

Transcript of the Sheku Bayoh Inquiry

Friday, 4 October 2024.

(10.04 am)

MARTIN GRAVES (continued)

Examination-in-chief by MS GRAHAME

LORD BRACADALE: Yes, Ms Grahame.

MS GRAHAME: Good morning, Mr Graves.

A. Good morning.

Q. I would like to turn to something else. You gave evidence in November 2022 to the Inquiry and when you gave evidence you'll hopefully recall that I asked you to consider matters through the prism of a hypothetical reasonable officer and I asked you about a particular set of circumstances and what a hypothetical reasonable officer may do --

A. Yes, I remember.

Q. -- in those circumstances. And I have returned to that again to some extent this week when we have been looking at training, so I don't want to repeat any of that evidence. Obviously the Chair has your evidence from November 2022 and he has your evidence this week, but it was agreed that there would be a range of possible options for a hypothetical reasonable officer to take --

A. Yes.

Q. -- in any given set of circumstances. But what I would like to ask you is about your contact with the crown

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1 previously and the approach that the crown took in
2 relation to asking you questions?

3 A. Yes.

4 Q. So you know that's the hypothetical reasonable officer's
5 approach I have taken --

6 A. Yes.

7 Q. -- in November 2022 and this week and I would like to
8 look at the approach the crown took with you.

9 Now, as background to refresh your memory to some
10 extent, could we look first of all, please, at
11 COPFS 02126A. Now, this is a briefing note and you will
12 not have seen this briefing note as part of your work,
13 but it's a useful way of just reminding everyone of the
14 context and the Inquiry itself has heard evidence from a
15 number of witnesses about this note. So as you'll see,
16 it's a briefing note by Alisdair MacLeod and I
17 understand you know Alisdair MacLeod?

18 A. Mr MacLeod was the first contact I had back in the end
19 of 2017 requesting my assistance, yes.

20 Q. And we have heard that he was a senior procurator fiscal
21 depute involved in the investigation into the death of
22 Mr Bayoh?

23 A. At that time he was, yes, and I see copied in
24 Fiona Carnan and she was also involved in part of that
25 and was the other contact I had within the Crown Office.

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1 Q. Thank you. And this is dated 28 February 2022, but to
2 reassure you, I think if we look at the top paragraph,
3 this is to detail and timeline, if we can move up:

4 "The work carried out by a department within
5 Crown Office against criminal allegations against the
6 police between 3 May 2015 [which was the date of
7 Mr Bayoh's death] and 11 November 2019 when the victim's
8 right of review, called VRR, process concluded."

9 A. Yes.

10 Q. It covers the whole period between May 2015 and
11 November 2019?

12 A. That's correct, yes.

13 Q. And so I would like to first of all look at page 13,
14 please, and this specifically deals with what they've
15 called the OST training, so the officer safety training
16 expert, and my understanding is that that was you?

17 A. That would be correct, yes.

18 Q. Here we are. You'll see the crown encountered
19 considerable difficulty in identifying a suitable OST
20 expert and number of enquiries were made in England and
21 Northern Ireland and then in December 2017 the Met
22 Police College in Hendon was approached for assistance
23 and they weren't able to put forward any of their own
24 officers, but they provided details of a known and
25 trusted former training officer Martin Graves who was

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1 now operating as an OST expert in the private sector?

2 A. That's correct, yes.

3 Q. And we've heard that's how the crown came into contact
4 with you and got your name?

5 A. Yes.

6 Q. And they contacted you on 29 December 2017 and initially
7 provided you with general nonspecific details about the
8 case and the following day you forwarded your CV to the
9 crown and confirmed you would be in a position to start
10 reviewing materials and provide a report to them and
11 does that accord with your recollection?

12 A. Yes, that would be correct dates and the first process,
13 yes.

14 Q. And then:

15 "Following crown counsel's agreement, Mr Graves was
16 formally asked to provide a report on 22 December 2017."

17 And you were contacted by telephone on
18 8 January 2018 and you were provided with specific
19 details about the case?

20 A. Yes, and just after that the materials arrived on a pen
21 drive complete with a copy of written instructions, yes.

22 Q. And, indeed, it says in the briefing note:

23 "A detailed letter of instruction and pen drive was
24 couriered to Mr Graves' business address on
25 24 January 2018."

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1 And you remember receiving that?

2 A. Yes.

3 Q. Can I ask you to look at COPFS 00008, and this should be
4 your letter of instruction, so it's from Crown Office
5 dated 24 January 2018. Do you have a hard copy in your
6 folder?

7 A. I do, yes.

8 Q. Excellent, and that's -- I think it's around a 20-page
9 document?

10 A. Yes, I remember it being quite substantial.

11 Q. And we've also got a copy of it on the screen, but we
12 will only see a section of that, but do you recognise
13 that as the letter of instruction?

14 A. I do, yes, it also detailed all the documents that would
15 be -- were contained on the pen drive, which also
16 included a great deal of CCTV and also a reconstruction
17 of the scene and the timeline that had been done by
18 forensic scientists.

19 Q. Thank you. Now, I will be coming back to that later to
20 ask you once more detailed questions shortly, but,
21 again, to complete the context and the background, can
22 we return to the briefing note, please. So that's
23 COPFS 02126A and we were on page 18 under "OST expert",
24 and it talks about the original materials. If we can
25 carry on down, there we are:

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1 "The original materials provided to Mr Graves in
2 January included documentation in relation to the
3 training delivered to the material officers. On
4 21 February 2018, Mr Graves was advised by email that
5 PIRC had carried out further enquiries in relation to
6 the nature and content of officer training and a further
7 letter of instruction and materials was being prepared."

8 And then on 22 February that year, 2018:

9 "Mr Graves advised the crown he had not been able to
10 devote time to preparing his report at that time."

11 Could you look, please, at COPFS 00008, and page 9,
12 please. So we're going to go back to the -- now,
13 page 9, please, of COPFS 00008. Right. I think my copy
14 is slightly different. So what I was looking for was
15 the next letter of instruction that was sent to you,
16 which I have attached, and it was a letter dated
17 22 February 2018 and I had it following on from the
18 first letter of instruction.

