

## Statement in Response to Rule 8 Request by Sheku Bayoh Public Inquiry

### Witness Details

Richard [REDACTED] Casey  
DOB [REDACTED] 1958  
c/o Police Investigations and Review Commissioner  
Hamilton House  
Hamilton Business Park  
Caird Street  
Hamilton  
ML3 0QA

Statement Dated 20 October 2023

These questions will focus on your role at the Police Investigations and Review Commissioner (PIRC) and your involvement in PIRC's investigation following the death of Mr Bayoh.

### Your professional background and experience

- 1. Please provide a summary of your professional career including the job titles, dates held and a short summary of your duties. Please include details as to any further or higher education you have undertaken.**

I started as a Probationary Police Officer on the 18 July 1977 with the then Strathclyde Police on uniformed beat duties at Motherwell. Following my probationary period I carried out uniformed duties at Wishaw, Newarthill and then the Strathclyde Area as a constable with the Support Unit.

In 1987 I was appointed as a Detective Constable to the CID and carried out this role initially from Bellshill then Wishaw dealing with a variety of crimes including housebreaking, serious assaults and murders and thereafter as the sole Detective Officer at Shotts dealing in the main with issues at HMP Shotts.

In 1989 I transferred to the then Strathclyde Drug Squad as a plain clothed Detective Constable and undertook various drug related enquiries and investigations including surveillance duties.

I was promoted to Uniformed Sergeant and managed a shift of uniformed officers at Shettleston Police Office in 1993 and in 1995 I returned to Strathclyde Drug Squad as a Detective Sergeant again carrying out various surveillance and drug related enquiries.

From 1999 to April 2000 I carried out the role of Detective Sergeant within Glasgow City Centre and dealt with rapes, murder and other serious crime matters.

From 3rd April 2000 – 15 February 2003 I was promoted to and seconded to the Scottish Crime Squad which subsequently became the Scottish Drug Enforcement Agency, where I held the post of Detective Inspector and SIO [REDACTED]

From 16th February 2004 – 29th July 2005 I held the post of Detective Chief Inspector with the then Scottish Drug Enforcement Agency, Osprey House, Paisley. [REDACTED]

[REDACTED] During this time I was significantly involved in interaction with both national and international law enforcement agencies in order to strategically develop operations and assist and guide the SIO under my command. During this period I had responsibility for all Discipline matters that arose at the Agency as at that time there was no Professional Standards Unit in place.

From 1st August 2005 until 13th June 2008 I held the rank of Chief Inspector at Easterhouse and Baird Street Police Offices. I moved to Baird Street on 3rd July 2006 where I had responsibility for the daily supervision and development of 106 Police Officers and 28 Support Staff.

I oversaw and policed an area that had a residential population of around 44,000 including 2,600 multi – ethnic asylum seekers (around 50% of all asylum seekers housed in Glasgow City Centre). I had a sustained interaction with a wide diversity of community representatives, including elected officials and I robustly created positive lines of communication allowing me to continue to build and develop existing relationships.

I retired from Strathclyde Police in July of 2008 following 31 years police service.

Throughout my 31 years with the Police Service I have amassed a substantial wealth of experience. I have been involved in the investigation of Serious Crimes of all types, ranging from the Lockerbie Air Disaster as a young Detective Officer to the practicalities and experiences gained within the Operational Forum [REDACTED]

**2. Please expand on any professional experience you consider relevant to your role within PIRC. This could include previous employment or training.**

Following retirement I was a Case Officer for the Crown Office and Procurator Fiscals Service, Serious Casework Division between 26 May 2009 and 31 March 2010 which involved Preparation and precognition of Serious, complex and protracted Police and other law enforcement / Government Department cases submitted to Crown Office for consideration of prosecution. [REDACTED]

[REDACTED] Any additional preparatory work required, disclosure and Indictment Preparation prior to submission to Crown Counsel.

Between 30 August 2010 and up until my employment with the PCCS / PIRC I was a Reviewing / Disclosure Officer at the Scottish Crime and Drug Enforcement Agency which involved the Collation review and preparation of Disclosure Schedules in connection with complex major investigations [REDACTED]

**3. Prior to 3 May 2015, did you have 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

[REDACTED]

**4. Prior to 3 May 2015, did you have any contact with or knowledge of the Police Scotland officers you encountered in the course of the PIRC investigation? Please include detail as to how and when you met them, and your relationship at as May 2015.**

I had limited involvement in this investigation and was in the main only involved on the 3<sup>rd</sup> and 4<sup>th</sup> of May 2015. On the 3<sup>rd</sup> May I had no contact with any police officer whatsoever. On the 4<sup>th</sup> May the officers that I encountered i.e DS Campbell, DCI Hardie and DI Wilson, I had heard of them but had no relationship with any of them.

Beyond these two days, the only other officer I personally encountered in respect of this investigation was PC Alan Paton whom I had no knowledge of until this incident.

**5. As at 3 May 2015, was there any process within PIRC for formally recording that a PIRC staff member was acquainted with a Police Scotland officer, in particular an officer who was the subject of a PIRC investigation?**

I don't recall a formal process but if a member of the PIRC's Investigation staff knew and was acquainted with an officer who was subject to a PIRC investigation then they would be expected to declare that was the case and there was recognition that they would absolve themselves from being involved.

**6. As at 3 May 2015, was there any PIRC policy or guidance for PIRC staff who were acquainted with a Police Scotland officer that they encountered in their PIRC role?**

I understand there to be a PIRC Code of Conduct which I believe outlines that an employee is required to discuss any areas of potential conflict with their line manager in order to agree such areas.

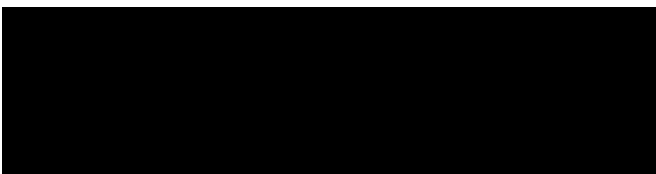
**The Police Investigations and Review Commissioner**

**7. What was your position at PIRC on 3 May 2015? What were your duties and responsibilities in this position?**

I was one of three Senior Investigators with PIRC on that date and as such had responsibility to lead the PIRC investigation teams in order to carry out independent investigations into the most significant incidents concerning the delivery of policing in Scotland as prescribed in the Police and Fire Reform (Scotland) Act 2012 and associated Regulations for Investigation.

The responsibilities for a Senior Investigator with the PIRC were

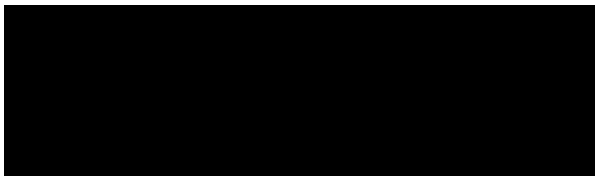
1. To head a team of Deputy Senior Investigators and Investigators, which may include seconded police personnel, under the direction of the Director and Head of Investigations.
2. To lead investigations in respect of matters prescribed in the Police and Fire Reform (Scotland) Act 2012 and associated Regulations for Investigation as instructed by the Director or Head of Investigations.
3. To conduct and supervise, as appropriate, investigations in accordance with legislative requirements, agreed operating procedures, protocols and guidelines.



4. To assist in the development and implementation of investigative strategy and policy.
5. To ensure the efficient and effective management of resources allocated to investigations.
6. To take witness statements, conduct interviews and prepare reports for the Commissioner and for the Crown Office and Procurator Fiscal Service as required.
7. To attend court, misconduct or other hearings for the purpose of giving evidence.
8. To provide advice and guidance to investigation team members.
9. To assess the accuracy, completeness and quality of work submitted by investigative team members.
10. To visit incident scenes and supervise scene management, ensuring that all necessary action is taken to preserve and recover evidence where appropriate.
11. To ensure that the quality, consistency and timeliness of investigations are of the highest standards.
12. To contribute to the provision of a 24-hour on-call facility and be prepared to work unsocial and extended hours.
13. To maintain accurate records of enquiries and investigations for audit purposes.
14. To identify opportunities for improving performance or processes.
15. To liaise with other agencies and personnel as required.
16. To ensure that all correspondence, including enquiries and/or other processes, are allocated effectively and thereafter concluded within set time frames, having attained the highest possible standard.
17. To form part of the PIRC Investigations senior management team and actively engage in strategic planning and policy implementation.
18. To prepare reports as directed, on any matter concerning PIRC investigations and its activities.
19. To participate in the PIRC career development and Performance Review Process; to appraise, assess and counsel staff as required; to make recommendation to senior management in respect of this activity, including highlighting specific training and career development needs and opportunities.
20. To ensure staff conform to the requirements of the PIRC Code of Ethical Behaviour and to take appropriate action where breaches occur.
21. To actively pursue meaningful and harmonious working relations with colleagues and other agencies' personnel ensuring a positive team spirit.

**8. What training did you have for this position? Please include details as to any training undertaken at the beginning of your employment with PIRC, at the beginning of your then-role (if different) and any training undertaken during this role? How do you record the training that you receive as a PIRC investigator?**

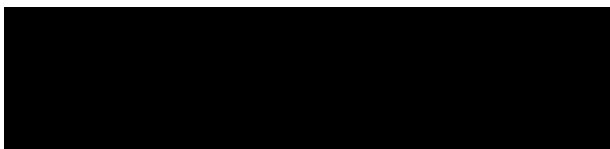
I don't recall any specific training undertaken at the beginning of my employment with the PCCS / PIRC, however over the years with Strathclyde Police I would have attended a wide range of training courses which from memory would have included Diversity training, Detective Training and Senior Investigating Officer unfortunately I am unable to specifically expand on this as I no longer have the detail of my training with Strathclyde Police however I



believe that the training and my investigative experiences gained over the years would have allowed me to fulfil the position that I was employed for.

Please find a copy of my training recorded as given and held by the PIRC

<b>Training Course</b>	<b>Date Attended</b>
Data Protection Training	June-2013
Clue 2	July-2013
Fatal Accident Enquiries and Deaths Investigation in Scotland	December-2013
Criminal Justice (Scotland) Act	April-2014
iHasco online training*	May-2014
Firearms - Presentation and Tabletop Exercise	July-2014
Plain English	September-2014
Data Protection	January-2015
Social Media	February-2015
Clue 2 - Enterprise Training	April-2015
Data Protection	September-2016
New Clue Web Version	November-2016
FAI Training	June-2017
Criminal Justice (Scotland) Act	December-2017
Criminal Justice (Scotland) Act - Supervisory Custody	January-2018
Police Fatal Shooting Presentation	February-2018
Police Scotland Forensics	February-2018
Forensic Input Death Investigation and Specialist Support	February-2018
Tasers	April-2018
Clue 3	April-2018
Clue 3 - Administration	May-2018
Business Continuity Awareness	January-2019
Recruitment Training	February-2019
Criminal Justice (Scotland) Act - Station Procedures	March-2019
MORR	October-2019
FOISA	December-2019
iHasco online training*	April-2021
iHasco online training*	May-2021
Flexi System Session for Manager	June-2021
Hybrid Management Session	August-2021
iHasco online training*	October-2021
Non-escalation, De-escalation and Crisis Management Training	April-2022
ACAS - Equality, Diversity and Inclusion	June-2022
PIRC Standardisation of Report Writing Workshop	June-2022
RSM Risk Coordinator Training	August-2022
Investigations CPD Event	December-2022



Cyber Security Training	January-2023
<p><b>* - iHasco online training</b>  <i>Induction / Annual refresher training (online modules) including;</i>  <i>Driver Awareness,</i>  <i>Fire Awareness / Fire Warden,</i>  <i>Manual Handling,</i>  <i>Slips, Trips and Falls,</i>  <i>Unconscious Bias for Employees</i>  <i>Coronavirus Awareness</i></p>	

**9. Did you feel adequately trained and experienced to carry out your role at PIRC?  
Please explain why, or why not.**

Yes, based on my life and investigative experiences gained during over 33 years with police organisations.

**10. Is there any process within PIRC to assess “lessons learned” from investigations? If so, what does this process entail? Did any “lessons learned” exercise take place following the investigation in relation to the incident involving Mr Bayoh? If so, what did this involve? If not, why did this not take place? Do you think the PIRC would have benefitted from such a “lessons learned” exercise?**

Yes there is, often following a serious incident there will be a staff debrief where issues and difficulties are discussed in order to try to learn from and inform staff to try to improve / prevent such issues occurring in the future. I am not aware of this having occurred in respect of this incident however due to my limited involvement I may not have been asked to attend and I would think that either John McSporran / William Little would know if this has occurred or not and if the organisation did or would have benefitted.

