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**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.**

Between 1980 and 1986 I was employed as a Trainee Building Control Officer and then Building Inspector with the local council.  
From 1986 until my retirement in 2012, I was a police officer with Strathclyde Police. The positions I held are as follows - Detective Sergeant 2001-2012, Uniform Sergeant 2000-2001, Detective Constable 1999-2000, Acting Uniform Sergeant 1998-1999, Detective Constable 1997-1998. Acting Detective Sergeant 1996-1997, Detective Constable 1993-1996, Constable 1986-1993.  
Between 2012 and 2013 I was employed in the role of investigative support officer with Strathclyde Police. The main functions of my role was to assist and support the Senior Investigative Officer, SIO, in the reinvestigation of historic murders which fell within the Double Jeopardy legislation.  
From 2013 until present day I have been employed by the PIRC as an investigator. I have an HNC in Architectural Design and Technology and an HNC in Police Studies.

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

I am A Scene Manager and a Family Liaison Officer

**3. Prior to 3 May 2015, what, if any, contact had you had with 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 contact whatsoever. The names were unknown to me. I was an officer with legacy Strathclyde police

**4. Prior to 3 May 2015, had you had any contact with 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 as at May 2015.**

Signature of Witness [REDACTED] .....

Not that I am aware of. I did work in same division with Det Supt Pat Campbell however I had no contact with him during this investigation.

**5. As at 3 May 2015, was there any policy or guidance for PIRC staff who were acquainted with a Police Scotland officer that they encountered in their role, or who was the subject of a PIRC investigation? If so, please can you identify the policy or guidance in question.**

I do not recall any formal policy at that time, however there was an understanding that PIRC employees were to declare knowledge/family/friendship/work association with any police officer who featured in an investigation. This was to be declared to senior management/ senior investigator

**6. Has PIRC ever investigated police officers with whom you were acquainted? What process would be followed if you had a personal or professional relationship with an officer investigated by PIRC?**

Yes, there have been occasions when the subject officer was known to me as a previous colleague. I declared myself and was thereafter not involved in the investigation

**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?**

Investigator. Primarily I assisted my Deputy Senior Investigator and Senior Investigator with their investigations

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

I did not line manage or supervise any employee.

**9. 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?**

DSI Billy Little was my first line manager at that time. We worked as a small team and he had daily contact with and supervision of me. I reported directly to him with any issues. I had an annual appraisal which was fully recorded on the recognised appraisal form which was then retained by the HR department

Signature of Witness



**10. 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?**

At that time, as an investigator I had no reason to believe that there were any issues with funding, staffing numbers, training opportunities and expertise of staff.

**11. 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.**

There are similarities in certain aspects of the two roles, ie investigating criminal allegations and serious incidents, interviewing witnesses/ suspects etc. There are obvious advantages being a former police officer as I had experience in carrying out investigations, interviewing witnesses/suspects, preparing reports for COPFS, liaising with external agencies etc

**12. 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 explain why you hold this view.**

In 2015 the PIRC was still in its infancy. From my experience in the early years, it was essential that the PIRC employed former police officers who had the necessary skills set to carry out effective investigations involving the police. It was clear that the non-former police officers were relying heavily on the experience and knowledge of the ex-police officers in carrying out protracted investigations.

**13. Was PIRC sufficiently independent from Police Scotland? How was this independence ensured?**

Yes. The PIRC, Kate Frame was appointed by Scottish ministers with a condition that she was not and never had been a member of a policing body. There was an Audit and Accountability Committee that the PIRC answered to

**14. As a police officer, you achieved the rank of detective sergeant (PIRC-04221). When involved in 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 participate in a PIRC investigation and provide direction to officers from Police Scotland?**

Signature of Witness  .....

This has had no impact on me. I am comfortable when dealing with all ranks in the police. When interviewing police officers, I would not be disclosing my rank in the police.

**15. 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? In what ways were these investigations similar or different to the investigation following the incident involving Mr Bayoh on 3 May 2015?**

I had been involved in a number of deaths in custody and death following police contact investigations. The Bayoh investigation was more protracted, more resource intensive and had far more media attention

**Training**

**16. What training have you received during your time as a PIRC investigator? What training had you received prior to 3 May 2015?**

**2013**

10/12/2013 Fatal Accident Enquires and Deaths Investigation in Scotland

**2014**

14/02/2014 and 20/02/2014 National Road Policing SIO Seminar presentation, SPC  
19/09/2014 1 day Plain English Training  
22/10 FOISA Awareness  
23/10 Equalities Session  
16/12 Corroboration discussion Lord Bonomy

**2015**

22/1 DPA Awareness  
18/2/15 social media training 23-27/02/2015 Family Liaison Course  
20/03/2015 New psychoactive substances awareness session.  
23/4 CMS Refresher  
23/6 - i6 presentation  
Family Liaison Officer CPD Training Day, GSOC Dublin, 16/09/15

**2016**

27/9 DPA Training

**2017**

2/8 Plain English Training  
05/12 Criminal Justice (Scotland) Act 2016

**2018**

22/02 PS Forensic CPD Day  
GDPR

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**2019**

GDPR

CJ Act 2016 - Station Procedures

**2020**

05/11 - Expenses Awareness

12/11 - FOISA Training

**2021**

September -IHASCO;Display Screen Equipment

October - IHASCOI; Fire Warden

**2022**

Non-escalation, De-escalation and Crisis Management Training - 14/04/2022

PIRC Standardisation of Report Writing Workshop - 29/06/2022

PIRC Equality, Diversity and Inclusion - 26/10/2022

PIRC Investigations CPD Event - 06/12/2022

**2023**

January - Cyber Security Training

**17. How do you record the training that you receive as a PIRC investigator? Is the training that you have completed in your role at PIRC covered in full within the training records received by the Inquiry (PIRC-04577)?**

There is an excel spreadsheet that has to be updated by the individual after every training course they complete.

**18. What, if any, training have you received in relation to the taking of statements during your time at PIRC?**

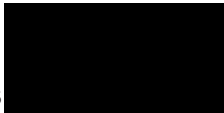
None.

**19. When you commenced your role at PIRC, to what extent was reliance placed on the training that you had previously received as a police officer?**

Entirely.

**20. In 2015, how was it identified that investigators and staff required, or would benefit from, training? Was it necessary for investigators and staff to request training, or were training needs identified by line managers and other senior members of staff at PIRC? Who was responsible for ensuring that PIRC's investigators were sufficiently well trained?**

Training requirements for individuals and the needs of the organisation were identified throughout the year by senior management, first line managers and the individual. The overall responsibility for identifying training requirements and who should be trained lay with the managers and HR

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**21. During the investigation following the death of Mr Bayoh, did you feel adequately trained to carry out your role at PIRC? Please explain why, or why not. What, if any, additional training would have assisted you in your involvement in the investigation?**

Yes as an investigator, I felt adequately trained to carry out the tasks allocated to me due to my previous experiences and knowledge

**22. 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 following the death of Mr Bayoh? If so, what did this involve? If not, why did this not take place? Do you think PIRC would have benefited from such a “lessons learned” exercise following that investigation?**

As far as I am aware there is no formal process within PIRC to assess “lessons learned”. We have regular briefings in our teams when we share experiences. I do not recall being involved/included in any formal “lessons learned” exercise following the investigation into the death of Mr Bayoh. Why this did not take place is for senior management to answer. I do see benefit in debriefing investigations, discussing lessons learned, sharing good and bad practices

**Your involvement with the PIRC investigation**

**5 May 2015**

**23. On this day, your first PIRC statement (PIRC-00329), at page 1, identifies that you were briefed by DSI William Little in relation to the incident involving Mr Bayoh. Do you remember what was said? If so, please provide details.**

I do not recall what was said. Primarily DSI Little was my first line manager and he updated me with what he knew about the incident at that time

**24. Was DSI Little in charge of the investigation at the point this briefing took place? If not, who was in charge? At what point was SI John McSporran put in charge of the investigation alongside DSI Little?**

I do not recall who was in charge of this investigation at that time. I don't know when SI McSporran was put in charge. My understanding was that the Commissioner was ultimately in charge with John McSporran managing the day to day business

**25. Beyond the briefing that you received from DSI Little, what, if any, further handover or information did you receive from the investigators who were involved in the investigation on 3 May 2015? Were you content with the amount of information that was provided to you in relation to the investigation when you first became involved? If not, why not?**

Signature of Witness



I do not recall being briefed by anyone else at that time.  
I do not recall the extent of the information I received when I first became involved therefor, I do not recall being discontented.

