the next page please. Keep
24 going, thank you, and to the next page. Right. So this
25 is -- I think it's page 3:

Transcript of the Sheku Bayoh Inquiry

1 "Police Scotland criteria for use of force."

2 Effectively we have heard about this mnemonic PLANE,
3 and that was in the 2013 manual as well?

4 A. Yes.

5 Q. And we have heard officers give evidence about PLANE and
6 the explanation. So PLANE -- it says here:

7 "An officer ... 's use of force must be reasonable.
8 They must demonstrate that the force used was reasonable
9 by applying the following reasonable test."

10 So is this the test of reasonableness that you were
11 mentioning?

12 A. Yes.

13 Q. And so for an officer who has used force as part of
14 their operational duties, when they come to consider use
15 of force and justification of that force they can go
16 through this using this mnemonic as a sort of tool to
17 help them justify that it was reasonable?

18 A. Yes.

19 Q. Because we have heard that if it's not reasonable, it's
20 not lawful; is that correct?

21 A. Mm-hm.

22 Q. So:

23 "The reasonable test can be summarised with the
24 simple mnemonic PLANE."

25 P is for proportionate:

Transcript of the Sheku Bayoh Inquiry

1 "In all circumstances the Justification of a Use of
2 Force must be proportionate to the level of
3 resistance/threat faced. An option is unlikely to be
4 regarded as proportionate or justified if a less
5 injurious, but equally effective alternative exists."

6 And we mentioned that earlier today:

7 "The amount of force used must be the minimum
8 required to achieve the lawful objective."

9 And we have heard evidence about the absolute
10 minimum force necessary:

11 "Legality.

12 "There must be a legal basis for taking action."

13 Common law or statute.

14 "Accountable.

15 "Officers ... must be able to account for why they
16 chose a particular course of action and in some cases
17 what other options may have been available and why these
18 were not chosen. This is known as preclusion."

19 Which we mentioned earlier as well:

20 "Therefore, other force options have either been
21 attempted and failed or have been considered and found
22 to be inappropriate under the circumstances."

23 And then we come up to:

24 "Necessary.

25 "The action taken by the officer ... must have been

Transcript of the Sheku Bayoh Inquiry

1 absolutely necessary in the circumstances and critical
2 to the safety of officers ... or the completion of their
3 lawful duty."

4 And:

5 "Ethical.

6 "Officers ... should be in accordance with the
7 principles of conduct that are considered correct, and
8 appropriate for the conduct becoming of
9 an officer/staff."

10 And it mentions the European Convention on Human
11 Rights there and acknowledges that some degree of force
12 will have to be used on a daily basis potentially --

13 A. Yes.

14 Q. -- by every officer. So can we go back to scenario 1
15 please on the national operational training teaching
16 pack, PS18569. We have talked about the benefits of
17 scenario training in helping equip officers in real life
18 to perhaps more fairly reflect real-life situations that
19 they might come across and how they can best deal with
20 them.

21 A. Yes.

22 Q. So let's look at scenario 1 which is on page 74 and just
23 to remind you about this scenario, this was the
24 vulnerable person in the street.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And the 999 calls had been -- a 999 call had been
2 received. This person was in the Main Street annoying
3 members of the public and the role-player was advised
4 they had a developmental difficulty and would display
5 the following behaviour and that was difficulties in
6 interpreting verbal and non-verbal language, gestures or
7 tone of voice. They were going to repeat what the
8 officer said. They would be oversensitive to touch or
9 sounds and:

10 "If the officer approaches you will become visibly
11 upset and frightened."

12 And:

13 "You have not been taking your medication."

14 And the aim of this scenario was to identify that
15 the subject had developmental difficulties and we went
16 over this earlier before lunch.

17 A. Yes.

18 Q. So when I asked you questions about this earlier we
19 talked about a scenario where the officers in the
20 scenario training, which presumably is a safe
21 environment to practise techniques -- there's been no
22 tactical communication, no active listening say, they
23 went straight to CS or PAVA, batons and use of restraint
24 and you talked about a debrief would go through the
25 reasons why they had maybe taken that course of action

Transcript of the Sheku Bayoh Inquiry

1 as opposed to others that might have been open to them.

2 I am interested in this scenario training, which we
3 have heard is better able to equip officers in real life
4 because in real life you have already told us today that
5 each individual officer has to justify each individual
6 use of force and they do that using the test for
7 reasonableness and that's using the PLANE mnemonic.

8 Now, how is this scenario, if an officer does go
9 straight to spray, baton and restraint, helping
10 an officer when in real life they're going to have to
11 justify every use of force by using the PLANE mnemonic
12 and I'm trying to understand why in this scenario here
13 an officer could justify doing those things with the
14 sprays and the batons and the restraint?

15 A. I don't think I said they could justify it. I said that
16 they would be expected to look to justify it.

17 Q. Oh, right.

18 A. Now, it doesn't mean that the instructor won't
19 necessarily coach them in a different manner and perhaps
20 explain that, you know, that their options in a certain
21 set of circumstances may not be seen as reasonable.

22 Now, of course we can't speak to that with any
23 absolutes and it would be unreasonable for me to say
24 that we do, but I would expect that, you know, there
25 would need to be a fairly solid justification in place,

Transcript of the Sheku Bayoh Inquiry

1 absent any other threat, you know -- and this incident,
2 as it is painted in the scenario, doesn't offer any
3 indication of threat to the officers of any type --
4 I would expect that the instructor would coach them
5 accordingly if that was the case.

6 Q. Right. So there is some attempt by the instructor to
7 provide some sort of guidance to the student if the
8 instructor takes the view that perhaps they have acted
9 a bit premature or used excessive force?

10 A. Again, you know, without being -- without putting words
11 in my instructors' mouths I would expect them to be
12 coaching the individual to ensure that they're staying
13 within Police Scotland's test of reasonableness. The
14 instructors are trained in it. They would expect the
15 officer to be able to discuss the test of reasonableness
16 and if the officer was falling short in any of those
17 respects I would expect them to be coaching them
18 accordingly.

19 Q. And if you had concerns about whether an officer was
20 falling short and maybe using excessive force that
21 couldn't be justified, other than the debrief is there
22 anything else that you could do as an instructor?

23 A. Yes, if any of my instructors had genuine concerns about
24 an individual there is an opportunity for them to work
25 with them individually. There's also a process that we

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1 call a tactical review process that instructors, both
2 either in training or after operational incidents, can
3 work with individuals or small teams to address any
4 identified issues as a result of any incident. Or
5 indeed if there are training issues identified, if
6 there's a consistent training issue identified, there's
7 always an opportunity for our instructors to be able to
8 identify that an individual perhaps needs further
9 training and schedule that for them.

10 Q. So how does this tactical review process commence? For
11 example, if there's been an incident, an operational
12 incident, how is that commenced?

13 A. Yes, it can commence a number of ways. It can be -- it
14 is self-nominated by officers where they have had an
15 incident where they feel that they could do with
16 additional coaching. It could be identified by
17 supervisors, by operational supervisors. It could be
18 identified through my instructors' identification of
19 incidents that have occurred and it can be identified
20 obviously in training as well to be able to bring
21 individuals in.

22 Q. And when you say it could be identified by supervisors,
23 could that include those acting in supervisory roles?

24 A. Yes.

25 Q. Acting sergeants?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Or even people who are inspectors?
- 3 A. Yes.
- 4 Q. Yes. Have you ever been asked to engage in one of these
5 tactical review processes?
- 6 A. Me personally?
- 7 Q. Yes.
- 8 A. It's normally my staff that do it, but I think we have
9 done multiple reviews this year.
- 10 Q. So if there is one of these tactical review processes
11 would that involve -- would it automatically involve
12 instructors to look at training aspects?
- 13 A. Yes, the instructors conduct the tactical review with
14 the students, or with the individuals who are nominated,
15 so -- and work with them through the incident. It will
16 often involve scenario-based training as part of that
17 tactical review to help the student learn and restore
18 confidence, or restore technical proficiency and we
19 record the outcomes and the processes used.
- 20 Q. And do you feed that back to the supervisor or whoever
21 it was --
- 22 A. Yes.
- 23 Q. -- that commenced the~...?
- 24 A. Yes.
- 25 Q. And that's in addition to the work that your instructors

Transcript of the Sheku Bayoh Inquiry

1 are doing with recertification training and probationer
2 training?

3 A. Yes.

4 Q. How long do these -- perhaps it's as long as a piece of
5 string. How long do these things take?

6 A. We normally schedule a day, up to a day, but, as you
7 said, it will depend on the set of circumstances and
8 what we're looking to address as an issue, but normally
9 we block a day out, initially with the student or
10 with -- it might be a small team, it might be two
11 officers, and work with them until we're content that
12 they have been able to confidently perform as we would
13 expect them to perform.

14 Q. So that can be at any level of experience?

15 A. Yes, yes.

16 Q. And it's very bespoke if it's one individual officer --

17 A. Yes.

18 Q. -- with one instructor or still two?

19 A. One or two instructors, depending on -- normally with an
20 individual officer I will assign two instructors to them
21 so that there is a second instructor who can work with
22 them as well.

23 Q. And it can be specifically targeted to an example that
24 arose after a real-life incident?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And help the officer adapt their approach to --
- 2 A. Yes.
- 3 Q. Is this where they are seen to have maybe fallen down in
4 terms of their performance?
- 5 A. It's -- yeah, it would be generally an identified gap in
6 performance. It wouldn't necessarily take place at the
7 point of time where there are pending enquiry or
8 disciplinary circumstances to be investigated but where
9 the officer's performance is identified to have fallen
10 down either in an individual incident, or perhaps they
11 have shown a lack of confidence at a number of incidents
12 and their instructors have noted that and identified
13 specific areas where they might be able to improve their
14 abilities.
- 15 So, for instance, tactical positioning or
16 situational awareness or specifically being able to
17 engage in the use of restraints, then the instructor can
18 specify -- sorry, the supervisor can specify fairly
19 clearly where they feel the gaps are and then my
20 instructors will take that on and look to work with the
21 individual.
- 22 Q. And in terms of supervisory roles, is that an aspect of
23 being a supervisor that you think about incidents in the
24 way members of your team have reacted and consider
25 training -- further training opportunities?

