



The Sheku Bayoh Public Inquiry

Witness Statement

Keith Harrower

Taken by [REDACTED]

on MS Teams

On 28 October 2022

Witness Details

1. My name is Keith Harrower. I was born in 1961. My contact details are known to the Inquiry.
2. I am currently a Senior Investigator with the Police Investigations and Review Commissioner (PIRC). I have been in this role since 1 March 2018. I have worked for PIRC since February 2013. At the time of the incident, I was a Deputy Senior Investigator.

Previous statement

3. I have had sight of my statement dated 6 August 2015 (PIRC-00007). I began to record the statement on 4 May and added to it during the course of the investigation until its completion on 5 August 2015. I'm asked what sources I referred to when drafting the statement other than my own memory. I had access to my PIRC notebook and Operational Notes – Death of Sheku Bayoh I made no additional notes elsewhere. However, I did complete a detailed briefing document (PIRC-03694) regarding the incident which was passed to

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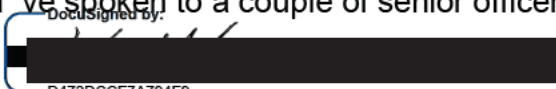
PIRC Senior Managers. This was subsequently retained as a production. The statement was given to the best of my memory at the time and I did my best to be truthful and accurate in what I said. I've read over this PIRC statement and confirm the content is correct. I'm asked if there was any discrepancy between this statement and my PIRC statement, which statement I would prefer. Clearly, the Inquiry statement has additional information and clarity on some matters in answer to specific points and questions.

Career Summary

- 4. I joined the Strathclyde Police in 1979 and worked for roughly four years as a uniform beat and vehicle patrol officer. Then I joined the CID, worked there for a couple of years, then moved on to the Serious Crime Squad for I think it was three years at Force Headquarters in Pitt Street in Glasgow. Moved through the ranks from sergeant to inspector and detective chief inspector in various roles including four years in the Scottish Crime Squad targeting major crime. Latterly, for about the last 10 years of my service, I was in the intelligence environment at two different levels as a DCI and a temporary detective superintendent until I retired in 2009. I was a temporary detective superintendent for roughly a year.

Knowledge of Police Officers involved in the Sheku Bayoh Investigation

- 5. I have been asked whether I knew any of the police officers involved in the Sheku Bayoh investigation. I have no definite recollection of that. While I was in the Scottish Crime Squad, we were doing work all over the country at different times and moving from one force area to another. I have no recollection of having any discussions with anyone in Fife Constabulary that I can remember. I certainly didn't know any of the nine principal officers involved in the incident personally. I did know Detective Superintendent Patrick Campbell. I think he was a sergeant in Headquarters' CID at Pitt Street in Glasgow when I was on the intelligence side, so there was some sort of crossover. I didn't know him particularly well, but I knew of him and I spoke to him on occasions. I may have spoken to a couple of senior officers at an

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earlier stage of my period in PIRC, but I can't recall circumstances and dates. I also knew Ruaraidh Nicolson, who at that time was the Assistant Chief Constable. I knew him during my time latterly at Strathclyde Police. So I was aware of him and had spoken to him previously.

3 May 2015 – Initial Information

6. I was the duty on call Deputy Senior Investigator for the PIRC on the night of 2 May 2015. At around 0935 hours on 3 May 2015, I was contacted by David Green of Crown Office. He made me aware of an incident in Kirkcaldy that morning at around 0700 hours. My statement records that I was instructed *“to carry out an independent investigation into the circumstances surrounding the death of Sheku Bayoh,”* and that Mr Green informed me that *“Police Scotland officers attending the area having been informed that a black male, in possession of a knife, was causing a serious disturbance at this location. [...] I’m asked whether there was anything about Sheku Bayoh’s race that was relevant to this initial instruction. No, not to my mind. I took the mention of the fact he was black simply as a description of the individual involved. I don’t think Mr Green had a huge amount of information at that time. I think he roughly articulated the information being passed to him and he’s conveying that to me. I think he expressed at one point that it was limited information that he had. The important aspect was that a person was dead and there had been direct interaction with the police. So that was a very serious incident and, on that phone call, that was obviously the priority, to initiate the response to that and deal with that as best we could.*

7. My statement continues that *“Mr Green confirmed a number of police officers attended this incident and on their arrival an altercation took place between this, as yet unidentified male, and the officers. During this altercation he told me that CS spray had been discharged and the officers had used their batons. He added, that during a subsequent struggle the male collapsed and an ambulance was summoned. He was subsequently taken to hospital where*

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life was pronounced extinct at 0904 hours.” I’m asked whether the order of events suggested to me that Mr Bayoh had instigated the altercation. Yes. The inference was that the male’s actions had resulted in the police attendance and then subsequently having to take some sort of action on the circumstances that they met. That was my summation of what he was telling me.

8. I have been asked about my Operational Notes (PIRC-01468) which record the detail of my telephone conversation with David Green at 0935. This states: *“Calling re a death in police custody in the Kirkcaldy area. He has received report from Police Scotland that they attended an incident at 0700 this morning somewhere in Kirkcaldy town centre. The report was of a black male with a knife above his head causing a serious disturbance. Full location unknown at present. Male and female uniformed officers attend locus, challenge male, fight takes place during which CS and baton used. Eventually placed in police vehicle and he subsequently collapses. Paramedics attend the scene and do CPR.”*

9. I then note the details of a telephone call with Superintendent Craig Blackhall, from the Police Scotland Professional Standards Department at 1001 hours. He provides me with a short summary of the circumstances and I have noted: *“About 0700 hours, a number of calls to Police Scotland regarding African male armed with a knife in town centre of Kirkcaldy. Suspect makes run at female police officer and assaults her. Suspect is CS’ed, but this has little effect and he laughs. Suspect struck with baton at least once. A number of police officers attend the locus. Suspect was unconscious on the ground. CPR done by police and then by paramedic short time later.”*

10. There are discrepancies in both of these accounts. In the first from David Green, the suggestion that the male was taken into a police vehicle and then

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collapsed. In relation to Superintendent Blackhall, the description that the suspect is sprayed with CS spray only once the assault had taken place. Yes, looking back these are apparent but we were not aware of this at that time. I don't know where either of these individuals received that information from, whether that was all from the one source or that was his summary of the incident as far as he was aware from different sources.