**26. A briefing note was prepared for PIRC’s Director of Investigations in relation to the events of 3 May 2015 (PIRC-03694). Did you have sight of this briefing paper as part of the handover you received on 5 May 2015?**

I do not recall having sight of this briefing paper on 5 May. I would have had sight of this document at some time either that day or thereafter

**27. The briefing paper (PIRC-03694), at page 2, states:**

*It was reported that as the officers drove into Hayfield Road they saw the now deceased coming towards them as the vehicles came to a halt. They could clearly see he was in possession of a knife and was making his way towards them.*

**Would you regard this account of events as accurate? Was it your understanding on 5 May 2015 that Mr Bayoh was in possession of a knife when he came into contact with the police officers at Hayfield Road? If so, what, if any, impact did this understanding of events have on your approach to the investigation?**

DSI Harrower was the author of this document. I can not comment on the accuracy of the content as I don’t know what DSI Harrower knew and had been told at that time.

I do not recall if my understanding at that time was that Mr Bayoh was in possession of a knife when the police initially confronted him.

This information did not impact on my approach to the investigation

**28. What, if any, hypotheses did PIRC have in relation to the incident on 5 May 2015? On 5 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?**

The initial hypothesis would have been based on the briefing note prepared by DSI Harrower.

I do not recall on 5 May having any information that suggested that race was a factor in this incident.

**29. At this stage, what was your understanding of the legislative basis upon which PIRC were instructed to investigate the incident by the Crown Office and Procurator Fiscal Service (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 changing during the investigation? If so, how did the legislative basis for the**

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**investigation change? What difference, if any, does the legislative basis upon which PIRC are instructed to investigate by COPFS make to a PIRC investigation?**

I was aware that COPFS had instructed PIRC to carry out an independent investigation under 33A(b)(i) or section 33A(b)(ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006. I do not recall being informed that this instruction had changed.

**30. What was your understanding of the scope of PIRC's investigation at the point the briefing was held on 5 May 2015? What was Police Scotland's involvement in the investigation at this point?**

I do not recall being informed of the scope of the PIRC's investigation at that time.

**31. At this stage, what was your understanding of the status of the officers involved in Mr Bayoh's arrest? Were they witnesses or suspects? How did you come to be aware the officers' status on 5 May?**

My understanding was that the officers involved were witnesses, as per the briefing I received

**32. 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?**

PIRC would treat an individual as a suspect if in the first instance it was assessed that a crime had been committed and secondly there was evidence indicating that that individual was involved in that crime.

I believe that It is PIRC's responsibility to make the decision to categorise an individual as a suspect if and when appropriate. I understand that that decision making process may have to include the COPFS/Crown.


When an individual is considered a suspect, then they have to be cautioned at common law before asking them questions. Solicitor access etc has to afforded.

**33. An extract from DS Patrick 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*

Signature of Witness  .....



***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 caused “challenges”? If so, what were these challenges and what did PIRC do to mitigate them? If not, why not?**

PS Campbell is referring to “challenges” for Police Scotland and I am unaware to what challenges PS Campbell is referring to. From my perspective, DSI Harrower was the on-call DSI and dealt with the initial stages of the investigation. I am not sure when the responsibility for the investigation was passed to DSI Little. This was/is not an unusual practise for the on call DSI to hand over responsibility to another DSI. John McSporrnan, John Mitchell and Kate Frame ‘were all involved in this investigation and all were more senior in rank to DSI Little. This change in responsibility had no impact on me as an investigator

**34. On 5 May 2015, what role were you assigned within the investigation team? What does this role involve? Why were you assigned this role in this investigation? How many times had you carried out this role previously? Had you performed this role in a death in custody investigation prior to the incident involving Mr Bayoh?**

My role in this investigation was basically to cover all actions allocated to me, most of which were to trace and note statements from witnesses. I was not dedicated to any particular aspect of this investigation. I had previously carried out this role on a number of occasions which included investigations into death in police custody incidents

**6 May 2015**

**35. Your first PIRC statement (PIRC-00329), at page 2, identifies that you met with Zahid Saeed on 6 May 2015. What was the purpose of meeting with Mr Saeed on this day?**

The purpose was to note a statement from him.

**36. Your first PIRC statement (PIRC-00329), at page 2, states, with reference to the meeting with Mr Saeed:**

***Whilst within the PIRC vehicle Zahid spoke freely of his association with the deceased and to his involvement in and knowledge of the period immediately leading to the incident. However he refused to commit himself to a written statement.***

**Your notebook (PIRC-04187), at page 2, states:**

Signature of Witness



**1625 Uplifted Zahid Saeed from O/S Kirkcaldy Bus Station. Drove to car park, Esplanade, Kirkcaldy.**

**1735 Zahid Saeed exited car after refusing to confirm info into statement.**

**Why is no detail of your conversation with Mr Saeed recorded within your statement or notebook? Why did you drive to a car park with Mr Saeed? During the course of the conversation with Mr Saeed, did you or Investigator Victoria Karran, who was also present, ask questions in relation to the events prior to the incident involving Mr Bayoh at Hayfield Road on 3 May 2015? If so, what questions did were asked?**

I do not recall taking any notes of the conversation I had with Mr Saeed at this time or indeed noting any questions I asked of him. This was basically the rapport stage of taking a statement from him. It was when I explained to him that I intended to write down his statement that he decided to exit the car as he did not want to commit anything to paper. I do not recall Investigator Karran asking questions or taking notes.

The decision to drive to this car park was Mr Saeed's, he was familiar with the area. I recall offering to interview him at his home address or at his lawyer's office. He declined these offers and it was his decision to drive to the esplanade.

**37. What approach does PIRC take to conversations with witnesses outwith the environment of an interview? What evidential value do such conversations have? Is there any requirement to warn the witness that what they say may be reported back to Police Scotland and is not "off the record"?**

In general terms, conversations with witnesses would not be recorded and would have no value. However there may be occasions when witnesses make comments out with the 'interview environment' that have to be given consideration. For example they may disclose specialist knowledge or disclose information/intelligence that they do not want included in their statement. In such cases I would be informing the witness of the requirement for me to pass this on, again for example to my incident room or to a relevant outside organisation.

**7 May 2015**

**38. Your first PIRC statement (PIRC-00329), at page 2, identifies that you met again with Mr Saeed on 7 May 2015 to return his bank card and motor vehicle to him. What discussions did you have with Mr Saeed when you met with him on this day? What, if any, observations did Mr Saeed provide in relation to the condition of his motor vehicle?**

Signature of Witness



I do not recall the discussions I had with him that day. I would have informed him of the need for the PIRC to obtain a statement from him and then made arrangements with him to facilitate this statement.

**39. An Incident Message that you are noted to have been completed on 7 May 2015 at 1700 hours (PIRC-03715) states:**

*Whilst interviewing Zahid Saeed on 7/5/15 he stated that a family member, NFD, who had previously viewed the body of Sheku, was spreading information that the body was severely bruised and face almost unrecognisable. He also stated that the PIRC didn't appreciate what we were dealing with 'black man murdered by white police'. He further stated that there was 'likely to be repercussions' [sic]. He did not elaborate on this threat.*

**This notes that these comments were made "whilst interviewing" Zahid Saeed, although his interview did not take place until 8 May 2015. When did Zahid Saeed make these comments? Why did you consider it necessary to record Mr Saeed's comments in this way, rather than within your notebook or, if they were made during his interview, within his statement? What is the purpose of an Incident Message?**

The incident message is time/ dated 7 May 1700 hours, so the comments would have been made earlier that day. I did not note a witness statement from him on 7 May.