**11. Did you line manage or supervise any employees? If so, please provide their names and roles. Please provide details as to how you supervised these employees – i.e., did you have periodic one-to-one conversations, if so, were notes taken? Did you conduct yearly reviews?**

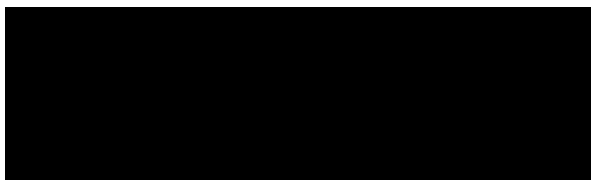
In my role as Senior Investigator at that time I cannot recall whom I would specifically have had line management for due to the passage of time and at some point over the years with PIRC I have had line management for all of them as teams have been changed. I would have interacted and spoken to the staff under my line management on an almost daily basis. Yes I would have completed yearly appraisals in respect of them. I can list the following persons as being investigative staff at that time.

DSI Margaret -Ann Headrick

DSI William Little

DSI Keith Harrower

DSI Ian MacIntyre



DSI Brian Dodd

DSI Edward Miles

Investigator Alistair Lewis

Investigator Jim Bonner

Investigator John McAuley

Investigator Kareen Pattenden

Investigator Garry Sinclair

Investigator Ross Stewart

Investigator Stuart Taylor

Investigator Lynn Ungi

Investigator Jon Clerkin

Investigator John Ferguson

Investigator William Davidson

Investigator Victoria Karran

Investigator Alex McGuire

Investigator Maurice Rhodes

Investigator Kevin Rooney

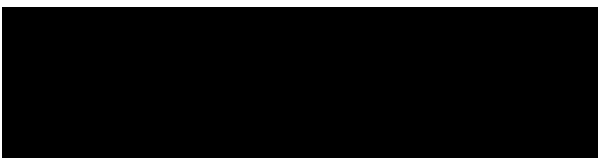
Investigator Lorraine Patrick

Investigator Laura White

**12. Who was your line manager or supervisor? Please provide details as to how you were supervised by them. Did you have an annual appraisal? If so, were notes taken?**

My line manager in 2015 would have been Irene Scullion Head of Investigations. She would have had oversight of the investigations that I would be carrying out and ensure that I had oversight and correct strategic direction in respect of my management of the staff that were under my direct line management and in respect of investigations being carried out. There would be discussion between her and I in respect of these investigations and any management issues on an almost daily basis.

She was responsible for completing my annual Appraisal at that time which would have been countersigned by John Mitchell Director of Investigations.



**13. With specific reference to 3-5 May 2015, did you feel PIRC had sufficient resources to carry out the investigation as instructed by the Crown Office and Procurator Fiscal Service (COPFS)? If not, please provide detail as to what resources were lacking and any impact of this.**

In respect of the 3<sup>rd</sup> and 4<sup>th</sup> May, the initial stages of this investigation I consider that PIRC had sufficient resources to deal with what was required to carry out the instructions of the COPFS. As the investigation progressed I had little or no involvement in it as I had been tasked with dealing with ongoing investigations prior to this investigation and any further referrals that came to the organisation from policing bodies and other matters directed by COPFS .

**14. Between May 2015 - August 2016, do you feel that there was adequate resourcing for PIRC to comply with its statutory obligations in terms of:**

- (a) Funding;**
- (b) Staffing numbers;**
- (c) Training opportunities; and**
- (d) Expertise of staff.**

**If not, why not?**

I am not aware of the amount of Government Funding in respect of the setup of PIRC but this only allowed the organisation to initially establish staff numbers of about 20. John Mitchell and the Commissioner may have this knowledge.

Given that eight forces had been amalgamated (about 17,000 police officers), that PIRC had the geographical area of Scotland to cover then 26 staff in my personal view was prohibitive and although organisationally capable then such a small number would clearly restrict the speed that investigations could be carried out.

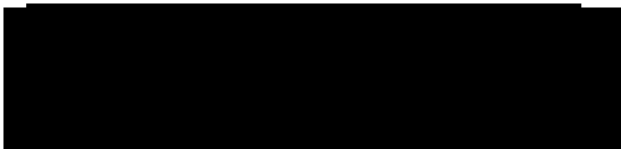
Again I am not aware of the funding for training however in the early days with PIRC there would have been a confidence on previous experiences and training of those employed who came from a variety of backgrounds including the Police, Fire Service, COPFS, Border Force, Social Care and Army Investigations.

**15. In what ways do you regard the role of a police officer and the role of a PIRC investigator to be similar or different? Do you feel that your background as a police officer has any advantages or disadvantages for your work at PIRC? If so, please provide full details.**

I regard both roles as similar as both hold the office of constable with the difference as I see it as a police officer there is a wider range type of investigations carried out and a smaller more limited variety of investigations investigated in terms of the legislation which directs PIRC.

In my view my background as an ex and retired police officer and given my previous investigative experiences in respect of serious crimes is a considerable advantage in respect of my work at the PIRC.

**16. In 2015-2016 PIRC had various staff members who had previously held roles within the police. Do you feel that PIRC as an organisation was impacted positively or negatively by staff having held roles within the police? Please provide details as to how.**





I am of the opinion that that overall that the organisation was impacted positively, given that a variety of skillsets were transferrable to this organisation including Family Liaison and Scene Examination. There were obvious advantages in that they knew how the police deal and go about their business, their practices and processes and therefor when investigating know what to ask and look for in order to determine if and where things went wrong or otherwise.

**17. Prior to 3 May 2015, what experience, if any, did you have of PIRC investigations of deaths in police custody, or deaths following police contact?**

The organisation up to that time had dealt with 30 Deaths in Police Custody and following police contact of which I personally investigated two of the Deaths in Custody and oversaw a number of other such investigations that the DSI's under my line management conducted.

**18. As a police officer, you achieved the rank of detective chief inspector (PIRC-04220). When leading a PIRC investigation, you may be required to liaise with and direct police officers of a rank senior to that which you achieved. What impact, if any, does this have on your ability to lead a PIRC investigation and provide direction to officers from Police Scotland?**

This had no impact on my ability to lead a PIRC Investigation, in my role I deal with senior police officers on an almost daily basis and have had to take multiple statements from a number of Assistant Chief Constables in respect of the investigation into the M9 deaths [REDACTED] and [REDACTED] for which I was the Senior Investigating Officer for.

**19. Your PIRC application form (PIRC-04220), at page 5, notes that you policed an area that included asylum seekers from multi-ethnic backgrounds. As a police officer, what training did you have in relation to working with asylum seekers? What skills and learning, if any, did you take from your experience working with asylum seekers as a police officer into your role at PIRC?**

I cannot recall receiving any specific training in relation to working with asylum seekers with Strathclyde Police when I took up the position as Chief Inspector at Baird Street in July 2006 until I retired from the Police in July 2008. I personally did not have a lot of dealings with the asylum seekers and reugees as the subdivision had previously created a unit with three dedicated police officers specifically to work alongside and liaise with them.

**20. Your PIRC statement (PIRC-00381) identifies that you held the position of senior investigator at PIRC from 17 December 2012, prior to PIRC being formally established on 1 April 2013. What were your duties and responsibilities during this period? How many staff did PIRC have during this period? How prepared was PIRC to fulfil its statutory functions as at 1 April 2013? Please provide full details of any areas in which you consider PIRC was unprepared to fulfil its statutory functions at that time.**

Prior to the formal establishment of PIRC and during the period you refer to I assisted the Director of Investigations John Mitchell and my colleague John McSporrان to put together an investigative capability which was to be 'bolted' onto at that time the Police Complaints Commissioner for Scotland (PCCS). This entailed designing stationary, acquiring vehicles, equipment and putting together initial polices along with recruitment of staff. During this period the staff establishment grew in numbers as those successful at interview began their employment from around February onwards to the 20 or so staff as previously alluded to. I am of the opinion that although small in number, that PIRC was prepared to fulfil its statutory functions from 1 April 2013.

[REDACTED]

## Your involvement with the PIRC investigation

### *Call from DS Harrower*

**21. Your PIRC statement (PIRC-00381), at page 1, notes that around 1010 hours on 3 May 2015 you were contacted by Deputy Senior Investigator Keith Harrower and made aware of the incident involving Mr Bayoh. Was this the point at which you learned of the incident involving Mr Bayoh? If not, when did you become aware of the incident? Why did DSI Harrower contact you to make you aware of the incident on 3 May 2015? What did you discuss with DSI Harrower on this call?**

Yes this was my first awareness of the incident. About 1000 / 1010 hours DSI Harrower made me aware of the circumstances of the incident based on what information he had been given by David Green of COPFS and from memory DSI Harrower had also spoken to the Police Scotland on call Professional Standards Department (PSD) officer. Given the passage of time, eight years plus I cannot be specific around what was said other than DSI Harrower informing me about the incident, that staff were attending at the office for a briefing and to collect vehicles and equipment.

**22. Your PIRC statement (PIRC-00381), at page 1, notes that on this call an incident had occurred “involving officers from Police Scotland and a black male”. What did you discuss with DSI Harrower in relation to Mr Bayoh’s race on this call?**

I had no discussion with DSI Harrower in respect of Mr Bayoh’s race during this call.

**23. Your notebook (PIRC-04528), at page 1, states:**

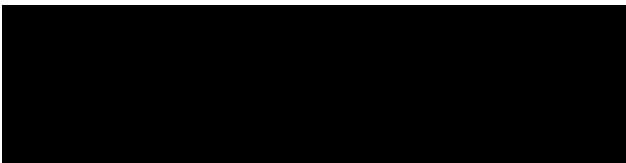
*Sunday 3rd May 2015 = 10.00 hrs  
Sunday 10am – DSI Harrower  
Dave Green – Instruction?  
Political Side. Key? Commissioner?*

**To what does “Political side. Key?” refer in the context of your conversation with DSI Harrower on the morning of 3 May 2015? To what does “Commissioner?” refer in the context of your conversation with DSI Harrower? Was consideration given to contacting the Commissioner to make her aware of the incident? Was the Commissioner contacted on 3 May 2015 to make her aware of the incident? If so, what was discussed with the Commissioner? If not, why not?**

Again due to the passage of time I cannot specifically recall why I noted Political side down, I may have been thinking about the politics between Police Scotland and the PIRC as this was still at a time when Police Scotland were getting used to our organisation investigating them however I cannot be certain as to why I have noted this.

The word Key is actually Kay and refers to our media member of staff.

I noted the word Commissioner down however I don’t recall any conversation with DSI Harrower in respect of the Commissioner. I would not have made the Commissioner aware of the incident however I did make contact with my line manager the Head of Investigations



Irene Scullion to make her aware. It would not have been routine practice for me to make the Commissioner aware and she would have been made fully aware and briefed at the Monday morning meeting the next day.

**24. Your notebook (PIRC-04528), at page 1, thereafter appears to provide an account of the incident. Was this account provided to you by DSI Harrower when you spoke to him at 1010 hours? If not, who provided you with this account at what point on 3 May 2015?**

These are brief notes that I made as DSI Harrower was speaking to me at 1010 hours.

**25. Please confirm what your account of the incident is within your notebook (PIRC-04528), page 1, covering the text commencing with "7am this morning" to "one van maybe" where it appears at the bottom of the same page.**

7am this morning black male swinging a knife above his head in Kircaldy Town Centre

Craig Blackhall now speaking to Keith

Male & Female uniform attend stop and out challenge guy runs at PW punches her, mellee, C'S'd & battoned 21, 4 other cops, rammy

Collapse state of unconsciousness CPR

Paramedics

9.04 extinct

Mits very quickly Pat Campbell

0935 Dave Green to investigate the circumstances of the death

Female nearby black male boyfriend house

House has been broken into ransacked

Think Locus CCTV

Death in Custody Pat Campbell CCTV

2 additional loci

Now deceased within boxing at associates house, assaulted, girlfriend reports him on drugs

[REDACTED]

On the ground at locus no cctv

one van maybe

**26. Do you consider this to be an accurate account of the incident involving Mr Bayoh? If not, why not?**

[REDACTED]

That was the information available at that time. Obviously as more information became available in the days that followed, parts of it appear to be accurate.

**27. When speaking with DSI Harrower at 1010 hours, what were your initial considerations and priorities at the outset of the PIRC investigation? What impact, if any, did Mr Bayoh's race have on those initial considerations and priorities?**

My initial considerations and priorities in conjunction with DSI Harrower were to have the staff attend at the office for a briefing and collection of vehicles, equipment etc; I was aware that as there were two loci, that he had scene managers at his disposal. The on-call team of three consisting of DSI Harrower and two investigators required supplementing and a further three investigators were called out with two of them having the necessary scene examination skillsets.

Mr Bayoh's race had no impact on initial considerations and priorities.