11. I have been asked if it is common for information provided at the start of an investigation to subsequently prove inaccurate. I would not say it is common, however, I have had similar experiences in the past. It may be that whoever is providing that information has been given inaccurate information but with no malice intended. It's just passed through a chain of different people, it's not wholly accurate from what you subsequently establish.

12. I have been asked about the summary of the circumstances in my operational notes and where this material came from. My notes state: *"07.15 Reporter states male with knife, Hayfield Road. 3 marked police vehicles and 1 unmarked car responded. Male appears in front of them. He runs towards them with knife. Batons pulled out and CS deployed."* From recollection, I think that came directly from Detective Superintendent Pat Campbell. The summary follows from the previous page which notes a telephone call with Pat Campbell at 1022 hours. The information detailed here is quite specific. It's certainly a timeline of sorts from what the police were aware of at that time. If it had come from anywhere else, I would've noted that there. To me that's all notes that are following on from the phone call at 1022 hours. I'm being provided with an update on what he knew about it. It's certainly not my summary of anything because I wouldn't have these exact timings. At this stage, I was not yet at Kirkcaldy Police Station so hadn't had the opportunity to have a face to face discussion with anyone about the details of the incident. This accords with my statement, at page 2, which states *"About 1022 hours that morning I contacted Detective Superintendent Patrick Campbell by*

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telephone and he provided me with a summary of the incident from the Police Scotland perspective.”

13. On the following page of my operational notes, I've then noted the details of the deceased and information regarding Collette Bell's call to the police at 0839, a list of 4 locus and then on the following page I state *“Pat Campbell informed to leave body secured at hospital”*. He was instructed to do that with a view to PIRC scene managers dealing with the deceased's body or at least directing others in relation to that. So we were aware at that time that there was police officers standing by both Hayfield Road and at the hospital, so that was a re-confirmation to leave the body as it was at the hospital until we eventually took control.

14. My statement continues that Patrick Campbell *“stated that he believed there were seven police officers involved in the incident and the officer safety equipment worn by them was being taken possession of. He also stated that Police Scotland Federation Representatives were in attendance at the office.”* I have been asked whether I knew where the police officers involved in the incident were at that time – whether I was advised that they were being held separately or whether they were given advice not to discuss the incident. I don't think so, no. If I was told, I have no recollection of that.

Status of the officers


15. My statement continues that *“I confirmed at this time that the status of the police officers was witnesses.”* I have been asked how that decision was made and who made the decision. I made this decision. Basically, the officers would be viewed as witnesses until there was any specific information that indicated the contrary. I believe that in a later conversation I had with David Green en route to Kirkcaldy, I made him aware of my viewpoint, which was made in the absence of any other evidence that would suggest otherwise. I'm asked whether, when it's a Crown Office directed investigation, it is normal for

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the Fiscal to tell you the status of the police officers concerned. Mr Green did not instruct me to view the officers as witnesses, I merely shared my viewpoint with him and how I would progress the investigation at that stage. In most circumstances, the status of officers would be determined by the lead investigator. I could not really give a viewpoint on any circumstances where a Crown representative would direct on a position of status, but it could occur.

16. I can see that at 1022 hours, I'm advising Patrick Campbell that the officer status was witnesses so a decision has been made that they are witnesses at that point. I do not believe that I discussed that status position with David Green before I made Pat Campbell aware of it. So, yes, in the absence of any specific information at that time, they were considered witnesses until we arrived at Kirkcaldy to get any additional information. I'm asked how PIRC investigators make an assessment of whether a person is a witness or suspect and specifically whether it is the default position that an individual is a witness until there is evidence to the contrary. It depends on the circumstances. Here, we had limited information but, from what we were told, there'd obviously been a pre-incident, there'd been actions with that individual and there had been a police response. So, at that stage, we probably couldn't have an interim position. We had to clarify at that stage on what we were progressing, and we were getting additional information as the time moved forward before we arrived at the police station.


17. I'm asked whether it is normal to make a decision about status so early in an investigation. I don't know if there is a norm. It depends on the circumstances. Obviously that has been said at the time from the information that we had, but it's really difficult to expand further than that. If there'd been much more overt information and it was quite clear that there was an inference of criminality, then that would've been different, but there wasn't at that stage.

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18. I have been asked about Detective Superintendent Patrick Campbell's statement **PS00288**) *"About 0945hrs on 3 May 2015 I was contacted via telephone by Mr Keith Harrower, Deputy Senior Investigator, PIRC, and I appraised him of the circumstances and the initial actions taken at the locus and hospital. I also made him aware that the officers involved in the incident were removed from front line duty and were within Kirkcaldy Police Office with the exception of the injured female officer who was in attendance at Accident & Emergency."* I don't remember that. Although I would have expected them to be at Kirkcaldy Police Station. In relation to the separate location of the female police officer, I don't recall that. Although there was obviously subsequent discussion regarding her and the apparent injuries that she had and getting these photographed, etc.