PIRC do not have the same process as Police Scotland for recording and sharing intelligence. It would have been important or me on my return to the office to record this and the most appropriate format at that time would have been to raise an Incident Message and submit it to the PIRC incident room.

**40. Within the minutes from a Police Scotland Community Impact and Reassurance Group meeting held on 8 May 2015 (PS10329), page 1, reference appears to be made to the details contained within the Incident Message you completed on 7 May 2015 (PIRC-03715) and notes that "*this intelligence was forwarded to MIT via PIRC at 1425hrs on the 8th of May*". Did you provide this intelligence to Police Scotland? Why was this information provided to Police Scotland?**

I do not recall personally providing this intelligence to Police Scotland. The reason this was forwarded to Police Scotland was due to the reference to 'repercussions' which had potential to impact on local communities and beyond.

**41. Following Mr Saeed's reference to PIRC dealing with a "*black man murdered by white police*", what, if any, consideration did you give to whether race could be a factor in the incident? If so, in what way? If not, why not? What, if any, discussions did you have with colleagues at PIRC in this regard? What, if anything, resulted from those discussions?**

Signature of Witness





I do not recall having any consideration at that time that race could be a factor although I would have had an open mind.  
I don't recall any specific discussions with colleagues in this regard.

**8 May 2015**

**42. Investigator Victoria Karran took a statement from Robson Kolberg in your presence (PIRC-00016). 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?**

Where possible, statements from witnesses are taken by two PIRC investigators for corroboration purposes. Whilst there is normally a lead investigator for that particular action, both investigators are entitled to ask questions at any time.

**43. During this interview, Mr Kolberg provided his mobile phone for it to be forensically examined. Within his statement, Mr Kolberg gives permission for the forensic examination of his mobile phone. When relying on the consent of the owner to carry out an examination of a mobile phone, how does PIRC ensure that the owner understands what they are permitting PIRC to do by providing their consent? How does PIRC ensure that the examination of a mobile phone does not go beyond the level of examination to which the owner has consented?**

There is an obligation on the investigators(s) seizing the mobile phone to explain the purpose of the seizure and the process which will follow

Parameters would be highlighted in the examination request form e.g. time date of incident under investigation

**44. On this day, you took a statement from Zahid Saeed (PIRC-00033). How different, if at all, was Mr Saeed’s account of events within his interview to the account provided to you and Investigator Karran on 6 May 2015? Did you ask questions of Mr Saeed about the matters referenced in the Incident Message dated 7 May 2015 (PIRC-03715)? If not, why not?**

As previously stated, I did not obtain a written account from Mr Saeed on 6 May. There is nothing recorded in Mr Saeed’s statement covering matters referenced in the Incident Message. That is not to say that I did not ask him about it, I just do not recall.

Mr Saeed made it clear on 7 May that he did not want to say anymore on this matter. Had Mr Saeed made further comments on this matter I would have recorded them

**45. What reference, if any, did Mr Saeed make during his interview to the seizure of the Saeed family home by Police Scotland on 3 May 2015? What reference, if any, did Mr Saeed make to his treatment by police officers at**

Signature of Witness  .....



**Kirkcaldy Police Office on 3 May 2015? During his interview, did Mr Saeed allege that he had been assaulted by police officers at Kirkcaldy Police Office on 3 May 2015?**

I do not recall Mr Saeed making reference at that time to the seizure of the family home, his treatment by police officers or that he had been assaulted by police officers. I was made aware at some stage during this investigation that Mr Saeed had made these complaints

**46. Your first PIRC statement (PIRC-00329) identifies that you obtained a number of statements from witnesses during the investigation. How did you gain an understanding of the lines of questioning to be explored with particular witnesses? With whom did you discuss proposed lines of questioning prior to obtaining statements from witnesses? What preparation did you carry out prior to obtaining statements from witnesses?**


This investigation was actioned led, ie there was a resourced manual incident room whose role included reading statements and documents from which other actions were raised and allocated to investigators to carry out specific tasks e.g. T/ST trace and note a statement from X. The action specified what was to be covered in this statement and it made reference to other statements and documents where X was mentioned. It was the responsibility of the investigator to examine these statements and documents to prepare for any interview. The action itself was specific about what aspects were to be covered in the statement taken from X. Discussion about what was to be covered in a statement could have been discussed with the staff working in the incident room, the Senior Investigator or his deputy

**47. Having obtained a statement, what process was followed to ensure that material information contained within the statement was shared with other members of the investigations team and incorporated into the lines of questioning to be explored with other witnesses? How were statements checked to ensure that all relevant lines of questioning had been explored with a witness?**

Statements obtained were typed up and entered into a database that all investigators had access to including staff within the manual incident room.; There were also daily briefings when there was an opportunity for each investigator to share relevant information with the investigation team.

The staff working in the incident room in consultation with the lead and senior investigators, were responsible for checking statements and reallocating actions should there be a need for the witness to be reinterviewed.

**48. In May 2015, what process did PIRC follow in preparing a typed witness statement following a witness interview? How did witnesses confirm that their statements were a "true and accurate record"? In 2015, how did PIRC ensure that typed witness statements accurately reflected the terms of the associated handwritten witness statements? How has this process changed, if at all?**

Signature of Witness  .....

There was a proof reading process in place at that time. A handwritten statement was dictated by the investigator to the Investigation's admin team who typed the statement onto a pro forma witness statement template. This was then sent back to the investigator to check for accuracy against the written statement. Where inaccuracies or typing errors were identified, the investigator would correct this version and only then return the proof read statement to the admin team to have this statement saved into the database

**14 May 2015**

**49. You took a statement from Danny Robinson (PIRC-00117). You were also present when DSI Brian Dodd took a statement from Sean Mullen (PIRC-00120). On 3 May 2015, Mr Mullen and Mr Robinson were travelling in a silver Vauxhall Astra which can be seen in the CCTV from Gallaghers Pub travelling down Hayfield Road before coming to a stop close to the roundabout around 07:20:32, shortly after the first police vehicle arrives at the scene (SBPI-00046). Mr Mullen and Mr Robinson's vehicle remains in the vicinity of Hayfield Road until it leaves the scene at around 07:22:06, around one minute after the restraint of Mr Bayoh commenced. Whilst Mr Mullen and Mr Robinson were present at the scene during the initial engagement between the police and Mr Bayoh, when PC Short was struck and Mr Bayoh was taken to the ground, and during part of the restraint of Mr Bayoh, their statements are relatively short, amounting to under a page and a half of substantive text for Mr Mullen and under two pages for Mr Robinson. Why were matters not explored in greater detail with these witnesses when they were eyewitnesses to significant aspects of the incident involving Mr Bayoh? Were there areas that you and Investigator Stewart were unable to cover in detail with these witnesses in their statements? If so, what were these areas and why could you not cover them in detail? What consideration, if any, was given to obtaining further statements from Mr Robinson and Mr Mullen to cover these, or other, areas in greater detail?**

The statements obtained at the time contained the information that the respective witnesses were prepared to tell me about. Whilst I do not have memory of the questions asked of them' I am certain that I would have probed them more in an effort to get more detail from them.

As previously stated, there was a resourced incident room who liaised directly with the PIRC senior investigators. I would have followed the process of ensuring the statement was typed up and entered into the database. The decision to reinterview these witness was for the resourced incident room and senior investigators to make.