19 A. It would be page 10 is the next page.

20 Q. Yes, you have the same copy as me. There we are.

21 Excellent, thank you. So that's 22 February 2018 and
22 this appears to be another second letter of instruction
23 sent to you by the crown referring to the first letter
24 of instruction on 24 January and various materials were
25 sent and they have since received further relevant

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- 1 information so that was -- do you recognise that?
- 2 A. Yes, there was additional materials provided, yes.
- 3 Q. Lovely. And then I wonder if we could go back to the
- 4 briefing note, please, and that's COPFS 02126A, and if
- 5 we can look at page 9. Sorry, we were on page 13,
- 6 apologies. And if we can move down the page, there we
- 7 are, and it then talks about a second letter of
- 8 instruction, materials couriered on that 24 February,
- 9 asked to do your report, and there was a comment that
- 10 precognoscers were aiming to submit their report to the
- 11 crown counsel on 23 March 2018. And on 7 March you
- 12 confirmed your report would be completed and then on the
- 13 16 March you advised the crown that you had been unable
- 14 to play a number of titles on the PSA multimedia
- 15 presentation disc. So you were having some difficulties
- 16 with the pen drive?
- 17 A. There were some technical difficulties with the
- 18 formatting, yes.
- 19 Q. And in the end a further disc was couriered to you in
- 20 March?
- 21 A. Yes, that's correct.
- 22 Q. And then on 16 March, the precognoscers, and we've heard
- 23 that those were Fiona Carnan and Alisdair MacLeod, who
- 24 you have mentioned --
- 25 A. Yes.

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1 Q. -- made arrangements with Mr Graves to discuss his
2 emerging conclusions over the telephone on 21 March, and
3 this was with view to finalising the report that they
4 were preparing to crown counsel by 23 March. Then if we
5 can move on, please, down the page, and it said here:

6 "Although the consultation with Mr Graves was very
7 useful, he advised the crown his report would not be
8 completed until the April."

9 So they did not submit a report to Crown Office
10 until they had received your report?

11 A. Yes, from memory, the telephone conversation I asked if
12 we could break down the questions and they added
13 actually further questions verbally in relation to
14 clarification which, again, extended the work that was
15 going to be required so I gave a revised timeline for
16 the completion of the review.

17 Q. And it says there you asked for further time in April
18 and then the OST report was received by the crown on
19 14 April 2018?

20 A. That would sound about right, yes.

21 Q. And it was examined in detail, so let's have a look at
22 COPFS 00024, and do we see here your name at the top
23 instructed by Mr Alisdair MacLeod?

24 A. Yes.

25 Q. And the date of the report is 13 April 2018, and if we

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1 move down the first page, we see that it is "The use of
2 force by police in the restraint of Mr Sheku Bayoh" and
3 then it says "Expert witness report of Mr Martin Graves"
4 and we can see that on the screen.

5 A. Yes.

6 Q. And do you recognise that report?

7 A. Yes.

8 Q. And I think I asked you questions in connection with
9 this in November 2022?

10 A. That's correct this is what I referred to, yes.

11 Q. Thank you. We will come back to that and I will ask you
12 some further questions in due course. Could we go to
13 the briefing note, please. Again, we were -- I think we
14 were now on page 14, and we had just finished reading
15 "The OST report was received on 14 April 2018" and there
16 were a number of typos and such like, there always are
17 with these things, and a number of matters were raised
18 and you resolved those and then your draft had been
19 submitted as your final report on 29 April 2018?

20 A. That's correct, yes.

21 Q. And then it says that you were precognosced by the
22 precognosceners at Paisley Fiscals Office on 11 May 2018?

23 A. Yes, that was an in-person meeting, yes.

24 Q. And that was in Paisley?

25 A. Yes.

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- 1 Q. And you remember that taking place?
- 2 A. Yes, I remember flying up, yes.
- 3 Q. And it says -- do you remember who attended that?
- 4 A. From memory, it was Ms Carnan and Mr MacLeod, from
5 memory.
- 6 Q. Yes. Thank you. And the Inquiry has the precognition
7 that was taken from you and I know you won't have seen
8 that?
- 9 A. Yes.
- 10 Q. But it does indicate that both Fiona Carnan's initials
11 and Alisdair MacLeod's initials are on that and they
12 were both there as far as you remember?
- 13 A. As far as I remember, yes.
- 14 Q. Thank you. And then you won't be necessarily aware of
15 this, Mr Graves, but the Inquiry has information and has
16 been advised that on 15 August 2018 the Lord Advocate,
17 the then Lord Advocate, James Wolffe KC, instructed
18 senior crown counsel to consult with you as the
19 restraint expert and senior crown counsel at that time
20 was the Assistant Principal Crown Counsel who was
21 Ashley Edwards KC and do you remember meeting with
22 Ashley Edwards?
- 23 A. I remember coming to Edinburgh for another meeting, yes.
24 I have a different name on the email, but I believe ...
- 25 Q. Well, we have -- if we could look perhaps at COPFS

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1 02337, and we've heard evidence that this is the
2 consultation note that was taken. We've heard evidence
3 that Les Brown, head of the criminal allegations against
4 the police and Crown Office, had a consultation at
5 Scottish House, Embankment in London on 20 August 2018
6 and that was attended by the allocated and assistant
7 principal crown counsel, the allocated AD, Ashley
8 Edwards, and that seems to have been in London in
9 August?

10 A. Yes, there was a meeting in London, as I say, I've also
11 flown up to Edinburgh as well.

12 Q. Right. And I want to try and pin down the dates when
13 you attended and met with crown counsel and
14 Crown Office. So you told us that you remember meeting
15 Fiona Carnan and Alisdair MacLeod in Paisley?

16 A. Yes.

17 Q. And was that on one occasion in Paisley?

18 A. One occasion and I think it was May of that year.

19 Q. And the notes appear to say that was 11 May, and then
20 the next meeting you had, who was that with?

21 A. I remember Les Brown's name. As I've said, I have
22 looked back over my email trail from that time,
23 Les Brown, and I remember a young lady being there but I
24 can't remember her name.

25 Q. And we've heard that it was -- you'll see the names on

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1 the screen, Ashley Edwards, QC then, KC now, and
2 Les Brown?

3 A. Yes.

4 Q. And that meeting with them was in London on
5 20 August 2018?

6 A. Yes, at Scottish House, yes.

7 Q. And was that the first time that you had met either
8 Ashley Edwards or Les Brown?

9 A. I believe it was, yes. I had corresponded with Les via
10 email, but it was the first face-to-face meeting I'd had
11 with them.