19. My operational notes record a briefing at the PIRC office in Hamilton at 1155 with SI (senior investigator) Casey, Alex McGuire, Garry Sinclair, John Ferguson, and Stuart Taylor. There's no details of what was actually said, but it was basically a summary of what I had been made aware of already from the initial referral by David Green and the summary of the information that had been obtained from Police Scotland. There was an allocation of the duties for the respective team members, what they were going to be doing once we got to Kirkcaldy. I asked Alex McGuire to take notes of meetings and events. These are recorded in Contemporaneous notes (PIRC-01467). I took notes myself within the operational notes document of whatever I thought was relevant to note. However, Mr McGuire's notes were to help with recording more detail within that, as there was a lot being discussed at the time.

20. I am asked about Alex McGuire's statement (PIRC-00036) which includes a synopsis of my briefing on 3 May at page 2: *"there had been an incident in Kirkcaldy where there were reports of a black man running about Hayfield Road with a knife. He was running between cars causing mayhem. A number of calls had been received of a similar nature/ circumstances. Police Officers*

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had attended and upon their arrival at the locus encountered the suspect who ran at a female police officer and attacked her wielding the knife.” Similarly, I have been asked about Mr McGuire’s contemporaneous notes. Page 1 notes the briefing from me to PIRC staff on 3 May 2015. It notes Maurice Rhodes, Stuart Taylor, Garry Sinclair, John Ferguson, Alex McGuire and Richard Casey as being present. The writing is difficult to read; however, it appears to say “Suspect ran at PW [policewoman] with knife,” with what looks like “attacked with the knife” underneath. I’m asked specifically whether I have any recollection of saying that the police officer was attacked with a knife. No. I would never say that because that was not part of the initial information that I got. Clearly, in the briefing, I would talk about the individual reported to be brandishing a knife and the subsequent arrest and any information regarding the actions of the officers, but definitely not that. Whether he’s misinterpreted the information he was given, I don’t know.

Post Mortem arrangements

- 21. I have been asked about my call with David Green at 1230. My statement records “At 12.30 David Green clarified that PIRC should investigate the direct interaction between the deceased and the police and the events thereafter.” I have notes of this call in my operational notes at page 5, which state “Prefers early PM. Confirms PIRC deal with incident scene and hospital”. By early PM, I mean early post mortem. I have been asked why Mr Green sought an early post mortem. From recollection, I didn’t question him on that. In a later call with Mr Green, we discussed the timing of the post mortem further. At page 6 in my operational notes, I record: “1305 Call from Dave Green. Arranging 2 Doctor PM. Monday is very busy. Asks if feasible to do this afternoon. Told too early, possibly 1900 hours this evening.” At that stage, we were unaware of who would do the identification of the body. If that was a family member, then my initial response was it’s too quick, given what was unfolding with the investigation. That was very, very early in the day. Obviously it took place the following day, and I don’t know the reasons behind

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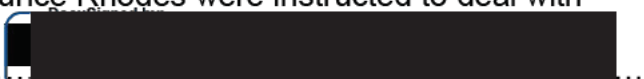
that and it certainly wasn't for me to question that, but I gave that response because I was asked for some sort of feedback on the feasibility of it.

22. I have been asked who makes the decision about when a post-mortem should take place. The Crown in conjunction, together with the availability of the pathologists in whatever location the post mortem is taking place. I have been asked if I was aware if the family were aware of Sheku Bayoh's death at this stage. I can't remember. I may have asked but, I don't have any specific recollection. That's very much a police responsibility, for that to be done: it is their responsibility to do that at the earliest appropriate opportunity. Obviously, I subsequently established that that had happened and there were some issues from the family perspective on what had happened during the incident and their communications with the police.
23. I'm asked whether, in my experience, the family of a deceased are normally consulted in relation to arrangements for the post mortem. They would be normally be involved in the conversation – and that subsequently occurred – as regards what we would be asking them to do and what that process would be. I have no experience of a family being specifically involved in discussions regarding the arrangements of it. I've no prior knowledge of anything like that. I have been asked whether I have any experience of family members making a request in relation to the timing of a post-mortem because of, for example, personal or religious reasons. No, I don't have any previous experience of that.

Attendance at Kirkcaldy Police Station

24. I arrived at Kirkcaldy Police Station and then met with Detective Superintendent Patrick Campbell and others at 1330 hours. I tasked the PIRC investigators to manage the hospital scene and Hayfield Road, in conjunction with the Police Scotland scene manager, who was DCI Stuart Houston. Garry Sinclair and Maurice Rhodes were instructed to deal with

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scene management duties for Hayfield Road. This included responsibility for the recovery of clothing, footwear and officer safety equipment worn and used by the officers in the incident. I have been referred to Garry Sinclair's statement (PIRC-00309) which states that at this meeting he was informed *"that all officers involved in the incident were to have their clothing, footwear and officer safety equipment retained and that this was being carried out within Kirkcaldy Police Office in a controlled and forensic manner."* I am asked whether there was any discussion regarding the time delay in the recovery of the officers clothing and equipment. I am referred to the fact that the notes of my telephone call with Patrick Campbell at 10.22 hours states that "officer safety equipment was being seized." I don't know but I believe that that would've been done already because it was ongoing. I have no recollection of whether there had there been a delay for some reason and then that was subsequently taking place. I don't know the answer to that. I don't recall any discussions around it or explanations given why it hadn't happened. That was very much put into the domain of Garry Sinclair, who was the nominated scene manager for Hayfield Road and obviously encompassing the other officers that were in attendance there.

Second Gold Group Meeting on 3 May 2015

25. I have been asked about the Gold Group meeting at 14.05 hours. I have notes in my operational notes of this meeting at page 6. The entry starts "1405 Briefing with Police Scotland". DI Colin Robson provided an overview of the incident. These are some of the key things that I've noted down of what he provided as a summary of what had happened. I detail calls from civilian witnesses at 07.14 and 07.18 and then note: *"Officers left muster Kirkcaldy Police Office along with DS and DC to respond to call. 07.20 arrival. Code red button. PAVA and police batons deployed. Handcuffed to rear and leg restraints used. Initial warning given re PAVA. Female officer believed to be kicked and struck on back of head. Male became unconscious. Officers commenced CPR. [...] 0904 PLE. Has minor abrasion to head."* I have been

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asked if I can remember any more detail about what we were told in that meeting. No. Obviously, what Colin Robson has conveyed there is different from what I've noted from the initial telephone conversations, specifically in relation to the deceased attacking an officer with a knife.

