



The Sheku Bayoh Public Inquiry

Witness Statement

Alistair Lewis

**Taken by [REDACTED] by MS Teams
on 24 and 25 October 2023**

Witness details

1. My full name is Alistair Lewis. My date of birth is in 1962. My contact details are known to the Inquiry.

Professional background and experience

2. I have been asked, when working for Strathclyde Police, if I completed initial Family Liaison Officer (FLO) training, what this training entailed and how long it was. Yes, it was while I worked for Strathclyde Police. It is a national standards training course that is five days for new family liaison officers. It is five days at the Scottish Police College (at that time) consisting of: scenarios; facilitators from different police forces with case studies; high-profile investigations we see on the news, but we would have family liaison officers or senior investigating officers facilitate these courses, and you would get more in-depth information as to what the investigation

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was and the challenges they had, and the learning outcomes from that. We also had inputs from families who have experienced the before and after the role of the FLO - because it was only the late '90s, early 2000s that the role of the FLO and the SIO really came into being.

3. I have been asked if, prior to joining PIRC, if I received any kind of update to my initial FLO training. We had that comprehensive block of training at the beginning. I do not think we had update training at Strathclyde. As a FLO coordinator with PIRC, especially when we first started out, there was only three of us who were FLO trained. When we increased to six, what I implemented as a FLO coordinator, was that those who had less experience, they would be deployed with either myself or one of the more experienced FLOs, and we could mentor them. Then when I became confident that they were confident in the role they were doing, they would take the lead and would be deployed appropriately. So, there's ongoing training, on the job training – it is as a result of making sure that we have procedures in place for the welfare of those who are new to the role. Going back to the initial FLO course, you receive inputs from different forces of where it went wrong or identified good practices and learning outcomes.

4. I have been shown a list of the training that PIRC record me as having completed while at PIRC. (PIRC-04577) I have been asked if this is accurate. There is nothing there about equality, diversity, inclusion (EDI) training. I would have thought there would have been something about EDI training. We have had that. I was trained as a senior investigating officer as well for road deaths investigations, line management courses within the police. It seems it has not included all my training. We have training days, annual training. We have had two this year in relation to professional development, which is similar to what we did as family liaison. For family liaison we did quarterly meetings for learning outcomes, the information that has been highlighted by staff to give them a better awareness of what Police Scotland do, an example being the one quite recently. There was an input from forensic road collision investigators and what their role is and how they can assist in road death investigations. So, days like that are not included in the record.

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5. I have been asked about two family-liaison-specific courses that appear in the training information held by PIRC: a development day in September 2015 and a family liaison coordinator course in March 2016. I have been asked about these training days. The development day was a seminar over in Dublin. That was a one-day event, similar to the internal family liaison course in 2017. At that time, GSOC had the remit for family liaison development and for independent organisations investigating policing bodies, so we were invited – myself and I think another three FLOs went over – for the day. The one in 2016, that was the five-day course over in Dublin, which I felt was refresher training for me in relation to what I had done within Strathclyde Police as a family liaison coordinator.

6. I have been asked, when working as a police officer, how often I acted as a FLO. From a family liaison point of view you are an investigator first and foremost, and you have the skill as a family liaison officer. My background within Strathclyde Police was road policing - I was a police officer, but my specialism was in road policing. First and foremost, I was a police officer. It was not a case of I could not do anything out with road policing. We still investigated crime, we investigated other serious incidents, but I had the skill as a family liaison officer. First and foremost, you are an investigator with the skill as a family liaison officer.

7. How many times was I deployed as a FLO within Strathclyde Police? I have never been somebody who keeps a record of deployments. My process is not to retain records of how many times I have been deployed. To put a number on it, over 30 years' service within the police as an investigating officer, as a family liaison officer and a senior investigating officer? It must be into the hundreds. To put an exact number on it, no, I could not do that. Unfortunately, in road policing with the amount of road deaths there was at that time, and still are at this date, it was a regular occurrence to be deployed.

8. I have been asked about the family liaison coordinator role and if I had any specific training for that. I cannot remember when I did the actual course in Strathclyde

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Police. It would have been after I had been trained as a family liaison officer. Due to my experience, I do remember being approached by senior management when the FLO coordinators role was being developed, and asked would I be prepared to do it? I was approached because of the volume and the type of deployments I had had. There would have been a course. I know at the moment it is three days. Definitely two days then, but I don't remember it being three days. That would have been at the Scottish Police College, maybe a couple of years after I did the actual FLO course.

9. I have been shown my first Inquiry statement dated 25 October 2022 where I describe attending seminars in relation to family liaison run by Police Scotland (SBPI-00246). I have been asked if I attended these while working at PIRC. The seminars were an annual event. It would be a national FLO conference which, whilst I was in the police, you would attend annually. It was a development day because you were having inputs from families who had experienced the good and the bad in relationships with FLOs. For some of the more high-profile investigations you would see on the news, you received a much more detailed input as to what the challenges had been and how the FLOs had managed the information to and from the family between them and the police. Because of our role, we were offered places on an annual basis to attend these seminars. It is a training day as you have the opportunity of networking with other FLOs from police forces, and on occasions there were people from what was the IPCC at the time would attend. Such development days provided a chance to network with these people and to speak to the relatives of families who had been involved with the investigation.

Conflicts of interest

10. I have been asked if, prior to 3 May 2015, I had any contact with or knowledge of the following Police Scotland officers: Craig Walker, Alan Paton, Nicole Short, Ashley Tomlinson, Alan Smith, Kayleigh Good, Daniel Gibson, James McDonough and Scott Maxwell. No, no contact with them at all.

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11. I have been asked if, prior to 3 May 2015, I had any contact with or knowledge of the Police Scotland officers I encountered in the course of the PIRC investigation.
No.

12. I have been asked if someone came across a former colleague who was still working in the police during a PIRC investigation, what policy or guidance was there for PIRC staff as to what they ought to do in that situation. You had to declare it. I have been with PIRC since 2013. From the outset, it was very much a case of: if you knew a police officer or a police member of staff, you had to declare that conflict of interest. As a result of that, you would then have no involvement with that person. In the time I have been with PIRC, I think it has only happened a couple of times. On each occasion, I have declared it, and I have had nothing to do with any task or action in relation to speaking to that person. How it was recorded, I do not know, but it was straightforward enough and accommodated on each occasion.

13. I have been asked if it would be flagged to a supervisor or to the lead investigator on that investigation. Yes. I would do it just as normal, but I would do it both to my line manager, and it would be discussed. It just did not and does not happen - if you knew somebody, you had no contact with that person.

The Police Investigations and Review Commissioner

14. I have been asked how being an investigator in the PIRC is different to being a police officer. PIRC are independent, albeit I have got experience of working with the former Strathclyde Police. We are an independent organisation who work through legislation - a death or serious incident must be reported or referred to our organisation. Whether it is a death following police contact or a death in custody, and it is Crown-directed, we are very much acting on behalf of the Crown Office. We are not acting on behalf of Police Scotland or any senior police officer within Police Scotland. It is very much an independent authority charged with the responsibility of effective investigations and independent investigations into these deaths or serious incidents, or any criminal offence which is referred to us. Police

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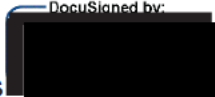
Scotland and police officers throughout Scotland report to the Crown Office but that is in their day-to-day business. It is our job to look at investigations referred to us by the Crown Office. We are independent of Police Scotland, and it is something that we make clear from the outset of any investigation - whether it is a police officer, a member of police staff or to families that we are very much independent of the police itself. It is our job to investigate them. We are a reporting agency for the Crown Office and it is our responsibility to report to them the circumstances of any investigation.

15. I have been asked at PIRC what training I had for the position of Investigator. I had an investigative background with the police. We had people and we still do have people from a non-police background. We had people from the Border Agency, from the Fiscal Service, fire investigation. We have staff who are former investigators with the Special Investigations Branch in the army. We have many skills within a small organisation. I have that background of being an investigator, myself as a reporting officer, as a family liaison officer, and as a senior investigating officer for road death investigations. A long history of investigating serious incidents and major incidents. Prior to starting with PIRC - I think it was end of February, beginning of March, in that five/six weeks prior to the formation of Police Scotland on 1 April 2013, we ran scenarios within the organisation as to what would we do if there was a death in police custody; how would we respond; if there was a serious injury, how would we manage this; how would we attend to it; what resources would we need? Different training scenarios which prepared the organisation for any incident either responding within office hours or while on call.

16. I have been asked if, as at 3 May 2015, I felt adequately trained and experienced to carry out my role. Yes. I had no issues at all. I have liaised with families from all backgrounds throughout society, race, religion, gender. Unfortunately, I have had to explain to families information that they were not aware about their loved one. I have many years of liaising with families from all sorts of backgrounds, all sorts of areas within society. So, yes, in my opinion I was prepared for dealing with the incident with Sheku Bayoh on 3 May.

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17. I have been asked how many staff at PIRC were trained as FLOs as at 3 May 2015.
Six, including myself.

18. I have been asked if there are any differences between the family liaison service that I would expect delivering the role as part of the police compared to delivering as part of PIRC. I would say that the general overview of the role is the same. It is all about communicating with the family, keeping the family informed, and managing the flow of information to the family and back into the investigation. Prior to the role of the FLO being established – and that of senior investigating officers and scene managers deaths would be reported to the Crown Office and there was no contact details. If the family phoned for information, there was nobody within the Crown Office to phone other than to try and identify the Fiscal dealing with investigation. Now the whole process of keeping the family informed, keeping them involved, and keeping them up to date with the progress of the investigation has improved significantly with the introduction of FLOs and Senior Investigators. From a PIRC point of view, albeit we are now 11 years in since Police Scotland was formed, the general public know who we are from a press point of view, but they do not actually know what our role is until, unfortunately, we have to introduce ourselves and become involved. Likewise, 11 years in, there are still areas within the police service and within the Crown Office, who do not really know what our role is. We probably deploy FLOs more often than Police Scotland because of the lack of knowledge of our role. It is our job to explain our role, what we do, why we do it and who we report to, especially when it is a Crown-directed investigation. It is very easy to sit and discuss the judicial system, when we know how it works and how quickly or how slowly the wheels of justice move, but the general public do not know how that system operates. It is important to get that across and prepare them for such a process.

19. I have been asked how FLOs were assigned by PIRC – if it is based on who is available on the day or if any consideration is given to factors such as expertise. My role is the FLO coordinator. If there is a death following police contact or a death

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in custody, any serious incident – that could be a serious injury which attracts high media interest, then I would be approached by either a deputy senior investigator or a senior investigator within the organisation requesting the facilities of a family liaison officer. It would be my job to get as much information from the lead investigator: what is involved, does the investigation require a FLO with a lot of experience, or is it a job that would be suitable for somebody who has gained some experience and will benefit from more experience. I would also consider deploying an experienced FLO but it would also be a good opportunity for somebody with less experience to shadow that experienced family liaison officer, and gain experience from being involved in that scenario. By deploying a less experienced FLO but under the mentoring of somebody with a lot of experience. I am maintaining the skills of those who have a vast amount of experience, but I'm also increasing the knowledge of those who are maybe newly trained or relatively new to the role. I obtain that information and I then speak to the FLO to make sure they are suitable for the deployment. I also confirm they have no ongoing personal issues that could impact on their involvement in the investigation. There is a risk assessment: what is the risk to the family liaison officers and I would then deploy them. I then tell the deputy senior investigator or the senior investigator, who their FLO is and any briefing is conducted by the DSI or SI.

20. Over and above that, as a coordinator, it is my job to maintain contact with the FLOs when they are being deployed as to how they are managing; any issues; is there any learning outcomes; is it good experience for them; making sure from a welfare point of view that all is well. Over and above that, I do not supervise the family liaison officers. They are my responsibility from a welfare point of view. Annually, it is my job to make sure that, including myself, we all go through a vicarious trauma interview every year, which I try to make sure that that falls before their appraisal with their line managers to make sure that we are all aware of their welfare. At the end of the day it gives any FLO, or Sexual Offenses Liaison Officers (SOLOs) who I was also responsible for within the organisation, to make sure they had their vicarious trauma support interviews.

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21. I have had occasions where a family liaison officer has unfortunately had a family bereavement in the middle of a deployment. It is my job to remove that FLO off the investigation and have another FLO briefed and deployed. That is where the joint, or a double deployment of FLOs to jobs, becomes beneficial because you will have a lead FLO, but if there has been a family bereavement or other personal issues, I can remove that FLO but, you still have a contact with the family who is familiar with the situation, and can take over and have support from another FLO.

22. I have been asked if joint deployment was common or if it was unusual in 2015. Your ideal situation is always deploy two FLOs. If there was any sort of animosity between either side of the family then, you have the opportunity of two FLOs working together, one dealing with one side of the family and one dealing with another side of the family. Likewise, if either FLO had to take a leave of absence or sick leave or annual leave, you had somebody there who knew the details of the investigation and could take up that role while the other FLO is absent.

23. I have been asked if, in addition to responsibility for the welfare of the FLOs and allocating FLOs to particular investigations, if there is anything else that falls under the role of family liaison coordinator. I do not think so. I am not responsible for their appraisals. That responsibility is with their own line managers. I am a deputy senior investigator and at the moment I have a team of three I am responsible for from an appraisal point of view. It is something for the individual investigator to highlight to their line managers how many FLO deployments they have had and what jobs they have had and their learning outcomes.

24. The other responsibility I had was, especially when our numbers increased to about 12 FLOs within the organisation, two or three times a year - no less than twice a year - we would have a meeting offsite with all the FLOs, and we would discuss any kind of learning outcomes from any deployment, any updates in relation to policy. It was an opportunity for people to speak freely as to any issues they may or may not have in relation to deployments. That was my job to get all that information and then feed it back into senior management. It was my job to coordinate any kind of issues, identify any learning outcome and make sure that

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we moved forward and improve the service that we have within the organisation. These meetings probably started about 2014 when our FL numbers increased from 3 to 6.

25. I have been asked about these meetings. In my first Inquiry statement, I explain two or three times a year we would meet as a family liaison team to discuss learning outcomes from a particular deployment. (SBPI-00246) I have been asked if any notes were made, or any other steps taken, to record learning outcomes and share learning across staff. Initially, when there was three of us, no, because there was only three of us. I had experience as a FLO coordinator with Strathclyde Police, however I was not officially the FLO coordinator as there was only three FLOs, but we would meet on a regular basis and have discuss our deployments. It was myself that developed the FLO deployment processes that we have as our numbers increased.

26. When our numbers increased to six, we had regular meetings two or three times a year off-site and we did speak quite freely about different situations. I did not record deployments at that time. I think it was 2016 or 2017 we had an increase from six to twelve FLOs, including myself, and I decided then that it would be good practice when we had these meetings to have somebody taking minutes, which we did and I have them. There was an agenda, there was the matters discussed, and it shows updates and matters discussed at the meetings.

27. I have been asked when these welfare interviews began at PIRC. I think it was probably when our number increased to six, that would be early 2015. It might have been as early as late 2014. I did not personally do it. I coordinated it. I worked in conjunction with the head of HR and staff within corporate services in the organisation. I implemented the process as good practice in a similar way as when I was in the police. As a FLO in the police, we were basically told by the force FLO coordinator that we had to make contact with an organisation out with the police to make arrangements of your trauma support interview to protect your welfare.

