



**SHEKU  
BAYOH  
INQUIRY**

**The Sheku Bayoh Public Inquiry**

**Witness Statement**

**David Kennedy**

**Taken by [REDACTED] at 18 Woodside Place, Glasgow, G3 7QF  
on 3 November 2023**

**Witness details and professional background**

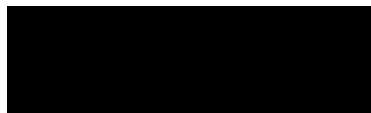
1. My name is David Kennedy. My date of birth is in 1972. My details are known to the Inquiry.
2. I am a Police Constable and I have approximately 27 years of police service. I am currently the General Secretary of the Scottish Police Federation (SPF). I was elected to this role in February 2023, and I've been in this role for approximately seven months. I was elected from the Joint Central Committee who vote to decide who the next General Secretary will be. This is a full-time post.

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### Scottish Police Federation: Experience and Career

3. I was elected by the Joint Central Committee to the role of General Secretary of the Scottish Police Federation, in June 2022 however took up post in February 2023 when the outgoing General Secretary retired. To reach the position of general Secretary you are elected by your peers, and you have to be elected into post. Your Training starts after you are elected as a Divisional representative but you're a police officer elected by your peers to represent those who elected you. I was elected in K Division and represented the interests of all the officers in K division. This is similar to a shop steward within a union. The SPF are a quasi-union, and the training and learning comes from the work that you do gaining experience and the courses that you have to attend which cover Health and Safety, Conduct and Equality. In February 2003, I had 6 years police service, and I was elected as K Division Representative for Strathclyde Police Joint Branch Board. In late 2004, I was elected as Deputy Secretary for Strathclyde Joint Branch Board, at this point the eight legacy forces had Joint Branch Boards that all reported into the Scottish Police Federation. At the time, the Scottish Police Federation had three full time Officials who were the umbrella association for the whole of Scotland. I was then elected as Secretary of Strathclyde Joint Branch Board in 2008 and stayed in this post for six years. Before the amalgamation of the forces in 2013, I was elected as National Conduct Secretary for the Scottish Police Federation and I occupied this role until April 2015. In April 2015, I was elected as Deputy General Secretary. I was the Deputy General Secretary until February of this year when I became General Secretary of the Scottish Police Federation.
  
4. I am asked to outline my role and responsibilities as National Conduct Secretary. My responsibility was to look after everything that was Conduct related. Prior to the amalgamation of Police Scotland, I represented the Scottish Police Federation and was a member of a PABS group alongside other organisations when we helped to establish the Police Investigations and

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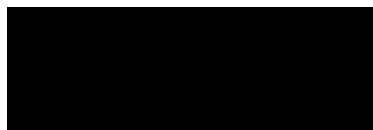


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Review Commissioner (PIRC) and moved away from the Police Complaints Commissioner that it once was. This was one of the roles that I had taken up prior to 2013. I stood for the National Conduct Secretary due to my experience in dealing with conduct related matters and representing Police officers.

5. My initial role from 2013-2015 also included promoting the new Conduct Regulations as they changed off the back of the Taylor Reform. It was my responsibility to assist the Vice Chair and to ensure that representatives were trained in the new conduct regulations and that they understood them when representing police officers. In addition to this role, it was within my remit to deal with legal responsibility which was liaising with lawyers and making sure that officers who were in trouble were getting legally represented. I liaised with CAAPD, (Criminal Allegations Against the Police Division) which is the Fiscal's unit for Complaints against the Police. I also liaised with the PIRC and the DCC designate who was in charge of complaints against police officers. It was my strategic role, to liaise with all the different factions that cover the issues that were surrounding police officers conduct and I had to make sure that the advice being given was correct.
6. I am asked to expand on my role as it relates to the training of Scottish Police Federation representatives as I have discussed at the previous paragraph. As Conduct Secretary, I was tasked with bringing representatives up to speed with the new Conduct Regulations. I had to set up a new training programme for the Conduct Regulations because they had changed. Since the Taylor Reforms, they'd moved away from being quite draconian. And as an example, officers could be fined as part of the discipline outcome, so they'd moved away from that, and they were more becoming like employment discipline outcomes. I had to make sure that our representatives who were representing individuals were trained, understood the changes, and were able to represent our members at meetings or hearings. I was also involved in the only two days set aside by police Scotland for training for the service. This was only for Chief superintendents and superintendents. I attended both those two days events to

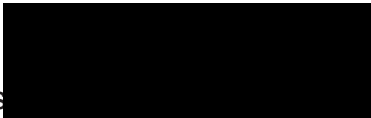
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help with that awareness of the changes that were coming in. Also, at that point, the performance regulations came into place, which were a change from the efficiency regulations. I had to make sure that they had training in place for the performance regulations. I worked alongside members of Police Scotland to implement this. We had to make training videos and make sure those training packages were correct for all police officers to understand. We completed these for both conduct and performance regulations.

7. The philosophy with the Taylor Reforms were that, rather than chastise people when they got something wrong, was to actually retrain them, find out why they got it wrong and actually fix the problem before it became something that could result in a loss of career. That's probably in the most easiest way to describe what it was, as the problem you have in the police are officers and managers are trained to deal with criminal evidence, so they end up treating employment issues in the same manner, so it's very difficult to get managers out of that mindset. When Performance regulations were being introduced it was envisaged that they would overtake the conduct regulations, because it was all about learning rather than punishment. This never happened. They are not used. They had the exact same problem with the efficiency regulations that were in place before, and the performance regulations have not been used as intended. The only time that Police Scotland ended up really using them are for dealing with officers in relation to attendance.
8. My role and responsibilities as Deputy General Secretary were as deputising for the General Secretary and the biggest role that the Deputy General Secretary had to perform was in relation to the legal advice and assistance that we offer our members. To be clear we don't offer legal advice to members, we are the vehicle to provide that door to get legal advice and we used to have an insurance policy that covered this particularly in relation to a criminal allegation.
9. The Home Office Circular of 1978 covers officers for on duty legal cover, and off duty criminal defence cover used to be covered by an insurance policy the

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joint branch boards had put in place. When we came together to 2013, for two years we had an insurance policy that covered, criminal allegations, however prior to October 2015, it was my role to bring that service in-house and we moved from an insurance policy and brought that into the centre so, it was funded by part of the voluntary fund which our members subscribed to as their professional subscriptions.

10. I had to put in place the on-call for the legal help and on-call if an officer was arrested or needed urgent legal advice. My job was to maintain anything in relation to legal advice and assistance, and also anything in relation to all events that were taking place with police officers in attendance. This is overseen by the work force agreement that we agree with the Chief Constable.
11. It was my role as the lead for the Scottish Police Federation to make sure that the SPF representatives were supporting the general membership. That was my remit: strategic overview to make sure welfare and regulations were being adhered to. Examples of that would be COP26, where I had that remit, to make sure that our reps were out speaking to the officers, making sure they were getting looked after, making sure their welfare was being looked after, and those are the two main roles of the Deputy General Secretary.

**Current Role as General Secretary**

12. I am asked what my role and responsibilities are as General Secretary of the SPF. As I've said, we are like a trade union. I'm basically the CEO of the SPF and in theory, the buck stops with the General Secretary. The General Secretary and the Chair share parts but leadership role is the General Secretary, and ultimately, as the CEO, I have the operational responsibility for the Scottish Police Federation. For instance, if media enquiries come in, it doesn't always come to the General Secretary. In the past it's maybe went to the chair and shared to officials, but you have to make sure everything that's

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going out in the name of the SPF such as memos and any information is correct. I have an oversight of all of the work that gets carried out in the SPF, and I have to be happy that everything that's getting done is being produced properly and legally.