12 Q. All right. So the information the Inquiry has been sent
13 is that on 15 August 2018 the then Lord Advocate
14 instructed senior crown counsel to consult with you,
15 Martin Graves, and then it would appear five days later
16 on 20 August there was a consultation with you. Can
17 we -- we're then aware that the VRR, Victim's Right of
18 Review, was intimated in February 2019, we have heard
19 evidence about that, and concluded, which we saw on the
20 first paragraph of the briefing note, 11 November 2019.

21 And during that period, am I to understand that you
22 had another consultation and that was perhaps in
23 Edinburgh?

24 A. I have recollection of coming to the Crown Offices in
25 Edinburgh, yes.

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1 Q. Right. And if I was to say could we look at
2 COPFS 02322. Now, these are consultation notes which
3 you wouldn't have seen before, I don't think, but they
4 do indicate that they're "AM & FC notes on AP
5 consultation with Martin Graves, OST expert, 28th June
6 2019, Crown Office, Edinburgh". And it's my
7 understanding that AP is Alex Prentice, now KC, and --
8 (YouTube screen frozen)

9 Q. So that's 00529. So you see there the statement of
10 James Wolffe KC, and I'm interested in paragraph 52,
11 please. You'll see -- you'll have seen the heading go
12 by about expert witnesses and what he has told the Chair
13 is that he had looked at email exchanges between himself
14 and the Assistant Principal Crown Counsel in
15 December 2017 in relation to the identification of a
16 suitably qualified restraint expert:

17 "... In which I suggested that enquiries might be
18 made with police forces elsewhere in the UK and with
19 police training institutions north and south of the
20 border. Otherwise, so far as I can recall, I had no
21 personal involvement in the matters referred to in this
22 question."

23 And is it fair to say you never met with the
24 Lord Advocate?

25 A. I have no recollection of meeting with him, no.

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1 Q. "And these were all matters for the investigative team
2 under the direction of Assistant Principal Crown Counsel
3 [who we have heard was Ashley Edwards at the time] and
4 as I have already noted, when I received APCC's report
5 [that's Ashley Edwards] with her recommendation in
6 relation to prosecution of the officers, I had a
7 discussion with her which resulted in further consultation
8 with a restraint expert before a final decision was
9 taken. I cannot now recall the specific point upon
10 which I considered that further work was required."

11 Now, we've heard evidence that Ashley Edwards was
12 the allocated advocated depute, that she prepared in
13 fact a number of reports for the then Lord Advocate
14 James Wolffe, but the first one she sent to the
15 Lord Advocate -- and we have heard evidence they had a
16 meeting -- and it would appear that after Mr Wolffe had
17 a discussion with her it resulted in further
18 consultation with a restraint expert before a final
19 decision was to be taken, but he could not recall the
20 specific point on which he considered further work was
21 required.

22 And I wondered whether you had any recollection at
23 all of discussing with Ashley Edwards what in particular
24 the Lord Advocate was interested in?

25 A. I remember both of the meetings being not directly

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1 related to the original instructions and the original
2 questions and asking for more -- more of my opinion,
3 overarching opinion, in relation to the incident and
4 also some additional questions around the training which
5 hadn't formed part of my original instructions. I do
6 remember discussing other topics and other things which
7 were outside of my original instructions from them.

8 Q. Thank you. Now, as far as the Inquiry are aware, you
9 were the only OST expert or safety training expert,
10 restraint expert, that was instructed by the crown and
11 invited to comment on the actions of officers. Do you
12 have any information to suggest it wasn't you that was
13 the only expert on this?

14 A. I'm not aware -- I wasn't informed that another expert
15 was being approached, no.

16 Q. Thank you. So as far as you knew, you were the only
17 expert being consulted with on this matter?

18 A. Yes, normal practice would be if there's more than one
19 expert, the experts would be requested to meet and come
20 up with a joint report in relation to their findings,
21 identifying areas of agreement and areas of
22 disagreement.

23 Q. And there was never anything like that?

24 A. No.

25 Q. Thank you. So I would like to go back to the letter of

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1 instruction and ask you one or two questions. That was
2 COPFS 00008 and you said earlier that you recognised
3 that letter of instruction, it was of some length, and I
4 would like to look at page 2, please. At the top of
5 this page you'll see a section in bold and I'm going to
6 read out the first part of that to you and then ask you
7 some questions on it. Please either follow your own
8 hard copy or we can look at it on the screen:

9 "Given your expertise, the crown wish to instruct
10 you to prepare a report commenting on the actions of
11 police from the point of engagement with Mr Bayoh and
12 particularly providing opinion on whether the method of
13 engagement with and restraint of the deceased by
14 officers was reasonable and justifiable, taking into
15 account the requirement for their use of force to be
16 necessary, accountable, proportionate legal and ethical.
17 In general, in providing your opinion, please comment on
18 whether the officers concerned seemed to have followed
19 their OST training. We would ask that you consider all
20 of the materials supplied to you in reaching your
21 opinion."

22 Could you explain your understanding of what it was
23 that the crown were asking you to express an opinion on?

24 A. The actions of the officers, the tactics that were
25 deployed, and whether or not, in my opinion, I deemed

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1 them to be appropriate to the risk, and also whether
2 that -- those tactics were in line with their current
3 training.

4 Q. Right. Where we see the section that says, "We wish to
5 instruct you to prepare a report [at the beginning of
6 the paragraph] commenting on the actions of police from
7 the point of engagement with Mr Bayoh", and they say
8 they would like an opinion "on whether the method of
9 engagement with and restraint of the deceased by
10 officers was reasonable;" what was your understanding of
11 that phrase?

12 A. Whether their actions were appropriate to the proposed
13 or the perceived threat, was it the right thing to do
14 and if it was the right thing to do, did they do it in
15 the right way.

16 Q. And was it ever your understanding that they wanted you
17 to express an opinion on whether the restraint was
18 reasonable?

19 A. Yes.

20 Q. And can we look at the second paragraph in bold:

21 "I should mention that we may ask for a
22 supplementary report from you at a later stage about the
23 efficacy of the police OST training."

24 Now, we don't have a report like that in the Inquiry
25 and I wanted to ask you were you ever subsequently asked

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1 to prepare that report for the crown?

2 A. I never prepared a secondary or supplementary report.

3 As I said from memory, I do remember answering questions
4 in relation to the training at one or other of the two
5 meetings that I had with Crown Office.

6 Q. And do you remember whether it was the meeting with
7 Ashley Edwards or the meeting with Alex Prentice?

8 A. I can't really. I don't have any personal notes of
9 those meetings still available.

10 Q. Right. Were you ever asked to look at -- I know you
11 were looking at some training materials. When you
12 compare what the Inquiry have asked you to look at in
13 terms of training materials, and the questions that you
14 were asked to respond to regarding training in 2015 and
15 up to date, do you remember if it was a comparable
16 process at the meetings you had?

