

The Sheku Bayoh Public Inquiry

Witness Statement

DC John McGregor

**Taken by [REDACTED] at Capital House, Edinburgh
on Tuesday 27 September 2022**

Witness details

1. My full name is John [REDACTED] McGregor. My date of birth is in 1979. My contact details are known to the Inquiry.
2. I still work in the police. I am DC rank. In 2008 roughly I was promoted to DC, 14 years ago give or take. I was a PC before that. I joined central Scotland Police in 1998. Transferred to MIT Tullibody and then moved to Coatbridge. In May 2015 I was based in Tullibody.
3. The MIT were based in Kirkcaldy back then so sometimes I would be in Kirkcaldy. I can't put a number of how often. It would depend, if it was a job in Fife I would be based in Kirkcaldy.

Training

4. I completed the Detective Constable course. I can't remember the full term given to the course at the College. I was in the CID back in 2007/2008. I have been asked if I attended any continuous training as a DC. Not as such, it

Signature of witness. [REDACTED] ...

went to an online course maybe in 2016/2017 and I took part in that. It was a trial to see how it went for somebody starting a DC post, for me to undertake and see if it was suitable. It was.

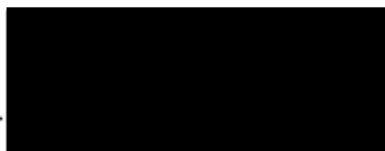
5. My specialisms are house to house coordination and CCTV coordination. That was training in the MIT, forms part of Major Enquiries. Most DCs in the MIT are trained in that or have a background knowledge in how to do it. House to house was maybe 2016 and CCTV coordination was 2018 or 2019.
6. I don't think I have any qualifications from inside or outside police that related to my role.
7. I have no training in post incident management. PIM means, when an incident happens, if it was quite a bad incident like where someone presented a gun, the officers will be spoken to be line managers and offered assistance. This can be called a TRIM meeting. I've only been involved in one incident where this took place. This wasn't in the incident with Mr Bayoh.
8. I've had no specific training relating to on or off duty investigations into police officers. I wouldn't say it's specific training related to investigation of deaths. You deal with deaths in uniform and CID etc. The role I'm in now deals predominantly in murders. I'm not a Family Liaison Officer (FLO) so no training in liaison with family. Friends would be a normal civilians so you can see them and take normal statements. The family of a deceased person would be for FLOs.
9. I have had race training in my service. For the most recent training I couldn't say. It goes back a number of years. I can't remember what it was. It was equality awareness training or an input. Input is somebody giving you a delivery of information, not a training day as such, maybe an hour or two in a group. I can't really remember anything in the training.

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10. CS/PAVA deployment and record keeping, this forms part of your Officer Safety Training. You get taught it then, and given guidance how to record it should you have to use it. That falls under a Use of Force report. In May 2015 I knew you had to record a Use of Force report at the end of your shift or as soon as possible thereafter.
11. Nobody is really responsible for my training. For Officer Safety Training you get a notification from whoever is organising it to be at a certain time and place. For specific training you'd get put on a course by your line manager or a manager. You can ask to go on courses, if you feel that your career wants to go in a direction, you can get a specialism and that can assist in a job or another role elsewhere. You can ask in appraisals, or you can say it whenever you want on a daily basis in an informal chat with a supervisor.
12. In uniform you were classed as a tutor cop if a new member came to the shift. Where I work the new people are primarily with a decent amount of service and they've done the early stages of police so to train them up. If they're new then it makes sense to, not shadow as such, but get used to the new systems and see how you work. In my department if you join you hit the ground running, you'll get the job and get on with it. You're deemed suitable to do the job that's required of you.
13. The SOPs are all available on the intranet I believe, should you require information about a topic or subject. First of all I'll just ask the team or supervisors, DS or DI. If between us we couldn't find it then we'll just look it up. I believe they're all on the computer.
14. If a SOP changes, I believe it gets placed on the front page of the intranet, a memo from a high ranking officer. It gets cascaded and you'll get told by your DS or DI. You'll get told and asked if you're familiar with it. They'll say this is new guidance, a change, it's on the intranet and if you don't grasp it we'll tell

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you. And more often than not you do grasp it. I can't say for certain if diversity and equalities material is on the intranet.

Experience

15. I don't think I've had any involvement in dealing with a death in custody. I would say the incident with Mr Bayoh was a death following police contact or in custody. I had no real involvement in the enquiry after it, aside from getting the records for PIRC. Aside from this one I don't think I have experience, you usually get referred to Professional Standards or PIRC to look at the circumstances.
16. In uniform, it's sudden deaths you get sent to. Usually it just depends if you're on duty when one comes in and if you're available. I can't think of how many I've dealt with or reported. I've been in police for 24 and a half years so there's been a number. In CID I've dealt with more suspicious deaths, drugs deaths, giving assistance to uniform to report. Where I am now, we deal with murders and suspicious deaths until we can clarify any criminality involved.
17. Drugs deaths mean, in CID or uniform, if you go to a death and there's drugs paraphernalia that would infer potential drug use. The CID would usually take a handle on it, totally CID or to assist uniform in dealing with it. CID carry out enquiries to ascertain what happened, where the drugs came from, anybody else involved, things like that. There can be an inference that drugs caused the death. It'll come down to the post mortem, any underlying health issues and any hereditary issues in the family. If there's nothing obvious at a post mortem, we would send away samples for toxicology and then, however long they take to come back, they'll give you a steer as to whether drugs were the primary cause of the death.
18. I don't have experience of investigating alleged criminal offences by police officers, on or off duty. These usually get referred to a supervisor when a

Signature of witness.



complaint comes in. There's the odd occasion where someone comes into front desk about this. I would refer it to DS or DI. I wouldn't pursue it. I haven't directly dealt with any myself.

19. I believe I have had cases with PIRC, nothing jumps out to suggest otherwise. I don't think there's been any since this incident.
20. I have been asked if race has ever been a factor in any of the investigations I've been involved in previously. No, I don't think it has. I may have been involved in a sudden death of a Chinese person but that was back in uniform, so going back many years. In all other cases I believe the deceased person was white.

Previous statements

21. I have read my statement to PIRC dated 27 May 2015 (PIRC-00243). I remember giving this statement. I looking at the statement, I believe it was most likely Stuart Taylor from PIRC who arranged it but I don't recall. He had asked me to make arrangements to take my statement. He came into Tullibody with, according to the statement, James Bonner. They attended into Tullibody Police Station or Office, where I worked at the time. I didn't know Stuart Taylor before this. If I had spoke to him it was most likely on the phone. I have been asked if I gave PIRC a true and accurate account to the best of my recollection at the time. Yes. I believe I did read and sign it. I have been shown a handwritten copy of the statement [REDACTED] and confirm I signed the bottom of each of the pages.
22. I have been shown my statement dated 28 May 2015 (PIRC-00244). This is my operational statement for the enquiry. This was prepared on 28 May 2015. This was stating my involvement in the case. I don't know why PIRC came in to take the first one themselves. They collected the productions from me and took a statement. I'd like to think I started my statement on the one [REDACTED]

Signature of witness.. [REDACTED]

day but sometimes I roll my statement over the days of my involvement and it gets updated on a daily basis. The date noted down, 28 May, is most likely the day I finished and submitted it.

23. My recollection then would've been better than it is now. Looking at my statement, the one on 28 May I prepared myself would've been fresh in my mind and my memory so I would go with that statement first as the most accurate account.

Notebook and bluebook

24. I don't keep a police notebook. I don't know the exact reason for it but it must be a trait when you're in uniform. In the CID you're not using notebook every day, not taking statements every day. Statements are in manuscript form not in the notebook. You're not signing in and on every day. Moreso in the MIT.
25. I don't know if it's required or not to keep a notebook. There was training in uniform to record on duty and off duty every day. This is also to take statements, attend loci and note observations. What I call a bluebook is a daybook, same thing. It's to keep a note of what you're done every day. If you do take a statement in your notebook it would be utilised. More often than not it was a manuscript statement you took.
26. I have been asked if there is a requirement for me to take notes and archive them. Specifically I don't know. I've heard people saying after 5 years they can be destroyed but I don't know. I've got every notebook and bluebook. They're kept in the office.
27. I have been shown my bluebook (PS17170a). These are all the pages of my bluebook. I submitted it to Operation [REDACTED] in Police Scotland.