**28. At this stage, what was your understanding of the legislative basis upon which PIRC were instructed to investigate the incident by COPFS? Was your understanding that the investigation was instructed under section 33A(b)(i) or section 33A(b)(ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006? Were you aware of the legislative basis upon which PIRC were instructed to investigate the incident by COPFS changing during the investigation? What difference, if any, does the legislative basis upon which PIRC are instructed to investigate by COPFS make to a PIRC investigation?**

My understanding at that time was that Mr Green of COPFS had given a verbal instruction to DSI Harrower for our organisation to investigate the circumstances of the death of Mr Bayoh which involved person(s) serving with the police under section 33A(b)(ii). As indicated previously I was only involved on the 3<sup>rd</sup> and 4<sup>th</sup> May therefor John McSporran and or William Little will be aware if the legislative basis changed.

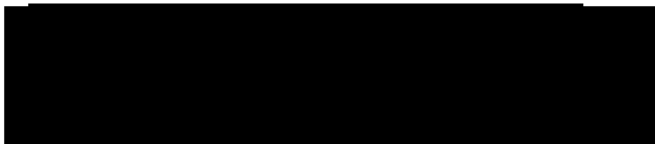
Section 33A(b)(i) is an instruction to investigate criminality involving a person serving with the police.

**29. Did PIRC receive written instructions from COPFS on 3 May 2015? If so, in what way were written instructions received from COPFS? If not, what impact, if any, did the lack of a written instruction from COPFS at this point impair PIRC's investigation? Was it normal for PIRC to commence an investigation directed by COPFS without a formal written instruction? Did you expect a written instruction to be provided by COPFS?**

As this incident occurred out of normal working hours on a Sunday we would not have received written instruction from COPFS. There was no impact that I was aware of on the PIRC investigation as we had received verbal instruction from Mr Green of COPFS. Written instruction I believe came from COPFS on the 5 May 2015 during normal business hours.

*On call system*

**30. Within your PIRC statement (PIRC-00381), at page 1, you state that DSI Harrower was "on call" on 3 May 2015. Were you also on call on 3 May 2015? How many investigators did PIRC have on call on 3 May 2015? Was this the normal number of**



**investigators that would be on call on a Sunday morning in May 2015? What was PIRC's system for allocating investigators to the on-call rota? What consideration, if any, was given to the investigators' skills, expertise and experience when setting the on-call rota?**

Yes, I was the on call Senior Investigator, DSI Harrower was on call with two investigators these being Investigators Maurice Rhodes and Stuart Taylor this being the normal on call response team of three. A Deputy Senior Investigator plus two investigators would take it in turn to be on call on a weekly rotational cycle. Where possible these would be taken into consideration.

**31. Which other PIRC investigators were on call on 3 May 2015?**

As above at question 30.

**32. In May 2015, how common was it for staff that were not on call to be asked to attend work and immediately participate in an investigation? In circumstances where staff who are not on call are asked to attend work, how are those staff chosen?**

It had occurred on a number of occasions, depending on nature of incident and what skillsets were required.

**33. On the basis of the information you had available to you, did you consider PIRC had sufficient resources to respond to the incident on 3 May 2015? What discussions, if any, did you have with DSI Harrower in relation to PIRC's level of resources on 3 May 2015?**

Yes I did at that time as agreed with DSI Harrower who would call me if he considered that he required additional resources whom I would attempt to contact and verbally brief them with what I was aware of at that time.

**34. Within his evidence to the Inquiry, Detective Superintendent Patrick Campbell stated, with reference to the level of PIRC's resources on 3 May 2015 (day 47, page 128, line 23 and day 49, page 174, line 5 respectively):**

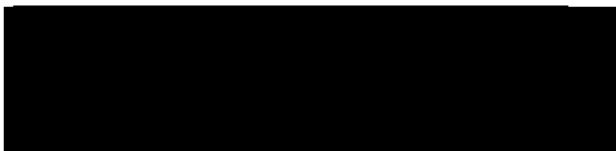
*A. ... I had slight concerns round about their awareness of capability and also the capacity round about the number of resources that turn up at that time to take on an investigation such as this, which was gathering pace, there was significant media attention around it. So it wasn't just investigative side, there were other areas that were playing out at that time.*

*Q. When you say you had concerns about their capacity, what do you mean by that?*  
*A. Resources-wise. I think we had about – I recall at one time we had probably about 20, 22 resources on it at one time from Police Scotland, detective officers involved in the investigation. I think at that day, I think they turned up with four or five PIRC.*

...

*A. ... it's clear it was insufficient for the job on 3 May, and that's why from a Police Scotland perspective we'd significant resources pulled from all over the country, as well as from the Major Investigation Teams, to support the PIRC in respect of the investigation.*

**What are your views in relation to DS Campbell's comments regarding the level of resources available to PIRC on 3 May 2015? Do you agree that the level of resources**



**available to PIRC on that day was “insufficient for the job”? Please explain why you hold this view.**

I have no view, this is opinion of DS Campbell. I was content that there were sufficient resources from the PIRC and DSI Harrower raised no issues with me in respect of this nor did I receive a call from him that day requesting further resources.

**35. Were you PIRC’s most senior investigator working on 3 May 2015? As a senior investigator, what was your relationship to DSI Harrower as deputy senior investigator on 3 May 2015?**

I was the Senior Investigator on call. I was a line manager to DSI Harrower for that day, I was not his direct line manager. DSI Harrower and I have a professional working relationship.

**36. What did being on-call as a PIRC senior investigator involve? How many times had you performed this role prior to 3 May 2015? On how many occasions had you been required to deploy to an incident whilst you were on call prior to 3 May 2015? On how many occasions did those deployments relate to deaths in police custody, or deaths following police contact?**

I was there to provide support and advice if required and if deemed necessary to additionally deploy. I had performed this role on a three weekly rotational basis since establishment on 1 April 2013 along with the other two Senior Investigators in turn. I cannot recall how many occasions and if any were deaths in police custody or death following police contact given the passage of time.

**37. What function would a senior investigator generally perform in an investigatory team? Was this the function you performed in this investigation?**

A Senior Investigator could be the officer in charge of an investigation or would oversee investigations undertaken by Deputy Senior Investigators under their line management and their staff. See also answer to Q7.

**38. How many times had you carried out this role prior to 3 May 2015? Had you performed this role within a similar investigation prior to the incident involving Mr Bayoh?**

See answer to Q36 as above.

**39. Did your role in this investigation involve supervising the work of any PIRC staff members? If so, who and how did you carry out that supervision?**

I was not the Senior Investigator assigned to this investigation this would have been carried out by John McSporrnan and William Little.

***Briefing at PIRC offices***

**40. Within your PIRC statement (PIRC-00381), at page 1, you state that you attended a briefing at PIRC’s offices in Hamilton at 1155 hours on 3 May 2015. What was the purpose of that briefing? Was it PIRC’s standard practice to convene investigators at**



**PIRC's offices prior to deployment? If so, was this practice based on a PIRC standard operating procedure (SOP)? If not, why were PIRC investigators convened at PIRC's offices on 3 May 2015? When you spoke with DSI Harrower earlier on 3 May 2015, what, if any, consideration was given to PIRC's investigators convening in Kirkcaldy instead of in Hamilton?**

The purpose of that briefing was to allow DSI Harrower to inform myself and Investigators Rhodes, Taylor, Sinclair, Ferguson and McGuire of what was known to have occurred at that time in respect of the incident and allocate the Investigators specific roles. It was standard practice and necessary in order to obtain vehicles and equipment that would be required in respect of attending at the incident. For these reasons there was no consideration given to the PIRC arranging to convene directly to Kirkcaldy.

**41. What was discussed during this briefing? What decisions were made at this briefing? What discussion, if any, was there in relation to PIRC's investigative strategies at this briefing? What discussion, if any, was there in relation to the status of the officers as witnesses or suspects? What discussion, if any, was there in relation to the separation of the officers involved in the incident to mitigate the risk of conferral?**

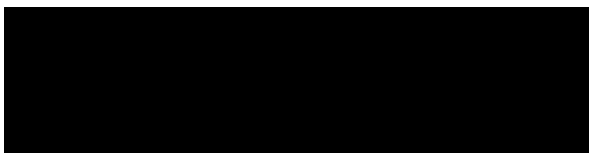
Given the passage of time I cannot be specific on detail but as indicated above DSI Harrower gave an update of the circumstances and what was believed to have occurred to the other members of staff and myself. As this was the very early stages of the PIRC attending at the incident there was little discussion on strategy at that time other than attending at Kirkcaldy in order to try and establish what had occurred and instructing specific investigators to deal with the two scene loci that we were aware of at Hayfield Road and the hospital. At that time until we established what had actually occurred the officers status was one of a witness and there was no discussion about separation of the officers.

**42. What was your understanding of the scope of PIRC's investigation at the point the briefing was held? Did your understanding of the scope of PIRC's investigation change over the course of the day on 3 May 2015? Based on your understanding of events at this time, were you content with the nature and scope of the investigation instructed by COPFS? Did your views about the scope of PIRC's investigation, and the appropriateness of the division of responsibilities between PIRC and Police Scotland, change over the course of the day on 3 May? If so, in what way?**

It was my understanding that PIRC was to investigate the circumstances surrounding Mr Bayoh's death from the point that the Police interacted with him on Hayfield Road and Police Scotland was to investigate what events had occurred earlier in respect of Mr Bayoh. This did not change over the course of the day. The scope of the investigation was a COPFS decision.

**43. What role within the investigation did you take on at, or following, the briefing? Were you assigned this role by DSI Harrower, or did you choose to take on this role yourself? Why did you take on this role?**

I made the decision to elect DSI Harrower to attend and deal with the incident along with his on call team based on what information was available at that time and the reason for this was quite simply should another such serious incident have occurred anywhere else in Scotland on that date then I would have had to attend and try to contact and call out other staff to assist me.



Additionally I remained at the office until late on that Sunday night in order to deal with any additional resource request or assistance that DSI Harrower may have required in his response to the incident and to deal with prospective media enquiries and to make my line manager Irene Scullion the Head of Investigation aware and update her as and when required. Throughout the course of the afternoon and into the evening I received a number of additional updates from DSI Harrower.

**44. Your notebook (PIRC-04528), on the left-hand side of page 2, contains a further account of the incident. Within this account, it appears to state:**

***ran at the PW with the knife  
attack with a knife person  
CS discharge***

**Who provided you with this account of the incident and at what point on 3 May 2015 was it provided to you? Do you consider this an accurate account of the incident? If not, why not? Was it your understanding at this stage that a police officer had been attacked with a knife? Did this remain your understanding of the incident throughout the course of 3 May 2015? If not, how did your understanding of the incident develop or change and at what point did it so develop or change?**

I believe that this was notes taken by me whilst at the PIRC office when DSI Harrower was briefing myself and the other investigators. The information that was being gathered from Police Scotland was very confusing in the early stages of the investigation therefor I was not in a position to confirm this was accurate at that time. As the day developed it became clear that a police officer had not been attacked with a knife.

**45. If you consider there to be discrepancies within the accounts of the incident set out within your notebook (PIRC-04528) what impact, if any, did the discrepancies within the initial accounts of events that you received have on your approach to the investigation?**

There was no change in the approach to the investigation, as stated, initial information being received from Police Scotland was confusing so until events were accurately known the PIRC investigation team had to keep an open mind about what had occurred.

**46. Your notebook (PIRC-04528), on the left-hand side of page 2, states:**

***... no blood at locus.***

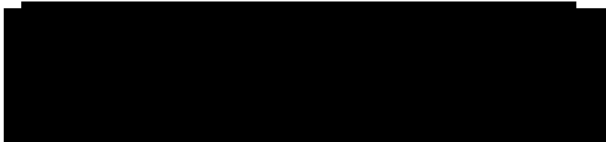
**What was the significance of this to the investigation?**

If there had been blood at locus then this would have formed part of the scene recovery.

**47. Your notebook (PIRC-04528), on the left-hand side of page 2, states:**

***"Gold Group meeting 11:30"***

**What was discussed in relation to the Gold Group meeting at 1130 hours? Was consideration given to any member of PIRC's team travelling to Kirkcaldy to attend the Gold Group meeting? If not, why not? What consideration, if any, was given to joining the Gold Group meeting by telephone?**





There was no discussion in respect of the Gold Group at 1130 I only became aware that there had been one upon my attendance at the PIRC office and by that time it was already ongoing. I did not consider joining the Gold Group by telephone, the Gold Group is a Police Scotland meeting / practice.

**48. Please confirm what is noted within your notebook (PIRC-04528) at the bottom of page 2 on the left-hand side, starting from the line underneath the reference to "Gold Group meeting 11.30" and running to the end of the page.**

Poss at [REDACTED]-4 am. Disturbance back to his home address.

