



The Sheku Bayoh Public Inquiry

Witness Statement

Retired Police Officer Kevin Houlston

Taken by [REDACTED]

Via MS Teams

On Friday 2 June 2023

Witness details

1. My name is Kevin Houlston. My details are known to the Inquiry.

Professional Background

2. I served with Lothian and Borders Police and thereafter Police Scotland for twenty-nine years and eight months. I joined Lothian and Borders Police in October 1992.
3. I am currently retired and doing ad hoc work. [REDACTED]
[REDACTED]
[REDACTED] I stopped working just over a year ago.
4. I can confirm I was a Police Scotland employee as at the 3 May 2015. At that time, I was a Detective Sergeant in the National Child Abuse Investigation Unit. It was a newly formed national unit. So, it was a small team that was based in Livingston, West Lothian.

Signature of witness

5. The National Child Abuse Investigation Unit, formed in January of 2015. It was very much still establishing itself and trying to find its feet, but we covered the whole of Scotland. In May 2015, the Unit was probably just finding its spot and finding its feet, trying to actually find its place within Police Scotland. We served a dual purpose to advise and support local public protection officers for any complex or serious child abuse investigations.
6. I have been asked whether in addition to this role, I was also a Family Liaison Officer (FLO). Yes. When I started in the Child Abuse Unit in 2015, that was my first promoted job, so I was promoted into that as a Detective Sergeant.
7. Prior to that I had been a Detective Constable within the Major Investigation Team. I had been working in that kind of area since 2008.
8. In 2008 when I was still serving with Lothian and Borders , I transferred from the original CID to what was Lothian and Borders' old major crime team. I remained within that area of work until I was promoted in 2015, and then I actually did a year out of that and I returned back to the MIT in 2016 as a Detective Sergeant.
9. In addition to some of the core roles that we had, as a number of officers were, we were trained in other specialisms that operated within Major Investigations, family liaison being one of them.
10. I have been asked if I was a Family Liaison Officer up until the point of my retirement from Police Scotland. Yes, I was trained up until the point I retired, but after I was promoted from Detective Sergeant to Detective Inspector, there was never an occasion that I would be deployed as a FLO after that.
11. Detective Sergeants are generally only deployed as FLOs when that deployment requires someone with greater experience or supervisory capacity. More often than not, it would be Detective Constables. Detective Sergeants,

Signature of witness



they are the people there is the need for to undertake that role, for their experience.

12. My training lasted until the point that I retired, but after I was promoted from Detective Sergeant to Detective Inspector, I was never utilised as a FLO.

FLO Training

13. I was trained as a Family Liaison Officer in 2006. I completed training at the Scottish Police College at Tulliallan.

14. I have been asked how long the course was. The FLO course is a week-long course. A five-day course.

15. I have been asked whether the FLO course is still the same duration. Yes. Up until the point I retired, I used to go up and provide input and assistance to the FLO course. I continued my involvement with family liaison as a FLO, and I progressed into other supervisory management roles within the family liaison sphere.

16. I have been asked whether it was my choice to train as a FLO. Yes. The role of Family Liaison Officer is such that, if officers wanted to undertake that role, you have to apply for it. There is a selection process that takes place. There is an application form that you fill in. There is a selection process where Family Liaison Co-ordinators carry out a selection process, which at that time actually involved an interview as well. At that stage, I was selected, and I was put forward for training. That's the process that applies. It certainly still did at the time when I left the police last year.

17. I am now referred to the Police Scotland Family Liaison Standard Operating Procedure 2014 (PS10991). I have been asked whether I was aware of the Family Liaison Standard Operating Procedure that was in place as at the 3 May 2015. Yes, I would have had access to that. Was it something that I referred to or looked at on a regular basis? Probably not, because at that time I would

Signature of witness ...



consider myself to have had a reasonable amount of experience, and to have a solid understanding of what was involved in that.

18. I have been asked whether I recall mention of any Standard Operating Procedures for family liaison in the FLO training course and/or the family liaison CPD events mentioned. Potentially not the CPD events, but it certainly would have been referred to in the initial training. It would form the basis of the training, to be quite honest with you.

19. I have been asked if the CPD events were mandatory for FLOs to go to. No.

20. I have been asked whether an SIO would attend family liaison CPD events and whether it is mandatory for an SIO to attend such events. Yes, an SIO would attend. No, it is not mandatory for an SIO to attend.

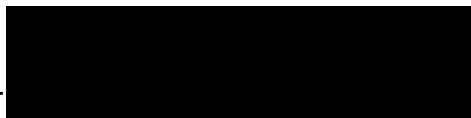
Equality & Diversity Training

21. I have been asked whether I recall receiving Equality and Diversity training as part of the family liaison course I undertook in 2006. Yes, I think is the short answer. To what extent and what was involved with that? I do not know.

22. It was touched on within the course, various cultural diversity issues that you were likely or potentially could encounter as a FLO. The content of that course, within the course, from 17 years ago, I am afraid I cannot remember that.

23. I have absolutely no doubt that that will still be contained within the FLO course. When I mentioned earlier that I was involved in the training up to that point, my involvement in the training was only such that I would go up and have input to prospective FLOs, or FLOs that were being trained, in relation to the SIO role and how that interacts with the Family Liaison Officer.

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24. I have been asked whether I provided input into FLO training up until the point of my retirement from Police Scotland. I was involved in providing inputs, a specific input, into the Family Liaison Officers' course. My input would be probably about a one-hour input during that week-long course.

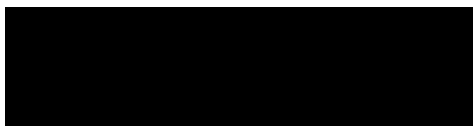
25. I have been asked whether it is my observation that the equality and diversity training on the FLO course became more elaborate over the course of time. I do not know is the short answer to that, to be quite honest, because I was not involved in the development and delivery of the training, other than the inputs that I had. I would hazard a guess and say that absolutely it would be. There would be learning they would be taking from inquiries, not only within Scotland but nationally, and that would have been implemented into the course.

26. I have been asked how I have applied the lessons learned from equality and diversity training on the FLO course in my time as a Family Liaison Officer. I would struggle to say how that was the case. Yes, you were given an awareness of that. Your learning, as a Family Liaison Officer, developed more with the deployments that you got over anything else.

27. Whilst the training provided a grounding and an understanding of a number of issues, you were getting that experience and that learning from the deployments and speaking to other FLOs. There were CPD events that took place on an annual basis. There were conferences that took place, case studies, amongst other things, that were presented, about FLO deployments that had specific challenges and difficulties. There was learning that was taken from that.