Signature of witness. [REDACTED]

Inquiry evidence

28. I've been asked if I've been following the Inquiry in the media. Not 100%. I've seen a couple of bits when I see a link on the news pages or social media but not been following it closely. I've seen the evidence. Specifically I can't recall the police officers names but I did see the witness we spoke to that day, Zahid. And I saw 2 or 3 police officers but I can't recall their names. I don't remember what they were saying in detail. The police officers were saying what happened that day, their recollection. I don't have any comments about the evidence so far.
29. If I happen to be on Twitter, or someone sends me a link to the Inquiry, I'll look at it. But unless it pops up on my feed or the STV news page I won't go looking for it.
30. My recollection of events has not been affected by anything I've seen.

Role on 3 May 2015

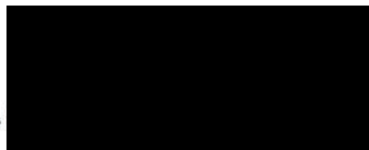
31. On 3 May 2015 I was Sunday cover for the MIT. Basically if anything comes in over the previous week, if there's an enquiry ongoing we'd cover that. If nothing came in over the Friday/Saturday/Sunday then I'd do that. If anything new came in, suspicious, we'd be tasked with that. When we came in on Sunday me and DC Simon Telford were sent to Kirkcaldy for this. I was based in Tullibody. It was normal for me to do Sunday cover. Every third Saturday we'd cover and every fifth Sunday.
32. Somebody will have asked. I've got it in my bluebook (PS17170a at page 1) that DS [REDACTED] was on call so he would've been the one to ask. Or somebody called our office and asked us to come over. More or less we'd always go to these enquiries, unless we had something more pressing. Moreso in the east of Scotland but sometimes in the west. Weekend cover is not as staff

Signature of witness.. [REDACTED]

intensive, a minimum of 10 DCs on in the MIT in the east, but not as much as during the week. It depends on the circumstances whether we'd go.

33. Any death in suspicious circumstances is what we'd attend. More often than not if something happened at the weekend we'd go to it to lend a hand and get the enquiry up and running. There would need to be some kind of extreme circumstances when we wouldn't go to a suspicious death or murder.
34. I left almost at 8:00am, not far off it, then arrived after maybe 40 minutes, so we'd arrive at Kirkcaldy no later than 9:00am. It's roughly a 40 minute drive I think.
35. When I arrived the local CID were involved. DS Graeme Dursley was there. There were several others as well but he's the one I know. I know him just from years in the police. I know him from a police team at football.
36. We were told basically that a male had died and we had to go and assist. It was just to go to Kirkcaldy. I don't think we had anything to tidy up in the first instance. It wouldn't be later than 8:10am. I can't say for certain when I was told, but when I got to Kirkcaldy it was most definitely then that I knew.
37. It quickly became apparent that there was more senior ranking officers coming in so it was obvious that something was going on with regards to the enquiry. I can recall Stuart Houston, I think he was a DCI at the time but that might be wrong. He was there, not at the time of my arrival but not long after it.
38. Dursley was CID I believe, so I don't know if there was a DI on covering Kirkcaldy. I don't know if a higher ranking officer than Stuart Houston came out. At that time on a weekend it was normal not to know upper management.

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It would be normal not to know before the enquiry is up and running and the chain of command gets set out.

39. I can't recall if PIRC were there when I arrived. The office was quite busy, there was a lot of people there. It was possibly a bit frantic, that might not be the right word. Not to sound disrespectful, but it was chaotic maybe, while we're trying to work out what to do. When a job breaks, a suspicious death or murder, what we deal with every day, it usually is organised chaos to start with. We have to find out how many staff we have, what specialism they've got.
40. I've got it in bluebook that we were briefed at 11:15am (PS17170a at page 1). People were getting their heads together and getting going for what our lines of enquiry would be at that time. The organised chaos might explain why there was a time delay for the briefing, working out who has what specialisms, things like that. It's a term used that when a job breaks it is organised chaos. People go to get witnesses, take the statements of who's available. But people sometimes sit for a wee while until there's a plan. This is to await a structure to be set out by the SIO for what happens and who does what. The DS would then have a list of staff, specialisms, things like that.
41. We didn't consider this was a potential case of criminality on the part of the officers who were involved. It never crossed my mind. From recollection we were told a man was arrested and had died during the arrest and that's what we were dealing with. We knew it was a sensitive subject and we'd get told more at a briefing. This would be the specifics, names, locations etc. It was quite a sensitive incident, a Critical Incident, given the fact that all the gaffers and bosses were out. DCI Houston was the only one I identified and I recognised. It was sensitive due to the fact that he died during the arrest by the police.

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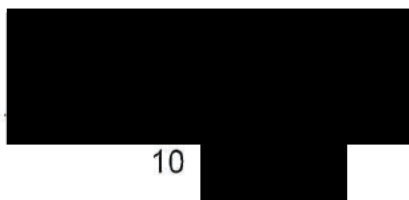


42. At that time I didn't know what we were investigating. I know a person arrested had died during the arrest. I didn't really know what it would've been other than that. It wouldn't cross my mind that the officers were at fault. I wasn't told any particulars about the person at the time. I wasn't aware of the dynamics, fitness, condition, I just knew they died. It didn't cross my mind. That's without knowing some facts about how that person had died. We weren't told we weren't going to be looking into potential criminality.
43. When we go to Kirkcaldy we sat patiently and waiting for an update. We wait until bosses have a plan, who's doing what, and then we go. I don't know when the male died, other than that it was in the morning.
44. I was told more information at the briefing at 11:15am. DS Dursley gave the briefing. He told me male had been arrested, involved in assaulting a police officers, in possession of a knife, he was arrested and during the arrest had died. I can't recall the name of the street but it was in Kirkcaldy near a roundabout at a pub.
45. Me and Simon were told to speak with his friend Zahid Saeed. We were to trace him and get a statement from him regarding his company the night before. That's what we were tasked with. I can't recall if anyone else was in the briefing. I don't know if he went to specifics or generic briefing to who was there. I don't think it was just me, Simon and Graeme but I'm not 100%.

Management of response officers

46. We weren't told anything about the officers. I believe some of them were sitting in the canteen, but may've been a break out room. Some of them were sitting in there. I was told nothing about the officers. I presumed because they were all sitting the in canteen they would be providing their statements with regards to the incident at some point and then that'd be it as far as I was aware.


Signature of witness...

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47. I was presuming their statements could be a bit of both operational statements and taken by CID. Bearing in mind it was a death whilst being arrested, I knew it would be a death in custody, fall under that remit, so it most likely would be CID that would take statements from them. That's what I would presume but that's not always the case. I don't know why I just assumed they probably would. It has happened in the past that I've known. Or they'd submit their own statements for referral to CID or PIRC. No rhyme or reason why CID would do it but I'd assume they would or some would do their own. I never put much thought into it because myself and Simon were tasked with going to find his friend Zahid.
48. I don't know who the response officers were, I don't know many officers in Fife other than those who are involved in playing football for a police team. I didn't play at the time so I didn't know anyone else than Graeme.
49. I don't know about a firearms SOP being used for post incident management.
50. I wasn't aware of the CCTV not working at Kirkcaldy Police Station. Faulty CCTV can happen, it's an old building, maybe a listed building. Inside it's a bit, not a maze but unless you know where you're going you can get. I have been asked if I'm surprised it stopped working. No, it can happen, neglect, age, maybe didn't get fixed. I wasn't aware there was CCTV at the back of the station. I don't know where at the back of the office it would be. Maybe where the holding bay would be for prisoners, that may be covered by CCTV.