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28. I have been asked how many times I acted as a PIRC FLO before May 2015. It would certainly be into double figures. I was not one for keeping a note of how many times I have been deployed. When we increased our numbers from six to twelve, one of my FLOs suggested the FLO spreadsheet in late 2015, which meant we could record all the FLO deployments, who the FLO was, what the circumstances were and, at the very end of it, any learning outcomes. By that time, I was very much a coordinator and not deploying as a FLO as I had been promoted to DSI, and I felt it was not appropriate for me to try and do DSI and an investigator and a FLO. I took a step back from deployments and became the coordinator of our FLOs. The spreadsheet was a very good idea, and it worked very well. I no longer do the role family liaison coordinator role. I stood down from the role in May 2023.

29. I have been asked if I, as a FLO and family liaison coordinator, gave consideration to the legal obligations on PIRC when it comes to involving the family in PIRC's investigation. I am aware the victims next of kin must be involved in the investigation to the extent necessary to safeguard the family's legitimate interests. I am also aware it does not mean that as an investigatory body we have to satisfy every request for a particular investigative measure made by a relative in the course of the investigation. This was explained at the start of the investigation and first contact with the family.

30. I have been asked who my supervisor or line manager was in 2015. I think it was Ian MacIntyre, who is now retired.

Resourcing and Powers of PIRC

31. I have been asked if, as at 3-5 May 2015, I feel PIRC had sufficient resources to carry out the investigation as instructed by COPFS. That is probably more of a question for John McSparran or John Mitchell, who at that time was the Director of Investigations. From a point of view of a FLO or a FLO coordinator, I was of the

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opinion PIRC had sufficient FLO resources. I had plenty of support for doing my role as a family liaison officer.

32. I have been asked if I feel that PIRC has sufficient statutory powers to carry out the investigations it is instructed to undertake. At that time I believe we did have sufficient statutory powers, but at some time in the future such powers would be reviewed, which is ongoing at this time.

Policing Experience

33. I have been asked if my police experience had advantages or any disadvantages for my work at PIRC. I think it was more of an advantage than a disadvantage because you have a knowledge of how policies and procedures work, and the practicalities of policing and the role of the police officers. You had the knowledge to go and deal with any incident, whether it was from a road policing background, a firearms background, sexual offences. We had all these skills within the organisation that we could tap into at any time. I personally think it was an advantage to have that knowledge. To date I have not experienced any disadvantage of my police experience. Whilst I believe the PIRC will always need police knowledge and experience within the organisation, it is my opinion, in order to improve our independence we need staff from a non police background to enhance our independent role. In 2013 our head of investigations (HOI) was a female and from a non police background. She promoted our independence at every opportunity. When she retired from the PIRC in 2017, I feel we lost our independence within Investigations and senior management. A criticism of the Dame Elish report was the number of retired senior police officers in a management role within PIRC leaving the organisation open to criticism based on the danger of unconscious bias. The current situation could effect public confidence in the PIRC investigations into senior officers within Police Scotland. Since the retiral of that HOI this has not improved, but has significantly worsened and is male dominated. I see that as a disadvantage to the PIRC and has hindered

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the progress of female staff, those from a non police background and those who have been through our trainee programme.

34. I have been asked if I feel PIRC as an organisation was impacted positively or negatively by having staff that had previously held roles within the police. I think when we first started, simply because of the timescales of creating the PIRC, there was probably more retired police officers in the organisation than there was from a non-police background. I do not know what the percentages are now, but there is more staff from a non-police background and we have had two or three trainee programmes over the years, which is just like a probationer within the police. Staff who have no police background whatsoever are recruited on a two-year training programme. This included a day release to the West of Scotland University and obtain an accreditation. Staff with no police experience whatsoever play an important part in how we progress.

35. I have been asked if there were ever joint deployments of PIRC FLOs alongside Police Scotland FLOs and, if so, how a joint deployment would operate. Yes, it does happen. As a DSI, I thought it was a good idea. Over a year ago, we had an investigation and there was still a police investigation ongoing. From a criminality point of view, it had to be investigated and we were looking at the policies and procedures. This resulted in a dual investigation whereby it was a benefit to have the police FLO working alongside the PIRC FLO. The PIRC FLO had lead on the investigation, but they were able to communicate with each other, obviously working together and on a daily basis. With both FLOs working together almost any question asked by the family could be answered almost immediately as it was part of the police investigation, and also being able to explain the role of the PIRC investigation. There comes a point when, as far as the police investigation into criminality is concerned, that part has been completed and the police FLO will step aside, but the PIRC FLO would maintain the contact with the family. We still had the investigation into policies and procedures and it was our job to report the incident to the Crown Office. Such a process is beneficial on occasions. It does not happen on a regular basis, but it has happened and it continues to happen. I

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should make it quite clear that no two jobs are exactly the same and every single deployment must be looked at individually as to what is beneficial not only to the family, but also to the investigation itself and maintaining the integrity of the investigation.

Involvement with the PIRC investigation

3 May 2015

36. I have been asked when I learned about the events at Hayfield Road on 3 May and who to spoke to me. It would be the Monday morning when I reported in for work - 4 May. It was quite clear when I walked in that the on-call team had been out over the weekend and there was a lot of conversation about what had happened. I waited for the briefing.

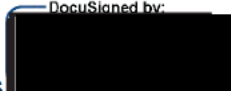
37. I have been asked if I recall when I was told that the person involved with the police was black. I think it was Keith Harrower that did the briefing and I think he mentioned then.

38. I have been asked if, on 3 May, I was aware of any media coverage surrounding the incident or learned anything it from social media. No. Around the time I was busy with personal matters and not following the news over the weekend.

39. I have been shown the Family Liaison Policy that was in place at PIRC on 3 May 2015. I have been asked if, in line with the Family Liaison Policy, a risk assessment was carried out in advance of FLO deployment. (PIRC-04460) Yes, there was. Again, whilst there is a risk assessment from an organisational point of view there is a responsibility and ownership from FLOs to conduct their own risk assessment. With 20 plus years' experience you do have a responsibility to do your own risk assessment. I think at that time our risk assessment and strategy was quite generic. As our numbers increased to 12, I cannot quite remember, I looked over a more in-depth risk assessment for FLO deployments and, a few years ago, we

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implemented that into our FLO policy basically to record in more detail what we did, but at that time I cannot remember how it was recorded. I would have done my own risk assessment, but I would not have recorded it at that time unless there some form of risk to myself or my colleagues.

40. I have been asked who at PIRC would be responsible the organisation's thinking about the risk - if it would be the family liaison coordinator, or whoever was leading the investigation. It was generic, so the FLO would do a risk assessment. Even from the point of view of deploying the right FLO with the right amount of experience, that is part of the risk assessment. It was my responsibility to do that risk assessment for the selection of the FLO. It is then for me to highlight to the FLO that, from the information I have at that time, I do not see any issues in relation to their personal welfare or their wellbeing, however, they need to check that for themselves and discuss with the deputy senior investigator or the senior investigator who will have more detail. As with any risk assessment, it is a living document because circumstances can change throughout the investigation. As an example, if a member of the family became a suspect as part of the police investigation, how are we going to manage that? What is the implications for that for any investigation? The risk assessment is always being changed. At that time, probably very generic. It is now there to be recorded.

41. I have been asked if there not being any Family Liaison SOP in place as at 3 May 2015 had any impact of this. I do not know about the dates, there certainly was a FLO policy.

42. I have been shown the Family Liaison SOP (PIRC-03885) that came in in June 2015. I know it says "Author/Reviewer" with my name. I think I might be the reviewer because we definitely had a FLO policy in place when we started as I remember it was part of my welcome package when I started with PIRC that there was a FLO policy. I remember reading it. If there is a digital footprint of me on that - the timing of that is June 2015, which would be right in the middle of this inquiry and the M9 crash round about the same time. I have no memory whatsoever of

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sitting down and doing a FLO policy at that time. In 2016/2017, I became very much involved in the FLO policy, but at that time I have no recollection of doing that. But there definitely was a FLO policy in place when we started in 2013 because I remember reading it.

43. I have been asked, if my role was to review it, who would have authored this. I think in 2016/2017, there was a former senior investigator who was given the responsibility of reviewing all policies within the organisation, one of which was the FLO policy. He did come to me in relation to it and through networking, I had spoken to staff, colleagues at GSOC, at PONI, the IPCC, one of these seminars or courses at Dublin. I also had contacts with people who had been involved in the Hillsborough Inquiry, 9/11, 7/7 bombings, the Paddington train crash and used that knowledge and information and incorporated the information into the FLO policy. After 2017, it was more or less myself and one of my colleagues that would review the policy, update it if required and send it into senior management for any further action or addition to it or taking stuff out of it.

PIRC's On-call System

44. I have been asked if I was ever contacted out of hours when I was not on call to assist with an investigation. Every time I have been contacted, I have turned out. That weekend I was busy from a personal point of view, but it is not the first time that has happened. Whether I am on or off call, I have turned out for investigations, so I see no reason why I would not have turned out had I been contacted.

45. I have been asked if there would be a FLO on call at all times. We provide on-call cover 365 days a year. At that time, it was a DSI plus three. There only was three FLO, so if the three of us were to be on call, it would be every three weeks we would be on call, which would impact on our welfare. In my experience when there has not been a FLO or scene manager in the on call team, a telephone call to a suitably qualified member of staff resolves that situation and those colleagues can turn out for the investigation.

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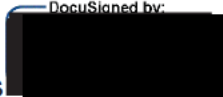
46. I have been asked if that means if a death in custody or following police contact occurred outside of working hours, that if I were the on-call individual, I would be thinking, "Do I have any FLOs that are on call at the moment or is there anyone I can contact?" Yes. You get the initial briefing from Police Scotland with the circumstances. Sometimes it is very limited as to what you do know. If there is a death following police contact or a death in custody, you are thinking about a FLO, "Do I need a FLO? Do I need a FLO right here and now? Do I need a scene manager?" I have been there where I have had no FLO, no scene managers, so I will telephone these people out or get a member of staff to phone people out on my behalf. To a certain extent, when you get an initial phone call, from a practical point of view, Police Scotland invariably will have a Gold Group meeting as to how they are going to deal with the incident and respond. I look upon that time as a good opportunity to assess, what do I need to respond to the incident and make those phone calls, so that when I or anybody from senior management is sitting in on that Gold Group meeting, I know that those resources are attending or are available to me to deal with the incident. It is a lot easier to scale down rather than try to scale up. Every single incident has to be looked at on an individual basis.

47. I have been asked if there are factors in a case that would make me think I want to deploy a FLO immediately and not wait for the office to open on Monday morning. If I had a FLO on call I would deploy that FLO. The initial contact may be by telephone as an introduction and to make arrangements to meet the family at the earliest opportunity.

48. I have been asked if there is there a standard window when I would expect PIRC FLOs to be deployed, if there is a rule of thumb as to when that happens. No, there is no rule of thumb. FLOs have to have as much information as possible before making contact with the family. If there has been police FLO contact we need to speak to the Police FLOs first and then introduce ourselves to the family.

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49. Police Scotland are now very good at informing us about death or serious incidents which can often now be within a couple of hours of the incident occurring.

Monday 4 May 2015

50. I have been asked about the PIRC briefing on the morning of 4 May 2015 at the PIRC office in Hamilton, and if it was at this briefing that John Clerkin and I were deployed as FLOs for the investigation. Yes.

51. I have been shown my PIRC statement dated 9 July 2015 (PIRC-00341) in which I note that I have extensive experience relating to Family Liaison Deployment. I have been asked how that presented itself with my joint deployment with John Clerkin, if it was the case that I would undertake different tasks or if we were there to support each other in the ways I've outlined joint deployment can be helpful. Yes, ideally, you would like two FLOs deployed to a death investigation - we were both deployed, and I was identified as the lead FLO for the investigation. With John being an experienced FLO as well, he was my colleague to assist with me in relation to that but, as far as contact, it was me, I was the single point of contact between myself and the organisation and the family, or Mr Anwar, as it transpired to be, who becomes part of the family network.

52. I have been asked if I know why John Clerkin and I were appointed – if it related to our experience or our availability. Probably a bit of both. Apart from John Ferguson, myself and John Clerkin were probably the most experienced FLOs. I do not know the extent of John Clerkin's experience. John Ferguson had already been deployed as a scene manager, so that was his role within the investigation. From an experience point of view, I would suggest, probably myself and John were the most experienced ones to be deployed. Other FLOs who were available had other tasks within the investigation.

53. I have been asked about the morning briefing on 5 May when William Little noted "Diversity support required for PIRC FLOs to take forward interactions with family."

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(PIRC-04156) I have been asked if I recall what this related to. I do not remember the specifics but, he did talk about diversity. I explained to him I had many years of experience of dealing with, or liaising with families from all sorts of backgrounds, race, religion, gender. I knew exactly what he was talking about because of the circumstances, and I think I knew by that time that Sheku was a Muslim and, it was a case of, is he a practicing Muslim. I was already assessing what sort of information do I need to have in order to assist in relation to that as far as liaising is concerned with the family. Whilst he did highlight that, I had been thinking about that from the very moment I was appointed as the FLO. In the past, I have had to go to a member of the community and get advice from them. I am no expert on religion, but I like to think that I have a working knowledge of the information that I require for such deployments. I do my very best to make it quite clear to anybody when I am liaising with families that I am no expert, so if I do cause some sort of offence, I expect them to highlight it to me so that I can learn from that. To date I have never caused any offence. I have had the experience to liaise with the families in the appropriate manner. In very basic terms, my policy has always been, speak to people in a manner which I expect to be spoken to myself, and it has stood me in good stead for liaising with families.

54. I have been asked if I was made aware on 4 May of any issues with Police Scotland and the family's relationship. I can't remember whether it was Keith or Billy Little that spoke to me about it, but I was aware of different messages being delivered, different to Collette and to Ade and to Kadi. That was very much part of the PIRC investigation from the very outset. I was very much aware of different versions of events which had been relayed to the family by different police officers within Police Scotland.

55. I have been shown my PIRC statement which states: "About 10.30hrs, same day, I was present when DSI HARROWER telephoned Ade JOHNSON regarding the arrangements for the post-mortem. DSI HARROWER spoke with Ade JOHNSON and confirmed the COPFS had directed the post-mortem was to proceed as planned (04/05/2015) and asked to attend the family home to introduce the PIRC

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FLOs. Ade JOHNSON stated he was in consultation with a solicitor who would contact the PIRC on behalf of the family.” (PIRC-00341) I have been asked if I can recollect anything about this call. I heard just the one-sided version. I was sitting beside Keith when he made that phone call. The ideal situation was for me to then speak to Ade and introduce myself. That was an opportunity of the first contact from me which might just be a phone call to introduce myself and make arrangements to speak to the family at an appropriate time that suited them.


56. I have been asked if I spoke to Ade Johnson on that call. Not on that call, no. I am sure Keith had to phone back and we might have actually then spoken to Kadi because we could not get a hold of Ade. I cannot remember the exact detail. I was definitely there when he made that phone call, and he finished the call. I cannot remember why I did not actually get to speak to Ade at that time.

57. I have been asked if I can remember what Keith Harrower said about the post-mortem, if I recall any other details beyond what is contained in my PIRC statement. Nothing further no, Crown had instructed that the post-mortem was going ahead on 4 May.

58. I have been shown my Inquiry statement which states that I spoke to two police officers - DCs Andy Mitchell and Wayne Parker - who had advised family members of Sheku Bayoh’s death. (SBPI-00246) I have been asked what else I can recall about speaking to them. The reason we were speaking to them –myself and John – is because I had been told they had had contact with the family and it was important to speak to them to get an idea as to what had been said. I think at that time they had already submitted statements in relation to delivering the message. I was not taking a statement from them, and they did say that they had been given a message to read out verbatim to the family, which at least one of them referred to his notebook and showed me the message written down in his notebook, which I read. I did not take any note of it because I knew it had already been included in their statement.