26. There's another note there going back to whether the family were made aware: *"The sister of the deceased (nfd) to be informed as soon as possible. FLOs deployment soon."* *The names of the proposed FLO officer from Police Scotland are then detailed.* So I don't know whether that's an inference that the sister of the deceased hadn't been informed of her brother's death at that stage. I'm not sure.
27. I have seen the handwritten notes of the 1400 hours Gold Group Meeting on 3 May 2015 (PS06514). These are handwritten notes headed *"Chaired by ACC. Minutes for meeting, Kirkcaldy Police Station"*. I understand these are the notes taken by the minute taker. I can see various names being minuted as being present including myself and John Ferguson. I'm fairly certain Alex McGuire was in attendance also although he is not listed. The meeting appears to start with a factual update from DI Robson. The notes appear to be from that factual update. On page 2, I can see *"Gave sign to back off. CS deployed. Male went for female. On ground, kicked to the head. Male stopped breathing, CPR commenced. Locus protection in place. During struggle, he lost control of knife."* I have been asked if I recollect this discussion in relation to *"During struggle, he lost control of the knife"* No, I do not. It'd be quite a significant thing too. I've had sight of Alex McGuire Contemporaneous notes (PIRC-01467) at page 6. These appear to be the notes of the same Gold Group meeting. At page 7, line 7, I can read *"Scene protected. IP lost control of the knife. Photo & recovered."* I have no reference to that in the notes that I made of this meeting. Obviously it's not possible to take a note of everything, but it's fairly significant. It obviously

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wasn't the case because we know that from subsequently what's occurred and what's recovered.

28. In that meeting we went on to discuss that the Police Scotland priority was to maintain security of the five scenes and that PIRC would deal with Hayfield Road and the hospital. The three properties under the control of Police Scotland were Collette Bell's home at Arran Crescent, Zahid Saeed's home address and Martyn Dick's home address. I'm asked whether I recall any discussion, whether it was at this Gold Group meeting or at any other time, regarding the need for a warrant or obtaining consent to search these properties. It's possible but, no, I don't recall that. I can recall, at a much later stage, the family trying to get access back to one of the houses. I think it was in relation to property they wanted to recover, etc. The control of those properties, and any searches carried out, were wholly directed by Police Scotland. During an earlier discussion I had with David Green he outlined specifically what PIRC investigators would deal with. In this regard, we did not get any direction or make any specific requests regarding these other properties. However, this changed at an early stage into the wider investigation.
29. In the Gold Group meeting it was also discussed that Chief Inspector Trickett was dealing with the welfare of the officers. I have been asked if I can recall whether at that time I was aware that the officers hadn't been separated and were together in the canteen. I think I was aware that at some stage they were together in the canteen. It wouldn't have been the norm for them to be separated anyway, and that's still the case today. Going through a formal post-incident process, it was to my mind, that was never designated as a formal post-incident process, and under the type of incident it was at that point in time, that wouldn't have been done normally. Obviously, there's been significant changes since then in the years since on how deaths and serious injuries are dealt with. So my knowledge on what he was doing was that he

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was dealing with welfare issues, not carrying out a post-incident management process.

30. That said, I am aware that Conrad Trickett's statement records that he was the post-incident manager and that he adapted the firearms SOP to deal with this incident because there wasn't an SOP that covered a death following police contact. So while he may have been that he was dealing with it in a PIM-type process on 3 May, I wasn't made aware of that at that time.

31. In terms of the changes that were brought in for post incident management of a death in police custody, it was sometime after this incident. I don't know what else may have influenced that, but there was a move towards reviewing these processes and having a more defined response. Ultimately, what happened was that the processes that are normally deployed for a serious firearms incident are not quite mirrored. Obviously, it's more refined than that. Police Scotland designated a death or a serious injury following police contact, then consideration would be given in most of these circumstances, the post-incident process would be put into place, and then we have a role to play within that for any of these incidents, and these are fairly commonplace now and have been for quite a period.

32. I am asked what role PIRC had in relation to the principal officers on 3 May 2015. Whether there was any role in terms of having contact with them on the day. No, the role did not involve contact with the officers. Up to that point, that's not something we would've done, and that's changed significantly in the changes that have been brought in to that post-incident process. When we arrive at wherever the post-incident procedure is being carried out, we will introduce ourselves and give a brief overview of our role and confirm their status at that time. But, clearly, at that stage that sort of information was conveyed through Police Scotland's senior management, and the request for witness statements was done likewise, which was done on the day and

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subsequently. However, that has now changed for quite a period of time. In 2015, this was for the practice that these things were done through Police Scotland's senior management. It wasn't formalised and written in a procedural document or anything.

33. I have been asked whether, in 2015, I had ever dealt with a death in police custody or following police contact before. I'm not sure. I could find out, but obviously that was two years in from PIRC's commencement. I may have done. I can't be specific, but I can certainly find that out. Over the nearly 10 years I have worked with PIRC, I've dealt with a lot of deaths, but pre that incident, I'm not 100 per cent sure.
34. As part of that Gold Group meeting, we were advised that Family Liaison Officers (FLOs) were on route to the office and were soon to be deployed by Police Scotland to the family home [REDACTED] and the next of kin were to be informed of the death of the now deceased. I had the names of who were going to carry out that function, and that basically that was in the process and what was about to happen, which would've been my expectation in the circumstances as well. After the meeting I spoke with one of the Police Scotland FLOs, DS Houlison and explained my intention to contact the family by way of introduction of the commencement of the independent investigation by PIRC and to inform them that PIRC FLO's would be introduced to them to take over responsibility for family contact at an early stage.
35. It is a Police Scotland responsibility to inform the family of the death. I would expect that to have been done before family liaison officers were deployed. Generally, the death message is not conveyed by a FLO. However, it would depend on the circumstances, it would depend where it was, and the police would be responsible for doing that, whether it would be uniform local officers or whether it'd be CID. There could be a variety of reasons why it would be different officers, but obviously that should be done timeously where it could

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be. I have been asked whether I have any training as a family liaison officer. No, I don't.