13. In my capacity as General Secretary, I am asked is it within my remit to engage with matters of training SPF representatives. As a General Secretary, yes, you do have an oversight but mainly that would fall to the Vice Chair. So, you do have an oversight of the training and, depending on what role you have, you would help develop the training from a strategic point of view. For the representative, that is obviously training of divisional representatives or full-time officials to make sure that they are, trained to the appropriate level.
  
14. I am asked what this oversight looks like and if there are instances in which the Vice Chair will come to me for matters of training. In general terms, the Vice Chair deals with training in its totality, but at times we will discuss training needs as they arise. For example, there might be a change in legislation where we would have to say, "we need to make sure our representatives are aware of this change in the legislation," or if there's a recent outcome at a court case where which has a specific relevance to what they have to do in their job as an office bearer, I'd discuss that with the Chair make sure that we get that into the training program. It's more an oversight just to make sure if anything new comes in that we're picking it up and it is being trained accordingly.

**General Overview of the Scottish Police Federation**

15. I am asked what the role and purpose of the Scottish Police Federation is and to outline its membership and structure. The main purpose and role of the Scottish Police Federation is to look after and ensure the welfare and the efficiency of police officers. Now, that doesn't mean that we're in charge of their welfare. What it means is we've got to make sure, and we are making sure that Police Scotland is getting that right.

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16. The structure we have now is, we have three area committees. We started from the ground up. We've three area committees, and those area committees elect full-time officials for each of those area committees. The West has five full-time officials, the North and the East have four each, and that comprises of a Secretary, a Chair, Deputy Secretary and Vice Chair. The West has two deputy secretaries because they have five officials, and from that body then they elect who sits on the JCC, which is the Joint Central Committee, and there's also, at least 6 non-full-time officials on the Joint Central Committee. Each area has six members from that and out of those six we have two cops, two sergeants, and two inspecting ranks, inspecting ranks also incorporates chief inspector rank.
  
17. So, each area has two each, so that creates your six, six and six, and then above that we have three Assistants to the General secretary who used to be the national conduct secretary, the health and safety secretary, and the equality secretary, and then above that we then have the elected as the general secretary, the chair, the vice chair, and the deputy general secretary. They are elected from the Joint Central Committee and that's the pyramid and the hierarchy. The four full-time officials which I am one of and the office bearers of the Joint Central Committee, as we are known, we basically answer to the Joint Central Committee. They are like our board of directors who we answer to, and I sit as the CEO of the Joint Central Committee. That's the easiest way to explain it.
  
18. I am asked what the differences are between an SPF Officer Bearer/Official and a Scottish Police Federation Representative. The Office Bearer/ Officials are full time. The SPF representative's role is primarily to look after their division as they're elected from their peers, so they have to make sure what's happening locally is being done properly, then as that moves up, the office bearers, they have to make sure that their divisional representatives are doing their job correct and they look after their members as well from their area. The national

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officials, have a strategic view of all of that. That's ultimately how it should work and, invariably, it does work, but people's experiences are either good or bad.

19. The problem you've got is as soon as you're elected, you're looked upon as being an expert, so from day one, you're elected, people will come and say, "You're elected, so you must know everything about the Scottish Police Federation," and come to you with their problems, so it can be quite a stressful job for people because you have to learn quickly. We have official training however a lot of their experience comes from lived experience as well, so it can be quite a stressful job. For divisional representatives, they're volunteers, and you volunteer to do it; you don't get paid any extra money for it. You're basically a shop steward.
  
20. I am asked if all police officers can seek and access legal and welfare services of the Scottish Police Federation. Yes, they can. They can come and ask for legal advice. That doesn't mean that they automatically get it and if they're not a member of the Voluntary Fund, they may get initial advice, but they have to be a subscribing member to the Voluntary Fund to actually access legal advice. If they require a lawyer, they will have to be a member of the voluntary fund to get access to that.
  
21. The Voluntary Fund is our professional subscriptions, and the money is taken out of an officer's salary. They subscribe to it the exact same as you would have if you joined a union. The Voluntary Fund is the finance that pays for the Scottish Police Federation to provide the services for the membership.
  
22. I am asked what process is in place for someone seeking access to legal and welfare services. There are various ways of receiving legal advice, and legal advice which is different from legal assistance. Legal advice might just be a solicitor speaking to them, and they can do that by phoning up if it's needed urgently, but we also have an application form which an officer has to complete to access this assistance. That would normally come through the area and then

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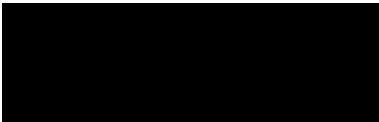
into Woodside Place, Glasgow, the headquarters of the SPF for a decision to be made. The level of that advice is dependent on circumstances and the prospects of succeeding.

**The Position Statement of the Scottish Police Federation**

23. On the 9<sup>th</sup> of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29<sup>th</sup> of August 2023. I am shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 paragraph 1 which states:

*“The SPF provides training to its representatives. SPF representatives are all serving police officers seconded to the Federation from Police Scotland”.*

24. Against the aforementioned background, I am asked whether there is an SPF body and/or committee that is responsible for training SPF representatives. There is the Joint Central Committee. The committee is there to discuss if issues come up. Deciding on policies if there’s a policy decision to be made, they’ll discuss various aspects that come up through the police service. It can be a firearms issue that’s maybe happened. It’s reported back into the Joint Central Committee, and they would discuss it from a member’s point of view to decide. Drugs testing, there’s an example where, if Police Scotland were going to introduce various drug testing, that would come to the Joint Central Committee for them to be consulted on. So, any matters that Police Scotland ultimately have to consult us on, we would normally send through to and at some point, the Joint Central Committee would discuss it there, and that’s so that the national office bearers are getting the thoughts from their peers. I, David Kennedy, as the general secretary might think one way, however, I’ve got to articulate what the Joint Central Committee have to say about it. It’s not solely just my opinion, because otherwise that just wouldn’t work, and that’s why we

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go to the Joint Central Committee to get the advice. The Joint Central Committee, via the area committees, will go to their area representative and say, "What's your thoughts on this new process that's coming in?", "What's your thoughts on this new procedure they want to bring in?" and they would discuss it. That then gives us the authority to say to Police Scotland, "Well, we've consulted with our members, and they have said X, Y or Z."

25. I am asked how the Joint Central Committee consults with Police Scotland on matters of training and if much weight is placed on the recommendations made by the SPF. It can have weight, potentially, but ultimately, it's the Chief's decision. If it's an operational decision, the Chief Constable will come and listen to us and consult with us and we'll give our opinion. There are other avenues where we go to the Joint National Committee – which the Chief sits on along with the Federation – where we can take problems and issues to the Chief and say, "this isn't working." So, the consultation process is very important. It's a legal consultation process, but parts of that also are about health and safety and risk assessments that may be involved in that as well. There are legal requirements that the service has and a lot of the time, for us it's actually going to the service and saying, "You have put a new technique [for instance] in officer safety in place, but we are just advising you to let you know: we don't believe there's a risk assessment in place for that." And we've done that in the past to say to the service, "You need to make sure there's a risk assessment." Now, how do we hear about that and how do we know about that? We know about that because somebody gets injured and then they come to us, we end up getting legal advice for them, and then through that process it transpires what has been missed. We also complete health and safety inspections which from time to time flag up areas of concern. A lot of the times with consultation, we're not there just to protect the members, we're protecting the service as a whole to make sure that they get things right, and health and safety can play a big part in that.