Cops at the body @ hospital. Area cordoned off at locus.

**49. Your notebook (PIRC-04528), on the right-hand side of page 2, states:**

***Footwear?***

**What does this refer to? Why was this a priority at this stage of the investigation?**

This refers to the officers footwear which as I understand DSI Harrower secured to be seized as part of the investigation.

***Steps taken following briefing***

**50. Within Stuart Taylor's PIRC statement (PIRC-00358), at page 2, he states:**

***I was paired with Inv Ferguson and told to attend at Kirkcaldy police office along with all other PIRC staff aforementioned, minus SI Casey who was coordinating the PIRC response from Hamilton House.***

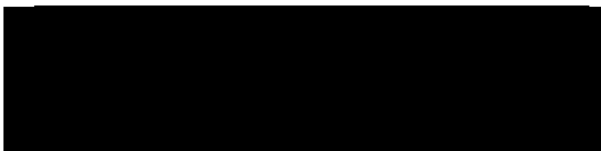
**Following the briefing, do you agree that you were "coordinating the PIRC response from Hamilton House"? In what way were you coordinating PIRC's response?**

I was there for the reasons outlined in my answer at question 43.

**51. As the senior investigator working on 3 May 2015, were you in charge of PIRC's investigation on that day? If you were not, who was in charge of PIRC's investigation?**

I elected to have DSI Harrower deal with the incident so effectively he was in charge of the Investigation that day from the time that he received the initial call and attended to deal with matters on the ground at Kirkcaldy. As indicated in my answer at question 43 the reason for this was quite simple, should another such serious incident have occurred anywhere else in Scotland on that date then I would have had to attend and identify, contact and try to call out other staff to assist me.

**52. On 3 May 2015, was PIRC or Police Scotland in charge of the investigation? If PIRC was in charge of the investigation, at what point did PIRC take charge of the investigation on 3 May? PIRC's investigators did not arrive in Kirkcaldy until 1330 hours on 3 May. What impact, if any, did this delay in the investigators' arrival in Kirkcaldy have on the PIRC's ability to take charge of an investigation?**



PIRC was in charge of what COPFS had directed from Mr Green's initial call to DSI Harrower. Although not ideal, the PIRC are based in Hamilton, the geographic locations of incidents can be a challenge however there are discussions by telephone with Police Scotland in respect of any requirements that PIRC require until their arrival. I am aware that DSI Harrower had already spoken to Supt Blackhall and Det Supt. Campbell.

**53. PIRC were first informed about the incident at 0935 hours. Would you have expected PIRC's investigators to have arrived at Kirkcaldy Police Office prior to 1330 hours that day? If so, what impact, if any, did the delay in the investigators' arrival have on PIRC's investigation?**

There were a number of factors such as clarifying telephone calls, calling out staff, attending at the office, being briefed, obtaining vehicles equipment and documentation that all contributed to the delay. I don't consider that the delay caused any impact on the actual investigation and as indicated telephone calls had been made by DSI Harrower to communicate any requirements to Police Scotland.

**54. The other investigators who attended the briefing at PIRC's offices travelled to Kirkcaldy following the briefing. Why did you not travel to Kirkcaldy with PIRC's other investigators on 3 May 2015?**

See my answer to question 43.

**55. During the course of 3 May 2015, what contact, if any, did you have with DSI Harrower and the other PIRC investigators in attendance at Kirkcaldy? What did you discuss with DSI Harrower and/or the other PIRC investigators in Kirkcaldy in relation to the investigation? If you did not have any contact with DSI Harrower and the other PIRC investigators in attendance at Kirkcaldy, why did you not have such contact with them?**

Yes as previously stated I received a number of calls from DSI Harrower throughout the course of the day as things emerged. Given the passage of time I cannot remember exact detail discussed but I would have been kept updated of any developments.

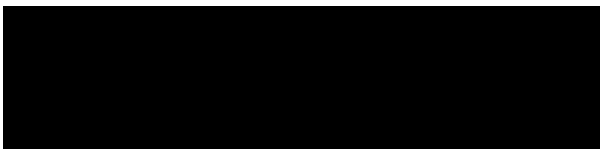
**56. What awareness did you have of the steps taken to progress PIRC's investigation on 3 May 2015? What instructions, if any, did you provide to DSI Harrower or other PIRC colleagues in relation to PIRC's investigation on 3 May 2015?**

See my answer to question 55. During discussion with DSI Harrower I would have agreed or otherwise with what he was doing in respect of his updates to me.

**57. What contact, if any, did you have with other colleagues at PIRC, beyond DSI Harrower and the other PIRC investigators in attendance at Kirkcaldy? What did you discuss with those colleagues?**

The only other two colleagues that I spoke with on 3 May 2015 were Irene Scullion Head of Investigations to make her aware of the incident and of what I knew had taken place at the time I spoke to her, and Kay Mackay who was our then I believe part time Media staff member to make her aware of the incident should she be contacted by the media.

**58. On 3 May 2015, what contact, if any, did you have with officers or staff at Police Scotland? With whom did you have such contact and what was discussed?**



I had no contact with anyone from Police Scotland that I recall.

**59. Your notebook (PIRC-04528), on the right-hand side of page 2, makes reference to “tonight at 7pm”. What does this refer to? What does the text to the right of this within your notebook say?**

I cannot recall what tonight at 7pm referred to.

2hr 2 doctor  
2morrow

***Press liaison***

**60. Your notebook (PIRC-04528), on the right-hand side of page 2, makes reference to a “press release”. There follows what appears to be a draft press release:**

***Crown has directed that PIRC investigate the circumstances into the death of a 31 year old man in the Kirkcaldy area after he had been taken into Police Custody.***

**Did you prepare this proposed form of words for the press release? If you received any assistance in relation to drafting this form of words, from whom did you receive that assistance?**

Yes I prepared the form of words myself.

**61. DSI Harrower’s operational notes (PIRC-01468), at page 5, state, with reference to a call he had with David Green at 1230 hours on 3 May 2015:**

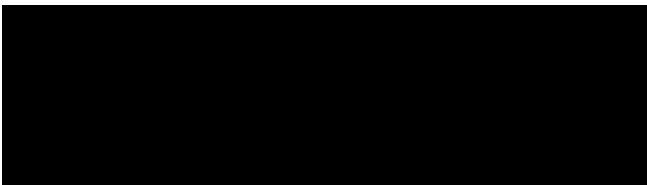
***He wants to see press release.***

**Why did David Green wish to see the press release in this instance? Was this in order to approve PIRC’s press release? Was it standard practice for COPFS to see PIRC’s press releases prior to publication? If not, why did COPFS wish to see PIRC’s press release in this instance?**

It is standard practice when investigating a COPFS referred death to run a proposed press release past them and have their approval.

**62. At 1401 hours on 3 May you sent an email to David Green, COPFS (COPFS-03869). This provided Mr Green with two options for a proposed press release “as discussed”. What discussions did you have with David Green on 3 May 2015 in relation to the investigation? Did you have any discussions with David Green in relation to the post-mortem? If so, what did you discuss with Mr Green? What contact, if any, did you have with other staff at COPFS on 3 May 2015?**

I discussed with Mr Green that I would put together a holding line press release which I would email to him in order that he could agree to same. I do not recall having any conversation with him in relation to the post-mortem. I had no further contact with anyone else from COPFS on 3 May 2015.



**63. What involvement, if any, did the Commissioner, Kate Frame, have in drafting PIRC's press release on 3 May 2015?**

The Commissioner had no involvement in drafting the press release on 3 May 2015.

**64. Within your email (COPFS-03869), the two options for the press release are almost identical, except for references to Mr Bayoh having been "in Police Custody" or "detained by the Police shortly before his death". What was the distinction between Mr Bayoh being in police custody and being detained by the police? Why was this distinction considered to be significant for the purposes of this press release?**

The distinction was not considered to be significant, this was to allow Mr Green to consider which option he considered at that time was the most appropriate based on the limited information that was available to us at that time.

**65. The wording of the options provided to David Green within your email (COPFS-03869) is different to that contained within your notebook (PIRC-04528). What led to the proposed wording of the press release being changed prior to your email to David Green?**

My notebook contained my rough notes. I changed the wordings in my email to David Green to a format more in line with previous such press releases that were prepared by the organisation.

**66. Did PIRC issue a press release on 3 May 2015? If not, why not? If a press release was issued on 3 May, was this the "reactive media line" contained within PIRC-04047? If not, please can you identify which document contains PIRC's initial press release.**

I do not believe that a press release was released on 3 May 2015.

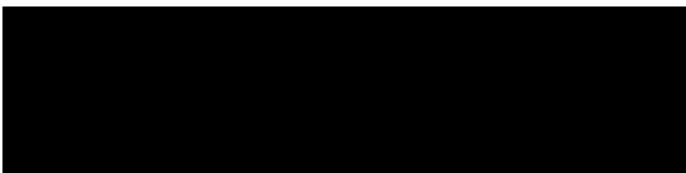
**67. The reactive media line contained within PIRC-04047 refers to you as PIRC's "SIO". At the point the press release was drafted, were you PIRC's senior investigating officer and in charge of PIRC's investigation?**

As indicated earlier DSI Harrower was the Senior Investigating Officer as elected by me in respect of the incident on the 3 May 2015. This was the official reactive line which had been put together by our Media staff member Kay McKay after I spoke to her, she may well have thought that due to me contacting her that I was the SIO.

**68. PIRC appear to have issued a press release on 4 May 2015 (PIRC-03925, page 33) in similar terms to the reactive line noted above (PIRC-04047). Was this press release on 4 May 2015 issued in place of, or in addition to, the reactive line? Were you involved in issuing this press release? How were the terms of this press release finalised? Whose decision was it to issue the press release on 4 May 2015?**

I was not involved in the issue of a press release on the 4 May 2015 and have no idea whose decision it was to issue same.

**69. COPFS, Police Scotland and PIRC entered into a joint protocol entitled "Working with the Media" in October 2014 (PS18478). This states, at page 8, that following a death in custody:**



***The name of the deceased will only be released by the PIRC after the Family Liaison Officer has confirmed that the point of contact in the family has been informed that the information is to be made public.***

**The press release issued on 4 May 2015 (PIRC-03925, page 33) includes reference to Mr Bayoh's name. At the point the press release was issued, had Mr Bayoh's family been informed that his name was to be made public? If so, who informed Mr Bayoh's family of this and how did you become aware that Mr Bayoh's family had been so informed?**

I have no knowledge in respect of the press release issued on 4 May 2015 and I am unaware if Mr Bayoh's family had been informed.

**70. The typed minutes of the Gold Group meeting held in Kirkcaldy at 1405 hours (PS07268), at page 4, state:**

***Kate raised issue re about corporate comms and concerned re mentioned use of PAVA due it currently being topical and the public perception of it and as such a media statement to be determined ASAP and agreed between Police Scotland and PIRC***

**What liaison, if any, did you have with Police Scotland in relation to the preparation of a media statement on 3 May 2015?**

I had no liaison with Police Scotland in respect of the preparation of a media statement on 3 May 2015.

**71. Your notebook (PIRC-04528), on page 3, refers to "Kate Finlay". What involvement did Ms Finlay have in the investigation on 3 May 2015? What contact, if any, did you have with Ms Finlay on 3 May 2015? What did you discuss with Ms Finlay?**

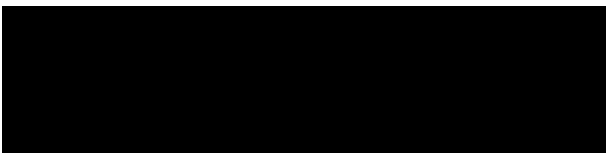
I have no knowledge what involvement Ms Finlay had if any. I believe Kate Finlay may have been a Police Scotland Media Staff Member but cannot be certain as I believe her name and phone number were passed to me by Kay Mackay our media person in case there was a requirement to speak to Police Scotland media however I had no requirement that I recall.

**72. The typed minutes of the Gold Group meeting at 1950 hours (PS03139), at page 3, state:**

***A media statement prepared was rejected by the crown. A brief release re condolences to family put out. Refer any Media interest to PIRC.***

**To which media statement does this refer? Why was it rejected by COPFS? Who issued the press release expressing condolences to the family? What shift, if any, was there in responsibility for media liaison between Police Scotland and PIRC (either jointly or individually) during the course of 3 May 2015? If there was such a shift in responsibility, why did this take place?**

I do not know what this refers to but am of the opinion that this would be referring to a Police Scotland media statement. I cannot answer as to who issued or why it was rejected as I have no knowledge. I am not aware of any such shift.



