



The Sheku Bayoh Public Inquiry

Witness Statement

DC Simon Telford

**Taken by [REDACTED] in Capital House, Edinburgh
on Monday 3 October 2022**

Witness details

1. My full name is Simon Thomas Telford. My date of birth is in 1973. My contact details are known to the Inquiry.
2. I'm now a Detective Constable. I've been a DC for 14 years, since 2008. I was a Police Constable before that. I joined Lothian and Borders Police in 2002.
3. I briefly spoke with DC John McGregor about giving our statements to the Inquiry. He's a colleague but we don't work together. I know who DC McGregor is but I don't socialise with him. I have not particularly spoken to him about the Sheku Bayoh case generally since we stopped working on it.

Training

4. My role is in the Major Investigation Team as a DC. Specifically there's probably no training for this role, it's more an experience thing. When I was young in service you would get seconded and put in squads. You're basically

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a uniformed cop but you put a suit on for 6 weeks in a crime team, for example.

5. Then in the CID you do a training course. This is where we would be trained more specifically on what to do. It's generic more than specific. More about processes and investigative tools that you wouldn't use as a uniform officer. For example fingerprints, DNA, how enquiries are ran and the role of Senior Investigating Officers (SIO).
6. Most of it is learnt on the job. I think I was about 3 or 4 years in the CID when I got the training. It's not something you have to do to be a detective. 99/100% of people will not have that course before they joined the CID.
7. You're given notes to read on the course but the majority of times unless it's something specific you don't refer to your notes. You wouldn't be in the CID if you weren't aware of what you're doing. You're working with people more experienced who would keep you right. Unless it's specific I wouldn't turn up with a pamphlet because it would be huge. It would more be experience for how you're working. But having aids memoires can help as well.
8. There is no training in post incident management and no training in how to investigate a cop. That would be for Professional Standards. I could do it but specifically trained in that, no.
9. There is no specific training in investigating death cases. You're given guidance in the college about deaths, but it's generic, and it was given when I first started college. I don't remember the specific training but they teach you about empathy and so on. There is no specific training. Generic training is when you learn that every instance is different. They'll say you need to be more forceful and other times more empathetic because of what's happened. Not everything's the same every time.

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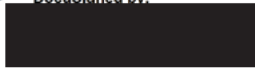
10. I don't remember any training being given at the college in regards to race. At Lothian and Borders we did, but I don't remember the year. It was a 1 or 2 week course on diversity. The course was run by the police but it was given outwith Edinburgh. There were different speakers.

11. It was definitely one week maybe two. I remember people from the transgender community, the Asian community, the gay community, and the lesbian community; various people from different organisations. In the main it was people's experiences of dealing with the police. Most of it was negative, most of the people weren't positive about it. I don't remember specifics. It didn't not help with my police work, it probably reinforce what I already knew rather than giving me more to do. It didn't change anything for me. Most of the stories were things that I wouldn't do. These stories were bad experiences with police officers.

12. CS deployment is in the college. There probably would've been training on record keeping as well. It would be more back at the Division. Your CS was classed as a firearm so it had to be stored and kept on a register. That would be for the Sergeant to monitor. The record was an A4 sheet of paper with more paperwork behind it.

13. Nobody was in charge of my continuous training. You were at college for 15 weeks, somebody would've been in charge there. As a Probationer, any cop would tell you you'd be lucky to get a week with a tutor constable. It's more of a tick list. During that it's more if something comes in that you've not done before you'll get sent to it. You'll get tasked for something for 2 years. You'll shout that you've not done it before and go up to it. Your first year you're taught what to do. The second year is more in depth and asks questions of what you've done and your progress as an officer. After second year you're technically a cop. I don't know what it's like now.

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- 14. I was a tutor cop as a PC. I had a probationer, somebody new would come and work with me. It's cyclic. Anything new they hadn't done they'd come along to learn. We'd let the other cop take the lead and let them use their skills. But I wasn't in charge of anyone else's training.
- 15. I am given time to read SOPs and guidance in my work. You've always got access to SOPs. If I wasn't sure of something, I could go and speak to someone who could give me the answer. Even now if I'm not sure of something the SOPs will be up on the intranet and available anytime.
- 16. You'll be made aware of what's there on the intranet. If there's something the Force wants you to read you'll get an email about it. The intranet is a police website for cops. Something of note will be highlighted on that. There's no obligation to read what's there.
- 17. If Police Scotland want you to learn something they'll send a Moodle package, which is online training. If I receive an email they'll send via Moodle. I did one for cybercrime last week. They're things that you have to do when they're sent to you.
- 18. I don't know anything about the materials on diversity or equalities or race. There will be numerous.