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- 1 A. Yes, yes.
- 2 Q. And thinking about scenario training and a reasonable
3 use of force and the PLANE mnemonic, you talked earlier
4 about the stress of handling situations. There's
5 mention there about stress in the scenarios. For
6 a real-life situation is it part of the test of
7 reasonableness that an officer has experienced cognitive
8 overload, or a sort of reaction to the sort of threat
9 that they were facing?
- 10 A. Yes, it should be taken into account when assessing
11 an officer's actions as to what is reasonable or not.
12 The level of threat that they're facing and the impact
13 of your -- of the cognitive pressures on them, it should
14 be taken into account in assessing it.
- 15 Q. So it's -- it can be quite a subjective test, you think,
16 rather than objective?
- 17 A. I think PLANE in itself is a subjective test. There are
18 aspects of that test that will always remain subjective.
19 Certainly it is reasonable for us to look at the
20 totality of circumstances and assess the type of
21 pressures that an officer may be put under given a set
22 of circumstances and factor those into our assessment of
23 performance.
- 24 Q. Right. So if an officer was to say that he couldn't
25 hear anything, or he felt under particular stress

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1 because of the threat, would that then justify any use
2 of force?

3 A. No, and I think that's a -- I take your point and it is
4 a bit of a common misconception around this. It's not
5 a Get Out of Jail Free card for officers. These are
6 well documented and consistent aspects of significant
7 operational pressure. If anything, officers probably
8 under-identify when they have been subsequent to these
9 pressures because they don't understand their existence.

10 So it doesn't justify any use of force, no, but it
11 certainly should be factored into what we consider as
12 a reasonable range of options when it comes to use of
13 force because, as I said, under these pressures they're
14 not running through a Rolodex of tactical options
15 necessarily cognitively. They're reacting and selecting
16 an option automatically, based off, as I said, their
17 previous schemas, their experiences and their perception
18 of the threat and risk at the time.

19 Q. So it's not a Get Out of Jail Free card?

20 A. No.

21 Q. They can't rely on that simply to say, "Well, anything
22 I did is reasonable"?

23 A. No, absolutely not.

24 Q. But it may be a factor in considering which option they
25 go for?

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1 A. Yes.

2 Q. Thank you. Could I move on. I would like to ask you
3 about some specific scenarios that we have heard
4 evidence about here. We have heard evidence about the
5 events leading up to Hayfield Road on 3 May 2015 and
6 what the officers did and how they handled the
7 situation. All of that will have to be considered by
8 the Chair in detail.

9 A. Yes, ma'am.

10 Q. We have also heard evidence about what training they had
11 received up to 2015 and what I would like you to help us
12 with is the training that officers are given now -- for
13 probationers and refreshing -- those doing refresher
14 training that will equip them and help them handle
15 a similar situation, if they were faced with that
16 situation today. I'm not going to be asking you about
17 specific individual officers because we have heard
18 evidence and you said today everybody's different, so
19 I'm not asking you about specific individuals.

20 A. Okay.

21 Q. If we can -- we appreciate they're all different but if
22 we can think about the training that's given to all the
23 officers. Obviously how they react to that training,
24 whether they listen to the training, will be a matter
25 for them.

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1 The scenario is this, if we can think about an
2 alleged knife incident: multiple calls coming in from
3 the public shortly after 7 o'clock on a Sunday morning.
4 Within about eight minutes there's been six emergency
5 calls, so we have heard that's quite a large number for
6 a Sunday morning. The information that's available is
7 an African-looking male was chasing a complainer's car,
8 he may be carrying a knife. He was big with muscles,
9 about 6-foot, wearing a white T-shirt and dark-coloured
10 jeans and jumping in front of other cars and stopping
11 them.

12 A male in possession of a large knife, a black male
13 wearing a white T-shirt, no jacket, walking along the
14 street with a large knife in his right-hand, about
15 a 9-inch blade.

16 And another call that mentioned him being in the
17 middle of the road.

18 So that's the sort of calls that have been received.
19 I have obviously summarised them for you. They're
20 largely classed as grade 1 by ACR. We have heard that
21 that means there's an immediate threat to life, that's
22 the most severe grade --

23 A. Yes, ma'am.

24 Q. -- as we understand. The acting Police Sergeant for the
25 response team calls on the radio for all units to

Transcript of the Sheku Bayoh Inquiry

1 respond and makes a request for a dog unit and an ARV.

2 So that's the scenario that I'm going to ask you
3 about.

4 A. Okay.

5 Q. Can we look briefly at your Inquiry statement,
6 SBPI 00408 against this background and I would like to
7 begin with paragraph 56 -- you cover this in 56 to 74,
8 but I will remind you what this part of your statement
9 is about. You are talking about CUTT there and you
10 say -- if we can move slightly down -- right, here it
11 is:

12 "I consider we are seeing more armed policing
13 authorisations in response to calls where edged weapon
14 threat is present. Initial Tactical Firearms Commanders
15 get more involved in these calls, recognising that where
16 they have a confirmed call for a subject with an edged
17 weapon that armed officers are better placed to be able
18 to manage that risk because of their wider tactical
19 options and better training that they receive."

20 So this is the part of your statement where you talk
21 about -- you said you think nowadays for a situation
22 involving an edged weapon and the scenario we're talking
23 about is where there's been multiple calls from the
24 public saying somebody's got a knife.

25 A. Yes.

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- 1 Q. Is your view here about more armed policing
2 authorisations a reflection of a change in approach
3 that's being taken in Police Scotland or is this just
4 your own personal perspective on what should be done?
- 5 A. This is my personal perspective based off what I have
6 observed over the time in Police Scotland. I see the
7 incidents of note come in and I see authorisations for
8 this and I think this is -- it's not so much a change
9 necessarily but an evolution, not only in
10 Police Scotland but wider in the UK as well. I think
11 it's more likely than not in those circumstances as you
12 have outlined to me today that we would see an
13 authorisation.
- 14 Now, I caveat that, I'm not an initial tactical
15 firearms commander. I can only speak to my perceptions
16 and my opinions based off what I see regularly occur now
17 in the operational environment, but that would be my
18 position at the moment.
- 19 Q. Right. So you are, from your own experience, seeing
20 more authorisations of ARVs, armed responses, where
21 there's calls about an edged weapon, a knife?
- 22 A. Mm-hm.
- 23 Q. How is that changing, if it is changing, the face of
24 training?
- 25 A. I think --

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1 Q. For your average officer, sorry.

2 A. I think realistically when we talk about edged weapons
3 in training for the individual officer we are more
4 conscious around explaining to officers who have not had
5 exposure or experience of this type of threat, that the
6 nature of the threat -- that it is lethal threat. And
7 we spend a lot of time explaining to them that any close
8 encounter with that potentially lethal threat is -- can
9 lead to very serious injury or death.

10 We speak to them about -- and teach them that what
11 we can provide them in a short period of time extends to
12 mitigation for spontaneous edged weapon threat and that
13 any requirement to actively engage with that, with edged
14 weapon threat, poses serious risks to them.

15 Q. So the risks of responding themselves to an edged weapon
16 threat, a knife incident, is very serious?

17 A. Yes.

18 Q. And that's emphasised now. Has that changed over -- you
19 talked about it being an evolution.

20 A. I think when I first came to the UK I was perhaps
21 a little taken aback by the attitude of wider UK
22 policing to unarmed officers attending edged weapon
23 incidents because that level of understanding around the
24 threat that edged weapon incidents posed was well
25 understood from my point of view internationally, in my

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1 experiences. However, in the UK at that time there
2 seemed to be an acceptance that unarmed officers would
3 engage with edged weapon offenders and subjects.

4 I think over the years I have seen that develop,
5 I have seen a deeper understanding of the potential of
6 edged weapon threat in the UK that is perhaps being more
7 in line and parallel with international comparators now
8 and certainly in our own operational safety training
9 syllabus we are much more cognisant around expressing
10 that threat in terms that are more comparable with
11 international -- the international position.

12 Q. So as well as training, or emphasising the dangers for
13 unarmed officers, does this have an impact on the
14 training in relation to specialist resources, so ARVs,
15 arrival of dog units? Is there more training in
16 relation to that now?

17 A. I couldn't speak to that, ma'am, I'm not well versed in
18 current specialist resource training outside of public
19 order operations.

20 Q. For unarmed officers, if there is an expectation that
21 perhaps more armed policing authorisations will be
22 given, is there any training at all given to either
23 probationers or students who are undergoing refresher
24 training about liaising or understanding what impact
25 that will have on any incident?

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1 A. Again, it would likely fall under the auspices of
2 incident management training for probationers,
3 for instance. Not an area that I cover, or we cover in
4 operational safety training. We don't tend to cover
5 those -- the nuance of liaising with armed officers in
6 recertification training. It tends to be about the
7 individual officers and tactics, given the time that we
8 have.

9 Q. Do you know of any training that allows serving officers
10 or probationers -- you have mentioned probationers,
11 let's just deal with officers who may come for
12 recertification training. Is there any training that
13 increases their levels of awareness about the response
14 from an armed policing vehicle, a dog unit, how they can
15 make requests for them, whether they're entitled to make
16 requests for them, and what would happen while they wait
17 for them, what would happen when they arrive?

18 A. Not within the recertification training package. It
19 would potentially be outwith the scope of that and
20 I couldn't speak to wider training -- wider training
21 inputs on that unfortunately.