28. The training that you got, initially provided you a grounding and a basis for that, Probably a huge amount Police training, to be quite honest with you, is that you get that basic framework from the time you spend at the college, but the real

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learning comes through deployments and experiences as you are working through that.

Experience: Applying Equality & Diversity training and Lay Advisors

29. I have been asked about any professional experiences I have had as a FLO where I have had to consider any adjustments against culture and diversity when considering how to approach the bereaved family and meet their needs. Every deployment that I had was different, unique. You would have to just assess that and approach it as it came along.

30. From a cultural diversity point of view, the one deployment that springs to mind for myself was a deployment that I had along with another officer to a Gambian male that was shot [REDACTED] a number of years ago. [REDACTED] his family were primarily based in Gambia, so there were a number of issues to overcome about that and how we engaged with the family, and how we managed to get the family over to the UK. [REDACTED]
[REDACTED]

31. We used Lay Advisors during that particular inquiry. That was an avenue that was always open to us as FLOs. For any inquiry where there were some cultural issues that we needed to address, there were Lay Advisors who were on hand that we could go to, to seek advice and guidance about various cultural issues. Each deployment was different, and you gauged the response and how you dealt with the family, dependent on the circumstances and the family that were involved and what their needs were.

32. Some families, during FLO deployments, required more interaction and more direct contact. Other families were quite happy that the contact was kept down to a minimum.

Signature of witness [REDACTED]

33. There was no 'one-size-fits-all' method in relation to how you actually deployed and dealt with families. There were certain aspects that you had to cover and work your way through, processes that you had to follow, but how you dealt with the family varied entirely on the specific circumstances of the family involved.

34. I have been asked what the Lay Advisors advised me when responding as FLO in the case involving a Gambian shooting victim. I think, in that regard, the one thing that sticks in mind was the information that they were able to give us round about the wider way that Gambian families were organised, and how they refer to themselves and how they interact and how they fitted into the wider community.

35. Again, from memory, I still cannot think how many years ago that was. It was a long time ago. [REDACTED]
[REDACTED]
[REDACTED]

36. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] I do not think I was aware at that particular time about how tight knit the Gambian community was [REDACTED]
[REDACTED], and how closely linked they were, and the way that they actually met and communicated with each other. So that is the one thing that sticks in mind from that.

37. I have been asked whether FLOs would contact Lay Advisors for guidance for other issues than factors arising from cultural and diversity considerations. Primarily for some cultural diversity issues, I would suggest. If there was expert guidance you needed on other matters, you would look for that potentially elsewhere.

Signature of witness [REDACTED]

38. I have been asked where you would look. You would use your initiative and actual investigative skills to try and find something out. There were a few places that you could go to, to actually try and find that. Certainly, I know that, from a Lay Advisor's point of view, we had a list of Lay Advisors who could provide guidance in relation to different cultural communities. In addition to this Family Liaison Co-ordinators were on hand to provide advice and guidance as required

FLO Duties & Investigation

39. I have been asked whether it is correct that FLOs are primarily investigators. Yes, they are primarily investigators however they serve a dual purpose in all investigations with a secondary, but equally important, role of acting as a link between the SIO and the family to provide them with relevant information.

40. The primary one is that of an investigator. FLOs are part of the inquiry team, and they are a very important part of the inquiry team, because more often than not there is information that would, without a doubt, be relevant to the inquiry which has to be obtained from the family. On some occasions, more so than others, but there will always be information that will assist the inquiry that FLOs are able to obtain. From that regard, they are very much part of the inquiry team.

41. FLOs are appointed so that the families of bereaved persons have a continuity in the people that they come into contact with. This is so that you do not have different officers that are coming in to see the family on different occasions. You have that training that is involved, prior to being deployed. There is that continuity with your involvement with the family, and there also is a link between the family and the inquiry, or specifically the SIO.

42. As much as we are investigators who obtain information from the family to assist the investigation, we are also there to get information from the inquiry,

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from SIOs specifically, and provide that to the family. Families who were involved in incidents require the deployment of FLOs as they are seeking information and answers to what exactly has happened.

43. I have been asked whether families are aware that FLOs are investigators. One hundred per cent. That is one of the first things that we would explain when we come into a family, that we are part of the inquiry team. We are investigators. We fully explain all of that, and the reason behind that is just to clear up any confusion that there may be that we act independently of the inquiry team, or that our role is independent of that.

44. We are there to support the family and provide them with information. That becomes particularly important on occasions such as where you have suspects within the family, for example. So, yes, that is one of the very first things that we explain to a family when we are there. I would explain what my role is as part of the inquiry.

PIRC & Police Scotland FLOs

45. I have been asked if there are any differences between operations of Police Scotland FLOs and PIRC FLOs. I would have thought not. I do not have any of the right knowledge of how PIRC FLOs operate, but I believe their training is the same. Get that confirmed from somebody who is directly involved in the training of FLOs, but my understanding is that their goal would both be the same.

46. I have been asked whether PIRC FLOs attend the same training course as Police Scotland FLOs. My understanding is that they do, but again, somebody who is involved with the FLO training up at the Police College will be able to provide you more direct information on that, but certainly from my involvement in the 'FLO world', again, that is the case.

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47. I am now referred to the Police Scotland Death or Serious Injury in Police Custody Standard Operating Procedure 2013 (PS11295) (PS Deaths in Police Custody SOP 2013), at paragraph 5.8:-

The PIRC may elect to deploy their own FLOs, however; it may be that, for logistical reasons, a police FLO will require to be deployed in the initial stages. Discussions and careful negotiations will take place between the PIRC Senior Investigator and the SIO; ideally an independent FLO will be deployed.

48. I have been asked whether, and how, PIRC and Police Scotland FLOs might work together logistically, in circumstances where PIRC FLOs are not as readily available as Police Scotland FLOs might. I am aware that this is in reference to the specific circumstances around this Inquiry. Again, both as a FLO and an SIO, I have never had any exposure to having to work with PIRC FLOs in any kind of collaborative form. I would suggest that I could not answer in relation to the Standard Operating Procedure in relation to deaths in Police custody.

49. I am now referred to the Police Scotland Family Liaison SOP 2014 (PS10991) (PS Family Liaison SOP 2014) at paragraph 6.1.2:-

Where COPFS has directed an independent investigation in the case of [...] Deaths in police custody [...] fully trained independent Family Liaison Officers will be deployed by the Senior Investigator of the Police Investigation and Review Commission

50. I have not had any experience of how PIRC and Police Scotland FLOs can operate collaboratively. As far as deaths in police custody are concerned, I would have thought as well that given that we have someone who has died in police custody, it would be problematic then to have Police Family Liaison

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Officers go in with the family, for clearly obvious reasons because they do not have that independence that PIRC have.