**50. What steps, if any, were taken to compare Mr Mullen and Mr Robinson's accounts with the CCTV from Gallaghers Pub? If no such comparison took place, why not?**

Signature of Witness



I do not recall being personally involved in comparing these statements with the cctv. However I would have viewed the cctv before I interviewed these witnesses and challenged them if I identified anomalies in their respective statements.

**51. What steps, if any, were taken by PIRC to assess Mr Mullen and Mr Robinson’s lines of sight from their vehicle’s positions in the vicinity of Hayfield Road?**

I do not recall being personally involved, or other investigators being involved in assessing the witnesses’ lines of sight.

**52. Within his statement (PIRC-00120), at page 2, Mr Mullen speaks to returning to Hayfield Road after dropping Mr Robinson at his home. What consideration, if any, was given to asking Mr Mullen to identify his vehicle within the CCTV from Gallaghers to confirm when he returned to the scene?**

I do not recall giving this consideration. PIRC investigators had previously identified it and linked it to this witness and he confirmed this in his statement.

**53. At the point that statements were obtained from Mr Mullen and Mr Robinson on 14 May 2015, were you aware that Mr Bayoh had allegedly stomped or stamped on PC Nicole Short? As they were at the scene when Mr Bayoh struck PC Short, what consideration, if any, was given to asking Mr Mullen and Mr Robinson questions about the alleged stomp?**

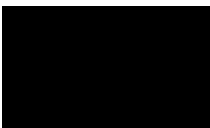
I do not recall exactly what questions I put to these witnesses. Both witnesses confirmed that what they told me was what they saw

**21 May 2015**

**54. Your notebook (PIRC-04187), at page 6, identifies that you seized a number of officers’ notebooks on this day. How did you go about this process? Were you content with the level of cooperation provided by Police Scotland in this regard? If not, why not?**

I do not recall who arranged this but it would have been a case of someone in PIRC liaising with Police Scotland to have these made available. From my notebook I confirm that DI Stuart Wilson handed these over to Investigator Karran. I have no recollection of there being any issues with this action.

**55. What powers, if any, does PIRC have to compel officers to complete paperwork after an incident including, but not limited to, notebooks, use of force forms or CS/PAVA spray forms? How soon after a death in police custody would PIRC expect to receive notebooks, use of force forms or CS/PAVA spray forms from Police Scotland?**

Signature of Witness  .....

I am not sure that the PIRC can compel any officer to complete any paperwork and provide statements. Police Scotland are more likely to compel officers to raise and complete specific forms

At that time I believe there was a letter of agreement between PIRC and Police Scotland highlighting a seven working day timeline for Police Scotland to provide PIRC with any requested documents, statements etc

**26 May 2015**

**56. You took a statement from Alan Finlayson, a paramedic involved in the response to the incident involving Mr Bayoh on 3 May 2015 (PIRC-00220). The statement was taken in the presence of DSI Dodd. Within Mr Finlayson's Inquiry statement (SBPI-00007), at paragraph 110, he states:**

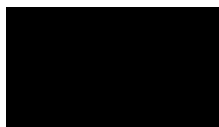
*In my PIRC interview things didn't start off very well. Technically we're not supposed to print off the PRF [Patient Report Form] because of data protection. Because David had done it PIRC were quite uppity with me. They said my colleague had done it so why couldn't I do it. I felt under duress. They'd come from Glasgow or wherever to come and see me and I'm saying to them I don't have the PRF and we're not supposed to have a copy of it. They were really quite snippy and quite arrogant about the whole thing. It really didn't start off well that meeting. There was a lot of bad feeling. I was under duress to provide evidence from a statement that technically I shouldn't even have had in my hand at that time. I don't think I was as helpful to them because of the way they spoke to me and what they were asking me to do. They should have went through appropriate channels to get the PRF. It should be recorded on secure channels.*

**How would you respond to Mr Finlayson's characterisation of his interview with PIRC and the approach taken by you and DSI Dodd? Did Mr Finlayson express any unhappiness with the approach taken by you or DSI Dodd during this interview? Were you subsequently made aware of any criticism of PIRC's approach during this interview? If so, what was the nature of this criticism and how were you made so aware? What did you do in response?**

I do not recall this interview and this is the first time I have been made aware of Mr Finlayson's criticism of events that day. What I can say is that there was no need for me to ask him to print off anything.

**57. Within a statement obtained from Kirstin Mullan (PIRC-00178), it is noted that on 19 May 2015 you and DSI Dodd obtained the Patient Report Form (PRF) relevant to the incident involving Mr Bayoh. Why was it necessary to request that Mr Finlayson print off the PRF during his interview on 26 May 2015 when the PRF was already held by PIRC?**

Signature of Witness





As above. There was no need for me to ask him to print anything off so I really do not understand this complaint.

**58. Your notebook (PIRC-04187), at page 6, identifies that on this day you “handed over letter from John Mitchell to Chief Constable at Randolphfield, Stirling”. What did this letter relate to?**

I have no idea of the contents. I would have been asked to deliver it and I would not have considered it necessary to question Mr Mitchell of the contents.

**27 May 2015**

**59. On 27 May and 25 June 2015, you took statements from James Hume, a friend of Mr Bayoh (PIRC-00231 and PIRC-00232). The statements were taken in the presence of DSI Dodd. Within Mr Hume’s Inquiry statement (SBPI-00021), at paragraphs 54 – 57, he states:**

*54. They started asking when I'd last seen Shek and I told them I didn't see him on the weekend of his death, I saw him the week before. They asked if he was drinking, was he taking drugs, how much drugs did he take, how often did he take drugs and did he take steroids. A couple of times I said to the guy I'm not happy with this. They said they needed to build up a picture of the type of person Shek was. I said they were trying to build their own picture of how they wanted Shek to be. They were trying to lead the conversation and lead me on the type of person Shek was.*

*55. They also wanted to know if he was aggressive and if he got involved in fights. I just felt really uncomfortable. It was definitely leading questions and it felt like accusatory rather than fact-finding. It was like they had a picture built up and they were just confirming what they already thought with me.*

*56. They said to me they knew he took drugs. They asked where he got them from. They asked if Shek ever got drugs for me, or friends or other people. I didn't know why this was relevant. I think they were trying to get at the question "Did Shek sell drugs?".*

*57. After they left I was quite upset. It was like they were trying to smear his name. I answered their questions but I felt like I'd let him down, betrayed him a bit, because it was like I never got a chance to say what type of person Shek was. It built up a wee bit mistrust towards PIRC and the police just because of the way that went.*

**How would you respond to Mr Hume’s characterisation of his interview with PIRC and the approach taken by you and DSI Dodd? Did Mr Hume express any unhappiness with the approach taken by you or DSI Dodd during this**

Signature of Witness  .....

**interview? Were you subsequently made aware of any criticism of PIRC’s approach during this interview? If so, what was the nature of this criticism and how were you made so aware? What did you do in response?**

From memory Mr Hume freely answered the questions put to him and he did not raise any concerns at that time. At no time did I or DSI Dodd put any pressure on him. I was looking to get information of Mr Bayoh’s background and that included his involvement in taking drugs which was relevant to the PIRC investigation. This is the first time I have been made aware of Mr Hume’s unhappiness.

**60. Within this or any other investigation, have you ever been made aware of any criticism of your approach to taking statements from witnesses? If so, what was the nature of that criticism? How were you made so aware? What was done in response to that criticism?**

I do not recall being made aware of anybody criticising my approach to taking statements. It goes without saying that not all witness are entirely happy to give statements.