22 Q. You don't know of anything at the moment that you
23 could --

24 A. It's not the fact -- well, I don't know of anything but
25 I don't know what I don't know on that one, so --

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1 Q. Obviously, yes, okay. To continue with the scenario we
2 were looking at, so we have talked about the multiple
3 calls to 999 and the alleged knife incident that's
4 happening and a response team is then directed to attend
5 the scene. En route there are a number of officers,
6 some probationers, some serving officers, with different
7 levels of skill, different levels of experience. All of
8 them are up-to-date with their recertification training.
9 They have had exposure to attending previous knife
10 incidents.

11 For that journey en route to that knife incident,
12 what training will these officers have had from OST that
13 will help them and assist them in assessing the
14 situation as they approach it?

15 A. One of the things that we talk to the officers about
16 when it comes to attending incidents is the utility of
17 planning on the way to the call. And when I say
18 "planning", it is likely to be rudimentary planning, but
19 that conversation between themselves and their colleague
20 about perhaps what they're hearing, what they might do
21 and what they might be looking to achieve when they get
22 to the call, that's the real focus of that aspect of the
23 call at that point in time.

24 Q. In terms of hearing, we have heard that they could be
25 listening to Airwaves messages?

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- 1 A. Mm-hm.
- 2 Q. They could be listening to messages from other officers
3 or the acting sergeant. They could be listening to
4 communications from ACR. Is that the type of thing
5 you're talking about them hearing?
- 6 A. Yes, and of course they're driving with -- using lights
7 and sirens and having to make their way safely to the
8 call, so a lot of cognitive pressure on the way to the
9 call and we know from studies, but we should expect also
10 that the pressure on those officers is already building
11 in that and their cognitive scope is already narrowing
12 on the way to the call.
- 13 Q. Does that mean they're becoming focused on the task
14 ahead?
- 15 A. No, it means that their -- their ability to process
16 complex information is actually shrinking on the way to
17 that type of call.
- 18 Q. Right. And you're talking about planning and hearing.
- 19 A. Mm-hm.
- 20 Q. A conversation between the two officers who would be --
- 21 A. As best as possible, yes.
- 22 Q. And what sort of thing would you expect them to be
23 discussing?
- 24 A. They might be discussing something as simple as who the
25 contact and cover officer is going to be, where they're

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1 going to alight from the vehicle or step out of the
2 vehicle, what position they take. Yes, that sort of
3 thing. And it will be as -- potentially as simple as
4 that and it might not extend past that given the
5 other -- all the other things that are happening in the
6 vehicle on the way to the call.

7 Q. We may have heard evidence that there was discussion, or
8 at least things being said about the fact there were
9 hospitals in the area, a mental health hospital in the
10 area, that type of thing. Is that the sort of thing you
11 would expect officers to be talking about?

12 A. I'm sure it could -- if I'm candid, no. I think they
13 will be threat-focused. I think they will be
14 call-focused. I think they will be focused on the risk
15 versus something a little bit more complex about where
16 the subject might have come from because it's the
17 immediacy of the threat that will probably be at the
18 forefront of their thinking.

19 Q. We have heard evidence that some of the officers were
20 using the National Decision-Making Model to start
21 thinking about the information they had and the possible
22 threat. Is that what they would -- what you would
23 expect to train officers now in relation to?

24 A. Yes, I -- I think we should be cautious about seeing the
25 use of the National Decision Model in this context as

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1 necessarily a common and deliberate thing that officers
2 are doing. I think on reflection they will be
3 identifying aspects of the National Decision Model that
4 they will have been using. Some officers may. I think
5 it's more likely, given the amount of information that
6 is moving around the vehicle, the amount of tasks that
7 the officers are focused on, that their discussions,
8 their thoughts, will perhaps be more automatic and
9 focused around the threat and on reflection they can
10 certainly identify that as perhaps using aspects of the
11 National Decision Model.

12 I think it's challenging for us to I think assume
13 that they are cognitively using a decision model whilst
14 all of this is occurring around them.

15 Q. Well, obviously it will be up to the Chair to assess --

16 A. Absolutely, ma'am.

17 Q. -- their evidence. What tasks are you referring to when
18 you say there will be tasks that they're focused on?

19 A. I mean the -- what they're going to do at scene. What
20 they're immediately going to do at scene around the
21 perception of risk of the call that they're attending.

22 Q. So would you expect them to be thinking about what
23 they're going to do when they arrive?

24 A. Yes, and trying to keep themselves safe getting to the
25 call and listening to the radio as to the information

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1 they're getting and any direction they're getting from
2 the ACR.

3 Q. At that time would you expect them to have any thoughts
4 through -- obviously from what you're training -- to be
5 thinking about whether they've got all their equipment,
6 whether they've got everything they need? I'm thinking
7 sprays, batons, that type of thing?

8 A. I would expect the officers would already be carrying
9 that. They shouldn't need to necessarily check that
10 they're carrying all of their PPE. They shouldn't be
11 leaving the office without that PPE in their possession.

12 Q. Is that what they have been trained --

13 A. Yes.

14 Q. -- not to be leaving things behind?

15 A. Yes.

16 Q. You mentioned teamwork earlier. Would you expect
17 officers that you have been training in terms of this
18 manual to be thinking about the way that the team -- the
19 response team could work together?

20 A. No, no. There's not a lot of instruction given to
21 officers in the current manual about how that operates,
22 in an operational safety training sense it's not
23 something that we cover in recertification periods.

24 Q. Okay. I mean do you think that would be a helpful thing
25 to include?

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1 A. Well, the officers, as I mentioned earlier, are now
2 getting team-based arrest tactics. I think we start to
3 stray into incident management and -- could you give me
4 an example of the type of thing that you're thinking
5 there?

6 Q. Well, I'm just wondering if it would be of assistance to
7 officers, if they are responding as a response team, and
8 in this case where all units have been asked, would it
9 be helpful -- would there be training available that
10 would help them start to think about ways that their
11 colleagues, reinforcements could assist perhaps in
12 responding to the incident?

13 A. I imagine it might be helpful but I would have to
14 consider carefully what that looks like in terms of
15 operational safety training or whether it would sit
16 perhaps elsewhere. We would be expecting of course
17 supervisors -- the supervisory sergeant or inspector who
18 is responsible to be coordinating those actions, and of
19 course they get training on how to do that in the police
20 incident officers' course. That would be the relevant
21 course for leaders who are leading those type of
22 incidents.

23 I -- as you can imagine, very limited training in
24 operational safety training. I would need to consider
25 carefully what we would look at to get the outcome and

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1 impact. I would never write off any opportunity to
2 review potentially good training input. I think we
3 would need to be very, very specific around what we
4 would be looking to achieve and what we could achieve
5 with the more generic, "This is how we operate as
6 a team".

7 Q. So is there any specific training that you know of that
8 is for people who are becoming members of a response
9 team?

10 A. Only -- well, the initial training, the initial module 1
11 training at the Scottish Police College is designed to
12 produce officers that go to response teams, so the
13 initial 12 weeks and then the subsequent returns over
14 the two years is -- and the two-year probationary period
15 is designed to allow officers to operate in a response
16 team. Part of that of course is the initial operational
17 safety training, and to my recollection also there's
18 incident management training as part of that initial
19 training as well.

20 Q. Right, thank you. Is there any training in OST about
21 communicating with ACR?

22 A. There is -- in recertification training there is
23 a reminder around some key aspects of Airwave training,
24 but Airwave training is covered as a separate module in
25 module 1.

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1 Q. Right, thank you. Is there any training that you know
2 of that helps officers understand who is in charge? If
3 they are part of a response team there's an acting
4 sergeant, there's maybe a PIO who is listening in,
5 there's ACR.

6 A. Certainly not within operational safety training. It
7 wouldn't be an area that would necessarily be covered in
8 operational safety training. I can't speak to other
9 aspects of training, and again I haven't -- I haven't
10 been involved in probationer training, for instance,
11 about incident management previously so I wouldn't want
12 to speak for what the content is of that training. But
13 not in operational safety training, that's not the focus
14 of that training.

15 Q. Okay. Would you expect officers en route to be carrying
16 out their own risk assessments?

17 A. I would expect officers to be reacting to what they're
18 hearing at the call and, again, I caution against the
19 idea that the conduct of a dynamic risk assessment is
20 a process that they're able to recall to mind and rattle
21 off, you know, a list of aspects. I think officers will
22 be assessing the risk and coming to a decision about the
23 type of risk call that they're going to, but again
24 I wouldn't expect officers to have the capacity, or
25 indeed the memory, to be able to engage in a positive,

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1 deliberate approach to ticking off a risk-based list.

2 Q. But in terms of the training that's given under the 2017
3 manual they would be given training about dynamic risk
4 assessments?

5 A. Yes.

6 Q. Yes. And can I ask you now, moving on to arrival at
7 this incident that we're talking about, so the initial
8 arrival is two officers who are first on the scene and
9 they have used their blue lights, not their siren.
10 There's no members of the public in the vicinity,
11 certainly not that are visible. It's a residential
12 area. There are churches and hospitals nearby and they
13 see the man they think is the subject walking near to
14 a bus stop in the street.

15 A. Okay.

16 Q. Now, one of those officers is aware he was high on
17 something:

18 "His eyes were bulging out of his head."

19 He noted that:

20 "With these synthetic drugs you don't feel
21 temperature and it was pissing down with rain~..."

22 As he put it:

23 "... and blowing a gale and he is wearing a wee
24 T-shirt."

25 He noticed his eyes as soon as he saw him. His

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1 palms of his hands were out. He could see that he
2 wasn't holding a knife.

3 In that scenario, what training is given under the
4 2017 manual that would help officers work out what their
5 best options were?

6 A. The Tactical Options Model provides officers -- and
7 I know you have heard some evidence on it previously.
8 The Tactical Options Model provides officers with
9 a model that they can use to be able to assess risk and
10 harm based off the subject's appearance, for want of
11 a better word, warning signs, danger signs, impact
12 factors, and gives them some options to be able to
13 reflect on if that's the case.