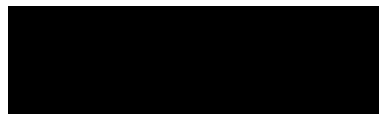
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26. Against the background the SPF consulting with its members on matters of training, I am asked if there is an obligation placed on Police Scotland to provide the Scottish Police Federation with any data or statistics as it relates to its members, for example Use of force data. We are invited to go to the Use of Force Meetings, and Police Scotland will provide at those meetings information in relation to use of force, in relation to any data that they have, and its general data that they would probably be publishing in the public domain, but that gives us the ability to consult with our members. Also, we are there to make sure that what Police Scotland are saying is correct and make sure that the data that they are providing is correct.
27. I am asked what the current process is for updating or amending training material provided to Scottish Police federation Representatives. Our training for our representatives hasn't changed dramatically as our training is about welfare and efficiency. As it relates to recent training that we have brought in. We were probably on the front foot of making sure our representatives were trained in end-of-life training as we were looking at the lifelines to do with suicide as when we had a spate of suicides, we had to make sure our representatives had awareness of suicide and the impact of it and how you speak to people and the impact that has. Now, that was done in conjunction with Police Scotland, but we also introduced other training that we brought long before Police Scotland had done that, the menopause training would be an example of that, we were on the front foot to make sure our representatives understood the issues surrounding menopause.
28. I am asked if the training provided to Scottish Police Federation Representatives is updated regularly or as and when required. We look at our training regularly. We're looking at it now as we are approaching the quadrennial elections and also if and when an issue arises, we will look to representatives re a particular issue.

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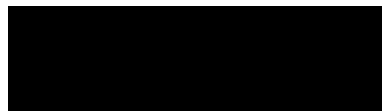
### **Quality Assurance & Feedback Questionnaires**

29. I am asked what quality assurance is in place to ensure that the right and most up to date training material is disseminated to Scottish Police Federation Representatives. Well, we always update on legal, if there are any changes in the law, any stated cases that change the law. We make sure that that information is cascaded down to our representatives and that's done on a regular basis. Within the conduct regulations, I made them introduce a questionnaire, so they were actually questioned on it, and they had to show they understood it. Also, as people and officers are representing a member, there'll be somebody else overseeing them looking, and checking that work to make sure that they're getting it right and that way, hopefully, we can quality assure what is going out. Now, that doesn't mean there won't be cases that we won't see it because we don't see every single one. We rely on our members to tell us if there's a problem, that a rep has maybe said X, because you can't guarantee everything that someone says is necessarily correct, but we try our best with the training and the processes we've in place to make sure that they get it correct.

### **Scottish Police Federation Induction Training Course**

30. I am asked to outline the Induction Process/Training Course provided to Scottish Police Federation Representatives, in particular the training structure, the teaching delivery method, and who delivers the training. The induction, for want of a better term, we have basic training which the officers who are re-elected will come in and receive. That's done over several days and they would come in and receive that training from Vice Chair Brian Jones and others. So, for instance, the Deputy General Secretary might give them an input on legal advice and assistance and the lead in each area would normally provide an input where appropriate.

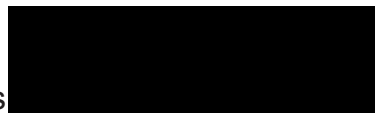
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31. The representatives being trained will sometimes receive homework at night to do, they have to be able to come forward with motions, they get regulation questions, they're taught the regulations as much as we can and then they're asked questions on them to make sure that they understand the regulations. The basic training is there to try and make sure that, when an officer at division comes to a divisional representative, they're able to answer the questions that they may have. Now, the basic conduct is not there to offer, necessarily, advice on what happens, it's so that they can pinpoint them to the next person, where to go to get that qualified support. Off the back of the basic training, we then have advanced training, which then goes in more into the specifics, health and safety, equality, conduct etc.
32. So, we train officers in health and safety, we train officers in equality so that they can represent members at grievances, and we train them in conduct so they can represent members at conduct meetings and conduct hearings. We try and limit it to two of the specialisms, for want of a better term, because then people can't be overwhelmed, but we do have representatives on all three. I was trained in all three and could represent on all three subjects when ultimately that would be your ultimate goal, to have every representative be so good they could be able to represent everybody in all these areas, but the biggest problem you have for divisional representatives is it's down to the local commander whether or not they get the time to do their role because it's voluntary. We've been lucky that there has been an agreement signed with the chief before where they agree they'll give us time for the reps to do their job, but that's down to the chief constable and down to local commanders if that actually happens.
33. I am asked to outline what the Advanced Training provided to the SPF Representatives looks like. The advanced training covers all three areas, Conduct, Equality and Health and Safety. If we look at health and safety, for instance; representatives would go on a more advanced health and safety course. These courses are run by an external agency and representatives

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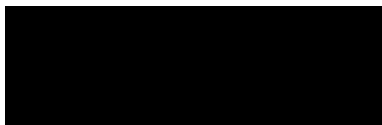


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become trained properly and legally trained so that they can carry out accident investigations. An example of when this training would be used is if we have an officer who suffers an injury, the health and safety leads would action a health and safety investigation and that advanced training is there so that the representative carries out the process correctly.

- 34. We specifically train people so they can go to conduct meetings or conduct hearings and represent our members there, and with the equality training we make sure officers understand the changing world of equality as it's continually changing, and we want our representatives to be trained so that they can represent officers at grievances and for some employment tribunals or medical appeals if needed.
  
- 35. I am asked if the Training Agreement between the Scottish Police Federation and the Chief Constable is generally enforced and if Federation have had instances in which representatives have not been able to attend training. We have in the past. We've had representatives who say, "We can't attend." We invariably will run training courses, but it's very rare that we actually ever get a full course, because operational demands come in and what happens is representatives can't attend the course and it is quite frustrating, but obviously they're operational police officers. For the full-time officials it's a lot easier because they're full time, so you can more or less guarantee that if I set a training course up for a full-time official they'll attend, but again, that's still subject to operational demands, something might happen, something might come in, an event or a disaster. Glasgow Airport terrorist attack would be a prime example it was all hands-on deck for the Federation when that happened to make sure that our members were being looked after properly. Anything could come in like that which would stop a training course, but in general terms, we've got a good relationship with the service where they'll try their best to make sure that it is accommodated, and officers get the time.

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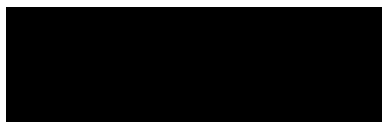


36. Insofar as I am able to comment, I am asked, in my opinion, if the instances in which representatives are unable to attend training affects the adequacy of service provided by the Scottish Police Federation. No, because what we'll do is we'll make sure that if you haven't been trained to represent somebody at a conduct meeting, then you shouldn't be representing somebody at a conduct meeting. So, it should not affect it on the basic level we would hope we've tried to make sure once somebody's elected, they get the basic training, and the basic training should be enough to allow them to act as a Federation representative in their capacity as a local representative/shop steward.
37. If they then move on, though, they shouldn't ever be conducting health and safety, conduct or equality if they have not been trained in that matter. They can offer advice as a representative, but they should be signposting the member to the appropriate person. Now, that doesn't mean to say I couldn't have a divisional representative somewhere who decides to advice someone and hasn't been trained however we do emphasise that they shouldn't be doing that. So, if we find out that a rep has been acting on somebody's behalf and is not trained, then they should relinquish that representation because they are not trained in that capacity. I think from a local point of view and the area's point of view, they should have a good handle on those type of scenarios.