17 A. I was certainly given access to sections of the
18 2013 Manual, I remember having seen that, because I had
19 that on record already, and being given a number, two or
20 three, PowerPoints, supporting PowerPoints. I don't
21 remember seeing any lesson plans or anything like that
22 or any other supporting documents. I definitely had the
23 manual and I definitely had a couple of PowerPoints,
24 supporting PowerPoints.

25 Q. So your comments were restricted perhaps to the manual

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- 1 itself and the couple of PowerPoints you saw?
- 2 A. Yes, I remember making -- also making comment on the
3 SPELS, the first aid training, I was given a copy of
4 that as part of the training materials. I remember
5 giving a couple of paragraphs of comment on that as
6 well.
- 7 Q. And do you remember any specific questions that were
8 asked about training?
- 9 A. Not off the top of my head, no. If they're not involved
10 in those documents, then, no.
- 11 Q. Do you remember what either of the PowerPoints related
12 to?
- 13 A. As I say, one was a supporting OST PowerPoint. I can't
14 remember what the other ones were.
- 15 Q. And when you say "supporting" was that to do with the
16 manual?
- 17 A. Yes, it was the basic delivery methodology for the
18 manual content.
- 19 Q. All right, Thank you. Could we move on to you -- back
20 to your letter of instruction and I would like to look
21 at pages 7 to 8 and a section that is called "Restraint
22 on the ground" and it's towards the bottom of page -- if
23 we look at page 7. There we are. So we'll start on
24 page 7. You see the section that says "Restraint on the
25 ground"?

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1 A. Yes.

2 Q. And was -- before I go through the detail of this
3 section, was it ever explained to you by the crown that
4 it appeared from the eyewitness evidence that there were
5 different factual versions emerging of what actually
6 happened in Hayfield Road and they could not all be true
7 and accurate, but different witnesses had said different
8 things and that it would not be for you to make up your
9 mind which version you preferred?

10 A. Yes, I took into consideration all the -- I had access
11 to all the witness statements so I used those to blend
12 and look at the timeline to make my own -- form my own
13 opinions.

14 Q. Thank you. Can we look at the final paragraph on page
15 7:

16 "The Snapchat footage taken by witness Wyse... "

17 And I know you're familiar with the Snapchat
18 footage. We discussed it with you in November 2022?

19 A. Yes.

20 Q. "The Snapchat footage taken by witnesses Wyse, inserted
21 at one minute, one second into the restraint, contains a
22 brief glimpse of the methods of restraint being used at
23 that time. Six officers are in various positions on or
24 around the now deceased. From that Snapchat footage, it
25 appears Mr Bayoh was lying on the southern pavement on

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1 Hayfield Road surround by five police officers, namely
2 PC Smith, PC Tomlinson, PC Paton, PC Gibson and
3 PC McDonagh. A sixth officer, believed to be PC Walker,
4 appears to be lying lengthwise on top of or beside
5 Mr Bayoh. His high visibility clothing visible
6 momentarily."

7 And then there's the comment of PC Good making her
8 way to assist her colleagues. And the final paragraph
9 of that section:

10 "During that four minutes, two seconds period, the
11 now deceased was restrained physically by various
12 methods described by the officers and witnesses, was
13 handcuffed to the front and a set of two fastraps were
14 applied to his legs.

15 "The accounts from each officer as to what he or she
16 was doing during this time are somewhat inconsistent.
17 PS Maxwell [that's acting police Sergeant Maxwell],
18 DS Davidson, DC Connell and DI Robson can all speak to
19 their observations, but they did not take part in the
20 restraint."

21 A. That's correct, yes.

22 Q. Looking at the top of that page 8, it appears that the
23 crown has set out perhaps two factual scenarios, two
24 possibilities here, one that an officer believed to be
25 PC Walker appeared to be lying lengthwise on top of

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1 Mr Bayoh or that the same officer appeared to be lying
2 beside Mr Bayoh. Can you help the Chair understand what
3 it was your -- you understood the crown to be asking you
4 in regard to those two factual possibilities?

5 A. I believe that was them -- their review of the CCTV
6 footage once the compilation, the timeline compilation
7 had been done, that was their interpretation of two
8 possible opinions on that video and I was asked or I was
9 under the impression from that I was asked as to which
10 one I believed was correct or if I had a different view,
11 to express that opinion.

12 Q. Thank you. In this letter of instruction there was no
13 reference to any factual hypothesis being set out, such
14 as the type of thing I asked you in November 2022.
15 There's no specific question asking you what a
16 hypothetical reasonable officer may or may not have
17 done. And I wondered if you recollect it ever having
18 been explained to you by the crown that they wished you
19 to consider matters from that perspective, maybe what
20 options were open to a hypothetical reasonable officer,
21 rather than asking you what your view was about
22 particular actions taken by officers on the date in
23 question at Hayfield Road?

24 A. I don't have any recollection of that sort of
25 terminology regarding "hypothetical officer". When

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1 looking at the reasonableness of the actions of any
2 officer, I would always comment on those actions based
3 against what would be the expected behaviour or the
4 expected tactics and techniques for an officer to use
5 under those circumstances.

6 Q. Thank you. The crown have pointed out that the
7 witnesses and the accounts from the officers, as we see
8 on the screen, were somewhat inconsistent?

9 A. Yes, I know I gave evidence back in November in relation
10 to that, yes.

11 Q. You did. And so we've heard evidence that different
12 witnesses have said different things at different times.
13 Do you have any recollection of the crown ever setting
14 out for you in any way a table in writing or just in
15 discussion the various different versions that had been
16 given and asking you to comment on each individually?

17 A. I was given access to the original officer's notes and
18 statements. What I do recall is that they were quite
19 lacking in places. Some of them hadn't been done, some
20 of them had been done many, many days after the event,
21 and I did have, I remember, a discussion with
22 Crown Office regarding the protocols of post-incident
23 management not having been adhered to or not having been
24 as I would have expected them to be in relation to
25 officers' accounts of such an incident.

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1 Q. And did you have concerns about the various different
2 accounts that were in front of you in terms of
3 statements and other materials?