14 So they would be -- that's what they would reflect
15 on. I think given the set of circumstances that you
16 have outlined to me, it's more likely the officers will
17 have already formed a risk assessment given the nature
18 of the call. It would be reasonable to my mind given
19 the information received that they would class the call
20 as a high risk call and then the officers would be faced
21 with choices that, depending on their levels of
22 cognitive pressure, will be automatic for some and
23 perhaps more reflective or more complex for others.

24 The first two officers arriving at that scene,
25 I think it's more likely that their decision-making was

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1 falling into that category of being more automatic based
2 off the choices.

3 Q. So what -- in terms of the training that officers are
4 given in that, what training can they rely on to think
5 about those options in that moment?

6 A. Again the tactical options, so from tactical positioning
7 to empty hands, to PPE, to the like. But what we can't
8 do for officers is necessarily replicate the level of
9 pressure that they're going to be under. What we can do
10 is provide them with a base level of training that
11 allows them to be able to make those decisions rapidly,
12 or based off their experience as the schema that they
13 formed previously and their base level of training.

14 There's nothing that I can provide or we can provide
15 that can prepare them for necessarily the -- or put them
16 in a position where they can maintain at close range
17 necessarily a cognitive awareness that allows them to
18 work systematically through some of those options.

19 What we do provide them is a base level of training
20 that allows them to have something to fall back on to
21 that they will be comfortable with based off their
22 perceptions of threat and risk.

23 MS GRAHAME: Right. I'm going to pause you there for
24 a moment because we often have to give the transcriber
25 a break.

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1 LORD BRACADALE: Yes, well, we will take a 15-minute break
2 at this point.

3 (2.59 pm)

4 (Short Break)

5 (3.18 pm)

6 LORD BRACADALE: Ms Grahame.

7 MS GRAHAME: Thank you. Inspector, it's been a long day and
8 I just want to recap on the purpose of me asking you
9 these questions today.

10 So, as I said at the beginning of this afternoon, my
11 interest in asking you these questions is in identifying
12 what training officers are getting under the current
13 manual, the 2017 manual --

14 A. Yes.

15 Q. -- that will help them, assist them, equip them with
16 skills, trained skills, that will allow them to handle
17 different scenarios.

18 A. Yes.

19 Q. So we looked at that with the scenarios in the
20 recertification training and I'm now putting other
21 scenarios to you and I would like you to help me
22 identify the training.

23 A. Yes.

24 Q. I'm not asking you to comment on the evidence that we
25 have heard. Obviously you have not heard all the

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1 evidence and that's completely up to -- that's a matter
2 for the Chair to decide. I understand the comments you
3 have made about cognitive load, but in terms of the
4 individual officers who attended Hayfield Road on 3 May,
5 it will be a matter for the Chair to take those comments
6 into account.

7 A. Yes.

8 Q. So all I really want to do is go through the scenarios
9 and hopefully have you identify areas of training which
10 officers are now given which you think might assist
11 them. I'm not asking you to identify what they should
12 do in that situation, or in any similar situation, just
13 identify the sort of types of training that we've got.

14 A. Yes.

15 Q. So let's go back to where we were. I was asking you
16 about a particular scenario and I think you mentioned
17 quite a number of different types of training that you
18 think could assist officers who had arrived at a scene
19 where it's an alleged knife incident and where they see
20 the subject for the first time. I won't repeat that,
21 but you talked about training that they have had on
22 tactical options, PPE, warning signs, danger signs and
23 impact factors.

24 A. Mm-hm.

25 Q. Let's look at that first of all, if you don't mind. Can

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1 we look at module 2, "Conflict management", please and
2 this is PS18537 and we see on page 6 that there is
3 a section headed, "Warning signs, danger signs and
4 impact factors", and these are detailed on page 6 and
5 the following pages up to page 8. The Chair can
6 obviously read these in turn, but are these the types of
7 things that officers are still being trained in? We
8 have heard they were trained in this in 2013.

9 A. Yes.

10 Q. They're still being trained in this; how does this help
11 them in training?

12 A. Where the circumstances allow and they can be close
13 enough, the officers will perhaps be able to identify
14 different aspects of the subject's behaviour that will
15 lead them to form -- or help inform their risk
16 assessment. That's why the warning signs and danger
17 signs are brought into the training.

18 Again, often it can be more of a reflective tool
19 afterwards. The officers instinctively pick up on these
20 types of behaviours and it perhaps isn't until
21 afterwards when they're considering them in --
22 reflecting on them in the report that they're able to
23 qualify what they have seen, but by providing the
24 officers with an insight into these behaviours, it
25 allows them to help in their risk assessment and

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1 certainly in their reflection on the incident.

2 Q. Can you summarise for me what are officers trained about
3 the distinction between warning signs, danger signs and
4 impact factors?

5 A. Okay, so warning signs are -- warnings signs are what
6 you will sort of see potentially initially. We talk
7 about it, as you see here, as gestures around ritualised
8 combat. Danger signs are more indicative of an attack
9 that's about to occur, and when we talk about impact
10 factors, they're the subject, officer and environmental
11 factors that inform an officer's risk -- level or
12 understanding of risk.

13 Subject factors might be whether the subject is
14 armed or not, the size of the subject, the level of
15 intoxication or otherwise of the subject. Officer
16 factors might be the size of the officer, the experience
17 of the officer, their perception of their own
18 capability. And environmental factors might be your
19 open field, closed field, or closed environment --
20 you know, as we talked about before, a public house, and
21 of course other members of the public around as well.

22 Q. So these sound very similar to the warnings signs,
23 danger signs and impact factors that were taught in
24 2013?

25 A. Yes.

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- 1 Q. Presumably there are some variations since then?
- 2 A. There will likely be minor variations but they are
3 reasonably consistent between the two (inaudible).
- 4 Q. So largely would you say there's consistency in what's
5 being taught to officers --
- 6 A. Yes.
- 7 Q. -- in relation to these factors?
- 8 A. Yes.
- 9 Q. And is that something that they can fall back on and
10 think about, maybe in retrospect, but they might be
11 alert to those as they approach an incident?
- 12 A. Yes.
- 13 Q. Right. And is the purpose of training so that they will
14 be alert to those warning signs, danger signs or impact
15 factors?
- 16 A. As best as we can hope from the investment in training
17 and the skill fade over a period of time since training
18 is delivered.
- 19 Q. Okay. Thank you. I think at the end of this section on
20 page 8 it does say, "These lists are not exhaustive".
- 21 A. Yes.
- 22 Q. So can they always be added to or other factors,
23 dependent on the circumstances, may be things that they
24 think are significant?
- 25 A. Yes, yes.

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- 1 Q. And are they trained to not exclude information they
2 think is significant, even if it doesn't necessarily
3 fall within one of these bullet points?
- 4 A. Yes, I think we would expect on reflection if officers
5 were to identify something they feel is significant that
6 falls outside of that, that they would include it in
7 their -- in any statements they make or reports of the
8 incident.
- 9 Q. Right. And I see in addition in the training manual
10 now, the 2017 one, there's also a picture that
11 demonstrates some -- a police officer standing back from
12 a subject with her hands raised.
- 13 A. Mm-hm.
- 14 Q. Is that a means in terms of the training that is helpful
15 to demonstrate things to officers?
- 16 A. I think pictorial illustrations are absolutely helpful
17 when they're accurate in the circumstances. I've not
18 seen the picture you're referring to there but --
- 19 Q. It's on the previous page to the one that's on the
20 screen. There it is. So it's just one image with
21 an officer with hands raised --
- 22 A. Yes.
- 23 Q. -- and the subject.
- 24 A. Yes.
- 25 Q. Do you think there are limitations in relation to one

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- 1 image like this?
- 2 A. I do. I think it doesn't show you necessarily the
3 dynamic nature of an incident, and indeed we were
4 discussing last week with that instructors meeting we
5 were at about how we incorporate more audio-visual
6 content, for instance, in our training syllabus to be
7 able to bring alive some of these issues around things
8 like tactical positioning and pictures like this.
- 9 Q. Do you think that videos would be a useful tool?
- 10 A. Yes, yes.
- 11 Q. And we obviously -- going back to page 8 please, so
12 after "Impact factors", which are listed, and
13 "Environmental impact factors", there's a section called
14 "Profiled offender behaviour". You have already spoken
15 about that. That's obviously still part of the training
16 now. We have heard about the 2013 training where there
17 was also reasonable officer response.
- 18 A. Mm-hm.
- 19 Q. Now, in the Use of Force SOP that existed at that time
20 there was -- paragraph 4.6 was "Profiled offender
21 behaviour", paragraph 4.7 was "Reasonable officer
22 response".
- 23 A. Yes.
- 24 Q. Now, in the 2017 manual there's no reasonable officer
25 response section.

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1 A. No.

2 Q. Do you have any views about that, the removal of that
3 from the manual?

4 A. Yes, I think that's a smart evolution and it's an
5 evolution I think based off our better understanding of
6 officer response. The Tactical Options Model replaced
7 the reasonable officer response model, the continuum
8 model that you would have seen. I think it better
9 reflects the fact that impact factors play quite
10 a significant part in what might be a reasonable
11 officer's response.

12 I think if we were to go back to that period -- and
13 it was a relatively widely used model -- it pigeonholed
14 officer response quite distinctly, whereas it probably
15 didn't take into enough consideration the varied impact
16 factors that are at play in response to an incident that
17 might see one officer select a very reasonable option
18 based off the impact factors at play for them, versus
19 another officer who might select a different set of
20 tactical options or a different tactical option -- or
21 respond with a different tactical option based off the
22 impact factors at play for that officer.

23 Q. Could we look at page 14 please. This should be -- it's
24 a diagram, "Operational Safety Training Tactical Options
25 Model". We might not get the whole thing on the screen

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1 but can we see there that it's a circle with ever
2 decreasing circles and circles round it. Could you talk
3 us through this model please?