**Refresher/Continued Professional Development Training**

38. I am asked whether there is an onus on SPF Representatives to undertake refresher training and/or CPD. Yes, we have various training. The training diary is looked at and the Vice-Chair reviews the training on a regular basis it's similar to CPD for lawyers. We sometimes ask our solicitors to provide a seminar or training they've gave advice to our representative on maybe changes to the law. That happens because you get a change in the law, change by *Cadder v HM Advocate* 2010 UKSC 43 there were changes that came in, there were changes with the custody, so we do have various points

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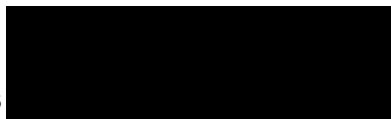
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where we'll bring training in. Within the areas, they'll allow for training inputs in their area meetings. For instance, at the moment I'm setting up Equality, Diversity, and Inclusion (EDI) training for all of our representatives, although Police Scotland offer EDI. We are making sure our representatives are up to date with their training. Unfortunately, an issue we do have at the moment is Police Scotland have suspended all training because of the financial pressures and that has a knock-on effect.

### **Suspension of OST Training by Police Scotland**

39. I am asked if this has been a recent decision by Police Scotland. Yes, so that has a knock-on effect where it makes it more difficult for me as the General Secretary to then try and get any training put out to representatives when all training has been suspended.
40. Insofar as I am able to comment, I am asked to outline the details of this decision by Police Scotland. Because of the cuts with money, Police Scotland are suspending all training unless its essential training. They're needing essential training for the next two to three months. This is recent change. So, that does cause concern, I have a big problem with that. I think training is looked upon by some as an extra when it's not. Training is actually essential.
41. Officer Safety Training (OST) obviously is one of those areas. Officer Safety Training is something I think we don't train enough in, but training costs time, and money, and that's part of the reason the police can't then do it. We have, for as long as I've been a Federation representative, always been arguing for more training in OST and more training in general to make officers better and more aware of what they should and shouldn't be doing. You should train and practice not, so you get it correct but more, so you don't get it wrong.
42. Insofar as I can comment, I am asked what Police Scotland considers to be "essential training". Essential training will be what they decide has an

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operational need, but they have decided that OST requalification training is not essential, and the SPF do have concerns re that Officer Safety Training is a five-day course when you first join the police. They thereon after, every year you get requalification, but if you're not using that technique all the time then that becomes more difficult. Police Officers have to remember the technique. So, that's why it is important, particularly in OST training, that the techniques are easy enough for people to remember the technique and understand what they should be doing. Now, for years, the financial part of policing has always looked at ways to cut the training, because training is looked upon as you're taking people away from the front line. When you're training somebody, they're not there answering calls, they're not doing their police job, but the problem you have is when you don't train you lose that edge, that muscle memory that some call it. You become slow or clumsy in the technique. I was an Officer Safety Instructor, I was adequate. I was doing it all the time, and having that ability is so important. When you're not in that mode, then it makes the task more difficult.

43. Some officers could be trained at Tulliallan and only do their requalification every once a year, and then they're faced with a situation where they have to use their baton or use CS, and if they've not been doing it regularly and practising it, it doesn't come second nature to you if you're not doing it all the time. So, that's my opinion of why I think there should be more training, but the problem the service has is they don't have enough time and the money it costs. The training is looked upon as what's the minimum we need to do to pass rather than what's the maximum we could do to actually be really, really good at it and that's what training is for me.

44. I am asked if the Scottish Police Federation have communicated the concerns that I have outlined above as it relates to the training provided by Police Scotland. Yes. Every so often, we will have concerns, we will raise concerns about Officer Safety Training, and when a new technique is being adopted,

Signature of Witness



we have to be consulted as do the crown office and PIRC. Officer Safety Training should be simple and easy for anybody to do. You shouldn't have to be a martial arts expert, for instance, to be able to do a police officer safety. It should be something that's simple that people can learn, remember, and be able to use on a day-to-day basis if they have to, because the more complicated it becomes then it's less likely that somebody would use that.

45. That's why, over the years, they've changed from the side-handled batons to just the normal batons, they've changed the handcuffs, and the health and safety part of our world will make sure that that's been looked at, risk assessments are looked at. They've brought in fast straps for people's legs. An example of risk would be there was a fast strap for the chest, but they deemed that to be dangerous in the west of Scotland because they suffer heart attacks. So, there's various things that they will bring in and change and look to bring in training, but for me, it's the simplicity of training. The more simple it can be, the easier it is for people to understand it and get it correct and get it right.

46. Insofar as I am able to commitment, I am asked, in my opinion, if I consider the current OST Training provided by Police Scotland to be simple and adequate. I think it's adequate. I don't know if it's always simple, but I do think it hits the mark. The issue is because officers don't get to practise. They don't have time. They don't get to go and practise with their OST techniques. So, for the vast majority of them, they will do their initial course, they'll get their refresher and then they won't get the opportunity to use that technique again until something actually happens in front of them where they either have to take their baton out. The biggest training, they get is verbal commands, and verbal commands, for me, is normal if you talk somebody down, they probably use their verbal commands more, but the actual techniques, unless you're using it, until it happens, a lot of people would be slower or more sloppy as they are having to try and remember.

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47. I am asked if what solution (if any) I would propose to improve the OST training provided to police officers. Well, the solution in mind would be to get them to be able to practise it once a month or once every week, a couple of hours to practise their OST techniques, practise that part of training, practise their verbal commands, instruction. Absolutely, but they simply don't have the money or the time. So, everything's done in a 'we can just do enough to pass what they have to pass on', but that would be absolutely perfect if officers could have that opportunity to do that, but that will take more money being invested in the Police Service.

### **Scottish Police Federation Training on Welfare**

48. On the 9<sup>th</sup> of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29<sup>th</sup> of August 2023. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 where the following question was asked:

*"Specify all training Scottish Police Federation Representatives receive as it relates to providing welfare advice to police officers as at the date of this request of this position statement".*

The Scottish Police Federation responded as follows:

*"The welfare of police officers (along with the efficiency of police officers) is the statutory remit of the Scottish Police Federation. Police officer welfare runs through all SPF representatives training but is not subject to a specific 'welfare' training input. Although Police Scotland has primary responsibility for officer welfare, SPF is involved in welfare relating to numerous topics including health & safety, uniform & equipment, fleet, refreshment breaks,*

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*maternity, paternity and special leave, flexible working, shift patterns to name but a few. All of these topics impact officer 'welfare.'"*

49. Against the background of the SPF response, I am asked to outline what welfare is from the perspective of the SPF and what it looked like in 2015 and at present if this has changed. I don't think there's been any change. I think welfare is exactly what it says. It's making sure that the specific welfare of people is correct, and they are looked after. Welfare can be anything as simple as if you're a representative going to an incident, to make sure you're saying, "Have they been fed?" An example would be a firearms incident, to make sure that officers are looked after if they're witnesses or, if there's been a post-incident process, their welfare has been adhered to, as in, did they get something to eat? Have they phoned their family members? Do their loved ones know that they're not coming home? To check there's anything in the press? Are their family members going to think that something happened to them?
50. That's the welfare issues and making sure that officers are being looked after it's not our responsibility as the SPF for welfare of an individual. That's the responsibility of Police Scotland, we are pushing Police Scotland to make sure they are looking after their welfare and within our training we make sure the officers know that. Obviously, welfare covers health and safety and makes sure that those aspects are correct as well. Welfare is looking after somebody as a human being and making sure that their needs, for whatever needs they require, has been met.
51. Considering the SPF's response, "*Police officer welfare runs through all SPF representatives training but is not subject to a specific 'welfare' training input*", I am asked where the actual skills are that SPF representatives are picking up that would equip them in the performance of their duties. The skills we get is through our basic training. We're told

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about, "You're looking after the individual, you're looking after them as a person," and obviously it's the establishment's responsibility to look after them as a police officer, but it's our role to make sure that everything that the police is doing is correct and safe, and that's embedded in what we do. Welfare and efficiency are, I suppose, our motto, and it's to make sure that those basic aspects are being looked after, and, again, that could be somebody getting something to eat or making sure that they are not being overworked.