36. In a PIRC investigation, there would be a firm expectation that Police Scotland family liaison officers were deployed. Then, if there was a need for PIRC FLOs to be deployed, then that would potentially be a day or two after. I can't be more specific than that because it'll depend on the circumstances and a lot of communication and dialogue would need to take place between the PIRC-appointed FLOs and the Police Scotland FLOs, but a definite expectation that the Police Scotland FLOs would be deployed first. To a great extent, that's still the case in relation to FLOs. There will be a period where Police Scotland will initiate that process, and then there will be a formal communication and handover with the family for our FLOs to have to take on that role. That was an important thing on the night, and obviously there was an assurance given that that was in the process of happening. To then later establish that evening that Police Scotland FLOs had not been deployed was disappointing and very significant, as far as I was concerned. Significant because the needs of the family in the circumstances is a high priority. They'll have as much information as possible to provide them with, they'll have guidance on the processes to follow in relation to the likes of the post-mortem, etc., a firm point of contact initially to go to ask questions and have these answered to the best of their ability so that that link with the family's streamlined, and that's a big part of what a FLO does. It's not everything, but it's a big part of what they do. The initial practice was that a Police Scotland FLO would be deployed initially in the first place, by arrangement in a reasonable timescale. For that not to happen was outwith the norm.

37. The decision by Police Scotland not to deploy FLOs was the main reason that I visited the family that night with Alex McGuire. Part of the FLO process, apart from what I have mentioned already, would be to articulate the fact that an independent investigation is going to take place, who's doing that, what

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that actually entails. Obviously, as regards arrangements for the post-mortem examination, identification of the body, etc., that, in my view, was stuff that they would all deal with.

38. Generally, the average family in 2015 wouldn't be aware of who PIRC was as an organisation. We still have many people that, when we visit, they don't know who we are. So we do have to explain that a lot, and then as soon as we mention our title, the first name is "Police." They then make the wrong assumption that we are part of the police service for Scotland. So that does need to be explained and what the role and function, etc. is.
39. During the gold group meeting, I confirmed the status of the police officers involved in the incident as witnesses and PIRC were seeking operational statements from the officers involved. I have been referred to the handwritten notes of the 1400 hours Gold Group Meeting on 3 May 2015 (PS06514) at page 5. Under the heading "Staff Welfare" I see "CI Conrad Trickett" then "2 x Fed rep - not to provide any operational statement." Then underneath that "Been day shift." I have been asked whether I recall any discussion at the meeting that the officers wouldn't be giving operational statements. I don't in terms that they were refusing to give a statement at all. The notes in the handwritten minute appear to me to be perhaps an inference on the timescale maybe or how long we'd been working, obviously there's some relevance to that. Either way, my request was not that they were specifically to be provided at that time, but that operational statements would be required. So police officers going through any sort of traumatic incident, from their perspective, that there would be a delay. There's not an expectation that they're going to sit down and spend a considerable period of time writing statements immediately after that. So my interpretation of what's been said there is that statements would be required from them, but certainly not necessarily that evening.

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- 40. I'm asked whether I have dealt with any other cases in which there was a lengthy delay in providing operational statements following a death in custody or following police contact. In my experience, operational statements are normally provided in about 48 hours.

- 41. There was a meeting with PIRC and DCI Houston, scene management coordinator at 1515 hours. This was to discuss scene management and forensic issues. We reach agreement regarding how the deceased's body would be dealt with at the hospital. I requested that PC Short's injuries be photographed and PAVA and CS spray cannisters weighed. Detective Superintendent Campbell came in and said that officers had been advised by the Scottish Police Federation (SPF) representative not to give statements. That's my first formal notification that the officers wouldn't be providing statements. So I think that note refers more to the immediacy of that, not that they weren't going to provide statements at all. I asked Patrick Campbell to advise the SPF representative that I would be willing to meet with them to clarify their status as witnesses, however no meeting took place.

- 42. I have no recollection of whether Patrick Campbell ever confirmed to me as to whether that offer had been made to the SPF representative. I don't have any recollection of further pushing that at a later stage. I have been asked whether I could have gone and spoken to the SPF representative myself. Yes, I could've done that. However, this situation had never arisen before. Certainly, that offer was made, but it wasn't the norm at that time, but it very much is now and has been for a few years. I've been at post-incident procedures before where that's one of the first things that I'll do is go in, introduce myself, give a brief overview of who we are and if we're in a position to clarify the status of the officers, I would do that and I have done that. That wasn't the case at that time. It was offered up but wasn't pursued any further at that point.