4 A. Yes. This model is representative of the interplay of
5 different factors that go into the assessment of risk
6 and the subsequent option selection of an officer. It's
7 certainly a very useful reflective tool for officers to
8 be able to consider why they have done what they have
9 done. It gives them a basis for understanding the type
10 of issues and factors that come into play when they are
11 selecting a tactical option and it represents the fact
12 that the factors themselves interact to provide a whole
13 picture, and obviously the options around are
14 representative of some of the options that are available
15 to officers in selecting a tactic.

16 Q. So do we see at the heart of the circles, "PLANE", the
17 mnemonic is -- that's the test of reasonableness in
18 terms of use of force?

19 A. Yes.

20 Q. And that's at the heart of everything here.

21 A. Yes.

22 Q. And then the next circle is, "Warning or danger signs",
23 which we have looked at.

24 A. Yes.

25 Q. Then, "Profiled offender behaviour", which is another

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1 factor that's added in to a -- is this part of an
2 assessment effectively?

3 A. This becomes part of the risk assessment. The warning
4 signs and danger signs lead to an identification of
5 profiled offender behaviour and then when overlaid with
6 impact factors allow the officer to come to a risk
7 assessment.

8 Again, you know, it's not as mechanical as that but
9 these are the type of factors that will be going through
10 an officer's mind, probably quite rapidly, as they come
11 to an assessment of risk.

12 Q. It's a pictorial demonstration of how these factors --

13 A. Yes.

14 Q. -- can play together?

15 A. Yes.

16 Q. And then on the outside, are those the options that are
17 open to officers?

18 A. Yes, they are a number of the options. They're not
19 necessarily the only options, but they are a number of
20 options that are open to officers.

21 Q. And some of these having existed for a while and some
22 will be new for 2017. Let's look at them. "Empty hand
23 techniques", they have always been available for a long
24 time.

25 A. Yes.

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- 1 Q. "Baton", available.
- 2 A. Yes.
- 3 Q. "PPE shield", I think would not always have been
4 available to officers?
- 5 A. Yes, and it's not available now necessarily for officers
6 unless it's part of a specialist response.
- 7 Q. So for an ordinary constable or member of a response
8 team doing recertification training, PPE shield might
9 not be one of those options?
- 10 A. Not anymore, no. There was quite a long working group
11 that went into discussing that particular issue
12 because -- and there are a number of factors that took
13 place, or a number of factors that contributed to it
14 being withdrawn as a tactical option. First and
15 foremostly was that PPE shields are part of a wider
16 protective ensemble that specialist officers, public
17 order officers, wear. Because the shield alone is not
18 designed to provide that full level of protection, the
19 officers wear helmets, leather gloves, hard armour
20 underneath fire-retardant overalls.
- 21 Secondly, because officers who use protective
22 shields are tested physically each -- twice a year as to
23 their ability to be able to employ the shield and given
24 specialist training around that and that wasn't
25 occurring for unarmed officers.

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1 Thirdly, because when an officer is carrying
2 a shield they can't employ other PPE, the PPE that they
3 are carrying, baton and handcuffs.

4 And finally, because they don't particularly work
5 under pressure, particularly in an open environment or
6 where the officer is handling the shield and a subject,
7 particularly an armed subject, approaches the officer
8 their ability to be able to protect themselves is highly
9 limited. So for those reasons the PPE shield was
10 withdrawn as a tactical option for unarmed officers.

11 Q. In the future, after your review is carried out, will
12 you be removing the shield from this Tactical Options
13 Model?

14 A. Yes, more than likely.

15 Q. But empty hand techniques and baton will remain?

16 A. Yes.

17 Q. And then "Irritant spray", perhaps we can move the image
18 up please. We have heard that in 2015 some officers had
19 CS, some had PAVA.

20 A. Yes.

21 Q. Do they now all have PAVA?

22 A. All have PAVA now, yes.

23 Q. So irritant spray will remain?

24 A. Will remain, yes.

25 Q. "Leg restraints", we have heard about Fastraps. They

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1 will remain?

2 A. Yes.

3 Q. And there will be training on that?

4 A. Yes.

5 Q. "Specialist tactics". Now, is this a recognition that

6 officers may be assisted by specialist resources?

7 A. Yes, yes. So you would be thinking armed officers,

8 public order officers, working dogs.

9 Q. So officers will be advised through this model that

10 there may be specialist resources available that will

11 come and assist?

12 A. Yes.

13 Q. And that might be an option for them to wait for that

14 specialist assistance, or in the knowledge that that's

15 coming?

16 A. Yes.

17 Q. "Tactical positioning", tell us about that. Is that the

18 reaction gap you were talking about earlier?

19 A. Reaction gap, contact and cover that we discussed

20 earlier, ma'am, yes.

21 Q. And that's been trained to officers --

22 A. Yes.

23 Q. -- before this manual. "Tactical communication", we

24 have talked about that. That was part of the 2013

25 manual and it remains part of the manual now.

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- 1 "Officer presence".
- 2 A. Yes.
- 3 Q. Tell us about this.
- 4 A. So this is one of the lowest levels of use of force, if
5 we were looking at a graduated sort of response.
6 It's -- it is exactly what it says, it's the presence of
7 an officer and the potential impact that has on
8 a subject to perhaps deter behaviour.
- 9 Q. We have heard that sometimes officers who turn up in
10 a vehicle with blue lights flashing, full uniform, full
11 PPE, that in itself can be quite an impressive,
12 intimidating sight for people?
- 13 A. Yes, I think it can certainly have an impact on
14 a subject's behaviour, yes.
- 15 Q. And we have also heard similarly that dogs at the scene
16 can also have an impact.
- 17 A. Yes.
- 18 Q. That would obviously be a specialist resource?
- 19 A. Yes.
- 20 Q. But that's something else that can be borne in mind?
- 21 A. Yes.
- 22 Q. And officers have been trained on that since at least
23 2013?
- 24 A. Yes.
- 25 Q. Then "Disengagement". What training are officers given

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- 1 about that as a tactical option?
- 2 A. As part of the Tactical Options Model they discuss the
3 tactic and when and where it might not be appropriate to
4 do that and reinforce to them that it remains a tactical
5 option.
- 6 Q. And then "Handcuffs".
- 7 A. Yes.
- 8 Q. Which -- so, other than the PPE shield, it would appear
9 that all of -- am I right in saying that all of these
10 tactical options have existed for some time; they didn't
11 just turn up in the 2017 manual?
- 12 A. No, no, yes.
- 13 Q. So would you have expected officers to consider these
14 sorts of options when they're dealing with an incident
15 insofar as they have been trained in relation to each of
16 them?
- 17 A. Yes, I think depending on the nature of the incident
18 whether they will automatically select an option or
19 whether they've got more discretionary time to be able
20 to make a more deliberate assessment, but yes I would
21 consider them to -- or would consider that they would
22 consider the options.
- 23 Q. So these are all open to them --
- 24 A. Yes.
- 25 Q. -- depending on what's happening in the larger circle

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1 from PLANE out to assessing risk?

2 A. Yes.

3 Q. Thank you. We have not talked about -- in relation to
4 this scenario that we're talking about at the moment, we
5 have not talked about contain and negotiate. Can we
6 look at page 18. We will see a number of photographic
7 images to demonstrate the tactical options, so let's
8 look at "Contain and negotiate", page 18. This says:

9 "Best practice in high risk situations is contain
10 and negotiate.

11 "A situation may arise where there is a need to set
12 up a controlled area and restrict access to an area.
13 Immediately setting up inner and outer cordons may be
14 required to prevent escalation of the situation and
15 maintain a distance between the subject and the police
16 or public.

17 "The principal operating strategy of resolving
18 high risk incidents by police is containment and
19 negotiation. Force is to be used as a last resort."

20 Could you help the Chair understand what training is
21 given to officers under this manual for contain and
22 negotiate?

23 A. Contain and negotiate when we're talking about high risk
24 circumstances with a potential armed offender, the inner
25 cordon -- we talk about inner and outer cordons -- the

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1 inner cordon would normally be made up by specialist
2 resources, be it public order officers, armed officers,
3 unarmed officers are taught that they would normally be
4 taking the outer cordon on that, with the risk -- the
5 immediate risk being managed by the specialist officers
6 in the inner cordon.

7 Q. So are officers trained now that contain and negotiate
8 really requires specialist resources to be involved?

9 A. It does depend on the risk and threat and -- but
10 certainly any armed risk or threat, our expectation
11 would be specialist officers would be managing the inner
12 cordon.

13 Q. Now, one of the things when I was talking to you about
14 the scenario was that the person may be high on
15 something, he was wearing a T-shirt, it was raining.
16 You have not mentioned training on ABD.

17 A. Okay, yes. So from the operational first aider point of
18 view as well.

19 Q. So that's something that officers are also trained in,
20 in 2017?

21 A. Yes.

22 Q. We have heard they were trained in that in 2013. Can
23 you help the Chair understand what training do officers
24 now receive on ABD?

25 A. It's part of their operational first aid syllabus. They

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1 get talked through the aspects of ABD, both signs and
2 symptoms, the management, pre-management and
3 post-restraint management of ABD as well. So they get
4 that as part of their operational first aid syllabus in
5 particular, but it's also of course reinforced through
6 operational safety training where relevant in the
7 syllabus.

8 Q. And when you say "reinforced", what do you mean?

9 A. So when we get to a position in the syllabus,
10 for instance where, you know, through say scenario-based
11 training or the like it might be potentially a factor,
12 we would expect our instructors to remind and reinforce
13 those aspects with our students.

14 Q. Sorry, I didn't catch that very last part of your answer
15 there. Sorry. So those undergoing refresher training,
16 they will have that reinforced to them as part of the
17 scenario-based -- does that blend in the training they
18 have had about ABD into the scenario?

19 A. Yes, ma'am, and even as part of their initial training
20 as well, outside of the operational first aid syllabus,
21 where relevant in the operational safety training
22 syllabus we would expect the instructors to be
23 reinforcing periods where ABD might be a factor.