51. I have been asked whether, in my professional opinion and given my working experience, there could be benefits to Police Scotland FLOs and PIRC FLOs working more collaboratively in the future when responding to incidents. Yes, I can understand the direct question however in the main it is for PIRC FLOs to engage with the family.

52. But, yes, albeit I appreciate from reading the above SOPs there is an apparent contradiction, if the opportunity arises, particularly during the initial stages of an investigation and there is a practical need to do so then I do not see why not if it is not going to compromise the investigation. If the family do not have any objections then by all means I do not see any barriers to that. There are obvious places it would arise. I do not know about how the family would receive Police Scotland FLOs. It would depend on the circumstances that are being investigated. I am aware that, practically, the resilience from Family Liaison Officers within PIRC is probably significantly less than it is within Police Scotland. I do not know how many Family Liaison Officers PIRC have, but it is clearly going to be a lot less than Police Scotland have.

Deaths in Police Custody & FLO Deployment

53. I have been asked whether I have had any exposure to deaths in police custody as a FLO. No.

54. I have been asked whether it would usually be the case that a Police Scotland FLO would be called out when there has been a death in Police custody. I do not know the answer to that if I am honest. I would imagine yes, but again, I do not know the specific answer to that I'm afraid. Sorry.

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55. I have been asked if I am aware of the procedural expectations and what might be expected from a FLO when deployed in the event of a death in Police custody. The role in relation to providing the family with information would be exactly the same. Again, the role in relation to obtaining information again, would be probably similar. Again, I am kind of guessing.

56. My knowledge of what the processes and procedures are, or what should and should not be done for this, are purely because I have had no operational exposure to that in fairness.

Delivery of Death Message

57. I am now referred to the PS Family Liaison SOP 2014 (PS10991) at paragraphs 6.2.1 and 6.2.2:-

6.2.1 Families of bereaved persons should be informed of the fact of death as soon as is practical by an appropriately briefed police officer.

6.2.2. As a general rule, a FLO should not be deployed to deliver a death message as this may delay the process of informing the family.

6.2.4. The deployment of a FLO to pass a death message would conflict with this requirement thereby compromising the Risk Assessment process. Where a decision is taken to deploy a FLO to carry out this task, careful consideration as to the circumstances and reason for doing so must be made by the SIO and such decisions should be recorded in the SIO Policy File and FLO Log Book

58. By way of example, I have been asked whether I was tasked as a FLO to deliver the death message to the family of the Gambian shooting victim. No. I think

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locally it may have been done by the officers. Internationally, with the family, we would have had to use some sort of assistance, for the family to be contacted abroad, for them to pass that message.

59. My experience is that FLOs are not involved in passing the death message. That, for a number of reasons, is done prior to our deployment, certainly on all occasions that I have ever been deployed.

60. I have been asked whether it would be expected that a FLO would deliver the death message to a family in the context of a death in Police custody. The only issues you would have with FLOs delivering death messages is, it is twofold.

61. One is that FLOs, as part of, not specifically in relation to deaths in custody, but other investigations, is that, as a FLO you are required to build up a relationship and a rapport with the family that you deal with. It is absolutely crucial as the deployment progresses.

62. What was probably touched upon in training, and I know that I have talked about this with other people previously. As a FLO, if you pass the death message, the family associate you as the individual who has turned up at the house and provided that horrific news to them. That immediately puts up a bit of a barrier, but it makes it then quite difficult to build up that relationship and rapport with the family that you are dealing with.

63. Secondly, and this is something that I remember conversations I had as an on-call, and as an SIO with individuals, is that it takes a wee bit of time for FLOs to get called out and actually be properly deployed. Time is of the essence, I would suggest, in these circumstances. So if you have information that you know an individual has died, not necessarily in police custody, but has been murdered, or a homicide, the earlier that you can contact that family and at least update them and make them aware of that information, the better.

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64. Certainly, in this day and age, probably more so nowadays with social media, the problem is that we have an incident with police officers, and the tape goes up and there is lots of police activity, and that is splashed over social media exceptionally quickly. So people in the local community become immediately aware of it.

65. There is an element that, once you have identified an individual, basically you need to find the family, identify the family and pass that message to the family, in relation to the death, and it does not have to be FLOs that do that.

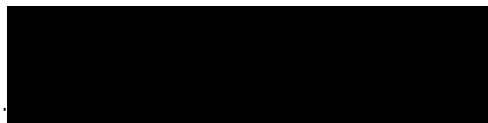
66. In fact, for the reasons that I mentioned before, there are reasons why it should not be FLOs that do that. Those are the processes, but I understand there are occasions that some SIOs might want to deviate from that.

67. I have been asked what would be considered a reasonable timeframe between establishing the identity of the deceased and next of kin of the deceased, and delivering the death message. I would say that it is difficult to put an exact time on it. I could not say, for example, it must be done within ten minutes or an hour, or two hours. It would be impossible for me to say that. My own views are that it should be done as soon as possible, unless there are circumstances that dictate otherwise, whatever they might be. I do not know.

68. I have been asked if there are any examples of circumstances I could give regarding delay of delivery of the death message. No. I am sure I have, but off the top of my head just now, counting up the times where there has been a reason for delayed contact with the family. A lot of the time, for example, you need to get confirmation.

69. Identity is a big thing as well: How certain are you that the individual that you have got who is deceased is the person that you think it is? Being able to one-

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hundred per cent confirm who the next of kin is as well, and ensuring their details are accurate, because those messages have to be passed in person. You cannot contact someone by telephone or by any other means. To make that initial contact it needs to be a police officer or an officer from Police Scotland to pass that message.

70. So, have I previously operationally been involved in cases where there's been a delay passing that message? I cannot think of anything off the top of my head, but that is not to say that there have not been.

71. I have been asked whether it is my understanding from the Police Scotland Family Liaison Standard Operating Procedure that an SIO can direct a FLO to deliver a death message to a family. As an SIO, I have never come across that on a crime that I dealt with where, to the best of my knowledge, I have asked FLOs to deliver the death message. As a FLO, again, this is to my recollection, I do not think there has ever been an occasion where I have been asked to actually pass the death message on. That has never been done, and I remember as an on-call Detective Inspector for the MIT, certainly, I had conversations with divisional Detective Inspectors when they had asked the question, "Should we wait for the FLOs to contact the family?" That response was almost invariably, "No". However, whilst I have never encountered this operationally there could be, as the SOP refers to, circumstances where the SIO decides to deviate from standard practice and would request a FLO to pass the death message.