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59. I have been asked if those officers provided any detail about their meeting with the family and any context for us as FLOs going into that relationship. They did highlight the fact that there was a lot of questions as a result of different messages being delivered to different members of the family. They were subject to a lot of questions-- understandably, a lot of questions from the family. That is the whole point of speaking to these people – you have an understanding or a feeling as to what are the family are asking and understanding that they are asking a lot of questions about different messages being delivered to different members of the family.

60. I have been asked if I or any person from PIRC received from Police Scotland a FLO-specific handover. When I became involved on the Monday, I was told that FLOs had initially been deployed by Police Scotland and they were then stood down, and that FLOs had not made any contact, so there was no family liaison handover with Police Scotland. We were basically going in as the first contact from a family liaison point of view. I am sure it was part of Keith's briefing, that Police Scotland were deploying FLOs and then stood them down.

61. I have been shown the FLO log which records on 4 May I met with William Little and John Clerkin concerning FLO strategy and were given an overview of the investigation. We were tasked with "obtaining relevant background details of the family members and the victim" and reference is made to the FLO strategy. (PIRC-04150). I have been asked where the FLO strategy would have been recorded. I think there would be a general conversation about the FLO strategy from a generic point of view. I think John McSparran actually wrote up a more detailed FLO strategy. I might be wrong on that, but that was a general conversation about what we were going to be doing and how we were going to move forward and managing the flow of information to and from the family.

62. I have been asked what was meant by obtaining relevant background details of Sheku Bayoh's family members and how that feeds into a PIRC investigation. It is something you do with every investigation. Who is this person? The first point of

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contact with a family is under traumatic circumstances. You are not going to try and get that kind of information in detail from them at that time, but you are trying to get some amount of information to then return and obtain a statement later. As an investigation, we need to investigate the circumstances. Rather than arriving one day to obtain a statement from the family, it is better to prepare the family for what we would need in relation to what had happened prior to Sheku and the police officers coming into contact and about the information the family received from Police Scotland after the incident.

63. I think it is probably something that was said either to Ade or during one of the family meetings - Sheku and the police officers just did not drop out of the sky onto Hayfield Road. Something has happened prior to that, and obviously the aftermath of it all, is understanding who was Sheku: what is his connection to the incident; his family background; what is the dynamics of the family; how many brothers and sisters does he have; is he in more close contact or was he in more close contact with another family member other than his mother, is his parents alive/dead? All this sort of information is - who is this person? And the dynamics of the family, the make-up of the family. What does he do? What's his background, from an employment point of view? Married/divorced/in a relationship? All this information builds a picture as to who this person is. From memory, Sheku had attended a family birthday. I think it might have been his niece's or nephew's. I am sure there was a boxing match on that night, and he left to go and watch that with friends. At that time, it would appear that they were the last people to see Sheku, so it is important to ask, how was he when he left the house. We established he was in good spirits, and he left to go and enjoy the night with friends. It is good to obtain that background as to who last saw him, what was his demeanour when he left, and, as they said, he was in good spirits and left to go and watch the boxing match.

64. I have been shown the summary of facts in the FLO log for this day which contains the allegation that attending officers observed Sheku Bayoh in possession of a knife "approaching them" and that "a struggle then ensued". (PIRC-04150) I have been asked if I recall when I learned that this was not correct. I cannot remember

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when, but as the investigation progressed, I am sure it was the case that - although a knife was found at the location – Sheku was not in possession of the knife when he first came into contact with the police officers.

65. I have been asked if the summary is something that would be referred back to that might be amended, or if it was written in the early stages and not referred to again. Whatever sort of briefing I have at the time, I will put that into my FLO log so it is there as a quick reference to refresh my memory as and when speaking to the family, and on any occasion. I would not go back and amend it because that is the record I have written down at that time. I do not think that is good practice.

66. I have been shown my PIRC statement which states that Keith Harrower called Kadi Johnson to provide my details, as he could not get through again to Ade Johnson. (PIRC-00341) I have been asked about how a single point of contact within a family functions. From the family's point of view, they know they can speak to me directly. They will have my contact details. That is why Keith was phoning back, basically to provide my contact details, my name and a contact mobile phone number. You have a single point of contact in the family which manages the flow of information between the organisation and the family. That person will then cascade or discuss the information, and the family know they can come back to me. As part of the investigation, you make it quite clear from the outset, especially when it is a Crown-directed investigation, you have to maintain the integrity of the investigation. There may well be questions that they ask which, to maintain the integrity of the investigation, you would not give that information there and then because the report has not been submitted to the Crown Office. When the report is submitted to the Crown Office it does not necessarily mean that is the end of the investigation. It is not uncommon to receive further instructions from the Crown to obtain more information or speak to witnesses.

67. What I make quite clear to them is that if they do phone me and they do not get an answer from me initially, I request they leave a voice mail message so that I know, because if I'm driving or doing some other task, I would not answer the phone. By

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leaving a message it lets me know the family want to speak to me and to give me an indication as to what it is. If I can I will phone back with an answer or obtain the information required before returning the telephone call The whole point of a single point of contact is the family know they can contact me.

68. I have been shown the PIRC scene manager's log which notes that Collette Bell's home was "returned on instructions of Mr Billy Little on evening of Monday 4th May 2015" (PIRC-04173). I have been asked if I recollect having any involvement in liaisons between the family and Police Scotland or any understanding of how any confusion arose about who controlled this scene. I remember from Keith's briefing there was four or five locations which were scenes, and from a PIRC point of view we had overview of the scene at Hayfield Road and at the hospital. I think the other locations were with Police Scotland. It was their responsibility - because something had happened prior to Sheku being out on the roads within Kirkcaldy, and that was Police Scotland's part of the investigation, which included Collette's and Sheku's house. When myself and John went to see the family Ade was quite adamant that he had been told by Police Scotland that we had control of the house. I informed him we did not have control of the house. This understandably caused him frustration.

69. It was quite evident at the time that Collette wanted access to the house to get clothing and other items which were required for [REDACTED] who was a young baby at the time. I saw that as a priority to get the house back for them sooner rather than later, and having obtained a lot of that information, I suggested to Ade, I was going to go back to Kirkcaldy Police Office and speak to Billy Little. I do remember speaking to Billy and explaining the information I had received from the family. My understanding was – and Billy confirmed this – that we were not controlling the house, and the question I had is, was there a reason for Police Scotland holding on to this house, and can it be returned, and I explained the reasons why it needed to be returned to allow family access for clothing and other items for [REDACTED]. Billy took that on board, and he was involved in meetings. I cannot remember specifically what time it was. It was certainly later on that day, maybe early evening.

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It was six/half past six, I think, we went to see Ade at the house. We spoke to family and friends about eight o'clock at night. A little bit later the house was released by Police Scotland. I think it was maybe as late as 10 o'clock at night. I met Ade and I think his brother-in-law along with John at the house and handed over the keys and they got access back in the house.

70. I have been shown the minutes of Police Scotland's Gold Group meeting held at 12.30 on 4 May (PS03161). I have been asked if anyone from PIRC attended this meeting or was asked to attend. I do not. I am surprised, especially having been to several Gold Group meetings over the years, that there is not a list of people attending. I certainly was not at it, and I do not remember Billy or Keith telling me any time they were going to a meeting. I was not there at that one and, Billy Little would be at the post-mortem, so he was not there. This is the first time I have seen that document.

71. I have been shown my PIRC statement which records that at 16.00 I attended a Police Scotland Gold meeting chaired by Assistant Chief Constable Nicolson. At this meeting Chief Superintendent Garry McEwan expressed concern that the family of Sheku Bayoh were unhappy with PIRC and their lack of contact. I expressed my surprise as I had spoken to Ade Johnson and had a "positive" call. (PIRC-00341) I was walking through Kirkcaldy Police Office when Garry McEwan came out and said, "Are you from PIRC? Can you sit in on this meeting," which I did without any issues, and that is when he says there, he mentioned that the family were not happy about the PIRC, and I could not understand that because it was a positive telephone conversation I had had. It says there I had spoken to Amer Anwar to introduce myself to him, and I think I suggested to him that it was important I spoke to Ade, which he agreed with. I think it was either six or half past six that night that Ade would be available, and then we had this Gold Group meeting and I was surprised at his comments. I asked what was his reason for thinking that, and he basically said he had spoken to the family. At that time, I did not know he had spoken to the family or had been to visit the family on that day along with Nicola Shepherd, chief inspector at the time. I had no knowledge of that

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meeting. Had he expressed or told me that he had been there at a physical meeting with the family, I would have spoken to him before meeting Ade and the family.

72. I have been asked if I learned of Garry McEwan's visit to the family from the family themselves. Yes, I cannot remember why, but both Ade and Garry McEwan knew each other from community work, I think – and I do not think he named Nicola Sheperd. Ade identified her as a female chief inspector. My perception, whether it is right or wrong, was that Garry McEwan was surprised at my response that we had had a positive conversation with the family and that I was going to see them. As I said, had I known he had been there, then I would be looking for lot more detail from him at that time.

73. I have been asked if Garry McEwan's visit had any implications for PIRC. Had I known that he had been there, I would like to have spoken to him about the meeting. I think, Ade had asked that Garry McEwan attend - because he knew Garry McEwan and he said to the two officers who had delivered the message that he wanted to speak to Garry McEwan, and that was prior to FLOs being involved, but I'm not aware if he had disclosed to either Keith or to Billy Little that he had been to see them. Having taken the statement from Ade at a later date, Ade highlighted what he had been told by Garry McEwan. Again, that would have been good to have known before we had made contact.

74. I have been asked if I relayed what Garry McEwan had said to me to anyone else at PIRC. I remember speaking to Billy Little to give him an update to say that we had managed to make contact with both Aamer Anwar and with Ade and been successful in arranging a time and date to see him and that it was a positive phone call with Ade. I am sure I spoke to Billy before we made the home visit, and it would be after we had that meeting with Garry McEwan and ACC Nicholson, and I am sure I would have mentioned then that Garry McEwan had said Ade is not happy.

75. I have been shown the FLO log which reflects I spoke to Aamer Anwar at 17.29, to inform him of my arranged visit to meet with the family, and at 17.48 to inform him

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of the result of the post-mortem. The FLO log notes that in my call at 17.48 I advised Aamer Anwar that the post-mortem had occurred and that the cause of death was unascertained. I note in the FLO log that Aamer Anwar asked who the pathologist had been. I was not aware. I note that I asked to be provided with the details of Sheku Bayoh's GP so that PIRC could obtain his medical records. (PIRC-04150) I have been asked if Aamer Anwar knew the post-mortem was taking place in advance of this call. No, I do not know. I am assuming the family knew. Ade and Kadi knew that the post-mortem was going ahead having spoken to Keith, and the fact that Ade had instructed Aamer Anwar to be single point of contact - that he would have made him aware of that. My first contact with Aamer did not involve me telling him about the post-mortem. Aamer certainly did not express any surprise when I told him the post-mortem had been completed and, subject to toxicology and a brain tissue exam. He asked, "Who was the pathologist?" There was no surprise. I assumed that he was aware of that. There was certainly nothing to say that he was unaware of the post mortem going on.

76. I have been asked if Aamer Anwar said anything to me in that call or separately about the issue of family members travelling up from London that wanted to be present for the post-mortem. I cannot remember if he said it at that time. I think I was already aware that family were travelling north from London. I would say at one point I knew it was Sheku's mother that was travelling up, but initially I just knew there was family travelling north from London. I have been asked if I had been told that family were coming up from London, or if it was specifically related to family are coming up for the post-mortem from London. It was family travelling up from London. They were not coming up for the post-mortem. I have been asked if I recall how I learned about those family members were travelling up. It might have been Ade when we first made contact when I first spoke to him at the home visit. There was obviously family there when we first arrived, and I am sure he said at that point, "There's family travelling. We also have other family members travelling up from London."

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77. I have been asked about the entry in the FLO log for this call. This entry was written up at 16.45 on 5 May 2015 (PIRC-04150). I have been asked if it was common that notes would be written up the next day. I cannot remember. Certainly, it was a long day on 4 May. I think it was about midnight or early hours in the morning I got home. I cannot think why, but possibly I have done it the next day because the time I got back from Kirkcaldy.

78. I made two separate calls to Aamer Anwar that afternoon, one at 17.29 to advise him of the intended home visit and one at 17.48 concerning the post-mortem. I have been asked why these were two separate calls, and if I obtained information about the post-mortem following the first call. Yes, that was a phone call just to tell him we were going to see Ade on that night, and then shortly thereafter I received a phone call from Billy Little, to tell him about the post-mortem, and that's when I phoned Aamer Anwar back at that time to advise him.

79. I have been shown the entry in the FLO log for the meeting John Clerkin and I had with the family at 18.30 on 4 May. The FLO log notes we were "subjected to intense questioning by a large contingent of the family" describing them as "occasionally hostile and frustrated" that what Police Scotland had told them differed from what was said by PIRC. (PIRC-04150) I have been asked what the differences were between what Police Scotland said and what PIRC was saying. It was about the different messages which had been given to Collette and then given to Ade and then given to Kadi, going back to the scene management as to who had control of it, Police Scotland telling them one thing, myself and John arriving and then telling them something else. I was confident in the information I had at the time in relation to the scene management.

80. That is why we are there to take these questions, to take that sort of frustration and report it back to the investigation. It was quite clear from that home visit the family and friends had been there when different messages had been delivered, different information had been provided by different people from Police Scotland and was understandably causing them a high level of anger, frustration and hostility. I needed to feed that back into the investigation, and on that occasion it was going

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back to Billy Little specifically about the house. I asked Billy, unless there is something that you or Police Scotland can tell me, can we get this house back sooner rather than later or get it released from Police Scotland's scene management, which we achieved.

81. I have been asked, in a situation like this, where there were frustrations caused by differences in what the family had been told, if the FLO log would be used to note details of what those differences were. The main concern for the family was, at that time, the different messages that were being given, but also the return of the house, Collette's house, for them to get access to it. I knew - bearing in mind this was our first contact with the family - I knew we would be coming back at some point very soon to get a statement, so I wouldn't go into any great detail within the FLO log because I knew I was coming back and, having been aware of that, that's information that you feed back, and we had a major incident room running from the very outset. It's for me to feed that information back into morning briefings into organisation, and then when I went to speak to Ade, he was able to highlight the information - the same with Kadi as well - as to what they had been told and we would have spoken to Collette and her mother, Lorraine. All this information was repeated by all of them as to what they had been told, different accounts of it. I would not go into the detail of that because I knew I would be going back to speak to them to get a full statement.

82. I have been shown the entry in the FLO log which notes that I spoke to Ade Johnson at the door before leaving to "placate" him and explained our role. (PIRC-04150) I have been asked what was discussed. Because of the intensity of the questioning, I am being asked questions, John Clerkin's was being asked the same questions by another family member or by friends, it was not an ideal situation to discuss the role of the PIRC and the role that we were going to be doing. There were so many different questions being asked, similar questions, but at the same time being asked from different people. So when we stepped outside, having identified how the scene management of Collette's house was a major issue for the family, as well as the different versions of events, that I felt it was important to

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get back to speak to Billy Little. At that point when we stepped out the door, I think it was just myself, John and Ade, that was my opportunity to explain our role.

83. I cannot remember if we had them at that time but we have information leaflets for police officers and information leaflets for members of the public. We now do have a leaflet on the role of the family liaison officers, which I do not think we had at that time. If we did have those leaflets, I would have left two or three with Ade. I would explain our role and the importance of interaction between the family and the organisation and keeping them involved across the progress of the investigation. Ade made it quite clear at that time that Aamer Anwar was going to be the single point of contact for the family, which was not an issue for me at all. I have had many investigations with solicitors being involved. I was able to have a conversation with Ade out with the intensity of multiple questions, and he appeared to have a better understanding at that time.

84. That conversation I had with Ade ideally would have been better sitting down with him within the house and talking to him and Kadi and a couple of members of the family, not in a situation where you have multiple questions from multiple people. That opportunity there at the front door was what I saw as probably the best opportunity to explain our role, how we were going to move forward.

85. I have been asked how I explained PIRC's independence from Police Scotland to the family. Probably "We are independent of the police. It is a Crown directed investigation, and it is our job to report back to the Crown." You are managing the information between the two single points of contact. As to that home visit, it was an introduction. It was going to be a lengthy investigation, and quite rightly it has got to be a lengthy investigation, and we establish parameters as to what suits the family from a point of contact and how we will maintain that contact. Some families want contact every single day in the initial lead up to it, and I think initially we did have contact either with Aamer Anwar and maybe Ade for the first few days.

86. I have been asked if, at this meeting with the family, John Clerkin or I discussed the post-mortem with the family and informed them it had taken place. No, I do not

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remember having a discussion about the post-mortem because Aamer Anwar was the single point of contact, so he had been told about it, albeit the meeting was shortly after. We had about half an hour or 45 minutes after we spoke to Aamer about the post-mortem result. As he was the single point of contact, I would have expected him to inform the family of the post-mortem result.

87. I have been asked if Sheku Bayoh's family outlined any concerns to me at this meeting that race played a role in the encounter Sheku Bayoh had with Police Scotland and his death. No, there was nothing mentioned about race at that time.

88. I have been asked if such concerns about the impact of race were discussed with me at any point when I was acting as FLO. No, the only time I remember it being mentioned was when Aamer Anwar mentioned it at the meeting with the Commissioner on 3 September. I think he referred to it as "the elephant in the room," but throughout my part of the investigation, I never read anything, saw anything or heard anything that made me think that race played a part in the interaction between the police officers and Sheku. Had anything like that been raised to me at any point whatsoever, it would have been a priority to raise that at senior management level and to establish the circumstances in relation to that.

89. I have been asked if my learning at some point relatively early on that Sheku Bayoh was Muslim impacted my actions at all in the early stages of the investigation. Not at that time. I think it was actually Aamer Anwar who I had asked the question to confirm about Sheku being Muslim, and I think as part of that conversation he confirmed to me that he was not a practicing Muslim.

90. It is part of the process of being a family liaison officer – I am not a counsellor. I am not there to provide counselling. I do not have that skill, but over the years you do gain contacts of organisations who can help from referring or suggesting that somebody maybe should speak to their local GP who can direct them to local organisations that may be able to help with trauma and the emotions of dealing with a sudden death. All that information is there in the background. I am no expert on it, but I do have a significant amount of experience and knowledge as how to

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point people in the right direction - if they are unable to make contact with a funeral director, over years I have gained contacts with funeral directors and the different organisations who can help families.

91. I have been asked about the contact PIRC made with the Sierra Leone High Commission on 4 May and if I was aware of that contact being made. I cannot remember if it was ourselves at senior management level who were making that contact or whether it was Police Scotland that was making that contact, but I was aware of it going on in the background.

92. I have been asked if this contact with the High Commission was the kind of thing I would normally tell the family was being done. I would expect that sort of information to be given to me as to why we're doing it. As I say, I don't know why it was going on. I don't know if it was Police Scotland that initiated it or whether it was our organisation that was doing it. I cannot remember when it got done, but by the time I knew about it, I seemed to think that it had already been done and I think Aamer Anmar was aware of it, but by that time I was late to that information.

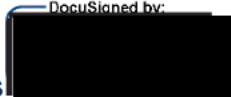
93. I have been asked if John Clerkin and I attended a meeting at 19.30 on 4 May, with Police Scotland and PIRC staff, at which the decision was taken to release Collette Bell's address back to the family. I do not remember being at a meeting specifically for that. I'm sure we came back to Kirkcaldy from speaking with Ade, and I am sure Billy Little was in a meeting with Pat Campbell and other senior officers from Police Scotland, and I seem to remember I did not interrupt the meeting, but I knew who was in the meeting, and I stepped in and spoke to Billy and discussed the circumstances about the scene of Collette's house, basically.

5 May 2015

94. I have been shown an entry in the FLO log for my speaking to Aamer Anwar at 14.20. He told me he had spoken to the Lord Advocate who had assured him that the post-mortem would be put on hold. I reminded him of a previous call in which I had previously told him that the post-mortem was going ahead. (PIRC-04150) I

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have been asked if I can recall anything else that was said in that phone call. No, there was no other comment on it. It was as it is written down there.

6 May 2015

95. On this day John Clerkin and I were present at Edinburgh City Mortuary when the family viewed the body of Sheku Bayoh. I have been asked what I would do to prepare the family to view the body. I would have done what I've always done. Prior to a family visiting for the viewing, we would attend there well before the time arranged to make sure that everything was in place, and we'd liaise with mortuary staff. Unfortunately, I've been there in the past whereby there's been extensive facial injury to one side of the face, that side of the face will be covered, and I would explain to the family the reason for that. On these circumstances, we would have viewed the body of Sheku, and I have always described a deceased person as, "He/she is at rest," and that there is nothing for them to be concerned about in relation to what they are going to view and just to prepare themselves. It effectively looks as though he is sleeping and then when they arrive, you explain these circumstances, and then when the family are ready, we would take them through to let them view the body. I have always viewed the body prior - whether it is formal identification or any viewing - so that I can prepare the family for what they are going to see as best as I possibly can without going into detail about it. It is about making sure that I am prepared to explain to them what they are going to see. It is traumatic circumstances.

96. I have been shown my first Inquiry statement in which I say I remember the family asking something about Sheku Bayoh's eye (SBPI-00246). I have been asked if there were visible injuries on the body of Sheku Bayoh. No. When they mentioned the eye, I thought I had missed something. I went back to check myself but, there was nothing obvious to me that would impact on the viewing of the body.

97. I have been asked about people attending the viewing of the body who were not known to PIRC and if was standard that people attending would need to identify

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themselves to PIRC. Names may well have been mentioned when people were introduced, I seem to remember a family member being introduced as a brother-in-law and then introduced by Ade. We did not know how many members were coming. I do not recollect us being told many members of family were coming, and they turned up, and I'm sure he was introduced as the brother-in-law along with Ade and I think Ade's sister also.

98. I have been asked about the alleged comments made by a family member at the viewing. It was me that heard this said.

99. I have been shown the incident message I submitted at 10.30 which stated that during the viewing a brother-in-law of Sheku Bayoh had made comments to the affect that there would be violence as a result of Sheku Bayoh's death. (PIRC-03716) I have been asked what the purpose of an incident message was. We did have a major incident room running. I have always found that if there is such an incident room running, it is beneficial to have these incident messages. I can then record anything straight onto the incident message and then submit it to the major incident room for analysis and potentially any other tasking in relation to that.

100. I have been asked if anything was done as a result of this incident message. That was intelligence, so that would be fed back into Police Scotland, because there is a threat of violence there. I think I said at the time - I have no reason to believe that this was going to be anything and it's simply down to emotions on the actual day. It would be wrong for me not to have recorded that and put it into the system from an intelligence point of view. Had something happened after that and I had not highlighted it, could that have been prevented? It could have done if I had put in the incident message, so it was important that it was put in and that would be fed back from intelligence point of view.

101. I have been asked why these comments are not recorded in the FLO log entry for the viewing. (PIRC-04150) That type of information is intelligence,

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whether it's confirmed to be right or wrong, the FLO log could become public knowledge, but the intelligence would depend on its sensitivity and is it accurate? Is it just simple emotions that are playing a part in it? But it is important that it is captured. It is to prevent injury or serious injury to other people, so it has to be put into the system but not in a FLO log which could be read by anybody.

102. I have been asked about a meeting on 8 May with members of the family and their legal representative, alongside John McSporrان and William Little. I have been asked if I recall anything about this meeting beyond what is contained in the FLO log. (PIRC-04150) I think prior to the actual meeting, we had a meeting with Aamer, and we went over everything, and then when the family arrived, he went over everything again, so there was a lot of repeated questions. I was really there as the family liaison officer but it was John McSporrان and Billy Little who were doing a lot of the sort of question and answer side of things, confirming information that already had been provided and also providing any additional information as to what we were doing or where the progress of the investigation was seen to be going and what we had to do and the complexity of everything that needed to be done.

103. I found it was a positive meeting, and it was a lot of information that we provided which hopefully helped the family at that time and made it clear how we were going to progress the investigation in relation to the death of Sheku and trying to get across that point of view of, "It's not a quick fix. It's going to take quite a considerable amount of time," which Aamer Anwar supported during that meeting as well. I think there was a question as Ade and the family wanted the investigation to concentrate on what happened at Hayfield Road. I think that is possibly when I first said to Ade in Aamer Anwar's presence "Sheku and the police officers and the public who had reported the incident did not just drop out of the sky onto Hayfield Road, something has happened prior to that to cause Sheku to be out walking on the road and members of the public phoning into the police. Police Scotland need to establish it as part of their

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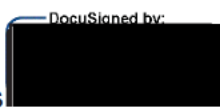
investigation, but we need to establish what has happened prior to this to cause Sheku to be out there,” which appeared to be understood at the time.

104. I have been asked if I would have taken any other notes of the meeting other than what is contained in the FLO log. No, not at that time.

105. I have been asked if is accurate that John Clerkin did not attend this meeting. At that time, Aamer Anwar’s office was tight for space, and a decision had to be made, so it was a case that John would sit outside. I think a family member actually sat outside also, or a friend sat outside. At the time Aamer, a member of his staff was there taking notes, John, Billy, myself, I think four members of the family in the room. I was standing throughout. There was no place for me to sit. It was a confined space for the amount of people that was being there. John was there, but not in the actual meeting.

106. I have been asked if comments were ever made to the family of Sheku Bayoh unofficially or “off the record” by PIRC staff. Not to my knowledge, no. Certainly, for me, I would not even contemplate making such a comment.

107. I have been shown the Operation Quoich Policy Log which, at decision 37, records that a decision was taken by PIRC later on 27 May 2015 that PIRC would not correspond with the family via text or email. (PIRC-04153) I have been asked if the decision was taken by John McSporrان, and if I was consulted on it. Yes, it was obviously taken by John McSporrان going by that. Aamer Anwar was the point of contact, so it was agreed that there’d be weekly updates via email unless there was something significant, then I would contact them directly in relation to that. At the time, the type of work mobile phone that I had it was not user friendly for text messaging. My personal opinion is that text messaging and emails and social media plays its part in communicating with people, but it is always better to make a phone call or a face-to-face discussion. I did receive several text messages from Ade – some that were easy to reply to; others were quite lengthy – and I did not think it was beneficial to reply by text and, to maintain the integrity of the investigation, I did not think it was a

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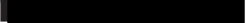
secure way of communicating with Ade or Aamer Anwar. Every week I was in contact, if not more than that, with Aamer Anwar via emails. I was not made aware of that decision.

Friday 8 May 2015

108. I have been asked about a meeting on 8 May between the family's legal representative and PIRC. John McSporrán and William Little attended. I have been asked if I attended that meeting. I was not at that meeting. I have been asked who took the decision that John McSporrán and William Little would attend that meeting without any FLO presence. I do not know. It would be either one of them that made that decision. I do not know if it was because potentially, we were going to see Collette, but that was delayed to the following day.

109. I have been shown the entry in the FLO log for the entry for John Clerkin and I meeting with Collette Bell and Lorraine Bell to obtain a statement from Collette Bell. John Clerkin took the statement. (PIRC-04150) I have been asked, John Clerkin obtained the statement, what my role would have been. We were working together. He was taking the statement because it was part of the family. I was there because I was working with him. There's no specific reason. I think at some point I took a statement from Ade and then he took a statement from Kadi or vice versa. Tasks are allocated to investigators, so you prepare for that task and that action to deal with that, rather than being disorganised and not knowing who's doing what. At the same time, it's not a case of I'm doing all the work and John's not doing any of the work and vice versa. The work is allocated to individual investigators and, from a FLO point of view, that was our job dealing with the family. From a point of the distances involved, we're traveling together, and on that occasion John's doing all the work in relation to the statement.

110. I have been referred to the fact that this statement taking took from 10.30 – 15.15 with a break between 12.00-13.30. I have been asked if this was a normal length of time required to take a statement of this nature and length. It would take

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as long as it takes. From memory, because of [REDACTED] and the support role that her mum was playing, I was very much aware of the fact that [REDACTED] was a young baby and had to be fed. The priority was to make sure his welfare was not being compromised. We at PIRC started at eight o'clock, so we could have been there for nine o'clock. That was not suitable for them, so arrangements were made to suit them, we would be up there by nine/half past nine. The remit for that was if for some reason we had to stop for [REDACTED] or any other welfare issues then we would stop, as we did. We stopped at twelve o'clock. We did not resume until half past one. Again, we had to get something to eat and had to be refreshed, as did Collette, Lorraine and [REDACTED]. Then we started back about half past one, and then I think quarter past three was appropriate time. I think we were back up the next day to speak Lorraine and get a statement from her. It was very much a case of making sure that the time was suitable for them and their welfare and the welfare of [REDACTED], and had it taken longer than that, it would have taken as long as it takes to get the statement.

111. I have been asked if any consideration was given to the appropriateness of Lorraine Bell, also a witness, being present when Collette Bell was interviewed. Yes, it was discussed in relation to her being there. It's a support role. It is traumatic circumstances for her daughter, her grandchild. We made it quite clear that while she is there, she is there as a support role, not to interject with any information in relation to questions asked. To me, at that time, they were witnesses to what happened as a result of the contact with Sheku and Police Scotland, so it was background information that we were really trying to get from them and their involvement with Police Scotland and what the interaction was. Lorraine understood that she could not interject with information or provide advice to her and that worked fine. I think on two or three occasions, from memory, she stepped out with [REDACTED] to attend to him. So, I did not see it as a major issue in relation to taking the statement. It would be completely different if they'd both witnessed the actual incident. Then I think we'd have to look at different ways of providing support to obtain that statement.

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112. I have been asked if I discussed the decision to have Lorraine Bell be present with John Clerkin or anyone within PIRC. It would be part of the discussion of we're going to see Collette with Billy, and Lorraine's going to be there. As I explained there was no major issues in relation to it. It was understood why she was going to have to be there.

113. I have been shown the Family Liaison Policy which states: "given the potential for compromising the FLO's relationship with the family and to minimise the chances of a challenge to the integrity of the evidence recorded, FLOs should only be asked to interview significant or vulnerable witnesses in very exceptional circumstances following full discussions on such matters with the SI" (PIRC-04460). I have been asked if consideration was given to that part of the policy. I think they were vulnerable. They are significant witnesses in the sense of that they're immediate family. With any kind of deployment, you always try to build up a rapport with the family, so in these circumstances I felt it was beneficial for the likes of myself and John to liaise with the family and obtain the family statements with a familiar face. They understand who we are. We've spoken to them, rather than introduce somebody who might not know - or would not have an overview of the dynamics of the family but, simply going to take a statement, would not understand the complexities of if the family turned around and say, "I need to stop because". [REDACTED] the perfect example of that, if Collette had to stop because of welfare issues for looking after [REDACTED]. Having that rapport with these vulnerable witnesses and significant witnesses was good practice. I think it was exceptional circumstances, and it was a priority for us to maintain that rapport and try and build on that to obtain those statements and get the information required.

114. I have been asked if it was common that FLO would take statements from family members. Yes, again, you build up a rapport with the family, so if you have that rapport, I would not say it was easier to get a statement from the family, but you have an understanding of what their needs are, and you've got an investigative role to play as part of it. My role was the family. It was the odd occasion we took statements from other people out with the family in relation to investigation but, it

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is exceptional circumstances, and the job had to be done. Yes, it would have been assessed. Was it detrimental to the investigation? No, I do not think it was. Taking into account the family members experience regarding the different messages delivered by Police Scotland, I would suggest it was important to maintain the continuity and rapport with the family to prevent any further emotional stress.

115. I have been shown an action to liaise as to the address of an ex-partner of Sheku Bayoh. It is noted that any statement would be completed by "non-FLO". (PIRC-02831) I have been asked if I have any view as to why this is required. No, other than we were dealing with the immediate family.

Monday 11 May 2015

116. I have been shown an entry in to the FLO log completed by John Clerkin on this day. It details John Clerkin contacting Collette Bell to confirm if Sheku Bayoh had two phones and asking her to hand over a phone to PIRC. John Clerkin notes "I made [Collette Bell] aware that it was important that PIRC have the phone and that I understood why she wanted to retain it". (PIRC-04150) I have been asked if I was aware of this communication between John Clerkin and Collette Bell. I had knowledge of it, but it was John that was dealing with it. I can't remember how it came to be allocated to him. I knew he was dealing with it and he was making contact with Collette. I can only assume he had been given that action to deal with the mobile phones.

Wednesday 13 May 2015

117. On this day, I obtained a statement from Ade Johnson. Kadi Johnson was present during this time. I have been asked if considerations were undertaken about Kadi being present. (PIRC-00106). Yes, just as before, it was discussed and vice versa for both of them - in relation to a support role for them and the circumstances and, just as we did with Collette and Lorraine, that whilst there was no major issues in relation to her being there, she didn't interact, we made it quite

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clear she could not interact and as we did with Ade. He could not interact when we was taking the statement from Kadi and they certainly maintained that and again, just like Collete and Lorraine, I think Kadi was in and out of the room at their house. I do not remember her being there physically all the time.

118. I have been asked if consideration was given as to the statement being taken by a non-FLO. It was the same as with the Bells because of the rapport we tried to maintain with the family and keep in contact with them and familiarity with ourselves rather than introduce somebody else into the family. It was considered beneficial to us and to them to just keep it as the FLOs dealing with the immediate family.

Press release from Scottish Police Federation / 14-15 May 2015

119. I have been shown a public statement released by the Scottish Police Federation on this day. (SPF-00010(a)) I have been asked if I have any recollection of this. After the event. I do not remember being consulted in relation to any press release by the Scottish Police Federation, but I am aware of that press release.

120. I have been asked if, given that this statement contained details of what some officers alleged had occurred on 3 May prior to the officers providing statements to PIRC, if I recall any discussions within PIRC about the content of SPF's statement. There was, I believe, a discussion at senior management level about press releases. It is something that, if we were going to do a press release, because it is Crown-directed, we would consult with the Crown as to whether it was appropriate or not, or even to the point of having, an "if asked" media release. Michael Tait was our head of communications at the time. I cannot remember if he had been consulted about this prior to its being released or whether it was a media release by the Scottish Police Federation and then we found out about it after it had been released. I do not know the timeline for how that came into the public domain.

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121. I have been shown the FLO log for 15 May when, in a phone call with Aamer Anwar I “expressed our concerns regarding the press coverage. Our concerns have been discussed but we do not want this situation to sidetrack the enquiry.” (PIRC-04151) I have been asked what those concerns were, in terms of coming from PIRC and those expressed by Aamer Anwar. The role of the FLO is at some point - whether it is just a few lines in the press or it generates some form of media interest - to explain to the family that we knew there would be high media interest in relation to this and it is trying to ignore what has been said in the press because if there are any major issues in relation to it, it is for us to decide what is relevant. If the family do read something in the press, then I would expect the family, or Aamer Anwar on this occasion, to come to me as the single point of contact and inform me of any impact on the family.

122. With any kind of press release from PIRC, which I think were few and far between from ourselves from recollection, were after consultation with the Crown; it was a Crown-directed investigation. These kind of press releases - from experience - this type of thing in the press or any high media interest does cause frustration to the family. It does create questions that probably did not need to be caused. It is trying to manage that information and it was a concern that the exchanges within the media was detracting from the investigation. That one press release from the Scottish Police Federation, there is information in that which should not have been put out into the public domain. If it had been consulted and agreed, I do not think it was.

123. I do not remember the timeline for it. I do remember finding out about it after the event. From a FLO perspective, my first priority is to remind the organisation or to the senior management, I need to make the family aware before it is published. In oncoming entries there was information about Collette which I felt was important that Aamer Anwar had to be aware of before it went out into the press, simply from the point of view of to prepare them for it. It would be to prepare them for this and how it might generate more media interest at their front door or by telephone calls.

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124. The high intensity of media coverage was anticipated, of that there is no doubt, but how it was getting out into the public domain I do not know.

125. I have been asked if, in my experience as a FLO, if I have had a situation where a group such as the Scottish Police Federation have put out a press release but they have given PIRC advance notice so that PIRC can prepare the family, even if the group are not seeking PIRC's permission as to their press release. In fairness to the Scottish Police Federation, that is two years into the Police Scotland and the PIRC. There may be was not the understanding within Police Scotland and the Scottish Police Federation as to releasing the press release. It is more very much the case now, when we are involved in Gold Group meetings, obviously media coverage is discussed and, if asked messages for press releases are discussed and if it is Crown-directed, it is very much a case of agreeing a media strategy.

126. "If asked" media releases however, it will need to be authorised by the Crown Office before it is released. In these circumstances, media releases are discussed and either agreed or adjusted or amended so that the Crown is happy with the information. The objective is about protecting the integrity of the investigation and the welfare and the consideration of the next of kin. If that has to go out, we always had to make contact with the family first before, and that has always been the case.

127. I have been asked what I meant in this call with Aamer Anwar when I stated that PIRC's priority was to "interview the police officers at the earliest opportunity, but only when the PIRC is fully prepared and not before". I have been asked if it was my understanding when I spoke to Aamer Anwar on 15 May that PIRC had not interviewed the officers because it was still undertaking investigatory steps and was preparing to do so. I was involved as part of a reception team for when we interviewed the officers on 4 June. The main priority was to get as much information as possible from all the documents, from CCTV; everything that we had access to – then for the investigators who were going to be doing the interviewing and obtaining the statements from the police officers, that they had time to prepare and then take the statements from the police officers. I know there was a lot of

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discussion about their availability. It was about preparing for interviewing these officers.

128. I have been asked if, around 15 May, in addition to the investigatory work PIRC undertook in preparation for interviews, if anyone had indicated to me that the officers had been asked for statements and that they had not been forthcoming. I cannot remember the details of it. There was a lot of discussion about it. I am sure on more than one occasion both Billy and John McSporran had explained that the officers were witnesses and it was witness statements that were wanted to be obtained from them and what was going on in the press and between the legal representatives of the police officers was ongoing. I cannot remember the detail of it but it was ongoing to get to see these officers as quickly as possible.

Sunday 17 May 2015

129. I have been shown decision 34 in the PIRC Policy Log on this day which states it "is clear that COPFS are providing information to Mr Anwar the family solicitor, regarding the investigation, post mortem and other findings. PIRC are unsighted on some of these matters and this can undermine and compromise our dealings with the deceased family". This text was written by John McSporran. (PIRC-04153) I have been asked if I was aware of that view within PIRC, or if that was a view I held around this time. It was, I know it was a concern for senior management within PIRC. The only example, from a personal point of view, that I was involved in, it was either a phone call or a text message from Ade and he was asking for details to complete a specific form. I cannot remember the number or the name of the form. The details of the form he was asking for made me think that the body of Sheku had been released to the family and I think it was one of those situations where I had been off, between being on duty and off duty. I switched on my mobile phone that morning and there was this message in relation to this form and the details required.

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130. The first person I spoke to was John Mitchell as I walked into our office. I made him aware of the text message. I think that means that the body of Sheku has been released and if that was the case, we have not been told about it. He went away and telephoned Dave Green and came back to confirm the body of Sheku had been released by the Crown Office. I could have visited the family not knowing that information and it is a situation which would have undermined my professionalism. It was possible I could have contacted the family and told them the body of Sheku had not been released only to be told the opposite. From that personal point of view and the comments made by senior management - there would appear information was getting shared by the Crown Office with Aamer Anwar which we were unsighted on that particular occasion. For me, it was unhelpful. Fortunately, I put two and two together and came up with the correct answer and it was confirmed by Dave Green and there was that discussion with John Mitchell and Dave Green and Les Brown about the PIRC and FLOs needing to know about such decisions.

131. I have been asked when this text exchange about the release of the body of Sheku Bayoh took place. I have recorded it on the 26 May. So that would be after this decision was noted in the Policy Log on 17 May.

132. I have been shown that within decision 34, John McSporrان notes that the "Director of Investigations has discussed this matter with Les Brown, COPFS and requested that he ensure PIRC are apprised of all such communications to ensure our investigation and relationship with family does not suffer detrimental impact." (PIRC-04153) I have been asked if things improved at any point in relation not this. I have my personal view on it but from a professional point of view, I think it is more a question for John McSporrان. There was information that I was aware of during the course of investigation you would hear on the news. It was the sort of terminology being used that did make me question how is that information was in the public domain. I had every confidence in the fact that there was nothing coming from the PIRC. It would appear prior to me getting that text about the form, there must have been something prior to that which was general discussion as to

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information that has been exchanged elsewhere. Then on 26 May, I received that text message and certainly on that occasion, there was an exchange of information between the Crown and Aamer Anwar but PIRC was not sighted on it.

133. I have been asked if I can recall any examples of hearing specific terminology and wondering how that had become public. No, I cannot. I tried not to listen to the news and some of the documentaries that have been ongoing during the Inquiry and prior to it on the television because I do not want it to influence my information. My concern was always to protect the welfare and the wellbeing of the family and trying to make sure they get the facts and know what is been said in the press. Sometimes it was difficult to manage that, not in the sense of it could not be done, but understandably the family would ask questions about how the information was in the public domain. Whether in actual fact it was fully established, I do not know, but there was an issue in relation to information getting either out to the public domain or between Crown and Aamer Anwar. How it was happening, I do not know.

134. I have been asked if this was something I encountered in other PIRC investigations. Occasionally there will be a media release or somebody will release information and the question will be asked, "How did that get out there?" With social media, sometimes it is physically impossible to control, but some people think and put their thoughts out there and what they report is in the press is not always accurate. Then it is for me or the investigation to try and establish how accurate or inaccurate that information is and try to source that information. This is sort of moving on to the information about Collette Bell and other issues with the organisation, how accurate was that information. The family need to know about it, and I think I can say the vast majority of the time, any kind of information or any kind of press release, I would consult with the family simply from the point of view of letting them know about what is in the press and the PIRC is aware of the information and if possible clarify the accuracy of the information. Our Corporate Services can also liaise with the media.

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135. I have been asked if, in any other PIRC investigations, I encountered a scenario where the family and their representative had direct dialogue with Crown the result of which was that PIRC was unsighted on things. No. I have never come across this.

27 May 2015

136. I have been shown a message that reflects that on this day I received a text from Ade Johnson which raised various queries and stated, "the investigation should not be about Sheku's character or family or lifestyle" (PIRC-02593) I have been asked what I thought on receipt of this text. Yes, I received that and that is as it is in my FLO log as well. From a FLO point of view, it is not uncommon to be asked these questions time and time again from any family. In relation to Sheku's character, family, lifestyle, it is normal practice to get a pen picture of the deceased, the family, what is his family dynamics? What is his lifestyle? You are effectively painting a picture for people who have no knowledge about this person.

137. It is not uncommon to find that your family single point of contact may be of the opinion that everything within the family is okay, but then you find out through investigations that the deceased has confided in a sister or a brother of personal issues that they did not want their parents to know about. It is not uncommon to find out some of that information and then have to break that news to the family at some point because potentially there could be a fatal accident inquiry. If we know that information at that time, irrespective of where we get it from and it is confirmed as accurate, the family need to know that information long before it gets to a fatal accident inquiry. They should not be in a fatal accident inquiry and hearing some sort of comment about their loved one that they had no knowledge about, whether it is his or her lifestyle or how things were within the family. As long as it is confirmed as being accurate, then we have to deal with that. That is part of the investigation.

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138. Likewise, if we have an investigation and a police officer makes some sort of off the cuff remark about a member of the public while he or she is in custody, and that is recorded on CCTV, it invariably has nothing to do with how that person died but the family need to know about that long before it goes to a fatal accident inquiry. That is part of your exit strategy and handover to the Crown Office.

139. I have been shown the FLO log which reflects that I texted Ade at 8.49 stating I would answer his questions when I saw him that day and it records that I telephoned him at 08.27. I received a text message at 08.59 in response from Ade Johnson asking me to reply to him by email or text. (PIRC-04151) I texted Ade at 9.28 noting that it would not be appropriate to respond by text or to a generic email address and "I will speak soon". (PIRC-02593) I have been asked if I recall when Ade and I picked up this issue further. I cannot remember. This would be through Aamer Anwar as it was very much a case of Aamer Anwar was the spokesperson. These text messages are going through Aamer Anwar explaining why we need to speak to them, and what Aamer is saying to Ade, I do not know. It is the type of conversation I would not do by text message or to a generic email. It is protecting the integrity of the investigation. I would need to know that it was a secure email or a way of texting the message that would not get out into the public domain. Going back to the terminology used in the Scottish Police Federation's media release, you do not want information that is pertinent to the investigation getting out into the public domain and a generic email is not secure. Within our own organisation, we have a secure email address which is used for documents for secure emails to be sent. Text messaging and emails serve a purpose, but to discuss information that could compromise the integrity of the investigation, I would, at the very least, seek advice as to whether or not we were going to reply to it by email and then, if we were going to reply, how are we going to do it securely.

140. I have been shown the FLO log which reflects that I emailed Aamer Anwar on this day further to a telephone call. The notes of the call in the FLO log do not detail what was raised but read "there then followed repeated questions (many of which have been answered before) and discussion about the inquiry". (PIRC-04151) I

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have been asked if it was standard practice that I would include a summarising note rather than detailing the questions that had been raised because they had been answered by PIRC previously. Yes, I would not repeat the questions if it is already been answered, but we spoke about the appointment with his mother and the opportunity to update the family.

141. I was very keen throughout the whole contact and the whole investigation that whilst I appreciated the family wanted to have Aamer Anwar as a single point of contact, arranging times and dates to meet the family or family members to obtain statements or to clarify points with them, I think it would have had less impact on the family's welfare and wellbeing, for me to make direct contact just by phone call to discuss and arrange suitable times and dates to meet the family and obtain statements, as I we did with Collette and Lorraine, and with Ade and Kadi. It would have minimised, or reduced the amount of stress of arranging these appointments for the family. I have used this process in the past, many times when solicitors are involved, every contact or every phone call that I would have with the family, I would email the solicitor to keep him/her up to date with arrangements.

142. A lot of these questions were being answered by John McSporran. These emails would come in and had to be answered at a strategic level. I would forward such questions to John McSporran, if he had not been copied into the email originally, or if he had been copied into the email, I would then speak to him. Invariably, he would be telling me he would answer the questions and he would reply to Aamer Anwar, copying myself into the email. From previous experience, I think it would have been beneficial for the questions to be answered, but it came to me and then I would forward the email on behalf of the organisation, maintaining that single point of contact. It would make it easier, or maintain a smoothness, in relation to the management of the flow of the information between the family and ourselves.

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Friday 29 May 2015

143. I have been asked if I attended a meeting on 29 May between the family, their legal representative and PIRC. Yes, I was aware of the meeting, on 27th May it was agreed between myself and Aamer that a family/solicitor meeting would be useful. It was the intention of a home visit to see Ade. Aamer said he would arrange that and reply to us. And then on 28th at 11.31, an email reply from Aamer confirming meeting tomorrow at 16.15 at his office. So that would be the 29th May. I do not know who was at that meeting. I do not physically remember being there, but that would suggest I was there, just along with John McSporrان and Billy Little. I do not physically remember being there, but the FLO log and my notebook would suggest I was there, along with John McSporrان and Billy Little. I think the meeting was to discuss questions that Aamer had raised by email to myself, copying in John McSporrان, and that is when I suggested that due to the volume of questions that need to be answered. As in any case, there is always a point when it is good to sit down with the single point of contact or the family and discuss any concerns, and to give a more detailed update verbally rather than sending emails backwards and forwards. That came about as a result of the phone call with Aamer on 27 May, that it was an appropriate time to meet again. I do not know if the family were there or not, I cannot remember, but obviously, by that entry, I was there.

June 2015

144. I have been shown a statement from the Scottish Police Federation issued on 2 June which read: "The officers involved have never refused to provide statements. It was agreed at the outset with PIRC that they would revert to us when they wanted statements and when they were clear on the basis that statements were to be given. PIRC emailed me this morning at 10:46am asking for our assistance to organise interviews and we answered at 11:29am confirming we would be pleased to assist. Those are the facts." (SPF-00019) I do not remember that press release. I was aware of consultation with Peter Watson and the

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Federation about arranging the interviews with the officers, but I am not aware of that press release.

145. I have been asked if I consider this statement to be an accurate summary of the position taken by the officers regarding the provision of a statement to the PIRC. I cannot remember the detail in relation to that. I know there was very early stages of the investigation about speaking to the officers and getting statements and I do remember it being discussed, but I cannot remember. It was not discussed with me specifically, maybe it would be at a general briefing or something like that about the ongoing issues in relation to speaking to the officers involved. It was more at a senior management level, I think, as to how that was going to be resolved.

146. I have been asked if I discussed the statement with any family members. No, that is something that if I had known that was coming out or if anybody within the senior management knew that that press release was coming out, I would have liked to have known about it from a FLO point of view, so I could inform and prepare the family. Or speak to Amer Anwar to inform him of the press release. I certainly was not made aware of that to discuss with the family, which I would have expected to happen.

147. I have been shown the Family Liaison Policy which requires that FLOs apprise themselves of media reporting on a daily basis through close liaison with the media officer (PIRC-04460). I have been asked if this occurred during this investigation. Michael Tait was head of communications at the time and he was at all the morning briefings, updating us of information that was in the press. That is maybe where I have received some of the information, that he has seen this press release and then he has highlighted it at the morning briefings, in relation to what has been put out there.

148. I have been shown to FLO log entry which reflects that on 3 June, I was present when John Clerkin took a statement from Lorraine Bell. The FLO log reflects that

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Lorraine and Collette Bell raised “discontent” concerning press statements which they attributed to Police Scotland and the solicitor Peter Watson. I describe “ultimately” reminding them that the PIRC investigation was directed by COPFS. (PIRC-04151) I have been asked if I recall that conversation or what the concerns they raised were. It was a general discussion about the volume and the type of press coverage and what they were reading. Our investigation was a Crown-directed investigation, and we would report to the Crown. You do not like repeating yourself, but you are going over similar information to assure them that we are conducting this investigation, and to make clear from the very outset, there will be occasions when I cannot answer some of the questions because it has to go to the Crown for their consideration. Any sort of handover that we would have had with the family to the Crown through VIA, those questions would not be answered either. It would not be until the Crown had looked at the final report, so albeit John McSparran submitted an interim report, the Crown would not make comment on that until they got the full report. It is trying to manage that information so that we are keeping them up to date, we are keeping them involved, they have fully understood the statements that have been made in the press, and trying to reassure them that we are looking at that sort of thing and trying to manage it. It was not impacting to the extent that they were being pestered by the press for answers or for questions in relation to it. Had it got to that level, we would have consulted with our head of communications to approach editors. There would then be discussions about the privacy of the family. Their concerns were understandable and again from a FLO point of view, it is for me to manage that and feed that back into our organisation.

149. I have been asked how the investigation being Crown-directed is an answer to the concerns being expressed by the Bells and what the link is between the two things. The link is that it is a Crown-directed investigation, and it is reassuring them that we are looking at that and the information that is being talked about in the press when we are aware of it, questions are asked about it and it is all part of the investigation. As part of our independence, we are aware of it. It is very difficult for families not to look at the press when they are involved, effectively at the centre of

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attention in relation to this high-profile investigation. It is about reassuring the family that we are looking at it, we are reporting it to the Crown Office and, albeit that media coverage was not helpful in relation to how we would progress the investigation, but there was no need for us as an organisation to respond to everything in the media. We had a job to do, and the job was the investigation into the circumstances of Sheku's death and about the policies and procedures, or the actions of the officers. Did that have any impact in his death or any involvement in his death and to report it to the Crown and wait for further information. As I said, you go over these sorts of points time and time again and that's just part of the information because the family, they are dealing with a traumatic situation. They have lost a partner, a son, a brother, so they are not interested in what anybody else is doing, what the Crown is doing and how many other deaths there are. They just want to know what is happening about the death of Sheku. It is managing that on a regular basis and if it means repeating yourself, that is what happens.

150. I have been shown an email to me sent on 5 June from Aamer Anwar. He raised various points including asking if PC Short had been interviewed as yet as: "John stated that three officers were off-sick but you were advising the Federation that was unacceptable". On 8 June I emailed Aamer Anwar stating that "John McSporran has discussed this with you". (PIRC-03799) I have been asked if I was privy to John McSporran's discussion with Aamer Anwar. No, I was not part of that at all. I think that may be one of those emails where I would have forwarded it to John and he would deal with it at that level.

151. I have been asked about a comment in this email made by Aamer Anwar that it would have been helpful to see a copy of the PIRC press release in advance of it being released. (PIRC-03799) I have been asked if it was normal practice that if a press release was being released if a family would be given notice of that in advance. I would like to have been sighted on that, yes. I do not know which actual press release is being talked about. I do not recollect it. From that, it sounds like John has made a direct reply to Aamer without myself being aware of it.

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152. I have been asked about the statement taken from Chief Inspector Nicola Shepherd by John Clerkin on 18 June. (PIRC-00208) This statement contains evidence on the meeting with the family on 3 May. I have been asked if I was content with how PIRC were able to follow that line of inquiry with this witness. We do tasks as tasked from our actions, it goes back into the Major Incident room and they look through the statements and highlight issues, so if there is any kind of additional work that may well be done. I would imagine there is some sort of task or action in relation to obtaining a statement from Nicola Shepherd, with areas to be covered; like what was said, and the number of officers, and what sort of questions to be answered.

153. I do remember her saying, "Yes, there was multiple questions, some of which were from various persons." At that time, she could not recall the extent of the questions but then, gave examples of someone asking how many officers were at the locus in Hayfield Road. That is a result of the information we were getting on the first day that we met the family, as to she was there along with Garry McEwan and these questions were asked, and what was her recollection of it all because it played a part of the information the family were getting from Police Scotland at the time.

154. I have been asked about COPFS's later direction that CI Shepherd be re-interviewed to be asked again about the information passed to the family on 3 May in her presence. (PIRC-03302) I have been asked if it would be normal for Crown to specifically return to PIRC on points where they wanted further statements. As a reporting agency working on behalf of the Crown, you're sending a report to the Crown who will then look at it. It is not uncommon for the Crown and ask for additional information from a witness.

155. I have been asked if there was a process within PIRC for, following a statement being completed, for it to be looked at, both to check its sufficiency in terms of covering all relevant points and cross-referencing its content with other witnesses and other evidence that PIRC had gathered. Staff who were in the Major Investigation room, everything went into them and actions came out from them.

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That would influence what Billy and John McSporran would action us to do the following day, as the investigation progressed. They are looking at all the statements, cross-referencing them. Information was going into the Major Investigation room, and it was coming back out again for either further action or it was being written off at that time as accurate unless something else highlighted a need to go back and speak to a witness.

156. I have been asked if I consider that PIRC's approach to statement taking, and the contents of statements, was thorough in 2015. Yes. Certainly, there were no complaints from the Crown Office as to the quality of the statements and reports being submitted and the effective and independent investigations that we conduct. It is a good practice to have that, occasionally we do get these questions or further actions from Crown, but they are rare, which I think corroborates the fact that we are putting in quality statements and quality reports to the Crown.

157. I have been shown a Clue entry related to the 3 May meeting which details the repeated requests made of the family's solicitor to trace the other people who CI Shepherd said were present within the home of Ade and Kadi Johnson on 3 May. The last attempted contact was 13 July 2015. (PIRC-03033). I have been asked if I have any recollection of this line of inquiry or what the outcome was. It was ongoing because all these people had been there when Nicola Shepherd and Garry McEwan had done a home visit. When I arrived there with John on the Monday there was a lot of questions getting asked. A lot of those people, I assume, were the same people that had been there on the Sunday, so it was important to speak to these people and, having spoken to Ade early on, it was important he provided the names and addresses or contact details for those people for us to speak to them. I do not think those names and contact details were ever provided to PIRC.

158. I have been shown an entry in the FLO log from 18 June where I noted that I made a courtesy call to Aamer Anwar and noted he was "very subdued" (PIRC-04151). Usually, when you spoke to Aamer Anwar, he was quite upbeat, positive

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about what we were doing and asking a lot of questions. I do not remember specific details of it, but I do remember speaking to him and I do remember asking the question, "Are you okay?". I think there was a sort of conversation over the long hours, and we both related to each other here. It was unusual for him to be, so I mentioned there that he was subdued. It is not a criticism of him. It was a case of long days, long hours. It was the same when I spoke to Ade. I was concerned about the welfare of Ade because he was not keeping in the best of health during the investigation. And there is various entries in my FLO log of asking how they, the family, are. I have said to the family, "I'm not asking you 'How are you' simply for the point of view of I'm greeting you, 'How are you,' I am genuinely asking, how are you today? Is there anything I can do for you?" That is where I would have preferred more interaction with the family because you get a better feel as to just exactly how they are feeling. And is there anything that I could do with the contacts that the family liaison officers have that we could point them in the right direction in relation to their welfare. There is nothing underhand about it, it was the only occasion that he was very, very subdued that it was noticeable. That is all.

159. I have been asked about an entry in my notebook from 23 June where I note "training from Police Scotland" (PIRC-04192). I have been asked if I received training from Police Scotland on this day and if I recollect anything about it. That is an I6 training input from Police Scotland – which back then was a new command and control, all-encompassing police custody system, criminal history system, which Police Scotland was hoping to implement back then. I think due to financial restrictions and suitability it did not come off. It was an insight from Police Scotland to us for its potential and, had it been implemented, how it would assist with our investigations.

160. I have been shown a summary document that was produced by PIRC detailing information as to contact between PIRC and the family's solicitor between 1 June 2015 – 1 July 2015 (PIRC-02492(a)). I have been asked if this document looks familiar to me. Yes, I was asked to do a summary. I think it was actually John Mitchell who asked me to do it, either him or John McSparran, to do a summary of

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the contact between myself and Aamer Anwar by email, phone call, etc., which I did do.

161. I have been asked why this summary was requested. I cannot remember when, but I did start putting a read receipt on my emails because I was concerned that the Aamer was not getting my emails. I had mentioned that in discussion, that I was putting a read receipt on emails. Quite recently, July this year, I received a read receipt from Aamer Anwar in relation to an email that had been read. I could not find the email to give it some sort of context, but it was a read receipt from Aamer Anwar.

162. I have been asked if this summary was intended to capture every contact that had happened over the month of June. Yes, but I think it is more or less a straight lift. Yes, it seems to be just a brief update of the contact in June. I cannot remember why it was asked for specifically June, or what was going on at that time.

163. This summary states that the lack of reply from the family's solicitor had impacted the investigation as they could not get in touch with friends and family who were potential witnesses (PIRC-02492(a)). I have been asked if I know what this related to. I do not remember doing that, but I was asked to list the times and dates of contact with Aamer in June and then I would suggest it was either sent to John Mitchell, maybe John Mitchell would be copied in, but it was certainly sent to John McSporran.

164. I have been asked who added the red text to this document. I do not remember putting that in. In fact, that would not be me, because I am just reading that last one on 1 July, "FLO responded to email reminding Mr Anwar of the continuing PIRC requirement...." If I was putting in that red, I would have said, "I responded to the email reminding Mr Anwar," so somebody else has put that in.

165. I have been asked, if there were concerns about a lack of contact from Aamer Anwar, if these concerns were expressed to him at any point. It certainly was not expressed by me as the FLO. Whether that was discussed by John McSporran, I

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do not know. As far as the family's concerns, I would have preferred more direct contact with the family, from arranging appointments, but the way it was, Amer Anwar was the single point of contact and the family made that quite clear on many occasions. It was my job to manage that line of contact. What Amer Anwar discussed with the family, I was not party to. But that is just part of my role, is to manage that to the best of my ability.

Family Liaison SOP

166. I have been shown the FLO SOP which was published on 24 June (PIRC-03885) I have been asked, as this was version 1, if it is correct that prior to this publication PIRC did not have a FLO SOP in place. We definitely had a FLO policy prior to that date because I read that the first week/second week in the job back in 2013. The date published is 24 June 2015, and yes, my name's against it, but as I said earlier, working on something like that in the middle of the Sheku Bayoh Inquiry and the M9 crash, I have no recollection of doing that, but if there is something there that says that I did do it, then obviously I did, but that is not the first FLO policy or FLO SOP for PIRC. There was one on 1 April; I started to the end of February, beginning of March 2013, and I read the PIRC FLO policy in relation to that.

167. I have been asked if there is anyone at PIRC that I think might have worked on this SOP. The only person I could think of is John McSporran and he has put my name on it or against it because I would be reviewing the policy. I would say if there is something that says my digital footprint is on that, then obviously I did, but I have no recollection of that at all, because when I did the policy 2016/2017, we worked in that. In 2016, we were over in Dublin for the FLO coordinators course, so I would have been networking with GSOC, PONI, IPCC, and the instructor had been involved with 9/11, 7/7 bombing and the Hillsborough Inquiry. I was basically tapping into all their information and knowledge as to what they did and what they do not do. I had more of an involvement of the FLO family liaison part of the FLO policy in relation to FLO deployment.

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168. A lot of what is there is in the current FLO policy. Dealing with any kind of these sort of documents, it is a living document, so just because we have a policy does not mean to say it is set in stone for that year. It is one that you would look at, especially if something was highlighted at the meetings with all the FLOs and we identified something that needed to be dealt with there and then, it would be amended, I would amend the policy and then send to John McSporran for discussion at senior management level.

169. Under the heading 'Return of Property' there is reference to seeking advice from the PIRC legal advisor. (PIRC-03885) I have been asked if it was accurate that PIRC did not have a legal advisor in June 2015. I think so.

170. I have been asked if I have any memory of reading or consulting the Family Liaison SOP at any point. I do not. From memory, it is probably an updated version of the one I read when I first started back in 2013. I think I said earlier it was 2016 that a senior investigator, Markus Mitterer, who is no longer with PIRC, was given the responsibility of reviewing all policies, all SOPs, within PIRC. I must have read it because it was 2016 when I went over to Dublin for the family liaison coordinators' course, and prior to that I had been in contact with colleagues from GSOC and PONI through networking and going up to the Scottish Police College for seminars for national family liaison officers. I was working on the policy as to how should we update or need to update the policy, and looking at risk assessments, issues like that. Risk assessments were becoming more and more relevant to the role that we were doing and how we recorded it.

171. Possibly over maybe a couple of years, I was looking at: what do we need to do as an organisation? As a FLO coordinator, what do I need to do? Is there anything that I can do better or I can highlight to the organisation that we could maybe be doing better? A very simple example of that is, at one point the FLOs we had was very male dominated, simply from the point of view of the people who wanted to do it. I felt that was something that had to be addressed. It never happened to me but, from a FLO coordinator within the Strathclyde Police, some

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families would not speak to a male or female FLO, and that is something that we have to manage. I have been asked if in 2015/2016 there were any female FLO at PIRC. We had one, [REDACTED] she has since left PIRC. We were male dominated from a deployment point of view, and we were looking to identify staff within the organisation who wanted to do the role, but it would be beneficial to have a female member of staff to have that resilience within the role of family liaison.

172. In 2016/2017, whilst I had been working on that, SI Markus Mitterer informed me he was reviewing the Family Liaison Policy and he sent me a copy of his version. As a result of me speaking to GSOC, PONI, people who have been involved with 9/11, the 7/7 bombings, the Hillsborough Inquiry, I adapted our policy to reflect what we did. The bones of it was still the same job, but how did it differ from our point of view from an independent organisation to liaise with families. That is when I had an input on it, and then prior to me handing over the role as family liaison coordinator, I had been looking at the risk assessment in consultation with the national FLO coordinator for Police Scotland and what were they doing, what had they done to update theirs. What was their risk assessment? That was probably one of the last things I did a few years ago, was put our risk assessment onto the policy, the FLO SOP, for consideration.

173. The SOPs from 2016 onwards I was the author and the reviewer of it, but I would then send it to John McSporran for approval or for discussion within senior management. I did not have the last say on what we did or did not do with it. Markus Mitterer did the actual policy, then he emailed it to me to have a look at it and I made amendments and returned it back to him, and then he was sending it to John McSporran, who was head of investigations, and whatever happened with it after that was out with my knowledge.

174. I have been asked, when working on family liaison policies generally, what sort of materials or guidance or other people in the field would I consult. I tried to keep it away from the police because we are an independent organisation but, at the same time, it is a national course that is held for family liaison officers throughout the UK and it has to be in line with that national training. Whilst I did make contact

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with colleagues, national FLO coordinators within Police Scotland, I did speak more with people from GSOC, networking with them, and people from PONI, the IPCC. Albeit it's down in England and Wales, is there anything different that they are doing that we might do? Bearing in mind, even to this day we are still the junior independent investigative authority, but the likes of the IPCC, GSOC and PONI have been doing it for a lot longer than what we have. Learning from their processes from the very beginning up to that time when I was speaking to them. Trying to glean as much information from them as to ascertain, we as an organisation were doing the same. We were providing the same sort of training. During that time we introduced information leaflets for police staff, and for members of the public, but what we did not have was a specific information leaflet for the role of the family liaison officer. Even going back to the very basics of we did not actually have contact cards, and as a result of that networking over in Dublin, I utilised their ideas of the e-leaflet of the family liaison role, and put that forward to our senior management which was approved. I put forward the idea which was basically a compressed information leaflet which compressed into the size of our contact card.

175. Gleaning that sort of information from our contacts and putting that into what we did as policies and procedures, I think was a step forward because even to this day the public do not really know who we are and what we do. Even within the police, and within the Crown Office to this day, some people do not really know the ins and outs of our role. I see it always as a living document and it gets reviewed every year, but if we had identified something through our quarterly meetings, I would not sit back and wait for the annual review to come up. I would reviewing the policy to see if we needed to put that into our policy now and making staff aware and senior management.

176. I have been shown the section of the FLO SOP under the heading, "Intelligence" where the SOP refers to legal obligations on a body such as PIRC. I have been asked if PIRC's legal obligations was something that I had knowledge of. (PIRC-03885). As part of training, there is reference to involvement of next of kin and the right to life and protecting the right to life. It does go back to that

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information that the viewing of Sheku's body, there was threats of violence, there was threats of vengeance. It was only right that you have a duty to protect life and property, so highlighting those issues was important. A long time ago, I think it was probably John McSporran highlighted the stated case there and a few years ago I would have sat down and read it.

Remainder of 2015

177. I have been shown an email sent on 28 July by the family's solicitor to PIRC with a list of points and on 30 July a further email was sent referencing the family's "increasing concerns" (PIRC-02499, PIRC-02502). I have been asked if I had an understanding of what the increasing concerns were and what the relationship with the family was like at this time. No, I can vaguely remember talking to John McSporran about that because he was copied into it and he was going to reply to that email, which I think he did. I think that from a very early stage, albeit I was the family liaison officer and the single point of contact Aamer knew John McSporran from previous experiences and he would send emails to me but copy in John McSporran. That one particularly, because of the number of questions that had been asked John, I am sure he said he would deal with that email and reply to it.

178. I have been shown an email sent on 7 August to me from the family's solicitor who stated "Previously I was told it was the Commissioner who was responding you tell me it's Mr Mitchell? In addition it has been several weeks since PIRC met with myself and the family who are growing increasingly frustrated at the lack of response." (PIRC-03995) I have been asked if there was any confusion within PIRC about who was liaising with Mr Anwar on behalf of the family. There were occasions when John would reply to it, I wouldn't say without my knowledge, but I would find out that John had replied, whether he would deal with it or he would come to me and inform me, he was going to deal with that email. That was for him to decide and he made that decision. It kind of detracts from the single point of contact as in I was the single point of contact, but to be fair, there's a lot of these questions that I could not answer. It was from a strategic level or a senior

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management level that they had to be answered, ideally, via myself back to Aamer Anmar, who would then cascade it onto the family.

179. I think in relation to that one, I was previously told it was the Commissioner who was responding, and I had told him it was John Mitchell. Probably John would speak and then trying to put it into some sort of context, I will reply to that, when in actual fact, it was the Commissioner who was referring to it from his point of view, but it was actually the Commissioner, so there was nothing misleading about that; it was just a case of, I had mentioned John Mitchell as being responding to it, when in actual fact, it was the Commissioner who responded to it. It had been several weeks since PIRC met with myself and the family, who were growing frustrated at the lack of response. There was weekly updates, that I had recorded to Aamer Anwar and any kind of family meeting, as and when requested, would always be accommodated. I think going back on it, a family meeting was suggested and then it was declined. I cannot remember when that was.

180. I have been shown an email I sent on 18 August in which I emailed the family's solicitor concerning Chief Inspector Steven Hamilton offering assistance regarding an organised march in Kirkcaldy planned for 6 September. (PIRC-04152). I have been asked if it was standard for PIRC to act as a liaison for the police and the family when it came to an operational policing matter. Yes, it was similar to the intelligence, there was information that there was going to be an organised walk, and the Chief Inspector, because I was the FLO, he was directed to myself. Police Scotland had received that information, and that's purely from a safety point of view of the public. Police Scotland would want to know what the route was going to be, what was their intention so that they could make sure that amount of people walking down a busy thoroughfare would be safe and that there would be no conflict with traffic. He has contacted me to contact Anwar to pass on that information, which I think was a legitimate request to provide assistance and to protect the public in general for their safety whilst walking on the roads.

181. I have been shown an entry in my notebook for 1 September 2015 which reflects that I met with the Commissioner on that day concerning a meeting with

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the family of Sheku Bayoh that was to take place on 3 September (PIRC-04192). I have been asked if I recall anything about this meeting or if I took any notes. I certainly didn't take any notes. I can't remember who was actually at the meeting. I think it was just a general discussion about the arrangements for the family coming to the office. Michael Tait from head of communications, I would expect him to be there. I do not think I had any sort of significant input into the actual meeting itself.

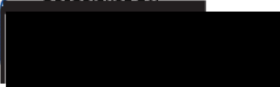
182. I have been asked if the Commissioner received a briefing from anyone at PIRC that had had more contact with the family and Mr Anwar. No, again, I was the single point of contact, so if she had wanted any sort of information in relation to that that would have been down to myself and referring to the FLO log. If she was given any other sort of briefing by anybody else it was out with my knowledge and I did not know anything about it.

183. I have been shown the entry in the FLO log for the meeting on 3 September, with the Commissioner, the family and their solicitor and John Mitchell, William Little, me and Michael Tait attending. The FLO log reflects that the Commissioner explained her role to the family and that the "Commissioner assured family all investigators are diversity trained". (PIRC-04152) I have been asked what was meant by this. I do remember her making the comment. Why she made it, I do not know, but she did make that comment.

184. I have been asked what training the Commissioner was referring to. In Strathclyde Police it was an annual training, whether it was online or a one-day course about equality, diversity and inclusion. It also happened within PIRC – it continues with PIRC that we get that training, both online and a one-day course within the organisation. We did have that sort of training and it is ongoing. Before 2015, that was ongoing, and prior to that, as a police officer, we received the same sort of training as a one-day course.

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185. I have been asked if I have ever received training for the role of a FLO specifically where a death has occurred in police custody or following police conduct e.g. training about the specific issues that might arise for an investigator from an oversight body, where the death was somebody who had died in police custody or following police contact. While I was in Strathclyde Police, I think, on three different occasions I was involved in an investigation of what would now be classed as a death in custody within Strathclyde Police as a FLO. It was CID-led. On the first occasion I asked as I was in the road policing, “Why am I being selected for this?” and the feedback I had from the time was that the deputy chief constable – in charge of these sort of investigations – wanted a supervisor at FLO level to be involved in the investigation and preferably somebody from either division or another department. Then subsequently there was another two. On those three occasions, it was a death in custody, so I had experience within the police, prior to working with the PIRC, dealing with death in custodies. Also, from a road policing point of view, I’ve had experience with the investigation side following a death following police contact, which was involving a road crash involving a police vehicle.

186. I have been asked if there was anything from those three deployments within Strathclyde Police following a death in custody or death following police contact that I noted as a lesson learned or anything that made them different to a normal FLO deployment. No, there was nothing different about it. I enjoyed the challenge. It was something completely different that I had to deal with. At that time, there wasn’t the terminology of death following police contact, so they were all referred to as death in custodies but, one of them was a death following police contact. I found it to be an interesting experience. It was out with the road policing environment, working with CID at the senior management level as well, so a whole new sort of learning experience. What it demonstrated was that there is no difference between a FLO within the CID and a FLO within road policing, or a FLO who is a divisional police officer. We all do exactly the same job. It just depends what it was, and it was the same sort of contact, next of kin involvement. Everything was exactly the same. For some reason, the senior management at the

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time wanted the FLO to be somebody of supervisory rank, and I fell into that category. Whether that was good luck or misfortune, I don't know – obviously we're dealing with death – but I enjoyed the experience of working in another environment within the police environment.

187. I have been shown a PIRC file note auditing questions raised by the family's solicitor (PIRC-04134), and I have been asked if this is a document I have any knowledge of. The first time I saw this was in the documents I saw to prepare this statement. That was the first time I had actually seen that document.

2016

188. I have been shown a letter from the family's solicitor dated 22 July 2016 to PIRC expressing concern that he had not received any correspondence from PIRC since 12 November 2015. (PIRC-01861) I have been asked if I was aware of this correspondence at the time. No. What I do remember from the meeting with the Commissioner was that Aamer Anwar made the comment that he saw no further need for family liaison, as he would be maintaining contact with John McSporrان, Kate Frame or, as he says in that letter, the Lord Advocate. The Commissioner still said that contact would be through myself, but I think from memory I did notice that there was correspondence with Aamer Anwar, which I played no part in. This is an example of it. He's written to John McSporrان and Kate Frame, which would have been replied by them, so I've no knowledge of that letter coming in, which is understandable because it's not addressed to me anyway.

189. I have been shown the letter sent in reply on 25 July by John McSporrان to the family's solicitor (PIRC-02446(a)). I wasn't aware of this.

190. I have been asked if I would have expected to have been made aware that by July 2016 John McSporrان and other individuals at PIRC were corresponding directly with Mr Anwar. I was aware of communication between Aamer Anwar and senior management within PIRC, but these sort of letters, it's the first time I've seen

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them. I was aware that PIRC, probably John McSporran, was responding direct to Aamer Anwar. I vaguely remember him mentioning in passing that he was responding to a letter from Aamer Anwar, but the contents of that were never discussed with myself. There is always an exit strategy. On this occasion that was never completed. The process is when our report is sent to the Crown Office that is the time for us to make our exit strategy from the family, to make it quite clear to them that we no longer will be in contact with them. Some families want a physical handover to VIA – the Victim Information Agency – and on occasions the Fiscal. Some families would rather have a letter from VIA or from the Crown Office, which will give them contact details of who they can make contact with. Others make it quite clear they don't want a physical hand over. They just want to know the contact details of somebody they can speak to if they feel the need to do so.

191. That never happened with the Sheku Bayoh incident and, to that extent, my third FLO log is still open, as far as I'm concerned, because no exit strategy was completed. At no point did I have a handover with the family to VIA or to the Crown Office or sitting down with the Crown Office to discuss any kind of issues. Usually I have had the opportunity to sit down with VIA and the Fiscal Service to make them aware of any issues with families and to provide them with an overview of the investigation. This is always beneficial to make VIA or the Fiscal aware of the dynamics of the family. Unfortunately, the exit strategy was never completed simply because at that meeting with the Commissioner Aamer Anwar made it quite clear that there was no need for family liaison. Despite that I still did my best to maintain contact with the family. I do remember Ade saying, and I think it was recorded in the FLO log, that it was Aamer Anwar who would be the point of contact and he would be dealing with everything. So it may be stepped up from me to senior management level and Aamer Anwar and the Lord Advocate in correspondence, which unfortunately I was not party to.

192. I have been asked if around the time of this correspondence in 2016, would I have expected PIRC to contact the family, regardless of the contact PIRC received from the family. There is an entry in the FLO log for 10 August 2016, "Informing Ade PIRC's supplementary report delivered to Crown Office," so I think that was

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the final report because John had done an interim report. (PIRC-04152) I advised him that there would be a press release about the delivery, and I received no response from either. I think it was emailed to Aamer Anwar as well. "Also attempt to contact Aamer," So there was no response to that in August 2016. What I was looking for there was to really kind of talk about the exit strategy of a handover because our report has gone to Crown Office. It was then the Crown's job through VIA or through the Fiscal to liaise with the family, and that would be me effectively stepping away from the investigation altogether, unless the Crown came back requesting some form of assistance, which we've done in the past in relation to contacting the family. So, on 10 August, that would be me looking at my exit strategy and completing that and doing whatever kind of handover the family would have liked. But, Aamer Anwar was very much in contact with the Lord Advocate and the Crown Office and Les Brown. So, would there have been any benefit in any sort of official handovers? I don't know because I was not in contact with them, but effectively I was away from the role of the family liaison officer. Having said that, my FLO log is still an open book because the exit strategy was not completed, so to this day that FLO log is still in operational use. If there was some sort of contact today, I would be using that as an update.

193. I have been asked if the entry in the FLO log of 10 August 2016, and if that was the end of my role with the investigation (PIRC-04152) I cannot off the top of my head remember doing anything else in relation to any additional inquiries. If there's something there in the system that shows that I went out to get another statement or some other task, then yes, I did do that, but I don't remember anything significantly, or anything of any significance as part of that inquiry. I think one of the last things I did was delivering the report to the Crown Office.