Liaison with family and friends

51. Off the top of my head I don't believe I was involved in liaison with Mr Bayoh's family. I have checked my bluebook. In most cases, if not all, the FLO would be the one to deliver the death message to the family. I have no knowledge of PIRC doing this. I wouldn't have thought they would be, I'd

Signature of witness.. 

have thought PIRC would be there after the fact of any message being delivered.

52. I have been referred to my bluebook at page 2 (PS17170a). I wrote:-

Before midnight

Call from deceased to Collette

Someone disrespecting him

Collette returns home morning.

Signs of disturbance @ h/a

Concerns for deceased

53. This came from the briefing with Graeme Dursley. Collette Bell is Sheku Bayoh's partner. "H/A" is home address. I've spelt Zahid Saeed's name wrong in my bluebook. I don't think I spoke to Collette as such. I do have her details.
54. That would've been part of the briefing. These are details of main people within the enquiry. It's given out like that if we're tasked specifically to go out and see them. If we were going out to see a witness and they refer to 4/5 various people, we know who they are from the briefing.
55. If we went in cold, as such, we'd go trace the witness, find out if they're ok and get a statement from them. If it's going to be lengthy then get them out an environment that would be distracting, kids, dogs etc. This is if we're spending time speaking to them to get details.
56. For Zahid it's more or less the same. Trace him, find him and get a statement from him regards his knowledge of Shek and what happened the night before and the morning in the hours leading up to his arrest. I wanted to find out what was going to happen in the previous hours in his company, was he with him, was there other people involved, what happened in the night. We'd find

Signature of witness



out how he was, what he done, who he was with. It was early stages in the enquiry.

57. We'd ask how Shek was, in his company, was he happy, angry, sad, things going on, antecedents about him. It's a full statement. Zahid is a close friend and the best person to get a statement from because they're close. Obviously we're not going for all close friends, it just so happens that Zahid is a close friend so we're going to see him and find out as much as we can about the incident in the morning. We would ask about what Shek was like normally. You need as much as possible from a first statement, more often than not you have to go back and get a further statement. We need to get as much as possible the first time. Then there are more lines of enquiry to carry out.

Zahid Saeed

58. Personally I didn't know Zahid before this incident. [REDACTED]

[REDACTED]

59. [REDACTED] I can't recall who told me, may well have been Dursley, but they said "treat him with kid gloves", that sticks in my mind. [REDACTED] "Kid gloves" I took to mean be more lenient with him [REDACTED] [REDACTED] in this case his friend was dead.

60. Zahid and Shek were together that night. How I knew that I don't know, I don't have it written down. It may well have been that we didn't know they were together but it was a close friend.

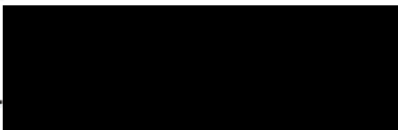
Signature of witness.. [REDACTED]

61. I don't know where Zahid was in the prioritisation. I would say he would be at the top if not the very top. That's because he's mostly likely the last person from friends and family to have seen Shek. On day 1 of a case the high priority ones get put out first so I assume he would've been. It's not for me to decided prioritisation.
62. It was pouring with rain that morning. We went to Zahid's address which is [REDACTED] [REDACTED] I can't recall if that's the address we found him at. We met with a female who said he wasn't in. We left our details for how to get in contact with us. On our way back out the car I can recall somebody making a noise to get our attention. We either saw him hiding under a car or at the back of a car. At that time we didn't know who he was. He asked if we were looking for him. He told us his name and we said yes. We said do you want to jump in the car or go inside.
63. He asked if Shek was with us, we told him no. We said we needed to speak with him. He elected to get in the car with us. We were in the car and we told him we need to speak to him regarding Shek. He again asked if he was with us. We again asked if he was ok. He said he needed to go to hospital and been hit on the head.
64. I didn't see bruising and swelling on Zahid, definitely not. I think in the car we had a look but from memory he had thick black hair and nothing obvious, no contusions or gashes sticking out. I looked but it was fleeting.
65. We fed back to the SIO or Dursley that we were going to hospital. In my bluebook I've got a note of phone numbers so I think it might've been on the mobile that I called. I explained that Zahid claims to have been hit over the head and we're talking him to hospital to get him checked over being taking a statement.

Signature of witness. [REDACTED]

66. Between his house and the hospital was 5 or 10 minutes. He wasn't saying much but said Shek hit him over the head but didn't elaborate much beyond that. There was nothing visible, no big cuts, bruising or swelling. We got to the hospital's A&E, got him seen and then discharged with advice for painkillers after 20 minutes.
67. It's normal to take a witness to hospital if you need to, certainly if you've got a head injury or someone who claimed to be hit in the head. You have a duty of care. Experience tells me that if we were taking in a suspect or an accused who claimed to be assaulted, if it was a head injury they've get turned around and sent to hospital unless there was a doctor in the custody suite. That's more prevalent in the last 10, 15 years . Visible injuries or not, head injuries will go to the hospital. He was a witness so he was never going to be in a cell and in the custody suite.
68. I wouldn't say he was heavily intoxicated to not being able to grasp what we were telling him. He said he was drinking whilst watching the boxing. He was not under the influence enough that it would hinder what he was telling us. I didn't ask the hospital about him. He went in to see the nurse, he or she looked over him and discharged him pretty quickly.
69. We took him to station and he was happy with that. When we got to the police station we went in to a CCTV enquiry room. There were quite a few desks, nobody in it. We sat down. I may have got him a tea or coffee or a drink of water. I explained you're getting a statement regards his friend Sheku Bayoh. We spoke to him and got a bit of detail off him to start with. We explained it would be written down in a statement.
70. In my 24 and a half years in the police he was the most difficult witness I've ever dealt with. He was continually on his phone, despite being asked not to. I know we couldn't stop him but we needed his attention. We continually asked him to put the phone down and put it on silent. Getting information out

Signature of witness.



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of him was very difficult. He was not very forthcoming with information. He was quite deliberate and calculating with his answers to the questions we put to him. In my mind he was not telling us everything or he was trying to hide things that he had been up to the night before or that morning. He was trying to pre-empt our next questions by not giving us a lot of information in the previous questions so we couldn't really proceed.

71. In the manuscript statement, if you're talking say 10 pages, 7/8 pages of writing, about 30% had to be scored out. The reason for that is because he'd tell me something, we'd ask a few questions, read it back and he'd deny having said it. Got to the stage where it was a dozen or so words from him, we would write it and read it back to him so he wouldn't change it. Me and Simon would say, "Zahid you've just told us that, we've written it down now you're denying it". I don't know why he was doing that. Maybe he realised he said something he should've have. Large portions of the statement is scored out.
72. There was a continually buzzing phone, I don't know if it was social media or messages to him. He went off on tangents, asking how Shek, he said "his brother", was doing. He said he'd known him for quite a number of years, from a youth or community club, they'd clicked and went to that on a regular basis and got to know each other.

Manuscript statement

73. I have been shown the manuscript statement of Zahid Saeed (PS00926). This is the statement that we took from him on 3 May 2015. It's my handwriting.
74. I don't recognise the signature at the bottom of the pages. They're all very similar. JM and ZS is written next to the scored out sections. When I make an amendment I initial the scored out part. Usually I get just the witness to initial

Signature of witness



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it, I think my practice has changed over the years. I would've asked Zahid Saeed to sign the statement. I said at the start we would read back the statement and if he agrees with the contents then he can sign every page. He did sign it so the signatures at the bottom of the page will be his.

75. I thought there was a lot more that was scored out. It's apparent where the scores are, it's indicative of where he's changed his mind.