72. There is nothing that should stop sending, probably, Detective Officers rather than uniformed officers round, just because they generally have more experience, and to at least contact the family, and provide them with information, or at least inform them of the death. At that stage they would tell the family, "The Family Liaison Officers will be in touch with you."

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73. I have been asked against that background whether the officers attending the home to deliver the death message to the bereaved family would be expected to deliver the death message in brief terms whilst FLOs are awaited. Absolutely, yes.

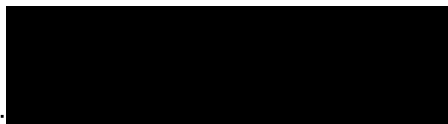
74. I have been asked whether it would be for FLOs to deliver more substantial information around the death, after the death message is delivered. The information that the FLOs are able to deliver is dictated entirely by the SIO.

75. As an SIO, and certainly as a FLO at the deployment side of that, I would make a point of sitting down with the SIO and say, "Right." If you can anticipate the questions to a certain extent that the family are going to ask, it is to ask the question, "What information can I give them at this particular time?" You are needing to go as far as to say, "If they ask me this, am I allowed to say this, or what can I tell them?". The information that you are able as a FLO to provide to the families is dictated entirely by the SIO.

76. There are very good reasons for that because certainly at the early stages of any investigation, the picture can often be unclear and a bit confusing. It is absolutely essential that the information that you are giving to the family is verified and is accurate, because the last thing you should be doing to a family who are going through this is to go back to them and say, "The information that I gave you earlier on was incorrect," and change that. That is not fair to the family. It then causes issues that the family does not have trust in the information that you are giving them.

77. So, by and large, the interaction that you would have with the family as a FLO and the amount of information that you're able to give them, almost invariably, is very, very limited.

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Family Liaison Strategy

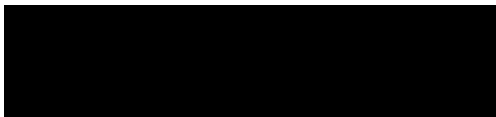
78. I am now referred to paragraph 8.1 of the PS Family Liaison SOP 2014 (PS10991):-

8.1.1 It is essential that prior to any FLO deployment the SIO/SIM has formulated a family liaison strategy. The strategy should set out the objectives for the liaison between the family and the investigation and are the basis for tasking the FLO. These objectives should include:

- Gathering material from the family;*
- Obtaining Victimology;*
- Keeping the family updated on the progress of the investigation;*
- Ensuring the investigation is not compromised by the disclosure of information; and*
- Police and family media strategy.*

79. I have been asked who is responsible for devising the Family Liaison Strategy. The strategy essentially belongs to the SIO, as all strategies for the major investigations do. The owner of all these strategies is the SIO. However, as you can appreciate, the SIO, certainly in the earlier stages of any investigation, it is a physical impossibility to sit down and devise strategies for everything: family liaison, media, house-to-house, crime scene management, CCTV. You know, the list is really extensive. So that strategy, along with a lot of the different specialisms within major investigations would be devolved down to the individuals who are responsible for implementing them operationally, with oversight and guidance from the SIO as to the operational objectives.

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80. Usually, what I would say is that it would generally be a Family Liaison Coordinator who would be responsible for tying in with the SIO and devising the FLO strategy. So what then would happen is that the FLO strategy would be devised, the SIO would be given sight of it, and would stress any changes that they feel would be necessary to that.

81. Against the background of the SIO instructing the information the FLO can impart to the family, I have been asked whether that information forms part of the Family Liaison Strategy. Not necessarily part of the strategy itself. It would in so much that what the Family Liaison Strategy would entail, at times, is that all information that should be provided to the family must be clear and provided by the SIO.

82. It will circulate in all Family Liaison Strategies that the information provided to a family must be clear and accurate. So the information that, as FLOs, are cleared to provide the family at that particular time would not necessarily be incorporated into the strategy document, but I would certainly record that within the family liaison log.

83. There is a log book that is specifically for family liaison which records all interaction with the family, so when you deploy as a FLO, that information will be recorded in that FLO log, and that would include the information that you provided to the family at your initial meeting.

Pre-deployment FLO Requirements & Risk Assessment

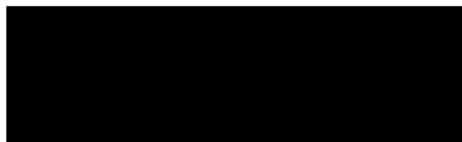
84. I am now referred to paragraph 6.2.3 of the PS Family Liaison SOP 2014 (PS10991):-

6.2.3. A Risk Assessment should always be carried out prior to a FLO being deployed to a family and attending the family home.

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85. I have been asked about any required paperwork or operations that a FLO would have to consider before they are actually deployed. Generally speaking, as a FLO, you would arrive at wherever the inquiry was based. You would speak with the SIO to get an understanding of what the inquiry involved, who the next of kin were.
86. As a FLO, I would also make contact and communicate with the officers that have passed the death message. There's a Risk Assessment that requires to be done before FLOs are deployed to ensure that, as an SIO, you're not deploying FLOs to an address where you haven't really assessed the risk at that address, or the individuals who might be present there. As FLOs, you would be involved in actually getting information to complete that risk assessment as well.
87. There are two forms: There is a Form 1 and a Form 2 of the FLO Risk Assessments that need to be completed. The first is the Initial Risk Assessment, and then the second one is the Ongoing Risk Assessment. You might not necessarily actually sit down and fully complete that form prior to the FLO being deployed, but at the very least you would have done an Initial Risk Assessment as to any professional risks that might be presented to the FLOs on deployment to the address.
88. Thereafter you would have the sit-down meeting with the SIO, who would be quite specific as to what information you are going to provide to the family, and then you would be deployed out to the family. There is a wee bit of work that is involved. It is not just a case of turning up at the police station, speaking to somebody and saying, "We will speak to whoever that may be at that address, go and be a FLO." There is more involved than that.

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89. I am now referred to paragraph 8.6.3 of the PS Family Liaison SOP 2014 (PS10991):-

8.6.3 An individual risk assessment should be recorded in writing detailing what areas have been considered, risks identified and any action or control measures put in place to address the risk. Prior to the deployment of a FLO, the officer passing the 'death message' should gather and record relevant information on Risk Assessment Form 1 to enable a suitable and sufficient specific risk assessment to be developed from the Generic Risk Assessment Form.