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43. At around 15.40 I received a call from David Green, COPFS advising that the post-mortem had been arranged for 1200 hours on 4 May. My operational notes detail that I was advised that “1200 hours – Quasar,” and then, “1300 hours – ID by the partner or sister. PM thereafter.” I understand Mr Bayoh’s sister, Kadi Johnson, had been identified as the potential family contact at that time and we were aware that the deceased had a partner, Collette Bell. It was hoped that a family member would identify the body prior to the post-mortem. This was still to be discussed with the family.
44. At 16.40 hours there was a further meeting with PIRC and DCI Houston where the forensic strategy was formalised and agreed in relation to the scenes at the Victoria Hospital on Hayfield Road. At that stage, these scenes were still under the control of Police Scotland as far as standing by the hospital and controlling any access and likewise a wider scene at Hayfield Road. It’s the time that it takes to formalise how it’s going to be dealt with. These were our scenes. However, Police Scotland were on the scene before PIRC. In the interim, we can’t watch over these scenes, given the circumstances, so they are doing that on our behalf until the strategy’s formalised and the respective scene managers speak to each other and clarify how things are going to be dealt with, what other external bodies within Police Scotland are required expertise-wise, for instance, 360 coverage of the cameras. I think we asked for the drains to be checked in the immediate vicinity in Hayfield Road. So, again, the police have certain skills that are required to do that that we don’t have. So where we have an absence of anything, we’ll instruct Police Scotland to provide that and the respective scene managers will oversee that as and when it happens. It is the usual process for PIRC and Police Scotland to meet and to agree a forensic strategy.

Third Gold Group meeting

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45. There was then a Gold Group meeting at 1950 hours chaired by the ACC Ruairaidh Nicolson. My statement notes that we were advised by Garry McEwan that he had recently returned from visiting Mr Bayoh's family. He explained that the family had *"significant concerns over information disclosed to them by representatives of Police Scotland, resulting in a perceived mistrust of local police."* My operational notes detail, at page 9, that *"Ch Supt McEwan reports highly charge atmosphere at the house. Not happy with disclosure of information by the police. Family think relative murdered. Have distrust of local officers."* I have been asked whether I recall what the concerns were and any further detail. All I can remember of what had been fed back was the family had been given conflicting information and were clearly upset with what they were getting told - I'm able to understand that. It appeared they had been given conflicting information by different people, which was not good in the circumstances. The information from Garry McEwan reinforced there was question marks over how the family were being handled, and what was being passed back. As regards the family's statement that their relative had been murdered, there was no expansion on the context of that and whether that was a comment that was made in isolation. There was certainly nothing conveyed that there was anything to substantiate that from any other source. It was just a comment that was made during discussions with the family.
46. My statement continues that *"At this time it was revealed that the Police Scotland FLOs had not been deployed as previously intended and Chief Superintendent McEwan and others considered it inappropriate to do so. Given this challenging change in agreed action, I intimated that I would consider the position and a potential alternative until the later deployment of PIRC FLOs."* I have been asked if Mr McEwan explained why he felt it was inappropriate to deploy Police Scotland FLOs. I can't remember any more detail other than it was potentially the family's perceived mistrust of the local police that was a significant thing that the FLOs were not deployed. However,

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that was my first knowledge that that hadn't occurred. There was no contact prior to the meeting explaining the situation. So until that point I was in the belief that they were being deployed and awaiting some sort of feedback on what had occurred. This change in planning regarding the deployment of the police FLOs posed problems. I don't recall specifically what I said in response to this announcement beyond what is recorded in my statement. I think it would've been clear that I was very disappointed with what had happened but I have no recollection of what I actually said. It would be clear that I was extremely displeased, to say the least, on what had happened and that that was a failing in that process.

- 47. It would've been a day or two before we then obviously deployed our own staff. With it being a Sunday evening, PIRC FLOs were not available at that time for deployment. We had very limited numbers at that time, and realistically that wouldn't have been able to be done. That was my viewpoint at the time, that that couldn't be achieved. Ultimately, I decided to visit the family at least to make that contact, explain, reassure that they were aware of who we were and how that investigation would progress, listen to them and explain that our own family liaison staff would be deployed as soon as practical.

- 48. When I said I would think of a potential alternative, it was because I was taken unawares at that time, so I needed to take time to consider, "Is it feasible to get people out? Is it feasible for them to be appropriately briefed to do that?" That's a big part, that family liaison officers don't go in cold without having the background. There was clearly issues that the family had raised from the communications of the various officers that they spoke to at different times. It was imperative that the FLOs would be aware of that background. So when you start to combine all of these issues that, at that stage, it was unrealistic for that to be done and would potentially be counterproductive.

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49. At the Gold group meeting, we were also advised that the principal officers had been advised by the Scottish Police Federation not to give statements “at that time”. My understanding was that this was specific legal advice. I don’t know if I was aware, but I would’ve assumed at that stage that the Police Federation representative would’ve spoken to a legal representative. That was kind of what I’d assumed had occurred. I don’t think I knew that *per se*, and that position would not change at that time. Obviously it was open to make another offer to speak to the officers directly, but I didn’t do that.
50. I have had sight of the Gold Group meeting Minutes (PS03139) for this meeting. In these minutes at page 3, it records “*Ch Sup [Garry McEwan] discusses Family desperate to know about PM, and also arrangements on having them conveyed to mortuary in Edinburgh.*” I have been asked if I have any recollection of this. It may have been mentioned. I don’t recall that, but obviously the discussion that I had with the family later related quite a bit as regards the arrangements for the post-mortem and a request for them to facilitate that process with the identification. That took up quite a lot of the discussion with Mr Johnson while we were in the house, but I don’t specifically remember Garry McEwan telling me that but, that’s certainly clearly very possible in the circumstances.
51. In my operational notes, at page 8 I have a section headed “Update from Chief Superintendent McEwan.” This reads: “*During his visit to family, he told them about incident. Male with knife who was CS’ed and batoned by officers during course of arrest was now-deceased. He became unconscious and ambulance summoned. Door-to-door enquiries. PIRC had been notified and in attendance – independent investigation. Clothing taken from officers. Ade taking notes during discussions.*” This section is in between calls I made to the Bayoh family at 2120 hours and 2140 hours. I don’t specifically recall a meeting with Garry McEwan, but from that I would think I must’ve

Signature of witness 

spoken to him immediately after the Gold Group meeting or at some early stage after the meeting. It's looks as if I sought an expansion on what he's articulated during the meeting. At that stage, I decided I was going to visit the family and trying to make contact to make that arrangement, so it would make sense that I was seeking some additional information on the conversations that he's had with the family. It would be usual for me to find out exactly what the family had been told up to that point. I was aware that there had been conflicting information and that was going to make it very difficult for them, quite rightly, that they would have concerns that "Well, what is the correct story here? What has happened to our relative? That their family member has died and they have been told different versions of what's happened, which would be concerning to anyone.