**73. Did you liaise with or speak to the media on 3 May 2015, or otherwise during the investigation? If so, in what way did you liaise with the media and to whom did you speak? What training, if any, did you have in relation to media liaison prior to 3 May 2015?**

I did not liaise with or speak to the media on 3 May 2015. I had received Media Engagement training when I was a detective with Strathclyde Police.

**74. As at 3 May 2015, was there any PIRC SOP or guidance that covered media activity in ongoing investigations? On 3 May 2015, whose responsibility at PIRC was it to consider any action PIRC may have needed to take in relation to liaison with the media? What issues in relation to media liaison did PIRC require to consider and/or address on 3 May 2015? How were such issues considered and/or addressed?**

I am not aware of any such PIRC SOP or guidance in 2015. As the Senior Investigator on call, I decided that PIRC required to have a holding line prepared in case of media enquiry in line with what is done in respect of other investigations. We as an organisation required to have a holding line should the media have called our office to enquire if we were aware of the incident and had involvement. I was at our office in order to address any such enquiries should they be made.

**75. On 3 May 2015, what awareness, if any, did you have of media coverage surrounding the incident? What awareness, if any, did you have of reports of a female police officer being stabbed and the source of those reports? What, if anything, did you do in response to those reports? Were you aware of any details of the incident on social media?**

I had no awareness of the media coverage surrounding the incident as I was at the PIRC office and had no access to radio / television. I was not aware of reports of a female police officer having been stabbed. On the 3 May 2015 I was not aware of any details on social media.

**76. Your notebook (PIRC-04528), on the right-hand side of page 2, refers to “Kay McKay”. What involvement, if any, did Ms McKay have in the investigation on 3 May 2015 and on subsequent days? What contact, if any, did you have with Ms McKay on 3 May 2015? What did you discuss with Ms McKay?**

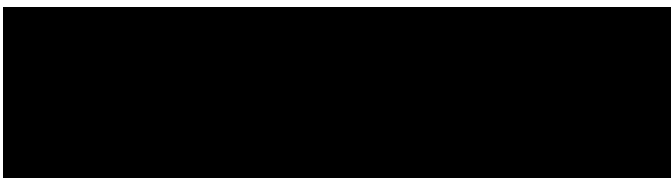
I contacted Ms McKay on the 3 May 2015 in order to make her aware of the incident and of our holding line which she later formalised should she be contacted directly by the media. I have no knowledge her involvement, if any, subsequently.

**77. Were you aware at any point on 3 May 2015, or subsequently, of concerns or issues raised by Mr Bayoh’s family in relation to a press release? If so, what were these concerns or issues? How were these concerns or issues addressed?**

No I was not aware of any concerns or issues raised by Mr Bayoh’s family in respect of a press release on 3 May 2015.

**78. Your notebook (PIRC-04528), at page 3, with reference to 4 May 2015, states:**

***Press issues – no person at office.***



**What does this refer to? What impact, if any, did these issues have on the investigation?**

This refers to there being no PIRC media person at our office to deal with press inquiries. This had no impact on the investigation.

***PIRC investigation on 3 May 2015***

**79. Were you content with the direction, instruction and support that PIRC received from COPFS in relation to PIRC's investigation on 3 May 2015 and throughout the investigation? If not, why not?**

Yes I was on the 3 May 2015. In respect of throughout the investigation I cannot comment on this as I was not working on it and I would suggest that John McSporran and or William Little are best placed to answer your question.

**80. Were you content with the support that PIRC received from Police Scotland in relation to PIRC's investigation on 3 May 2015 and throughout the investigation? If not, why not?**

On the 3 May 2015 I was generally content with Police Scotland's support however was made aware by DSI Harrower of the issues around obtaining statements from the officer's involved and of Police Scotland initially going to deploy FLO'S and then not doing so. Again in respect of throughout the investigation I cannot comment on this as I was not working on it and I would suggest that John McSporran and or William Little are best placed to answer your question.

**81. Were you content with the support that you received from your colleagues at PIRC, including colleagues in positions senior to you, in relation to the investigation on 3 May 2015? If not, why not? Were you content with the decisions taken by PIRC's investigators who attended Kirkcaldy on 3 May 2015? If not, why not?**

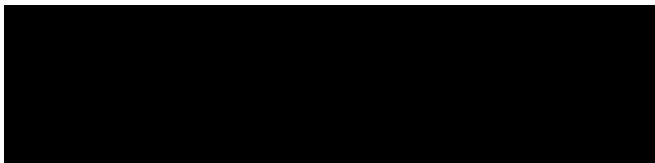
I had informed my line manager, the Head of Investigations about the incident and at that time I required no additional support from her. I was content with the decisions taken by DSI Harrower who kept me abreast of developments.

**82. Did you consider that you and your colleagues, as PIRC investigators, had sufficient powers to progress the investigation on 3 May 2015? If not, why not? What additional powers would you and your colleagues have benefited from to progress the investigation?**

Yes I believed that PIRC had sufficient legislative powers to progress however the issue of provision of statements clearly caused us a problem in establishing exactly what had occurred and we have no power to compel officers to give statements.

**83. On 3 May 2015, did PIRC have a working or preliminary view as to Sheku Bayoh's cause of death? If so, what was this view? If not, why not?**

I had no working or initial views as to the cause of death on the 3 May 2015 and was aware that a post mortem would take place and be instructed by COPFS.



**84. What, if any, hypotheses did PIRC have in relation to the incident on 3 May 2015? On 3 May 2015, did you give consideration to whether race could be a factor in the incident? If so, in what way? If not, why not?**

As above at question 83 and I did not consider that race could be a factor.

**85. Did you consider that any police officers with whom you had contact on 3 May 2015 had an awareness and understanding of PIRC as an organisation and PIRC's role within the investigation? If not, what, if any, steps did you take to address this on 3 May? What impact, if any, did the officers' awareness, or lack thereof, of PIRC's role have on the investigation? Following the establishment of PIRC on 1 April 2013, and prior to the incident on 3 May 2015, what steps had been taken to raise awareness and understanding amongst police officers of PIRC as an organisation and PIRC's role within an investigation?**

I had no contact with any police officer on the 3 May 2015. In order to raise awareness of the organisation, PIRC between establishment and the date of this incident did regular inputs to officers on various courses at the Scottish Police College these included inputs to Probationary Constables, First Line Managers Courses (Sergeants and Police Staff), Senior Investigating Officers, Traffic Officers.

**86. At what point in the investigation did you become aware of the identities of the officers that attended the scene at Hayfield Road?**

I believe I became aware of their identities on the 4 May 2015.

**87. A briefing note was prepared for PIRC's Director of Investigations in relation to the events of 3 May 2015 (PIRC-03694). What role, if any, did you have in preparing this document?**

None, I believe this document was prepared by DSI Harrower.

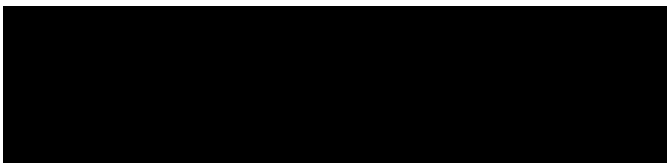
**88. Did you have any communication with representatives from the Scottish Police Federation (SPF) on 3 May 2015? If so, with whom did you communicate and what did you discuss?**

No

**Monday 4 May 2015**

**89. Did you attend a PIRC briefing on the morning of 4 May 2015 at the PIRC office in Hamilton? Who delivered this briefing? Do you remember what was said? If so, please provide details.**

Yes, I was present as were the staff who were working that day. The briefing was delivered by DSI Harrower in order to bring all staff up to date with what had taken place the preceding day, including DSI Little who had been elected by either the Head of Investigations or the Director of Investigations to take charge of the enquiry, which would be overseen by John McSporran on his return on the 5 May 2015. I cannot recall the specifics of what was said due to the passage of time.





**90. Do you recall if it was at this briefing that Deputy Senior Investigator William Little was placed in charge of the investigation with Senior Investigator John McSporrان having oversight? If not at this briefing, do you know when was this formally confirmed? Why were SI McSporrان and DSI Little placed in these roles at this point?**

See answer to question 89

**91. Do you recall what handover you and other members of PIRC staff who were involved in the investigation on 3 May 2015 provided to DSI Little? If so, please provide details. What involvement did you have in this handover?**

The briefing by DSI Harrower along with his briefing note would have brought DSI Little up to speed as to what had occurred the previous day and of the fact that the post mortem was due to take place that day (4 May 2015).

**92. An extract from DS Campbell's evidence to the Inquiry (day 49, page 73, line 5) is as follows:**

***A. I think -- sorry, I think the problem with the PIRC deployment at that stage, other than the resources, is that over the course of 24, 36 hours they changed the lead investigator. So Keith had --***

***Q. What issues did that cause?***

***A. Just obvious challenges, the fact is you're bringing someone on fresh into the investigation when you've been there for 12, 13 hours at that stage, you know what I mean, before that ... before Billy Little's appointed around that. So again, there was challenges with the fact that the change of a senior investigator from PIRC at such an early stage of a critical investigation would undoubtedly cause challenges.***

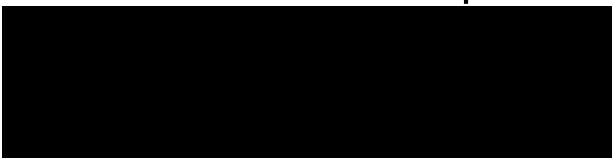
**Do you agree with DS Campbell that the handover of responsibility for the investigation to DSI Little and SI McSporrان caused "challenges"? If so, what were these challenges and what did PIRC do to mitigate them? If not, why not?**

No I don't agree with his comment as the investigation was at such an early stage and these changes could occur for a variety of reasons such as ongoing investigations, work priorities etc; and this position had been decided as I recall by either the Head of Investigations or the Director of Investigations John Mitchell.

**93. From the minutes (PIRC-04156), it is apparent that morning briefings continued to be held in relation to the investigation until 3 July 2015. Did you attend these morning briefings? If not, why not?**

I would have attended the morning briefing on the 4 July 2015, I am unsure if I would have been in attendance at some others however I was not involved in the investigation as I had been tasked to deal with any other work related and referred matters that PIRC currently had along with any new referrals or directed investigations that came to the organisation.

**94. Within your PIRC statement (PIRC-00381), at page 2, you refer to DSI Little being contacted by Assistant Chief Constable Nicolson by telephone at 1235 hours on 4 May 2015. What, if anything, did DSI Little discuss with you in relation to this call? What, if any, concerns did ACC Nicolson express to DSI Little on this call? Had you been aware of these concerns prior to this call?**



I can't recall exactly what DSI Little said to me, I believe that DSI Little following this conversation indicated to me that ACC Nicholson had concerns about the terms of COPFS instructions to the PIRC and Police Scotland and that ACC Nicolson believed that PIRC should also take over what Police Scotland had been instructed by COPFS to do.

**95. Within Investigator John Clerkin's notebook (PIRC-04199), at page 2, he states, within an entry dated 4 May 2015:**

***Present at SI Briefing. Appointed as Co FLO in Op Quoich by SI Casey along with A Lewis.***

**Did you appoint John Clerkin and Alistair Lewis as FLOs on 4 May 2015? If so, why were you tasked with appointing the FLOs for this investigation?**

I can only think that Investigator Clerkin has mistakenly written my name in his notebook as I believe it would have been DSI Little who appointed them as FLO's.

**96. What discussion, if any, was there at the briefing at 1155 hours on 3 May 2015 in relation to the availability or deployment of PIRC's FLOs? What discussions, if any, did you have with colleagues at PIRC in relation to the availability or deployment of PIRC's FLOs on 3 May 2015? With whom did you have these discussions? What was agreed within those discussions?**

There was no discussion at that time in respect of deployment of PIRC FLO's, it was common practice at that time and to this day that Police Scotland initially deployed FLO's to the family and there would be a formal introduction by Police Scotland FLO's of any PIRC FLO at a later time and date.

**97. On 4 May 2015, what was your understanding of (a) how Police Scotland and PIRC FLOs had been intended to be deployed on 3 May 2015 and (b) why deployment of Police Scotland and PIRC FLOs on 3 May 2015 did not take place?**

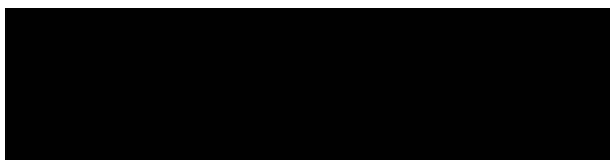
It was my understanding at that time that Police Scotland had intended to deploy FLO's on the 3 May 2015 and I later learned that this had not occurred.