24 Q. So in the scenarios we looked at earlier today,
25 scenario 1 and 4 for the vulnerable people, is that

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1 something that would be discussed as part of the
2 debrief?

3 A. Perhaps.

4 Q. And we have heard evidence that the training that
5 certainly was given in 2013 was that if there was a --
6 if an officer suspected someone was suffering from ABD,
7 if I can say "suffering from", or the signs were
8 recognised, that they should call for an ambulance and
9 treat it as a medical emergency. Does that remain the
10 position?

11 A. It absolutely remains the position today.

12 Q. And is that reinforced to those undergoing training
13 about ABD?

14 A. Yes.

15 Q. And what are they told specifically about treating
16 something as a medical emergency and calling an
17 ambulance? What are they told to do? Is it simply
18 "Contact ACR on your radio", or are they told to do
19 something else?

20 A. There are two methods now to be able to contact SAS and
21 request an ambulance. Our preference is where it is
22 practical officers will call the number direct from
23 scene. That practice was introduced earlier this year
24 across the service, so the officer can engage directly
25 with Scottish Ambulance Service and the call takers

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1 there. The purpose of that is to be able to more
2 effectively answer the triage questions that Scottish
3 Ambulance Service will ask.

4 Now, there are times where that's not practical
5 because of the operational circumstances. When that
6 occurs the officer reverts to going back to the control
7 room and asking the control room to contact an ambulance
8 for them.

9 Q. When you say "operational circumstances", would that
10 include the behaviour of the subject, the profiled
11 offender behaviour?

12 A. Yes. It might not be safe for the officers to be able
13 to contact ambulance. The officers might be actively
14 engaged at that point in time in treatment as well and
15 there might not be sufficient officers there to allow an
16 officer for instance to step out and contact ambulance
17 whilst they're actively engaged in treatment.

18 Q. And depend perhaps on the level of threat that they're
19 faced with when they arrive?

20 A. Yes, yes.

21 Q. And that could be threat to the public, threat to
22 themselves, threat to the subject?

23 A. Yes.

24 Q. We heard evidence from Inspector Young about training
25 that was given in relation to the 2013 manual and he

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1 talked about risks posed by a person and he talked about
2 POP: person, object, place. Is that something that's
3 still trained?

4 A. Yes.

5 Q. Could you explain again what that is please?

6 A. So when we talk about the officer being able to assess
7 risk where practical they can use that acronym: person,
8 object, place, to be able to categorise the type of
9 risks that fall under a person, any objects they may
10 have in their possession, or the place that they're
11 involved -- or the place where the incident is
12 occurring. It does help them to perhaps identify risks
13 if they prefer that model to be able to use as part of
14 their risk assessment.

15 Q. So if we think back to the model, the Tactical Options
16 Model that we looked at a moment ago, and the risk
17 assessment, would that fall within the risk assessment
18 circle, the outer band?

19 A. I probably think it falls more in impact factors. The
20 person, the object -- any objects and the place probably
21 sits more in impact factors.

22 Q. Okay. Because you did say -- we looked earlier at the
23 manual and it talked about environmental impact factors.

24 A. Yes.

25 Q. So place could be --

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1 A. Perhaps, yes.

2 Q. -- one of those. Right.

3 He also talked about assessing risk, ascertaining if
4 the subject had the means, the opportunity or the
5 ability and intent to cause harm either to themselves or
6 to the police. Is that also something that's discussed
7 in training nowadays?

8 A. Yes, the concept of jeopardy there, highlighting those
9 areas, that's still discussed in training as well.

10 Q. Right. And he talked about officers being taught about
11 the reaction gap.

12 A. Yes.

13 Q. Contact and cover.

14 A. Yes.

15 Q. Are those still taught today?

16 A. Yes, they are, and I think we take a slightly different
17 approach in our emphasis on those. I think as
18 I mentioned earlier around -- as a prevention tool for
19 precluding or preventing assault for officers. I think
20 we also take a firmer view on what a good reaction gap
21 looks like in terms of distances and how fast a subject
22 potentially can cover distances, so depending on the
23 perceived threat, how far away you need to be to be able
24 to react effectively.

25 Q. Right. Can I ask you -- thinking about the scenario

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1 that I have been asking you about, if we have
2 a situation where the subject is simply ignoring the
3 officers, so they -- the van has turned up, the blue
4 lights are flashing, the officers come out of the
5 vehicle, they have their full equipment and uniforms and
6 they are saying -- speaking to the subject and there's
7 no reaction, so not reacting to the presence of the
8 officers or to their commands, so just walking past the
9 bus stop, as I said, and I'm wondering what training is
10 given now to officers, if they were faced with that
11 situation now where simply the person just doesn't
12 react?

13 A. This is in the incident -- this is in the instance where
14 the information received is that the subject is --

15 Q. It's an alleged knife incident.

16 A. An alleged knife incident.

17 Q. And the person is just -- so following on from the
18 scenario I have been painting for you.

19 A. Again, the officers will need to fall back on the
20 tactical options that they have available at their
21 disposal, none of which candidly are particularly good
22 options for dealing with an edged weapon incident
23 because each have, you know, particular concerns or
24 flaws that preclude the officer -- or bring the
25 officer's ability to bring the incident to a successful

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1 conclusion and make it more challenging -- you know,
2 make it more challenging for them to do so because we --
3 there aren't a lot of safe options around handling
4 a knife incident for an unarmed officer.

5 I mean, we could go through the options, but,
6 for instance, if we were to pick a couple around say
7 disengagement and say for instance observing the
8 officer -- observing the subject, that requires for an
9 edged weapon offender some significant distance.

10 You know, if we were to consider that -- let's say our
11 offender, if the officer is 20 feet away, will cover
12 that distance in about one and a quarter seconds. If we
13 were to double that to 40 feet then we're talking a few
14 seconds for the subject to cover that and then the
15 officers are left with PPE options for instance at that
16 point in time. And, as I mentioned earlier, the PPE
17 options that unarmed officers carry don't give -- don't
18 bring a high percentage of success when it comes to
19 defending against a potential edged weapon attack.

20 But then we contrast if we take the officers further
21 out even at that point in time, well, then they have
22 trouble in contacting the subject and being able to
23 communicate with the subject because they're some
24 distance away, but they also then risk not being able to
25 maximise the safety of the public with regards to that,

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1 you know, that increased distance because the --
2 you know, the subject at that point in time has the
3 opportunity and ability to perhaps make off and I know
4 we mentioned that there was no one else around but it's
5 a residential area, so perhaps it's not too difficult to
6 lose a subject in that area as well.

7 So that's just a couple of the reasons why --
8 a couple -- or a quick run through of a couple of the
9 tactical options there, why we're in a really tough
10 position there for unarmed officers.

11 Q. But in terms -- sorry, I spoke over you there.

12 A. No, no.

13 Q. In terms of the training that they receive, are we still
14 looking at the Tactical Options Model?

15 A. Yes.

16 Q. With all of those options that can be considered?

17 A. Yes.

18 Q. And depending on the particular circumstances they may
19 reject some of those options as not suitable, or they
20 may tend to other options which they think are more
21 suitable. There may not be one particular option that's
22 perfect, but it would be those options that they would
23 consider?

24 A. Yes, I think that's as good as we can give an unarmed
25 officer, with the one exception now that we have taser

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1 as an option. Now, we might want to include that as
2 specialist resources but the further that gets rolled
3 out the more perhaps that is an option in those
4 circumstances and --

5 Q. So in terms of the Tactical Options Model, one of those
6 options is specialist resources?

7 A. Yes.

8 Q. Now, we have heard that for certain specialist
9 resources, such as ARV, it has to be a certain rank of
10 officer who can authorise that. So, subject to that
11 limitation, there may be specialist resources available
12 for --

13 A. Yes.

14 Q. -- individual unarmed officers?

15 A. Yes.

16 Q. And can they -- are they taught that they can make
17 requests for those specialist resources?

18 A. Not normally, no, although we would expect their
19 supervisors, on hearing an incident like that, would
20 perhaps make a request. But, as you rightly point out,
21 it remains a matter for the initial tactical firearms
22 commander to authorise or otherwise.

23 Q. So it would be more a PIO or an acting sergeant or
24 someone in -- the sergeant of the response team that
25 would be responsible for making that request?

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- 1 A. That's more likely. It doesn't always have to be that
2 way but that's more likely.
- 3 Q. Right, and in terms of what individual unarmed officers
4 in a response team are taught and trained, are they
5 trained that they can feed back to ACR effectively to
6 try and persuade them that maybe specialist resources
7 are required?
- 8 A. No, it's not the -- they're not taught it's their job to
9 persuade. It's for the initial tactical firearms
10 commander to make their assessment based off the
11 information they're receiving. You know, if there's
12 time and space available we of course like officers to
13 be feeding back what they're seeing, where that's
14 relevant or where they can do so, but they're not taught
15 to look to persuade the tactical -- initial tactical
16 firearms commander of a deployment or otherwise.
- 17 Q. Are they taught what factors might be significant in the
18 initial tactical firearms officer's decision-making?
- 19 A. No, no.
- 20 Q. So they're not given any guidance about the sort of
21 circumstances where ARV might be desirable?
- 22 A. In the manual we do talk about the stay safe principles
23 and it does go through the criteria for authorisation,
24 from memory. I think that's still in the current manual
25 as well, so in initial training they do get -- they do

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1 get an information feed and some training on what those
2 criteria look like for the initial tactical firearms
3 commander, but realistically in practice it's the
4 initial tactical firearms commander assessing the
5 information that they have received off the call to
6 date, or any further enquiries they have directed to
7 allow them to make their assessment.

8 Q. And are uniformed officers trained to understand that
9 someone in the ACR will need information from them to --
10 in order to make that decision?

11 A. I would have to go back and have a look at the text in
12 detail for the initial course. I can't say off the top
13 of my head, ma'am.

14 Q. All right, thank you. So are there any particular
15 aspects of training, scenario training or lectures,
16 which deal with someone who is simply not communicating
17 with officers?