52. I have been asked whether I have any recollection either from the Gold Group meeting or from my meeting with Garry McEwan as to whether he conveyed any requests from the family in terms of the deceased's religion or how that might have impacted on a post-mortem. No, I don't recall any of that. Certainly, it was featured in discussions that we had with the scene managers at one stage prior to their deployment to the hospital, so it was noted as an issue for clarification by John Ferguson, I recall, but I don't recall it featuring with Garry McEwan

53. After the gold group meeting that evening, I made several unsuccessful attempts to contact Ade Johnson. About 2145 hours, I spoke to Mr Johnson by telephone and arranged to see him and other members of Sheku Bayoh's family at Mr Johnson's home. I then attended there at 2210 hours. I was introduced to Mr Johnson and requested to speak to him in private. When I went in, there was a large group there. My operational notes, at page 9, record that there were approximately 16-18 other persons there in addition to Kadi and Ade Johnson. I'm assuming some were family members, but I didn't

Signature of witness



know who everyone was, so to my mind it was actually much more appropriate to meet one to one initially. If then I'd been requested to speak with the assembled group and explain everything to see if things went—then that would've been fine but, at the initial stages to speak to Mr Johnson and convey the information that I wanted to initially seemed to me the most appropriate way to deal with that, but that was rejected. I was asked to sit in the living room along with my colleague, Alex McGuire and the other persons who were present. My statement describes that: *“Mr Johnson began to outline his displeasure in the way that the Police Scotland personnel had communicated information to him which differed and conflicted significantly. He intimated that he wished to make a complaint regarding this and I outlined the appropriate channels if he wished to make a complaint to Police Scotland.”*


54. My operational notes state: *“The family appeared clearly upset and angry. Adi stated that they were angered and frustrated by the differing and conflicting information provided by Police Scotland officers and he intended to make a complaint re that.”* I have been asked if I recall any further detail regarding this. I don't know about detail, but he certainly gave some sort of explanation that I don't recall specifically what that was, but it was all surrounding a slightly different version of events that he got at different stages from the police. I can't recall how many visits he had from the police from the initial visit to saying that Mr Bayoh was dead to, thereafter, a subsequent visit. Then Garry McEwan went to the house and then obviously had provided some information to them as well. They'd outlined their significant concerns about the disparity and what they'd been told. So he did give some account of what that was. But I don't remember specifically.

55. After explaining to the family regarding the PIRC role and function, I then advised the family that COPFS had made arrangements for a post-mortem examination on the afternoon of Monday, 4 May. I asked for two family

Signature of witness 

members to make themselves available to attend the city mortuary in Edinburgh to identify the body. My operational notes, at page 9, state that *“Adi indicated stated the family had discussed matters, and no representatives were willing to do the identification until family members, including the now deceased’s mother attended [REDACTED]. She was travelling with a group, including elders from England.”* My understanding of this was that the family were refusing to do the identification in the timescale outlined. I don’t think it was the intention that it would be the mother that would do the identification, but that they were not willing to participate in that process until she arrived [REDACTED]. I’m aware she was travelling from down south or was about to travel. I don’t have any recollection of being advised as to when she would arrive. I got the impression she was in the process of travelling but I don’t think established where she was actually coming from other than it was somewhere in England. I think it was suggested that they would arrive at some time the following day, which was the Monday, and obviously the post-mortem was arranged for midday on the Monday. I have been asked if the family understood that I was the Crown’s decision as to the timing of the post mortem. Yes, I think so. I’d explained specifically it was the Crown’s decision. My statement records that Mr Johnson wasn’t willing to be more specific on the expected arrangements of the arrival of the family members, etc. That part of the conversation was closed down.

56. I have been asked about Kadi Johnson’s statement (PIRC-00252), in which she states *“Keith said the body of Sheku needs to be identified before the post mortem. We told him Sheku’s mum is in London and Collette said she wants to see him (Sheku). He (Keith) asked when she is coming. I said Monday, and other members of the family will be coming up and we will arrange for members of the family to identify Sheku. That never happened and we found out the post-mortem had gone ahead.”* This doesn’t change anything I have said. I mention in my statement the intention would be for the Family Liaison Officer to contact the family in the morning, which did happen. I think he initially spoke to Mr Johnson and then subsequently their appointed

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solicitor. So, obviously, one of the priorities was to clarify if someone would be available for the post-mortem. So, at that stage, I'd left it not knowing if things were on hold until the arrival of the family members to answer those specific questions, if they were willing to do that. That's my recollection.