**61. Within a Clue Action allocated to you and dated 22 June 2015 (PIRC-03169), it is noted that Mr Hume was to be questioned about the “potential supply chain” associated with Mr Bayoh’s use of alpha-PVP and MDMA. Why was PIRC seeking to identify where Mr Bayoh obtained his drugs as part of the investigation? Was this line of inquiry instructed by COPFS?**

As you can see from the Action, as a result of the post mortem, I was tasked primarily to question Mr Hume on his knowledge of Mr Bayoh abusing Alpha -PVP on the night of the incident, and if he had knowledge, enquire as to the frequency of Mr Bayoh’s abuse and supply chain. This Action would have been allocated by the Incident room after liaising with the senior investigators. I do not know if the COPFS instructed or were consulted in this Action

**2 June 2015**

**62. You took a statement from DC Andrew Mitchell (PIRC-00026). Within his statement (PIRC-00026), at pages 2 – 3, DC Mitchell refers to the seizure of Collette Bell’s home at Arran Crescent. Was DC Mitchell asked within his interview to clarify the legal basis upon which this property was seized? If not, why not? What was your understanding of the legal basis upon which the property was seized?**

I do not recall asking DC Mitchell to clarify the legal basis on which the police seized the house. This was an operational policing matter.

**63. Within the statement provided by Ade Johnson to PIRC on 13 May 2015 (PIRC-00106), on pages 2 and 3, Mr Johnson describes meeting with DC**

Signature of Witness  .....

**Mitchell and DC Wayne Parker on the afternoon of 3 May 2015. Mr Johnson describes being told by the officers that:**

- (i) Mr Bayoh had been pronounced dead in the ambulance on the way to the hospital;**
- (ii) They did not know how Mr Bayoh died;**
- (iii) The police were looking for “two guys”; and**
- (iv) There was a warrant out for the arrest of Mr Bayoh**

**It does not appear that DC Mitchell was asked whether he or DC Parker provided this information to Mr and Mrs Johnson when he provided his statement to the PIRC. Why was DC Mitchell not asked about Ade Johnson’s recollection of events at that time?**

I do not recall being tasked to put Ade Johnston’s recollection to DC Mitchell and I do not recall being aware of the content of Ade Johnston’s statement at that time.

**64. On 12 June 2015, the terms of reference for PIRC’s investigation were expanded by COPFS (COPFS-04010(a)) to include:**

***Allegations by the family that they were provided with misleading and erroneous information concerning the death of Mr Bayoh to family members and a concern as to why they were provided with that information.***

**After PIRC’s terms of reference were so expanded, what consideration, if any, was given to taking a further statement from DC Mitchell in relation to information he and DC Parker passed to Mr Bayoh’s family on 3 May 2015? Why was no further statement taken from DC Mitchell in relation to these matters?**

The senior investigating officers and Incident room staff who were managing this investigation at that time are better placed to answer this question.

**4 June 2015**

**65. You took a statement from Sergeant Scott Maxwell (PIRC-00266). In the process of this statement being taken from Sgt Maxwell, 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 Sgt Maxwell when taking his statement?**

Signature of Witness





I recall that a senior investigator was co-ordinating this set of interviews and I was aware in the event Sgt Maxwell revealed something significant then I could have updated the co-ordinator.

I do not recall any other interviews influencing the lines of questions put to Sgt Maxwell

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

As I recall, the interview strategy was compiled by a trained PIRC Interview Advisor in consultation with the Incident Room staff and senior investigators. I had no involvement in this process.

This was not uncommon. I have on occasions prepared my own interview strategy during other operations

I would have had discussions with others however I do not recall what was discussed.

**67. The questions contained within the witness interview strategy (PIRC-04182) largely focus on the "what", "when", "who" and "where" of the circumstances of the incident. Only two questions ask the officers "why" certain actions were taken – why use of force and CS/PAVA forms were not completed and why there are no entries in the officers' notebooks in relation to the incident. When preparing to take the officers' statements, was consideration given by PIRC to asking the officers why they took certain decisions or chose particular tactical options in responding to the incident involving Mr Bayoh? If not, why not?**

This question is best answered by the Interview Advisor and senior investigators who prepared the Interview strategy. I do not recall considering specifically asking Sgt Maxwell 'why' he took a particular course of action. He answered this question with the answers he provided.

**68. The Police Service of Scotland (Conduct) Regulations 2014, within Schedule 1, identify that as part of the Standards of Professional Behaviour with which officers require to comply:**

***Constables use force only to the extent that it is necessary, proportionate and reasonable in all the circumstances.***

**How important is understanding why officers took certain decisions or chose particular tactical options to a determination as to whether or not a use of force was necessary, proportionate and reasonable in all the circumstances?**

Signature of Witness





It is important and that can be ascertained without directly asking “why” ie witnesses can cover this question indirectly

**69. There are no questions relating to the impact that Mr Bayoh’s race may or may not have had on the officers’ response to the incident. What consideration, if any, was given to including questions within the witness interview strategy in this regard?**

This question is best answered by the Interview Advisor and senior investigators who prepared the interview strategy

**70. The minutes from PIRC’s morning briefing on 3 June 2015 (PIRC-04156, page 40), with reference to an update that DSI Little provided, state:**

*A generic interview plan has been completed by IO Sinclair. Everyone has to do their own individual reading for their specific officers to add to the generic plan.*

**What material did investigators require to read in addition to the witness interview strategy when preparing to interview the officers? What material did you read before you obtained Sgt Maxwell’s statement?**

I had the opportunity to read all material, statements, documents etc saved in the PIRC database before their respective interviews. I do not recall what material I read before obtaining Sgt Maxwell’s statement

**71. The minutes from PIRC’s morning briefing on 3 June 2015 (PIRC-04156, page 40), identify that there would be a “further meeting this afternoon to discuss tomorrow’s interviews”. Did you have any discussions with other PIRC staff in relation to the lines of questioning to be explored with the officers? If so, what was discussed? With whom did you have those discussions?**

I would have had discussions with other investigators but I do not recall what was discussed and with who

**72. On 2 June 2015, a statement was taken from DI Colin Robson by DSI Keith Harrower in your presence (PIRC-00223). Your first PIRC statement (PIRC-00329), at pages 4 – 5, identifies that during his interview DI Robson was shown a video clip taken from the CCTV from Gallagher’s Pub. Was Sgt Maxwell asked to speak to the footage contained within the CCTV obtained from Gallagher’s Pub during his interview? If not, why not?**

I do not recall Sgt Maxwell being asked to speak to the footage. Why not? This question is best answered by the Interview Advisor and senior investigators who prepared the interview strategy

Signature of Witness  .....

**73. A separate version of the witness interview strategy (COPFS-05955) contains Investigator Stuart Taylor’s notes in relation to the interview of Sgt Maxwell. What was the purpose of Investigator Taylor taking these notes? Did you also take similar notes? If so, where can they be found? Were PIRC’s investigators encouraged to add their own questions to the witness interview strategy prior to or during the interview? Were PIRC’s investigators encouraged to ask “why” the officers took certain decisions or actions during the incident, despite questions in that regard not being explicitly set out within the witness interview strategy?**

Investigator Taylor is best placed to answer why he took notes, although I believe they were to assist him keeping track of the interview and if he felt necessary he could ask additional questions that may have arose from Sgt Maxwell’s answers. I do not recall taking any additional notes. I was noting Sgt Maxwell’s statement I as an investigator would have no issues to adding additional questions before the interview and asking more questions during the interview if I felt it necessary, whilst remaining focused on the purpose of the interview. I do not recall being encouraged to ask ‘why’.

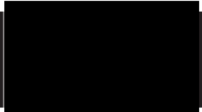
**74. Following a death in custody or a death following police contact, was it common for officers to be re-interviewed by PIRC after they had already been interviewed by PIRC? After Sgt Maxwell’s PIRC statement had been obtained (PIRC-00266), did you consider that there were any matters that required to be clarified with Sgt Maxwell? If so, what were these matters?**

It is not uncommon to reinterview witnesses and this has been done when deemed necessary to clarify points or question further on more up to date information. I do not recall there being a need to reinterview Sgt Maxwell. That decision would have been made by the senior investigators and incident room staff

**75. In the course of Sgt Maxwell’s interview on 4 June 2015 (PIRC-00266, page 10), you received the document “My Description of Events”, that Sgt Maxwell had prepared in the days following the incident (PIRC-00267). What, if any, comparison did PIRC carry out between the accounts contained within Sgt Maxwell’s PIRC statement and the document “My Description of Events” to identify areas of consistency and inconsistency? What, if any, involvement did you have in this process?**

I do not recall whether or not there was a comparison done by PIRC. I believe I would have read this ‘description of events’ and had there been a significant inconsistency then I would have put that to Sgt Maxwell during the interview or alternatively I would have flagged any significant inconsistencies to the incident room and senior investigators

**76. Did PIRC compare and contrast the statements received from the officers that attended Hayfield Road to identify areas of consistency and inconsistency? What involvement, if any, did you have in this process?**

Signature of Witness  .....