52. I am asked if the training that is provided to SPF representatives encompass training in supporting police officers insofar as it relates to their mental health and well-being. It's Police Scotland's responsibility for looking after the mental health of a police officer. We will always try and incorporate within our courses and allow officers to understand the issues that threaten the mental wellbeing of an individual. Health and safety would be the first issue we would be looking at to make our representatives and understand health and safety law, but then we are going to Police Scotland to ask, "What training are you giving police officers on this?"
53. So, we don't have an actual remit because we are not training the police officers. We're training our representatives and, if anything, we'll be training them potentially to identify an issue and it might be, for instance, if an officer I speak to on the phone says to me, "I'm not in a good place," the first thing I'll be doing is phoning their command team to say, get two police officers to go to their house and make sure they are ok , and I've done that, where I've had to send the police to their house to check that they are safe because first and foremost, I'm a police officer, then a representative. It's Police Scotland's responsibility to make sure that they're safe. So, if I'm representing somebody and they say to me, "I'm not in a good place, I need assistance," it's 100 per cent Police Scotland's responsibility to make sure that they are ok.
54. Now, I have had personal experience where I once was called, several years ago, to an incident where I was representing an officer who had, barricaded

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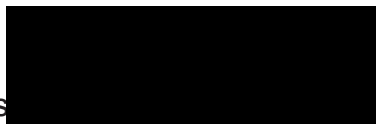


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himself into the house and he was obviously in a bad place. I was asked by his commander to come down and speak to him, only because I had a rapport with him, and it should have been probably a job that would have been done by somebody in the service, but just because of my connection with the individual at the time I went down and spoke to him and managed to get the weapon off him. It should have been the job of a negotiator, but it was really me acting in my job as a police officer, not as a Federation representative, and just because of the knowledge I had, I did go and assist, but that's probably doesn't happen very often.

55. Insofar as I am able to comment, I am asked, in my opinion, if there is adequate support and training provided by Police Scotland to police officers as it relates to their mental well-being. No, they don't get any. I mean, the recent *SBPI-00413 HM Inspectorate of Constabulary in Scotland: Thematic Review of Policing Mental Scotland Report*, tells you that. What the police do is they always just do enough to think, well, that's it, that's just enough, but police officers don't get enough training on understanding mental health. They just don't get it, and more than 70 per cent of the people they deal with have been in some kind of mental health crisis, and it's understanding the triggers in recognising what you see and what you do.
56. Now, a lot of police officers, over the years gain experience and understand when you're dealing with somebody, "Don't be saying X or Y," or understand through personal contact what you should or shouldn't do, but if you're just fresh out of Tulliallan, or you've not met that type of individual before and don't understand that they're actually going through a mental health crisis, they're not trained in it at all, and there has to be more training so that police officers are able to deal with that. So, no they are not trained properly at all.
57. I am asked, in my opinion, if there is a direct link between the mental health training (or lack thereof) provided to officers by Police Scotland and the

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volume of conduct cases that are presented to SPF. There is most definitely a link to PTSD suffered by officers and conduct issues.

58. I am asked what discussions (if any) the SPF has had with Police Scotland as it relates to the inadequacy of Mental Health training provided to police officers. Prior to Police Scotland there was a proper training committee set up the Association of Chief Police Officers Scotland (ACPOS) that used to be a training facility, but they're all gone now. So, it's really difficult, and now we've got access to certain training committees we might be asked to go on, but ultimately, it's the Police Scotland's job, but the problem you've got, again, is money. So, there's loads of training we would like Police Scotland to do and asked them to do it, and HMICS are looking at that now. The recent report on mental health is quite scathing on the surface and I absolutely concur with that. They need to do more, but the problem we have is we can only ask or advise that this would be a good idea, but ultimately, it's the chief's responsibility and it's down to the chief constable and whatever they decide what they're going to bring into the service.

59. I am asked if the SPF have made any recommendations to Police Scotland on how mental health training could be improve. I think over the years, through the various committees, we've certainly asked for more training, we've asked for various aspects to be put in, but we've not made specific recommendations as in the report, and that's what the HMICS have done. We continually highlight to Police Scotland, and we've done that via the media and via our committee structures to say, "we need more training in mental health; we need to show that people we're aware, dealing with somebody who's potentially going to try to end their life, what are the triggers, you think about," all that knowledge. So, it's a continual battle. We engage with and provide evidence to the HMICS. We've been to parliament. David Threadgold, our chairman, gave evidence at the last Parliamentary question before the

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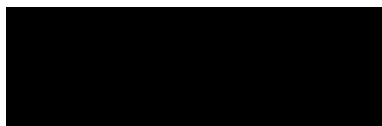


HMICS report came out, and we speak to politicians regularly, when we can, in reference to it, and also, obviously, HMICS will always come and ask for our input when they are doing a review, and that way we get our thought process out to what we believe would help the service. I believe in the last three years we've done quite a lot on mental health and put officers forward as well to various committees. The Justice Committee took evidence from several officers a few years ago on mental health. So, it's ongoing and, certainly, I don't think it's going to get fixed any time soon.

60. Insofar as I am able to comment, I am asked, in my opinion, would the provision of mental health training be helpful SPF representatives in carrying out the performance of their duties. Yes, absolutely, of course it would. Anything you can learn as a representative; the more knowledge you have from the people you're representing. So, if you're trained as a police officer and then you become a representative, of course, absolutely, it would absolutely help your position because you then speak from a position of knowledge, which is always the best place to be.

61. So, we can look at training to understand mental health for police officers in the sense to look at if we think there's a trigger point for a police officer and to understand the issues they have, and over the years we've done that, we've understood from the questions we ask to then find out somebody's actually got an alcohol problem or they're dependent on a drug and looking for the trigger points to ask that. In training we teach our representatives that there are certain questions you should ask to make sure, try and find out what the root cause of somebody's problem is. It's more about understanding the questions to ask.

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**Scottish Police Federation Training on Legal Advice: Status, Operational Statement and Completion of Paperwork**

62. On the 9<sup>th</sup> of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29<sup>th</sup> of August 2023. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 where the following question was asked:

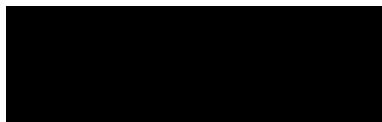
*“Specify all training SPF Reps receive as it relates to providing legal advice to police officers as at specified date.”*

The Scottish Police Representatives responded as follows on pages 1 and 3:

*“The legal advice training provided to SPF representatives stems from the legal Advice Guidance provided to members. The Guidance provided as of 03 May 2015 is attached and the current guidance is attached”.*

63. Against the background of the SPF response, I am asked to outline my understanding of what legal advice and assistance is from the perspective of the SPF as of 2015 and present day if this has changed. So, it’s basically the same as it was then, as it is now and we don’t offer legal advice as representative, we’re not lawyers so we can’t, in actual fact, we’ll tell them that, we’ll say to them, “Remember, we are not lawyers. We are police officers. We can’t offer legal advice.” What we do is ask the following question are you a witness, suspect, or accused. The basics and basically what you’ll always ask an individual, and from that question and that answer will then open certain doors for the officer to get assistance. We should never attend, as a Federation representative, to a criminal interview for a police officer because we’re not lawyers. We would then become witnesses. England and Wales used to have

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an agreement with Crown Office that they would get that legal privilege as the Federation in England. We don't have that in Scotland.