57. I'm asked whether my discussions with the family prompted me to discuss the timing of the post mortem with COPFS. I did subsequently have a conversation with David Green after a visit to the family and made him aware of the discussions that we had, particularly in relation to the post-mortem. So it wasn't specific at that time whether one would be willing to do it and when they might be available to do that. So that was made clear to Mr Green, and he instructed it would go ahead as arranged. I have been asked about my statement which states *"About 2335 hours that evening I telephone Mr GREEN, COPFS and made him aware of the family decision not to carry out the identification of the now deceased. He instructed that the post mortem examination would go ahead as scheduled and alternative arrangements for identification of the body would be made."* I have been asked whether Mr Green was made aware that the family wished to wait for Mr Bayoh's mother to arrive on Monday before making a decision. I conveyed to David Green basically everything that the family told us and their opinions on things in relation to the post-mortem and the requests that we were making of them. This was essentially that Mr Bayoh's mother would be present before any decision was made on whether they would participate in that process of identification. I was always fully aware that if that did happen that position would be revisited first thing in the morning, and that's what happened. There was very early contact the next day with the family, and I was there when that happened.
58. I am asked whether there was any discussion with the family as to the deceased's religion and any requirements arising out of that that were relevant to the post mortem. I was aware, obviously, that scene manager,

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John Ferguson, had certainly had that for consideration. I don't know what other information he got later. He was obviously involved significantly the following day at the post-mortem, the leadup to that and would be aware of any subsequent discussions that the Family Liaison Officer had with the family. Due to the circumstances with Police Scotland agreeing to deploy FLOs and then changing their mind late on 3 May, there was no visit by FLOs to the family, whether Police FLOs or PIRC FLOs, prior to the post mortem. There was certainly an indication that Mr Bayoh was a Muslim, but I don't know if that was actually clarified or not at that point. In terms of my meeting with the family, I didn't raise the issue of Mr Bayoh's religion or its potential impact on the post mortem and the family didn't raise the issue with me. I think it's important to reemphasise that, what was coming thereafter and the role of the Family Liaison Officer and, the very early attempts to make contact with the family. I think they had difficulty initially but, eventually, spoke to the family and subsequently family representatives. So, that, to my mind, has been covered in detail with them first thing in the morning, but I'm not privy to the discussions that took place.

59. I telephoned Mr Johnson at 10.30 on 4 May. This was an attempt to introduce the Family Liaison Officer, Alistair Lewis. Mr Johnson was asked again regarding the availability of somebody to carry out the identification of Sheku Bayoh, and he declined to do that. There wasn't any extension to that, that would require more time to consider it or whether people would be available. I have no recollection of any further discussion. I obviously asked to be available for us to meet with him. At that point, Alistair Lewis had been nominated as the PIRC Family Liaison Officer. They declined that invitation. In my operational notes, I write that Mr Johnson "*confirmed family not willing to attend the post mortem and identify body*". I confirmed with him that the Crown directed post-mortem examination would go ahead.

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60. I have been asked about an entry in my operational notes, at page 9, under the heading "Monday 4 May 2015": *"0700 Call to D/Supt Pat Campbell. He confirms Police Scotland collecting medical records for post-mortem."* I have been asked whether this was the hospital records or GP records. I don't know. I would consider it would be the GP records. It's normally a prerequisite to have them available for the post-mortem. But I can't remember the reasons that they were not available, supplementary to the post-mortem.
61. I have also been asked about an entry following this at 0730, on page 10: *"D/Supt Campbell believes that 4 detective officers interacted with family and Ch Supt McEwan. He will provide details."* I think there was a second visit from Mr McEwan, but I don't know whether that was uniformed officers. That may have indicated it was two detective officers at some stage in between. I don't know who they are. I've not got a list of those identified.
62. I have been asked about a further entry in my operational notes, at page 10, at 1600 hours. This reads: *"Update from D/Supt Pat Campbell that tablets of some description had been in possession of now deceased at Arran Crescent. Phone then passed to ACC Nicolson. He provided information suggesting FLOs were wanted by the family at home address. This was passed to him by Chief Supt McEwan who had earlier attended at the house. I informed him that I was not aware that Police Scotland were attending the house. Informed him my understanding was that our FLOs had matter in hand and are communicating with the family through an appointed solicitor. We will make further enquiries to clarify Alistair Lewis updated of new information."* Chief Superintendent Garry McEwan made a second visit to the family, after he handed the matter over to PIRC FLOs to liaise with the family. There was more than an inferred criticism that our FLOs hadn't been deployed already. That was what we took from that conversation. We were actively pursuing that and had been for the majority of the day, and things had developed into a

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situation where all of the FLOs contact was now having to be made through the appointed solicitor. So that was ongoing, and a lot of effort's been made to make that contact with the family. I don't know what discussions had taken place but the crux of the conversation was where are the PIRC FLOs.

63. We have discussed my telephone call with the family at 1030 hours. I'd been trying to contact them well before that as well. It was well in hand, but they were, I'm assuming, unaware of that at that time. I wasn't privy to whatever conversation Garry McEwan had with the family and at what point he actually visited – but this phone call was made late in the afternoon. Whether that was just assumptions being made on that part that their perception was that the FLOs should have been deployed by now and that we should have been engaging with the family physically, I don't know. There's obviously a lot of things at play that come out of that conversation, but the main thing being a query on why the FLOs have not been deployed or any contact with the family, which was far from the case at that stage. I had not had any contact from Garry McEwan advising that he's going to the Johnson's house or seeking any update on contact between PIRC and the family.

64. I have been asked whether this breaches our practice or protocol in terms of a Police Scotland representative liaising with the family, when the matter has been handed over to PIRC FLOs. It's hard to form an opinion on it not knowing how that-- if that visit took place, how it came about, at whose request was that, what was the reason for it. Did he or they go for some other reason, and then the conversation developed into something else? So I wouldn't proffer an opinion on that aspect of it but, certainly, that conversation was a surprise and unhelpful. I don't know the background, whether there has been a formal request for him to go there for whatever reason.

65. I'm asked whether it would be usual for a police representative to phone PIRC and advise of their plans to contact a family member that was engaging with

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PIRC FLOs. Not necessarily. It depends on the reason behind it because they're a police officer. If there was any initial contact, if there wasn't, was he going there for some other reason or was he just going there for a chat to say "How are things going" and pass on apologies for whatever occurred the day before? There could be a variety of reasons for that, so it's very difficult to jump to a firm conclusion without knowing all the wider information regarding that. But we were surprised to get the phone call in the manner that developed.

- 66. 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.

February 6, 2023 | 12:08 PM GMT

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