194. I have been shown a note in the FLO log entered on 21 October (PIRC-04152) I have been asked if between September 2015 to August 2016 contact with the family and their solicitor was between the Commissioner or the senior management within PIRC, rather than FLOs. Yes, it would be senior managers who would be writing, as per the letters, to John McSporran and Kate Frame, the Commissioner.

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195. I was not party to that. It appears to have been along the lines of letters rather than emails. I certainly wasn't involved in any email contact with letters in relation to family contact. Bearing in mind, going back to what we discussed before is that, albeit Aamer Anwar was the family solicitor, so he is part of the family dynamics of the family liaison, I see him, yes, as the family solicitor, but also as established throughout on various occasions that he is the single point of contact and is part of the family dynamics of family liaison. I do remember conversations along the lines of general discussions of the letter in from Aamer Anwar, and John would be inform me he was replying to the letter. It was just a general discussion of the notification, but it was direct to John McSporrان and Kate Frame, and they were discussing it and he would be responding to it, so a generalisation of a passing within the office but no role for me as family liaison.

196. I have been asked if there was any policy or SOP that covered a situation where a family were not contacting PIRC. From experience, if the Crown were having difficulties contacting families after we had finished our investigation, they would come back to us to assist and establish contact. If I was having issues in relation to any family and contacting the single point of contact, I would be looking at other ways of contacting another member of the family, or I would be visiting the home address to check if everything was okay. If a family do not want to engage that is there decision, but it is an unsuccessful exit strategy.

197. As a family liaison officer, this is the only time in 20 plus years that I have not completed an exit strategy. At no time has any family disconnected with me as a family liaison officer. No two investigations are exactly the same. No deployment is exactly the same, and it is all about involvement with the family.

198. If the family make it quite clear from the very outset they want nothing to do with us, it is not for me to impose my presence which is only going to cause frustration and anger. I am very much aware of the fact that every time I knock on the door or speak to somebody, I am basically bringing back memories of an incident that they do not really want to remember. They want to move on, and if your investigation goes on for weeks or months, my presence and the presence of

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anybody from the investigation brings back memories of a time and a date that they do not want to remember. I have had family members who have had a handover and spoken to the Fiscal Service and had a meeting with the Fiscal Service about potential fatal accident inquiries. I remember specifically the son-in-law of the deceased then in the meeting asking if he could now delete my contact details from his phone. I told him he could. He thanked me for all our help and was happy he and the rest of the family could move on with their lives.

199. Family Liaison is an important role and it is an important role for the family, and it is important to keep in contact with them, but it's their wishes that need to be respected. We have an investigation to do, but if they do not wish regular contact we confirm the parameters of family contact and record their wishes. I would still do my best to make some sort of contact irrespective of that, to make sure everything was okay. It is about setting out parameters at the very start and respecting those wishes. At the same time, we have got a job to do and we have to investigate the circumstances, and we need the family's involvement from a next of kin and the dynamics of the family as to who that person was and how did they live their life.

End of involvement

200. I have been asked if I have any comments to make as to how family liaison functioned in this case. I think I have done my best to avoid what is going on with the Public Inquiry. A small part of the coverage I remember watching was on the news. It was Kadi who made comment about how she would have preferred more involvement with family liaison, and I agreed with that. That was one of the few things that I saw and agreed with. I would have liked to have been given the opportunity to sit down with the family and discuss in more detail the progress of the investigation. To provide them with more guidance as to who they could go and who they could contact for counselling, rather than going through Aamer Anwar as their elected single point of contact, to speak to them directly and give them regular updates directly. Then I would get a better understanding for their concerns and

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their issues, and they would have a better understanding of what we were doing because it would be a one-to-one. Whether that was with Kadi or whether that was with Ade, either way it would have been respected.

201. When we were trying to get a mobile phone for Sheku, and our information was Collette had it, so I asked Collette for it. She directed me to Ade. Ade directed me to Aamer Anwar. That is something I am confident we could have sorted out as to who had the phone and how can we get it, and that would be direct contact rather than going through several different people to try and establish the whereabouts of that and to obtain that phone. I feel it is good practice to review any tasks or actions to ascertain if I could have done something better and direct contact, I feel would have improved communication with the family and being able to explain about obtaining the phone.

202. Almost a year to the day after Sheku Bayoh, we had a death in custody investigation, almost identical circumstances, and Aamer Anwar was the solicitor. It was one of my less experienced FLOs that I deployed to the investigation, and I shadowed her. The family informed us that Aamer Anwar was the solicitor for that family. We made him aware of who we were and we were involved and we were speaking to the family. We continued to speak to the family throughout the investigation, completed the exit strategy, up to and prior to the fatal accident inquiry and the result of that fatal accident inquiry. That contact was back and forth all the time, and Aamer Anwar was kept updated by email, there was no interaction at all. I have lost count of the amount of times where I have had similar circumstances with a solicitor being involved. In the past solicitors have come to meetings with the family and after discussions have asked to be kept updated on the progress of our investigation.

203. The decision to have a solicitor involved is down to the family. What do they want? Do they want to have that handover? It just shows you that we can work with solicitors time and time again without any issues whatsoever, but my personal opinion is that whilst a solicitor can help the family in whatever issues they may have, direct contact with the family and keeping them updated is the priority. I have

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yet to experience any situation whereby not dealing with the family direct has been beneficial. This is the only occasion that the form of a single point of contact was through the solicitor to the family. It would have been more beneficial to have direct contact with the family.

204. I have been asked if it was usual for the senior investigatory team to have such frequent contact with the family/their legal representative. That is the only time I have experienced that level of contact, from all the death investigations that I have been involved in, both within the police and within the PIRC. I have never experienced that level of contact with a single point of contact within the family i.e., a solicitor on this occasion. There has been occasions, when I was in the police, of senior officers wishing to go and speak to the family, and that was part of my role as the family liaison officer to arrange that. Ade requested that Garry McEwan make contact with him sooner rather than later. If I had been involved at that time, that request would obviously have been accommodated, but I would have arranged it and I would have made the time and place for it. It would have been my role to take that person to the family and be there while they were speaking to the family.

205. I have been asked if there was an 'exit strategy' in place for the FLO team in line with the Family Liaison Policy (PIRC-04460, PIRC-03885) There was. There is always an exit strategy. When we send a report to the Crown Office, that is our opportunity to have a handover with the Victim Information Agency (VIA) and Fiscal, who may wish to sit in on that. Prior to the handover, we would speak to a VIA representative, and possibly on occasions a Fiscal, and go over the report and explain our findings and offer the service if they want us to be there when they are going to speak to the family and we will do that. Just a few weeks ago, we did exactly that with a death following police contact investigation, and the Fiscal through VIA asked for myself and the FLO to be present to answer any questions. As anticipated, when we arrived at the meeting, we were asked to give an overview of the investigation to the family, which we had done prior to meeting them but this was more detailed information, which was effectively the Crown asking us to inform the family of the findings of our investigation, which we could not do prior to the

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Crown receiving that report. There is always an exit strategy, and it always has been when the report leaves our building and goes to the Crown Office. Thereafter, we will engage with the family and VIA and the Fiscal Service to arrange a physical handover. There is an introduction, and then VIA or the Fiscal explaining how he or she will progress our report. Then they will take over any sort of contact with the family.

206. I have been asked if it is the case that there was an exit strategy in place, but it wasn't implemented. Yes there was an exit strategy in place.

207. I have been asked if, following the conclusion of the PIRC investigation into the death of Sheku Bayoh, there was any reflection within PIRC on lessons learned or a debrief. No.

208. I have been asked if I would expect there to be for an investigation of this length. Yes.

209. I have been asked if I have any thoughts as to why any such lessons learned exercise did not take place. I have no idea at all. We have had them in the past. We have had other death investigations and death following police contact. We have had debriefs, but not for this investigation. If there was one, as the deployed FLO I would have expected to have been at the debrief.

210. I have been asked if the spreadsheet tracking FLO deployments was completed in relation to this investigation. In 2016 I was over in Dublin for a family liaison course ran over there in conjunction with the GSOC, PONI and the Garda. That was facilitated by a national FLO coordinator. As a result of that, I came back from that decided we needed something similar to record our FLO deployments so we can look at learning outcomes, and can have a quick reference for any sort of freedom of information request, how many deaths we dealt have investigated, so that really was not in place until 2016, maybe slightly before, and it has been updated since then. It is details of our reference numbers, the name of the deceased, family point of contact, who is the DSI or SI, who the FLOs are, brief

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details of the circumstances, and at the very end any sort of learning outcomes which we can look at, as we did with our quarterly meetings over each year.

211. I have been asked if, when this spreadsheet tracking FLO deployment was introduced, if existing cases would have been added to that, or if it was introduced and only new cases were logged. There is one or two cases from 2015, so the M9 crash investigation, that is on the spreadsheet. There is a couple from 2015 have been put on to it, but not any further back.

212. I have been asked if the Sheku Bayoh investigation was added to the spreadsheet. No, it was not.

Record keeping

213. I have been asked if the FLO logs were ever examined by the lead investigator. I think so, yes. I do not know how he recorded it. I cannot remember. What I do as a FLO coordinator is read through it, and initial and date the page. I put my initials and the date on different pages throughout the log. I cannot recollect any sort like that on my FLO logs. John Clerkin, Billy Little and John McSporran knew where my FLO logs were kept. I let them know where it was stored, should they require to look at it at any time. They knew where it was to go and look at it.

214. I have been asked if I was ever asked to take further action as a result of inspection of a FLO log by William Little or John McSporran. No.

215. I have been shown the victim information section in the FLO log which is not fully completed (PIRC-04150). I have been asked if this section would be normally completed. Yes, I probably could have put the same details in there again, but because it adds the details at the start, I did not put it in there. It is because I put a summary into the start of my FLO logs on page 5. That is probably why I did not put that detail in again.

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216. I have been asked if I had regular welfare meetings with the senior investigator or deputy senior investigator as required by the FLO SOP. (PIRC-03885) Specifically called "welfare meetings"? On a daily basis there was always a discussion with Billy or John McSporrان in relation to what we were doing. I have never been shy of approaching anybody and saying if I required assistance. I would have no reservations whatsoever in asking to step away from any FLO deployment if personal circumstances required me to do so. My welfare was always considered.

217. I have been asked if I completed the welfare section of the FLO log as required by the FLO SOP. At the very back of the FLO log, there are pages for that specific thing. I do not remember if my welfare meetings were recorded. I do remember taking the FLO log to John McSporrان and informing him when I had completed a FLO log. I do remember him sitting down and writing something about it, but I can't remember what he did. Did we have official welfare discussions and record them as a welfare check? No. Was my welfare considered? Yes, very much so, and discussed. Whether it was recorded after those discussions, I cannot remember.

218. I have been asked what I used my PIRC notebook for (PIRC-04192) It is there for basically signing on and signing off. For example, "Sunday, 10 May. On duty at PIRC. 0300 hours, Road check at Kirkcaldy. Operation Quoich," and then off duty time. If I was doing something like that, I would record it, or a home visit to Ade Johnson. Statement obtained. Accompanied by John Clerkin. Small details like that. Within the office, if I was doing admin, I would not put in any sort of detail. It is a notebook for maintaining notes. It was probably more of a form of recording my time at work, my start time, my finishing time. If there's nothing of any significance that I was doing, then I would not put anything into my notebook in relation to that. I have been asked if where I state in my notebook that I was "at the PIRC" if this indicates I was at the PIRC office in Hamilton. Yes.

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Race

219. I have been asked if anything I have stated above was done or not done because of Sheku Bayoh's race. No.

220. I have been asked if I have any experiences of racism (or the race of the deceased) being a factor, in any way, in a death in custody or death during or following police contact. No, nothing that I have dealt with over two decades of doing the role of family liaison officer. I think I said earlier, if there was something like that came up as part of my role or as part of an investigation, it would be highlighted immediately. Whether it was a police officer, a member of staff, a member of the public, if that sort of issue was mentioned then very much it would be highlighted as a priority.

221. I have been asked if racism (or the race of the deceased) being a factor was something PIRC would have recorded as at 2015. I do not know. I do not know if that would be recorded anywhere, or whether it would be on CLUE.

222. I have been shown my first Inquiry statement where I confirm that at PIRC I received annual training in equality, diversity and inclusion topics (SBPI-00246). I have been asked if can recall having this training in 2015. No, I cannot recall.

223. I have been asked, thinking about that annual training in equality, diversity and inclusion, if there was anything from it that was particularly relevant to my role as FLO. No, not specifically for the role of family liaison officer. As a family liaison officer, you need to have a little bit of knowledge about everything. I am no expert on religion, at no time through my working career have I caused any offence in relation to comments I have made. I am very much of the opinion that there is always a day to learn something about anybody's religion. I think if you look at what is going on in the news today, it is sometimes difficult trying to understand people's different religion. But, from a family liaison point of view, I have always done my utmost to prepare myself meeting any family in relation to whether it is their beliefs

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or their religion, their race, their gender. I do my very best to prepare myself for having a general working knowledge, and more than happy to learn about different religions as we move forward because it can only benefit the role as to what you might do in the future. I have had that experience over the years that I have been a family liaison officer. You learn something every single day from different families as to their dynamics and their beliefs.

224. I have been asked, as at May 2015, if I had any awareness of investigations by bodies in England and Wales that were investigating the impact of race in a death in police custody investigation. I was aware of cases down south, probably down in England more than anything else, of investigations in relation to death in custodies, and race being mentioned in those investigations. The implications of that, I did not go into any great detail of it, but I was aware of how race was mentioned and was being alleged as an impact for that person's death or involvement with the police. Did I go into the detail of it? No, I did not, or not to any great extent. Maybe I would read an article in the news.

225. Going back to the seminars at the Scottish Police College, you have a knowledge of what is going on in these investigations, but you do not have a detailed knowledge of what is going on. Everybody is aware with social media with what is captured on phone footage is a snapshot of what has been involved or what has happened in the public domain. But what has happened either side of that is completely different. So those seminars that we had at the Scottish Police College, I found them very interesting and an eye-opener as to just the detail of how that incident had occurred and why it had occurred. Information that the public would not be privy to seeing it on the news. You see it in the seminar and you are having the opportunity to ask questions about it. It is very much on the job learning and good experience.

226. I have been asked about the seminars I reference taking place at the Scottish Police College, if they were events held with other bodies such as GSOC, or if they were with the police. The FLO seminars were with Police Scotland and ourselves. One of the courses we had was a scene management awareness course. I think

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it was five days up at the college. Again, GSOC, PONI and the IPCC were on that course, and it was all staff from independent investigative authorities. Police Scotland provided us with the facility for training and awareness of scene management. The course also provided the opportunity for us networking with colleagues from these different organisations.

227. I have been asked if there is any information sharing with other authorities who might have had more experience with investigations that centred on a death where race was an element of the investigation. No, there was nothing specific as that. Discussions would be about practices and procedures.

228. I have been asked, with particular reference to the issue of race, if there is anything I have stated above that, knowing what I know now, I would have done differently. The only thing that I would prefer to have been done differently was the contact with the family. I would rather have had more direct contact with the family. I think it would have been beneficial to the family and to ourselves. It's the only time where, out of 20 plus years in the role, that I have never completed an exit strategy. I have never experienced the level of involvement from the senior management and from the Crown in relation to contact with the family and the single point of contact being Aamer Anwar. I have never experienced that level of involvement whilst trying to do the role as family liaison.

229. I have been asked if there is any other comment I would like to include in this statement. I do not think so, I think I have covered just about everything.

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.

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