**98. How many staff at PIRC were trained as FLOs as at 3 May 2015? Was it usually the case that a PIRC FLO would be on call on a Sunday morning? If so, why was this not the case on 3 May 2015? Were you aware on 3 May 2015 that PIRC FLOs were not available for deployment? If so, at what stage did you become so aware?**

PIRC had six such trained investigators at that juncture. If it had been required a member of staff could have been called out. Investigator Ferguson was one of these six persons albeit he was carrying out the role of scene manager, and had DSI Harrower required a FLO on the 3<sup>rd</sup> then he would have requested me to call another member of staff out who was trained.

**99. How are FLOs assigned by PIRC – is it based on who is available on the day? What consideration, if any, is given to sensitivities such as religion and gender?**

Flo's are assigned to the Investigator in charge when requested by the PIRC FLO Coordinator, at that time Alistair Lewis. Obviously if known at the time any known sensitivities would be taken into consideration.



**100. What, if any, risk assessment requires to be carried out prior to the deployment of a PIRC FLO? What, if any, risk assessment was carried out prior to the deployment of PIRC FLOs in this case?**

If there were any risks flagged up in relation to a deployment then the FLO would bring them to the attention of the FLO Coordinator and the Investigator in charge of the investigation.

**101. PIRC's Family Liaison Policy (PIRC-04460), at page 7, states:**

***It is essential that prior to any FLO deployment the SI has formulated a family liaison strategy. The strategy should set out the objectives for the liaison between the family and the investigation and are the basis for tasking the FLO.***

***The Family Liaison Strategy is one of the most important considerations that the SI and investigations team will have to address throughout the course of an investigation.***

**What steps, if any, did you or colleagues at PIRC take to create a family liaison strategy on 3 or 4 May 2015? What objectives were contained within that family liaison strategy?**

I took no steps as there was no expectation that a family liaison strategy would be created by the PIRC on 3 May 2015 and I believe that this was later created by SI McSporran.

#### ***Post-mortem***

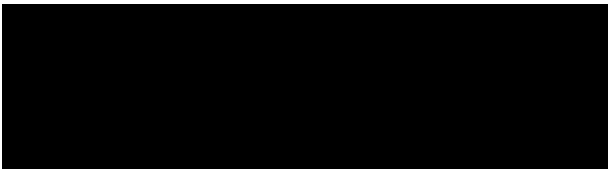
**102. Your PIRC statement (PIRC-00381), at page 2, identifies that you were present at Mr Bayoh's post-mortem on 4 May 2015. Why did you attend the post-mortem? What was your role at the post-mortem?**

On the 4 May 2015, there were no available PIRC vehicles for DSI Little to use as all PIRC vehicles were being utilised by other investigators in connection with the investigation. I used my own motor vehicle in order to convey DSI Little to the post-mortem and thereafter at its conclusion to Kirkcaldy. I was also there to support DSI Little throughout that day if required. I had no specific role at the post-mortem.

**103. What was PIRC's involvement in the post-mortem examination on 4 May 2015? Was this normal practice for PIRC? In 2015, was PIRC's involvement in relation to a post-mortem governed by any SOP? If so, please identify the SOP in question.**

Due to the family refusing to attend the PM, PIRC and Police Scotland had to identify the body to the pathologists. There was also a requirement for a number of PM Samples to be taken and seized in line with normal post mortem practice in such an incident. I do not believe there was a PIRC SOP.

**104. Were you present when the pathologist was briefed in relation to the circumstances surround Mr Bayoh's death? If so, what information was passed to the pathologist during this briefing? Who provided this briefing? Are you content that the information passed to the pathologist was comprehensive and accurate?**



No, I was not present and I understand that the pathologists were briefed by Investigator Ferguson. I do recall DSI Little having a discussion with the pathologist in relation to mouth and nose swabs being taken from the deceased. I am not aware of the content of the information passed to the pathologists.

**105. An "Officers Note" was subsequently prepared in relation to the post-mortem (PIRC-04148). What, if any, involvement did you have in preparing this note? If you did not prepare this note, are you aware who prepared it?**

I had no involvement in preparing the note and believe that the author of this was DSI Little.

**106. The note (PIRC-04148), at page 1, identifies that:**

***The family of the deceased had intimated to both Police Scotland and the PIRC that they did not want to be involved in the identification of the deceased.***

**What was your understanding of the relationship between Mr Bayoh's family and PIRC at the point the post-mortem took place? Does this entry within the note match your understanding of the family's position in relation to the identification of Mr Bayoh's body on 4 May 2015? If not, why not? If so, how did you come to be aware that the family had intimated this to Police Scotland and PIRC? To whom at Police Scotland and PIRC did the family intimate this? Were COPFS informed of this? If so, how were COPFS so informed?**

PIRC had only met the family on the evening of the 3<sup>rd</sup> May 2015 which I understood from DSI Harrower to have presented some challenges. Yes it does match my understanding. I think DSI Harrower spoke again with the family on the 4 May 2015 to confirm their position and to let them know that PIRC FLO's were being deployed. Again I think COPFS were spoken to by DSI Little in connection with this.

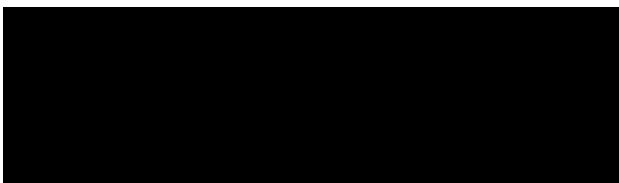
**107. Were you aware at the time that the post-mortem took place of any suggestion that the family had requested that the identification of Mr Bayoh's body be delayed pending the arrival of other family members? If so, do you recall any discussion with David Green regarding the family's wishes in this regard? If you were aware of the family's wishes, do you know why the post-mortem went ahead when it did?**

No I was not personally aware of this and I don't recall any discussion with David Green regarding the family's wishes. The post mortem went ahead on the instruction of COPFS.

**108. The note (PIRC-04148), at page 2, identifies that:**

***The area of cultural issues was highlighted with DCI Hardie confirming that the deceased was Muslim, again the pathologist were happy to proceed after being advised by Mr Ablett that the investigation would take precedent.***

**What discussions took place in relation to Mr Bayoh's religion and any impact that that may have had on the post-mortem? In what way was the pathologist advised by Bernie Ablett that the investigation would take precedence in this regard? During a post-mortem, is it normal practice for an investigation to take precedence over any cultural or religious sensitivities associated with a deceased person? If not, why did it take precedence on this occasion?**



I cannot recall if any such discussion took place in relation to Mr Bayoh's religion after I arrived at the post-mortem. I believe that Mr Ablett informed the pathologist that the post-mortem would be going ahead as the death investigation would take precedence. I have not been involved with such a post-mortem previously so I cannot comment as to whether this was normal practice.

**109. The note (PIRC-04148) identifies that DC Gilzean, DC Grady and DCI Hardie were present at Mr Bayoh's post-mortem. Following a death in police custody, is it common for the post-mortem of the deceased to be attended by police officers? If not, why were police officers in attendance at Mr Bayoh's post-mortem? What purpose is served by police officers attending a post-mortem following a death in custody?**

At that time it was still a joint investigation and COPFS had instructed identification by both Police Scotland and by PIRC staff. I was not aware of any objection from COPFS as to the presence of the police and Mr Ablett was present. The purpose in this case was as I understand it was that at that time it remained a joint investigation and identification of the body was required.

**110. In your experience, what is the normal period of time between a death in custody or death following police contact occurring and a post-mortem taking place? Who did you understand was ultimately responsible for the decision that the post-mortem would go ahead on 4 May?**

In my experience the time between a death and post-mortem can vary for a variety of different reasons such as availability of pathologists, type of death. As COPFS instruct then I suggest that they may be better to respond to such a question. COPFS was responsible for the decision.

**111. What discussions, if any, took place in relation to informing the family of the results of the post-mortem? What was agreed in this regard? How were the family to be informed? Who was responsible for informing the family?**

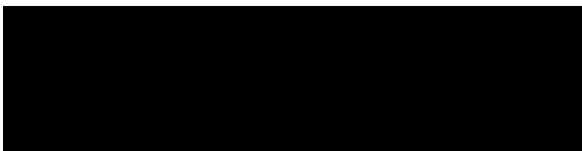
I am not aware nor was I involved in any of the points asked at question 111 therefore I cannot answer these questions. I am aware that DSI Little later told Police Scotland of the result of the post mortem however Police Scotland officers were present also at and during the post mortem.

**112. Are you aware of when the family was informed that the post-mortem had taken place? When were the family so informed? Was the family informed directly, or via their legal representative? Who informed the family or their legal representative that the post-mortem had taken place? How did you become aware that the family had been informed that the post-mortem had taken place?**

I am not aware but I believe that this would have been done by the family liaison officer Alistair Lewis.

### ***Meeting with Police Scotland***

**113. Within your PIRC statement (PIRC-00381), page 2, you refer to being present at a meeting with DSI Little, DS Campbell, DCI Hardie and DI Wilson at 2005 hours on 4**



**May 2015 at Kirkcaldy Police Office. Why did you attend this meeting? What was discussed? You refer to there being a “handover of the investigation” from Police Scotland at this meeting. What elements of the investigation were handed over by Police Scotland at this meeting? Did this relate to the expanded terms of reference provided by COPFS to PIRC on 5 May 2015 (COPFS-02539)?**

The handover of the investigation was discussed along with the issues surrounding the provisions of statements. It was more off a discussion as to how this would be achieved surrounding what Police Scotland had already carried out in respect of the movements and actions of Mr Bayoh on Saturday 2 May and Sunday 3 May 2015 until his involvement with the Police. Yes I believe it did relate to the expanded terms. DSI Little also mentioned that the interim result of the post mortem provided that blunt force trauma was not the cause of Mr Bayoh's death.

**114. Within your PIRC statement (PIRC-00381), page 2, you refer to DSI Little confirming the status of the nine officers who attended the incident as witnesses during the course of this meeting with Police Scotland. What was your understanding of the officers' position in relation to the provision of operational statements at this time?**

Up to that time I understood that the officers involved had refused to provide statements in respect of their involvement.

**115. Within your PIRC statement (PIRC-00381), page 2, you state:**

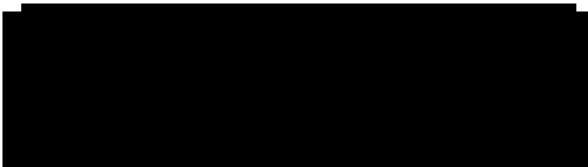
*During the course of this meeting I was present when Deputy Senior Investigator Little confirmed the status of the nine officers who had attended this incident as witnesses. Deputy Senior Investigator Little also intimated to Detective Superintendent Campbell that he was content for the nine officers to be updated of the interim result from the post mortem.*

*Detective Superintendent Campbell stated that each of the nine officers would be personally contacted that night and advised accordingly. He believed that following this the officers would submit operational statements which up till then they had refused to provide.*

**What was your understanding of how the officers would be “personally contacted”? Were they to be contacted by DS Campbell, or by a third party, such as their solicitor, another police officer or an SPF representative? What information was to be passed to the officers? What reasoning, if any, did DS Campbell provide as to why he believed the officers would submit operational statements thereafter? When did PIRC expect to receive the operational statements?**

It was my understanding from DS Campbell that their Divisional Commander would make a telephone call to each of the officers and confirm to them that blunt force trauma had not caused Mr Bayoh's death and that it would be reaffirmed to them that they were witnesses in order to obtain statements from them. PIRC expected statements from them the following day, the 5 May 2015.

**116. What are the circumstances in which a person is treated as a suspect by PIRC? Do you consider that it is PIRC's responsibility to decide whether to categorise a person as a witness or a suspect during an investigation? What is the significance of treating a person as a suspect?**



A person would be treated as a suspect if there is available evidence or a belief that they have committed a crime or offence. Absolutely, based on what information is known and any available evidence at that time. If a person is treated as a suspect they have the right to consult a lawyer and the right to silence, they must be cautioned and notified of their rights prior to interview.

**117. During the meeting with Police Scotland at 2005 hours, what consideration, if any, was given to PIRC confirming the status of the officers as witnesses directly to the officers, or via their solicitor, rather than via Police Scotland? As far as you are aware, why was confirmation of the officers' status as witnesses to be passed to the officers via Police Scotland, rather than directly, or via their solicitor?**

There was no consideration for PIRC to communicate with the officers directly and it would be normal practice for Police Scotland to communicate this to the officers as they have a responsibility for their officers welfare.

**118. Whose responsibility was it to communicate the officers' status as witnesses or suspects to the officers themselves?**

Police Scotland as agreed.

**119. What is the role of PIRC in obtaining operational statements from officers involved in an incident whereby a person has died in police custody?**

PIRC will request such statements via Police Scotland from officers deemed to be witnesses. The statements can be self-written by the officer or taken by PIRC Investigators, often PIRC will take additional statements in order to clarify issues or lacunas.