90. I have been asked whether the police officers who deliver a death message contribute to the pre-deployment FLO Risk Assessment. Yes, absolutely. They would have some information as to who was present at the address when they called there; the occupants of that address there; any of the information about the death message that was passed ; how that was received; and, what the deceased's next of kin's response to that was.

91. The officers will try and give an understanding and an indication as to what reception the FLOs might receive when also they attend that address. The officers who pass the death message probably form the bulk of the Risk Assessment.

92. There are regular checks that can be done in addition to that. Where you have a really fast-moving investigation where there is a degree of urgency in getting the FLOs out to go and engage with the family. It is sometimes not always possible or practical or reasonable to get all these internal checks done in the background before you do that. As with the SIO, I suppose you have a responsibility to ensure that you are happy, that the Risk Assessment has been done before you actually turn up at somebody's door.

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93. I have been asked if PIRC FLOs have the same responsibilities regarding Risk Assessments. Again, I do not know. I am sure that the PIRC will have a Standard Operating Procedure in respect to Family Liaison. I would guess that it is based quite significantly on the Police Scotland one I would suggest. Again, that is, 'I would guess'. I would like to think that there is an element of Risk Assessment that is built into that.

Identifying FLOs for Deployment

94. I am aware that the 3 May 2015 was a Sunday, and have been asked whether Sunday would be considered 'out of hours' for FLOs. Family Liaison Officers operate within all divisions. It is not a day job. It is a specialist role that officers have throughout Police Scotland.

95. There is no planning. There certainly was not at that time, and there is not any planning that is there now, around about ensuring that there is an on-duty capacity of Family Liaison Officers at any given time within Police Scotland.

96. It is entirely dependent on who happens to be on duty at that particular time. There is no on-call system for Family Liaison Officers, so you will have a cadre of officers who are on call for a particular time. There may be instances where there are lots of FLOs on duty, maybe some cases when there is not. There is continuous monitoring to ensure all divisions maintain a sufficient cadre of FLOs to ensure operational resilience however ensuring there is an on duty capacity would be extremely difficult given this may one of a number of specialist skills an officer has in addition to their core function

97. As far as a Sunday is concerned, it is really just down to luck as to how many FLOs would be on duty at any particular time. FLOs by their nature tend to be Detective Officers, so tend to work within divisional CID offices or Family Protection Units.

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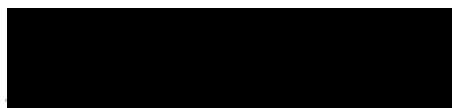
98. There are a number of uniformed officers who are trained as FLOs but by and large it is detective officers who work within that field. As to how many FLOs are going to be on duty, it absolutely depends.

99. I have been asked, given that there is no 'on-call system,' how an officer or SIO might go about identifying an on-duty FLO. There is a setup within the SCOPE, the computer system SCOPE. You can search on that for various specialisms, and you can look to see who is on duty at that particular time. You can search for a specialism, you can look to see who was on duty at that particular time, and then work through that list. That can be quite time-consuming.

100. That would be the only way to actually try and identify which FLOs are on duty at that particular time. Family Liaison Coordinators sit within each of the divisions, so each of the territorial divisions have a couple of Family Liaison Coordinators who form an administrative role within these divisions: they are responsible for maintaining the cadres of FLOS, nominating officers for training, that sort of thing. If it was during office hours, the Family Liaison Coordinator for that, bearing in mind what is on, the quickest way to do it would be to contact the local Family Liaison Co-ordinator and ask: "Can you provide us with a FLO or two FLOs?"

101. I have been asked whether the quickest way to identify an on-duty FLO would be to contact the Family Liaison Co-Ordinator directly. It is six and two threes, to be honest with you. Normally that is physically quicker than going to the computer system yourself and having a look at it. As far as the processes that are in place are concerned, the first route should be through the Family Liaison Coordinator, but they are often, certainly on a Sunday, not on duty. So what happens in practice, generally speaking, is that you would use the SCOPE system to try and identify Family Liaison Officers. More often than not, someone would be tasked with identifying Family Liaison Officers, and getting them out or getting them to the incident room, wherever that might be.

Signature of witness



3 May 2015 – Date of Sheku Bayoh’s Death

102. I have been asked whether I was on-call as at the 3 May 2015. No, I was off duty. I would need to check, but certainly in the initial stages of the Child Abuse Investigation Unit we were working Monday to Friday. I know that latterly, after a few months we moved on to work some weekends to provide some weekend coverage, but I was off duty. I was off duty on that particular Sunday.

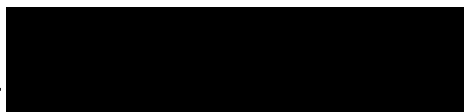
103. I have been asked to describe, to the best of my ability, my involvement of the events and the Police Scotland response occurring on 3 May 2015. I will provide this with a caveat that my memory is limited in respect of specific events.

104. What I should say at this point is, and maybe I should have referred to this before. I anticipated that I might be asked this. The fact that I was contacted rather unexpectedly after eight years down the line, my question to the police officers that contacted me to make me aware of the SBPI wanting to interview me was, “Can you explain to me the context as to why you want to speak to me?”

105. I was made aware that I was referred to in some evidence provided by Wayne Parker, and in evidence provided by Detective Superintendent Campbell. What I would say at this point is that I have looked at the online evidence that is there, specifically to look at how that relates to my involvement with it. I thought it’s probably best to make the SBPI aware of that at this particular juncture.

106. When I was contacted by phone that day, I cannot remember who it was who called me.

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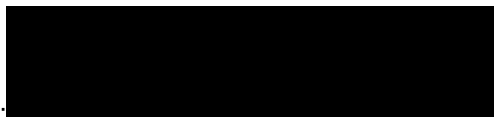
107. I have been asked whether I attended Kirkcaldy Police Station that day. I did. I did attend. That is one thing I can actually remember. I can clarify that now.
108. As far as the timing of that is concerned, I have no documentation available. The daybook that I had is no longer available. What I did do, prior to this SBPI interview, was that because I was off duty, I would have logged my hours that I was on duty on the SCOPE system because I would have claimed for the times that I was working on that particular day. I am recorded on that system as being on duty from 1500 hours.
109. So that probably is an approximation because what I am absolutely certain of is that I would not have stopped and checked the time and logged the time of A, when I was called, or B, when I arrived at Kirkcaldy. Again, can I remember where I was at that particular time? No, I cannot. I think I was at home. There is nothing that sticks in my mind to say that I was out the house and away somewhere else when I was called at that time.
110. I think the most likely sequence of events from having been contacted would be that I would have gone to Livingston Police Station to pick up both a police vehicle and my bag. Within that, I would have my notebook, my daybook, statement forms, other sort of pro forma forms that I would generally sort of carry about as an inquiry officer. I do not have a real recollection of that specifically, but if I think about it, the most likely sequence of events would have been: phone call; going to Livingston Police Station, [REDACTED]; pick up a vehicle and other items that I needed; and then make my way from there directly to Kirkcaldy Police Station.
111. I would suggest that three o'clock that I'm shown as being on duty from, it would be more likely to be the time that I arrived at Livingston, or round about that time. Again, that is with the caveat that I would not have checked my watch and stopped and noted and logged the time. I am not using that as an excuse, there would

Signature of witness .. [REDACTED]

really have been no reason for me to have done that, at that time. My focus certainly was more on getting my things together and getting to Kirkcaldy as quickly as I possibly could.