4 A. Not so much the fact that they were different or
5 inconsistent, because that is quite often expected when
6 you have officers viewing a situation from different
7 angles, different timeframes, et cetera, but the fact
8 that original accounts, initial accounts or later
9 referenced full accounts weren't available from the
10 officers.

11 Q. Was it ever -- we've heard about something that the
12 crown are sort of working -- it was called the core
13 crown theory, something that they worked on that they --
14 that they developed, core crown theory, what the crown
15 case was at its highest, as they would put it, and
16 effectively what was the most prejudicial scenario for a
17 potential officer who was involved, a potential accused,
18 they were considering criminality. And do you remember
19 discussing with the crown what their core crown theory
20 was or what the crown case at its highest was?

21 A. I don't remember a specific conversation, but I remember
22 being made aware of the fact that they were considering
23 criminal or had -- that was one of the options open to
24 them was consideration of criminal proceedings and
25 basically a caveat that my report may be required at

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1 that level.

2 Q. Right. And so you understood that you were being asked
3 to do a report potentially for criminal proceedings?

4 A. Yes.

5 Q. So you may have to be a witness in a trial in the
6 future. Was it ever made clear to you what the --
7 whether it was called a core crown theory or a crown
8 case at the highest -- what the sort of position,
9 factual position was for the crown in terms of the
10 worst -- the worst sort of most prejudicial factual
11 position, was that ever identified for you by the crown?

12 A. I don't remember a specific conversation regarding what
13 charges might be brought, but, as I say, I obviously
14 being involved in a number of cases like this elsewhere,
15 I'm aware of what the possible charges or the possible
16 implications could be to people involved in this sort of
17 situation, yes.

18 Q. Of course. But leaving aside possible criminal charges,
19 did the crown clearly identify to you the worst case
20 factually for the officers?

21 A. I don't remember having that conversation, as I say,
22 other than the fact that I was made aware that criminal
23 proceedings were a possibility.

24 Q. Right. So you were aware that obviously criminal
25 charges are the worst case scenario in many situations,

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1 but I'm interested in whether the crown identified the
2 facts that might merit charges of that sort?

3 A. I don't remember that conversation. If it was, it was
4 in one of the two verbal meetings.

5 Q. Do you remember anything like that?

6 A. I don't have a recollection of it, no.

7 Q. In the letter of instruction, as you will see at the top
8 of page 8, you were asked to proceed on the basis
9 that -- this relates to the Snapchat footage --
10 PC Walker appears to be lying lengthwise on top of
11 Mr Bayoh or beside Mr Bayoh and I think you described
12 that earlier as that appeared to be the crown's
13 interpretation of the footage?

14 A. Yes.

15 Q. They've -- at the very least in this letter they have
16 asked you to look at perhaps two possible factual
17 scenarios. And I wondered, reflecting now where we are,
18 when I have asked you questions in November, using the
19 prism of a hypothetical reasonable officer and we've
20 done that again this week, would you have found that
21 useful as a mechanism to have the facts laid out for you
22 and look at different scenarios?

23 A. As I say, I think I was requested and I would always
24 make my own judgment of the materials being presented to
25 me. I take this sort of letter of instruction as very

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1 much a sort of a timeline based on the instructing
2 person's view of the evidence that's in front of them,
3 highlighting things that they might me to focus in on.
4 As I said, in relation to the hypothetical officer,
5 I would always use that level in relation to my opinion
6 of the actions of an officer, what would be expected or
7 what would be recognised as good practice as against
8 what I'm actually viewing or being presented with.

9 Q. Thank you. Could we go back to the report that we
10 looked at shortly, I would like to look at COPFS 00024
11 and this is your report from 13 April 2018. It's a
12 41-page PDF and I would like to look at just one or two
13 aspects of this. Page 31, letter (j), it's at the
14 bottom of the page. And here you have said:

15 "At this time, there are differing accounts of the
16 body position of Mr Bayoh. PC Tomlinson, Smith and
17 Mr Nelson (see paragraph (o) below) appear to have him
18 on his front with PC Walker lying over his upper body.
19 PC Walker describes this as being on his knees with his
20 upper body over the subject's right shoulder with him
21 lying on his left side."

22 So I think here you recognise there were two
23 versions of the facts that you had identified?

24 A. Yes, and that paragraph is specifically from the
25 officer's account, not from my opinion of the or viewing

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1 of the CCTV.

2 Q. No. So this isn't connected to the Snapchat, this is
3 two versions that you've identified from the statements?

4 A. Yes, that's correct.

5 Q. And the first version is from Tomlinson, Smith and
6 Nelson, which have Mr Bayoh on his front at
7 Hayfield Road with PC Walker lying over his upper body.
8 PC Walker, the version that he had from his statement,
9 was that he was on his knees on the pavement, with his
10 upper body over the subject's right shoulder with him
11 lying -- him being Mr Bayoh --

12 A. On his left side.

13 Q. -- lying on his left side on the pavement. So you have
14 identified those from at the statements that you have
15 looked at.

16 The next letter I would like to look at is (s) page
17 and I think you have also recognised here if we look
18 (s) -- sorry, can we move further down. It is page 30
19 of the report. There we are.

20 "PC Walker also fell to the ground at this time,
21 dropping the baton he had taken from his colleague. He
22 states he ended up on his knees next to Mr Bayoh who was
23 on his back."

24 So on this version here, the version appears to be
25 PC Walker was on his knees again but next to Mr Bayoh on

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- 1 who was on his back on the pavement?
- 2 A. Yes, this --
- 3 Q. So no mention there of lying on the ground?
- 4 A. No this is prior to the movement. The other paragraph
- 5 you have seen is further on into the restraint. This is
- 6 at the initial -- from memory, without going back a
- 7 little bit further, this is at the initial contact with
- 8 Mr Bayoh by the officers and PC Walker was one of the
- 9 first ones to engage with Mr Bayoh.
- 10 Q. Yes, I think in the original statement from PC Walker he
- 11 said Mr Bayoh had landed on his back --
- 12 A. Yes.
- 13 Q. -- on the pavement. And I wasn't able to see anything
- 14 in your report which accorded with the letter of
- 15 instruction which indicated the crown's interpretation
- 16 of the Snapchat footage and that was stated in the
- 17 letter of instruction to be PC Walker lying lengthwise
- 18 on top of Mr Bayoh during the restraint.
- 19 So that was their interpretation of that Snapchat.
- 20 Did you consider that as a possible factual scenario?
- 21 A. I would have taken my review of the CCTV and what I saw
- 22 from it and I'm sure somewhere later on in the report
- 23 there's a description of the body position as I found to
- 24 be.
- 25 Q. Thank you. I think if we look now at (k) and (l), so if

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1 we look at 31 and it must on to 32, so let's look at
2 (k), which is at the very bottom of page 31:

3 "Taking into consideration the fact that all the
4 officers state he was struggling ... "

5 He being Mr Bayoh?

6 A. Yes.

7 Q. "... struggling violently against them and was trying to
8 get up, I would suggest that Mr Bayoh moved into a
9 number of positions and this probably included lying at
10 times on his front during this phase of the attempts to
11 restrain him."