These questions are best being put to the Incident Room staff and senior managers. I do not recall being involved in this process

**77. 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?**

These questions are best being put to the Incident Room staff and senior managers

**78. After Sgt Maxwell provided his statement, PIRC's terms of reference were expanded by COPFS to look at whether there was inappropriate conferral 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? Whose responsibility was it to decide if further statements required to be obtained from any of PIRC's witnesses?**

These questions are best being put to the Incident Room staff and senior managers

**79. 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?**

This was the first instance that I can recall when officers have taken weeks to provide their statements. I have not dealt with such a situation since.

**8 June 2015**

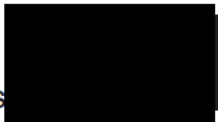
**80. The minutes from PIRC's morning briefing on 26 June 2015 (PIRC-04156, page 44), state:**

*IO Taylor provided an update on ARL: -*

*More or less completed and IO Stewart has corroborated it*

**What work in relation to Automatic Resource Location (ARL) data did you require to corroborate? How did you go about this process? How did PIRC use ARL data to plot the officers' movements on 3 May 2015? What involvement did you have in this process? To what extent was PIRC able to use the ARL data obtained during the investigation to corroborate or challenge the accounts of the officers within their statements?**

I do not recall the work that was done around the ARL and I do not recall being involved in this process

Signature of Witness  .....



**81. How was investigators' work corroborated and checked throughout the investigation to ensure that it was accurate and complete? Who was responsible for checking investigators work?**

When taking witness statements there would be another investigator present to corroborate the statement. Another example would be listening to telephone calls. An investigator would listen to the content and record onto a form. Another officer would thereafter listen to the same content and check the first officers transcript and correct if necessary. All completed actions were submitted to the Incident Room and staff there and senior investigators checked the accuracy

**11 June 2015**

**82. You took a statement from DS Graeme Dursley (PIRC-00137). Within DS Dursley's statement, he speaks to the delivery of three death messages to members of Mr Bayoh's family on 3 May 2015. With reference to the death message provided to Collette Bell, DS Dursley states (PIRC-00137, page 2):**

*When Collette Bell was within Kirkcaldy Police Office, I spoke to DI Colin Robson, and whilst I did think it was Sheku Bayoh who was dead, at that time there was no formal identification so between me and Colin Robson we delegated Wayne Parker to tell Collette Bell, words to the effect that, "a black male had been found dead and we suspected that it may be her partner". We based this on the fact that there was a black [REDACTED] male dead and that a gold coloured mobile phone was found at the locus. Collette Bell had previously that morning told DC Wayne Parker that Sheku had an unusual gold coloured mobile phone. The wording of the death message is not recorded anywhere in any format.*

**Mr Bayoh came into contact with police officers on Hayfield Road, before later being pronounced life extinct at 0904 hours in Victoria Hospital. What, if any, consideration was given to questioning DS Dursley further about DC Parker being delegated to tell Collette Bell: "words to the effect that, 'a black male had been found dead...'"? Did you consider that this form of words had the potential to be misleading? If so, what did you do in response to this?**

I do not recall giving this consideration or being actioned to cover this

**83. PIRC's terms of reference were expanded on 12 June 2015 to cover allegations that the family were provided with misleading and erroneous information concerning Mr Bayoh's death (COPFS-04010(a)). After PIRC's terms of reference were so expanded, what consideration, if any, was given to taking an additional statement from DS Dursley to explore further his involvement in the provision of information to members of Mr Bayoh's family on 3 May 2015 and to consider his evidence alongside that of members of Mr Bayoh's family and the officers involved in delivery of the death messages?**

Signature of Witness [REDACTED]



I do not recall whether or not consideration was given to reinterviewing DS Dursley. That decision would be made by the incident room and senior investigators

**16 June 2015**

**84. Two Clue Actions identify that you were involved in tracing the owners of vehicles during the investigation (PIRC-03144 and PIRC-03165). What was the nature of your work in this regard? How did you go about this task? Were you successful in identifying all vehicles relevant to the investigation? If not, why not, and what impact did this have on the investigation?**

I recall that efforts by other investigators were to be made to identify all vehicles parked and travelling at this locus at the material time. CCTV footage, mobile phone and dash cam footage was viewed and where possible, registration plates, vehicle make/model/colour were noted. Witness statements were also checked for details that could assist with this line of enquiry. The registered keepers of these vehicles when traced were asked to confirm who was driving at the material time and why their car was in that vicinity. When appropriate a statement was noted from them to cover what if anything they saw of this incident

I was involved in tracing and noting statements from a number of drivers and passengers.

I do not recall if all vehicles were identified.

**85. Within one Clue Action (PIRC-03165), it is identified that one vehicle identified:**

***Appears...unconnected to the PIRC investigation, with the possibility that the registration number of the vehicle may have been incorrectly noted by a Police Scotland officer on 03/05/2015.***

**What impact, if any, did this have on PIRC's investigation? What, if any, further steps were taken to identify the vehicle and owner in question?**

I do not recall what impact if any this had on the PIRC investigation at that time although this was a **potential** witness. I do not recall what further steps were taken to identify this vehicle

**24 June 2015**

**86. On 24 June 2015, you were present when DSI Dodd took a statement from Chief Superintendent Garry McEwan (PIRC-00181). A PIRC action (PIRC-02938) refers to Chief Supt McEwan's operational statement (PS03136):**

***Chief Supt McEwan refers to PIRC in his statement.  
Adverse comments to be addressed.***

Signature of Witness

**At the point that Chief Supt McEwan’s PIRC statement was obtained, were you aware of PIRC considering comments made, or concerns expressed, within Chief Supt McEwan’s operational statement? If so, to which “adverse comments” within Chief Supt McEwan’s statement did this action refer?**

I do not recall if PIRC were considering Garry McEwan’s comments at that time (Action was initially allocated to and resulted by DSI McIntyre on 26/05/2015)

**87. The Action is marked as “complete” on 26 June 2015, two days after a statement was obtained from Chief Supt McEwan (PIRC-00181). No reference is made with this statement to any “adverse comments” previously made by Chief Supt McEwan within his operational statement. What consideration, if any, was given to discussing Chief Supt McEwan’s adverse comments with him when he provided his PIRC statement on 24 June 2015? Why were these concerns not discussed with Chief Supt McEwan?**

The Action (PIRC-02938) was resulted on 26/5/15 and not 26/6/15 ie appx one month before statement

I do not recall having to consider his adverse comments

**88. Chief Supt McEwan met with Mr Bayoh’s family on 3 May 2015. A statement was obtained from Chief Supt McEwan after PIRC’s terms of reference were expanded on 12 June 2015 to cover allegations that the family were provided with misleading and erroneous information concerning Mr Bayoh’s death (COPFS-04010(a)). During his interview, what, if any, questions were put to Chief Supt McEwan in relation to the information that he provided to Mr Bayoh’s family on 3 May 2015? What, if any, questions were put to Chief Supt McEwan about the family’s allegations that on 3 May 2015 they had been provided with misleading and erroneous information concerning Mr Bayoh’s death? If no such questions were put to Chief Supt McEwan, why not? What consideration, if any, was given to taking a further statement from Chief Supt McEwan to cover these areas?**

Action 02946 allocated to DSI Dodd states that *‘Prior to interview full briefing on content of interview will be provided by Incident Room/DSI Little/SI McSporran’*. I do not recall this briefing and what areas we were to cover in this interview

**89. A Clue Action dated 20 May 2015 and allocated to DSI Dodd with the subject “Re-interview Chief Supt Garry MCEWAN” (PIRC-02946), at page 1, states:**

***Witnesses Adeymi JOHNSON S069, Kadijatu JOHNSON S174 and Lorraine BELL (Mother of Collette BELL) S179, state that when they met with CH SUPT MCEWAN on the evening of Sunday 3 May 2015, he referred to the deceased being in possession of a "Machete". Can CH SUPT MCEWAN confirm this version of events.***

Signature of Witness  .....