112. I guess I do recall being called. I cannot remember who by, the timings of it I cannot remember, other than the check with that system that I have made. But I arrived at Kirkcaldy Police Station. I cannot remember exactly who I spoke to in what order, or what I did. I remember I did speak to Superintendent Campbell at some stage, probably fairly early on after arriving. The only thing that specifically sticks in my mind is that there was a fair delay. It was quite a considerable delay in the time between me arriving and the other Family Liaison Officer arriving.
113. When I was called, I was given the general nature of what was taking place. I was told at that time as well. I am fairly sure that the SIO was looking to deploy Family Liaison Officers that were independent to Fife, so non-Fife-based officers, which made perfect sense to me at the time.
114. When I arrived at Kirkcaldy Police Station I remember there being a significant delay between me arriving and the other officer arriving, who was a female FLO, who was coming from Crieff. I can specifically remember being told that the other FLO was coming from Crieff. I was aware of that.
115. How long that was, I just don't want to say. I would suggest it was at least an hour because I can remember becoming quite agitated. Maybe it will be down to the distance and so on, and bear in mind that as FLOs and as police officers, we do not necessarily sit in the house just waiting for the phone to ring. I remember there being a delay in the other FLO arriving and, from memory, quite a significant one because I was becoming, I think, probably concerned for my statement. Maybe agitated is not the right word we want to use but I was becoming a bit concerned about the delay in the other FLO arriving.

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116. I am aware, because I have had cause to look at it, that Wayne Parker refers to doing a briefing with us. Wayne Parker being one of the officers who then passed the death message to the next of kin. I have no memory of that. I am certain it happened. I am absolutely certain of that. I would have expected that to have happened, and I am certain that that happened but, unfortunately, I have no specific memory of that, or what information we were given at that meeting.
117. I have been asked whether I remember being present at a meeting that day with the officers who delivered the death message. No. I have got no memory of ever sitting down with the officers who passed the death message at all.
118. I remember speaking to Detective Superintendent Campbell. I did that many times. I spoke to him during that time. I remember I was asked by the staff from Operation Tarn when I was contacted about whether I was briefed. Again, I remember having a conversation with Superintendent Campbell and him giving a background to what had happened, just the brief circumstances of that. I would imagine, again, the details of the next of kin.
119. I believe then we were probably told at that point in time that there were other officers who were out speaking to the family but, again, that's almost an estimation in my part. Do I specifically remember being given a briefing by Detective Superintendent Campbell in respect of the matter we have talked about previously, you know the one where we're sitting down and saying, "Right. This is information you can give out to the family. This is what we want you to tell them." It is almost the last briefing you get just before you go out the door. I have got no recollection of that briefing, but that is not to say that that did not happen, so it was a delay in the other FLO arriving. The other FLO arrived. I have got a memory of being at a stage we were considering going out to meet the family.
120. What I do actually specifically remember is being told at that stage to stop because Chief Superintendent McEwan was out visiting the family. We were told to wait at

Signature of witness

that particular time so, again, we waited. For how long I could not even guess at, but I have a specific memory of being at a meeting. I was up there in the room when a conversation took place where Chief Superintendent McEwan had returned from visiting Mr Bayoh's family. He explained that the family were distressed, angry, upset, specifically with the police.

121. I cannot recall if they specifically requested that they did not want further police officers going to their address, or if that was the recommendation that it would be unwise for police officers to attend at that address. At that stage, after some discussion, the decision was made at that stage that we would not be deployed as FLOs, so that ended my involvement then.
122. I have been asked whether I can remember the approximate time I left Kirkcaldy Police Station. I am sure I was being shown as on duty from three to eleven p.m. From recollection, I think that I stayed at Kirkcaldy for probably a period of time after we were told we would not be required because, at that stage, I was out. The MIT officers that were out, a few of them I have worked previously with, most of them, not all of them. My thinking at that particular time was that I have been called out, I am off duty, I am aware that there is a lot of work to be done. I am not going to be used as a Family Liaison Officer, but given the fact that I am here I will just stay here to see whether there is anything else that I can do, to assist them if I am required to do anything else, but that was not the case.
123. I have been asked whether, given my level of experience, I was consulted at any point in in time whilst in attendance at Kirkcaldy Police Office in terms of how to respond and deal with the bereaved family. No, I cannot remember actually being sought out for specific advice. Going back to the question that I think was raised a few months ago: Was I asked to devise the strategy, the FLO strategy? No, I have certainly got absolutely no recollection , of that, I was called out as a Family Liaison Officer and not to devise a strategy, because the FLOs sit independently of that.

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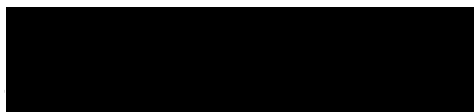
124. Was my advice sought? Not that I can recall. Would I have been backward in expressing what my own thoughts were round about certain things? Well, I certainly would not have been. Can I remember if I provided any sort of specific advice? No, I cannot. Was I contacted and deployed for a specific reason? Not that I am aware of, other than the fact that certainly at that time I was probably considered to be quite an experienced FLO. However, going back to the previous question, and having given it some further thought, whilst I cannot specifically recall being asked for advice on either the deployment or strategy it is entirely possible that I may have been, given my previous experience in this area.

125. I had extensive experience working previously within major investigations and whilst my working knowledge of Mr Campbell was fairly limited, I had worked pretty extensively in the past with Lesley Boal and Stuart Houston as well, so there were two senior officers who were present who knew me certainly and knew what my strengths and abilities probably were. Was that the reason I was contacted? You would have to ask them that.