18 A. Apart from the scenario set that we see there, I'm aware
19 that in the probationer training department they do run
20 other practical days and scenario-based training days
21 and I know vulnerability is covered as part of those
22 training days, so I have observed that training. And so
23 whilst I can't go into the detail of that, because it's
24 not my department, I am conscious and aware that they
25 run practical days that do involve subjects with

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- 1 a vulnerability.
- 2 Q. Right, and does -- do you know if that vulnerability
3 includes someone who simply does not speak English or
4 cannot understand English or --
- 5 A. I don't ma'am, sorry.
- 6 Q. You don't know. All right, thank you. And to what
7 extent are they -- when we talked about tactical
8 communications earlier, is there any aspect of the
9 training that's given under that module which would
10 assist an officer in dealing with someone who is
11 non-verbal or does not speak to them?
- 12 A. Yes, we do -- in the "Medical implications and mental
13 health" module there are aspects covered in the current
14 manual that talk about some of the challenges of
15 communication. We expect that to carry forward into the
16 new manual, and indeed Inspector Young and myself met
17 a couple of months ago to look at how we ensure that our
18 programmes, which as you are aware are complementary,
19 being taser and operational safety training, that we're
20 consistent in our approach to how we teach addressing
21 issues of vulnerability.
- 22 Q. So let's look at module 4, if we may, which I think is
23 the medical implications, which is PS18539. There's
24 a section on page 21 called "Mental health guidance",
25 and this talks about:

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1 "One in four people experience a mental health
2 problem in any given year, and many come into contact
3 with the police, either as victims of crime, witnesses,
4 offenders or when detained."

5 And there's mention there of:

6 "The behaviour of someone in mental health crisis
7 can be misunderstood and can lead to someone being
8 treated in an incorrect manner. For example, behaviour
9 can be misinterpreted as dangerous and met with
10 excessive force."

11 So I think now in the manual there's a recognition
12 that people with mental health problems could be dealt
13 with with excessive force. And it goes on to say -- if
14 we can move down please, looking at the left-hand
15 column:

16 "It has been recognised that this guidance, or any
17 training received does not empower officers/staff with
18 clinical knowledge or skills, but rather provides
19 a level of understanding and awareness appropriate to
20 their role to respond confidently in situations
21 involving mental ill health or suicide intervention."

22 And does that really sum up what the aim is here?
23 We spoke earlier about officers are not medically
24 qualified, but this is an attempt to raise their
25 awareness and train them in recognising mental health

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1 concerns?

2 A. Yes.

3 Q. Where they exist. And:

4 "The focus must be to allow officers ... to make an
5 adjustment or assessment of an individual's
6 vulnerability, rather than identifying a specific
7 medical health illness, condition or learning
8 disability."

9 A. Yes.

10 Q. Then it goes on to say:

11 "A breakdown of the most common mental health
12 conditions and basic communication guidance can be found
13 in the Diversity booklet under Mental Health. Further
14 information, access to e-learning and links to support
15 organisations can also be found on the Mental Health
16 page of the Police Scotland intranet."

17 So in addition to the manual is there additional
18 guidance available to officers now about communicating
19 with someone who is suffering from mental health
20 difficulties?

21 A. Again, it's -- if there is it's outside of operational
22 safety training so I wouldn't be able to comment on
23 anything specifically, if that's okay, ma'am.

24 Q. But it certainly seems to have been referred to in the
25 manual?

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1 A. Yes.

2 Q. So for any officer who was interested they could access
3 that on the intranet?

4 A. On the intranet, yes.

5 Q. Then if we can go back to the top of that page, do we
6 then see a large number of bullet points. Although
7 they're not expected to diagnose mental illness, it's
8 important to be able to recognise warning signs and then
9 there's a large number of bullet points which are
10 highlighted as "Indicators of general concern".

11 A. Yes.

12 Q. And do we see here that "Inappropriate responses to
13 questioning", that's the third bullet point up from the
14 bottom that we see there, seems to be recognised?

15 A. Mm-hm.

16 Q. Would that include just not responding at all?

17 A. Yes.

18 Q. If that was inappropriate. And the first is "Irrational
19 behaviour" is included and then we see "Obsessive ... or
20 compulsive behaviour" is also included, and then if we
21 can go down:

22 "Poor understanding of simple questions.
23 "Speech difficulties ..."

24 And then we can go down to the bottom about other
25 personal details that might become available to the

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1 officers. Is there any training about trying to find
2 out more about the person, so if they turn up and the
3 behaviour matches one of these bullet points, the
4 indicators of general concern, are officers given
5 training about maybe looking into seeing if they can
6 find out more about the person?

7 A. Yes, we would certainly expect that if officers were at
8 scene and the operational circumstances allowed, ie the
9 risk factors allowed and they were safe to do so, that
10 they could engage with the control room to look at other
11 systems checks, for instance vulnerability databases and
12 the like, to try and gain more information on a subject.

13 Again, that would depend on the operational
14 circumstances permitting that and it being safe enough
15 to do so, but we would certainly expect that if the
16 circumstances -- if it is safe then that's an option for
17 the officers to do.

18 Q. Because depending on the risk assessment, communication
19 is one of the options for dealing with the person, maybe
20 trying to get more information or using the radio to try
21 and get more information?

22 A. Yes.

23 Q. And then on the next page, page 22, do we see that in
24 addition there's indicators of concern for the safety of
25 an individual or others and:

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1 "Behaviour which should raise concern about
2 a subject's risk of harm to themselves or others ..."

3 And then there's a number of other bullet points
4 listed and we see:

5 "Engaging in threatening behaviour towards others
6 for no obvious reason ..."

7 "Being unresponsive to others."

8 And that could presumably be being unresponsive to
9 the police?

10 A. Mm-hm.

11 Q. So is this now recognised as a possible indicator of
12 someone suffering from mental health crisis?

13 A. Yes, I think the list is reasonable. I think what we do
14 need to be cautious of is it's a long list and we've
15 got -- even in those two pages probably 30 to 40 bullet
16 points. We're not expecting officers to be able to
17 remember and recall all of them. We do expect them to
18 be able to identify general signs and symptoms and have
19 a general awareness.

20 Q. And again, at the bottom of the left-hand column there's
21 reference to another guidance booklet produced by Mind
22 entitled "Police and mental health", so again references
23 to other reference materials if they wish to look into
24 that.

25 And then can we see at the top of that page:

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1 "Effective communication with people with mental
2 health problems."

3 So again this appears to be introducing specific
4 training on communicating for people with mental health
5 problems and again there are key factors to remember,
6 and again a number of bullet points that are highlighted
7 for the officers. It says:

8 "Officers ... should introduce themselves ...
9 explain their role and what the subject can expect from
10 them."

11 Again, this will depend on their risk assessment?

12 A. Yes.

13 Q. But does this reflect an ethos that tactical
14 communication and communicating with the subject is the
15 first step for officers, if the risk assessment permits
16 it?

17 A. Yes, absolutely. Where the risk assessment permits it
18 and there's no exigent circumstances that require them
19 to intervene immediately, although even if they do
20 intervene immediately, we still do expect them to be
21 engaging in tactical communications. Some of that might
22 be directive communications, but at the earliest
23 opportunity we would also expect them to revert to
24 a more de-escalatory style and sympathetic style, it
25 just might be that that has to happen after the

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1 intervention. But it does reflect the fact that
2 tactical communications remain important right through
3 the conflict.

4 Q. So when they're being taught about tactical
5 communications now, does it really span a large
6 spectrum, both from active listening, empathetic
7 communications, the five-step positive style of
8 communication, directive, commanding communication and
9 even, say after a restraint, that level of communication
10 with the subject?

11 A. Yes, we expect -- we would expect our officers to be
12 able to communicate right through the continuum and that
13 remains important right through the continuum.
14 You know, certainly after a confrontation that can be
15 challenging because they're -- they are perhaps out of
16 breath as well, they are perhaps still recovering from
17 any confrontation, but at the earliest opportunity we
18 would want them to be engaging in de-escalatory
19 language, for instance, to be able to try and calm the
20 incident, particularly where they have had to use force
21 or restraint.

22 Q. You have used two words in that answer, "continuum" and
23 "confrontation". Now, we have heard previous evidence
24 about a confrontation continuum which was part of
25 training in 2013. That's not what you're talking about?

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- 1 A. That's not what I'm referring to. I'm just using the
2 words in their common meaning.
- 3 Q. All right, that's fine. Because as I understand the
4 evidence we have heard, the confrontation continuum is
5 no longer part of the 2017 manual?
- 6 A. No.
- 7 Q. It's now the Tactical Options Model?
- 8 A. That's right, ma'am, yes.
- 9 Q. And then if we move on to page 23 do we see that there's
10 a section -- specific section on tone and language.
- 11 Now, we have heard that in 2013 there was training
12 given about intonation and tone. To what extent would
13 you say the training on that has altered or moved on?
- 14 A. I think we are more cognisant of explaining to officers
15 what they can do and giving them genuine options that we
16 know to be informed by evidence that work, such as
17 how -- the tone and language that they use. It's
18 covered in recertification in dos and don'ts around
19 de-escalation, it's covered in initial training. And
20 again, it's what we would expect to see in
21 scenario-based training as well and be able to debrief
22 officers on their performance, their communications
23 performance when it comes down to that.
- 24 Q. So, certainly in scenario-based training will that
25 permit you to assess tone and language and body

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- 1 language --
- 2 A. Yes.
- 3 Q. -- in a way that you maybe can't do that if it's
4 a lecture?
- 5 A. Yes, and moving forward even more so. You know, the
6 work that we're doing at the moment with the
7 Police Scotland Negotiators Unit is designed around
8 putting together -- or updating our package with sort of
9 the latest research on this and then they will come and
10 upskill our instructors to be able to give them further
11 depth of understanding to support them being able to
12 debrief it effectively.
- 13 Q. Right. So in relation to that aspect of communication
14 at least, the scenario-based and face-to-face training
15 would be a more effective method of delivery?
- 16 A. Yes, it's not something I would look to seek to do
17 online.
- 18 Q. Yes, all right. Can we go back to -- we mentioned
19 a moment ago ABD and can we go back to the early part of
20 this module, module 4. Page 3 I think shows positional
21 asphyxia. Now, we have heard that there was training
22 available under the 2013 manual on positional asphyxia.
- 23 A. Yes.
- 24 Q. And that remains available --
- 25 A. Yes.