...

***Prior to interview full briefing on content of interview will be provided by Incident Room/DSI Little/SI McSporran.***

**90. At the point that Chief Supt McEwan's PIRC statement was obtained, what awareness, if any, did you have that PIRC was considering Chief Supt McEwan's alleged references to Mr Bayoh being in possession of a machete?**

I do not recall having awareness that the PIRC was considering Mr McEwan's reference to machete

**91. There is no reference to "machete" within Chief Supt Garry McEwan's PIRC statement (PIRC-00181) and it does not appear that Chief Supt McEwan was asked questions in this regard. Why was Chief Supt McEwan not asked about this point and asked to confirm his version of events? What, if any, briefing did you receive before the statement was obtained from Chief Supt McEwan? From whom did you receive the briefing? What was discussed?**

I do not recall this briefing and what areas we were to cover in this interview

**92. What involvement, if any, did you have in the analysis of evidence in relation to whether the family were provided with misleading and erroneous information concerning Mr Bayoh's death?**

I do not recall having any involvement in this analysis of evidence

**1 July 2015**

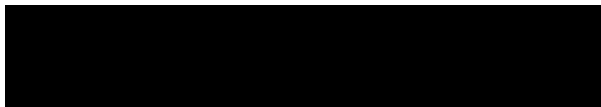
**93. Within your first PIRC statement (PIRC-00329), at page 7, you note that you corroborated the "*transcription of Police Scotland Airwave traffic*" produced by Investigator Stuart Taylor. Did you corroborate the document titled "*Combined Airwave Call Activity Data (Kirkcaldy 01) and Transcription*" (PIRC-01396) and/or the "*Transcript of Police Scotland Airwave Talkgroup 'Kirkcaldy 1' on 3rd May 2015 between 0600 and 0800 GMT*" (PIRC-01399)?**

I corroborated both documents

**94. How did you corroborate the transcription produced by Investigator Taylor? What data and information did you use? How did you attribute the Airwave transmissions to particular officers within the transcription? What, if any, changes did you make to the transcription initially produced by Investigator Taylor?**

Investigator Taylor would have initially listened to the Airwave tracks and looked at airwave call activity documents provided by Police Scotland and then produced a transcript of the airwave tracks from what he could hear. I would then listen to the

Signature of Witness





tracks to check for accuracy. I would have brought to Investigator Taylor’s attention anything that I didn’t agree with and my interpretation of any entries that Investigator Taylor couldn’t make out . The transcripts were only completed when we were both in agreement. Should there have been an occasion(s) when we failed to agree, this would have been highlighted in the finished document.

I do not recall making changes to Investigator Taylor’s transcriptions

**95. What steps, if any, were taken to compare and contrast the officers’ accounts within their statements with the Airwave transcription you corroborated, both to review the accuracy of the Airwave transcripts themselves and to corroborate or challenge the officers’ accounts of the incident? What involvement did you have in this process? Who within the investigations team was responsible for instructing analysis of this nature?**

I do not recall if this comparison was done. If it was I wasn’t part of this process and I don’t know who was

**96. The minutes from PIRC’s morning briefing on 2 June 2015 (PIRC-04156, page 37), with reference to an update that Investigator Taylor provided regarding the completion of Airwave transcripts, state:**

*- A few anomalies, but working through them.*

*- A draft transcript document is available for the interviews, however it has not been corroborated, so cannot be used as a production yet.*

**What anomalies were identified in relation to the Airwave transcripts? How were these anomalies clarified or resolved? How was the draft Airwave transcript used by investigators in the officers’ interviews?**

I do not recall what anomalies Investigator Taylor was referring to.  
I do not recall using the draft Airwave transcripts when I interviewed PS Scott Maxwell

**97. Later in the investigation, within a letter dated 27 April 2017 from DSI Little to Alasdair MacLeod, COPFS (PIRC-02069(a)), it is identified that within the Airwave transcripts (PIRC-01396, page 5 and PIRC-01399, page 6) the transmission “Officer down. PC Short, male” was wrongfully attributed to PC Alan Smith and should instead have been attributed to PC Alan Paton. Were you informed at this time that COPFS had identified this error? How did this error occur? What impact did this have on PIRC’s investigation? Following the identification of this error, what steps, if any, did PIRC take to confirm that the other transmissions noted within the transcripts were accurately transcribed and attributed to the correct officers?**

I do not recall being informed of this identification error. I do not recall how this error occurred and that it was the COPFS who identified it. I do not recall if this had any real impact on this investigation

Signature of Witness  .....



I do not recall if PIRC took steps to confirm the accuracy of the other transcripts. I do not recall being involved in this process if it happened.

**9 October 2015**

**98. A statement was taken from Inspector Steven Stewart by Maurice Rhodes, in your presence (PIRC-00395). Inspector Stewart was the duty officer within the ACR at the time of the incident involving Mr Bayoh. Why was a statement obtained from Inspector Stewart at this point in the investigation? What consideration, if any, was given to obtaining a statement from Inspector Stewart earlier in the investigation?**

I do not recall why a statement was taken from Insp Stewart at that particular time. I do not recall if any consideration was given to interviewing Insp Stewart earlier. The incident room and senior managers are better placed to answer this

**10 December 2015**

**99. On this day, you sent an email to Mr Kevin Nelson (PIRC-02543). This email was in response to an email Mr Nelson sent to PIRC on 8 December 2015 (PIRC-02542), in which he stated:**

*I was approached today by two men who claim to be lawyers representing the Police Union. I recognise one of the men as he has asked me before if I would talk to him but at that point I declined. He has also tried to make contact with my neighbour at [REDACTED] on several occasions.*

Within your email dated 10 December 2015, you stated in response:

*With regards to your concerns re representatives from the "Police Union" making an approach to you, I am aware that PWB Solicitors, the firm of solicitors representing the Police Officers have been in your area conducting their own enquiries, which they are entitled to do*

**What discussions, if any, were there within the investigations team regarding the investigation carried out by PBW Law? What, if any, impact did PBW Law's investigation have on PIRC's investigation?**

I do not recall any discussions within the investigation team about the investigation being carried out by PWB. I do not recall what impact if any this had on the PIRC investigation.

**100. What, if any, steps did PIRC take to dissuade PBW Law from continuing with its investigation? Could PIRC have taken any such steps? If not, why not?**

Signature of Witness [REDACTED] .....

I do not recall being aware what if any steps to dissuade PWB. COPFS would have been aware of their involvement. I do not think that PIRC had the powers to stop PWB carrying out an investigation on behalf of the police officers

**Investigation overall**

**101. 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 writing the PIRC report

**102. Were you content with the support and direction that you received from your colleagues at PIRC, including colleagues in positions senior to you, throughout the investigation? If not, why not?**

I do not recall having any issue with support from colleagues and management

**103. What roles did Irene Scullion (Head of Investigations), John Mitchell (Director of Investigations) and Kate Frame (Commissioner) play in the management of the investigation? What level of oversight did they have over the investigation? How was that oversight maintained?**

I was aware all three were involved in the overall management of this investigation. I do recall they were regularly in attendance at some of the briefings held in the office

**104. Who at PIRC do you consider was ultimately in charge of the investigation following the incident involving Mr Bayoh? Please explain why you hold this view.**

Kate Frame was the Commissioner at that time and as far as I recall she was overseeing the full investigation whilst John McSporran had day to day responsibility

**105. Did you consider that the police officers with whom you had contact during the investigation 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? 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 do not recall being involved with any police officer who was unaware of the role of the PIRC. Prior to any interview, I would have made sure that the officer involved was sent a copy of the relevant PIRC pamphlet which clearly outlined the role of the PIRC.