12 A. Yes.

13 Q. And was that your own interpretation of the statements
14 that you had available?

15 A. Not just the statements, but also my view of the CCTV.

16 Q. The CCTV?

17 A. And my understanding and knowledge of having been
18 involved in a number of incidents like this, the
19 movement of the subject in those sorts of situations is
20 quite -- is quite evident.

21 Q. And when you say the CCTV, we've had evidence about CCTV
22 footage but also from Snapchat footage?

23 A. Yes.

24 Q. Was it both of those things you're referring to?

25 A. It was. The forensic collaboration, I'm not sure if

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1 you've actually had that presented to you, they had done
2 a superimposing where they'd put one set of footage on
3 top of the other and placed it at the same time, so you
4 had visions -- sort of multiple views or two or three
5 views of the same incident at the same time, but from
6 different angles.

7 Q. We have all of that, as I understand it, and we have
8 heard evidence from our own experts in relation to that?

9 A. Yes, and obviously what I could see was -- I might be
10 able to see something from one angle or one bit of
11 footage, but couldn't see it from the other.

12 Q. Thank you. And then if we look at (1), which is on the
13 next page, 32, you say:

14 "I would also be very surprised that during this
15 time PC Walker was not at times lying across the upper
16 body of Mr Bayoh and putting a degree of pressure onto
17 him. I do not think this could have been sustained or
18 prolonged pressure due to my comment in the next
19 paragraph and continued resistance of Mr Bayoh until
20 full restraint was achieved."

21 And the next paragraph is the one where you mention
22 the bench pressing --

23 A. Yes.

24 Q. -- where Mr Bayoh sought to lift himself, "bench press
25 himself", off the ground. And you say in paragraph (n):

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1 "In this position, the fact that PC Walker was on
2 his back would not have placed any pressure on his chest
3 [Mr Bayoh's chest] if this was not on the ground, and
4 Mr Bayoh would have been able to breathe in this
5 position."

6 You again don't specifically address the possibility
7 there of a factual scenario where Mr Bayoh was lying --
8 let me just get the wording right -- lying lengthwise on
9 top of Mr Bayoh during the restraint. Did you --
10 that's -- why didn't you cover that possibility?

11 A. As I say, I would have -- my interpretation from that,
12 as I say, you have got to remember this was done six
13 years ago, my interpretation of the evidence at the
14 time, if I didn't see it, I wouldn't have commented on
15 it, it wasn't -- although it was in my instruction
16 letter, it wasn't part of the specific question that was
17 asked of me, it was their interpretation and, as I said,
18 I would have made my deliberations based on my view of
19 the CCTV.

20 Q. Thank you. And then can we look at page 38 of your
21 report and this is the summary of your conclusions and
22 I'm interested in section 8(f) which is near the bottom
23 of the page, and here you say:

24 "In relation to all the variations in body position
25 of Mr Bayoh and the officers, I would suggest this fits

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1 with my explanation as to the fluidity of the control
2 and restraint process and that there were indeed times
3 when Mr Bayoh was face down and the officers were at
4 times placing pressure on him to keep him on the ground.
5 However, I do not believe this was constant or
6 prolonged."

7 And is that your own personal view of what you could
8 see on the Snapchat footage or the --

9 A. Yes.

10 Q. -- materials you had?

11 A. Yes, and obviously my expertise in that particular area.

12 Q. And is it fair to say, Mr Graves, that that was a
13 comment you made on what you thought the most likely
14 factual scenario was?

15 A. Yes, based on my review of the evidence, yes.

16 Q. Thank you. Do you remember the crown, in particular
17 Ashley Edwards when she consulted with you, exploring
18 the possibility that they had in the letter of
19 instruction that PC Walker was lying lengthwise on
20 Mr Bayoh?

21 A. I don't remember having that particular discussion.
22 I remember going over various factual points within my
23 report and, as I say, being asked additional questions.

24 Q. Thank you. Could I now look at the precognition that
25 was taken by Fiona Carnan and Alisdair MacLeod on

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1 11 May 2018 and that's COPFS 00041 and I appreciate this
2 may not have been available to you?

3 A. Yes.

4 Q. But I'll use it as a way of asking you some questions
5 about your recollection of events. Thank you. So if we
6 can look first of all -- this was taken in Paisley,
7 11 May 2018, between 11 in the morning and 3.30 in the
8 afternoon and I would like you to look at page 7. It's
9 15 pages long and I'm interested in page 7. And you'll
10 see towards the bottom of page 7, the second-last
11 paragraph:

12 "I am asked to watch the CCTV of the restraint
13 period including the Snapchat one."

14 Can you tell me what it was you were asked to watch?

15 A. Sorry, where am I?

16 Q. Sorry, second last paragraph bottom of page 7:

17 "I am asked to watch the CCTV of the restraint
18 period, including the Snapchat one."

19 So was that part of the precognition process that
20 you were asked to look at the videos?

21 A. I may have viewed the video, but I had already had
22 access to them so I was just seeing them again.

23 Q. Do you remember if there was some sort of screen or
24 otherwise set up for you to go through it?

25 A. I can't remember to be honest. I just remember the

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1 meeting.

2 Q. All right, thank you. Can we look at page 8, please,
3 and paragraph 3 starts "I am asked about". There we
4 are:

5 "I am asked about what can be seen on Snapchat one."

6 What was your understanding of what the crown were
7 asking you to do there?

8 A. If we've reviewed the video footage again, asking for my
9 opinion of the position of the officers. It continues
10 on there -- as I say, obviously, this is their notes of
11 our discussion:

12 "This looks to me like a standard position of team
13 restraint, which would have indicated an officer on each
14 arm, an officer at the head and an officer securing the
15 legs."

16 Q. And it says there:

17 "It looks like one officer is lying across the legs.
18 From reading the statements, my impression was that this
19 was PC Tomlinson lying across the legs of Mr Bayoh."