Experience

- 19. I have no experience in investigating deaths in custody or following contact with the police other than the Sheku Bayoh enquiry.
- 20. I have loads of experience in investigating death cases. I deal with murders in the MIT. We deal with murders or suspicious deaths. I've got experience in unexplained deaths and drugs deaths from the CID as well. But the rule of thumb is that for murders it's investigated by MIT.

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- 21. I've never worked with professional standards so no experience in dealing with complaints made against the police. I've got no experience of investigating off duty officers. As an acting DS I was asked to take statements from officers in regards to something counter corruption were doing. But I wasn't told what the allegation was, just given the questions. That was in 2019.
- 22. Race was never a factor in any of these previous investigations.

Previous statements

- 23. I have read my previous statement dated 6 May 2015 (PIRC-00168). This is an operational statement. It is a true and accurate account to the best of my recollection at the time.
- 24. I got an email in house from the police, at the end of my shift. When I'm not going back on a job we're asked to submit an operational statement regarding duties we undertook on that date. This was submitted at the end of my shift. It might've been submitted on 6 May when I got back in to work. It would be done routinely or you might get somebody asking for your operational statement.
- 25. The people on this job, I might never see them again. I might get sent on Monday morning to Aberdeen, for example, and the Fiscal might want my operational statement, so it's something we'll do a lot is prepare operational statements prior to close of duty.
- 26. My recollection is the same now as when I provided the statement. I don't think I would contradict what's in my statement. I think I'll be happy with both. There won't be any issues. There will be more information in my current

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Inquiry statement, but my knowledge would've been better when I gave my previous statement.

- 27. I put that statement in and the next time I got told something about the enquiry was September 2015. I got taken to an office about an ongoing enquiry. That's the next I got told about this.

Notebook and daybook

- 28. I have been referred to my notebook ([REDACTED], PS03165). This is the notebook I used on the day.
- 29. I keep it because anything I do on a daily basis that's relevant I put in a notebook. It doesn't automatically need to be kept for legal/civil reasons or whatever. Anything goes in my notebook.
- 30. There is a requirement to keep my notebook but it's up to me what goes in it. My understanding is I've got an obligation to make it up to know what I'm doing on a daily basis.
- 31. I know other people I work with have a blue book because they have a wealth of information to put in it. I know a blue book can also be called a daybook. I don't keep them. In certain cases I keep a blue book but not in this case. I kept it when I was an acting DS because there was lots of stuff to note. Trying to do that in your notebook would be silly. The information as a DS is writing 5/6 pages in a daybook per day, so you'd be filling 2 notebooks a day. On a daily basis I probably write little. In the MIT you probably keep a page in the notebook a day. As acting DS it was hundreds of things and keeping notes.
- 32. I don't need to keep a daybook. If I was getting a wealth of information from a squad then I'd keep one. I don't like them and I never have, they're messy.

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Media

- 33. I've been following the Inquiry a wee bit. I've seen some evidence. I've watched a couple of the cops, I don't know who, and I watched Zahid Saeed. I didn't watch all his evidence. I think I saw the first 10 minutes. When it was live I was watching it, and then I got sent to a job so I stopped watching it. I've not taken anything away from what I saw, personally.

- 34. You can't get away from the case in the media. I'm not following it but it's on the news. I've saw just generic news that the cops had been in the Public Inquiry. I've seen stuff previously to do with the fact that Sheku had died and police were getting blamed. My knowledge would be generic rather than in depth. I've not been following it, I've not been looking up stuff and being investigative. I don't think anything I've seen or heard has affected my recollection.

Role on 3 May 2015

- 35. My role on 3 May 2015 was in the Major Investigation Team. I work one weekend in 4. It was a Sunday and it's a skeleton staff. Presumably DC John McGregor, was on that day as well. At that time I was working at Livingston. I was based at Tullibody, I think I paraded there and we were told to go to Kirkcaldy. Not unusual to go from pillar to post.

- 36. I got a quick briefing from DS Graeme Dursley. I was told to trace Zahid. That's what we were told. We were told he had been with Sheku the night before. We were not given any specific role. That's not unusual, the work just gets divvied up.

- 37. I don't know who was in command when I arrived. At the weekend you'll have the Sergeant, a DS, and about 10 cops, but they're spread all over the

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place, Livingston, Tullibody and Kirkcaldy. The DS or the DI who was on would phone round if a job breaks. You'll be on for 8:30am and see if something happens. There would be a phone call to get ourselves to Kirkcaldy. I don't remember the briefing I just remember it because it's in my notebook. That would be normal. I don't know if it was just me and DC McGregor in the briefing, normally there's a roomful of people. Normally the work would get divvied up. Normally a DI would be there. I only know about DS Dursley because it's in my notebook. I don't remember the DI.