64. I have been informed that it is the Inquiry's understanding that in 2015, the SPF did not provide cover for criminal investigation, defence, or Fatal Accident Inquiries, insofar as legal advice and assistance is concerned. This is now covered by the SPF in accordance with 'Scottish Police Federation: Legal Advice and Assistance Guidance' in January 2023. I am asked what the reasoning behind this change in policy was. We basically moved from insurance policy, which covered it, to internally. So, when we moved in 2015, I mentioned before, October 2015, everything came across to the SPF. So, basically, that was the difference and, obviously, even though we offer it, the first port of call is if it's on duty we'll go to the service and the Scottish Police Authority and apply to them for funding in the first instance.
65. If it's off duty, it would then come to the Federation and our legal advice assistance is all based on prospects of success. So, officers may get initial advice as they require it, if somebody's arrested, they'll go into custody, they need a solicitor, there's a process in place that they get that initial advice, but whether or not that then continues to a trial is dependent on the circumstances. So, there's not an automatic guarantee that legal advice and assistance would be granted, and they have to then fill out an application form where it's assessed for prospects.
66. I am asked my opinion as to whether SPF representatives presently have the requisite skills to provide the right guidance to officers, as it relates to officers seeking legal advice and assistance. They get the training to understand, what's on offer for a member if there is trouble, and invariably, they would get them to contact our helpline, which is just our Federation number. As far as advice is concerned, they never give out legal advice, and that's really important to make that point as that's not what their role is.

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**Scottish Police Federation Training on Conduct**

67. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 3 where the following question was asked:

*“Specify all training Scottish Police Federation Representatives receive in dealing with incidents resulting in deaths in Custody and Deaths after Police Contact, insofar as: -*

- (i) Ascertaining the status of police officers who were involved in the incident.*
- (ii) The provision of those officers’ operational statements and*
- (iii) The completion of those officers’ notebooks, use of spray forms; and use of force forms as at (a) 03 May 2015 and specified date.*


The Scottish Police Federation responded as follows:

- (i) No specific SPF training but representatives are advised to inform members to ask if they are a witness, suspect or accused.*
- (ii) SPF has issued advice on operational statements generally- see Conduct Advice*
- (iii) SPF does not give advice or training on these issues.*

**Scottish Police Federation Advice on Status of Officers:**

68. Considering the Scottish Police Federation response above, I am referred to the ‘Conduct Advice 2023’ on page 4 of Position Statement SBPI-00369 where it states:

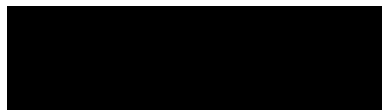
*“When you are interviewed/counseled/questioned in circumstances where you believe that a criminal or misconduct enquiry may be taking place, ask*

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*the following questions: Is this an investigation into a possible criminal offence? Am I a witness/ suspect/accused?"*

69. I am asked to provide commentary on this. It's pretty straightforward. They're obviously told what their rights are as an individual, but we don't give any legal advice on that. It's basically saying, "You have to understand what your status is." From there on in they decide, as an individual, how they deal with it.
70. I am asked whether the 'Conduct Advice' guidance goes out to all members, or whether it functions as an aide memoire to SPF Representatives. No. Well, actually, members used to get it because you used to get diaries and it was actually printed within the diary. Unfortunately, those diaries, the company that used to provide them no longer produce them, but it's on our website, it's advice that they get when they first join. They'll be told this, and this is standard, it's on our website, and it's our standard response. So, certainly, any officer who joins the police service, they would have got that advice at some point. We used to give out advice cards, and they still get that advice when they join. So, every single police officer if they've joined either the old forces or they've joined Police Scotland, would have got that advice to say, "if you are ever questioned, these are the three answers," this-- you must have to understand, "Am I a witness, suspect or accused?", and that's been there since I joined, and it's still there now. That advice has not changed.
71. I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the advice provided to officers relating to their status in the aftermath of a death in police custody or a death following police contact. They would just give them the information "Are you a witness, suspect or accused?" That's it. There's no other advice that they would give. If it's a post-incident, they would offer the opportunity for a legal call, if that's needed, to a lawyer, if an officer chooses to have that, which doesn't happen very often but that's it. Their main

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involvement would be to make sure the officer is getting looked after i.e., their welfare.

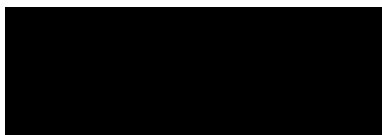
72. I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the advice provided to officers if they had been verbally assured that they were witnesses. Normally, it'd be more formal at these positions if somebody's been asked "What is my status?" and normally that would be taken by somebody interviewing or somebody speaking to them. In the early stages of a death in custody, it depends what role that individual took on, the police officer, should probably be able to identify if they're a witness, suspect or accused. Accused, you'll be told you're an accused, but a suspect, that's where there can be confusion if somebody's a suspect, you shouldn't have a post-incident process because they can't say anything until they know that they're the absolutely 100 per cent a witness.

73. I am referred to the 'Conduct Advice 2023' on page 4 of Position Statement SBPI-00369 where it states:

*"Irrespective of the answer, your rights are the same as any other citizen. If in doubt regarding your response, you have the right to **REMAIN SILENT**, seek advice and respond at a later date. Thereafter, contact your Federation representative on..."*

74. Against the aforementioned background, I am asked, what is the purpose of contacting an SPF representative and what is a hypothetical reasonable SPF representative expected to do in accordance with their training. It's so that we can get access to the solicitor. They have to come to us to make sure they're a member of the voluntary fund and then we provide them with a solicitor a solicitor phones them, or a phone number will be given to them to phone a solicitor. That's the reason why. We are the conduit for them getting access to the legal advice.

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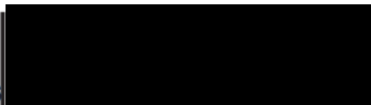
**Scottish Police Federation Advice on Completion of Operational Statements:**

75. I am referred to the 'Conduct Advice 2023' on page 2 of Position Statement SBPI-00369 where it states:

*“An operational statement should relate only to operational duties undertaken by you during any particular tour(s) of duty and need not include any comment by you regarding the report, complaint or allegations made against you. If you are the constable subject to investigation you CANNOT be compelled to make any oral or written statement or answer any questions in relation to the complaint prior to seeking advice. If you make any statement in the ordinary course of duty you should be aware that such a statement may subsequently be used in any misconduct proceedings taken against you.”*

76. Against this guidance, insofar as I feel I can comment, I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the advice provided to officers relating to the completion of their operation statements in the aftermath of a death in police custody or a death following police contact. A representative wouldn't normally be involved in this part of the process and operational statement is about an officer's involvement, how they provide their operational statement, Police Scotland train them in that. Again, it's witness, suspect or accused and that would mean if you're a suspect, then it would be clear you shouldn't be writing anything until you've sought that legal advice, or the advice would be from what the solicitor tells you to do. A lot of cases there will be once they've had legal advice, they might provide the statement after the event, which does happen from time to time, I believe, but I'm not aware of any with death in police contact. If somebody's a suspect, they wouldn't be giving an operational statement, and that changed actually. The advice got better, I suppose, in a better sense, when the Crown Office got involved, and informed the Professional Standards Department (PSD) , “No officer should

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be asked for an operational statement if they are accused or are suspected of a crime,” and so it became a bit more simpler where officers then knew, so that PSD would know, “Don’t ask them for a statement at the moment because they’re potentially a suspect.”

**Scottish Police Federation Advice on Completion of Paperwork**

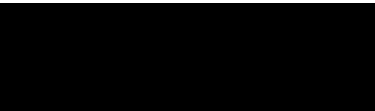
77. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 3 where the following response was provided on the completion of paperwork by officers:

*“The SPF does not give advice of training on these issues”.*

78. I am referred to PS10933, Use of Force Standard Operating Procedure version 1.03 amended 26 August 2023. I am directed to paragraphs 6.4-6.5 which deals with the obligation on officers to report the Use of CS/PAVA Spray and paragraphs 6.2, 6.3. and 18.8 which outlines the obligations for officers to complete Use of Force forms. This obligation to report to the PIRC has been in place since 2013. Against this background, I am asked why the SPF does not provide advice or guidance to officers in relation to the completion of paperwork. This is a Police Scotland function. It’s not our function. It is that Police Scotland who train officers. It’s not the SPF.