20 And you mention the training manual. And you say:

21 "I would say PC Tomlinson, I believe, is lying
22 diagonally across the legs as shown in that picture."

23 Now, I'm not suggesting this is a transcript of the
24 words that you used, but just looking at the paragraph,
25 does that accord with your recollection of what was

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1 being discussed at that time?

2 A. As I say, it was so long ago, I don't have a
3 recollection, I didn't make any original notes, because
4 they were taking details of the conversation. I have no
5 way of challenging what's on their recollection of it.

6 Q. Is there anything there that make you think, no, I
7 definitely didn't say that?

8 A. No, it would appear to me just me making a comment on
9 what I was being shown on the Snapchat video again.

10 Q. Was it -- from thinking back now, do you think that's
11 reasonably accurate to say that is what you -- that was
12 your impression from the footage?

13 A. It would appear to be, yes.

14 Q. Yes. And then can we look at the next paragraph where
15 it starts:

16 "It looks like a bog standard restraint position [Do
17 you see] on the floor trying to get leg restraints on.
18 In my view, the police officer lying diagonally across
19 legs corresponds with Tomlinson. I don't see anyone
20 lying across the upper torso."

21 Do you see that?

22 A. Yes.

23 Q. Do you remember saying anything like that?

24 A. As I've said, I have no recollection of the actual
25 conversation as it was a four-hour discussion so I'm

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1 afraid I can't help any further.

2 Q. All right. So you don't -- it then says there:

3 "I'm sure PC Walker was at times lying over the
4 torso of Mr Bayoh, but that's not evident in that
5 Snapchat."

6 A. No.

7 Q. That's not something you remember seeing?

8 A. No, but as I have said, I have commented on it in my
9 report so I have obviously seen it on one of the other
10 bits of CCTV footage where PC Walker was across the
11 upper body.

12 Q. And then it says:

13 "I'm asked about asserting body weight as a method
14 of restraint. It's impossible to control someone on the
15 ground without using downward pressure. You need body
16 weight. Even Paton using the baton was using his body
17 weight. I have no issue with the restraint process."

18 A. Yes.

19 Q. And if we could go down, you then say:

20 "I'm asked if I ..."

21 -- or appear to have been discussing:

22 "I'm asked if I have any issue with Walker using his
23 upper body weight as described. As I said, from the
24 accounts I read, there were times when PC Walker has
25 been on top of Mr Bayoh but then Bayoh bench presses."

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1 That certainly seems to accord with the comments in
2 the report. Maybe not exact language, but do you
3 remember talking about that aspect of your --

4 A. What I remember from the meeting was it was a review of
5 the report and they were asking clarification questions
6 on a number of the sections that I put in the report.

7 Q. Thank you. And then can we look at page 10. It's
8 paragraph 2, "I am asked about my comments" on page 10.
9 There we are:

10 "I'm asked about my comment under the heading of
11 'other witnesses' in my report. I have been asked about
12 two eyewitnesses whose evidence I have not referred to,
13 namely Ashley Wyse and Christopher Fenton."

14 We have heard from both of them in the Inquiry:

15 "I would class these two witnesses' evidence as what
16 we call 'passing bus syndrome'."

17 Do you remember having a discussion and using the
18 phrase "passing bus syndrome"?

19 A. It's that or the "Clapham omnibus", as referred to on
20 the video. It's about somebody who drives past an
21 incident and sees the massive police officers
22 restraining somebody on the floor. They haven't seen
23 the predetermined actions prior to and they don't see
24 the bit after. They just see that snapshot of what's
25 going on.

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- 1 Q. And they form a view of that?
- 2 A. They form a few of that being excessive or irregular.
- 3 Q. And it would appear there was some sort of discussion
4 about that. You remember having that discussion?
- 5 A. As I say, as I remember going through the report in
6 detail and spending four hours reviewing over everything
7 so, yes.
- 8 Q. And it says:
- 9 "Somebody has not seen what happened beforehand.
10 The police are trying to do what they're trained to do.
11 Nobody was lying on top of him. I'm asked what I made
12 of her statement [that would be Ashley Wyse], in
13 particular about what she said about six police officers
14 lying crossed over Mr Bayoh. I think it was a case of
15 passing bus. She has watched for about ten seconds the
16 Snapchat and then gone for a cup of tea."
- 17 So does that fairly reflect your views about
18 Ashley Wyse's statement?
- 19 A. As I say, I think it's a very, very small, we're talking
20 about four minutes, restraint or attempted restraint
21 process and we have got that very small bit of Snapchat
22 and that's the view that that individual forms their
23 opinion of based on the length of the incident in total.
- 24 Q. And based on your experience of cases like this, is it
25 fair to say you don't think much of that type of

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1 evidence?

2 A. It has its place to be considered, but evidently-wise
3 and in the view of the actual restraint process, I don't
4 think it had a lot of weight or added anything to the
5 review.

6 Q. Right. And then if we look at the next paragraph on the
7 screen:

8 "I'm also asked what I made of the evidence of
9 witness Fenton [That was Christopher Fenton] who
10 mentioned the words 'scrummage' or 'pile up'. I put him
11 into the same category as Wyse, eg a 15-second snapshot.
12 He may have seen officers on top, but reasonable
13 officers on top of him. You can't restrain without
14 police on top at some point. It's unlikely to have been
15 constant. You can't restrain without using downward
16 pressure, but bench pressing means a person starts again
17 when he gets a breath."

18 And that was your understanding, is it, of the
19 position of Christopher Fenton?

20 A. Yes, that would have been an answer to a specific
21 question. Obviously, we haven't got the actual
22 questions I was being asked.

23 Q. There's no questions and I appreciate it would have been
24 more of a discussion, but this document was prepared
25 later.

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1 A. Yes.

2 Q. And we don't have -- this is the main document we have
3 to ask you questions about so I appreciate you've not
4 seen this before. But do you remember, looking at that
5 now, and I appreciate it wasn't prepared by you, it's
6 not been signed by you, but does it accord with your
7 recollection of the discussion that you had with the
8 precognoscers?

9 A. As I said, I remember the discussion being around the
10 content of my report and being asked various questions
11 in relation to clarifying pieces of it and additional
12 questions which would appear from some of these
13 additional questions around my views on the witnesses
14 and the evidence that I had been given.