- 38. I don't know what PIRC's role was, didn't have a clue. I didn't know they were involved. The only time I found out about the PIRC was later on in the day. There was information that we weren't to go to the dining area in Kirkcaldy because the cops who were there that morning were being kept there and the PIRC were coming. That's all I knew about them that day.
- 39. My assumption was that the PIRC were coming to deal with them. We were at one part of the station and I remember the custody sergeant or somebody told us not to go through to the dining area where the snooker table was because the cops from the morning were there and PIRC were coming. That's all I knew about the PIRC that day.
- 40. I did not consider that this was an investigation into potential criminality of police officers. We were told it was a male who had died after assaulting a police officer. At the weekend the MIT can get sent anywhere to deal with anything. We were dealing with a male who had assaulted a police officer. He'd been out the night before with Zahid Saeed. It never dawned on me, I never thought for a minute it was anything to do with the fault of the police at that time.
- 41. We weren't investigating any race issues at that time. The only time race was an issue was Zahid. He was bringing it up. He kept getting messages all day. We were sitting in a room and he was receiving text messages all day

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about how the police had killed Sheku, Sheku had stabbed somebody, he was black, so the police had killed him. I can't give specifics but there was a lot about how the police had killed Sheku and it was because the fact that he was black. I didn't see the messages. He was telling us, asking us questions from the minute he was in the car. Moreso at the station.

- 42. Dursley is a DS, I don't think he was acting. Dursley isn't in the MIT, he's a P Division, Fife, officer. He wasn't one of my supervisors. That's not unusual, we were getting sent to the Division that needs assistance.
- 43. I don't remember a lot of the briefing. We got told it was a guy, he'd been with his pal, they'd been watching a boxing match in a house. There'd been an altercation and he'd been the person who had spent most of the time with him. I know that but I'm not sure if we were given that much detail. Ultimately we were told Zahid had been with him, a cop had been assaulted, a male had died, and we were given address and we were given Sheku's details and I know from seeing my notebook we were given his partner's details.
- 44. I have been referred to my notebook (PS03165) at page 065 and 066:-

*Sunday 3rd May 2015
0800 Paraded Tullibody
0955 Paraded Kirkcaldy
Regarding male dying in street.
Hendry Road, male knife
Hayfield Road, Kirkcaldy
Sheku Bayoh
30/9/83*

Collette Bell's address at Arran Crescent

*Kirkcaldy
Collette Bell
Friend – Martin Dick*

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[REDACTED] (Deceased left 0730 –

Zahid called Collette Bell)

Zahid Said [REDACTED]

[REDACTED] – [REDACTED]

[REDACTED]

DS Graeme Dursley

- 45. The note is investigating a male dying in the street. That’s generic. The call might’ve been the fact that a police officer was assaulted, I’ll just put it’s a male dying in the street. In the MIT we don’t mean anything by that. That will have been before we got the briefing. We do what we always do which is the deceased, the details around the deceased and what we’ll do next.
- 46. A male with a knife would’ve come from the briefing. I can’t remember what I was told. The only thing I remember that’s not in the notebook was that Zahid [REDACTED] [REDACTED] I hadn’t met Zahid before.
- 47. Hendry Road or Hayfield Road are going to be locuses. Something’s happened at Hendy Road. This would be a story. I’ve got in my statement that it was after assaulting a police officer, something like that would be told to us. A male had a knife, I now know that was Sheku Bayoh. It’s been Hendry Road onto Hayfield Road, it’ll be two locuses. I know he was found on the street.
- 48. My statement I stated (PIRC-00168) at page 1: *“About 1100 hours, same date witness Detective Sergeant DURSLEY informed me a male (Now deceased) had died after assaulting a Police Officer in the street. It was believed the deceased had been in the company of a few friends prior to this and I was instructed to attend with witness Detective Constable MCGREGOR and speak to witness SAEED regarding his involvement.”*

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- 49. That will be what we've been told. I don't know where this information had come from. It had been conveyed by DS Dursley but I don't know where he got it.

- 50. We were asked to get a statement from Zahid to ask him what happened the night before. Basically, it's the MIT, we'll ask him everything. If we get asked to get a statement we'll take everything, ask everything we need to ask. We'll elicit a story of his involvement in what happened the night before.

- 51. We would've been told he'd been out with his mate Zahid last night, something happened but we don't know what. We'd been looking for everything. If we're going out to take a first statement from somebody we'd make it as full and thorough as we can. The majority of stuff we deal with is on indictment in High Court and we need a full story, everything that a person knows about the incident. We need to know the whole time, day, the person involved and the people involved in it. We do that in every case. DS Dursley didn't need to tell us anything more, that's how the MIT and CID works, they know what they're doing.