76. I don't know if I had an end time on his statement. I see on the statement there is no end time. There was umpteen breaks during the day. It was May/Summertime. It was raining but was warm, if I remember. He was getting comfort breaks, going out for cigarettes. The length of time for the statement was prolonged due to the breaks that we had. He was with us most of the day and into the night. When his statement finished I don't know. We went back to his house to photograph clothing and get him a change of clothes to stay with [REDACTED] that night. We also wanted to seize his clothes.

Zahid Saeed's phone

77. There was an issue with his phone. During the day, we were asked to seize his phone as a production in the case. We put that to him and he agreed. He was continually on it. Sometimes the police can get the phone back to the witness quite quickly. He asked us how long it'll take. Simon was told by DCI Houston it would be that day or the next day. It would probably be the next day, but he'd get it back. He agreed to this.

78. After that we said we'd take him out for another cigarette break. It was a stressful situation for him, being in a police station [REDACTED]
[REDACTED]. We were being lenient if he was uncooperative. If he went into a lull we'd get him a cigarette.

Signature of witness. [REDACTED]

79. He agreed to the phone being taken. I believe he said we stole it off him, but the exact complaint I don't know. When the PIRC got in touch with me to arrange a voluntary attendance at Fettes, in the Professional Standards department, I saw on the SARF form it was a complaint for assault and theft. I was interviewed under caution, myself and Simon, not together obviously, at Fettes. Zahid claimed we held him against his will, that's in the interview but not a charge on the SARF form.
80. From memory, the interview under caution alluded to the fact it was more of robbery and abduction not assault and theft. Throughout the day he was on the phone continually, getting messages to him or notification on Facebook. A number of things included Shek was dead, Shek had stabbed a police officer, Shek had been murdered by the police, he was asking me and Simon about this. Not asking us directly but reading it out.
81. I have been referred to the manuscript statement of Zahid Saeed (PS00926) at page 9 of the pdf. I have scored out "*don't wish to*" and changed to "*will*" give police my mobile phone. He was back and forth with whether he'll give it. I've probably wrote that in there in the presumption that he wasn't going to give the phone. He's either spoken to Stuart Houston or changed his mind, he was always changing his mind, and I've put in there that he will give his mobile phone.

Confirming Sheku Bayoh's death

82. Rightly or wrongly, we were told not to confirm Shek's position with Zahid the best we could. We maintained that we didn't know. Until the point that we had to tell him because he was getting messaged that Shek was deceased. We were told to try our best not to confirm Shek was deceased.
83. I think if we'd told him right from the off that he was deceased, he probably would've left the office and we wouldn't have got any statement from him

Signature of witness.

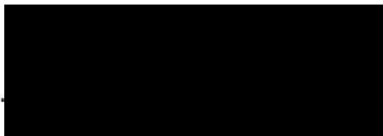


whatsoever. That's why we did it when we could, not to get detail. Was it right? Probably no, but that's just what we were asked to do for as long as we could.

84. The form of words we used with Zahid I can't remember. It may well have been that we can't tell him, rather than we don't know. In a roundabout way that is lying. It may well have been that we can't comment on that aspect of it.

Zahid Saeed leaves the interview

85. Zahid got visibly upset in the office. This happened a number of times during the day. At one point he went on a rant, got visibly upset and he confirmed he wanted to leave the office, stood up and demanded that he leaves and made for the door. We reminded him it's a police station unfamiliar with us and him, we don't know the layout and where he was going to go and who he was going to bump into. We said if you want to leave then leave and we'll escort you to the door. He's getting all agitated and, not angry as such, but verging on volatile, animated with his hands and his arms. I said we're not stopping him leaving but we'll escort him to the door. I said it's a police station so you can't walk freely about the place.
86. I either took his phone off the desk as he was standing up in the office, or I took it out his hand to prevent any sort of issues with it, ie him going to assault anybody or throwing it in a rage or using it as a weapon. I can't recall if it was taken off him out of his hand or off the desk before we left the room, but when we showed him to the front desk at the foyer/main reception area/waiting area it was handed back to him.
87. That's when we bumped into Stuart Houston, either before we got into the foyer or just after it, I'm not sure which side of the door. But it was explained to Stuart Houston that he's refusing to stay with us any longer and he no longer wishes to give us his phone, despite having told you earlier that he

Signature of witness. 

would. Stuart the DCI spoke to him, just their two selves, then came back and told myself and Simon: "Right, he'll give you the phone and he'll sit with youse and finish his statement.". We then went back in and finished his statement.

88. I can't recall if that was before or after we went to his home to get his clothes. We went back in and finished his statement. It was our intention to read his statement back over on DVD. We decided it was a long enough day, long enough night. We were to contact him through [REDACTED] we got her phone number. We agreed we would be reading over his statement on DVD the next day. So we took him to somewhere in [REDACTED] to drop him off.

Zahid Saeed's welfare

89. Throughout the day he was given numerous comfort breaks. At no point did he fall asleep on us, so his welfare wasn't an obvious issue. He never gave us suggestions he was too tired to continue. He was asked if he was ok to continue. He left to speak to Stuart Houston for 2-5 minutes and then agreed to come back in to finish his statement and give us his phone. I think at that point if he did want to leave he could've said to Stuart Houston but that was never brought to us. The only time he did say he wanted to leave, we showed him the door and he met the DCI and came back in.
90. There weren't any issues that were obvious to Simon or I, Simon was not too far off 17 years at that time, CID specialist in crime division with a number of years between us. If we deemed this person to be unfit and there was any reason, the statement could wait until the next day and it would be passed back to the DS or the DCI. But at no time was that considered because there was no issues raised by Zahid about doing it a day later.
91. There was an urgency. The information from the briefing was that he had been at his friend's, Martyn Dick's, house with Shek. The priority was to

Signature of witness..

[REDACTED]

.....

speak with people in his immediate company before the incident happened in the street. That's the same with any enquiry. We didn't know what he was going to say. He was with Shek a few hours if not minutes before this happened in the street. We needed to talk to him about what he was like, his demeanour. If he's been with him before it's happened, the details will be fresh in his memory and it's best to get these people quite quickly. If it was decided the statement wasn't to be taken that day it would be bullet points to be taken after a chat with him and get a statement next day. There were no issues raised as to why he couldn't or shouldn't stay with us that day.

Zahid Saeed's statement from the interview

92. In the handwritten statement of Zahid Saeed (PS00926), everything that was written down and scored out was what he said to us. I can't say for 100% where the statement would go when it was finished. If Graeme Dursley was still on it would be handed to him, or DCI Houston. The time I finished it there would've been a lot of senior management around. If they took a handle on it I don't know. It would've been stapled, signed by Zahid and taken by me or Simon, can't remember, to whoever needed it.

93. I have been referred to my bluebook at page 2 (PS17170a) where I have written:-

@ [redacted] *Police Station*

Tasked

Full positional from significant witness

** Zaheed Sahid*

(1600hrs)

[redacted] - *[telephone number]*

POC for Zahid

94. "Full positional" means a full statement.

Signature of witness. [redacted]

Zahid Saeed's account

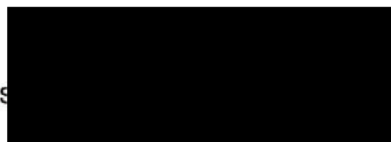
95. I have been told Zahid Saeed states (PIRC-00034 at page 4) the following when we returned to Kirkcaldy Police Station:-

"When we got into the office I started asking questions about what was going on and what had happened to Shek. After a couple of minutes officer 1 left the office for two or three minutes and then returned. He said something like, "I'm sorry, there's no easy way to tell you this". I knew Shek had passed. I was shocked and was in tears. I not sure if the officer said that he had died or not. I got very upset and I think both officers left for a few minutes, although one of them stayed outside the door. A short time later they both came back into the room. I think one of the officers said "we'll take you home", as I couldn't stop crying at that time. I think it was officer no 2 that said at this point that Shek had had a heart attack but as I was so upset I can't recall exactly what was said. I was happy to go home at that stage.

Officer no 2 walked me out to the rear car park the same way we had come in. I think this was about 2.00 pm. We walked over to a sheltered area where I had a smoke, I thought I was going home at this time."

96. Right from the off, I don't recall anybody saying there's "no easy way to tell you this", because that would involve telling him that he'd passed away. I don't think we would say that without saying he had passed away.
97. With regards to a heart attack, I don't see why either myself or Simon would've said that, we wouldn't know if he'd had a heart attack. I can't recall telling him and don't see why we would say that. We're not doctors and there was no post mortem. There's no way we could say he had a heart attack so it's not covering up any involvement of the police. I don't think we actually committed to the fact he was deceased until a wee while into the statement and he was getting notifications or seeing it on the news on his phone.

Signature of witness



There's no way we'd say he'd had a heart attack to cover the police being involved in arresting him.

98. If he did say he wanted to leave, he changed his mind and wanted to stay. The only time he wanted to leave he got up and left the room and we escorted him. He was upset. I can't remember leaving the room or remember why I left the room. If someone did it would be Simon, nipping up to the office to see Graeme Dursley. I don't see why I would've left the room, maybe for a drink of water or some tissues because he was crying, but in the initial stages in that room I don't know.
99. I don't know if the "we'll take you home" was when we've finished or not. If he's meaning he's too upset to continue and we were taking him home, to my recollection he didn't refuse to stay with us and we didn't take him home. I think we both took him out for cigarettes. It doesn't look good standing out a police station smoking so we'd take him to the back and also the front at points I believe. Throughout the day he was reminded that if he felt he needed to go home we would make arrangements. If he was out the back, he could quite easily have walked out the car park if he wanted to leave. It's not gated I don't believe, if it is there's a barrier. He went for quite a few cigarettes.
100. I have been told Zahid Saeed states (PIRC-00034 at page 5) the following to have occurred shortly after 2pm:-

"A short time later officer 1 came back out to the car park. He said, 'I need to take a statement from you'. I found this a bit bizarre as I was literally ready to go home. Although I was still in shock at this time but I was also a bit curious so I returned to the office with them as they were doing their job and were trying to find out what happened. I thought I would find out more about what had happened. We then went back to the same room. About ten minutes later officer 1 started taking a statement from me in writing on paper. This took

Signature of witness.



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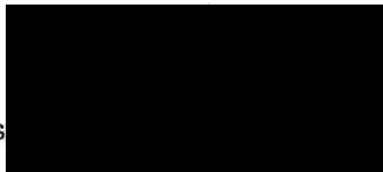
quite a while. During this time I questioned the officers about Shek and about what they had said about him having a heart attack. I was also on my mobile telephone quite regularly sending text to various people and checking Facebook. I was continually getting different information about what had happened. I've got this written down but I can't remember just now. I remember the police officers admitting to me that Sheku had been approached by police officers during the incident. I also asked the officers if Sheku had a knife. I think this was on Facebook. The officers didn't give me an answer to this."

101. I don't know what time his statement did start. We got briefed at 11:15am, took him to hospital. 2pm would maybe be the start, I don't know what time is on his manuscript statement. That might be fact. I have been shown the manuscript statement of Zahid Saeed and see the time is written as "@ 1430" (PS00926 at page 1).

102. Shek was approached by police, yes. He was arrested, so approached by police. The heart attack I don't know where that's coming from. Maybe someone's suggested the heart attack on his posts or messages to him. I don't know if he was asking us about cause of death. A heart attack is an obvious cause of death but would come from the post mortem results. I don't think Simon or myself would suggest a heart attack was Shek's death. He may well have asked about the knife, I don't remember if we told him yes or no. He was asking us loads of things about Shek assaulting, stabbed the police and had the police killed him. We said we didn't know. We said we don't know if he had a knife when the police approached him. He would've told us about Shek chasing him with a knife anyway so he'll know Shek had a knife at some point prior to us speaking to Zahid.

103. I have been told Zahid Saeed states (PIRC-00034 at page 5) the following:-

Signature of witness



“As officer 1 continued the statement he asked me a lot of background questions about Sheku, like any problems he had, his drug use, his religion and about his partner. They also asked me what I did with him that night when I last saw him and other things. I thought a lot of the questions were irrelevant and I began to feel uncomfortable.”

104. I asked about drug use and other uncomfortable subjects. These are antecedents to get a background. On Day 1 of enquiry it's fresh information. Yes a lot of these things can come from close family, next of kin, friends, work colleagues that may know stuff that others don't. This is asked of 95% of witnesses in cases. They can make people uncomfortable and seem irrelevant. These are all normal lines of enquiry to ascertain causes of death: what happened, conflicts, drug debts, things like that. Someone will have an answer, the more people you ask. It will have been explained that it might seem irrelevant but it's a police enquiry and we have to ask them.

105. We were, lenient is not the right word, but using kid gloves, that sticks in my mind, to get a full and sound understanding. Technically Shek has died in the street, you need a full antecedence, the best you can, from a male who classed himself as his brother, best friend. There's a good chance they're the best placed to tell us.

106. If someone gets shot in the face and they die, that's most likely the cause of death. But if it's not obvious, you have to know if they drink loads, take illegal or prescribed drugs, steroids, abuse other substances. This gets asked of every witness in deaths, certainly in the first few days. It would get asked of anybody. Sometimes their girlfriend, boyfriend, father, brother wouldn't know, but friends would know.

107. It's normal practice to ask these questions. I think it's just being in the police, 17 years at that time. You pick these things up as you're taking statements. The devil's in the detail. The more information you can get that's irrelevant

Signature of witness.



.....

from the person may fit another piece in the jigsaw. Small information may be irrelevant for 9/10 people but one nugget of information may crack a case. That goes for any death or enquiry.

108. When you join the police, emphasis is on the statements, then in police in rape cases, family abuse etc, these statements are more serious crimes and require more detail and more investigation. First and foremost it's a death, MIT are involved, senior management are out. You need detailed statements. If you're speaking to a significant person within the enquiry you'll get as much as you can.

109. I have been referred to the manuscript statement of Zahid Saeed (PS00926). On page 3 of the pdf I wrote "*I know SHEK had a relationship with a woman*" and then after it "*called*" is scored out. This is probably because I pre-empted it and thought he'd know the woman's name. Or he didn't tell me.

110. On page 4 of the pdf I wrote and then scored out the following: [REDACTED]
[REDACTED] I don't remember why this is scored out. He's said that and read it back to him and he's denied or didn't want to put it in. I don't know why. I don't think he would've told us why. By this point I was doing 5/6 lines and reading it back to him. That's normal with any witness. This is to make sure that what I'm writing down is accurate. Best practice is to put a reason in for why it's scored out. I've not done that.

111. On page 5 I wrote and then scored out the following: [REDACTED]
[REDACTED] Again, he's either denied saying it or said he wanted it taken out.

Signature of witness... [REDACTED]

112. I have been asked to comment on these scored out parts in light of Zahid Saeed's account that we were asking him irrelevant questions which made him feel uncomfortable. With these parts, he's the one who mentioned cultural differences in the statement, and I've asked him what he meant by that and to explain that to me. He's explained it, I've wrote it down and he's either denied having said it or not wanted to put that in.

113. I have been told Zahid Saeed states (PIRC-00034 at page 5) the following:-

About 5 minutes after this call I started asking the officers again what had happened. They weren't answering me but were determined to take a statement from me. I decided to leave at that point and I got up and walked towards the door. They seemed to panic and jumped up and didn't seem sure what to do. I said, 'I'm leaving, I want to go home'. Officer no 2 said something in relation to my rights. He said this as I was walking out the door and didn't complete his sentence. I felt it was some sort of threat but I didn't hear all of what he said.

I walked out into the hallway, down a set of steps towards a fire exit at the front of the building. Officers 1 and 2 ran after me. I got to the fire exit door and put my hand on the door to open it. At this point, I think officer 1 grabbed my left arm with his right hand by the bicept and held me. I said in a normal voice "This is assault" then pulled my mobile phone from my right hand pocket with the intention of filming what was happening. The same officer pulled the phone out of my hand. I tried to pull my arm away and as I did so I heard my name being shouted "Zahid, Zahid", by a police officer I know, Stuart Houston. He was standing in a group of about 5 police officers behind officer no 1. Stuart told me to calm down and officer 1 literally let go at the same time.

114. I don't remember a phone call from Zahid Saeed to Sheku Bayoh's family. I can't remember him on the phone speaking to people. It might've been when

Signature of witness..



he was outside. Through experience and previous witness statements, I wouldn't say don't take a call but I wouldn't say it was the best and it's better to take the call outside.

115. I remember he got up and made for the door. But he can't get up and go out into the police station. He was said his rights were as a witness and he could leave anytime.

116. I didn't run after him. He never got out the door without us being next to him. I've never chased anybody in a police station. He never ran anywhere but was escorted. Did I put hands on him to escort him? Maybe. He was getting animated, agitated and wanted to leave, so probably was hands on him to escort him because it's a police station. I don't know who else is going to be in the police station at that point. For safety and security for him and us, other police staff, he probably was put under a wee bit of control. But that happens, I do it all the time.

117. If he was to go and assault somebody and I didn't have control of him, me and Simon would be in trouble for it. He was told when he was leaving that we were going to escort him. Holding the left bicep with my right arm may well have been right to put him under control. Maybe one arm on bicep and forearm. If you want good control maybe you'd want bicep and forearm. I can't recall if I did that, but certainly no force in it as such, just enough to keep him under control and maybe calm him down a wee bit.

118. I can't recall if I took his phone from a desk or table when I was there, or take it off him when he's in the corridor. Maybe I did take his phone out his hand. Officer Safety Training is kicking in. He's an unknown risk. He was clearly upset. What his intentions are with that phone I have no idea so it probably was taken off him to prevent escalation. It was quickly given back to him. Stuart Houston crossed paths and spoke for 5 minutes and Saeed came back in.

Signature of witness



119. My recollection is that Stuart was coming in from outside, the foyer bit outside, but I can't recall the specifics. I recall they crossed paths and met each other and calmed down. We rejoined each other and came back in. I thought Stuart was alone, I don't know about others with him.

120. He wasn't assaulted, wasn't robbed of his phone and not abducted and held against his will. He was treated well throughout that day. It was traumatic for him. At no point was he treated unsavourily or unfavourably.

CCTV of Zahid Saeed

121. I have been shown the CCTV footage of Kirkcaldy Police Station on Camera 13 (PS00197) at 17:29:48 onwards.

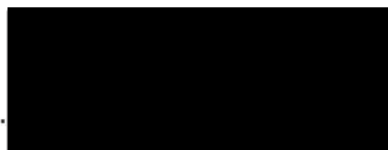
122. I've seen the footage before with PIRC but to be fair in Fettes when I was shown it, it was a bit sunny at the very back and windy and it was quite glary.

123. The camera is recording what looks like a foyer of a police station. I know it's Kirkcaldy, but you could show me ten foyers and they probably all look the same.

124. Zahid is the man in the red burgundy top. He's carrying a bottle of water or something.

125. I'm going to take a guess the man in the suit who comes to the door is Stuart Houston, given the height of him and the hair. Simon's got a bald head and Stuart's not as tall as me. So I thought we had met Stuart Houston outside but obviously we have met him at some point inside, whether it's the other side of that door or this side of the door, I don't know, but we have met him. When the man turns I can see that it's Stuart Houston.

Signature of witness..



.....

126. I don't remember the woman who Stuart Houston speaks to in the foyer. I see I opened the door for her in the footage and came out but I don't remember it. I can't remember her or a chief inspector coming in. Stuart Houston and Zahid go outside.

127. At 17:31:35 whoever's come out the door is reaching towards Zahid with his left hand. It appears the hand is on what looks like a phone or a phone type sized item. The man is DC Telford.

128. At 17:34:02 I see the now retired DS Robert More coming into the foyer. I have been asked if I spoke to DS More when he was there. If I did, he was probably asking where Zahid was. I actually can't remember Rab More was on this enquiry.

DNA swabs

129. We took DNA off Zahid. That was most likely in the CCTV room where we were. It was maybe mid afternoon. That will be timed on the DNA bag. I see in my statement (PIRC-00244) on page 2 that it was taken at 5pm.

130. This is for evidential purposes given there's going to be contact with Sheku and the police. For evidential purposes and comparison. I can't recall who it would've been who asked us. It would've been relayed for us to get his evidential DNA. That happens on most if not all occasions with very significant witnesses.

131. He was advised of the reasons why we were doing it. He had contact with his friend Sheku, then police contact with Saeed, it was for a comparison or evidential. He didn't have to give us the DNA tests. He could've said no. The explanation would've been quite brief: you've been in contact and claimed to have been assaulted by him. I can't recall his exact words but he agreed to it. If he didn't agree then we wouldn't have taken them.

Signature of witness.



.....

Zahid Saeed's address

132. I wasn't aware Zahid Saeed's address was a locus. I don't think it was a locus at any point. My involvement at [REDACTED] that night was purely the retaining of his clothing.

133. There was a couple of people there. More than one member of his family. Who exactly, I don't know. I don't think there were any males, I think they were all females. The only person speaking was a female, a cousin or sister shouting at him for being involved in it. I think his sister or cousin assumed he was being arrested and we explained to her he's a witness in our enquiries. We were merely speaking to him in the enquiry as a witness. There were no language difficulties. I don't think his mum spoke to us other than the front door when we chapped it in the morning. I don't know if Zahid spoke to them in his native tongue, but no issues there. We got the stuff and left.

134. I have been referred to my bluebook at page 3 (PS17170a) where I have written:-

2110hrs

Entry to

Saeed home address
[REDACTED]

With - 260 Telford

- SOCO Malcolm Foy

- Zahid Saeed

@ rear door.

In Situ Photos complete (inner outer)

trainers in kitchen

upstairs bedroom (left @ top of stairs)

clothing

Signature of witness.. [REDACTED]

135. I believe these were things that were photographed before we took them. I've not seen a Scene of Crime Report. They were most likely photographed before we took them. These are the clothes he was wearing at the time and we seized them. I don't think the address was a locus as such. I don't know if that was his parents', certainly his mum's address. Authorisation would've been through Zahid's consent. We asked what were you wearing and seized it.

136. There was a female there who might've been his sister or cousin, there were certainly people there. I'm pretty sure one was a cousin or a sister. There was no police presence that I could recall. I think it was dark or getting dark but I'm not aware of anyone standing outside. If we were holding him against his will, he could've quite easily stayed in that house instead of leaving with us. We got the clothes from his house and then we left.

137. I have been referred to my bluebook at page 3 (PS17170a) where I have written:-

"2200

Zahid Saeed returned to [REDACTED] due to being extremely tired.

Label No: MOBILE PHONE – ZAHID

retained

....

0100 hrs

9 hrs OT"

138. [REDACTED] is where he wanted to go, pretty sure to [REDACTED]

139. The time at the bottom is when I finished. We would go back to the station, label up productions. Once we got back to Kirkcaldy from [REDACTED] at that time of night it's been a long day, 30/40 minute drive. 0100 would be when I clocked off at Tullibody.

Signature of witness. [REDACTED]

140. I have been asked if in hindsight there is anything I would've done differently with Zahid Saeed. No, I done what I was asked to do and did it to the best of my ability. Saeed was quite a difficult one to deal with for whatever reason.

Forensic strategy

141. I wasn't aware of the forensic strategy. I was aware that there would've been, I didn't know if there was one. There would always be a forensic strategy. They do take place but the results of them sometimes get cascaded to DC enquiry teams.

142. I wasn't aware of anything to do with repatriation of Sheku Bayoh's body. I couldn't tell you who dealt with that.

Hayfield Road

143. I have driven past Hayfield Road when locus protection was lifted. I don't think that was 3 May 2015. I had no reason to be there on that day.

Sheku Bayoh's address

144. Not involved with Sheku Bayoh's address at all. I couldn't tell you where he lived.

Media engagement

145. I wasn't involved in media engagement. I wouldn't normally be involved at all. Usually bosses, senior management would do this. A manager normally, depending on the case. I don't know who was responsible in this case, maybe Stuart Houston but I wouldn't commit to that. It may well have been a

Signature of witness....

higher ranking officer. Stuart Houston was the only ranking officer I recognised. I knew he was a DCI in the MIT.

146. I didn't know about the media reports of an officer being stabbed. We were told a police officer had been assaulted and he had a knife, but no mention of being stabbed or the sex of the officer either. I wasn't aware of it and don't know where it came from. In the world we live in it could've come from anywhere, unless it's a source from the police, it could've been from the public.

4 May 2015

147. On 4 May 2015, per my statement, I went into my work and was told I'm going to Operation Birnie, an investigation by PIRC. So I went to Kirkcaldy where it was running from.

148. I have been shown my bluebook at page 4 (PS17170a):

07:20:42 red alarm activation

(1) [REDACTED] – vehicle (655) PO694 – cop Alan Paton

(2) 07:21:19 65550691 Ashley Tomlinson

149. I've written a few call card numbers for STORM. Red alarm activation I'm assuming is from an airwave terminal. Call signs are maybe another activation, a couple of police officers' details.

150. These were notes I made at the time that would've been relevant. I had a 10am briefing from DCS Pat Campbell. I can't remember that briefing. I can't remember if it was broke up into different enquiry teams or broke into different strands. From my recollection I was asked to go and get certain stuff, OST records, serial numbers for batons, handcuffs that sort of stuff. I've

Signature of witness..

[REDACTED]

.....

got no records in my bluebook about working with certain individuals on a certain thing.

151. On page 5 I wrote that I was tasked with working alongside PIRC to get certain things on their behalf. It may have been a DI who allocated me that job. The DCS would not be allocating jobs. My instructions weren't from PIRC directly, it would mostly like go to the enquiry SIO to go to a DI or a DS and someone nominated me.

Martyn Dick and Kirsty Macleod's address

152. [REDACTED] was the house of Martyn Dick. It was still a locus, being guarded and under police protection, for want of a better word. Police were still in possession of it and it was being examined.

153. DC Robert Finch was allocated Crime Scene Manager for the time I was there. I don't know if DC Finch was the allocated CSM for that house. I don't think he was doing it as a CSM, I think he was tasked with retrieving that drug stuff. He was in a suit, most CSM wear their jeans because they're in white suits most of the time. So I don't think he was a CSM.

154. Once a search team went in. Before it got handed back to Martyn and his girlfriend, those items needed recovered so we did that and then gave keys back to Martyn and he got his house back. The drugs were in the drawer in a bedroom. I was a couple of grinders and a tub containing herbal matter, mostly likely herbal cannabis.

155. I have been referred to my bluebook at page 6 (PS17170a). I wrote:-

1820 **Dick/Macleod home address**

h/a Martyn Dick

Kirsty MacLeod

Signature of witness... [REDACTED]

Entered with DC Finch, recovered.

LABEL NO: - Grinder 1 – **Dick/Macleod home address**

- Grinder 2 – “ “ “

- Tub containing herbal matter – **Dick/Macleod home address**

From right drawer of duvan bed in bedroom 1

1840 MDA caution to occupants – N/R

Finish (?) 2030 hrs

4 ½ hrs OT

156. 1820 is not when I arrived, maybe shortly after. 1820 is when we were in the house. We were literally in for maybe 5 minutes. We got the stuff and bagged it and left. 1820 was maybe arrival time.
157. 1840 was when we called them to give them their keys back and they came round. If they weren't waiting outside they were nearby.
158. "MDA caution" is Misuse of Drugs Act caution. It's a caution that there's been a recovery found and they're not obliged to say anything. I'm pretty sure bedroom 1 was the master bedroom because they both lived there.
159. I believe I got involved in this because Finch's partner had to go away or he was struggling for a partner so I volunteered to help him. He said minor drugs and paraphernalia in the bedroom that needed to be recovered before the occupants were let back in.

Signature of witness...

[REDACTED]

.....

160. I don't think it was a drugs warrant but there was a general evidence warrant, I believe. I think it had been run past the Fiscal regarding the legality of seizing it. It must've been sufficient to go in and take it. DC Finch would be where I got the information from. I wasn't in the enquiry team at that point. I was tasked with getting the airwaves-type stuff. Whether it was a DC Finch or somebody else I don't know.

161. I think Rob Finch as Enquiry Officer would've got it tested. If it was positive and related to Martyn and Kirsty for drugs, a report would be submitted and they would both be accused persons. But I don't know what actually happened to it.

162. I didn't wear protective clothing other than gloves. I believe DC Finch did wear full protective clothing. Why he was wearing it I don't know because we were just recovering drugs from a drawer and handing keys back. There was no other examinations going to take place so we weren't going to interfere with potential evidence. We were gloved up. I think I held the bag open and Rob took them out the drawer and put them in the back. That was not to contaminate the evidence in the bag.

163. I've been told there was no warrant and asked for my comment. I was led by Rob, he was looking for a colleague to help him. It makes no difference in the case. Rightly or wrongly I just assumed there was a warrant to be in there. They've been in the for hours before I showed up. It makes sense now that I've not got a warrant written in my book. I've got no mention of a warrant in my book. That doesn't mean there wasn't, but normally I would probably write reference a warrant somewhere. It was last minute and I was probably on my way out the door and DC Finch has asked me to help him. I knew DC Finch through working at Tullibody and MIT, I'd know him for not even a year. He came from Lothian and Borders.

Signature of witness..

A large black rectangular redaction box covering the signature of the witness.

.....

164. The caution is in fairness to them, that you're taking what may be controlled drugs, caution them with regards to the content of the packet of whatever it is and that it may be analysed. Tell them it's taken in evidence. Rob will have cautioned them and asked them what's in the bag. They'll have most likely said no comment. I believe no SARF is still allowed for drugs to clarify if a crime has been committed. It's like road traffic stuff. But not allowed to ask how much is it, how much is it worth, where did they get it from.

165. I have been told DC Finch's recorded the warning in his notebook (PS03199) at pages 4 and 5: "1842 A/N's read drug caution verbatim:- *"I have reason to believe that the substances found within your home address is a controlled drug under MOA 1971. Should analysis of the substances prove positive you will be reported for offences under the act. I must caution you that you are not obliged to say anything in reply but anything you do say will be noted and may be used in evidence. Do you understand?" Both U/S, N/R.*"

166. That will be right. Rob was one for reading it out the notebook entries, back or front of his notebook. The caution regards the substance found and advise it would be reported if it was presumptively tested for drugs. I don't know for fact who dealt with it. It certainly wasn't me.

167. I don't know the outcome. It's normal not to be told the outcome.

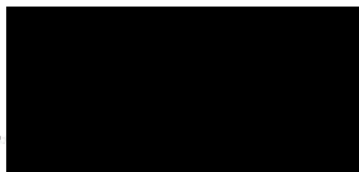
Sheku Bayoh's body

168. I had no involvement with Sheku Bayoh's body. I've never seen it.

6 May 2015

169. On 6 May 2015 I think I was tasked with basically obtaining the records of officers involved. Batons, handcuffs, OST training, Scope records, basically

Signature of witness.



getting them, getting them certified for delivery to PIRC. I was told once I got them to contact PIRC who would come and collect them. I can't remember.

170. I have been shown my bluebook at page 8 (PS17170a). I wrote:

Wednesday 6th May 2105 (8-4)

Op Birnie

DC Ged Quinn

DS More

Points 10, 17, 19

10 – Certify copies of airwave transmission

Secured 5/5

Completed this aspect

Index content – Further s'ment from [REDACTED] req'd

...

17 – copy of Use of Force SOP

Completed by Policy Unit / PIRC (Direct emails)

19 – Certified copies of PAVA/CS records for staff involved

Emailed to Shirley Buttercase

@ Brunton House, Cowdenbeath

171. I must've got an email or something. An email to the enquiry, there were different parts to it. There must've been different parts to it. It may have been DS Rab More who had different parts to the email and he gave me points 10, 17, 19 to deal with, that's why it's written there. I must've contacted the policy unit for PIRC. It's double ticked so it's been done.

7 May 2015

Signature of witness...

[REDACTED]

172. On 7 May 2015, in page 9 of my bluebook I've written that I went with Scott Roxburgh who's the CSM to corroborate the car. I don't know whose car it was, maybe Zahid Saeed's. I was corroborating, nothing specialist.

12 May 2015

173. I have been referred to my bluebook at page 11:-

Tuesday 12th May 2015 (8-4)

Op Birnie

11/(14) Prod from 8/5 – re CS/PAVA

Handed to DC Peter Gilzean

174. I think this must've formed part of the PIRC email wishlist. Peter Gilzean must've been part of productions for this case. Maybe he came and got them. Certainly I handed them to him.

13 May 2015

175. I have been referred to my bluebook at page 11:-

Wednesday 13th May 2015 (8-4)

Op Birnie

-email to Ross Crawford @ L+D

Re OST serial nos

-email to [REDACTED] (?) @ HR

Re poss DNA records for officers

176. "L+D" is Learning and Development possibly. From reading these two lines I'm going to guess I was to contact to see if there were DNA records held for specific officers, maybe in scope file or personal file. Must've been referring

Signature of witness..

[REDACTED]

to their personal files. I'm not sure if she got back to me. I wouldn't get another briefing about it. I would just get told you're dealing with x, y ,z in this email. Crack on and get back to me when you've done it.

14 May 2015

177. I have been referred to my bluebook at page 12:-

Thursday 14th May 2015 (8-4)

Op Birnie

- email request to [REDACTED] @ HR

Re officers dob / force history

- email then to DNA Lab @ Dundee

...

- email to [REDACTED] L+D

And stores

Re serial nos + OST dates

178. This is the same, a task list is divided up and I'd do my parts.

26 May 2015

179. I have been referred to my bluebook at page 16:-

Tuesday 26th May 2015 (8-4)

Op Birnie

Come + keep me company

Signature of witness.

[REDACTED]

180. I've no idea what "come + keep me company" means. That's probably somebody trying to be smart and write in my book. I didn't even notice that. It's not in my own handwriting.

27 and 29 May 2015

181. I have been referred to my bluebook at page 17:-

Wednesday 27th May 2015 (8-4)

Op Birnie

1330 hrs 27x prod lodged with DC Gilzean @ Kirkcaldy

1530 hrs @ Tullibody (?)

27 x lodged / handed to Stuart Taylor

Jim Bonner

(298-324 Holmes) From PIRC

Friday 29th May 2015 (8-4)

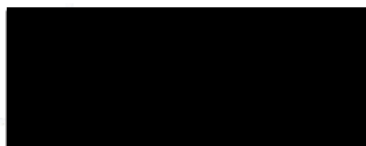
Op Birnie

Fettes – Shona urman(?)

Label – OST Scope Record of PC 435 James McDonough, P Division, Police Service of Scotland

182. I put in that I'd given them 27 productions. I've never dealt with PIRC before. I wouldn't put in my bluebook that I'd finished my statement or gave it to PIRC.

Signature of witness..



.....

11 September 2015

183. I have been told William Little states (PIRC-00371 at page 2): *"About 09.20 hours on Friday 11 September 2015, accompanied by DSI Brian Dodd, I attended at Stirling Police Office, there by prior arrangement I met with DC John McGregor and DC Simon Telford, I advised them of the role of the PIRC and that a male Zahid Saeed has made an allegation that he had been assault by the officers whilst a statement was being taken from him on 3 May 2015."*

184. I remember them. That's the first time I'd heard about it. They made arrangements to attend. The date means nothing but they did come see us at the front desk.

185. It was a very short and sweet meeting to inform us that a complaint had been made and they'd be investigating it in due course.

1 October 2015

186. I have been told William Little states (PIRC-00371 at pages 3 and 4): *"About 10.25 hours on Thursday 1 October 2015, I was on duty at Fettes Police Office, Edinburgh accompanied by DSI Brian Dodd. At that time DC John Paul McGregor presented himself at this office... I thereafter interviewed DC McGregor under caution in the presence of his solicitor [REDACTED] This interview was carried out under audio and visual circumstances. Throughout this interview DC McGregor made no comment. This interview was concluded at 1103 hours and at 1105 hours DC McGregor signed the Prod No: Voluntary Attendance at Police Station for Interview - John Paul McGregor... Before leaving the office. Both officers were advised that the circumstances would be reported to Crown Office and Procurator Fiscal Office."*

187. That's accurate. I couldn't confirm the date but that will be right.

Signature of witness.....

[REDACTED]

188. I still think it's ridiculous that 7 years down the line I don't know what's happened with it. The last I heard was the interview. I think I chased the DI, phoned the solicitor. No news is good news, but I don't want it hanging over me if I have a pending case. I went to the Federation and they couldn't find out anything.

Statements taken from other witnesses

189. I noted statements from Shona Orman on 22 May 2015 (PIRC-00279), Ann [REDACTED] Ardis on 26 May 2015 (PIRC-00281) and Pauline Donaldson on 26 May 2015 (PIRC-00284).

190. These were people giving me records of handcuffs, OSTs and other specifics. These were nondescript statements to what they produced. I was asked to get these productions and identify them so we need somebody to speak to the production. So whoever gives you it signs the production so there's a continuity.

191. I think every bit of involvement is in my bluebook, nothing further.

Race

192. I most likely would've been in unconscious bias training. This would be years ago. I know what it is now. Maybe not word for word, my understanding is indirectly treating someone due to perceived beliefs, religion, skin colour, the way they act or dress, without directly saying or doing it. Doing it in a roundabout way without knowing you're doing it.

193. It was years ago when we done the equalities and diversity training. There might've been examples and reflections. I can't recall that. I don't think I have any.

Signature of witness..

[REDACTED]

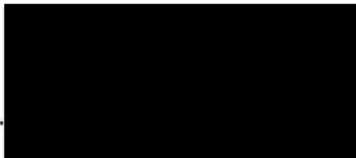
194. I've been in the police 24 and a half years. There will have been changes. Whether the policy has changed or not, more highlighted is probably a term I'd use. Promoting equal opportunities all the time, sex religion, skin colour, whether policies have changed as such I don't know. They may well have and that would be cascaded through the intranet and on the Moodle training courses.

195. Race didn't play a role in my actions, not at all. I just know that it didn't.

196. Later on as the day progressed, the media interest increased. Interest from the public, I wasn't so sure. I didn't know anything about Mr Bayoh so I knew there would be a media release about it and there may well be a follow up from that. But a public condemnation. I know there was a few marches through Kirkcaldy not long after it happened. I didn't expect that to happen but I didn't know what to expect. In this day and age, albeit 2015, social media is rife and it's the best way to get news or stories. Twitter, Facebook, once it's on there that's it.

197. I wasn't really involved in the case after day 1 other than assisting Rob Finch on day 2 for half an hour and then the car. Most of my involvement was travelling back and forward gathering productions. It wasn't on day 1 that I realised there would be a media interest. I knew there would be media interest after my involvement on day 1. It was quite intense with Saeed, we weren't doing anything else.

198. I've not seen any discriminatory behaviour by police officers. I'm not aware of any racist views held by officers in Fife. I've never heard any racist jokes or comments made by police officers.

Signature of witness... 

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

Date 26-10-22 Signature of witness... 