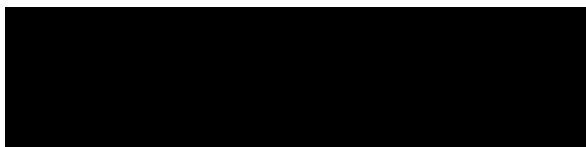
**120. Had you dealt with a situation prior to May 2015 in which officers did not provide statements for several weeks after an incident? What was the outcome? Have you dealt with such a situation since May 2015? What was the outcome?**

No I had not, this is and has been the only occasion since the establishment of the PIRC on 1 April 2013, when officers have refused to provide statements that I am aware of.

**121. What is the importance of PIRC being in receipt of operational statements of police officers involved in the death of a person in police custody? Specifically, what was the importance to this investigation?**

It is important in an investigation in order to consider and understand what has occurred and what part or role an individual has played in order to determine the direction and set strategy for the investigation. These statements can also identify other particular lines of enquiry and other witnesses. Without them this particular investigation had to rely on statements from the public, CCTV and other available information which did not necessarily assist to establish exactly what had occurred in the police interaction with Mr Bayoh.

**122. What was your understanding of the law or guidance on the issue of officers failing to provide operational statements when requested, from PIRC, Police Scotland or the SPF? Did PIRC have any powers to obtain statements, where the officers were categorised as witnesses and were not willing to provide a statement voluntarily? At that time, could police officers be compelled to provide an operational statement? If so, under what circumstances and authority?**



Current legislation means that the PIRC has no power to compel officers to provide statements in a COPFS instructed investigation.

Police Scotland under misconduct legislation may have the ability to order officers to provide statements.

**123. On 2 June 2015, prior to the officers providing operational statements, the legal adviser for the SPF, Peter Watson, stated within a press release issued on behalf of the SPF (SPF-00019):**

***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.***

**What is your view in relation to the comments made by Peter Watson within this press release? Do you consider this to be accurate? Between 3 May 2015 and 2 June 2015, was your understanding that the officers were refusing to provide statements to the PIRC?**

I was not involved in the investigation by the 2 June 2015 and I would suggest that John McSporran and or William Little are better placed to answer these questions.

**124. Within your PIRC statement (PIRC-00381), page 2, you state, with reference to the meeting at 2005 hours:**

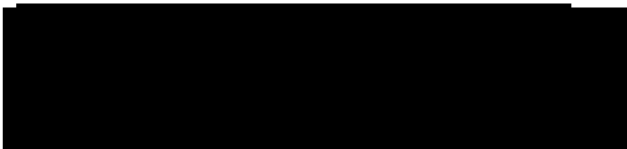
***Deputy Senior Investigator Little also intimated to Detective Superintendent Campbell that he was content for the nine officers to be updated of the interim result from the post mortem.***

**At this meeting, were you aware if Mr Bayoh's family had been informed of the interim results of the post-mortem? If so, how had you been made so aware? How had the family been informed of the post-mortem results? In May 2015, was it standard practice for officers involved in some way in a death in custody or death following police contact to be informed of the results of the post-mortem after it had taken place? If not, what was the standard practice in these circumstances?**

I was not aware if the family had been informed of the interim results. It would not have been standard practice however I believe that DSI Little in doing so was trying to take forward the stalemate in respect of the officers providing statements in order to progress the investigation.

**125. Investigator John McAuley's PIRC statement (PIRC-00338), at page 3, states that you attended Police Scotland premises with him on this day to deliver six mobile phones for examination. What was the purpose of the examination of these mobile phones? To whom did they belong? What was the legal basis upon which these mobile phones had been seized? What limits, if any, were placed on the examination of the data contained within these mobile phones? Were Police Scotland made aware of these limits?**

On the 14 May 2015 Investigator McAuley had been tasked to deliver these mobile phones to a specialist unit and he was not familiar with the location of the Police Scotland premises.





I was familiar with the location and drove him there to do so. I have no knowledge of the relevance of the phones / who they belong to etc; as I was not specifically working on the investigation and as such these questions would need to be answered by John McSporran and or William Little.

4 June 2015

**126. On 4 June 2015, a statement was taken from PC Alan Paton by Investigator Alex McGuire in your presence (PIRC-00262). When a statement is taken "in the presence of" a PIRC investigator, what is that investigator's role within the interview? May that investigator ask questions of the witness? If so, did you ask any questions of PC Paton within this interview and what lines of questioning did you seek to explore with PC Paton? Please describe any impressions you had of PC Paton whilst you were present during this interview.**

The investigator is corroborating the taking of that statement and may ask questions of the interviewee if it is believed that the interviewing investigator has omitted something of relevance. I cannot recall if I interjected Investigator McGuire during this interview, but if I did Investigator McGuire would have noted any response made by PC Paton. I believe that PC Paton was being as honest and professional as he could be in respect of his answers

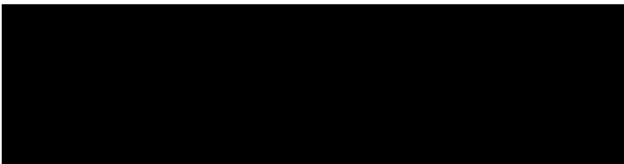
**127. In the process of this statement being taken from PC Paton, what, if any, contact did you have with your colleagues from PIRC who were taking statements from other officers on 4 June 2015 to allow the accounts received from the officers who attended Hayfield Road to be compared and contrasted for any gaps or inconsistencies? If you did have such contact with your colleagues, in what way did that influence the lines of questioning that were put to PC Paton when taking his statement?**

No contact that I can recall.

**128. Was PC Paton's statement obtained in line with PIRC's Witness Interview Strategy document (PIRC-04182)? If so, what involvement, if any, did you have in the preparation of the Witness Interview Strategy document? Was it standard practice for PIRC to obtain statements from witnesses using a document of this nature? Prior to PC Paton's statement being taken, did you have any discussions with other PIRC staff in relation to the lines of questioning to be explored with PC Paton and/or the other officers that attended Hayfield Road? If so, what was discussed?**

I understand that it was, however I had no involvement in preparing this document. I don't believe this to be a standard practice however in incidents such as this it is good practice. No, I did not have any discussion.

**129. Following a death in custody or a death following police contact, was it common for officers to be re-interviewed by PIRC after they had already been interviewed by PIRC? After PC Paton's PIRC statement had been obtained (PIRC-00262), did you consider that there were any matters that required to be clarified with PC Paton? If so, what were these matters? Did PIRC consider taking a further statement from PC Paton to clarify these matters? If so, why was a further statement not taken from PC Paton clarify these matters?**



Yes it is common for additional statements to be taken following review of the statements by the Investigator in charge, in this case John McSporran and William Little, if there are any gaps or further lines of enquiry identified. I consider the other questions within this question to be matters for John McSporran and or William Little to comment on.

**130. Within PC Paton's PIRC statement (PIRC-00262), on page 2, PC Paton makes reference to a statement previously submitted to "John Sallens from Peter Watson". PC Paton agrees to provide an electronic copy of this statement to Alex McGuire by email. Was this statement obtained by PIRC? If not, why not? Did you know who John Sallens was? Did you explore this further with the witness given the previous position taken by the officers regarding the provision of operational statements? Did you think it was appropriate the officers had given statements to John Sallens? If not, why not?**

I am aware that Sallens was then employed by Peter Watson. Again I consider the other questions within this question to be matters for John McSporran and or William Little to comment on.

**131. Within PC Paton's PIRC statement (PIRC-00262), on page 4, he states:**

***Straight away I remembered that there had been the rumour going about Kirkcaldy Police Station that somebody intended to cause harm to a female cop. Numerous officers had asked managers to confirm if there was any known truth in the rumour. But this had never been confirmed to my knowledge. The rumour still remains strong and it is believed by the officers that this had contributed to all officers in Kirkcaldy being double crewed whilst on patrol.***

**After this statement was obtained from PC Paton, what steps, if any, were taken by PIRC to investigate the rumours he refers to in relation to a potential threat to a female police officer? What was the result of this investigation?**

Although present during the taking of the statement for the purposes of corroboration, the statement would have been reviewed by John McSporran and William Little who were conducting the investigation and responsible for any further or additional enquiries therefor they are better placed to answer your questions in respect of these matters.

**132. Within PC Paton's PIRC statement (PIRC-00262), on page 4, he states:**

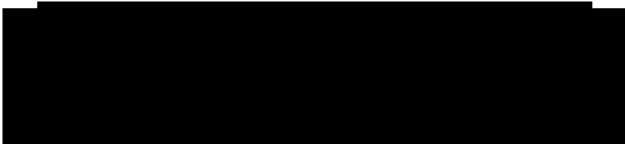
***For a number of months checks have also been getting carried out by officers at a number of identified locations in Kirkcaldy due to increased terrorist risk. It also ran through my mind that this male could be part of a terrorist plot.***

**Later within PC Paton's PIRC statement (PIRC-00262), on page 5, he states:**

***I kept thinking about the Lee Rigby boy, the soldier who was killed.***

**After this statement was obtained from PC Paton, what steps, if any, were taken by PIRC to confirm the risk of a terrorist attack as at 3 May 2015? What, if any, consideration did you give to PC Paton's belief that Mr Bayoh "could have been part of a terrorist plot" or his reference to Lee Rigby being influenced by Mr Bayoh's race? If you gave these points consideration, what steps, if any, did you take in response to PC Paton's comments as part of the investigation?**

Although present during the taking of the statement for the purposes of corroboration, the statement would have been reviewed by John McSporran and William Little who were



conducting the investigation and responsible for any further or additional enquiries therefor they are better placed to answer your questions in respect of these matters.

**133. Within PC Paton's PIRC statement (PIRC-00262), on page 8, when describing PC Walker providing CPR to Mr Bayoh, PC Paton states:**

*I remember Craig saying to Scott Maxwell "That's a couple of ribs away".*

**What analysis, if any, was carried out by PIRC in relation to the references to Mr Bayoh's rib breaking during CPR contained within PC Paton's and other officers' statements? What was the result of that analysis?**

As per my answer to question 132.

**134. Within PC Paton's PIRC statement (PIRC-00262), on page 9, he states:**

*In the canteen we were all talking between ourselves. It was about the incident. I cannot really be specific about what we were talking about. [REDACTED] I remember talking about Nicole and asking how she was.*

**When the statement was being taken from PC Paton, what consideration, if any, was given to asking PC Paton whether there the officers conferred in relation to the incident?**

I did not consider to ask him in respect of this and was not involved in compiling the questions that were to be asked as per any witness strategy.

**135. When preparing to take the officers' statements, was consideration given by PIRC to asking the officers why they took certain actions or chose particular tactical options in responding to the incident involving Mr Bayoh? If not, why not?**

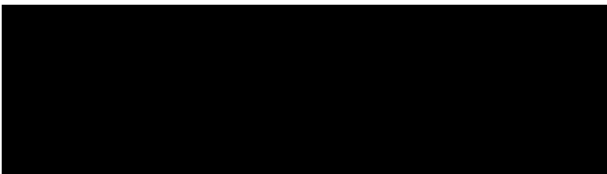
As per my answer to question 132.

**136. Did PIRC compare and contrast the statements received from the officers that attended Hayfield Road to identify areas of consistency and inconsistency? What consideration, if any, was given to taking further statements from the officers to question inconsistencies between their respective accounts? Why were further statements not taken from the officers to clarify inconsistencies between different witnesses' accounts? Who at PIRC was in charge of deciding whether or not to take further statements from witnesses?**

As per my answer to question 132.

**137. After PC Paton provided his statement, PIRC's terms of reference were expanded by COPFS to look at whether there was inappropriate conferring between police officers and to investigate issues of race and conduct. What consideration, if any, was given to obtaining further statements from the officers that attended Hayfield Road to explore these areas with the officers? Why was it decided that further statements did not require to be obtained?**

As per my answer to question 132.



**5 June 2015**

**138. On 5 June 2015, there is a record of you receiving a call from Fiona MacNeill at the Health and Safety Executive (HSE) (PIRC-03738). What was discussed on this call? What involvement, if any, did you have in liaising with HSE during PIRC's investigation? Who was PIRC's primary point of contact for matters relating to HSE's involvement in this investigation?**

What was discussed on the call is as contained within the CLUE 2 Message No 00155, which I completed and submitted for the attention of SI McSporrán and DSI Little. From memory I believe that HSE had no other involvement and did not investigate.

Ms McNeil probably contacted me as I had had previous dealings with her in respect of other unrelated matters. Any HSE involvement would have been a matter for the lead investigators, in this case SI McSporrán and DSI Little.