126. Given that I can recall Garry McEwan visiting the family, I have been asked my thoughts on Garry McEwan visiting the family from a family liaison perspective. I think I am fairly sure that I can recall being told that he had been asked for specifically by the family. I do not know about previous contact or knowledge or whether they knew each other or not. I would assume that there would have been given the fact that I think they have asked for him, by name, I think. It is unusual. It is certainly unusual, but in the circumstances that were presented at that time, understandable, I think, as to why that happened.

127. So who was involved in the decision-making process? It certainly was not me. I was the Detective Sergeant at the time, that was a Chief Superintendent who had gone out to see the family. I have neither previous to that, or since, that I have been involved in an incident where something like that has taken place. In fact, I

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tell a lie, there has been a previous homicide inquiry that I was involved with, whereby a Divisional Commander went out to meet a family. But, that was very much after FLOs had been deployed and to address a specific issue.

128. I have been asked if a fair summary of my response to the question regarding Garry McEwan would be that, from my perspective, whilst it was unusual for someone of Garry McEwan's position to go out to the family before FLOs had been deployed, the circumstances dictated that that actually might be quite reasonable to do. Yes, absolutely.

Family Liaison Officers & Media

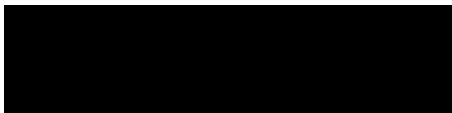
129. I am now referred to paragraph 8.15.1 and 8.15.2 of the PS Family Liaison SOP 2014:-

8.15.1 Media interest in major enquiries is inevitably high. The SIO/SIM will have to balance the need to exploit any investigative advantage from family exposure to the media, with the need to protect the family from unwarranted media intrusion.

8.15.2 The FLO should actively discourage the family from issuing statements to the media that are independent of the investigation and could impact on the investigative process. To achieve this it is important for the family to be involved in a partnership approach with the SIO/SIM, together with the Force press officer and FLO to develop and agree the police/family media strategy. This is particularly important when media appeals involve publishing a photograph or video and specific information regarding the victim or family.

130. I have been asked whether consideration to the media is something that FLOs must consider as part of a strategic response. To a certain extent. This is one that does actually sit more with the SIO, that the SIO is doing a lot of hands-on involvement with, along with the communications team. All the FLOs involvement with that would be is no more than to make sure that the family were aware

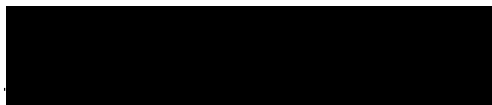
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whenever any media notices were being put out to the family. The family were aware of that.

131. That is massively important because I have been involved in inquiries, and I know of inquiries, where there are media notices that have gone out and the family have not been notified. There has been a breakdown in communications between the communications team and the Family Liaison Officers. You can imagine the distress and anger that that causes the families, to read about something online, that they have not been told about. So first and foremost, that would be before the ban is placed on any media, all these rules are involved, communicating with the families and making them aware of what is going to be put out in the media.
132. In homicide investigations, for example, one of the first things that you would do with a family, as horrible as it sometimes is, is to obtain a picture of the deceased person so that the Media Team or the Media Strategy Team can release it, or the SIO can release that as part of a media release. That is done primarily because if we do not provide a picture to the media, they will find one and quite often the one selected is not a particularly flattering one.
133. The advice that we give family members is, "I can understand why you would not want to give us a photograph to release it immediately. At least you have some control over it and you can release a picture that you are happy with because that is a picture that is used by the media again and again and again, as the inquiries continue, even when it comes to a court case."
134. It is that communication with the family round about the early media releases to make sure they are aware, obtaining an image of their loved one so that that goes out, obtaining any kind of statement that the family might want to make to accompany any initial media release that goes out with that.
135. The initial media release tends to just be fairly brief at that point. The identification would come a day or two afterwards, so there is usually a delay of at least a day

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or so before you would actually reveal or release the name of the deceased to the media. Again, should it be required further down the line, where you have an unresolved inquiry, you would consider using the family for the media strategy to appeal for information that might have something to do with investigation.

136. I have been asked whether the death of Sheku Bayoh was a case that struck me as one that would attract media interest, or significant media interest. Of course it would. We never got to a stage where we had to consider anything further than that because we were never at a stage where we were considering even leaving the station, let alone beyond that.

137. I am now referred to the following extract from evidence PS18511, being an extract from PC Sarah Bell's notebook on 3 May 2015:-

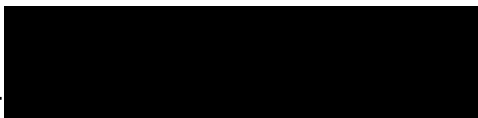
"Sun & Daily Record have story but ethnicity not raised yet"

138. I have been made aware that there is evidence entered into the SBPI that suggests there was a discussion or meeting, between the Kirkcaldy Police Officers, with FLOs present, had around anticipated media stories about Sheku Bayoh's death. I am asked whether I recall meetings where such matters were discussed, and if so, whether my input was sought as a FLO by the officers as to how to implement a media strategy. Like I say, would there have been a meeting between myself and the other FLO with the team that passed the death message? Absolutely, and I am not disputing that took place but I have no memory of that at all, to be honest with you.

Kevin Houlston Daybook – 3 May 2015

139. I am referred to when I stated my Daybook entries from 3 May 2015 are 'gone', and whether I am aware of what happened to the Daybook. The daybooks are something we used as detective officers. It is almost like a personal journal of notes. I used it, I think, in broadly similar terms. What I was using it for at that

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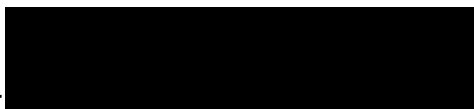
particular time, it would have been probably more for admin tasks than anything else, so you remember messages, to-do lists, that sort of thing.

140. Anything that I would have noted in my daybook at that time would have been very, very brief, to be honest with you. Given that the circumstances that were progressing or, probably more correctly, did not progress with the deployment. Can I remember making notes in my daybook? No, I cannot. Would I have made notes in my daybook? Possibly, but it would not have extended beyond notes of names and locations and for the sole reason that it is things that you would want to be sure that you remember, or to remind yourself of, so that you can have that, but there would not have been any specific information about the **inquiry itself**, as such, that I had recorded.
141. These books are all retained for a certain period of time There are no set procedures or policies in place in respect of the daybooks. It is a process that has been grown up over the years, to be honest with you. Certainly when I became a detective it was something that detectives utilised. I do not know how far back that goes. Certainly, I would keep them to keep track. How they were kept, and what the processes were, varied from individual to individual. I would certainly retain mine for a period of time and then I would read them, occasionally, if I had cause to refer to them, because as you can imagine, we go through a fair number of these and there was no set policy or process for us for storage or retention, as such. So I no longer have that.
142. When I would have had, or got rid of that, it would have been destroyed in confidential waste, as would have been the case. I have no idea, to be quite honest with you. I would not be able to even hazard a guess as to when I no longer had that.