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1 Q. -- as part of the training now?

2 A. Yes.

3 Q. Do you know, has this -- I can see from my own
4 examination of it, it looks like there's a lot more
5 photographs now of positional asphyxia. Do you find
6 these to be of assistance in terms of the training? If
7 we look at the photograph that we can see here, we can
8 see a subject lying face down on the ground in the prone
9 position, head turned to one side and there are a number
10 of officers there training. Could you talk us through
11 that diagram, that picture?

12 A. Yes. Again, I haven't had the opportunity to review the
13 photographs in detail in preparation, but if I was to
14 make an assessment here I don't think that's necessarily
15 a particularly helpful photograph. I think we could
16 look to do better and indeed all of the photographs will
17 be retaken for the manual.

18 I would perhaps like to emphasise in moving forward
19 putting the subject on his side, for instance. That
20 would allow us to reinforce a positive view around
21 treatment in a post-restraint. Although that photograph
22 is not unrealistic. It's certainly not unrealistic for
23 the type of circumstances that an officer can find
24 themselves in. Giving one snapshot in time like that is
25 perhaps not as helpful as seeing something more dynamic,

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1 or if we're going to select a photograph then we would
2 want to select something that we would want to
3 positively reinforce, I would suggest.

4 Q. Because it is a very static image of one moment --

5 A. Yes.

6 Q. -- in that use of force or that restraint or position.

7 A. Mm-hm.

8 Q. Do you think that video footage and demonstrations would
9 also be useful?

10 A. Yes and, as I mentioned, we will be videoing each of the
11 techniques in the revised manual and putting them online
12 for officers, but also for instructors to be able to
13 continue to refresh themselves, giving them the full
14 breakdown of how the technique is taught.

15 Q. And in terms of -- you were talking earlier today about
16 the de-escalation. That post video footage analysis,
17 will that also be part of the new approach to the
18 manual? Will there be an opportunity to watch a video
19 and then hear some commentary on it?

20 A. We probably haven't got that far in the development.
21 Initially -- the initial stage will be to make sure that
22 every technique is videoed with the appropriate
23 breakdown taught consistently and available for officers
24 and instructors to be able to revise because again that
25 helps with instructor consistency as well. As you can

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1 imagine, that's not a small undertaking in and of
2 itself. It will take some time to do that.

3 But moving on to things such as, you know, looking
4 at scenarios and debriefs and even videoing the theory
5 lectures themselves I think has real merit and,
6 you know, I was with my Scottish Prison Service
7 colleagues only a couple of weeks back and they have
8 done that with their theory lectures, for instance, and
9 I thought that was a really worthwhile pursuit.

10 Q. So are you going to take learning opportunities from
11 discussions with the Prison Service --

12 A. Yes.

13 Q. -- in relation to -- specifically in relation to
14 positional asphyxia?

15 A. Yes, in custodial environments for the obvious reasons
16 that that's their level -- their area of expertise. We
17 have got an ongoing MOU with Scottish Prison Service and
18 an ongoing relationship around information sharing with
19 them.

20 Q. And, as I understand it, that's a minute of
21 understanding.

22 A. Yes, yes.

23 Q. Thank you. Just for anyone else listening.

24 Can we look at page 4 please and again I think here
25 we see another picture, but we can -- if we can look

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1 down at the risk factors, signs and symptoms. So again
2 we see a number of bullet points highlighted here, both
3 as risk factors and signs and symptoms. What's the
4 distinction that's made here?

5 A. The risk factors are some of those things that are --
6 I think are -- that are non perhaps physical for the
7 subject. Well, I say age and obesity and the like. The
8 signs and symptoms are more dynamic issues around
9 behavioural changes, panic, etc, whereas the -- I would
10 describe the risk factors as perhaps being more passive
11 in their sort of description.

12 Q. "Restraint", passive?

13 A. In that so much it's not a factor for the subject; it's
14 a factor outside the subject's control. The subject is
15 being restrained.

16 Q. Right, so risk factors here include age, obesity,
17 alcohol, drugs, exhaustion, fatigue, respiratory
18 illness, disability, physical position and restraint,
19 and then the signs and symptoms relate more specific to
20 the subject themselves.

21 A. Yes, and what the officer can observe during the --
22 perhaps during the restraint.

23 Q. We have heard some evidence about the reference to
24 cyanosis and I wonder if -- is that something you're
25 going to review as part of your review that's coming up?

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1 We have heard that that is a very late sign, as it says
2 there, and difficult to identify and I wonder do you
3 think there's merit in having it even listed?

4 A. We have already reviewed it because it came out earlier
5 as an issue raised in the Inquiry. Our advice was
6 sought on it. We sought advice from the force clinical
7 governance advisor on the issue, Dr Stevenson --

8 Q. Was that Dr Stevenson?

9 A. Yes, and it's now quite clearly in the new first aid
10 notes as being a late stage sign and one of which should
11 not be relied upon in making a sign and symptom
12 assessment because of the challenges that I know
13 Dr Stevenson outlined as well.

14 Q. So officers aren't trained to wait to see that --

15 A. Oh, no.

16 Q. -- before they act?

17 A. No.

18 Q. No, and is that a specific example of something you
19 mentioned earlier today that lessons are being learned
20 from the evidence that's being brought out of this
21 Inquiry to make changes?

22 A. Yes. I sit on a lessons group, a wider lessons group,
23 that has operational safety and operational first aid as
24 one of its categories and as issues arise from the
25 Inquiry it's prudent for us to act and deal with them as

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1 we move forward, rather than wait certainly to the end
2 of the Inquiry where we can identify those lessons and
3 enact them now.

4 Q. Thank you. Can I move on to page 5 please. We see here
5 restraint is mentioned, left-hand side. We might not
6 see the full extent of that, but if we have a look from
7 the beginning:

8 "If a subject is placed in the prone position during
9 restraint, breathing can become more difficult, due to
10 the internal organs putting pressure on to the
11 diaphragm. If the subject's arms are restrained to the
12 rear, the ... muscles can be affected ..."

13 Then there's a further section about restraining the
14 subject and:

15 "During the process of restraining a subject the
16 officer ... may be required to use body weight to
17 restrain a subject. This additional pressure to the
18 upper body in addition to police restraint techniques
19 may restrict the subject's ability to breathe and
20 subsequently cause the subject to struggle harder in
21 an attempt to breathe. This struggling could be
22 misinterpreted as an act of violence directed towards
23 the officer who as a natural response might apply
24 additional pressure to the subject in an attempt to
25 restrain them further. Officers should be aware of this

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1 cycle of events and the possibility of causing
2 positional asphyxia."

3 We have heard evidence about this issue, about the
4 use of pressure or body weight being applied to
5 a subject and the risk of positional asphyxia. Can you
6 help the Chair understand how are officers trained about
7 these risks and how to mitigate those risks?

8 A. Yes. Certainly as read there officers are given an
9 awareness of the concerns and the risks around restraint
10 as it comes -- as it applies to positional asphyxia.
11 We're cognisant that it's not necessarily realistic to
12 expect officers at no time to be placing pressure on
13 a subject they're looking to restrain, but that's why we
14 are -- we continue to work towards faster, safer
15 restraint because the safest thing we can do is restrain
16 a subject as quickly as possible and then look to take
17 the mitigating actions that we teach officers about
18 getting them onto their side, sitting them up and
19 standing them up.

20 Now, officers get this in their initial training,
21 not only in dealing with this specific topic but again
22 where it's relevant in the physical skills syllabus,
23 such as, for instance, ground pins and ground holds or
24 the like. It will be covered again by the instructor at
25 that point in time to remind officers of the concerns

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1 and risks around positional asphyxia and what they need
2 to do to mitigate it. Same when it comes to,
3 for instance, leg restraints or violent prisoner teams
4 and the like, and they would get that in recertification
5 as well. So each year they get a reminder and
6 a refresher on the QPA -- sorry, positional asphyxia,
7 and then through their physical skills section are
8 regularly reminded as to where the risks sit and we want
9 to mitigate them at the earliest opportunity.

10 Q. And if a scenario -- as part of the scenario training
11 there is a restraint carried out, would it also -- the
12 training be refreshed as part of that?

13 A. Yes, we expect the officers to be able to show, where
14 they are involved in a restraint, they're taking the
15 mitigating actions and we actually take that one step
16 further and have integrated a medical scenario in one of
17 the scenarios where potentially a subject becomes
18 non-responsive and the officers are required to then be
19 able to identify that and then take actions, the
20 appropriate first aid actions from their operational
21 first aid syllabus, to blend and integrate that training
22 so that they're aware of the requirement to continually
23 manage the subject and monitor the subject.

24 Q. Was that in the pack that we -- that scenario in the
25 pack that we looked at earlier today?

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1 A. Probably not, that's this year. So we give the officers
2 the opportunity -- the instructors the opportunity to
3 pick which scenario is appropriate for them and to
4 provide a medical emergency -- now, it might be
5 a catastrophic bleeding incident, it might be
6 a positional asphyxia incident.

7 MS GRAHAME: I will maybe come back to that if we can.

8 Perhaps that would be an appropriate time to finish.

9 LORD BRACADALE: Yes. Well, we will sit again at 10 o'clock
10 tomorrow morning.

11 (4.15 pm)

12 (The Inquiry adjourned until 10.00 am on Wednesday,
13 6 December 2023)

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INSPECTOR DAVID BRADLEY1

(affirmed)

Questions from MS GRAHAME1