79. I am asked whether I think training should be introduced to SPF Representatives on those matters of administration. That’s a Police Scotland function. It’s not something that we, as the Scottish Police Federation, would ever be involved in.

80. I am asked, in my opinion, if it would be helpful for SPF representatives to receive training in relation to the completion of forms and paperwork by police officers. Well, it’s not our remit. It should be a Police Scotland function. The SPF might sit in committees that when they look at the forms, how the forms

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are made up and what they're trying to achieve by the forms, but it would probably be standard, if an officer is accused or something, then they probably would be asked not to fill them in because that's potentially not what they should be doing. I believe that the manager would probably say, "You don't need to fill that in at the moment." And there's a timing issue as well, for example if x comes in after arresting somebody, x might go and fill in these forms, fill in his Use of Force if they used it, but if the complaint came in prior to filling in those forms, that's where the officer might think, "Well, Am I a witness, suspect or accused. What should I be doing there?" So, there is a timing issue there, depending on when a complaint comes in, what happens. It's not necessarily somebody willingly obstructing or wanting to obstruct or not do something, it's just they'd be taking that advice.

81. Insofar as I feel I can comment, I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the completion of paperwork in the aftermath of a death in police custody or a death following police contact. Well, again you're basically telling them to look at what their status is first and foremost. So, if they knew their full status then that's why you ask it, "Am I witness, suspect or accused?" and then they'll be taking the appropriate advice for that. You'd need a record of it because that's really, really important.

**Advice provided by Scottish Police Federation Representative Amanda Givan:  
Inquiry Statement and Oral Evidence**

**Advice regarding the Status of Officers on 03 May 2015**

82. I have now been shown the Inquiry Statement of Scottish Police Federation Representative Amanda Givan SBPI-00072 at page 36, paragraphs 159-161 which deals with the guidance/advice provided to officers, that state (respectively): -

Signature of Witness





*“I have been asked what advice, if any, I gave to the officers. It will have been: in the event that you’re asked for a statement or requested to provide a statement that they should be establishing what their status is. That’s quite an important thing to police officers. So, establish, ‘Am I a witness or am I a suspect?’ And obviously, depending on what information they are told will depend on what the advice that would come next. That is pretty much the substance of the advice that I gave throughout the day. In the event that someone comes and asks you for a statement, find out what your status is, witness or suspect. If you’re a suspect, then we’ll get some legal advice and if you’re a witness, game on.*

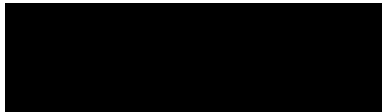
*‘Game on’ means if they were confirmed to be a witness, then they could provide an operational statement. They can put in whatever they want in their operational statements. So, providing that they’re given sufficient information about what’s looked for, there’s no issues with them provided that they are considered to be a witness.*

*In the event that they’re a witness, they can provide a statement to the police. If they were considered to be a suspect, then they would probably be looking for some legal advice first before doing that, and it would be unlikely to happen in written form would be the reality of that.”*

83. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan’s statement during Miss Givan’s oral evidence to the Inquiry on the 14<sup>th</sup> of June 202. The transcript of Miss Givan’s evidence reads the following at page 55:

**Counsel Angela Graham KC:** *What advice did you give to the other officers?*

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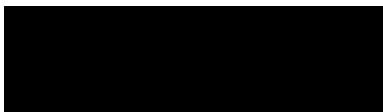
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**Amanda Givan:** *“So, the advice that I gave to the officers: was at some point someone who is investigating may come along and ask you for a statement. What you should be enquiring is what your status is, am I a witness or am I a suspect? If you're a suspect then you probably want to seek some legal advice before you do that because they really shouldn't be asking you for a statement if you're a suspect, and if they confirm that you're a witness, then -- I suppose -- we never got to that part but the next part might have been: are we doing that today? Is today the best day for that to be done given what had gone on earlier? But yes, it was as straightforward as that, of going: if you're asked for a statement, you should be asking -- because they will not ask me for that, I wasn't there, you should be ascertaining whether you're a witness or a suspect.”*

84. I am now asked whether Amanda Givan’s response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as of 2015 and present day. Yes. I think that she’s answered it correctly. I think that would be what you would say, “Witness, suspect or accused,” and say that somebody should get that advice. You would expect nowadays that they would allow that advice because of what has happened with *Cadder v HM Advocate* 2010 UKSC 43.

**Advice regarding the Completion of Notebooks and Use of Force Forms on 03 May 2015**

85. I have now been shown Amanda Givan’s statement SBPI-00072 at page 37, paragraphs 164-165 which deals with the completion of notebook and use of force forms (respectively):

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*"I don't think I gave any advice regarding the completion of notebooks. Don't remember specifically speaking about notebooks."*

Regarding Use of force forms:

*"Regarding Use of Force Forms, I advised them that there were other supervisors who were on duty who could fill out that information who already had that information, so, until they were advised whether they were suspects or witnesses, that they probably shouldn't complete that form. I did do that."*

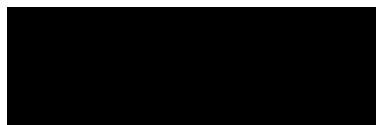
86. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan's statement, by asking if this is consistent with what Miss Givan said on the Day. Miss Givan responded as follows at page 92 of the transcript:

**Amanda Givan:** *"Yes, I mean it's -- had they been told that they were witnesses, clearly any information that they provide in forms or documents -- it would all be relevant."*

**Counsel Angela Grahame KC:** *And you are saying there, there were other supervisors who were on duty who could fill out that information, was it your understanding at the time that one use of force form could be completed per incident and a supervisor could complete that?*

**Amanda Givan:** *"I'm not sure whether one would have sufficed for the whole incident, but certainly, you know, there's lots of occasions where these forms are required to be filled in, but perhaps the officer involved has had to go home because they are either unwell or they have become injured, so there's flexibility within that process that allows someone else to fill the form in, so I had every expectation that these officers that were involved in this process,*

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*that they wouldn't be required to fill out this information when probably sufficient detail was available by other supervisors”*

Miss Givan offers further clarification at page 93:

**Amanda Givan:** *“... I would have an expectation that if these officers were involved in something traumatic or dramatic and they needed to be sent home, that someone else could fill that document, if it was necessary to be done there and then, but they shouldn't be required to fill out a form when their status is uncertain”.*

87. I am now asked whether Amanda Givan’s response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as 2015 and at the present day. Yes, I think it would be reasonable from what she said. Again, it’s, “Witness, suspect, accused,” and if there was a Use of Force form to be filled in, there’s no reason why. The supervisor couldn’t have done that given the basics, although they couldn’t fill in the intimate detail because only the individual that used the force would know that, but I think from what Amanda has answered there would be a reasonable answer for somebody in her position.