FLO Deployment to

143. I have been asked whether, in the context of the delivery of the death message and family liaison, would delivery of a death message and FLO deployment be

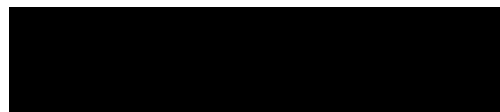
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expected to extend to not just perhaps the immediate next of kin identified but also ex-partners who are mothering the children of the deceased. Yes.

144. I have been asked whether time would be of the essence to deliver the death message to ex-partners of the deceased who are mothering the deceased's children. To a certain extent but it depends on the setup of the family, and how a family is organised. It would be both. As far as actually passing a death message is concerned, it would be quite difficult to try and to identify a number of people who you need to go and speak to.
145. I have been asked whether, with regard to family liaison, family members, particularly children of the deceased, who are not in the 'main' family dynamic should expect FLOs to be deployed to them. Yes is a short answer to that. There are occasions sometimes where more than one pair of FLOs are required to be deployed. That is not entirely unusual as an inquiry progresses if you have a number of different family members to engage with. That would be part of the Family Liaison Strategy as the inquiry progresses as to which members of the family the FLOs are going to engage with.
146. It is important as a FLO that you identify who you need to engage within the family. Children certainly would fall into that remit. Where you have younger children, then the mother or the father of that child would then be the person who you would have to engage with.
147. I mean, that is a fairly common occurrence where you have ex-husbands, ex-wives, ex-partners, separated families that you have to be quite careful about ensuring who you're deployed to and you are deploying to enough people in the right way, so that can be difficult to manage.
148. I have been asked whether there would be any repercussions, or any significant repercussions, should there be a failure to deploy FLOs to separated partners and to the children. Yes, potentially. As a FLO, instead of as an SIO kind of guiding

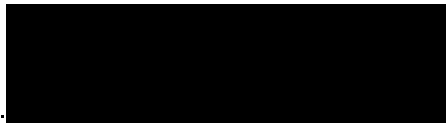
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FLOs, you have to sit down with the family and actually get an understanding of what their expectations and their needs are. Quite often you will be able to identify a single point of contact within the family who you can provide that updated information to and who then can share that with other family members. In other cases, however, you have to liaise with different family members within the same family who, quite rightly, have the same needs and expectations as others within the family.

149. Managing who gets that information first, because somebody has to be the first to be told, can be sometimes problematic. But, absolutely, the family member feels that they have a right to be provided with that information and that they are not receiving that information in a timeous manor, then of course, it can be tricky.
150. In terms of repercussions, the individuals could make complaints that will need to be dealt with. It can have an impact on the investigation and the inquiry itself, and cause a break in the trust and relationship with the police, and with the family as well.
151. I have been asked whether I can recall anything about Sheku's children being mentioned to me on 3 May 2015 when I was in attendance at Kirkcaldy Police Station. No, is the short answer. I was aware that his partner was still with the police at that particular time. I am not entirely sure. I need to be careful here about how much information I can specifically remember, and how much information I picked up from elsewhere. I am fairly certain the main next of kin that we were potentially going to be deployed to was his sister. However, as I've previously stated, my recollection of detail from that day is very limited so whilst I cannot recall his children being mentioned I certainly could not exclude this.
152. I have been asked whether I can recall any specific names being mentioned. There may well have been but I have no memory of that after this period of time, to be quite honest with you.

Signature of witness



Race & Police Scotland

- 153. I have been asked whether, looking back now, what role, if any, do I think that Sheku Bayoh’s race played into the actions of yourself and the police officers responding that day. I can only speak from my very vague recollections of it. But from my own point of view? Absolutely none because yes I was there for a period of time, and yes there was a potential we were going to be deployed, but no. So, from my other answers, that is all that I can recall, race had no input at all. What I would say is that clearly that was a factor that we had to consider, too. It is something I was aware of, and the sensitivity and issues that that might involve, if that makes sense.

- 154. I have been asked whether the case was being dealt with sensitively. Yes.

- 155. I have been asked how it presented to me that the case was being dealt with sensitively. That is a very good question, but one that I perhaps might struggle to find a specific answer to, if I am honest. That probably would have showed itself more had we actually been deployed and then engaged with the family, but we did not. I think the fact that Chief Superintendent McEwan went to speak to the family certainly gives you an indication of how earnestly the matter was being considered at that particular time, how important that he certainly thought it was that they engaged with the family directly.

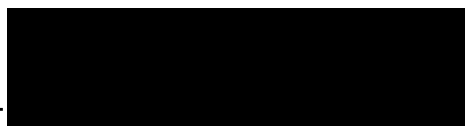
- 156. I have been asked whether I, and/or my colleagues, that day were concerned at all about how Sheku Bayoh’s race might be a factor in the public perception of the events of that day. I am not aware of the thoughts that others, most notably the senior officers, had round about that. Yes. It would have been a concern or a consideration. I don’t have specific recollection that the incident was declared as being a critical incident, but I am one hundred percent certain that it would have

Signature of witness 

been. It is incidents like this, and other incidents that were declared critical incidents where, by definition, the police response to that may impact the public or the victims' or families' confidence in the police service.

157. Without knowing specifically, that it was declared a critical incident, though I am sure it was. A critical incident in itself, again, by definition, indicates that there was a concern – if you want to call it that - that how the police responded to this, and dealt with this, may impact public confidence and the family's confidence in the police. I would add though that my response to this is probably more from a greater understanding of the critical incident process that I acquired both as a Detective Inspector and a Detective Constable Inspector, and the importance of this, rather than the likely limited knowledge I had at that time.
158. I have been asked whether I felt the family's confidence in the Police was of on-going concern that day. Yes, I would say so.
159. I have been asked whether, in my years of work experience, if I have come across any examples of discriminatory behaviour in the police. No.
160. I have been asked whether I am aware of, or ever have been aware of, any racist views held by police officers. No.
161. I have been asked whether I have heard racist jokes or comments made by police officers. No.
162. I have been asked whether I feel that the actions of the Police Officers that day in responding to the incident whether race played into how they responded to Sheku's case. Absolutely not.
163. I have been asked whether I would like to provide any further comment at this time. No.

Signature of witness ...



Date July 18, 2023 | 10:51 AM BST

Signature of witness