15 Q. Thank you.

16 A. Without the actual question to contextualise it, I can't
17 really tell you any further.

18 Q. I'm really asking these questions primarily to focus on
19 the actions of the crown and the precognoscers, because
20 we've heard evidence from Fiona Carnan and
21 Ashley Edwards and it's, hopefully, helpful to the Chair
22 to also have your recollection of events. Can I ask do
23 you remember if either of the precognoscers during this
24 process said to you they didn't want you to dismiss any
25 of the evidence or comment on any of the evidence, but

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- 1 to assume certain factual positions were true?
- 2 A. Not from my recollection. As I said, I reviewed all of
3 the evidence and formed an opinion on how helpful it was
4 and that would appear to be me giving my opinion as to
5 how helpful that was in the review.
- 6 Q. Thank you. Do you remember as part of the precognition
7 process either of the precognoscers asking you to
8 express a view on the fact that PC Walker was lying
9 lengthwise on top of Mr Bayoh during the restraint?
- 10 A. No, I don't remember that. Unless it's going to pop up
11 in this document, I don't remember being -- specifically
12 being asked that.
- 13 Q. Well, I would like to take I have fairly reflected
14 comments that may have been akin to that. I think at
15 one point -- we just looked at the second paragraph
16 there and the comment noted by you is "nobody was lying
17 on top of him", so it would suggest that perhaps that
18 wasn't discussed, but if you have a different
19 recollection, please tell me?
- 20 A. That specific question, I have no recollection of that
21 specific question, no.
- 22 Q. Thank you. And another factual -- possible factual
23 scenario is on the basis of what Christopher Fenton saw
24 that there was some sort of pile up. We have heard
25 evidence about that being described or described as a

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- 1 "scrummage" like a rugby scrum. Do you remember anyone
2 at the precognition saying to you "assume that is true",
3 "assume that is what happened"?
- 4 A. No recollection of that, no.
- 5 Q. Okay. I would like to ask you now about the
6 consultation with Ashley Edwards and Les Brown and that
7 was the one that took place in London on 20 August 2018?
- 8 A. Scottish House, yes.
- 9 Q. At Scottish House. Now I know you won't have seen these
10 consults notes either, but we can have them on the
11 screen. COPFS 02337. Now, these are three and a half
12 pages long and we have heard evidence about this from
13 Ashley Edwards. There is nothing in these notes that
14 indicates that a factual scenario was discussed with you
15 where PC Walker was lying lengthwise over Mr Bayoh. But
16 do you have any recollection at all of that meeting with
17 the Allocated AD, Ashley Edwards and Les Brown, where
18 you were asked to express a view on that possible
19 factual scenario?
- 20 A. I don't have a good memory of that -- of the content of
21 the meeting. I just remember the meeting with the two
22 individuals, couple of hours, possibly three I think.
- 23 Q. Right. Do you remember anything about --
- 24 A. Not particularly, no.
- 25 Q. -- discussing --

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1 A. I just remember being asked lots, again, additional
2 questions, some questions similar to what I had been
3 asked up in Paisley and then other questions and I think
4 it was this -- from recollection, it was this meeting
5 where the criminal prosecution was raised in relation to
6 why I was having a second meeting sort of soon after the
7 other one.

8 Q. The first one being the precognition from
9 Fiona Carnan --

10 A. In May, yes.

11 Q. -- and Alisdair MacLeod. Do you remember if as part of
12 this consultation there was ever an opportunity taken by
13 Ashley Edwards or Les Brown to set out the different
14 factual hypotheses?

15 A. Not from memory, no.

16 Q. Do you remember any discussions about exploring the
17 limits of what a reasonable response would be from a
18 hypothetical reasonable officer?

19 A. I have no recollection of it. As I say, if it's later
20 on in this document, I will be happy to review it.

21 Q. Do you remember any mention being made of a core crown
22 theory or the crown case at its highest?

23 A. No. As I said, I just remember it was either at this
24 meeting or the one in Edinburgh the discussion around
25 the possibility of criminal prosecution.

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1 Q. Do you remember any discussion about thinking about the
2 most prejudicial factual scenario?

3 A. No.

4 Q. I asked Ms Edwards in evidence about the speed at which
5 the officers elected to use force against Mr Bayoh and
6 whether she had painted for you a factual hypothesis and
7 asked you to consider that and say whether the
8 hypothetical reasonable officer would have elected to
9 use force within that timescale. Now, what
10 recollection, if any, do you have about discussing the
11 speed at which force was elected to be used?

12 A. I don't remember discussing. I am not saying it didn't
13 happen. I don't have any recollection of that
14 discussion. I remember commenting on it within my
15 report, my original report, in relation to the initial
16 contact with Mr Bayoh by the officers.

17 Q. I mean there's nothing about that in the notes --

18 A. No.

19 Q. -- that we have, but I was wondering if you had any
20 memory of that?

21 A. No, no recollection, no.

22 Q. And do you remember Ms Edwards saying at this
23 consultation that she wished you not to express your own
24 views on the factual position?

25 A. I don't remember that conversation, no.

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1 Q. No.

2 A. At the end of the day, I'm designed to be an independent
3 opinion to assist the investigators and the panel to
4 make that informed decision.

5 Q. I don't want to give you the impression that
6 Ashley Edwards has told the Inquiry she did say that to
7 you, because she said she didn't remember whether she
8 had asked you to avoid expressing your own views on the
9 facts and there's certainly no statement in the
10 consultation notes we have that would suggest she had,
11 so I was just simply asking if you remembered that?

12 A. I don't remember being asked that, no.

13 Q. Do you remember Ms Edwards asking you not to express any
14 views on medical matters?

15 A. No, don't remember that. I made clear -- I made clear
16 in my report that I'm not a medical expert, but
17 obviously that I have comment in relation to what is
18 known by the police in what we train officers in
19 regarding the medical conditions to pass that on and
20 what our understanding is of how it affects or is
21 affected within a restraint process.

22 Q. Thank you very much. Could you give me a moment,
23 please, Mr Graves.

24 Mr Graves, thank you so much. I have no further
25 questions.

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1 LORD BRACADALE: Are there any Rule 9 applications?

2 Mr Graves, thank you very much for coming back to give
3 further evidence to the Inquiry. I'm very conscious
4 that we've taken up quite a lot of your time in two
5 phases. The Inquiry is about to adjourn now and then
6 you'll be free to go.

7 THE WITNESS: Thank you very much.

8 LORD BRACADALE: The Inquiry will adjourn until Tuesday at
9 ten o'clock.

10 (The hearing was adjourned to 10.00 am on Tuesday, 8 October
11 2024)

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