Signature of Witness  .....

As I understand, PIRC and Police Scotland had many joint consultation days. PIRC carried out many presentations to police staff and officers. PIRC investigators attended many training courses from probationer level to senior management level and provided inputs and pamphlets were circulated

**106. Were you content with the support that you received from Police Scotland in relation to PIRC’s investigation? If not, why not? What impact did this have on PIRC’s investigation?**

I do not recall having any issues with any police officer in regards to my role as an investigator throughout my involvement in this investigation

**107. Were you aware at any point of any concerns expressed by staff or officers from Police Scotland about PIRC’s management of the investigation? If so, how were you made so aware, and what did you understand those concerns to be? Did you share knowledge of these concerns with others at PIRC? What did you do, if anything, to address those concerns?**

I do not recall being aware of any concerns expressed by staff or police officers about PIRC’s management of the investigation

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

I do not recall having considerations about PIRC’s powers being insufficient.

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

I was involved in noting witness statements from numerous other individuals.

**110. How diverse was PIRC as an organisation in 2015? How has the level of diversity at PIRC changed between May 2015 and now, if at all?**

PIRC as an organisation has always been considerate of diversity including 2015. Nothing has changed since then in respect that the PIRC has always promoted fair treatment and opportunity for everyone.

**111. Who was responsible for diversity and inclusion matters at PIRC in 2015? Who is responsible for such matters now?**

The Human Resource department was in 2015 and still is.

**112. Has any PIRC policy or practice relating to equality and diversity changed following the Bayoh investigation? If so, which policy or practice has changed and in what way?**

Signature of Witness  .....

As I understand, PIRC policies have not changed as a direct result of the Bayoh investigation. The HR department are best placed to answer questions on PIRC policy

**Race**

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

No

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

I had no such experience prior to May 2015  
I have worked on a number of investigations since that have involved someone from an ethnic minority.

**115. 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 do not recall having worked on another such PIRC investigation in which race was a factor to investigate as per COPFS terms of reference

**116. 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?**

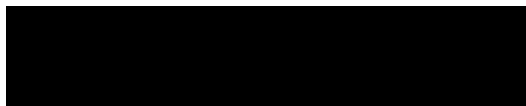
I am unaware of PIRC considering the issue of race within an investigation

**117. When PIRC's terms of reference were expanded by COPFS to include issues of race, what involvement, if any, did you have in this aspect of PIRC's investigation?**

My role as an investigator did not change. I do not recall being involved in this aspect of PIRC's investigation

**118. Prior to the instruction from COPFS to investigate issues of race, 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?**

Signature of Witness





I do not recall giving consideration to race being a factor prior to this COPFS instruction.

**119. 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?**

Every aspect involved in any death is considered by the PIRC when carrying out the investigation including race and ethnicity. The appointed family Liaison Officer would be more involved in this aspect when dealing with the deceased’s family

**120. 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 recall whether back in 2015 PIRC recorded the race or ethnicity of the deceased. These particulars are now recorded


**121. 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? Would you have benefited from additional training in this regard? If so, in what way?**

I do not recall what if any training I received by 2015 in relation to equality and diversity or unconscious bias

**122. What areas were covered within the “Equalities” training that you received in October 2014 (PIRC-04577)? How much of this training was focused on race? Who provided this training and how was it delivered? In what ways, if at all, did this training assist you within your role as an investigator at PIRC? Have you received similar training since 2014? If so, please provide details.**

I do not recall this training. I have asked to get a copy of the content, however this is now not available. I have been advised by HR that this input focused on all protected characteristics, not just race

**123. The iHasco online training that you completed in April 2014 (PIRC-04577) is noted to have included a module covering “unconscious bias for employees”. What areas were covered in this training? How much of this training was focused on race? In what ways, if at all, did this training assist**

Signature of Witness  .....

**you within your role as an investigator at PIRC? Have you received similar training since 2014? If so, please provide details.**

I do not recall receiving an on-line training module in 2014 that covered 'unconscious bias for employees'

**124. During the Bayoh investigation, did you receive any training in relation to investigating an allegation that race had been a factor in an incident? Would you have benefited from additional training in this regard? If so, in what way?**

I did not receive any training during the Bayoh investigation in relation to investigating an allegation that race had been a factor in an incident. I don't know what this training would have involved so I don't know if I would have benefited from it.

**125. 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? Would you have benefited from additional materials being available to you? If so, in what way?**

PIRC had an equal opportunities policy back then. Whilst it did not specify race, all elements of diversity, protected characteristics including race were covered.

**126. What guidance, if any, do you recall receiving from senior members of staff at PIRC in relation to PIRC's investigation of issues of race? From whom did you receive this guidance?**

I do not recall receiving any guidance from senior members of staff at PIRC in relation to PIRC's investigation of issues of race

**127. 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 think PIRC were sufficiently equipped as there were investigators with vast experience and knowledge of this issue

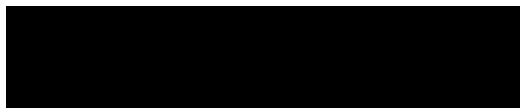
**128. With particular reference to the issue of race, is there anything you have stated above that, knowing what you know now, you would have done differently?**

No.

### **Record keeping**

**129. In addition to your notebook (PIRC-04187), 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**

Signature of Witness



**within your role? What were PIRC's requirements for you to take contemporaneous notes of your actions and decision making during an investigation?**

I do not recall taking any other notes.

The notes were taken in my notebook as soon as was practically possible

The purpose of me using my notebook was to keep a record and as a reminder of particular actions/events

There was no **requirement** for me to record anything. The notebook is for my benefit

### **Miscellaneous**

**130. Knowing what you know now, is there anything you would have done differently within this investigation?**

I do not think that there was anything I did as an investigator that I would change

**131. Knowing what you know now, is there anything you feel PIRC as an organisation should have done differently within this investigation?**

Not that I can think of.

**132. 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? Do you think your recollection has been affected at all by these discussions?**

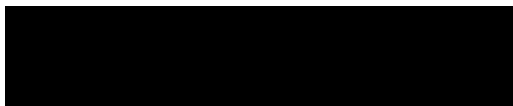
My last involvement in this PIRC investigation was many years ago. There were many news articles and television programmes on this subject. There were discussions amongst my colleagues however I do not recall what was discussed. My recollection has not been affected

**133. What, if anything, have you seen or read about Mr Bayoh's death, the subsequent investigation and the Inquiry within the media? Do you think your recollection has been affected at all by what you have read in the media or have seen in the Inquiry evidence? If so, in what way?**

As above

**134. You completed two PIRC statements covering your involvement in the investigation (PIRC-00329 and PIRC-00330). Please confirm that the content of these statements is true and accurate. Was your recollection of events better when you completed your statements 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?**

Signature of Witness



I can confirm that the statements provided are true and accurate  
My recollection of events would have been better then than now  
My initial statements should be preferred

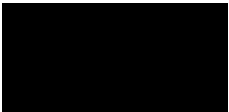
**135. The Inquiry's Terms of Reference are contained within Annex B. If there is anything further that is relevant to the Terms of Reference which you are aware of, but you have not included in your answers to the above questions, please provide detail as to this**

No

**136. 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."

Ross Stewart  
29.01.2024

Signature of Witness  ..... Date ..... February 1, 2024 | 8:30 AM GMT