**Advice regarding the Completion of CS / PAVA Spray Forms on 03 May 2015**

88. I have now been shown Amanda Givan’s statement SBPI-00072 at page 37, paragraphs 166 which deals with the completion of CS/PAVA Spray forms:

*“I have no idea about CS/PAVA forms. That's something you would need to ask people in Police Scotland. I think there's perhaps a form to fill in if you've used it in order to get a new, fresh bottle, but I've never filled any of that in, so*

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*I don't know what the process is for that, and I certainly wouldn't be the one to give advice on that."*

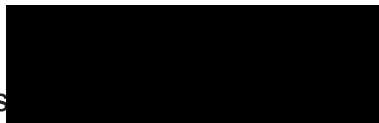
89. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan's statement, at page 94 of the transcript:

**Counsel Angela Graham KC:** *So, that's not something you had experience of?"*

**Amanda Givan:** *"No, I mean obviously before I took up this job I have used or had been issued with PAVA. I've never used it, so I -- like everything, there are processes for absolutely everything in Police Scotland, so I have no doubt that there is a process and a procedure to fill in a form if you have discharged your PAVA or CS spray in order to get a replacement bottle. I just have never filled that form in. I wouldn't know where it would be, and I probably wouldn't be the best person. Had I been asked that question, I would have suggested that they perhaps speak to Scott Maxwell, or another sergeant on a team if they needed more information -- they would actually have more information about how to do that than me."*

90. I am now asked whether Amanda Givan's response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance 2015 as at the present day. Yes. I think Amanda's answered it the best she can there. It'd fall again to "Witness, suspect or accused?" In my experience of any of these instances, I have never once been asked by anybody, "Should I fill my notebook, should I fill a CS, or should I use a force form?" I have never been asked that.

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91. I have now been shown Amanda Givan’s statement SBPI-00072 at page 37, paragraphs 167 which says:

*“I don’t believe there’s any requirements to fill out statements, notebooks or Use of Force forms.”*

92. It is now explained to me that Counsel to the Inquiry, Angela Grahame, sought clarification in respect of this passage of Givan’s statement at page 95 of the transcript:

**Counsel Angela Grahame KC:** *So, when you say, "I don't believe there's any requirements to fill out statements, notebooks or use of force forms", that was your understanding in relation to the events in May 2015.*

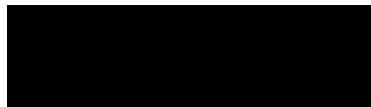
**Amanda Givan:** *“Yes. I don't believe there was any request or requirements made by anyone to do that before they left, or before they were updated with what their status was”.*

93. I am now asked whether Amanda Givan’s response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day regarding completion of notebooks, forms, and statements. Yes. That’s fair for the whole point of the status, which is really important in what status someone is, if they’d said there were witnesses then that would’ve changed and the status really changes the whole thing, but that status is so important for an officer to know. What Amanda has answered is correct.

**Advice provided to PC Walker and PC Tomlinson on 03 May 2015**

94. I have now been shown Amanda Givan’s statement SBPI-00072 at page 39, paragraphs 178 outlines PC Craig Walkers account:

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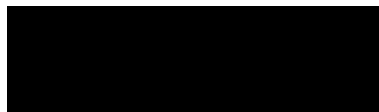
*"I have been told PC Craig Walker's account includes the following (PIRC-00264 page 11): "While I was in the canteen with my team the advice from Amanda Given was to say nothing to anyone at that time. That was my intention anyway until we found out more about what kind of enquiry was going to take place and what the man had died of. I also made it known that I would not be completing my notebook either and I suggested that others don't do theirs. Some of the team, I'm not sure who, spoke about doing their notebooks but I wasn't doing that. No other officers outwit the team gave any instructions on the notebooks."*

95. I am now asked whether the position provided by Amanda Givan fits with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day. You wouldn't give advice about notebooks. A notebook is an own officer's *aide-mémoire* and it's down to the individual officer what they wish or do not wish to put in a notebook, and going back to my initial training, there's basics that they think you should put in, but it's down to you as an individual. So, some officers will fill in a notebook and have War and Peace, other officers will have less or don't have anything in it because in a bigger instance, you might not have War and Peace because you're going to remember it more than if it's a routine arrest.

96. I have now been shown Amanda Givan's statement SBPI-00072 at page 40, paragraphs 180 outlines PC Ashley Tomlinson account:

*"I have been told PC Tomlinson's account includes the following (PIRC-00263 page 6): " ... I asked Amanda Given if I should fill in my notebook, she said not to, and I asked her if I needed a solicitor, and she said yes because by that time the man had died, and we would need legal advice. She said that it was a death in custody and the PIRC would investigate. She told us not to give statements to the police and if anyone approached us to ask for statements, we had to refuse and seek legal advice. Amanda also told us not to fill in a*

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*Use of Force or CS spray form because that would have outlined our actions without speaking to a solicitor first... (Page 7) The decision not to give a statement or fill in CS/Use of Force forms and notebook was an instruction from Amanda Given."*

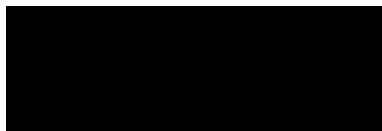
97. I am now asked whether the position provided by Amanda Givan fits with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day. Well, I certainly have never had anybody ask me that as any of these events, but it's "Witness, suspect or accused." So, if you go back to that, you expect nobody to fill anything in until they had had that legal advice, or they absolutely know what their status is.

**Scottish Police Federation Training on Media Engagement**

98. I am asked what training SPF Representatives and Officer Bearers receive on media engagement including social media at present day. So, it's only certain officials who receive media training from the SPF. We don't, obviously, train police officers in media, but some police officers will get media training, depending on where they worked, from Police Scotland. So, in general terms, it's generally the full-time national office-bearers. I received training as a secretary when I was at Strathclyde because I may have to go and speak in front of media. The General Secretary, the Vice-Chair, the Deputy General Secretary, and the Chair. Although the Vice-Chair, I don't believe he's had any media training from us because he doesn't, invariably, deal with the media, As it's normally the General Secretary and the chair.

99. I am asked if the training that is offered includes social media engagement Well, there's no training for social media. We are looking at a policy on how to deal with social media, but social media training is quite new. So, there's no

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actual training on what you should or shouldn't do in social media, so it clearly has its pitfalls.

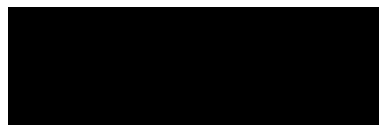
100. I am asked what the med training looks like that's provided to Officials and some certain representatives. We would get journalists to come in, and they would do a mock TV, mock radio, talk about how you should conduct yourself with the media, understand off the record, on the record, sometimes there is no such thing, and understand the general issues that you may face in media. Most of your understanding and training in media really comes from experience of dealing with the media.

101. I am asked if media training covers when to make statement, either reactively or proactively or when to speak to solicitor. Not really, no. It's more just about going on camera. Media for ourselves is generally reactive. It can be proactive if there's reports coming out where we want the SPF's comment to be attached to that, but that's a general how we deal with media.

102. I am asked when, if ever, there would be consultation with a solicitor on media releases. Yes, but not very often and generally only if there was a criticism to the SPF which may have a legal challenge.

103. I am asked if training is provided on whether the SPF and Police Scotland to co-operate or liaise when it comes to media engagement or press releases. Not really. Not with a press release. They might tell us before a press release is coming out. Since Sheku Bayo death we weren't making any statements because our view was there's going to be a Fatal Accident Inquiry (FAI), and we weren't giving any statements out other than, the initial one statement that was given by the chair. After that we didn't release any other statements because of the legal process and the expected FAI. We wanted the FAI to come out. The only other statement I gave was when they announced the public inquiry. I said that we welcomed the enquiry, and it was

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quite frustrating as comments were being made continually in the media but not by the SPF.

**Contact with other Witnesses**

104. I am asked if I know or have had contact with other witnesses in this Inquiry. I have spoken to some of the witnesses as part of my day job but not in relation to the actual inquiry.

**Post Involvement and Media**

105. I am asked if I have been involved with investigation since 03 May 2015. I have been involved as a federation representative, but I have taken no part in any investigation that is not our role.

106. I am asked if I have been following the inquiry so far via social media or the news. If so, what have I heard. Yes, from time to time I will receive an update re what has been said at the inquiry.

107. 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.

Signature of Witness 

November 30, 2023 | 4:43 AM PST  
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