Management of response officers

- 52. I think we would've come in to the station that way in the back door from the car park through the canteen, but I don't know. The officers were in the dining area during the day but not in the morning. They probably went in in the afternoon. I don't think they got back in the station 'til the afternoon. I don't remember the station being busy with the uniform guys.

- 53. When we came back with Zahid, we must've come in the back door but maybe we came in the front. I don't remember coming in. But I do remember being told at one point later on don't come through there. I would normally come in the front door with a witness. If we came through front door we'd need somebody to let us in. Normally in a station I'd come in the back door

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but I can't remember. In the back the only way is coming in the dining area. If there's cops there then we must've walked past them.

- 54. I've worked at Kirkcaldy Police Station before. I'm not aware of the CCTV at the back of the station not working. It's not surprising it's not working. Police being the police, doesn't surprise me.
- 55. I was not involved in delivering the death message to the family. I did not have any dealing with Collette Bell.
- 56. I had no media involvement either. I don't know who was responsible for that. I don't know about what was given to the press. I didn't know about a police officer being stabbed by Sheku Bayoh, but I think I got asked that by Zahid Saeed.

Zahid Saeed

- 57. I didn't know Zahid Saeed prior to 3 May 2015. I don't remember any information [REDACTED]
- 58. I was given no further information about Zahid Saeed's involvement that day other than the briefing with DS Dursley. The first time we found out he was assaulted was when we spoke to him. It was a positional statement required from a person who had been with him the night before.
- 59. I don't know about the prioritisation of Zahid Saeed as a witness in the overall enquiry. I would say he was important because the male's dead and he had been in his company prior to the incident. We wouldn't be asked to get him if he wasn't important.

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- 60. We don't have the time to deal with them differently. Nearly every witness we deal with in a murder knows the deceased. They're either witnesses, suspects or they were involved. Every person is different. You gauge it on what you get. You deal with it based on what the person is like. You see what you get when you arrive and take it from there.

- 61. Ultimately if you want, DC McGregor would have lead it a bit more than I did in relation to dealing with Zahid Saeed. There is somebody who takes the statement and somebody who sits. The person sitting would take notes, corroboration, take coffee and tea.

- 62. The main person in Zahid's interview was DC McGregor. If there was anything of relevance I'd bring it up. We'd decide between us and DC McGregor or me said that he should take it. There was two of us because we always work in pairs. Probably because of corroboration in the MIT. It's very unusual to go on your own.

- 63. I have been told DS Graeme Dursley states (PIRC-00136 at page 2) the following: *"About 1120hrs, same date, I formally briefed DC Peter Stark, DC John McGregor, DC Simon Telford, DC Dominic Cox, DC Alan Forbes, DC Brian O'Neil, DC Alan Monteith, DC David Bellingham within the Major Investigation Team Office at Kirkcaldy The priority actions at that time were to locate and note statement from witness Zahid Saeed (Allocated to DC McGregor and DC Telford) and to locate witness Martyn Dick / Kirsty MacLeod."*

- 64. I don't make the priority decision, but it might've been words to the effect of the priority. The relevance of his importance would be the DS side of it. I don't remember seeing anybody else. I know Peter Stark but I don't remember seeing him at all that day. I don't know why he was over, he's Edinburgh. 1120 hours is close to 1100, there's nothing in the statement I don't agree with.

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- 65. We went to Zahid's house in [REDACTED] Went to his door, knocked on his door, it was a female who answered. I think it was his mum. She said he wasn't there.
- 66. There was no discussion about an interpreter when we attended Zahid's address. I got in my book she was able to say he wasn't there. We were there very briefly. He was at the side of the house. I think he's come out the main street, maybe the car was there.
- 67. My understanding is that the [REDACTED] address wasn't a locus. It wasn't when I was on it. There was still people there. There wasn't any police presence when I was there in the morning. When we went to seize the stuff I don't know if the Scenes of Crime Officers (SOCOs) were there.
- 68. In the MIT there can be 10 different things happening at once so it's easy to not be aware of other ongoing events. It wasn't police taped or anything. It wouldn't have been a locus because there would be a locus protection book. We would have a Scene Entry Log. If something was seized we'd have further papers for that. It would be in my book and I don't have a note so it couldn't be a locus.
- 69. The female said Zahid wasn't there. I don't remember if she said he was at the hospital.
- 70. There was a car at the side of the house. A man appeared from around the side of the house behind the car and he identified himself as Zahid. He immediately started talking about being assaulted. Ultimately that's what he said in my book.
- 71. I wrote in my notebook (PS03165) at page 067:-

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*On arrival at [REDACTED] address
Mother answered and said Zahid
Had gone to hospital.*

- 72. I don't know if she identified herself as his mother or if that was just my opinion. He came round the side of house and said he needed to go to hospital because he had a head injury. He had tenderness on right hand side of head and rear of neck as result of blunt "trauma", he must've used that word. I've used inverted commas so he must have used that word.
- 73. We took him to Victoria Hospital and en route he said he was fighting with Sheku, his pal, who was punching him repeatedly to the head. He said he was not fighting back. We went to Victoria Hospital.
- 74. It would be normal to take someone who had been assaulted to take them to the hospital. He used the word trauma, if they said they were injured or hurt in any way we'd always take them.
- 75. We sat for a wee bit at the hospital but not for long. I did go with him into the hospital. I sat in waiting area. My recollection was that he'd been given a box of painkillers, I think it was only paracetamol.
- 76. We didn't get any information about his injury from the hospital. He'd had general head knocks but if he's been released that quickly with paracetamol it couldn't be too bad but I don't remember. I think if I'd spoke to the doctor I'd have written that in my book.
- 77. It is protocol, if you're a police officer and you're dealing with someone in an accident or who had been assaulted, with injuries as a result, if he wanted to go the hospital then we would always take him. He was fine to continue. He didn't have anything that I could see that looked like he was badly injured.

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He was speaking fine, his behaviour was ok. It was erratic and aggressive at times in the interview later but there was reasons behind that. Nothing that gave us a reaction that we couldn't take a statement from him or speak to him, and he never indicated at that time that that was a problem either.

- 78. We then went back in the car. I didn't know this until reading it in the notebook but we were asked to identify the house where he was. He said he was there to watch a boxing match. I don't know if the boxing was in the briefing or not. Sheku had become really agitated and he had left the house. Zahid had left to find him and that's when he was assaulted. We were asked to identify the house where they were.
- 79. Went to [REDACTED] [REDACTED] He then identified the door in the street. The house was [REDACTED]. I think I left the car because I'd shown my colleagues, he'd identified the house. This is all in my notebook.

Interview of Zahid Saeed

- 80. That's when we came back to Kirkcaldy. I thought we went in the back but I might be wrong. MIT had an area in Kirkcaldy Police Station where the MIT worked from. We had two rooms and I'm sure we were in the CCTV room. We weren't in the main office, I'm sure it was the office next to it.
- 81. Zahid sat down, DC McGregor next to him and I sat on the other side of the table. DC McGregor started noting the statement. Throughout that time Zahid was getting messages, I don't know who from. I think from Collette Bell and I think she was also giving a statement to the police but I might be wrong. He was getting messages and asking us questions about what had happened, how had Sheku died, had he stabbed anybody, had the police killed him and had the police murdered him.

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- 82. There appeared to be messages and social media he was reading on his phone about all this. I never seen any of the messages. He was definitely asking stuff he was reading on his phone. I think it might've also been when we were all in the car. At some point I think I said to him that we didn't know. I think all we knew was the male was deceased, but no details.

- 83. I'm convinced I went up the stairs at some point in the interview. I think I spoke to Rab More, a DS in the MIT. I think it was Rab More and potentially DS Dursley. Rab More sticks in my head. I spoke to them and said Zahid's getting agitated and reading hundreds of messages. I said he's becoming agitated about the whole thing and the fact that the police have killed Sheku or Sheku has killed police and I asked if I could go back and tell him more and what can we tell him.

- 84. We were told to confirm Sheku was dead. I remember saying to him, I'm sorry to tell you but Sheku has died, that's confirmed. I didn't or wouldn't know any more than that. I don't know how he reacted but we did start taking the statement. One minute he was ok and next minute he was accusing us and the police of not telling him the truth, or anybody the truth, saying we were lying to him and investigating him. He said it was nothing to do with him so why were we investigating him. We told him that wasn't the case and he was a witness.

- 85. I didn't say to Zahid that Sheku had a heart attack. If anything, it would've been him saying Sheku had a heart attack and that would be realistic from his messages. I'm not sitting on my phone during that statement and DC McGregor wouldn't be either. He might've turned round and said he'd had a heart attack and we said yes. Due to policy we're very unlikely to have told him anything. For us to say what happened and why, no. I remember getting confirmation about what we could say to him about what happened. We didn't know a lot about it either. He was getting misinformation, some of the stuff, one minute Sheku stabbed someone, next someone was arrested, he

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was getting everything from everybody. If anything someone has told him he's had a heart attack.

86. At that time I didn't know about how Sheku had died. I'd be extremely surprised if heart attack came from us. The supervisor wouldn't tell you that he's had a heart attack, they're not doctors. We've not been told it's a heart attack. I would've wrote that in my book and we'd ask questions about that. I don't think we had any idea what we were looking into that that time. We would've got more information from Zahid and his phone than we knew. If we were asked to put in specific stuff, we would say to Zahid we'd been asked to ask something in his statement. We were asking specific questions about Sheku Bayoh and his private life.

87. I didn't get a sense Zahid was intoxicated. He said he had a head injury. However he was aggressive, agitated and upset. If somebody doesn't want to give a statement then we won't take one. The challenges we faced with Zahid is that at one point he was fine, then he was receiving things on his phone and then we'd have to stop. But there was no problem, we could communicate. We would bring him back down and then it came from the phone. It was a difficult situation for him. There was understanding from us behind that. It was the up and down and accusing us of treating him like a suspect so we'd have to deal with that. We'd then speak to the supervisor, DCI Stuart Houston. The information received on his phone. I don't know if it was real or misinformation. At no point did we think we needed to stop the interview for his welfare.

Zahid Saeed leaves the interview

88. Zahid got up during taking the statement and he was angry. He was jumping about the place in the room saying he was going. DC McGregor was next to him. Zahid went out the door. DC McGregor was next to him. Zahid made a beeline for the door, pushing his arms about, very animated about how he

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was leaving. I think he was swearing, definitely shouting, saying "I'm going". DC McGregor said that's fine you can go.

89. Zahid left the room and went towards a set of stairs, door to the left, DC McGregor showed him where the door was, he was shouting about DC McGregor grabbing him and pulling him. I didn't see DC McGregor doing that. We're saying to him you can't jump about a police station like this. I can't remember if DC McGregor or Zahid opened the door. I was behind Zahid. I can't remember who went out first.
90. In the foyer DCI Houston was there. I think at the time he was a DCI, I don't remember if he was in the MIT. He's a supervisor I know from Lothian and Borders. He asked what was going on. I said Zahid said he's leaving, he's had enough. DCI Houston said he knew him. [REDACTED]
[REDACTED] It might've been then he said he's had dealings with Zahid [REDACTED] [REDACTED] DC McGregor used words to the effect I've still got his phone. I said give me his phone, I took his phone and gave it back to him.
91. I took it and gave it back because it's his phone. We should have it. I don't know how DC McGregor had it in the first place. I think he's taken it off the desk when Zahid stormed out. I'm sure he was swearing and he jumped up, closely followed by DC McGregor.
92. I didn't see DC McGregor having his hand on Zahid's arm. I saw DC McGregor's arm go out. I didn't see him grab him.
93. DCI Houston said Zahid was happy to go back and assist us. We continued taking the statement. Throughout the time a lot of questions were asked. He was answering but wasn't happy about why we were asking him. We explained it was information and just his account. We reaffirmed it wasn't

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him being investigated. The statement was him as a witness. I don't think at that point he said he wanted to go. It was clear he could leave.

DNA samples

- 94. Later, I took DNA off him. That was when we were in the room taking the statement. I don't remember if the statement was finished but must've been round about then. He was medicalled by a Forensic Medical Examiner for the injures he'd sustained. I was present for most if that if not all of it. Sometimes you go away and confirm with the supervisor what they want and why.
- 95. The evidential swabs are for comparison purposes in forensics. It gets used and then discarded.
- 96. We would've been asked by a supervisor, hopefully that's something in the policy log. Someone's made a decision. It's not unusual if he says he's been assaulted to go to the FME. I didn't speak to the FME prior to me taking Zahid through. She's either been there or someone has contacted her to come. She's Dr Gillian Norrie. I know that from my notebook.

End of interview

- 97. He was advised per usual practice we'd read statement back over on CCTV disc. He refused to have it read back over on tape. Myself or DC McGregor spoke to the supervisors and I'm sure again it was DCI Houston who came back down and spoke to Zahid. They spoke in the room. DCI Houston came out the room and said we've had a discussion and it's not going to be today but we've made arrangement for him to come back for it to be recorded.
- 98. We then went from the Police Station back to [REDACTED] We were asked to seize items from the house. It was me or DC McGregor, and a forensic, I

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can't remember his name. They took photographs and I took the items. I've got it in my notebook what was seized.

99. My presumption is that this is the clothing in his statement he was wearing the night before. It's seized because he said he's been assaulted by Sheku so it's standard practice to seize clothing. It's not unusual to seize clothing for assault cases, certainly in the MIT. I don't know if that's the same for uniform officers. I've seized clothes in uniform loads of times. You don't need a warrant, I asked him if we could take his clothing and he said aye. We took his phone as well at the end of the night. He agreed to that as well.
100. It was then or at the station that he asked us to take him to [REDACTED]. They said yeah and we took him to the house. There was members of the family in the street, maybe his sister. We went away with Zahid to [REDACTED] and that was that.
101. I don't remember any males at the house. I seem to remember back at the house I've either taken my shoes off or put on white covers. It wasn't a locus and there could've been other people at the house but I can't remember seeing them. I think a bedroom was upstairs.
102. We went in the back door and out the back door. There was people in the street I think 3 or 4, one in particular I'm sure Zahid said was his sister. She was asking where he was going and what he'd done. I think they thought he'd done something wrong. Someone I think was his sister, she was an adult, I'm sure we were confirming he's not a suspect, he's getting taken to [REDACTED]. I did speak to somebody about this. I think it was when we were taking him in the car to [REDACTED].
103. We would make an arrangement or an agreement to take his mobile phone. He said at one point he wasn't going to give his phone. When he decide not to do the tape the arrangement was to get his phone.

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when we got to [REDACTED]. The phone would've been lodged and given to the productions officers.

Zahid Saeed's criminal allegation

104. 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 Sheku. 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 Sheku 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 Sheku 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.

105. I don't think I said "no easy way". I would say I'm sorry. I'm quite happy I'm the cop that went out and came back in. I'm more formal than that, I would say I'm sorry but Sheku has died. We knew from the briefing that Sheku had died. I would've said sorry but not that it's difficult to tell you.

106. We didn't say we'll take you home. We said if he wanted to go home we'd take him home. I know that was one of the allegations that we held him against his will but that's a definite no.

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- 107. I think him going out the back suggests we're still using the back door. That's through the dining area. The back door is out the back. If he's saying we went out the back that suggests we went through the dining area to get out the back. That could be the time we were told not to bring him through there.

- 108. 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 quite a while. During this time I questioned the officers about Sheku 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.

- 109. I don't remember about police officers approaching him during the incident. That would be common knowledge at that time. I do remember him telling us about the stabbing. We answered that we didn't know the answers to these things. If he'd asked was Sheku stabbed, we'd say we didn't know. We'd been told what we'd been told, but we'd give him an answer. The least he would've got is we don't know. He wouldn't have been ignored.

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Signature of witness.....

110. I would tell him what I knew, if I knew the circumstances of the death. At no time were we told not to tell him something. The issue we were having was the wealth of information on his phone. We knew what we'd told him. We weren't concealing anything from him.

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

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.

112. The reason was ultimately, if we're taking a statement we're building a story and taking a thorough statement, if it gets mentioned we'll progress that aspect. The dynamic with friends, once he said he takes drugs, social circle, we would ask every question. We want all the information and detail. It's the way we work and if we're dealing with an incident of a serious nature.

113. I don't remember asking about Sheku's religion. I don't remember asking about Zahid's religion. That would be a welfare issue. These are relevant matters because we're asking about drinking and drug taking.

114. Zahid had mentioned that [REDACTED] so that would always be expanded. I don't remember when he'd mentioned that there was drug use. If there was several people in a house watching. Every time if they were watching a boxing match I'd ask about drinking and drug use. It's situation where he's been out with several people, watched a boxing match.

115. "Steroids", I would guess that was something he came out with. It would be him telling us. It's written like he came out with it. It's not unrealistic that we didn't ask these questions, we probably did ask these questions.

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116. It's not portraying a picture. We're not going down the line of trying to portray a story. Zahid himself explains It's completely out of character. We're still writing down that he's not like this. It's a story and as much detail about the night before. The questions would've arisen from what Zahid was telling us. We're looking to expand on what Zahid was telling us. If he had mentioned this was uncharacteristic, we wouldn't have left that. It wasn't to portray Sheku in a particular way. We needed to fully elicit his account and obtain as much information as we could possibly get.

117. 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 bicep 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.

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118. I don't remember the phone call. I don't remember him getting his phone out. He also never just got up. He jumped about and went crazy, he was swearing. If he said he was leaving I would've shouted that's well within your right. That's sounds like something I would say: "you're well within your right". But both of us said you cannae act like that in a police station.
119. DC McGregor did put his arm out but I didn't see him grabbing him. He might've said "take your hands off me" or "this is assault". I don't remember what happened at the door. I think DCI Houston was coming in the door. It wasn't a fire door it was a door that only opens one way, to go out. Getting out is easy and getting in requires a passcode.
120. When Zahid's gone out the door I'm sure he said to DCI Houston that he was leaving. That was in the foyer, not back in the place. Unless DCI Houston came in the door if it was happening in the door.
121. If DC McGregor had a hold of him then I didn't see that. Zahid was not calm. He's probably quite right that I wouldn't dispute the fact that we didn't know what to do, he just blew, it probably was "what are you doing?" and I'd sit there and be shocked or surprised. What he's not conveying is how agitated and aggressive he became so quickly.
122. Whatever DC McGregor's saying, he needed to be calmed down. It would be better for him to go straight out the door. I'm convinced it was a straight door to go out.

CCTV of incident involving Zahid Saeed

123. I have been shown the CCTV footage of Kirkcaldy Police Station on Camera 13 (PS00197) at 17:30:00 onwards.

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124. I can see Zahid Saeed leaving and I hand him his phone.

Force Medical Examiner

125. I have been told Dr Gillian Norrie states (PIRC-00282 at page 2): *“About 1830, same date, I was requested by DC Simon Telford to examine another male who was connected to the incident but was not a police officer. The male I examined was Zahid Saeed. Again I examined him for injuries and general health.”*

126. That is right and will be in her report. When I spoke to the doctor I gave her the impression it was a whirligig that Sheku had hit Zahid with. But what Zahid was explaining was a clothing pole. When I filled her in it sounded like a whirligig but it wasn't. That's miscommunication. When I was speaking to the FME, I told her what was happening. When we got to the bottom of it with Zahid it wasn't a whirligig but a clothing pole. I think that's where this misunderstanding came from.

Forensic strategy

127. I had no involvement in the forensic strategy and wasn't aware of it. We had no witness strategy either. We're working with Zahid. During the day we're feeding back in and carrying on with our enquiry.

128. I wouldn't have decided to seize his clothing. In the MIT we're action led, a lot of what we do is to follow what we've been instructed to do. We'd have been instructed to go to [REDACTED] The SOCO knows what it is and we'd go and do that. In CID we'd do it ourselves. In the MIT one of your supervisors would tell what to do next. I wouldn't have phone or told anybody that's what we were doing.

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Signature of witness.....[REDACTED].....

Investigation into Zahid Saeed allegation

129. We got notification a couple of days before PIRC interviewed me about Zahid Saeed's allegation. I was working in Livingston in a squad and that's why I met them there on 11 September 2015. I got asked to attend the office at Livingston about an ongoing enquiry and I didn't have a clue about what happened with it until the Public Inquiry contacted me.
130. I can't remember what they said but basically I got made aware about a complaint and conduct, criminal conduct against Zahid "Asif". He's the same person, either they've got the wrong name or I've got the wrong name. They'd have told us a lot more in depth than that but I've written it down in bullet points.
131. 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. The PIRC had been instructed by COPFS to investigate this allegation. I did not caution the officers at common law and no questions were asked of them."*
132. That's right, we weren't cautioned then. I thought it was really unusual. They were trying to be our pal and said words to the effect that they've got enough experience to know about these things and "we've all done it". That's probably why I've got suspects written down. I thought it should be more formal than that. [REDACTED]. It was unusual.
133. The allegation was downplayed as if it was nothing and would be over very quickly. From that point of view, my opinion was if I'm a suspect for

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something why are they speaking to me about it. In the same vein I've got big shoulders so I didn't bother about it. It wasn't an issue.

134. I returned again and did an interview in October 2015. I gave a no comment interview. It was in the Professional Standards office, not a custody suite like a suspect. I think it was the Chief Inspector's office. You'd expect some kind of anonymity. I appreciate they were trying to help me but it wasn't helping. That was also unusual. I don't know if they were trying to protect us because we were cops but it was inappropriate to do it in Professional Standards. A lot of this is process but a lot of decisions were well above my pay grade.

135. I didn't hear what happened with the allegation. They've still not told us. We've asked several times but they've never ever told us. Presumably because DC McGregor's not been told and I've certainly not been told. I know we both said no comment in the interview.

136. I had no other involvement in the Sheku Bayoh enquiry.

Race

137. I've had no training on unconscious bias. I know what it is. I probably did do something on it but I do know what it is. I don't think I have unconscious bias. It's when you go in with an opinion based on what you think already.

138. We're far more aware of equality and diversity issues now. I don't think you can be prejudiced in the police. You're far more aware of race issues and there's a wealth of information on equalities, creeds and colours, within the world and the police. Police Scotland are certainly on board with that.

139. Sheku Bayoh or his friends and family's race played no role in any of my actions or decisions.

Signature of witness..... 

140. The police were not concerned about how Sheku's race might factor in the public perception of the events at that time. It's changed now with what's happened since that date. At that time I went home and I didn't think anything of it.

141. From my experience I don't know anybody that has any racist views in the police. If they do then they shouldn't be in the police. I have not heard any racist jokes or comments by police officers.

142. 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.

January 6, 2023 | 12:58 PM GMT
Date..... Signature of witness.....