**139. The note of your call with Ms MacNeill (PIRC-03738) appears to indicate that HSE were considering whether they required to investigate the circumstances of Mr Bayoh's death. How common was it in 2015 for HSE to investigate deaths in custody that PIRC was also investigating, either independently or jointly with PIRC? What indication, if any, did Ms MacNeill give during this call as to the likelihood of HSE taking on this investigation? What consideration, if any, was given during the investigation to PIRC and HSE carrying out a joint investigation?**

It was not common and I am not aware of any such joint investigation nor independent investigation by the HSE.

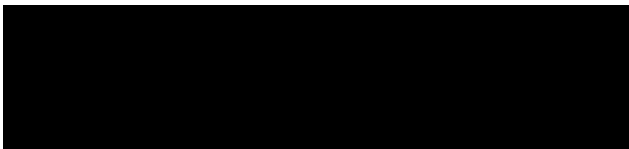
I am aware that COPFS had been in contact with HSE regarding the death of Mr Bayoh if this assists.

**140. How well equipped, in terms of resources and expertise, was PIRC in 2015 to investigate matters arising under the Health and Safety at Work etc. Act 1974 where HSE chose not to investigate?**

PIRC was capable of investigating matters arising under Health and Safety at Work etc. Act 1974. On 8 July 2015 I became the Investigating officer in connection with the COPFS instructed investigation into the M9 Deaths ██████████ and ██████████ and as part of this investigation contraventions of the Health and Safety Legislation were looked at in respect of Police Scotland's involvement which ultimately led to the unprecedented conviction of Police Scotland who pled guilty to health and safety failings under the legislation.

**41. The note of your call with Ms MacNeill (PIRC-03738) refers to a RIDDOR report being submitted by Police Scotland to HSE. What is the process that is followed when submitting a RIDDOR report following a death in custody? Who is responsible for submitting this report? What involvement, if any, does PIRC have in submitting this report to HSE?**

Police Scotland's Health and Safety Department would have been responsible for submitting a RIDDOR report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 to the Health and Safety Executive as a death had occurred in a work related incident. PIRC had no involvement or requirement to submit a Riddor report.



**142. During the course of the investigation, what view, if any, did PIRC have in relation to whether or not HSE should have initiated their own investigation into the incident involving Mr Bayoh?**

I personally had no view however I do not know and cannot speak for the wider organisation.

**2018**

**143. On 12 January 2018, you were present when Investigator Garry Sinclair took a further statement from DS Campbell, at the direction of COPFS (PIRC-00217). How common is it for PIRC to take further statements from witnesses at COPFS's direction? Does the need to obtain further statements from witnesses at COPFS's direction indicate any oversight on PIRC's part when taking the original statements?**

Additional statement requests made by COPFS occur frequently and does not necessarily mean any omission it may reflect for example a COPFS change of direction in the investigation or a requirement for additional information.

#### **Further involvement in the investigation**

**144. On 10 August 2016, PIRC submitted its report to COPFS. Did you have any involvement in writing the report? If so, what was your involvement?**

I had no involvement in the writing of this report.

**145. Beyond the points covered above, what further involvement, if any, did you have in the investigation?**

I had limited involvement in this investigation, as the then only other Senior Investigator within the organisation and staff member not working on the investigation and due to all other staff being utilised in connection with the investigation I was actioned to deal with any other routine business, investigations and referrals from partner agencies and from the 8 July 2015 was the Senior Investigator dealing exclusively with the Crown directed investigation into the deaths following police contact of [REDACTED] and [REDACTED] off the M9 motorway.

#### **Race**

**146. Was anything you have stated above done or not done because of Mr Bayoh's race?**

No

**147. Prior to 3 May 2015, what experience, if any, did you have of investigations of deaths in custody or deaths following police contact in which the deceased was someone from an ethnic minority? Since 3 May 2015, with the exception of the**

[REDACTED]

**investigation following the death of Mr Bayoh, what experience do you have such investigations?**

None prior to 3 May 2015. Post that date, I was involved in the investigation into the death of Badreddin Abdalla Adam who died as a result of police discharge of firearms at the Park Inn Hotel, West George Street, Glasgow on 26 June 2020.

**148. Prior to 3 May 2015, what experience, if any, did you have in deaths in custody or deaths following police contact in which race was a factor to investigate? As at 3 May 2015, had you ever acted in a PIRC investigation in which the issue of race was within your terms of instruction?**

I had no experience and have personally never been instructed to investigate where race was a factor or contained within the terms of instruction.

**149. Prior to 3 May 2015, had PIRC ever considered the issue of race within an investigation? If so, in what way was race a consideration? With the exception of the investigation following the death of Mr Bayoh, has PIRC considered the issue of race within an investigation since 3 May 2015? If so, in what way?**

Prior to the 3 May 2015, not that I am aware of nor since.

**150. When PIRC's terms of reference were expanded by COPFS to include issues of race, what steps did you or others at PIRC take to address this instruction? What was the thought process behind the approach ultimately adopted? At the point PIRC's terms of reference were expanded, did PIRC consider it necessary to take further statements from any witnesses to address the issues covered within the updated instructions from COPFS? If not, why not?**

As per my answer to question 132.

**151. Prior to the instruction from COPFS, had you or anyone at PIRC given consideration to race being a factor in the incident? If so, in what way? If not, why not?**

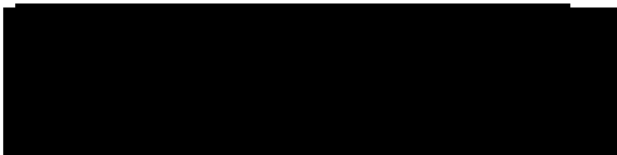
No I had not, I treated it as a death investigation at the time initially the same as any such death and followed the normal practices and procedures.

**152. Do you have any experiences of racism (or the race of the victim) being a factor, in any way, in a death in custody or death following police contact? If so, please provide details of how racism was a factor, your involvement in dealing with it and the outcome.**

I have not had any such experiences.

**153. Is the race or ethnicity of a deceased person automatically considered by PIRC as part of an investigation following a death in custody or a death following police contact? If so, in what way? If not, is the deceased's race or ethnicity only considered when directed by COPFS?**

It would be considered as PIRC would need to consider race and any cultural issues requirements.



**154. As at 3 May 2015, did PIRC record the race or ethnicity of the deceased person who was the subject of an investigation following a death in police custody or death following police contact? If so, how was such information recorded? If this information was not recorded, why was this? Have PIRC's procedures for recording a deceased person's race or ethnicity changed since 3 May 2015? If so, in what way?**

I do not believe the organisation recorded this however this was the first such death. I am not aware of any mechanism or requirement to record such information. I am unaware if PIRC now records such data.

**155. What training had you completed by 3 May 2015 in relation to equality and diversity issues, or in relation to unconscious bias? What did this training involve? Which aspects of this training, if any, were applicable to your role?**

I had such training whilst with Strathclyde Police however the specific detail of what this involved I am unable to recall given the passage of time. With the PIRC since that date I have had training in respect of Equality, Diversity and Unconscious Bias part of which was delivered by ACAS. I currently sit as a member of the PIRC Equality and Diversity Group as part of my role.

**156. Did you have any training during your time at PIRC in relation to investigating an allegation of race being a factor in the conduct of Police Scotland?**

Not that I can recall.

**157. What guidance or reference materials in relation to race were you aware of being available to you on 3 May 2015, had you wished to consult these?**

I am not aware of any such guidance or reference materials.

**158. Do you think you and PIRC were sufficiently equipped to investigate issues of race relating to deaths in police custody or deaths following police contact on 3 May 2015? Please confirm why this is your view.**

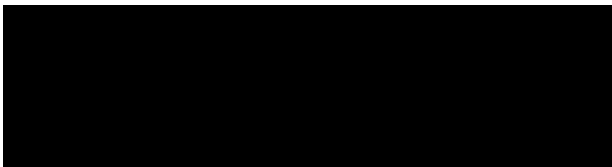
Yes I believe that at the time PIRC had the staffing abilities and experience within to investigate any incident regardless of whether it involved race or not.

**159. With particular reference to the issue of race, is there anything you have stated above that, knowing what you know now, you would have done differently?**

Not that I can think of.

## **Record keeping**

**160. In addition to your notebook (PIRC-04528), what, if any, other notes did you take during the investigation? Were the notes within your notebook completed contemporaneously? For what purpose do you use your notebook within your role? What were PIRC's requirements for you to take contemporaneous notes of your actions and decision making during an investigation?**



I did not take any other notes that I can recall in respect of this investigation. The notes in my daybook were completed generally when I am taking a call or being told something and done in order to refresh my memory or record something I have to do or have done. I am not aware of any requirements specified by the organisation.

## **Miscellaneous**

**161. Is there anything about your role in the matters relevant to the Inquiry that, knowing what you know now, you would have done differently? If so, what?**

No

**162. Since PIRC's investigation was completed what, if anything, have you discussed with your colleagues at PIRC in relation to Mr Bayoh's death and the subsequent investigation? What, if anything, have you seen or read about Mr Bayoh's death, the subsequent investigation and the Inquiry within the media?**

I have had no reason to discuss Mr Bayoh's death since the investigation was completed and had limited involvement in it. I am aware of the facts and circumstances. Within weeks of Mr Bayoh's death I was immersed in my own investigation which was complex, wide ranging and high profile.

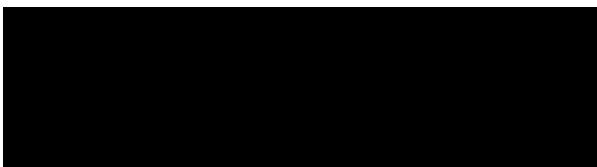
Over the years I have been aware of various media reporting on the death.

**163. You completed a PIRC statement covering your involvement in the investigation (PIRC-00381). Please confirm that the content of this statement is true and accurate. Was your recollection of events better when you completed that statement than it is now? Should there be any discrepancy between the content of your PIRC statement and this statement to the Inquiry, which account should be preferred?**

The statement that I previously submitted (PIRC-00381) is a true and accurate statement. Given the passage of time that account should be more accurate.

**164. The Inquiry's Terms of Reference are contained within Annex B. If there is anything further that is relevant to the Terms of Reference which you are aware of, but you have not included in your answers to the above questions, please provide detail as to this.**

Not that I can think of.

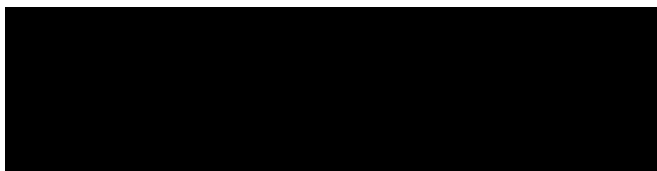




**165. Please include the following wording in the final paragraph of your statement:**

**“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.”**

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.



## ANNEX B

### Public Inquiry into the Death of Sheku Bayoh Terms of reference

The aim of this Inquiry is twofold: firstly, the Inquiry will establish the circumstances surrounding the death of Sheku Bayoh in police custody on 3 May 2015 and make recommendations to prevent deaths in similar circumstances, as would have been required under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. Secondly, the Inquiry will assess and establish aspects of the case that could not be captured, or fully captured through the FAI process, namely (a) the post incident management process and subsequent investigation and make any recommendations for the future in relation to these; and (b) the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard.

The remit of the Inquiry is accordingly:

- to establish the circumstances of the death of Sheku Bayoh, including the cause or causes of the death, any precautions which could reasonably have been taken and, had they been taken might realistically have resulted in the death being avoided, any defects in any operating models, procedures and training or other system of working which contributed to the death and any other factors which are relevant to the circumstances of the death;
- to make recommendations, if any, covering the taking of reasonable precautions, improvements to or introduction of any operating models, procedures and training, or other system of working, and the taking of any other steps which might realistically prevent other deaths in similar circumstances;
- to examine the post-incident management process and the investigation up to, but not including, the making by the Lord Advocate of the prosecutorial decision communicated to the family of Sheku Bayoh on 3 October 2018 (and the Victims' Right to Review process that was undertaken by the Crown Counsel in 2019), including: (i) the effectiveness of procedures for gathering and analysing information, (ii) the securing and preserving of evidence, (iii) the roles and responsibilities of those involved, (iv) liaison with the family of the deceased and (v) compliance with any relevant Convention rights; and make recommendations, if any, for the future in respect of these matters;
- to establish the extent (if any) to which the events leading up to and following Mr Bayoh's death, in particular the actions of the officers involved, were affected by his actual or perceived race and to make recommendations to address any findings in that regard; and
- to report to the Scottish Ministers on the above matters and to make recommendations, as soon as reasonably practicable.

October 27, 2023 | 1:38 PM BST

DocuSigned by:

