

Transcript of the Sheku Bayoh Inquiry

Wednesday, 1 February 2023

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(10.00 am)

LORD BRACADALE: Good morning, Sergeant Mitchell. Would you take the oath please.

SERGEANT ANDREW MITCHELL (sworn)

Questions from MS GRAHAME

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Good morning.

A. Good morning.

Q. You are Andrew Mitchell.

A. I am, yes.

Q. What age are you?

A. 39.

Q. And in 2015, as I understand it, you had eight years' service.

A. Yes.

Q. And now?

A. Just under 16.

Q. And your current role is ...?

A. Uniform Sergeant.

Q. Thank you. You will see right in front of you, you have a blue folder. Please feel free to open it. You will see in that a hard copy of your Inquiry statement and you should also have a copy of a statement that you gave to PIRC, probably at the back.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. At any time if you want to make reference to that, you
3 want to have a look at that, either of those documents,
4 feel free to do so. They're at your disposal.
- 5 A. Thank you.
- 6 Q. In addition, in front of you, you will see a TV monitor,
7 or a screen. When I refer to maybe a particular
8 paragraph in your statement it will be brought up on the
9 screen so that everyone with screens can see what it
10 says and if you prefer, if you're comfortable using
11 a screen, you can use that instead of the hard copy.
- 12 A. Yes.
- 13 Q. Let's look first of all at PIRC 00025. This is an
14 operational statement that was prepared by you, as
15 I understand, and if we just go down we see your name
16 there, Andrew Mitchell, and it was prepared on
17 3 May 2015 at 14.35 by yourself at Glenrothes Police
18 Station. Do you recognise that?
- 19 A. I do, yes.
- 20 Q. And I think this is four pages long and it sets out
21 briefly your involvement with the events that we are
22 looking at in this Inquiry.
- 23 A. Yes.
- 24 Q. Thank you. And then you -- I have read through your
25 Inquiry statement and let's just look at that for a very

Transcript of the Sheku Bayoh Inquiry

1 quick moment. This is -- sorry, I don't have the number
2 here. Thank you very much. It is 00229 and it was
3 a statement taken by the Inquiry team on 14 November
4 last year.

5 A. Yes.

6 Q. And then if we look at the bottom of the last page,
7 which is the 43rd page, I think, we will see that you
8 have signed this on 12 January this year.

9 A. Yes.

10 Q. And in fact, as you will see on the hard copy in the
11 blue folder, you signed every page of this statement.

12 A. I did, yes.

13 Q. And the final paragraph, 229, it says:

14 "I believe the facts stated in this witness
15 statement are true. I understand that this statement
16 may form part of the evidence before the Inquiry and be
17 published on the Inquiry's website."

18 And you understand that that's the case?

19 A. Absolutely, yes.

20 Q. Thank you. Can we go back for a moment to paragraph 6
21 of your Inquiry statement. You mention there that
22 you -- well, you were in Kirkcaldy on 3 May 2015 and you
23 would say that it was a -- you prepared a statement and
24 you call it a "rolling statement".

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. I will come to that in a moment. You started it at one
2 point in the day and finished it towards the end of the
3 day.

4 A. Yes.

5 Q. And during the day you added more information to that
6 operational statement.

7 A. Yes.

8 Q. And that's what you mean when you say a "rolling
9 statement".

10 A. Absolutely, yes.

11 Q. And it is your operational statement and you:

12 "Had a meeting at 6.30pm with the Duty
13 [Superintendent] and the FLOs to discuss how we got on
14 with the family."

15 So later on 3 May you had also spoken to Mr and
16 Mrs Johnson.

17 A. Yes.

18 Q. And:

19 "It would've been after that that I got the
20 statement finished."

21 And as I understand it, you were doing your best to
22 tell the truth during preparing that operational
23 statement --

24 A. Yes.

25 Q. -- although it was prepared in stages.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Absolutely, yes.
- 2 Q. And at paragraph 11 of your Inquiry statement you
3 mention that as part of the process of preparing the
4 statement you spoke to your colleague, Wayne Parker.
- 5 A. Yes.
- 6 Q. And tell me, when you are preparing your operational
7 statement are you typing that up on a screen?
- 8 A. Yes.
- 9 Q. Right. And you said that you maybe spoke to Wayne
10 Parker about elements of it and you say in paragraph 11
11 you were looking for "a memory jog".
- 12 A. (Nods).
- 13 Q. Tell us what you mean by that.
- 14 A. Just sometimes when you have been sort of involved in
15 a traumatic event you sometimes miss out certain
16 aspects, or forget certain aspects when you're preparing
17 your statement, so you want to make sure you're getting
18 everything, or as much information in as you can.
- 19 Q. Is that why you speak to a colleague, to help you
20 remember?
- 21 A. Yes, the fact that Wayne was there with me at the time,
22 it certainly assisted, yes.
- 23 Q. And what's the position in relation to training where
24 you're speaking to colleagues and adding in information
25 to an operational statement? Do you get training about

Transcript of the Sheku Bayoh Inquiry

- 1 that, or...?
- 2 A. Basically your normal training is to obviously prepare
3 your statement. If there's anything you can use to
4 assist with obviously your memory of that event then
5 obviously utilise it as best you can and obviously at
6 that point it was Wayne Parker because he was with me
7 during the whole day.
- 8 Q. And so during 3 May he was with you the whole day and
9 you helped jog your memory by speaking to Wayne.
- 10 A. Yes.
- 11 Q. And I think later in your statement you say you're not
12 exactly sure which parts of your operational statement
13 were as a result of Wayne helping to jog your memory and
14 which parts were just from your own memory.
- 15 A. Yes.
- 16 Q. So for the Chair, when he reads the operational
17 statement, he should bear that in mind when he is
18 looking through it?
- 19 A. Yes, absolutely, yes.
- 20 Q. Thank you. And then I think in your statement you also
21 mention that the following day, on the 4th, DS Graeme
22 Dursley had asked you to -- the phrase you use is "beef
23 up" your operational statement. Tell us what that
24 meant.
- 25 A. Just elaborate a wee bit more on certain aspects.

Transcript of the Sheku Bayoh Inquiry

1 Sometimes when you're preparing the statement you leave
2 it quite open and general when you're discussing
3 obviously certain aspects, but with this they obviously
4 wanted us to be a wee bit more comprehensive in what we
5 were preparing as a statement to obviously put in all
6 interactions that we had had with the people involved so
7 it was basically that's all it was, it just to make it
8 a wee bit more comprehensive.

9 Q. Does that mean just make it a little bit more detailed?

10 A. Yes, absolutely, yes.

11 Q. And that was the following day?

12 A. It was, yes.

13 Q. And explain, how short was your statement the first time
14 you prepared it, on the 3rd?

15 A. I think it was just more to do with the sort of
16 interactions with the family and that as well just to --
17 it wasn't actually that much shorter, in all honesty,
18 there was just certain paragraphs that needed to be
19 a bit more detailed like you said.

20 Q. Do you remember what those paragraphs were?

21 A. I can't recall to be honest, no, sorry.

22 Q. Thank you. And at paragraph 15 of your statement you
23 have said you did your best to tell the PIRC the truth,
24 so when they spoke to you, you gave them this beefed up
25 version of your operational statement and you tried your

Transcript of the Sheku Bayoh Inquiry

- 1 best to tell them 100% the truth?
- 2 A. Yes.
- 3 Q. Thank you. So if there's any difference between your
4 recollection now, today, and your statement
5 from May 2015, have you any views on what the Chair
6 should prefer? You were asked about that here in
7 paragraph 16.
- 8 A. Probably the original statement to be honest because it
9 was fresh at the time. Obviously it's been like seven
10 and a half years now since it occurred unfortunately.
- 11 Q. A lot of people have said --
- 12 A. Yes.
- 13 Q. -- their memory would be better then.
- 14 A. Yes.
- 15 Q. Right. You were asked a number of questions about
16 training and I would like to begin with paragraph 28 of
17 your Inquiry statement and you say there:
- 18 "I have had no training in liaison with family of
19 the deceased in deaths investigations."
- 20 Does that remain the position today?
- 21 A. Yes.
- 22 Q. And so in May 2015 you had never had any training at
23 that time from Police Scotland in relation to delivering
24 a death message?
- 25 A. Just that the sort of basic training we got at the

Transcript of the Sheku Bayoh Inquiry

1 college with regards to how we would deal with certain
2 scenarios so yes, after that it was really to do with
3 experience and to be honest I had dealt with quite a few
4 unfortunately before then.

5 Q. Right. Can you tell us a little bit about the ones you
6 had dealt with? You said you had a bit of experience --

7 A. Yes.

8 Q. -- in 2015. Tell us about the number of times you had
9 delivered a death message.

10 A. Probably would have been about five or six, I believe,
11 at that point. It's been a few more after that, but yes
12 probably about five or six.

13 Q. And what type of incidents was that involving?

14 A. A variety, to be honest. Sometimes we would get sort of
15 requests through from other forces to get in contact
16 with family that are maybe not within their area and we
17 will go out and do that. Certainly I have had a couple
18 of ones that's been like sons or daughters and that as
19 well -- yes, it tends to be family related more than
20 anything else.

21 Q. But none relating to deaths in custody?

22 A. No, none, no.

23 Q. And none in relation to delivering a death message to
24 any members of the black community?

25 A. That's correct, yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And I think you say that in your statement.
- 2 A. Yes, yes.
- 3 Q. And you mention at paragraph 26 of your statement that
4 you've got a degree in psychology.
- 5 A. I do, yes.
- 6 Q. So apart from the fact you have not had specific
7 training in Police Scotland, was there anything in the
8 training you received when you were doing your degree
9 that would assist you in delivering a death message?
- 10 A. I think in all honesty it was just about sort of the
11 human aspect of it, just put yourself in the shoes of
12 the people that you're speaking to. So you obviously
13 try and be -- give as much information as you can, that
14 you have available to you, and obviously picture how you
15 would feel if you were having the message passed to you,
16 so I kind of always try and bring that into it as well,
17 but it's very difficult at times.
- 18 Q. But maybe sharing as much information as you can --
- 19 A. Yes.
- 20 Q. -- and putting yourself into their shoes, so being
21 empathetic or compassionate, something like that?
- 22 A. Yes, we try our best to do that as much as we can, yes.
- 23 Q. Is that something you were doing in 2015 or is that
24 something that you've become more...?
- 25 A. No, I believe I was, yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. All right. Can I ask you about paragraph 34 please and
2 I want to ask you about -- we have heard about standard
3 operating procedures, or SOPs, and you said that there's
4 a lot of these things. We have heard that from others,
5 there's a lot of standard operating procedures available
6 in the police service.

7 A. Yes.

8 Q. And they're on the internet -- intranet --

9 A. Yes.

10 Q. -- on the servers. And I think you were asked about
11 diversity training and equality and diversity and you
12 said there was some SOP on the internet, but you didn't
13 remember at that time having read it. Is that right?

14 A. Yes, basically I think at my stage in 2007 when
15 I started your first two weeks at the college are all to
16 do with diversity and equality training. After that
17 when you start you're obviously directed to SOPs should
18 you require it down the line.

19 Q. And we have heard that there's often so many it can
20 be -- some officers don't find it an easy task to keep
21 up-to-date with those, or to have time to read all of
22 those. Is that something you have experienced?

23 A. Yes, there are hundreds of them to be honest that are
24 there for obviously to read if you require it. To be
25 honest, after I actually gave this statement to Euan

Transcript of the Sheku Bayoh Inquiry

1 there's a new middle package just came out -- it's an
2 online training package come out on diversity, so
3 I completed that about a week after I spoke to Euan.
4 That's just a new one that's out.

5 Q. So when you say "spoke to me" you mean after you gave
6 your statement in November last year?

7 A. The Teams statement, sorry, yes.

8 Q. And it's called a Moodle training package.

9 A. Yes.

10 Q. Tell us a little about that.

11 A. It's an online training platform that Police Scotland
12 uses. They use it for a lot of different aspects of
13 going for promotion, training, all that kind of stuff,
14 so they will basically put packages on there and
15 officers are asked to complete it and it keeps a log of
16 all officers that have completed it. So then as
17 a supervisor I can then say to my staff, "We need you to
18 do this" and then it's obviously kept there on record
19 that they obviously have that as part of their cadre.

20 Q. In your role as a sergeant, as I understand it you will
21 have responsibilities for a team of men -- not men,
22 a team of officers.

23 A. Yes.

24 Q. And is it compulsory for you to complete this Moodle
25 package?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, it is, yes.

2 Q. And it sounds like the police are monitoring whether
3 that's been completed.

4 A. They are, yes. Quite rightly.

5 Q. I'm sure we will hear more about this at some point in
6 the future, but that's very helpful, thank you.

7 So before completing this compulsory Moodle training
8 package, do you remember doing any other diversity and
9 equality training prior to -- sorry, subsequent to being
10 at Tulliallan?

11 A. I can't, no.

12 Q. Thank you. I would like to look now at your experience
13 in 2015. Could we look at paragraph 35 please and you
14 have said there prior to 3 May 2015 you hadn't been
15 involved in investigating a death in custody before, you
16 didn't have any experience in dealing with a death in
17 police custody before, you had been aware of other
18 investigations, but not personally involved with those.

19 At paragraph 45, I think, you had been -- you were
20 a DC at that time, on that date, and you had been a DC
21 for a couple of months. That's -- you see in the middle
22 of that paragraph?

23 A. No, sorry, it was actually --

24 Q. "I think just [in] fact I had been a DC for a couple of
25 months."

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes, it was slightly longer than that to be honest.
- 2 Q. Right. Do you want to correct that?
- 3 A. Yes, I think -- was this, is it May 2015? So I would
- 4 have been 13 months, 14 months it would have been,
- 5 sorry.
- 6 Q. All right, so that's not correct?
- 7 A. Yes.
- 8 Q. You would like to change that to 13 --
- 9 A. Yes, apologies.
- 10 Q. No, that's not a problem. And you weren't based in
- 11 Kirkcaldy?
- 12 A. No.
- 13 Q. You were -- were you based in Glenrothes where you
- 14 penned your statement?
- 15 A. Yes.
- 16 Q. Right, and now I think since about 2019, as I read your
- 17 statement, you have been trained as a Crime Scene
- 18 Manager.
- 19 A. Yes.
- 20 Q. But that wasn't your role in 2015.
- 21 A. No, no, it wasn't, no.
- 22 Q. That's additional training you have undergone since
- 23 then.
- 24 A. I have, yes.
- 25 Q. Can I turn to your role on 3 May please and if we look

Transcript of the Sheku Bayoh Inquiry

1 at paragraph 41, first of all, and you will see there
2 that you have been asked a number of questions and given
3 an explanation about your involvement in the events of
4 3 May, but just to summarise, as I understand it you
5 were asked to travel to Kirkcaldy that day by Detective
6 Sergeant Dursley, Graeme Dursley, is that right?

7 A. That's correct, yes.

8 Q. And you were asked to do that and if we look at
9 paragraph 52 we will see that it was about 7.40 in the
10 morning.

11 A. Yes.

12 Q. So you have been referred to your notebook and you were
13 asked by DS Dursley at 7.40 to go to Kirkcaldy. And you
14 arrived about 10 past 8 according to paragraph 59. So
15 a short journey:

16 "[8.10] Attended at [Kirkcaldy Police Station]."

17 Is that "KPS"?

18 A. Yes, sorry, yes.

19 Q. And there you were:

20 "Briefed by DS Davidson..."

21 We have heard that there's a DS Samantha Davidson,
22 was that her?

23 A. That's correct, yes.

24 Q. "...and Dursley..."

25 DS Dursley?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. And that was:

3 "...with regards to a male assaulting police, who is

4 now in cardiac arrest."

5 So when you arrived at Kirkcaldy shortly after 8

6 that morning, you knew then the man was in a serious

7 condition.

8 A. Yes.

9 Q. And then if we can look at paragraph 56 for a moment,

10 I think you give an explanation here about the briefing

11 and you sort of state what you understood at that time

12 and you said you were:

13 "...worried for the guy, Sheku, and hoped [that he

14 would] pull through."

15 A. That's correct, yes.

16 Q. So you knew he was in cardiac arrest --

17 A. Yes.

18 Q. -- when you arrived. You didn't know who he was, so

19 although you're calling him Sheku now when you gave your

20 statement, at that time you didn't know who he was.

21 A. No, at that time we never had a clue who he was.

22 Q. At that time he was an unknown black male and you

23 mention that Kirkcaldy had a small black community and

24 then you say:

25 "The only inkling was the call from Colette ..."

Transcript of the Sheku Bayoh Inquiry

1 And we have heard about Colette Bell:

2 "... and that's when we got sent round to that
3 address. Nobody knew who he was because there wasn't
4 that many black persons who came to the attention of
5 [the] police."

6 Can I ask you, at that time you weren't working in
7 Kirkcaldy, but you clearly knew that it was a small
8 black community. How much involvement had you had with
9 the black community in Fife, or particularly in
10 Kirkcaldy, at that time?

11 A. Not a lot, to be honest. There was a couple of guys
12 that had come to our attention over the years for
13 a variety of things, but certainly not that many at all.

14 Q. And even in connection with witnesses that you have come
15 in contact with --

16 A. Yes, absolutely, yes. Not that many.

17 Q. Not that many.

18 A. No.

19 Q. Can you remember how many occasions you had come into
20 contact?

21 A. I would be guessing.

22 Q. And I asked a number of officers if they were doing any
23 community outreach sort of work with the community,
24 black community in Kirkcaldy. Had you ever done
25 anything along those lines?

Transcript of the Sheku Bayoh Inquiry

1 A. Not in Kirkcaldy, no. I had been involved with the
2 mosque in Glenrothes previously as a community officer,
3 but certainly not in Kirkcaldy, no.

4 Q. And how long had you been a community officer?

5 A. That was 2010 to 2012.

6 Q. And what had that work involved?

7 A. Just -- they actually brought in a -- what was called a
8 "community engagement model" at that time in Fife, which
9 in my opinion was a roaring success. We had a lot of
10 staff at that time. We had dedicated officers to each
11 area. I was given the Auchmuty area at that time in
12 Glenrothes.

13 Q. Could you say that again, sorry?

14 A. Auchmuty area of Glenrothes, sorry.

15 Q. Thank you. No, no, it's my fault.

16 A. Which had a sort of mixture of different people within
17 it, different areas, different schools. It was a
18 really, really busy area and also had the mosque and
19 that as well, so we tried to interact with as many
20 people in the community as we could. We were out on
21 foot pretty much all day, every day, which I appreciate
22 probably is a rarity now, due to the staffing levels
23 that we do have, but it was a good time and we got to
24 know everyone. I would like to think we gained a lot of
25 trust with people. More people spoke to us than ever at

Transcript of the Sheku Bayoh Inquiry

1 that point and it just felt, from an engagement point of
2 view, a really good time to be with the public.

3 Q. So you felt that was a success.

4 A. Yes, absolutely, yes.

5 Q. And you mentioned trust. Was that something that you
6 were able to develop through that?

7 A. Yes. One of the sort of main functions is that we tried
8 to go into the schools as much as we could and speak to
9 the kids and, to be honest, still when I see them now
10 they will still speak to me as teenagers, which
11 obviously you don't really get that as much now, you
12 don't get as many cops going -- because we don't have as
13 many as we would like. So, no it was good, it was nice
14 and yes I made some good friends and that as well, so it
15 was a good time.

16 Q. It sounds like that's had -- the work that you did then
17 has had long-term benefits.

18 A. Yes, it has. An example was a few years back there was
19 a case where somebody had threatened to fire bomb
20 a mosque in Glenrothes and due to my connections with
21 the people within there we managed to get in touch them
22 quite quickly with regards to assisting them with
23 security and things so, yes, things like that certainly
24 help because I had the contacts from back then, but
25 regards to Kirkcaldy I had never really dealt with it

Transcript of the Sheku Bayoh Inquiry

1 much at all because I pretty much my whole service had
2 been based in Glenrothes.

3 Q. So it sounds like that community work had a positive
4 impact on policing --

5 A. Yes, absolutely.

6 Q. -- even years later?

7 A. Yes, absolutely, 100%.

8 Q. Yes, thank you. Can we look at paragraph 46, please.
9 We were talking about -- you have arrived at Kirkcaldy
10 on 3 May and you have had a briefing and at paragraph 46
11 you say, third line:

12 "It was a wee bit of a muddle at the start because
13 nobody knew what was happening. We didn't have an
14 identity for the guy. We had the call that Colette made
15 to the police after the incident and Sheku being worked
16 on in the hospital. It was stressful and high
17 intensity. I wasn't party to a lot of the discussions.
18 But when senior officers articulated what we needed to
19 do it was clear and concise, and when we asked something
20 we got an answer."

21 Can you tell us a little bit more about, you know,
22 your initial arrival and you have described it as a "wee
23 bit of a muddle". Can you tell us a little bit more
24 about that?

25 A. Yes, absolutely. We had -- sorry, DI Colin Robson was

Transcript of the Sheku Bayoh Inquiry

1 kind of in the background, if I remember right. He was
2 on the phone with DS Dursley in there and with a few
3 other sort of DCs and other within as well. There was
4 a lot of phone calls getting made. There was obviously
5 certain people were getting directed to do certain
6 things, just the unknown aspect of it all is why
7 I referred to the word "muddle" to be honest because
8 it's not like the TV. You don't come in and straight
9 away know what you're going to do and what you're not
10 going to do. It was just a case of trusting the gaffers
11 to get everything put in place and everything correct
12 and then obviously give us an action or a job to do and
13 then we went out and tried to do it to the best of our
14 ability.

15 Q. And talking about gaffers, bosses, you have mentioned
16 DI Robson. What was his role that day?

17 A. He was SIO, I believe, or the senior investigating
18 officer.

19 Q. Okay. So, as far as you were aware, that day was he in
20 charge of the events?

21 A. Yes. I believe when I first went in, he was on the
22 phone to the detective super who probably was in overall
23 charge. I'm guessing but I never ever got to see him
24 during the day, but yes he was from a -- from what
25 I seen certainly he was in charge of me that day, yes,

Transcript of the Sheku Bayoh Inquiry

1 Colin Robson.

2 Q. We may hear evidence later in this hearing that the
3 detective superintendent was a Patrick Campbell. Do you
4 recognise that name?

5 A. I recognise the name, but I wasn't aware he was the
6 detective super for that day.

7 Q. Did you have any contact with him at all, Pat Campbell?

8 A. I'm not -- to be fair at 6.30 that night when we went
9 and spoke to a detective super on the floors, I'm not
10 sure if that was possibly him. I had never met him
11 before so that may well be the same person, I'm not
12 sure.

13 Q. Thank you. Before I move on to ask you about your
14 involvement with Colette Bell, can I ask you about
15 paragraph 57 please of your statement. And you say:

16 "We never got a chance to speak to the cops that
17 day."

18 So this is from line 2, do you see it?

19 A. Yes.

20 Q. "We never got a chance to speak to the cops that day.
21 It's quite right because they should be kept separate
22 anyway. We got bits and bobs of information but nothing
23 more."

24 Were you -- what's your understanding of why the
25 cops should be kept separate? We're talking here

Transcript of the Sheku Bayoh Inquiry

1 presumably about the officers who had been involved in
2 the incident at Hayfield Road.

3 A. Yes. They were all taken to a particular room within
4 Kirkcaldy Police Station -- I don't know if it was the
5 old canteen they were put in -- and obviously they were
6 getting briefed by the sergeant, or spoken to and
7 obviously checked on their welfare and that as well.
8 What I'm meaning by that quite simply is me and Wayne
9 obviously had a job to do and any job that we had maybe
10 would be tainted by what we were getting told by the
11 officers on the scene. We were literally wanting to
12 speak to people without -- with only the information
13 that we were given by our supervisors at that time, so
14 that's what I mean by that.

15 Q. Sorry, did you say the word "tainted" there?

16 A. I mean maybe prejudiced in respect of one point of view
17 I'm getting told by a supervisor information to go and
18 deal with, rather than being told by somebody who was
19 possibly at the scene, so I would rather just -- and
20 that's obviously why we're kept separate.

21 Q. So the information you relied on was what you were given
22 by your superiors.

23 A. Absolutely, yes.

24 Q. And can I ask you when you mention "bits and bobs of
25 information", what did you mean by that?

Transcript of the Sheku Bayoh Inquiry

- 1 A. You just -- there was certain things that were in
2 regards to possible assaults on officers and the mention
3 of the knife and just things like that that we had heard
4 but there was obviously not a lot of clarity on it at
5 that point.
- 6 Q. How much discussion was going on generally in Kirkcaldy
7 Police Office that day about the events in
8 Hayfield Road?
- 9 A. There was obviously a lot of speculation because nobody
10 really knew. We had only seen what was obviously on the
11 call card and that as well and for what we're getting
12 told, so yes, there was a fair bit of chat going
13 backwards and forwards.
- 14 Q. And we have heard that call cards can also be called
15 STORM cards, is that right?
- 16 A. Yes, sorry, yes.
- 17 Q. So if we have heard evidence about those and the entries
18 in those that's the sort of thing?
- 19 A. Sorry, that's the same thing, yes.
- 20 Q. And we heard that officers could have access to those
21 until a point where I think an inspector may have said,
22 "Close it down" or...?
- 23 A. "Restricted" would probably be the term that we would
24 use, yes.
- 25 Q. Restricted, sorry.

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. So that type of information would be talked about and
3 speculated, as you say, on.

4 A. Yes.

5 Q. And to go back to this comment you make in this
6 paragraph about the officers "should be kept separate
7 anyway." Explain what that means, what your
8 understanding was. Why should they be kept separate?

9 A. Just we were pretty much told after any sort of incident
10 similar to that they should be kept in a room and
11 obviously spoken to by a supervisor to make sure they're
12 okay, in respect that obviously they shouldn't be going
13 out to other jobs or that, wanting to go make sure they
14 were fine and obviously the enquiry team and obviously
15 the team involved should be kept separate. That's just
16 basically just what I meant by that.

17 Q. Maybe you could help us with this now because of your
18 position as Crime Scene Manager and your sergeant
19 status. What are the benefits of keeping officers
20 separate?

21 A. Well, there's also the aspect of sort of forensic
22 integrity as well, regards to -- I mean we don't know
23 who has come into contact with who and then if the
24 enquiry team is then going to go and speak to somebody
25 that has possibly been involved in one of the incidents

Transcript of the Sheku Bayoh Inquiry

1 then obviously there would be an integrity aspect in
2 regards to doing any forensics down the line.

3 Q. So you want to preserve forensic integrity?

4 A. Yes.

5 Q. And we have heard some mention of trying to avoid
6 conferral between people who are involved in an
7 incident.

8 A. Yes.

9 Q. Have you heard of that?

10 A. Yes. We would probably refer to it as "contamination".

11 Q. Oh, right. And what would you mean by that?

12 A. Basically meaning that if -- for example if we have had
13 maybe cops have maybe lifted somebody for an assault, we
14 then would -- or been involved in dealing with the
15 victim, we wouldn't then want those same cops dealing
16 with the suspect thereafter, just in case there was
17 obviously a transference of DNA, etc, or touch DNA, so
18 that's another aspect of it.

19 Q. So it could be forensic contamination --

20 A. Yes.

21 Q. -- or in terms of communicating and discussing --

22 A. Sorry, I see what you mean. Yes, absolutely, yes.

23 Q. So that could involve contamination of a different sort?

24 A. Yes, absolutely.

25 Q. Thank you. And let's move on to your involvement with

Transcript of the Sheku Bayoh Inquiry

- 1 Colette Bell, if you don't mind, paragraphs 64 to 67.
- 2 You were -- your role was to deal with Colette Bell on
- 3 3 May --
- 4 A. Yes.
- 5 Q. -- and you were with Wayne Parker, your colleague --
- 6 A. Yes.
- 7 Q. -- and a Calum Clayton.
- 8 A. Yes, that's correct.
- 9 Q. So there were three of you went to visit the home of
- 10 Colette Bell.
- 11 A. Yes.
- 12 Q. And this is a part of your Inquiry statement where you
- 13 start to discuss that. Can I ask you, is it common
- 14 practice for three police officers to be sent to
- 15 someone's house?
- 16 A. It can be. To be fair, it's normally two, but we didn't
- 17 really know what we were going to be -- obviously what
- 18 was going to be happening in that address, so due to the
- 19 fact there was an odd number I think that's the reason
- 20 why three were just sent up to be honest.
- 21 Q. There was -- sorry, say that again.
- 22 A. There was an odd number of DCs within the office, so I'm
- 23 guessing that's probably the reason why three were sent
- 24 up to the address.
- 25 Q. Just no reason really, just --

Transcript of the Sheku Bayoh Inquiry

1 A. No, nothing specific.

2 Q. -- to give Calum something to do?

3 A. It may well be that DS Dursley could elaborate on, but
4 certainly at the time I thought it was just because it
5 was an odd number and we were sent up. We didn't know
6 what we were going to be faced with at the address
7 either, so that may well have been the reason also.

8 Q. We have not heard from DS Dursley yet, so we can ask.
9 So you didn't know what you would be facing, but as
10 I understand it we have not heard the evidence of
11 Colette Bell yet, but she had phoned the police to say
12 her partner was missing.

13 A. Yes.

14 Q. Maybe something had happened.

15 A. Yes.

16 Q. So I think you say in your statement, when you arrived
17 at the house Colette Bell wasn't home at that point --

18 A. No.

19 Q. -- and you waited.

20 A. Yes.

21 Q. Is it normal to wait?

22 A. Yes, absolutely. Yes. Obviously she had phoned in
23 initially -- I can't remember the exact wording of the
24 call card, but I think she had come home, found the
25 address in a bit of a mess. I think maybe even the

Transcript of the Sheku Bayoh Inquiry

1 front door was open, I think, when she turned up and
2 there was no sign of her partner, so when we have
3 arrived there it has been locked. We have then --
4 I can't remember, maybe one of us maybe phoned her or we
5 asked the control centre to give her a phone and then
6 she turned up quite soon after, yes. So yes, it was
7 practice for us to remain there until the person arrived
8 so we can get access to the property and obviously it
9 was locked there as well.

10 Q. That's good. And actually if we look at paragraph 90 of
11 your statement this is a reference -- an entry in your
12 notebook which is listed here and you have been referred
13 to your notebook and you see you attended at 9 o'clock
14 at Kirkcaldy "NPI". What's NPI?

15 A. "No person in".

16 Q. So that was when you arrived --

17 A. Initially, yes.

18 Q. -- and Colette Bell wasn't there at that time.

19 A. That's correct, yes.

20 Q. And then:

21 "0920 The householder Collette Bell...returned home
22 with 15 week old baby".

23 And we may hear she had not long had a baby --

24 A. Yes.

25 Q. -- so she had turned up with her baby.

Transcript of the Sheku Bayoh Inquiry

1 A. And her mum was there as well.

2 Q. And her mum. We may hear her mum was called Lorraine
3 Bell.

4 A. Yes.

5 Q. And then 10.30 it says:
6 "Seized locus. Front & back door locked."
7 And then 11:
8 "Returned to [Kirkcaldy Police Station] with Colette
9 Bell & her mother."
10 So that's the sort of roughly the timescale of what
11 was happening that morning.

12 A. Yes, yes.

13 Q. With you and Wayne Parker and Calum Clayton.

14 A. That's correct, yes.

15 Q. Can we go back to paragraph 68 please. Now, after you
16 arrived at the house and you have spoken to Colette, you
17 say:
18 "... we got in touch to say it might be linked.
19 Calum or Wayne found the phone and keys. Colette
20 explained that was her partner's. I noted ... details
21 and Wayne went outside to speak to DS Dursley."
22 He was out "for a wee while". I'm interested in
23 what happens after you have had your initial discussion
24 with Colette and when you say:
25 "We got in touch to say it might be linked."

Transcript of the Sheku Bayoh Inquiry

1 Who you were getting in touch with and what you
2 meant.

3 A. I think it was Wayne. I think from the description
4 Colette gave us of her partner and obviously there was
5 a picture of either him or him and his child.

6 Q. Sheku Bayoh?

7 A. Yes, yes and his child as well within the living room.
8 We thought it may well be the same person that's been
9 involved because obviously the locus of where the
10 incident happened with the police obviously wasn't far
11 from there either. So Wayne then went and contacted DS
12 Dursley while we stayed with Colette and her mum and the
13 child.

14 Q. So you mention the distance between the locus at
15 Hayfield Road --

16 A. Yes.

17 Q. -- and Colette's house. What was it about the photo
18 that made you think there might be a connection?

19 A. It was just from what we were told it was a black male,
20 big build and obviously the fact that the phone and the
21 keys were sitting there as well. There was a few things
22 that we were kind of putting together and thought well,
23 this may well be the same guy. The fact that there had
24 been a disturbance in the house as well, the door had
25 been left open. It just was seeming more and more

Transcript of the Sheku Bayoh Inquiry

1 likely that this was unfortunately the same guy.

2 Q. And the photo itself --

3 A. Yes.

4 Q. -- that would show Sheku Bayoh.

5 A. Yes.

6 Q. And he was black.

7 A. Yes, he was, yes.

8 Q. And so was that another connection that made you think

9 "I wonder if there's a link"?

10 A. Yes, absolutely.

11 Q. So from that moment you're thinking there's a possible

12 link here?

13 A. Absolutely, yes.

14 Q. Against what you have already told us that it's a small

15 black community in Kirkcaldy.

16 A. Yes and the short distance it was to locus as well.

17 Q. And the short distance to the locus and then something

18 about a mobile phone as well.

19 A. Yes.

20 Q. You also say in paragraph 68:

21 "We didn't know it was connected. There was no

22 clarification to us that he'd passed at that time."

23 Does that mean you didn't know that Sheku had died

24 at that time?

25 A. Yes, we weren't aware at that point if he had or not.

Transcript of the Sheku Bayoh Inquiry

1 Q. "We were reluctant to pass anything at that time in case
2 it wasn't him or wasn't the same circumstances."

3 What do you mean by that?

4 A. Well, we -- obviously Colette was asking us questions
5 with regards to if we knew anything about where he was.
6 At that point we obviously knew -- if he was the same
7 chap that had been involved with an incident with
8 the police, so we obviously fed that back into our
9 supervisor at the time and then Wayne got guidance that
10 what we're going to do is we're going to take the
11 address at that time, obviously with Colette's
12 permission, and ask her to come back to the police
13 station so we could get a statement from her and then
14 hopefully we could give her some more information then
15 when we actually had it.

16 Q. So it was Wayne who fed it back to the supervisor. Who
17 was your supervisor?

18 A. It was DS Dursley at that time, sorry.

19 Q. So he was the supervisor dealing with all of you at the
20 house?

21 A. Yes.

22 Q. And did it -- do you -- were you able to hear the
23 conversation with Wayne or...?

24 A. No, I believe he had left the property to make the phone
25 call.

Transcript of the Sheku Bayoh Inquiry

1 Q. Right. So he was out of the property at that time?

2 A. Yes.

3 Q. So look at paragraph 69, please, and you say:

4 "We wanted to secure the address and put on locus
5 protection."

6 Tell me, first of all, what does it mean if
7 the police secure an address?

8 A. So we take essentially the address under our care. So
9 we want to make sure that we have complete oversight of
10 that address, so we secure it, make sure there's no one
11 within and then it can only be us that can gain access
12 to it thereafter with our sort of SPA counterparts.

13 Q. So making sure no one is hiding somewhere or --

14 A. Yes.

15 Q. And then what's "locus protection"?

16 A. So basically it's when the police protect an address
17 before obviously the needful is done with it, whether
18 that be an examination or photographs or for whatever
19 reason we may have.

20 Q. Right and you say:

21 "Wayne explained this to Colette. She seemed
22 happy..."

23 Tell me what Wayne explained. What did he say?

24 A. Just basically what locus protection was. He said:

25 "Because it's unknown at the moment, we don't know

Transcript of the Sheku Bayoh Inquiry

1 what happened, obviously the disturbance within the
2 address. What we're going to do in the meantime,
3 obviously with your permission, is to take the address
4 and examine it and then we will obviously give you it
5 back once we have finished."

6 Q. When you say "examine it", what are you hoping to
7 achieve by that examination, what is it you are trying
8 to achieve?

9 A. It depends on the circumstances, to be honest.
10 Obviously we gave it a search, but we hadn't done
11 anything forensic with it, so to see whether or not
12 there was any maybe blood within the address, any other
13 sort of forensic stuff to suggest that there may be
14 further people within that address as well, or any other
15 sort of matter that maybe shouldn't have been there.

16 Q. All right. Can we look at paragraph 74 please and 75,
17 if it's possible to have them both on the screen. So
18 you talk about:

19 "There isn't any legislation for doing this."

20 So this would be in 2015:

21 "In the initial incident we request the
22 householder's permission to do it. We'd then go down
23 the legal route if they didn't give us permission. We'd
24 have to explain to a Sheriff why we wanted to secure it.
25 We probably would've got it."

Transcript of the Sheku Bayoh Inquiry

1 And that's a reference to seeking a warrant,
2 isn't it?

3 A. Yes.

4 Q. And then:

5 "Colette was understanding at that point. We
6 explained it was an active investigation. She was
7 content with that. If she'd said no we'd have remained
8 at that address until we'd had a warrant granted and
9 then put in place locus protection."

10 And:

11 "That very rarely happens because we can use our
12 communication skills to explain why it is pertinent and
13 important and almost all the time that certainly works."

14 Tell us a little bit more about what you would do in
15 this situation.

16 A. Well, like I said, we would try and get our point across
17 as best we could to explain why we need to look at the
18 address. If obviously we didn't get the consent of the
19 householder we would then look to remain there and other
20 officers would then apply for a warrant for us. We
21 would have to go in front of a Sheriff and explain why
22 it's pertinent as part of any investigation to let us
23 search the address and examine it.

24 Q. But on this occasion you were able to -- as I understand
25 it you say you got consent from Colette Bell.

Transcript of the Sheku Bayoh Inquiry

1 A. We did, yes.

2 Q. So there was no need to go down --

3 A. No.

4 Q. -- the route of seeking a warrant or anything like that?

5 A. No.

6 Q. Can we look please at SBPI00247. This is a statement --

7 we have not heard the evidence of Colette Bell yet, but

8 this is a statement that we have received from her and

9 at paragraphs 7 and 8, if we could have those on the

10 screen -- we will just briefly look at 7, first of all.

11 She is talking here about the officers coming into the

12 house and two officers ushered her into the living room

13 and one officer went straight through to the kitchen and

14 then one of the officers went upstairs. Can you

15 remember who was who?

16 A. I went upstairs.

17 Q. You went upstairs?

18 A. Yes.

19 Q. And where was Wayne?

20 A. I think he was with Colette in the living room.

21 Q. Where was Calum?

22 A. I think Calum might have been the one that went into the

23 kitchen, I'm not sure. He certainly was walking in that

24 direction as I was going upstairs, if I remember

25 correctly.

Transcript of the Sheku Bayoh Inquiry

1 Q. And what was the purpose of you all going into different
2 rooms?

3 A. Basically to search to see if anyone was still within
4 the address. She had obviously mentioned in the initial
5 phone call about coming back and finding it in quite
6 a bit of a state so we're going to be looking about for
7 that as well, to find out if we could see any evidence
8 of any sort of crimes within the address, but first and
9 foremost to make sure no one was lying injured in the
10 address, in all honesty.

11 Q. Thank you. She talks about going into the living room
12 with one of the officers. She says:

13 "I remember them not asking if they could have
14 a look around. That's just what they done. But at the
15 time, I wasn't thinking straight either. I wasn't
16 thinking, and I just thought, 'This must be normal, it
17 must be what they do.'"

18 Is that what happened?

19 A. Not as I recall, no. I'm pretty adamant I remember
20 saying to her "I'm just going to take a wee look
21 upstairs just to make sure there's no one in." And I
22 think she said it was okay, but to be honest at that
23 point we were kind of in the mode we wanted to make sure
24 there was nobody injured in the address it was a --
25 preserving life was more important. So maybe it was

Transcript of the Sheku Bayoh Inquiry

1 skipped across and if it was I do apologise.

2 Q. Then at paragraph 8 she has been asked about a warrant
3 but you already explained there wasn't any -- you didn't
4 take the view there was any need for a warrant --

5 A. Yes.

6 Q. -- at that time, so you didn't have one. And she has
7 said:

8 "No, as soon as they got in the house, one went
9 through into the kitchen, one went upstairs and me,
10 Mum ... and the other two officers went through to the
11 living room. I was aware that they were walking around
12 and kind of going out the house, and in the house, on
13 the phone. But ... they didn't ask."

14 Does that sound like a reasonable description of
15 what was...?

16 A. Yes, it probably was, yes.

17 Q. Can I ask you now about paragraph 71 please. Sorry, we
18 will go back to your Inquiry statement, away from
19 Colette Bell's, and paragraph 71. You mention here
20 something called -- so this is us -- we're back at
21 Colette Bell's address and you talk about them starting
22 a "locus protection book":

23 "If they did have that then we should've signed it.
24 If not then that's a mistake and we should've done
25 that."

Transcript of the Sheku Bayoh Inquiry

1 Can you tell me, first of all, what is a locus
2 protection book?

3 A. It's basically just a hard copy log of all persons that
4 go in and out of the property. Again, it's just to
5 explain that there's aspects in it with regards to
6 people wearing gloves, masks, a suit and obviously stuff
7 to cover your feet and that as well, again, just to
8 preserve the forensic integrity of the address and it
9 just keeps a log of all persons going in and out. What
10 should happen is whenever it's commenced the officers,
11 or anyone that's been in the address before it's
12 commenced or shortly before, should sign a wee bit at
13 the front of it. Again, I can't recall whether or not
14 that was completed or not at the time and if it wasn't,
15 then that was a mistake.

16 Q. It may look like your signature isn't on that log so --

17 A. Okay, that was a mistake then.

18 Q. All right. So, just to get this in my head, you have
19 gone in --

20 A. Yes.

21 Q. -- you have checked the property with Calum and Wayne,
22 --

23 A. Yes.

24 Q. -- and then does someone else arrive with this log,
25 locus protection book?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, there's two uniformed officers that arrive. I'm
2 guessing DS Dursley must have get in touch with whoever
3 it was and then they have arrived -- I can't recall how
4 long after to be honest, but I knew one of the officers.
5 I didn't recognise the other one.

6 Q. Who was the one you knew?

7 A. It was PC Liz Newton was one of them and I think it was
8 a male was possibly the other one, but I can't recall.

9 Q. And did they arrive in the gloves and mask and suit that
10 you have talked about?

11 A. No, because they weren't going to be accessing the
12 property at all, so they just stood at the front of the
13 property so I don't believe they ever entered, so they
14 didn't have to.

15 Q. So they remain outside at the perimeter --

16 A. Yes.

17 Q. -- and they have the book?

18 A. Yes.

19 Q. But they don't ever go into the property --

20 A. No.

21 Q. -- to examine anything inside?

22 A. No, not at all. They sign the book as well though
23 because the log of the people who secure it, there's
24 also an entry for that as well, just to show who has
25 been looking after the property the whole time.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Right, and we may also hear other evidence about
2 something called a "scene entry log". Is that the same
3 thing?
- 4 A. Yes, it's the same thing.
- 5 Q. Same thing. Now, I referred you to your -- the entry
6 from your notebook, we looked at the paragraph that
7 mentioned that and it said that you went to Kirkcaldy
8 Police Office with Colette Bell at about 11 o'clock in
9 the morning, so after you had been to her house.
- 10 A. Yes.
- 11 Q. When -- you don't need me to take you back to that
12 paragraph, do you?
- 13 A. No, no, that's fine.
- 14 Q. Where in Kirkcaldy Police Office did you take Colette
15 Bell when you went back to the police office?
- 16 A. We used one of the interview rooms.
- 17 Q. And can you explain why you chose to go back to
18 Kirkcaldy instead of staying at her house?
- 19 A. Again it was a directive that we had from our supervisor
20 that day just to bring her back. I'm guessing just
21 because they wanted the locus -- the property itself
22 secure and people out of it.
- 23 Q. Was that DS Dursley?
- 24 A. I believe so, yes. Again that would probably have been
25 part of the conversation he had with Wayne Parker.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And can I ask you about paragraph 81, please:
- 2 "I said mum could come in with them obviously with
- 3 the kid."
- 4 So is that a reference to Colette Bell's mum?
- 5 A. Yes.
- 6 Q. And the baby?
- 7 A. Yes.
- 8 Q. "Wayne went upstairs to speak to someone, I'm guessing
- 9 Graeme Dursley ..."
- 10 That would be on the phone?
- 11 A. Yes.
- 12 Q. "He then came back down. He asked to speak to me. He
- 13 said the man has passed away. We're not 100% it was him
- 14 but a good chance so we needed to pass a death message
- 15 to Colette. We needed to even though we weren't 100%
- 16 sure. It wasn't ideal to be honest but in a way we had
- 17 to pass on. If we held off it wouldn't be fair to
- 18 Colette or her mum."
- 19 So I just want to take a moment here and ask you
- 20 some more questions about this.
- 21 A. Okay.
- 22 Q. This is after you have taken them to Kirkcaldy Police
- 23 Office.
- 24 A. Yes.
- 25 Q. Around about 11 in the morning.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. And you -- your statement says you had said the mum
3 could come in with Colette and the baby.
- 4 A. Yes.
- 5 Q. And is that into the --
- 6 A. The interview room itself, yes.
- 7 Q. The interview room at Kirkcaldy Police Office.
- 8 A. Yes.
- 9 Q. And then Wayne went upstairs in the police office to
10 speak to Graeme Dursley. And did you remain with
11 Colette and her mum and the baby?
- 12 A. I did, yes.
- 13 Q. And was that in the interview room?
- 14 A. Yes.
- 15 Q. And it was when Wayne came back down from speaking to
16 Graeme Dursley that he said:
- 17 "[That's] the man's passed away, [although] we're
18 not 100% sure [it's] him."
- 19 Was that the first time that you found out that
20 Sheku Bayoh had died?
- 21 A. Yes, it was, yes.
- 22 Q. Can I ask you why you took Colette Bell to an interview
23 room with the baby and her mum, instead of some other
24 room in Kirkcaldy?
- 25 A. It was probably sort of the biggest room we had

Transcript of the Sheku Bayoh Inquiry

- 1 available at that time to be honest. I thought she
2 would be comfortable enough in there. I did ask the
3 question at the time as well, but no, it seemed to be
4 fine, everybody seemed comfortable enough.
- 5 Q. When you say you asked the question at the time, what
6 question?
- 7 A. Just that she was comfortable, when we did arrive, that
8 she was okay to be there and she said "Yes".
- 9 Q. Describe what the interview room looked like. I mean,
10 is it comfortable surroundings? We see it on the telly
11 sometimes, they don't look -- they look a bit bare.
- 12 A. Yes, well they are a bit bare. Comfortable seats.
13 There was a table, there was enough room for her to
14 bring in the stuff she had for her child as well, so
15 that's why we picked that particular room.
- 16 Q. I think you comment that she was still breast feeding
17 the baby --
- 18 A. She was.
- 19 Q. -- so she probably had a lot of things with her, did
20 she?
- 21 A. Yes, she had a few -- she did -- she breast fed her
22 child before we left the address, her home address, so
23 that's why it's taken us a wee bit longer to get back to
24 the station, so at least that had been taken care of
25 anyway before she come down, but she still had quite

Transcript of the Sheku Bayoh Inquiry

1 a wee bit of property with her as well.

2 Q. Okay. Can we look again at Colette Bell's statement
3 please. SBPI00247 and paragraph 15, if we may. She
4 says:

5 " ... we were taken into a small room. I remember
6 when we went in, looking to the left and seeing a room
7 full of police officers and they were all looking at
8 us."

9 Do you remember where that would have been?

10 A. No, not at all.

11 Q. No?

12 A. Possibly to be honest we would have had to have walked
13 past the custody office at Kirkcaldy which to -- in all
14 honesty would have been on the right, on the way down,
15 so she may well have been in reference to that, but that
16 door would have been closed over at that time.

17 Q. "We were taken down to the right to a small room, but
18 I didn't really think anything of it. Once we got taken
19 into that small room, they were saying that Mum should
20 leave the room and that she should take the baby [and]
21 I said 'No, my mum's staying'. The officer had said
22 that he should take ... and I was saying 'You're not
23 taking my baby. I just want to know what's going on
24 with Shek. Where is he? What's happened?' I remember
25 at one point one of the officers saying about how ...

Transcript of the Sheku Bayoh Inquiry

1 had a sniffly nose and that I should try a Calpol
2 plug-in and I just thought, 'Why are you talking to me
3 about my son's sniffly nose? I just want to know what's
4 happening with Shek'."

5 Can I ask you, who was it -- do you accept that
6 somebody said her mum should leave the room --

7 A. No.

8 Q. -- and take the baby?

9 A. No, I don't remember that at all. I think in all
10 honesty we were more than happy for her to be there from
11 a welfare point of view. Certainly if it would have
12 been said, it probably would have been said at the
13 start, but I don't recall that ever getting said at all.
14 I think we were more than happy that she had a wee bit
15 of support there.

16 Q. Do you remember if Wayne said anything along those
17 lines?

18 A. No, definitely not.

19 Q. Were you with him all the time? Could he have said it
20 outwith your hearing?

21 A. No, I was with them -- to be honest the only one that
22 was ever left alone with them was me. I actually did
23 mention the Calpol plug-in thing. That's just
24 a recollection, I did mention that. But I can put that
25 into context if you would like.

Transcript of the Sheku Bayoh Inquiry

1 Q. No, no, that's absolutely fine. Can I stick for the
2 moment with the issue about someone trying to take the
3 baby, or the mum should take the baby and Colette saying
4 "No, my mum's staying". If you don't have any
5 recollection of that, can you explain why Colette would
6 say this -- this is a signed statement that she has sent
7 in to the Inquiry.

8 A. Yes, absolutely, yes.

9 Q. Can you think of any reason how this could have arisen?

10 A. I have no idea. The only time that I did take the baby
11 outside but it was only after the death message had been
12 passed because she was quite hysterical, quite
13 understandably, and I said to her "Would you like me to
14 take the baby?" and I took the wee man outside into the
15 hall while we were speaking to her and trying to console
16 her. So I don't know if there has been a wee bit of
17 a mix-up with the timeline there or something like that,
18 I'm not really sure, but that's the only time that there
19 was any mention about the wee man leaving the room.

20 Q. So do you think this could have been some confusion
21 arising in the timing, you said?

22 A. Possibly, yes.

23 Q. So, at a later stage when Colette was in the police
24 station, was there a time when someone suggested to her
25 that her mum should leave the room and take the baby

Transcript of the Sheku Bayoh Inquiry

- 1 with her?
- 2 A. No, I don't recall that at all.
- 3 Q. No?
- 4 A. No.
- 5 Q. So if this wasn't happening at a later stage and Colette
- 6 has said it and signed the statement, can you think of
- 7 any explanation why Colette would have said this?
- 8 A. No, none at all.
- 9 Q. Okay, but as far as you are concerned it's not something
- 10 you said or suggested?
- 11 A. No because in all honesty we were quite happy for mum to
- 12 be there. Again, sorry to repeat myself, but just from
- 13 a welfare point of view. We obviously never knew what
- 14 was happening at that point and certainly after the
- 15 death message had been passed we were quite anxious for
- 16 her to stay to be honest, we felt she needed that
- 17 support, because obviously we had to get a statement off
- 18 her thereafter and she was a -- it was moral support for
- 19 her as well not just for a welfare point of view.
- 20 Q. Okay, and you remember having a conversation about the
- 21 baby and the Calpol plug-in?
- 22 A. Yes.
- 23 Q. When you were discussing this with her, what were you
- 24 trying to do?
- 25 A. I was just trying to build a wee bit of rapport. It was

Transcript of the Sheku Bayoh Inquiry

1 whilst Wayne was away. The wee man and my daughter were
2 actually pretty much the same age at the time. We had
3 a wee bit of a rough time at that time with Beth. She
4 had a hell of a time with a blocked nose and we had
5 found Calpol plug-ins and basically we had used them and
6 with the wee man was sniffing quite badly and it was
7 just -- again it was just to build as best a rapport as
8 we could at the time, until obviously Wayne came back in
9 and then after that it wasnae ideal.

10 Q. So this conversation about the Calpol was before you
11 passed the death message?

12 A. I believe so, yes. That's how I recall it.

13 Q. And is building a rapport with people something that you
14 do in your practice, in your sort of job as a --

15 A. I try to as best we can. It is obviously quite
16 difficult at times, but yes that's certainly what we had
17 at that stage.

18 Q. Because at that time, as I understand it, Colette was
19 there to give a -- as a witness.

20 A. Yes, voluntarily.

21 Q. Possible witness.

22 A. Absolutely, yes.

23 Q. Right. Could we go back to your statement please, and
24 again to return to paragraph 81 which we were looking at
25 a moment ago and at the end of that, the last sentence,

Transcript of the Sheku Bayoh Inquiry

1 you said:

2 "If we held off it wouldn't be fair on Colette or
3 her mum."

4 Can you explain why it wouldn't be fair on Colette
5 or her mum unless you passed the information on about
6 Sheku?

7 A. Yes, just -- again just to clarify that. We obviously
8 didn't have 100% ID at the time that Sheku was the man
9 that passed away. However, we had obviously the
10 evidence we had with regards to the description, the
11 address, the sort of disturbance there, the fact that
12 his mobile phone and I believe it was keys were left
13 behind. We had a strong suspicion that it was him.
14 There's obviously been other work that be done upstairs.
15 I wasn't overly party to that and we felt at that time
16 that there was a good chance that it was him, so
17 basically what I mean by that is that we had to pass on
18 what we thought was correct at that time and that's
19 obviously why it was said we can't be 100% sure at this
20 moment in time until he's identified, but there's a
21 strong possibility that Sheku is unfortunately the man
22 that's passed away.

23 Q. And why wouldn't it be fair if you didn't pass on that
24 information to Colette?

25 A. Because we had that information at hand and it felt as

Transcript of the Sheku Bayoh Inquiry

1 if we had to pass it on. We couldn't sit on it until we
2 were 100% sure.

3 Q. And in your experience of these things, do you think
4 it's fair to pass on information to members of the
5 family if --

6 A. Absolutely, yes.

7 Q. -- if a member of their family is deceased --

8 A. Absolutely.

9 Q. -- and the police know about it?

10 A. Like I said before, I would like to think if it was the
11 other way about, the same would be done for myself, so
12 yes, we tried to pass on as much information as we could
13 at that time.

14 Q. And you have used the word "fair". Do you think sharing
15 that as soon as possible is fairer to the families?

16 A. Yes, absolutely.

17 Q. Could we look at paragraph 98. You have said:

18 "[You don't] remember the terms of the death message
19 to Colette [Bell]."

20 Or you didn't when you were giving your statement
21 and it was actually Wayne Parker who had delivered it,
22 who had done the talking --

23 A. Yes, it was, yes.

24 Q. -- if I can say. Can we look at paragraph 95. And we
25 see here:

Transcript of the Sheku Bayoh Inquiry

1 "I have been referred to my statement ..."

2 So this is the operational statement we talked about
3 at the beginning of your evidence and I will read this
4 out:

5 "I was present within interview room [number] 1, the
6 first interview room on the right, when DC Parker passed
7 the death message to her. DC Parker told Colette that
8 from the description Colette had provided to the police
9 of Shek, coupled with the mobile phone found at locus,
10 the police wholly believed that it was her partner Shek
11 had died during this critical incident. I understand
12 that DC Parker was delivering this death message on the
13 instructions of DS Dursley or DI Robson. I wasn't
14 present when this instruction was given. I remained at
15 all times with Colette and her mother whilst DC Parker
16 and DC Clayton were updating the bosses."

17 Is that when Wayne went upstairs at Kirkcaldy --

18 A. Yes.

19 Q. -- and then came back down and told you the man had
20 died?

21 A. Yes.

22 Q. And so he was party to that conversation with the
23 bosses, not you.

24 A. Yes.

25 Q. And it was then Wayne Parker who delivered the death

Transcript of the Sheku Bayoh Inquiry

1 message to Colette in the interview room.

2 A. Correct.

3 Q. And then can we look at paragraph 102 of your statement.

4 Do we see -- now, you have been referred to DS Graeme
5 Dursley's statement here and I'm going to read this out
6 to you, so this is a section taken from his statement:

7 "I have been told DS Graeme Dursley states ...

8 'With regards to the death messages delivered to Colette
9 Bell and thereafter the family. When Colette Bell was
10 within Kirkcaldy Police Office, I spoke to DI Colin
11 Robson, and whilst I did think it was Sheku Bayoh who
12 was dead, at that time there was no formal
13 identification so between me and Colin Robson we
14 delegated Wayne Parker to tell Colette Bell, words to
15 the effect that, 'a black male had been found dead and
16 we suspected that it may be her partner'. We based this
17 on the fact that there was a black male dead and that
18 a gold coloured mobile phone was found at the locus.
19 Colette Bell had previously that morning told DC Wayne
20 Parker that Sheku had an unusual gold coloured mobile
21 phone. The wording of the death message is not recorded
22 anywhere in any format.'"

23 If we could go back up the page there. We see
24 within that paragraph, as I was reading out, halfway
25 down that paragraph 102 he says:

Transcript of the Sheku Bayoh Inquiry

1 "... we delegated Wayne Parker to tell Colette Bell
2 words to the effect that ..."

3 And then you'll see the apostrophes or speech marks:

4 "...a black male had been found dead and we
5 suspected that it may be her partner."

6 So that's the words that he is using in his
7 statement and he has put them in apostrophes.

8 A. Yes.

9 Q. Can we look at that and can you say, does that
10 description sound like what Wayne Parker was delivering
11 to Colette Bell?

12 A. I can't remember the exact wording that he used, in all
13 honesty.

14 Q. Does it sound like -- does it sound similar --

15 A. Yes, yes.

16 Q. -- to what Wayne Parker said?

17 A. Yes, absolutely.

18 Q. We have not heard from Wayne Parker yet and we can ask
19 him as well.

20 A. Okay.

21 Q. Thank you. What was Colette Bell's reaction?

22 A. She was hysterical, to be honest, quite understandably.

23 Q. I don't need to take you to Colette Bell's statement,
24 but I think she says she just was shouting and screaming
25 and basically collapsed. Does that sound...?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, pretty much.

2 Q. And at paragraph 82 of your statement you say:

3 "She was really really upset. I took the wee man
4 outside and held him [there] for about 10 minutes [and]
5 she was crying during that time."

6 A. Yes.

7 Q. I would like to take you to Colette Bell's statement
8 actually now and ask you about paragraph 16 of that
9 please. So this is Colette Bell's statement and I will
10 just ask you if you recognise what she says here. She
11 said:

12 "... the officer said 'There's no easy way of saying
13 this. I'm just going to say it. There's been a body
14 found that matches your partner's description and we
15 think it's Shek'. I think I just collapsed at that
16 point. I think I was just shouting and screaming.
17 I think I was maybe jumping up and down. I was in
18 disbelief. I was in shock, and then I think, once
19 I calmed down a little bit and regained myself a little
20 bit, I had said, 'Well, what's happened to him, has he
21 collapsed, has he got any wounds, has he been hurt, has
22 he been stabbed? What's happened? Where was he found?'
23 They just said that a passer-by had found him dead on
24 the street."

25 Looking at that description from Colette Bell, do

Transcript of the Sheku Bayoh Inquiry

- 1 you recognise what's said there?
- 2 A. No.
- 3 Q. You don't. How does that differ from your own
4 recollection?
- 5 A. To be honest, regards to her actions straight after it,
6 yes, I pretty much witnessed that all. Apart from the
7 jumping on up and down, that may well have taken place
8 when I was outside the room. But it certainly didn't
9 sound like it from what I heard. Regards to the
10 questions that she asked, I can't recall that at all.
11 She may well have asked questions during the statement
12 and that would certainly make sense, but again I can't
13 remember exactly what she asked.
- 14 Q. Is it possible that you were out of the room with the
15 baby and these questions were asked of Wayne Parker?
- 16 A. Yes, yes, possibly, but with regards to the last
17 sentence that certainly was never relayed to her at any
18 point.
- 19 Q. So you don't agree with the final sentence --
- 20 A. No.
- 21 Q. -- which is "They just said that a passer-by had found
22 him dead on the street"?
- 23 A. Because, like I said, the first time we were made aware
24 that he had passed was when we were at Kirkcaldy Police
25 Station and we had already been told before that that he

Transcript of the Sheku Bayoh Inquiry

1 had been in an ambulance heading towards the hospital,
2 so there would have been no reason for us to make that
3 statement.

4 Q. Right. Can you give me one second please.

5 (Pause).

6 So you don't remember anything being said about him
7 being found on the street?

8 A. No.

9 Q. Not at all?

10 A. No.

11 Q. I just referred you to -- can we look again at your
12 Inquiry statement, paragraph 95. This says that -- can
13 you just give me a moment? I have lost my place.

14 A. Yes.

15 (Pause).

16 Q. Sorry about that, I lost my paragraph and there are so
17 many of them I just couldn't find it there for a moment.

18 A. Not a problem.

19 Q. Can we go back again to paragraph 102 of your statement.
20 Thank you. You will see if we look, this is the Graeme
21 Dursley statement. We have not heard yet from Graeme
22 Dursley, but as part of this I asked you earlier about
23 the words halfway down that paragraph that's in
24 quotation marks:

25 "... a black male had been found dead and we

Transcript of the Sheku Bayoh Inquiry

1 suspected that it may be her partner."

2 So it appears there that according to DS Graeme
3 Dursley's recollection in his statement that the death
4 message delegated to Wayne Parker was to tell Colette
5 Bell that a black male had been found dead and where it
6 says in it her statement that we looked at a moment
7 ago -- she says she was told Sheku was found dead on the
8 street by a passer-by. So would you accept that at
9 least part of what she says would be correct, that she
10 had been told that he had been found dead?

11 A. I don't remember Wayne ever saying those words,
12 genuinely.

13 Q. Right. So when I asked you about paragraph 102 earlier
14 you -- let me just check what you said because we've got
15 the transcript, obviously. I want to be clear.
16 I thought you said it sounded similar to what was said.
17 I'm not trying to catch you out --

18 A. No, that's fine.

19 Q. -- I'm just trying to work out -- you said earlier you
20 thought it sounded similar.

21 A. Yes, absolutely.

22 Q. And now you're saying you don't remember.

23 A. It's the found dead aspect. I don't understand why that
24 has been said because that was never the case.

25 Q. You don't remember. Do you think Wayne Parker -- we

Transcript of the Sheku Bayoh Inquiry

1 might speak to him about it --

2 A. Yes.

3 Q. -- because he was the one that delivered the death

4 message.

5 A. Yes, absolutely.

6 Q. But from your recollection you said it sounded similar,

7 but now you just can't remember?

8 A. Regard to the wording it's similar, but with regard to

9 the found dead aspect, no.

10 Q. The detail?

11 A. Yes, that detail in particular.

12 Q. All right. So you don't remember mentions of

13 a passer-by.

14 A. No.

15 Q. You don't remember mention of the words "found dead".

16 A. Mm-hm.

17 Q. Is that fair to say?

18 A. Yes, that's fair, yes.

19 Q. Can we go back to Colette Bell's statement please at

20 paragraph 18. So this is the statement of Colette Bell,

21 paragraph 18, and I will read this out, it says:

22 "I am asked whether, after they told me Sheku had

23 died, whether they offered me any support or for you to

24 have a break. No. I was crying and shouting, and they

25 were just quiet. I think my mum was comforting me.

Transcript of the Sheku Bayoh Inquiry

1 I think once I settled down a little bit they then said,
2 'I know this is really difficult for you but we're going
3 to have to take a statement from you'. I said 'I'm not
4 giving a statement. I just want to go and see Shek.
5 Why would I need to give a statement? I just want to
6 know what's happened.' I remember them saying that they
7 were looking for somebody in connection with it, but
8 I can't really remember the sequence of when they had
9 said that. I just remember when I was asking what's
10 happened to him, they had said, 'We are looking for
11 somebody.'"

12 Do you remember either yourself or Wayne saying that
13 you were looking for somebody?

14 A. No.

15 Q. Can you explain why that would be Colette's
16 recollection?

17 A. Certainly during the conversation we will have said that
18 it was still an ongoing investigation and we're
19 obviously trying to make contact with witnesses to try
20 and ascertain exactly what's happened. That was
21 essentially the party line. But no, we never said at
22 any point we're looking for somebody in connection with
23 his death.

24 Q. When you say it was "the party line", what do you mean
25 by that?

Transcript of the Sheku Bayoh Inquiry

1 A. I mean that's essentially the line we kept going back to
2 because we only obviously had certain information at
3 that point and there were still a lot of witnesses to be
4 spoken to, including officers, so we never knew really
5 anything else about of apart from that, so that's why we
6 kept going back to that same line.

7 Q. At that time, did you know that he had come into contact
8 with the police?

9 A. Yes.

10 Q. And that he had been alive when he first came into
11 contact with the police?

12 A. Yes.

13 Q. But then he had died.

14 A. Yes.

15 Q. And you have talked about sharing information with the
16 family as soon as possible. Can you explain why you
17 didn't tell Colette Bell that he had died having come
18 into contact with the police?

19 A. It was a direction from our supervisors that we weren't
20 to mention anything to do with the police contact until
21 it was properly investigated.

22 Q. And when you say a direction from your supervisors, who
23 do you mean?

24 A. It was relayed to us by DS Dursley. I don't know who
25 has then passed it on to him, but certainly from where

Transcript of the Sheku Bayoh Inquiry

- 1 I was told it was from him.
- 2 Q. And who told you that?
- 3 A. It would have been -- to be fair the initial
4 conversation obviously when we got briefed earlier in
5 the morning and told about the incident, he hadn't
6 passed away at that time so we had never obviously
7 directly been told, but we were told at that point not
8 to mention any police contact.
- 9 Q. When you say "We were told at that point not to mention
10 police contact", what point are you talking about?
11 Because obviously you talked about the briefing --
- 12 A. Yes.
- 13 Q. -- when you first arrived. You have talked about Wayne
14 going upstairs when you brought Colette back to
15 Kirkcaldy and he had a conversation with DS Dursley.
16 What point is it that you were told not to mention
17 police contact?
- 18 A. The initial briefing was -- but certainly after we had
19 found out he had passed there was no change on that at
20 all. The next point we were told not to mention it was
21 before we went and spoke to his sister.
- 22 Q. And who was it that told you not to mention police
23 contact?
- 24 A. Again, it came through DS Dursley.
- 25 Q. And that was at the initial briefing?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. What's the reason for that?
- 3 A. I think the fact that it was still being investigated at
4 that point. Obviously we didn't really know the full in
5 and outs, so it was obviously for when we did understand
6 to then give a clear picture later on.
- 7 Q. But what's wrong with saying, "He was alive and then he
8 died, but there's been police contact"?
- 9 A. Mm-hm.
- 10 Q. What's wrong with telling families that that is the
11 actual truth of the matter?
- 12 A. Yes, to be honest, I don't know. I really don't know.
13 That was just the decision that was made that day.
- 14 Q. Looking back now, you have talked about the importance
15 of telling families the information --
- 16 A. Yes.
- 17 Q. -- and accurate information. What's the downside of
18 saying something, hiding something from families about
19 the fact there was police contact?
- 20 A. You then lose their trust.
- 21 Q. And what's the impact of losing trust?
- 22 A. Massive because the rapport then goes out the window,
23 essentially.
- 24 Q. The what goes out the window?
- 25 A. Sorry, the rapport with the family then goes out the

Transcript of the Sheku Bayoh Inquiry

- 1 window, so it's hard then to build any sort of
2 relationship after that for us to essentially work
3 together to get to the bottom of it.
- 4 Q. You have talked to us today about the value of the
5 community work you did.
- 6 A. Yes, absolutely.
- 7 Q. And how that has got long-term effects --
- 8 A. Yes, 100%.
- 9 Q. -- and it helps police work, it helps investigations.
- 10 A. Mm-hm.
- 11 Q. What do you think about a decision being taken that
12 don't -- hides something, hides some truth about
13 a situation from the families where a member of the
14 family has died?
- 15 A. Yes, it's not the best.
- 16 Q. Can I ask you -- we will stay with this statement that's
17 on the screen. This is Colette Bell's statement,
18 paragraph 18, and you have described to us how upset she
19 was and her mum was comforting her and she has asked
20 a number of questions. She says -- do you remember her
21 asking questions, either of you or Wayne or both of you
22 about what had happened?
- 23 A. Yes.
- 24 Q. We have heard somebody suggest it's quite common for
25 families to want to know what's happened when they hear

Transcript of the Sheku Bayoh Inquiry

1 that.

2 A. Absolutely, yes.

3 Q. Were you able to give her any more information?

4 A. Just that it was an active investigation and we're still

5 trying to speak to people to ascertain what's happened.

6 We just kind of had to keep going back to that and

7 apologise for that fact as well.

8 Q. So what was the extent of the information you gave

9 Colette Bell at that time?

10 A. Only that it was a male that had passed away. We

11 believed it to be Sheku and we're still investigating as

12 part of a critical incident.

13 Q. And did you give her any additional information --

14 A. No.

15 Q. -- about what happened?

16 A. No.

17 Q. Even when she is asking questions about that?

18 A. No.

19 Q. How did that make you feel?

20 A. It wasn't great because, like I said, to get the rapport

21 and obviously to get the statement we then required from

22 her with regards to Sheku and his life it was then

23 difficult to have that trust between us. I still felt

24 the rapport at that point was okay. However, obviously

25 we weren't letting her know everything that we knew at

Transcript of the Sheku Bayoh Inquiry

1 that time. Not that it was much more, but only that
2 obviously he had come into contact with police and
3 obviously died thereafter.

4 Q. And I think later in your statement you talk about it
5 took more than a couple -- a couple of hours really for
6 the statement to be taken.

7 A. Yes.

8 Q. And that it was DC Parker, Wayne, who noted it.

9 A. It was, yes.

10 Q. And was he asking the questions, or were you asking the
11 questions and Wayne would be noting it?

12 A. No, he was asking the questions and noting it.

13 Q. Okay, right. And you were there to observe.

14 A. Yes, just as corroboration.

15 Q. And if we look at paragraph 83 and go back to your
16 Inquiry statement, you have described there that:

17 "It's one of the worst jobs on the force to take
18 a statement when someone they know has passed away."

19 And does that really sum up your feelings on the
20 matter?

21 A. Yes, I have always felt the way about sudden death
22 statements, to be honest. As best practice and
23 essentially the SOP tells you it is best practice
24 because it's obviously trying not to delay the grieving
25 process for the family essentially but yes, it's never

Transcript of the Sheku Bayoh Inquiry

1 easy to get a statement straight after. It's not nice
2 at all. It's a pretty rubbish part of the job.

3 Q. You talk about a SOP, an S-O-P.

4 A. Yes.

5 Q. Which one says take a statement straight away? Do you
6 remember?

7 A. I'm pretty sure it's in the sudden death one, if
8 I remember correctly, yes. It's certainly always been
9 a directive I have had off any supervisors, so.

10 Q. And you say that's best practice.

11 A. Yes.

12 Q. From your own personal experience, what is it that you
13 think about that practice and that directive, that SOP?
14 Feel free to be frank about this.

15 A. I don't like it. However, I understand it. Obviously
16 for -- obviously this is quite a unique scenario, but in
17 a sort of sudden death where someone has passed away we
18 have to try and create a rapport and get that presented
19 to the fiscal essentially within 24 hours or at the time
20 so we obviously try and paint as best a picture as we
21 can on the sort of antecedent history or lifestyle or
22 events that have happened. It's best for us to get that
23 as quickly as we can and then obviously present that to
24 the appropriate fiscal, who will then obviously make a
25 decision thereafter whether or not they require

Transcript of the Sheku Bayoh Inquiry

1 a post-mortem or they're happy enough to issue the death
2 certificate.

3 Would I like that to be delayed a wee bit sometimes?
4 Yes, absolutely but I suppose in a positive side, if
5 there is such a thing, it sort of means then the family
6 can get on with things. I know again this is a unique
7 scenario and obviously that wasn't the case here, but
8 normally you can just take the statement and we then
9 leave them contact details and then get in touch
10 thereafter with regards to information and that and we
11 don't have to obviously delay that in any way because
12 we're getting the statement straight away, but yes, it's
13 not something I particularly enjoy, but I do understand
14 it.

15 Q. Why -- you have mentioned a delay might be helpful. Why
16 would you think that would help?

17 A. Because I'm speaking from my own point of view and like
18 I go back to earlier on, speaking that I like to
19 sometimes put myself on other's side, the last thing
20 I want to see is two folks sitting in uniform, hi-vis,
21 asking me questions about my family member that's passed
22 away, when all I want to do is grieve or cry or shout or
23 do whatever. So that's kind of what I mean by that.

24 Q. And what information was it that you were going to get
25 from Colette Bell -- or that you did get from Colette

Transcript of the Sheku Bayoh Inquiry

1 Bell that was urgent or needed dealt with straight away?

2 A. I think we were -- a normal statement would be based on
3 sort of lifestyle of that person, their relationship,
4 all we can about that person, but again it was quite
5 pertinent to find out what had happened that morning as
6 well.

7 The description of events with regards to how Sheku
8 came about coming into contact with police was still
9 particularly unknown, barring obviously a few calls that
10 had been made by the public. So we never knew what had
11 happened the night before. And obviously she told us
12 I think it was a boxing fight that was on the night
13 before and he'd been with a couple of friends and in the
14 house. So again, we never knew that until we had spoke
15 to Colette. So it helped us to paint a picture and then
16 obviously feed that back up to the supervisors who were
17 trying to put obviously an understanding of what had
18 happened and obviously prepare their own document as
19 well to then feed on later on with what had happened.

20 Q. When you mention the words "lifestyle" and
21 "relationship", what sort of things were you interested
22 in, in relation to Colette Bell and Sheku?

23 A. It's basically just to get to know him, family,
24 brothers, sisters, mum and dad, where they grew up,
25 children, it's other stuff that may affect the lifestyle

Transcript of the Sheku Bayoh Inquiry

- 1 with regards to smoking, drugs, alcohol. Again, all
2 standard questions you would ask in any sort of sudden
3 death statement.
- 4 Q. And why would that help in relation to the investigation
5 into his death?
- 6 A. Again, it would help paint a picture of that person then
7 when we are presenting to the fiscal so that they know
8 rather than us just giving them information on
9 description of events they actually hopefully get to
10 know that person as well and what better to do that than
11 obviously his partner.
- 12 Q. And when you mention lifestyle would that include
13 religion or culture?
- 14 A. It could do, yes, yes.
- 15 Q. And did it on this occasion?
- 16 A. I can't remember, to be honest. It may well have been
17 asked with regards to -- I know obviously particular
18 religions need obviously the body back within a certain
19 time and obviously there's a process to go through, but
20 I genuinely can't remember that question getting asked.
- 21 Q. Okay. Do you think that type of thing should have been
22 asked?
- 23 A. It probably should have been asked if it wasn't asked,
24 yes.
- 25 Q. Yes. And looking back now, is that the sort of thing

Transcript of the Sheku Bayoh Inquiry

- 1 you would have asked -- that you would ask now?
- 2 A. Yes, absolutely and I will take responsibility for that
3 as well because I'm not doubting during this statement
4 I probably did ask her a couple of questions even though
5 Wayne was taking the lead and yes, if it wasn't asked it
6 probably should have been asked, absolutely.
- 7 Q. Thank you. And again, with things like relationship
8 questions, is that the sort of thing that you might have
9 asked on the day?
- 10 A. Yes, we did ask Colette how long they had been together.
11 Yes, nothing too elaborate to be honest. Obviously they
12 had a child together and just information surrounding
13 that, but we wouldn't need overly much to put in the
14 report that we had.
- 15 Q. Okay, thanks. Just so people know, Colette was there
16 voluntarily --
- 17 A. Yes.
- 18 Q. -- to give a statement.
- 19 A. Absolutely.
- 20 Q. It wasn't recorded.
- 21 A. No.
- 22 Q. It's not like she was a suspect or anything along those
23 lines.
- 24 A. No, not at all, no.
- 25 Q. And did you consider Colette's welfare at that time?

Transcript of the Sheku Bayoh Inquiry

1 A. We tried to as best we could. We did -- I know she said
2 we never, but we did ask her if she wanted to take
3 a break, offered a beverage and that as well if she
4 wanted one, but again at that stage there's not really
5 anything you can say or do that's going to make them
6 feel any better so probably, and I'm not saying she's
7 missed it out on purpose, she's maybe just not
8 remembered that that's been said because to be honest
9 I don't know if I would take everything in that was
10 getting said to me just after a traumatic event like
11 that, in all honesty.

12 Q. And was the baby still there and her mum still there?

13 A. Yes, the baby was taken out, like I said before, for
14 about ten minutes, taken outside, just out in the
15 corridor while her mum stayed with her, and then we
16 brought him back in when she'd sort of calmed back down
17 because I don't know if she just needed to sort of give
18 him a -- and she just sat sort of cuddling him between
19 her and her mum for the rest of the statement.

20 Q. So they shared the baby between them?

21 A. Yes, that's how I recall it, yes.

22 Q. Right. And did you consider maybe giving her a longer
23 break between telling her about Sheku's death and
24 starting to take the statement?

25 A. Yes. To be honest, as you can tell from the time that

Transcript of the Sheku Bayoh Inquiry

1 it took to note it, there was quite a bit of a gap
2 there. I can't remember how long, to be honest, but
3 I don't think it took the whole two hours to note that
4 statement from start to finish. I think there was
5 a fair wee gap in-between to give her a wee bit of time
6 to compose herself.

7 Q. What do you mean by "a fair wee gap"?

8 A. I just mean I don't think we started straight away. I
9 don't think we just passed it on, she stopped crying,
10 and then we started noting details. I think we then
11 obviously tried to get again the rapport building with
12 her again before we started that. I didn't think it was
13 really fair to sort of jump back into the quick fire
14 questions.

15 Q. I'm going to just ask one last question and then move
16 on.

17 A. Yes.

18 Q. We have had a lot of other statements received from the
19 Inquiry and a senior officer has said she would describe
20 it as insensitive to pass a death message and then take
21 a statement rather than just having a conversation and
22 she thought having -- taking that statement in an
23 interview room is also insensitive. From what you have
24 said today I think you would probably agree.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. You don't like doing it that way?

2 A. No, I don't like doing it at all but again that's what
3 we were asked to do. She seemed happy enough -- not
4 happy, but content enough to give us a statement at the
5 time and so we just kind of went with it.

6 MS GRAHAME: I'm conscious of the time.

7 LORD BRACADALE: Very well. We will have a 20-minute break.

8 MS GRAHAME: Thank you.

9 (11.29 am)

10 (Short Break)

11 (11.55 am)

12 LORD BRACADALE: Yes, Ms Grahame.

13 MS GRAHAME: Thank you. I was asking you about Colette Bell
14 and I would like to go to another paragraph in her
15 statement to ask you for some comments on it. It is
16 SBPI00247 and paragraph 19, please. So she is
17 describing being in the Kirkcaldy Police Office:

18 "I am asked how I ended up giving the police
19 a statement when I had said I did not want to give
20 a statement. They had said that if I was to give
21 a statement, then I would be able to go and see him ..."

22 That's Sheku Bayoh:

23 "... because he would need to be identified. So,
24 they had said, 'If you get the statement done, then
25 we'll see about you going to see him,' and mum had kind

Transcript of the Sheku Bayoh Inquiry

1 of been saying, 'Let's just do the statement and then
2 maybe you'll get to see him after'."

3 Do you remember that conversation?

4 A. No. No, I don't. I do remember there would have been
5 a conversation around identification of Sheku at some
6 stage, but certainly never made it sound as if you do
7 the statement, we will then go thereafter, because that
8 was obviously never going to be the case in this
9 scenario.

10 Q. Why do you say it was never going to be the case?

11 A. Because he was obviously still at the hospital at that
12 time. I have guessed with my obviously knowledge at
13 that point that there was going to be some sort of
14 examination completed first before that could take
15 place, so I knew it was never ever going to be that day.
16 Certainly normal sudden deaths as well, you would have
17 probably a couple of days before formal identification
18 is ever taken and then it's then at the direction of the
19 Procurator Fiscal as well just to make sure that they're
20 100% happy that the person that's in the sudden death
21 report is the person that's obviously passed.

22 Q. So in relation of what you have just said, by this
23 stage, you knew that the man had died?

24 A. Yes.

25 Q. You have passed the death message to Colette Bell?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. You said in the normal course of events there would be
3 an examination, is that a post-mortem examination?

4 A. Yes.

5 Q. Is that the sort of thing you're talking about?

6 A. Yes, sorry, yes.

7 Q. Or an autopsy some people will call it.

8 A. Yes, absolutely.

9 Q. Not at all. You said, did you, that you thought there
10 would be a couple of days before there would be
11 identification?

12 A. I don't think I said that at the time because to be
13 honest, we never knew at that point how long it was
14 going to take. I can say a sudden death would normally
15 be presented to Procurator Fiscal, it can take between
16 two, three, even longer than that days. So I would hate
17 to give a timeframe for that.

18 Q. From your experience now, how long would it normally
19 take for there to be a post-mortem where there has been
20 a sudden death, unexplained or ... you don't know why
21 the person died?

22 A. It really depends, it sounds really silly to say, but
23 the backlog that they have at the mortuary as well and
24 obviously what the fiscal is dealing with at that moment
25 in time. Regards to this one, I can imagine it would

Transcript of the Sheku Bayoh Inquiry

1 have been a priority. But again, I'm not sure how that
2 part of the investigation went, so I don't even know
3 when he was identified.

4 Q. And when you say "a priority", what do you mean?

5 A. Well, obviously we passed the death message not being
6 100% clear on his identity. So if I was part of that
7 investigation from a senior level, I would be guessing
8 that I would be wanting to do that sooner rather than
9 later, just to clarify that it is who we think it is.

10 Q. So when you say do it sooner rather than later, you mean
11 get identification --

12 A. Yes.

13 Q. -- confirmed?

14 A. Yes.

15 Q. Before the post-mortem is carried out?

16 A. Yes.

17 Q. And do you remember if Wayne had any conversation about
18 "give a statement and you can see Sheku after that"?

19 A. No, I don't remember that being said at all and it's not
20 really something we would say. It then sounds as if
21 we're almost bargaining with her and that certainly
22 wasn't the case that day at all.

23 Q. Right. If that wasn't the case, can you give any
24 explanation why Colette may have said this, or been
25 confused or --

Transcript of the Sheku Bayoh Inquiry

1 A. I don't know if it has just got mixed up in the
2 conversation that we have had about identification down
3 the line. Again, like I said earlier on, with the
4 trauma that day, it may well have just got mixed up with
5 the events that's happened. But yeah, I can't be clear
6 on why she said that to be honest.

7 Q. So as far as you remember, what was said to Colette
8 about identification?

9 A. It would -- I don't remember exactly what was said, but
10 as part of any statement like that and obviously when
11 it's unclear identification, it would have been said to
12 her, "We're probably looking at some stage down the line
13 to have you identify the body, just to confirm that it
14 is Sheku", and obviously we have mention of other family
15 and that as well and we will (inaudible) because
16 sometimes they want two persons to do the identification
17 as well.

18 Q. And we also have a record of a statement Lorraine Bell
19 gave to PIRC, so that's the mother.

20 A. Yes.

21 Q. And she says -- I won't take you to that at the
22 moment -- that Colette was asked -- or Colette asked if
23 she would be able to see Sheku and the police officer
24 said immediately that Colette could see Sheku. Do you
25 remember giving Colette that reassurance that she would

Transcript of the Sheku Bayoh Inquiry

1 be able to see Sheku?

2 A. No. I don't even remember that question getting asked,
3 but generally, we would have said along the lines of the
4 formal identification process and that can take a wee
5 bit of time, but I genuinely can't even remember that
6 conversation.

7 Q. From your own experience, can you understand that family
8 members would like to see the person?

9 A. Oh, absolutely. Yes, 100%, yes.

10 Q. Why is that?

11 A. I think that's the -- it's almost the saying goodbye, it
12 assists with any sort of grieving process. Even in the
13 most -- further occasions where, let's say, you have car
14 crashes and things where we kind of advise these people,
15 it's maybe not the best thing, but they still want that
16 last goodbye. Obviously, the mortuaries do their best
17 at times to make the body look more presentable and will
18 often ask if they will stand at a particular side due to
19 injuries and such-like. So again, that can take a wee
20 while as well, so that's why we never try and give any
21 sort of timeline, because we never knew at that point,
22 injuries, etc, or what the process was going to be.

23 Q. Did you at that time have any expectation that this
24 would be discussed by others with the family?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Who would that be?
- 2 A. Probably the family liaison officers, the FLOs.
- 3 Q. And do you have experience of family liaison officers
- 4 discussing things with the family?
- 5 A. I have been present when they have been having
- 6 discussions with family, yes, but I'm not formally
- 7 trained on it myself.
- 8 Q. And when FLOs are involved, is it the sort of topic that
- 9 they will cover about identification and --
- 10 A. It should be, yes. It should be.
- 11 Q. Do they give the families information about what will
- 12 happen when they go to view a body at the mortuary?
- 13 A. Yes, absolutely. Really it should be everything sort of
- 14 post-event that they should explain to them as best they
- 15 can and answer any questions that the family obviously
- 16 have as well.
- 17 Q. And that's your experience of FLOs from --
- 18 A. Absolutely.
- 19 Q. -- other situations?
- 20 A. Yes, I have even known FLOs to even arrange funerals and
- 21 such-like as well on certain occasions when the family
- 22 have been really struggling. So yeah, there is an array
- 23 of different jobs that they will do to assist just in
- 24 that obviously period of grief.
- 25 Q. If we hear from other people that FLOs are more treated

Transcript of the Sheku Bayoh Inquiry

1 as part of the investigative team, do you have any
2 comment about that?

3 A. Yes. Sometimes, yes, sometimes the FLOs will be asked
4 to maybe take statements from family members and that as
5 well. I have known for that to happen before, yes, but
6 certainly first and foremost from my certainly belief is
7 that it's more a welfare thing and an information
8 passing team that they are.

9 Q. So is it possible in cases involving a sudden death to
10 delay family statements until the FLO is in place?

11 A. Yes, it certainly has been -- certainly the most
12 experience I have is more murder investigations and that
13 tends to be the sort of scenario they use for that, yes.

14 Q. So where there's a suspicious death or an unexplained
15 death, and if it's been treated as a homicide, the
16 family can give statements to the FLO rather than other
17 officers?

18 A. Yes. That would be my belief, yes, absolutely.

19 Q. And do FLOs have particular training in dealing with
20 family members?

21 A. Yes.

22 Q. And does that help support family members, have regard
23 to their wellbeing?

24 A. It should do, yes. I believe it used to be a two-week
25 course, or three-week course, I think it was at

Transcript of the Sheku Bayoh Inquiry

1 Tulliallan. I'm not sure exactly where it is now.

2 Q. That's not training you have ever undertaken?

3 A. No, it's not, no.

4 Q. Do you understand why you were selected to deliver the

5 death message to Colette Bell?

6 A. I don't know if it was just per chance to be honest

7 because we were the only DCs that were there that day.

8 A few others had already been given jobs. We were

9 obviously coming outwith Kirkcaldy, so I -- there may

10 well have been another reason that I'm not aware of, but

11 certainly I think it was only me myself, Wayne and Calum

12 that were left, I believe, for jobs.

13 Q. So it wasn't that you were holding yourself out as

14 having special skills or experience in any way?

15 A. No. Certainly not, no.

16 Q. You were the three that were left?

17 A. Yes.

18 Q. And can I move on, please and, ask you about

19 paragraph 121 of your Inquiry statement, please. Now,

20 you were asked about a period later in the day at this

21 point, still 3 May, but you say in paragraph 121:

22 "Just before 3 o'clock DS Dursley asked us to go

23 to ... and speak to Sheku's sister."

24 So you have been dealing with Colette Bell in the

25 morning.

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. You spent a couple of hours in Kirkcaldy Police Station
3 taking her statement. And what were you doing between
4 Colette leaving Kirkcaldy Police Office and then being
5 contacted by DS Dursley about your next task?

6 A. I think in all honesty we would probably be grabbing
7 a bite to eat and then starting the rolling statement.
8 I think it said 14.35, if I remember right, so that
9 would probably tie in with when we started that.

10 Q. So again DS Dursley contacts you -- and still working
11 with Wayne Parker?

12 A. Yes.

13 Q. Has Calum -- he is off doing something else now, is he?

14 A. Yes, I'm not sure what he was doing at that stage.

15 Q. So in the afternoon it's just you and Wayne?

16 A. Yes.

17 Q. And he asked you to speak to Sheku's sister and her
18 husband Ade. We heard from Kadi yesterday.

19 A. Yes.

20 Q. So it's Mr and Mrs Johnson.

21 A. Okay.

22 Q. As I understand it, paragraph 122, you don't remember
23 exactly what DS Dursley asked you to say:
24 "... at that point they were pretty convinced it was
25 Sheku."

Transcript of the Sheku Bayoh Inquiry

1 Had you become more convinced as the afternoon went
2 on?

3 A. Certainly our supervisors had. I don't know what else
4 had been added into the mix at that point, but yes,
5 there were.

6 Q. Who were the supervisors?

7 A. Again DS Dursley and DI Robson.

8 Q. And:

9 "They were content with the information they got
10 from Colette earlier from a sudden death report."

11 What does that mean, content with the information
12 they got from a sudden death report?

13 A. I think probably, like we discussed earlier on, the
14 deceased's events the night before that led him into
15 being in that address and we know that he had obviously
16 left that address in the morning would fit in with how
17 close it was to the locus and that as well, the
18 information around the mobile phone and the description
19 of him as well. I'm guessing that's what --

20 Q. So the address, you mean Colette Bell's address?

21 A. Yes.

22 Q. We have heard that Sheku Bayoh lived at that address as
23 well with Colette?

24 A. Yes.

25 Q. If we can move down the page, please:

Transcript of the Sheku Bayoh Inquiry

1 "Pass the death message and nothing else specific.
2 Didn't need a further statement because of the one we
3 had from Colette Bell. The thinking was more [that] the
4 FLO would do that, they would take the statements later
5 on. That tends to be what happens. The next of kin
6 being the sister. That's a decision above my pay
7 grade."

8 Could you just explain a little bit about what you
9 are talking about in this paragraph?

10 A. Yes. So I think what we were saying was that we weren't
11 needing to get another statement from the family as they
12 felt they had enough. However, they knew that with the
13 FLOs going in, there will probably be further
14 information that may be requested and they would then
15 note that down in statements or such-like. But again,
16 it was something that was decided by my supervisors and
17 up from that as well.

18 Q. So in relation to the other family members it would be
19 the FLO who would take those statements?

20 A. Yes.

21 Q. That was the initial plan at that stage?

22 A. That's what the thought process was at that point, yes.

23 Q. So when you went to the Johnsons, you knew you weren't
24 going to have to take statements from them?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And look at paragraph 123:

2 "I took the lead on this one because Wayne spoke to
3 Colette."

4 So when it came to the Johnsons, his sister, Kadi
5 Johnson, you were the one that was doing the talking?

6 A. Yes.

7 Q. And I think later in your statement you mention that
8 Wayne had formerly been a nurse, is that correct?

9 A. He had been, yes.

10 Q. So if we have heard that one of the officers had
11 a medical or a nursing background, that would be Wayne?

12 A. Yes.

13 Q. And you were the one with the Johnsons who did most of
14 the talking?

15 A. Yes.

16 Q. Thank you. And you took the lead. You said:

17 "I said her brother had sadly passed [away]. I said
18 it was an ongoing investigation and we couldn't pass on
19 more information at this time. I can't remember exactly
20 what I said it's been that long ago. I couldn't guess."

21 Was it the same message, death message, that you had
22 given to Colette earlier in the morning?

23 A. I can't remember the wording, to be honest, but it was
24 certainly along those lines as what's been passed here.
25 There was certainly no mention of "found body" in the

Transcript of the Sheku Bayoh Inquiry

- 1 message that I passed.
- 2 Q. You don't remember saying anything like that?
- 3 A. No, certainly not.
- 4 Q. Can you give us any indication of what you actually said
5 to the Johnsons when you passed on a death message?
- 6 A. Again, it was along those lines that it was a -- he had
7 sadly passed away. There was an active investigation at
8 the moment. We were obviously still looking to speak to
9 further witnesses to ascertain exactly what's happened
10 but, at this moment in time, there's nothing else I can
11 really pass on to you.
- 12 Q. Had your instructions changed by the time you went to
13 see the Johnsons at all?
- 14 A. Not at that point, no.
- 15 Q. Had your superior Dursley or Robson suggested to you
16 that any further information should be shared with the
17 Johnsons than had been shared with Colette?
- 18 A. No, because they were still investigating -- sorry,
19 conversations going on with the hierarchy at that point
20 that we weren't quite sure exactly what was going to get
21 passed during the day to the family. So they wanted us
22 to just keep it the same as we had with Colette.
- 23 Q. So that was still being decided, as you said, above your
24 pay grade?
- 25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. So if we look again at paragraph 102, I referred you to
2 this just before the break, this was the statement from
3 DS Graeme Dursley, and you will see the death message
4 that he:

5 "... delegated to Wayne Parker to tell Colette Bell,
6 [halfway down this paragraph], words to the effect that,
7 'a black male had been found dead and we suspected that
8 it may be her partner'."

9 Does that bear some resemblance to the death message
10 that you shared with the Johnsons?

11 A. No.

12 Q. So you changed the death message?

13 A. Yes.

14 Q. And what had you said then if you knew that you had
15 changed it?

16 A. Just that I never said at any point he had been found
17 dead, because that certainly hadn't been -- from my
18 knowledge, at that point, he obviously hadn't been found
19 dead. He was travelling in an ambulance to the
20 hospital. So I certainly knew that not to be true.

21 Q. So you knew that he hadn't been found dead?

22 A. Yes.

23 Q. Hadn't been found dead in the street by a passerby?

24 A. No.

25 Q. You knew that that wasn't true?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. So what information were you able to share with the
3 Johnsons? If you knew that wasn't true and you didn't
4 share that, but you also knew that you were to avoid
5 saying anything about police contact?
- 6 A. Very little.
- 7 Q. Right.
- 8 A. To be honest.
- 9 Q. Of that very little can you give us an indication of
10 what it was that you did say?
- 11 A. Again, I just had to keep coming back to saying it was
12 an ongoing investigation and there were a number of
13 witnesses that had to be spoken to before we could pass
14 any more information.
- 15 Q. Did Wayne say anything to the Johnsons?
- 16 A. Again, there was probably a conversation there, but
17 I can't remember exactly what he was saying. But he was
18 certainly saying similar to what I was saying.
- 19 Q. Was he with you all the time?
- 20 A. Yes, barring a couple of times when I went out to --
21 I actually think that was the second visit, to be
22 honest, when I went out to speak to DS Dursley on the
23 phone, on the radio.
- 24 Q. So the first time he was with you?
- 25 A. Yeah, aye, we were both in there the whole time in the

Transcript of the Sheku Bayoh Inquiry

- 1 living room.
- 2 Q. We heard you were both in the living room, do you
3 remember that?
- 4 A. Yes, I do, yes.
- 5 Q. So yesterday, we heard from Kadi Johnson and she talked
6 about this first visit where the first death message was
7 shared with her and her husband. And her recollection
8 is that the person who did most of the talking, which we
9 understand now to be you --
- 10 A. Yes.
- 11 Q. -- was that, "There's no easy way to say it, but Sheku
12 has passed away", do you remember if you said that?
- 13 A. No.
- 14 Q. You don't remember --
- 15 A. I don't remember using that wording, to be honest, but
16 I do remember obviously passing the message.
- 17 Q. If Kadi said that you had said, "There's no easy way to
18 say it, but Sheku has passed away", would you disagree
19 with her?
- 20 A. No, it's probably a strong possibility that's what was
21 said, but I can't remember my exact wording.
- 22 Q. No, that's fine. And she told us that she was very
23 upset.
- 24 A. Yes, she was, yes, understandably.
- 25 Q. She also told us that her husband Ade Johnson had been

Transcript of the Sheku Bayoh Inquiry

- 1 asking the officers, "How did Sheku die?" Do you
2 remember him asking that?
- 3 A. Yes.
- 4 Q. You said that's quite a common reaction?
- 5 A. Yes, it is, absolutely.
- 6 Q. And that the officers said that they were looking for
7 two guys. Do you remember saying anything about that?
- 8 A. No, that was never said at any point, no.
- 9 Q. So if Kadi has told us that, can you explain why she
10 would -- that would be her recollection?
- 11 A. I have no idea.
- 12 Q. I mean, it's not correct, as I understand it, that
13 the police were looking for two guys?
- 14 A. No, we weren't and that's why I don't understand why it
15 would have been said. Certainly made mention to
16 witnesses needing to be spoken to, but never of
17 a specific in any number or anyone in connection with
18 either was mentioned.
- 19 Q. Looking for two guys doesn't sound like you're just
20 looking for witnesses to speak to?
- 21 A. Yes.
- 22 Q. I mean, it's not true that the police were looking for
23 two guys --
- 24 A. No.
- 25 Q. -- in connection with the death?

Transcript of the Sheku Bayoh Inquiry

- 1 A. No, certainly not. We weren't, no.
- 2 Q. That was never the position?
- 3 A. No, definitely not.
- 4 Q. And Kadi's evidence yesterday was to the effect that
- 5 Sheku had been found lying on the road and that an
- 6 ambulance had been called. Again, we see a reference
- 7 here to him being found lying on the road.
- 8 A. Yes.
- 9 Q. Do you remember any of that being discussed?
- 10 A. No, I don't remember that being said at all.
- 11 Q. Can you think of any reason why she would have said that
- 12 to us yesterday?
- 13 A. No clue.
- 14 Q. She said that it was -- you were there for about
- 15 ten minutes the first time, would you agree with that?
- 16 A. Yes, it probably would have been that, yes.
- 17 Q. And that essentially you said, "If we've got any more
- 18 information, we will let you know", and that was really
- 19 all that they were told?
- 20 A. I don't remember at that point if we mentioned the FLO
- 21 maybe getting in touch at that point. I can't recollect
- 22 whether or not that was possibly discussed in the first
- 23 visit. I know it was definitely discussed in the second
- 24 visit, but I don't know whether it was discussed in the
- 25 first visit as well. But I certainly did say that we

Transcript of the Sheku Bayoh Inquiry

- 1 would be in touch.
- 2 Q. Okay. Tell me about the second visit that you have
3 mentioned. How did that come about?
- 4 A. In what respect?
- 5 Q. So you have left the house after the first visit?
- 6 A. Yes.
- 7 Q. And I think in your statement you talk about being in
8 touch --
- 9 A. Oh, right, sorry. Okay, I understand now.
- 10 Q. -- with Kirkcaldy.
- 11 A. Yes, we went back. We had obviously passed on the
12 message --
- 13 Q. You went back to Kirkcaldy?
- 14 A. Yes, we went back to Kirkcaldy Police Station after we
15 passed on the message. When we went back in, as
16 I recall it -- and I might be wrong, as I recall it, I'm
17 sure that DS Dursley asked us to go back up to the
18 address. He asked us to pass on that our chief super at
19 that time, Garry McEwan, was looking to go up and have
20 a meeting with the family. He would pass on some more
21 information at that point and whether or not they were
22 amenable to that as well, and that's what we were asked
23 to do the second time.
- 24 Q. Can we look at paragraph 130 of your statement, please.
25 You say here -- so this is after you have left, after

Transcript of the Sheku Bayoh Inquiry

1 the first death message visit:

2 "I then got a point-to-point private call on the

3 radio. The words I remember - 'Andy you're not going to

4 like this but I've arranged a statement'. I took my

5 notebook to the back end where I take my smaller notes.

6 He read it out to me. I said you're right I'm no happy

7 with that. He said that's what we have to do. I was

8 told the FLOs were either en route or being briefed,

9 I can't remember. Then radio was terminated."

10 I would like to look at this with you.

11 A. Yes, absolutely.

12 Q. So you get a point-to-point private call on the radio.

13 We heard evidence a while ago that those are one-to-one

14 calls between officers.

15 A. Yes, they are, yes.

16 Q. They're not recorded on the airwaves transmissions as

17 other calls are. Did you know that?

18 A. I know they don't go out over the airwave, but I believe

19 they are recorded somewhere, yes.

20 Q. We may have heard already that that's not the case, that

21 these have not been recorded.

22 A. Apologies.

23 Q. But we can look into that if you think otherwise. You

24 say -- so where were you when you got this call on your

25 radio?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, there was a wee bit -- sorry, a wee bit of pretext
2 before that. So we went up to obviously speak to the
3 Johnsons again and we had relayed across with regards to
4 the chief super coming out to speak to them, but then we
5 were there again for a further, I don't know, it must
6 have been a good -- it felt like a long time, but it
7 might only have been about five, six, seven minutes and
8 we hadn't heard anything further.

9 We were told we were going to get a phone call when
10 we were there to confirm the time. So I went and phoned
11 DS Dursley, I think I used my mobile phone for that, to
12 be honest, out in the hall or maybe outside the address
13 and asked what was happening and he said that nothing
14 had been decided yet, but they would be in touch.

15 Then -- again, I can't remember exactly how long
16 it's been after that, but then got the -- my radio
17 started beeping enough to say that a point-to-point call
18 was coming through, one of the one-to-one calls, and DS
19 Dursley asked me to make myself free to speak. So
20 I went out into the hall and that's when he relayed that
21 information, basically saying, "You're not going to like
22 this but this is a statement that's been prepared".

23 Q. I will come on to that in a moment, but just so I'm
24 clear about what's happening when, so I don't make any
25 mistakes, you have had the first visit to the Johnsons

Transcript of the Sheku Bayoh Inquiry

- 1 and you have given the first death message?
- 2 A. Yes.
- 3 Q. You then leave, you go back to Kirkcaldy Police Office
- 4 you said?
- 5 A. Yes.
- 6 Q. And how long are you at Kirkcaldy Police Office?
- 7 A. Not long, not long at all.
- 8 Q. Who do you speak to when you're there?
- 9 A. I think it's DS Dursley and DI Robson, if I remember
- 10 right. Definitely DS Dursley was there, but I think
- 11 DI Robson might have been there as well.
- 12 Q. And that's you and Wayne Parker?
- 13 A. Yes, correct.
- 14 Q. What were you discussing at that point when you're back
- 15 at Kirkcaldy?
- 16 A. What they said, they said they were looking for us to
- 17 relay a message to the family that our chief super
- 18 Garry McEwan was wanting to go out and chat with them,
- 19 have a meeting with them, and hopefully pass on some
- 20 more information to them as well.
- 21 Q. So that's a conversation about Garry McEwan?
- 22 A. Yes.
- 23 Q. And you're told to go back to the Johnsons and tell them
- 24 that he will be in touch?
- 25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. So you then return to the Johnsons' house, you and Wayne
2 Parker, and you're in the house when you then get the
3 point-to-point?

4 A. Yes.

5 Q. So you have gone back and told them about Garry McEwan
6 coming to speak to them and then you get the
7 point-to-point?

8 A. Yes.

9 Q. And that's from Dursley?

10 A. I think -- yes, it was. The point-to-point was, yes.

11 Q. And you go out into the hall to have a private
12 conversation with him?

13 A. Yes.

14 Q. And he says, "You're not going to like this, but I have
15 arranged a statement." Why is he saying you're not
16 going to like this?

17 A. Because we had told the family that obviously the chief
18 super was coming out to speak and I think he had said as
19 part of that as well that he wasn't coming. He didn't
20 like the statement and he felt it was a bit too open to
21 perception to be honest and once it was read out to me,
22 I felt the same as well. It lacked any sort of clarity
23 around the events and I just knew that the minute I read
24 it out to the family that they wouldn't be happy and
25 they would probably kick off, quite understandably,

Transcript of the Sheku Bayoh Inquiry

1 because it never explained anything. It was very open
2 to perception in my opinion.

3 Q. Right, well, I'm going to ask you about that answer to
4 just get more of an explanation.

5 A. Absolutely, yes.

6 Q. But let's look at the wording of what you were told to
7 talk about. Let's look at paragraphs 144 and 145, first
8 of all. And I think 144 has been taken from your
9 notebook and it is just repeated here, and it says:

10 "I have been referred to my notebook ... at
11 page 40 ..."

12 Then you have put this in quotation marks, it says:

13 "'Following an incident this morning in the
14 Hayfield Road area of Kirkcaldy, officers from
15 [Police Scotland] have been attempting to arrest
16 Sheku Bayoh, during which time he has become
17 unconscious, conveyed to hospital by [the Scottish
18 Ambulance Service] & despite best efforts by hospital
19 staff died shortly after 9am.

20 FLOs this evening.'"

21 Now, is that what you noted during that
22 point-to-point call with Dursley?

23 A. I did, yes.

24 Q. So that's the wording of the statement that Dursley told
25 you he had prepared and that he wanted you to share with

Transcript of the Sheku Bayoh Inquiry

- 1 the Johnsons?
- 2 A. Yes.
- 3 Q. And that was on the afternoon of 3 May?
- 4 A. Yes.
- 5 Q. And that was during the second visit you had to the
- 6 house?
- 7 A. Yes.
- 8 Q. Right. So the wording has changed. Would you say
- 9 that's changed quite significantly from what you said
- 10 originally?
- 11 A. Yes, yes.
- 12 Q. So more information to be shared with the family and
- 13 this was to be shared prior to Garry McEwan turning up
- 14 at the house?
- 15 A. Yes.
- 16 Q. You still didn't know when that was going to happen?
- 17 A. No. I'm trying to remember whether or not that was when
- 18 he said he wasn't coming and that was why we had to read
- 19 out the statement. I can't remember exactly what was
- 20 said to be honest.
- 21 Q. We heard yesterday from Kadi that she had been told he
- 22 was maybe in a meeting at some point?
- 23 A. Yes.
- 24 Q. Do you have any recollection of that?
- 25 A. I can't recall the discussion after that to be honest.

Transcript of the Sheku Bayoh Inquiry

- 1 I only said that I don't think he was coming.
- 2 Q. So that's in the notebook, that's what you noted down at
3 the time?
- 4 A. Yes.
- 5 Q. And I think in your statement to the Inquiry, you say
6 Dursley might have used the word "medical staff" and you
7 wrote down "hospital"?
- 8 A. Yes.
- 9 Q. But apart from that that's what he said to you. You
10 have talked about:
- 11 "He didn't like that statement. It was too open and
12 too open to perception."
- 13 Can you explain what you mean by that?
- 14 A. The first time the family said after we read that out
15 was, "You killed him then, the police killed him" and to
16 me there's no clarity there in any of that paragraph to
17 confirm what's happened. I just felt as if a wee bit
18 more information could have been shared to try and
19 negate that then reaction from the family to be honest.
20 I'm not saying I know exactly what should have been said
21 or what could have been said to make the matter any
22 better, but I just felt as if it was too bland and it
23 probably should be more specific.
- 24 Q. And obviously now with the experience you have now, what
25 sort of information, if you had been preparing

Transcript of the Sheku Bayoh Inquiry

1 a statement, would you have liked to share with the
2 family?

3 A. I would probably have made mention of the earlier calls
4 we had had in from the public with regards to obviously
5 the state that Sheku was in with regards to the mention
6 of the knife and things. Obviously how they had tried
7 to get him under control, but couldn't. Just a wee bit
8 more specific in that respect and then obviously
9 explaining thereafter what had happened. And obviously,
10 I believe cops were doing CPR on him in the ambulance as
11 well. Obviously, no one wanted him to pass, you know
12 what I mean. So I just think they wanted to be a wee
13 bit clearer on that, just to show what exactly we were
14 aware of that day and what we had done to obviously try
15 and save his life as well.

16 Q. So your instincts very much would have been about
17 sharing more information?

18 A. Yes, absolutely, yes.

19 Q. What do you think the benefits are of sharing more
20 information with the family?

21 A. Again, you lose all trust there completely with the
22 family.

23 Q. If you don't share?

24 A. If you don't share, yes. I appreciate some things maybe
25 had to be kept for whatever -- until clarity, further

Transcript of the Sheku Bayoh Inquiry

1 clarity on that with regards to maybe the contact and
2 there was obviously mentions of the knife being
3 presented or not being presented and there was another
4 thing about the possible stamp or whatever. Again,
5 nothing was obviously cemented at that point. We never
6 knew. It was all sort of whispers. But I just think
7 they could have added a wee bit more information there,
8 just to give the family a wee bit more information of
9 exactly what happened. But I appreciate it must have
10 been difficult to come up with that statement to be
11 fair, but ...

12 Q. And we noted earlier that you had said, "You're right,
13 I'm no happy with that", and why were you not happy?

14 A. Certainly for the discussion that we had had at
15 Kirkcaldy Police Station, I believed that the Chief
16 Superintendent was coming up to speak with the family
17 and could have passed on that information, but obviously
18 probably in more detail. The fact that then we were up
19 there to then deliver that, I knew what the reaction was
20 going to be and I could understand why the family
21 reacted the way they did. I just -- I was experienced
22 enough to know that the family were never going to be
23 happy with that statement getting read and then us
24 unable to add any further information to it as well. It
25 left too many unanswered questions, that statement, in

Transcript of the Sheku Bayoh Inquiry

1 my opinion.

2 Q. And you have said you understand why the family reacted
3 as they did?

4 A. Absolutely.

5 Q. Why do you say that?

6 A. Because, like I said, from the back of that, there's so
7 many questions that could be asked that we couldn't
8 answer at that point in time. And certainly it felt as
9 if we were just essentially a dartboard at that point.
10 And again, I can't blame the family for that, because
11 I can understand why they were upset. At the end of the
12 day, they had lost a brother and a brother-in-law and
13 then they're getting given essentially a bland statement
14 like that when really we should have been giving more
15 information. Again, in my opinion, I may well be wrong.

16 Q. And then you said you were a dartboard, what do you mean
17 by that?

18 A. Well, we were then open to direct hits after that. In
19 all honesty, we couldn't answer. We couldn't answer any
20 questions because we never really knew.

21 Q. And from what you said earlier, am I right in thinking
22 you're saying that you thought it would be more
23 appropriate for Garry McEwan to be delivering a second
24 message?

25 A. Not necessarily him himself. I mean, the only thing

Transcript of the Sheku Bayoh Inquiry

1 that kind of annoyed me a wee bit was the fact that we
2 had already told the family that he was coming to pass
3 on more information. We then went back again to
4 essentially say, "No, I'm giving this information now".
5 So again, we're breaking another element of trust there,
6 because, like I say, it's almost impossible to build up
7 rapport with a family when you're passing messages on
8 like that. But to then essentially go and -- I'm not
9 saying lie, but then change the goalposts a wee bit,
10 it's -- yes, it's difficult. Very, very difficult.

11 Q. You say "not saying lie". How did you feel about the
12 whole situation?

13 A. Well, to be honest -- I mean, what's said there has
14 happened, however it's just a small snippet of the story
15 of what happened that morning, and I just felt as if we
16 could have -- I'm sorry to keep repeating myself, but
17 I just feel as if we could have given a wee bit more.
18 I'm not truly sure what we could have said, but I do
19 think further information could have been added there,
20 or it could have been delivered, maybe somebody from
21 above my level as well that might have added a wee bit
22 more credence to it as well, especially after we had
23 essentially promised the family that our essential
24 leader of Fife was coming out to speak to them.

25 So again, I don't know where that decision was made

Transcript of the Sheku Bayoh Inquiry

1 thereafter that that wasn't happening. And again, I can
2 only apologise that that never happened later on. But
3 certainly that's -- yes, it's difficult, really
4 difficult.

5 Q. So you think that giving more complete information would
6 have helped with that relationship with the family?

7 A. Yes. Yes, I do.

8 Q. And you have talked a lot about trust and building
9 rapport. Do you think that would have helped with the
10 family?

11 A. I think so. I'm not saying we would have had a great
12 relationship after that, but I think it would have been
13 a good starter to try and build a better rapport and
14 then continue on from there and we could feed them in
15 more information as we got it as well, from the
16 investigation as it was carried out.

17 Q. And that would have been your preference based on your
18 own experience?

19 A. Yes, yes.

20 Q. Did you have concerns that the family weren't being told
21 the whole truth?

22 A. I wouldn't say the whole truth. I just feel as if more
23 information could have been passed. I mean,
24 I appreciate at that point in time -- because obviously
25 the people that are passing me this information aren't

Transcript of the Sheku Bayoh Inquiry

1 the cops that have been out to the initial event as
2 well, ey, and obviously there was witnesses probably we
3 wanted to see who had seen part of it as well. All that
4 hadnae been looked at yet, CCTV hadn't been looked at
5 yet, witnesses hadn't really been spoken to yet. We
6 only had snippets of information. So I wouldn't say
7 they weren't -- what they got there was the truth,
8 that's pretty much broken down in a nutshell that's what
9 happened.

10 But again, not to repeat myself, but I feel as if
11 more probably could have been given to add clarity
12 around what was going to be happening next as well.

13 All we were pretty much told to say was that the
14 FLOs -- that's why I put that, the FLOs this evening,
15 that was just an abbreviation. The rest, it was
16 obviously verbatim that was read out, but the FLOs is
17 just in relation to -- I was asked to tell them that the
18 FLOs would be making contact with them this evening, and
19 again, we would be passing on further information to
20 them.

21 Q. So part of your concern was that this was just too brief
22 an explanation?

23 A. Yes, absolutely.

24 Q. Do you think this had the potential to be misleading in
25 some way about what had actually happened?

Transcript of the Sheku Bayoh Inquiry

1 A. No. Like I said, what's happened is pretty much what's
2 happened there, but I just felt it could have been
3 expanded upon.

4 Q. Okay. Can I ask you when you first realised, or first
5 became aware that there were concerns that the death of
6 Sheku Bayoh might be related in some way or connected in
7 some way with his race?

8 A. That's never been the case.

9 Q. You have never thought that was the case?

10 A. No, never, at all.

11 Q. Were you aware from your discussions with the family
12 that they had raised this issue?

13 A. I think Mr Johnson made mention of it after I read out
14 that statement, basically said, "He's killed him, he's
15 killed him because he was black" was said after, but
16 that was the first time that race had been mentioned.

17 Q. First time that it had been mentioned in your hearing?

18 A. Yes, by anyone, as I remember correctly.

19 Q. Had Dursley or Robson or anyone else mentioned it in
20 Kirkcaldy Police Office with you?

21 A. No, not at all.

22 Q. Were you aware of the content of the STORM cards or some
23 of the conversations, the phone calls to the police, the
24 999 calls had mentioned that it was a black man
25 involved?

Transcript of the Sheku Bayoh Inquiry

1 A. As part of the briefing, it was mentioned, yes.

2 Q. That's when you first arrived at --

3 A. Yes, yes. I can't remember exactly what was said.

4 I hadn't actually even seen the call card before I came
5 down, but certainly as part of the briefing that was
6 read out, yes, part of it.

7 Q. And you have talked today about people talking about and
8 speculating about what had happened, you have talked
9 about whispers. Were there any whispers that you were
10 aware of, or speculation about whether this was race
11 related?

12 A. Definitely not, no.

13 Q. No one was mentioning that to you?

14 A. No, not at all.

15 Q. So the first mention was Ade Johnson when he said, "You
16 killed him because he was black"?

17 A. Yes.

18 Q. And I think we see that, just for completeness, at
19 paragraph 133.

20 Did you mention -- obviously you have talked about
21 being in communication with Graeme Dursley. Did you
22 mention to Dursley that this had been raised by Ade
23 Johnson?

24 A. Yes.

25 Q. When did you do that?

Transcript of the Sheku Bayoh Inquiry

- 1 A. When we got back to the police station after that.
- 2 Q. That was after the second visit?
- 3 A. After the second visit, yes.
- 4 Q. And tell us about that conversation with Dursley?
- 5 A. To be honest, he looked quite shocked, to be fair, when
- 6 I told him.
- 7 Q. Where were you when you had this conversation?
- 8 A. In the CID office at Kirkcaldy.
- 9 Q. Maybe let's look at paragraph 138. So you mention being
- 10 in the CID office:
- 11 "We were shell shocked at this point."
- 12 Were why were you shell-shocked?
- 13 A. What do you mean?
- 14 Q. You say:
- 15 "We were shell shocked at this point."
- 16 A. I think we were just -- it certainly hadnae went through
- 17 my mind at any point that it was even a reason and just
- 18 when that was brought up, it just kind of -- yes, it was
- 19 a wee bit shocking to be honest.
- 20 Q. Dramatic?
- 21 A. Yes, it had been a pretty traumatic day anyway for all
- 22 involved, but then for that to be given as some sort of
- 23 reason for him passing away was -- yeah, it wasnae nice.
- 24 Q. So when Ade Johnson mentioned that to you, made that
- 25 suggestion, that was something that you found -- caused

Transcript of the Sheku Bayoh Inquiry

1 you to feel --

2 A. Yes, I didn't like it, to be honest.

3 Q. Why was it that you didn't like it?

4 A. I just -- it's just something I've never really come
5 across at all in the police. I don't like it anyway.
6 I mean, we deal with it regularly with members of the
7 public and such-like, but it's certainly no anything
8 that ever occurs within our offices or anything like
9 that.

10 We're there to deal with it and obviously penalise
11 these people that make these comments or do things that
12 are race related like that, but certainly for him to
13 then come out and say that the police were responsible
14 and that was the reason, it was a wee bit hurtful to be
15 honest. But again, it was difficult then to be hard on
16 the family, because I knew they were hurting from -- in
17 their own respects, they have lost a brother, lost
18 a brother-in-law, so I knew not to take it personally,
19 but it wasnae nice.

20 Q. You're talking about allegations about the motivation of
21 things being race related?

22 A. Yes, sorry. You explain it a lot better than I do.

23 Q. No, no. You mention DS Dursley and DI Robson. Were
24 they both there in the CID room?

25 A. Yes, they must have been, to be fair.

Transcript of the Sheku Bayoh Inquiry

1 Q. And you say:

2 "I think I probably told them the comment of what
3 Ade said just to show them how upset they were. That
4 mindset was resonating with the rest of the family as
5 well. That was the comment that that's when he's been
6 killed then, because ..."

7 Is that "he was black"?

8 A. Yes.

9 Q. So it wasn't just a comment from Ade Johnson. Did you
10 get the impression that the family were concerned?

11 A. Certainly no one at that point in the room was
12 disagreeing with him, so that's where I kind of felt
13 that it then may well be resonating with the rest of the
14 family as well. Again, it was only a sort of guess at
15 that point that everybody else was feeling that, because
16 no one questioned him or argued with him.

17 Q. And that was the response of the family after the second
18 death message?

19 A. Yes, yes.

20 Q. And to what extent do you think that second death
21 message created or gave rise to this feeling that the
22 family had?

23 A. I mean, the -- because of the lack of information
24 certainly it didn't sound great with regards to
25 the police contact. However, certainly nothing in that

Transcript of the Sheku Bayoh Inquiry

1 statement to give reason for that comment that
2 Mr Johnson made, in my opinion.

3 Q. So the statement didn't say that was the reason?

4 A. Yes.

5 Q. But that was the family's initial reaction?

6 A. It was Mr Johnson's. I can't speak for the rest of the
7 family.

8 Q. But they didn't disagree with him?

9 A. No, they didn't disagree at the time, no.

10 Q. Can I ask you about -- you have talked in your statement
11 later -- let's look at paragraph 225 -- about issues to
12 do with race. 225 to 227. You are asked a number of
13 questions about training you have had and awareness
14 about race. You have told us earlier today about the
15 Moodle training programme that you have recently
16 completed.

17 You say at 225:

18 "Race played no part whatsoever in my actions on the
19 day. There was nothing about Sheku Bayoh's family that
20 was different than what I was used to. I'm aware
21 certain religions need bodies treated. Until I went to
22 that address and see Ade's comment, it wasn't something
23 I was aware of worried about. I was treating them the
24 same as anybody else. Looking back now that's the same
25 way to do it."

Transcript of the Sheku Bayoh Inquiry

1 Did you have an awareness in May 2015 about the need
2 to be aware of issues regarding religious sensitivities
3 or cultural issues to do with families?

4 A. Yes.

5 Q. And you would realise the Johnsons were a black family?

6 A. Yes.

7 Q. And that Sheku was a black man?

8 A. Yes.

9 Q. And so were you aware that that may give rise to some
10 sensitivities or you would have to be aware and
11 considerate towards maybe different ideas?

12 A. Yes, absolutely.

13 Q. So when you say, "Race played no part", do you mean that
14 when you arrived at the Johnsons, you didn't have regard
15 to those sensitivities, racial sensitivities --

16 A. No, not at all.

17 Q. Do you want to explain a little better?

18 A. Yes, sorry, I obviously didn't write that too well
19 there. What I mean is I would like to think that no
20 matter who the person is or what religion they are or
21 the colour of their skin, I'd like to think that I treat
22 everyone the same and that's basically what I mean by
23 that. I was raised to say I'd like to treat others the
24 way I have been treating myself. So certainly that's
25 what I meant by that, but obviously it's not overly

Transcript of the Sheku Bayoh Inquiry

1 clear.

2 Q. And I wanted to give you a chance to explain that.

3 A. Yes, thank you.

4 Q. So you're saying you treat everyone the same but does
5 that mean that you actually need to treat some people
6 differently to be fair to them?

7 A. Yes, that can be --

8 Q. To be compassionate?

9 A. Yeah, that can be (inaudible overspeaking). I mean
10 religion was never mentioned at that point and
11 obviously, I'm aware -- I believe it is the Muslim
12 people who need to obviously deal with bodies
13 differently thereafter and that as well. But certainly,
14 at that point, no -- I don't believe anybody had asked
15 what religion Sheku was, like obviously were made
16 mention of earlier on. But yes, maybe a better
17 awareness of that and maybe we should ask the question
18 earlier to see if there was something we could have done
19 differently and assisted more.

20 Yes, obviously, I appreciate you have to sometimes
21 speak to people or deal with them in slightly different
22 ways, but I'm meaning that from a welfare point of view,
23 try and treat everyone the same as best you can.

24 Q. So you're trying not to discriminate against people?

25 A. Yes, absolutely.

Transcript of the Sheku Bayoh Inquiry

1 Q. But you're trying to understand they may have
2 a different way of wanting to be dealt with?

3 A. Yes.

4 Q. And you said you didn't ask about Sheku Bayoh's
5 religion. Looking back now, do you think it would have
6 helped if you would have been able to have that type of
7 conversation with the family, or would you not have felt
8 comfortable raising those issues?

9 A. No, I generally would have felt comfortable. It was
10 certainly nothing that came into my head. Race or
11 religion hadn't even been a factor in anything, to be
12 honest, in any of my thought process of that day.
13 I knew that the FLO would most likely go down that line
14 of questioning as well with regards to the body getting
15 dealt with later on. Yes, maybe if that would have
16 helped with the family and the rapport, then yes,
17 absolutely I would have done that if I had known that
18 would have been the case.

19 Q. You have mentioned the FLO, the family liaison officers.
20 Thinking back to that day, were you thinking, "I will
21 leave all that sort of thing to the family liaison"?

22 A. I genuinely -- it never even came into my head at that
23 point and maybe it should have, but it never. I was
24 just trying to deal with the family as best I could at
25 the time.

Transcript of the Sheku Bayoh Inquiry

1 Q. Looking back now, do you think if you had had training,
2 maybe done the Moodle training at that time, or
3 equivalent, if you had maybe had family liaison
4 training, do you think you would have been better
5 equipped to respond to the needs of Mr and Mrs Johnson
6 and the family?

7 A. Possibly, yes, possibly.

8 Q. Looking back now, do you think -- what sort of things
9 could you have done differently that day?

10 A. I genuinely don't think I would have changed anything
11 that day. We had the information that we had. We
12 passed on whatever we were told to pass on and we tried
13 to be as honest and upfront as we could. Yes, I don't
14 think I would have changed anything for that day to be
15 honest.

16 Q. We have heard evidence about ranks in police service and
17 the hierarchy.

18 A. Yes.

19 Q. To what extent do you have personal discretion on how to
20 do something compared to the instructions you get from
21 senior officers? Can you help me understand what would
22 get priority there: your instructions or your own
23 personal --

24 A. Instructions absolutely. We are a ranked organisation
25 and we pretty much do what we're told. Do we get

Transcript of the Sheku Bayoh Inquiry

1 certain discretion in particular things? Absolutely.
2 But if we're told to do something, we do it. If we
3 don't agree with that, we can sometimes have
4 a conversation, depending on who that supervisor is, or
5 line manager is, like any job. But at the end of the
6 day, if you're told to do something, you do it. Simple
7 as.

8 Q. So even in a situation where you have described today
9 about maybe not liking something or not agreeing with
10 something and thinking there's maybe a better way, to
11 what extent are you hindered in just doing what you want
12 to do?

13 A. I think you can see from that statement and the
14 conversation I had with DS Dursley, I have obviously
15 mentioned that he has prepared that statement, I have
16 got no doubt in my mind that that's been given to him by
17 again someone probably up the rank as well. So yes, did
18 that hinder our rapport with the family? Yes, I would
19 certainly say so. But again, I was told to do it, so we
20 had to do it and then --

21 Q. And I think you said -- we commented on one of your
22 passages in your statement, "That's above my pay grade",
23 is that the sort of attitude --

24 A. Yes, it sounds like I'm passing the buck and I really
25 don't mean to sound like that. It's just at the end of

Transcript of the Sheku Bayoh Inquiry

1 the day, we're a rank -- or a ranked organisation and if
2 you're told to do something, you do it. So that's what
3 I did.

4 Q. You mention in paragraph 226, the second sentence:

5 "Since then there's been high profile stuff in
6 America that exploded in social media."

7 So we're talking about since 2015.

8 A. Yes, absolutely.

9 Q. "It certainly wasn't a worry at that time. I haven't
10 seen anything like it since then in the media in deaths
11 and certainly not in a minority. It wasn't a discussion
12 that we had, we were too busy dealing with other stuff."

13 Can I look at that paragraph for a moment. Can you
14 help us understand at that time what was your
15 awareness -- describe your awareness of public concern
16 about race as a factor when the police were in contact
17 with black people? What was your general awareness?
18 I have asked a lot of officers about that. You know,
19 you have talked about social media. What did you know
20 in 2015 about --

21 A. To be honest, I don't think it was anywhere near as bad
22 as it was in the years after that, to be honest. It
23 wasn't a massive factor, in my opinion. But again, I'm
24 not a black male or a Muslim male, or whatever, so I've
25 never obviously have to face that from the other side.

Transcript of the Sheku Bayoh Inquiry

1 But certainly, from my point of view, it's not something
2 I have ever encountered or seen, but certainly since
3 then with obviously the stuff that's happened in America
4 and different places, it has certainly opened eyes
5 around the world, that's for sure.

6 Q. And in 2015 what level of awareness did you have about
7 things that were maybe even happening down south in
8 England involving racial tension between the police and
9 black males?

10 A. I wasn't aware of anything specific. I know obviously
11 in certain areas like Bradford and things there's
12 obviously been a number of issues and that before, but,
13 yeah, there was nothing really overly specific.

14 Q. Had you at that time had any training -- we have heard
15 about officer safety training and we have heard about
16 things can sometimes come to your attention in emails or
17 through SOPs. Did you have any awareness about things
18 that were happening down south in relation to racial
19 tensions amongst the police and black men?

20 A. I can't really remember. I know that there'd obviously
21 been a couple of investigations involving minority
22 persons that had possibly been like murders and things,
23 that obviously there have been complaints against
24 the police with regards to the investigations
25 thereafter. Yes, certainly probably before that point

Transcript of the Sheku Bayoh Inquiry

1 we had been sent them through and obviously had a read
2 of them then, but apart from that ...

3 Q. In 2015 were you aware of the Stephen Lawrence murder?

4 A. Yes, yes. I was, yes.

5 Q. Had you had training about that and lessons that could
6 be learned from that?

7 A. I'm pretty sure that was brought up when we were at the
8 college. I'm sure. I can't remember exactly when, but
9 certainly, yes, I remember something getting sent
10 through regarding it. It's obviously been all over the
11 TVs and that as well, to be fair.

12 Q. Would you have been more aware of it in 2015 than you
13 are now or similar?

14 A. That case in particular?

15 Q. Yes.

16 A. Probably not.

17 Q. When you say in 226:

18 "It wasn't a discussion that we had. We were too
19 busy dealing with other stuff."

20 Can you tell me what you mean by that?

21 A. Yes, mainly just to clarify that there was no mention of
22 the colour of his skin having any impact, or being
23 a factor in any way on that day. We were just dealing
24 with it as we would deal with any other incident. We
25 just -- it was a unique incident anyway, barring the

Transcript of the Sheku Bayoh Inquiry

1 colour of Sheku's skin. It was just -- I'd never come
2 across anything like it with anyone being involved in
3 a scuffle with the police and then obviously then
4 passing away later on after that, so it was -- so that's
5 basically what I mean by that. The race to me was never
6 ever a discussion. It was just dealing with this unique
7 scenario in which somebody died after coming into
8 contact with police.

9 Q. I think you said at the outset this morning you had
10 never been involved in a death in custody before.

11 A. No, certainly not, not like that, no.

12 Q. When you talk about the "discussion we had", you're
13 talking about with senior officers?

14 A. Yes.

15 Q. Or with anyone else in this Kirkcaldy Police Office?

16 A. Yes, just obviously between the briefings we've got and
17 the direction from supervisors and the conversations
18 that me and Wayne had, it was more directed on the job
19 we had to do rather than the ethnicity or any other
20 matter.

21 Q. And I want to ask you about the final words that you
22 say:

23 "We were too busy dealing with other stuff."

24 And it may be that -- I'm wondering what you had in
25 mind when you're using the phrase "other stuff". It

Transcript of the Sheku Bayoh Inquiry

1 sort of sounds like none of these things were very
2 important.

3 A. No, they obviously were important. I generally just
4 mean in the respect of we were dealing with a very
5 unique incident. It was obvious that we had to make
6 contact with family members and loved ones. That was
7 what we were concentrating on, not the colour of the
8 guy's skin, and that's mainly what I mean by that. It
9 should have been worded better, I do apologise for that,
10 but certainly that's what's meant. It's nothing else
11 more -- nothing else like that at all.

12 Q. So you don't mean anything derogatory by those words?

13 A. No, certainly not, no.

14 Q. And when you talk about being too busy --

15 A. Yes.

16 Q. -- if it was to be suggested that you're not
17 prioritising race and the investigation in that
18 regard --

19 A. Yes.

20 Q. -- would you disagree with that, that you just hadn't
21 considered it at all?

22 A. No, I just hadn't -- that's it in a nutshell. I hadn't
23 considered it. The investigation was a priority, it was
24 the main thing. The colour of his skin had never been
25 a factor in my eyes at that point. We just wanted to

Transcript of the Sheku Bayoh Inquiry

1 get the job done to the best of our ability.

2 Q. And when we're thinking about who was there that day and
3 the roles that everyone had, whose job would it have
4 been, as far as you were aware, to think about the lines
5 of investigation, the different hypotheses that you had
6 maybe been working on investigating the death of
7 Sheku Bayoh? Whose job would that have been?

8 A. The earlier part I'm going to guess probably the senior
9 investigating officer, the SIO, probably DI Colin
10 Robson, but I've got no doubt in my mind that he was
11 probably getting directed from the detective super that
12 day as well. Certainly if there are any sort of high
13 profile incidents that could come in, the detective
14 super will certainly always have an input in any
15 investigation, early doors.

16 So, yes, again I never heard any conversations.
17 I seen the DI on the phone a couple of times and I knew
18 from the way he was speaking, because I heard him saying
19 "sir", that he must have been speaking to somebody of
20 rank anyway so I always kind of guessed it was
21 a detective super.

22 Q. So DI Robson referring to someone as "sir" would be
23 speaking to a more senior officer?

24 A. Yes, absolutely, yes.

25 Q. And you have talked about the senior investigating

Transcript of the Sheku Bayoh Inquiry

1 officer, the SIO, being the person in charge of the
2 lines of investigation.

3 A. Yes.

4 Q. Investigating the death.

5 A. Yes.

6 Q. And they would be the one who would decide on what
7 different aspects of the investigation should be
8 pursued?

9 A. And prioritised.

10 Q. And prioritised. And you would be the officer, or one
11 of the officers, who would be going out doing the
12 individual tasks.

13 A. Absolutely, yes.

14 Q. Under direction from your sergeant.

15 A. Yes.

16 Q. Can I ask you about paragraph 152. You have been told
17 that Garry McEwan states:

18 >About 1645 DS Dursley informed CI Shepherd that two
19 detective officers had attended at the home of the
20 deceased's family and were met with a highly charged,
21 emotional and at times confrontational environment.
22 I thereafter spoke to both officers (DCs Mitchell and
23 Parker) and informed that the family demanded my
24 attendance 'to get answers'."

25 Can I ask you about that? First of all, would you

Transcript of the Sheku Bayoh Inquiry

1 agree with that description about it being a charged,
2 emotional and at times confrontational environment?

3 A. I would certainly say it was highly charged and
4 emotional. I don't know whether I used the word
5 "confrontational" to be honest. I mean I know
6 Mr Johnson's comments that he made, but I never found
7 that as confrontational. I could understand why they
8 were angry and why they were emotional so again it's
9 probably maybe just perception. I don't know if that's
10 what maybe DC Parker's felt at the time. We all
11 obviously react slightly different to different
12 scenarios so that's maybe what he thought, but certainly
13 I didn't feel it was confrontational to be honest.

14 Q. It says that you had some sympathy for the family at
15 that time.

16 A. Yes, absolutely, yes.

17 Q. And at 154, if we can just move down the page please:
18 "I have been told DS Graeme Dursley states:
19 'I previously gave instructions to DCs Parker and
20 Mitchell when they delivered the pre-prepared statement,
21 which in effect was the 3rd message. I knew that my
22 detectives would get bombarded with questions from the
23 family on the back of this prepared statement and
24 I specifically told them not to answer any questions
25 directed at them as they were not in a position to

Transcript of the Sheku Bayoh Inquiry

1 answer'."

2 And I think that's what you have said.

3 A. Yes.

4 Q. Just to be clear on that, we have not heard from
5 DS Dursley, but my understanding is the first message,
6 death message, was given to Colette Bell by you and
7 Wayne?

8 A. Yes.

9 Q. You then went to the Johnsons first and gave them
10 a death message.

11 A. Yes.

12 Q. And then you went back to give them a second, so that
13 was three death messages --

14 A. Essentially, yes.

15 Q. -- you and Wayne delivered that day?

16 A. Yes.

17 Q. And that will be what he means when he says the third
18 message.

19 A. Third message, yes, absolutely.

20 Q. So there wasn't another occasion when you went back to
21 the Johnsons?

22 A. No, that's what he will mean, yes.

23 Q. Thank you. So he says here he specifically told you not
24 to answer any questions directed at you and again was
25 that something that made you feel less than happy?

Transcript of the Sheku Bayoh Inquiry

1 A. In all honesty I didn't know that much more, barring
2 a couple of wee things, so I probably wasn't in
3 a position to answer in all honesty, but, yes, it was --
4 it still wasnae -- it wasnae any easier.

5 Q. And was there any attempt by you to explain to the
6 family or give them an explanation about when the
7 questions they had would be answered by the police?

8 A. To be honest I kept kind of harping back to the FLOs
9 because I know they are often a sort of conduit, the
10 right word, between the sort of senior investigating
11 officers and the family to try and offer that support
12 then and pass on information and such-like, so I kept
13 kind of harping back to them because it's really all we
14 could do at that point. We knew they were coming back
15 in later on tonight. I was hoping by that stage they
16 could pass on further information, answer some more of
17 their questions which they quite rightly had, but, yes,
18 again without passing the buck, I did keep coming back
19 to mentioning, "Hopefully the FLOs will be able to
20 answer that for you but there's still an active
21 investigation" and -- I must have repeated myself
22 countless times to be honest.

23 Q. So from your perspective that day did you think the
24 attendance of a family liaison officer would be
25 important for the family?

Transcript of the Sheku Bayoh Inquiry

1 A. Absolutely, yes.

2 Q. And your ongoing relationship with the family?

3 A. Yes, absolutely.

4 Q. Without suggesting too much to you, did you think it was
5 important that the FLO be with the family sooner rather
6 than later?

7 A. Yes, absolutely, yes.

8 Q. I'm conscious of the time. I do have a few more
9 questions.

10 LORD BRACADALE: We will stop for lunch there then.
11 2 o'clock.
12 (1.00 pm)
13 (The luncheon adjournment)
14 (2.04 pm)

15 LORD BRACADALE: Ms Grahame.

16 MS GRAHAME: Thank you. Good afternoon. We were just
17 coming on to -- I was just going to ask you some
18 questions about evidence that we have received from Ade
19 Johnson, so Kadi's husband, and we have not heard from
20 him yet. We hope to hear from him, but we've got
21 a signed statement from him, which is evidence that's
22 before the Chair, and I would just like to ask you for
23 some comments.

24 A. Yes, no problem at all.

25 Q. Could we look at your statement, first of all, your

Transcript of the Sheku Bayoh Inquiry

1 Inquiry statement, and you have already been asked about
2 this, at paragraph 158. It says:

3 "I have been told ..."

4 This is Ade Johnson's statement, he said:

5 "'The officers came into my living room and they
6 informed me that Sheku was no longer with us and that he
7 had been pronounced dead in the ambulance on the way to
8 the hospital. My wife was present at the time. I asked
9 how did he come into contact with the ambulance. They
10 said a phone call had been made by a member of the
11 public who lived close to Sheku's house. I asked where
12 was Sheku at the time the call was made to the
13 ambulance. They (police) said close to Sheku's house.'"

14 Looking at that -- and this is a statement from Ade
15 Johnson to the PIRC on 13 May 2015, so that's the date
16 that he gave that statement to PIRC, and that's
17 a section of it that's in quotation marks.

18 I just wondered if you had any comments about if
19 that was his recollection at the time, how that compares
20 to your recollection about what was said?

21 A. Yes, I don't remember making any mention of that he was
22 pronounced dead in the ambulance on the way to the
23 hospital, because what I knew at the time that he went
24 to hospital, to be honest, rather than in an ambulance.
25 So no, that certainly wasn't said.

Transcript of the Sheku Bayoh Inquiry

1 Regards to the phone call made by a member of the
2 public, I wasn't party to any of that information at
3 that point, so I don't see any reason why I would have
4 said that. I wasn't aware of who had phoned an
5 ambulance for Sheku.

6 Q. You hadn't had any information at the briefing about
7 members of the public had phoned in?

8 A. No, I don't remember -- I have been told a member of the
9 public had phoned in with regards to obviously his
10 behaviour beforehand, but not regards to like the sort
11 of ambulance stuff and that as well.

12 Q. Right. I mean, in fairness to you in the last sentence
13 here, it says, "They, the police", he doesn't identify
14 individual officers.

15 A. Yes.

16 Q. I mean, in terms of your conversation with Mr Johnson,
17 does it ring any bells for you?

18 A. No.

19 Q. And can I ask you to look at another statement, the
20 statement to the Inquiry by Mr Johnson, SBPI00248, and
21 I'm interested in paragraph 3. So we're now turning to
22 Mr Johnson's Inquiry statement here and this was signed
23 on 25 January this year, and he says:

24 "The first thing they said was that they were sorry
25 to tell us that Mr Bayoh had left us or passed away.

Transcript of the Sheku Bayoh Inquiry

1 I can't remember the exact words. I asked the question
2 what happened, and they replied that a member of the
3 public called an ambulance, he was lying on the side of
4 the road and the ambulance picked him up. It was on the
5 way to hospital that he had passed away. They said
6 a Family Liaison Officer would be contacting us."

7 So this is Mr Johnson's recollection about the first
8 thing that was said when he was told that Mr Bayoh had
9 passed away. Again, looking at that, does that bear any
10 resemblance to your recollection?

11 A. No, it doesn't, no.

12 Q. Can you give any explanation why there would be
13 a difference in his recollection and yours?

14 A. I can't, sorry.

15 Q. Okay. So from what you remember now, at that first
16 visit for the death message, were you aware that members
17 of the public had phoned in about Mr Bayoh?

18 A. Yes.

19 Q. Prior to him going to Hayfield Road?

20 A. Yes, I'm sure that was mentioned at the initial
21 briefing.

22 Q. So that was something you were --

23 A. Yes.

24 Q. -- aware of. And what was the extent of your awareness
25 at that time? What did you think they had phoned in

Transcript of the Sheku Bayoh Inquiry

1 about?

2 A. To be fair, I can't remember them elaborating any
3 further than that. It just said that they had concerns
4 for a male that was out in -- I'm sure there was mention
5 that he was in possession of a knife. But again,
6 I can't recall anything further than that.

7 Q. But that's something you were aware of at the time?

8 A. Yes.

9 Q. That you went to the Johnsons' house?

10 A. Yes.

11 Q. Thank you. Again, in this statement, we see a reference
12 at the very bottom of page 1, in paragraph 3, reference
13 to:

14 "... he [Sheku Bayoh] was lying on the side of the
15 road and the ambulance picked him up."

16 Do you have any recollection of that being said?

17 A. No, definitely not.

18 Q. By you or Wayne Parker?

19 A. No, no, definitely not.

20 Q. Can we look at paragraph 159, please. Again, going back
21 to your Inquiry statement:

22 "We may have mentioned members of the public had
23 phoned in about the incident. In a roundabout way we
24 might've said that. We maybe did say close to the
25 house. It was in the living room."

Transcript of the Sheku Bayoh Inquiry

1 Can you tell me what you mean by this paragraph, you
2 might have mentioned members of the public had phoned in
3 about the incident?

4 A. Yes, when they have asked us questions about it, we may
5 well have said that we had been made aware of the
6 initial incident by members of the public. Yes, again,
7 it might have been mentioned that it was close to the
8 house. Can't really recall. With regards to the living
9 room, it's where we were when we were having that
10 conversation, so that's why that is there.

11 Q. Is it quite difficult now to remember the exact words?

12 A. Aye, it's extremely difficult. I have kind of went over
13 it quite a few times, obviously between us, it's just --
14 it gets a wee bit warped sometimes about exactly what
15 discussion was had. But yes, I'm pretty sure I probably
16 did mention that members of the public had phoned in,
17 but certainly never made any mention that the public had
18 phoned an ambulance. That certainly was never said at
19 any point.

20 Q. And then looking at paragraph 160, you say:

21 "I don't remember saying the ambulance part. My
22 awareness was that he died in the hospital not the
23 ambulance. I remember saying he had sadly passed and it
24 was identified as him. I remember saying I can't tell
25 you much else at this point, it's an ongoing

Transcript of the Sheku Bayoh Inquiry

1 investigation. That's what we kept repeating because
2 that's all we were allowed to say and what we knew."

3 And when you say, "That's what we were allowed to
4 say", what do you mean by that?

5 A. Basically directed from our supervisors.

6 Q. Is that what you referred to earlier?

7 A. Yes, yes.

8 Q. And can I ask you now to look at paragraph 164. And
9 again, we're talking about Ade Johnson's PIRC statement
10 and it says:

11 "I asked was he in a car accident. They said no.
12 I asked was he in a fight. They said no. I asked was
13 he stabbed. They said no. I asked so how did he die.
14 They said they did not know. I asked if his friend
15 Zahid was dead too, but they said no he was fine. The
16 police officers said they were looking for two guys and
17 that they (police) were going to a friend's house called
18 [Martyn] ..."

19 Then it puts in brackets "(witness Dick)". We will
20 hope to hear from a witness called Martyn Dick later in
21 this hearing:

22 "... I asked if the partner (Colette Bell) knows and
23 they said yes. They asked us to contact Colette as
24 [she] seems to know more about what happened as she had
25 been talking to Zahid."

Transcript of the Sheku Bayoh Inquiry

1 If we just go back to the top of that page, so
2 Mr Johnson recollects asking a number of questions about
3 what had happened and the circumstances and suggesting
4 things to you. Do you remember that part of the
5 conversation?

6 A. See, I remember him asking questions. I can't remember
7 exactly what he said, to be honest.

8 Q. But you do remember him asking a number of questions?

9 A. Yes, absolutely, he was asking a number of questions.
10 Again, understandably, at the time.

11 Q. So you wouldn't disagree with Mr Johnson?

12 A. No, not necessarily, no.

13 Q. And do we see that what he says is that the police were
14 looking for two guys and he mentions Zahid and he
15 mentions Martyn Dick? I wondered from the briefing in
16 the morning that you had had, were you aware that
17 the police were looking for two men, Martyn Dick and
18 Zahid Saeed, to take statements from?

19 A. No. Possibly it may have got mentioned at a separate
20 briefing from what I was at, but certainly from what my
21 job role was that day, they weren't mentioned in it at
22 any point.

23 Q. So you weren't aware that the police were looking to
24 speak to Martyn Dick or Saeed Zahid?

25 A. No. I don't know if that had maybe come up in Colette's

Transcript of the Sheku Bayoh Inquiry

1 statement, possibly those names, and that's maybe why it
2 was maybe mentioned, but certainly I never mentioned
3 those names at any point.

4 Q. So if there is any reference to the police looking for
5 two guys, as far as you're aware, it wasn't any -- there
6 was no connection to Martyn Dick or Saeed Zahid?

7 A. No.

8 Q. And can I ask you about what you say in paragraphs 177
9 and 178. We see at 177, Mr Johnson states -- and this
10 is in his PIRC statement given in 2015:

11 "It was the other officer who referred to his
12 notebook, basically he read from his notebook ..."

13 So I think this is the second visit --

14 A. It will be, yes.

15 Q. -- that's being described here:

16 "... holding it in a way his colleague could read it
17 as well. He told me there was a warrant out for the
18 arrest of Sheku and that they were trying to arrest him
19 and he was refusing. Then they had to make a forceful
20 arrest. It was during that process they (police)
21 realised he was unconscious. They tried to resuscitate
22 Sheku."

23 And at 178, you say:

24 "That's absolutely not accurate, not one part of
25 that is true other than I was reading out a part of my

Transcript of the Sheku Bayoh Inquiry

1 notebook and Wayne was seeing it. I don't know if there
2 was a warrant for him. I never passed any of that
3 information. None of that detail of police involvement.
4 We never went into specifics at all over or above that
5 statement. We never said anything else."

6 I want to talk to you about these paragraphs.

7 A. Yes, absolutely.

8 Q. So this -- previously I have asked you about things and
9 you have said, "Well, people were upset" and you said
10 you don't really remember, but here you are actually
11 saying, "Not one part of that statement is true". So
12 I want to go through the lines of that statement just to
13 be clear.

14 A. Yes, absolutely.

15 Q. You do accept that you had your notebook out and you had
16 the death message written in there?

17 A. Yes, that's when I was reading out the verbatim message,
18 so obviously DC Parker could see it at the same time
19 what I was reading out.

20 Q. We talked about that before lunch where Dursley --

21 A. Yes.

22 Q. -- had given you that at the point-to-point
23 conversation.

24 A. Yes.

25 Q. And where Mr Johnson says:

Transcript of the Sheku Bayoh Inquiry

1 "He told me there was a warrant out for the arrest
2 of Sheku and that they were trying to arrest him and he
3 was refusing."

4 What do you say about that?

5 A. I will be honest, completely honest, the first time I
6 have ever heard a warrant mentioned for Sheku, I don't
7 even know if he had a warrant, was when I was -- spoke
8 to you in November last year. That has never ever been
9 said to me in any conversation that I have had or read
10 or seen anything from his death. I was not aware of any
11 warrant, if there even was one.

12 Q. So again, looking at that paragraph 177, we see that
13 there's a reference there from Mr Johnson to "police".
14 He doesn't identify the individual officer that is said
15 to have said this, but the description he is giving
16 appears to be attributing that to yourself.

17 A. Okay.

18 Q. Because you're the one with the notebook.

19 A. Yes.

20 Q. And you're reading out.

21 A. Yes, absolutely.

22 Q. When you say, "It's not true", are you saying that --
23 and I just want to be clear. Are you saying that
24 Mr Johnson is telling a lie here, or are you saying that
25 he is misremembering or confused, or what's your

Transcript of the Sheku Bayoh Inquiry

1 explanation for this?

2 A. All I can tell you is categorically myself or DC Parker
3 did not say that within that house. Whether or not the
4 FLOs maybe made mention of that later on, possibly, but
5 certainly it wasn't mentioned by us at any point.

6 Q. Certainly I think you can take it from me at the moment,
7 there was absolutely no warrant out for the arrest of
8 Mr Bayoh that day. That is not correct.

9 A. Okay.

10 Q. Can I ask you to go back, please, and look at 163. You
11 say here, halfway down this paragraph:

12 "There was a lot of awkward back and forward."

13 This is the discussion that you have had with the
14 family:

15 "I don't like lying to people or providing nonsense
16 so there may well have been more. I remember saying it
17 was an active investigation, people to speak to about
18 what had happened and we'd pass on that information when
19 we could."

20 You say, "I don't like lying to people or providing
21 nonsense", are you -- how often are you asked to lie to
22 people?

23 A. No, that's not what I mean there. I'm meaning more that
24 when I was trying to answer the questions, I was
25 obviously trying to be -- or I was being as honest as

Transcript of the Sheku Bayoh Inquiry

1 I could. I couldn't really be more comprehensive with
2 my answers, because I never knew anything really
3 further, only snippets that I had possibly heard in the
4 office and such-like, which I mentioned earlier on, so
5 that's what I mean by that. I certainly wasn't asked to
6 lie at any point during that day and I certainly didn't
7 lie at any point in that day either.

8 Q. I was going to ask you, did you feel you were lying to
9 the family?

10 A. No, no, not at all. I felt obviously, mentioned in the
11 statement earlier on, I feel as if we weren't
12 elaborating enough on information that we did have. But
13 certainly never lied at any point in that day and never
14 lied any day since either.

15 Q. But you weren't in a position to give as much
16 information to the family as you would have liked?

17 A. Yes.

18 Q. So to that extent, you were not able to be as frank with
19 the --

20 A. Yes, yes.

21 Q. Thank you. I would like to move on and ask you some
22 questions about statements by Kadi Johnson, Mrs Johnson.

23 A. Okay.

24 Q. Can we look, please, first of all, at your Inquiry
25 statement, 199 to 201. Here you have been referred to

Transcript of the Sheku Bayoh Inquiry

1 a statement from Mrs Johnson which she gave to PIRC on
2 2 June 2015 and it says:

3 "The police officers were sitting side by side.
4 The officer reading his notebook ..."

5 So again, this is the second visit that's being
6 described here:

7 "The officer reading his notebook, positioned the
8 notebook in such a way his colleague could clearly read
9 it also. I can remember being told 'the police have
10 been involved in a forceful arrest and during that time
11 they realised Shek was unconscious and ambulance was
12 called and died by the time he got to the hospital'."

13 And at paragraph 201, you say:

14 "Regards to the forceful arrest, I read out the
15 statement from the notebook but not forceful arrest.
16 And I didn't say where he died. The hospital staff is
17 from the statement which made me think it was in the
18 hospital that he died."

19 Can I ask you about this reference to "forceful
20 arrest". Do you remember -- I mean, this is obviously
21 a statement that Mrs Johnson gave to PIRC in 2015.

22 A. Yes.

23 Q. And her recollection at that time would have been
24 fresher to the events. Can you explain, did you use the
25 words "forceful arrest" when you were speaking to the

Transcript of the Sheku Bayoh Inquiry

- 1 family in the house?
- 2 A. No. I read verbatim what was in my notebook and
- 3 I believe I said "attempted arrest" was the only sort of
- 4 comments around arrest, but certainly the phrase
- 5 "forceful arrest" was never used.
- 6 Q. Was there anything said to you during that second visit
- 7 that could have given Mrs Johnson the impression that
- 8 you used the words "forceful arrest"?
- 9 A. Not that I can recollect.
- 10 Q. Can you explain why she would say this? I did ask her
- 11 yesterday and she said her recollection was clear on
- 12 this. Can you explain why she would --
- 13 A. I've got no idea. As I say, I read that out verbatim
- 14 which has obviously been shared earlier on. That's
- 15 exactly what I read out. That was the only statement
- 16 I had.
- 17 Q. Did you use the word "force" at all?
- 18 A. No, not that I recollect.
- 19 Q. Did Wayne Parker?
- 20 A. No, not that I can remember.
- 21 Q. Anyone else in your hearing use the words "forceful
- 22 arrest"?
- 23 A. Not that I can remember.
- 24 Q. Can I put paragraph 202 to you, so we can have that on
- 25 the screen. Again, this is a paragraph from

Transcript of the Sheku Bayoh Inquiry

1 Mrs Johnson's statement to PIRC:

2 "By that time we all got upset because by that
3 reading we thought the police had killed him (Sheku).
4 I thought this because I said to the police officer from
5 a nursing background ..."

6 You told us earlier that would be Wayne:

7 "... you are from a nursing background, I am from
8 a nursing background, I said this is a black boy you
9 have killed, we are from a big family and this is not
10 going to go down well. Ade was asking questions about
11 who phoned the ambulance. They said a passer-by and
12 the police had phoned for an ambulance. I have used the
13 word killed because they (police) have used the words
14 'forceful arrest' and this is my perception of what has
15 happened."

16 So this is Mrs Johnson's explanation of her
17 perception at the time. Do you remember a discussion
18 where the Johnsons were told a passerby and the police
19 had phoned for an ambulance?

20 A. I can't recall that at all.

21 Q. And she is saying here:

22 "I have used the word killed because they (police)
23 have used the words 'forceful arrest' ..."

24 Do you remember any use of or reference to the words
25 "forceful arrest" by anyone in the living room?

Transcript of the Sheku Bayoh Inquiry

1 A. No, definitely not.

2 Q. Can we look at a statement from Mr Johnson, SBPI00248,
3 please, at paragraph 11. So this is the Inquiry
4 statement that Mr Johnson has signed and provided to the
5 Chair, paragraph 11:

6 "At that time, we all erupted in the house. We were
7 very angry because the question was, why did you lie to
8 us? You knew, and you sat here and lied to us. We
9 tried to ask what the forceful arrest was. Immediately
10 we asked questions that we're asking today. Was
11 anyone's knee on his neck? What was it? Was there
12 pressure on the back? And we were asking all those
13 questions regarding a forceful arrest. I think they
14 panicked because everybody was so angry, and they said
15 they had to leave, and they left."

16 So again, the words "forceful arrest" are appearing
17 here in relation to the second visit. Again, do you
18 have any recollection of what's being said in this
19 paragraph by Mr Johnson?

20 A. No. I don't remember any of those questions at all.
21 I remember them being quite angry. Again, as I say, it
22 was understandable, but I certainly don't remember those
23 specific questions.

24 Q. Right. Can I ask you to look at paragraph 206 of your
25 Inquiry statement again, please. So it is 206. This

Transcript of the Sheku Bayoh Inquiry

1 relates to you were asked to comment on Lorraine Bell's
2 statement to PIRC and it said:

3 "I do recall at least one visit by the two plain
4 clothed officers who we had dealings with in the earlier
5 part of the day."

6 So that would be you and Wayne?

7 A. Yes.

8 Q. Because you dealt with Colette earlier in the day?

9 A. Yes, absolutely, yes.

10 Q. And Lorraine Bell is her mother:

11 "All I can say about the two officers is that one
12 had a Newcastle Upon Tyne accent ..."

13 Who would that be?

14 A. That would be DC Parker.

15 Q. "... and the other had a shaved head."

16 You had the same hairstyle then.

17 A. That would be myself, yes.

18 Q. "I recall that the officer with the Newcastle accent
19 said that Sheku's arrest was forceful. This was a shock
20 to me and came very much out of the blue."

21 Do you remember Wayne Parker using the word
22 "forceful"?

23 A. No, definitely not.

24 Q. Do you remember being in the room with him when he
25 mentioned something along those lines?

Transcript of the Sheku Bayoh Inquiry

1 A. No.

2 Q. And then can I also refer you to Colette Bell's
3 statement, this is her Inquiry statement, SBPI00247.
4 Sorry, paragraph 32. So this is the Inquiry statement
5 provided by Colette Bell and she is talking about being
6 in the home of the Johnsons and a conversation then.
7 And she says:

8 "I think Ade had said at that point to get the chief
9 of police because I think he worked with him, so he knew
10 him. So, he was asking to see him. I think when he
11 came to the house it was him who had said that it had
12 been a forceful arrest, that CS spray and pepper spray
13 had been used, that batons had been raised and used.
14 I remember him saying that when they got there, Shek had
15 gone towards them with the knife. I remember them
16 saying that he had hit a female police officer, and
17 I remember thinking, 'There is absolutely no way that
18 they are talking about Shek.'"

19 As I understand it, when she is talking about this
20 person, that is a reference to Garry McEwan. We have
21 heard that he had a personal connection to Ade Johnson,
22 Mr Johnson, and I think you have mentioned Garry McEwan
23 already today?

24 A. Yes, I have, yes.

25 Q. Now, it is Colette Bell's recollection -- we have not

Transcript of the Sheku Bayoh Inquiry

1 heard from her yet, but according to paragraph 32, she
2 seems to be referring -- she calls him the Chief of
3 Police and I think Garry McEwan is a very senior
4 police officer, isn't he?

5 A. He was at the time, yes.

6 Q. He was at the time. Her recollection is that it was him
7 that had used or made reference to "forceful arrest".
8 Were you present when Garry McEwan had his discussion
9 with the Johnsons?

10 A. I'll be honest with you, I wasn't even aware that he had
11 went out to the address. That was the first time I had
12 been made aware of that. So no, I wasn't present at the
13 time, no.

14 Q. So if Colette Bell is correct and the words "forceful
15 arrest" were used by Garry McEwan as opposed to you or
16 Wayne Parker --

17 A. Yes.

18 Q. -- were you or were you not in the room at that time?

19 A. No, we weren't there when Garry McEwan was there.

20 Q. Right, thank you. In fact, we certainly know from what
21 we have heard so far that in Hayfield Road, there
22 certainly was a use of force and sprays were discharged
23 and baton was used, so there was force used during that
24 arrest.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. That's not inaccurate or untrue?

2 A. No, no, definitely not.

3 Q. I don't think there's any dispute about that.

4 A. Yes, yes, absolutely.

5 Q. Thank you. I have a few other little questions I would
6 like to ask you.

7 Can I ask you to look at Colette Bell's statement,
8 paragraph 22, her Inquiry statement please, SBPI00247.

9 It is paragraph 22 and I would like to look at this
10 paragraph. This is back to the Kirkcaldy Police Office
11 and when you were having your -- you were taking
12 a statement from Colette Bell.

13 A. Yes.

14 Q. And part of that discussion in the interview room.

15 A. Yes.

16 Q. So it's earlier in the day:

17 "Then they asked questions about Shek himself, if he
18 was religious; if he was a Muslim, how religious was he?
19 Did he pray? How often did he pray? Did he drink? Did
20 he eat bacon? I remember I wasn't really thinking.

21 I just kept answering all these questions. They were
22 asking if I got on well with his family. I was asked if
23 his family had a problem with me being white. Did they
24 have a problem with me not being a Muslim? Did Shek
25 want me to become a Muslim? They were asking was Shek

Transcript of the Sheku Bayoh Inquiry

1 ever violent to me, they were asking if Shek was
2 a violent person, if he had any enemies, if he had lots
3 of friends, if he was popular, was there anybody out to
4 hurt him, did he have anybody that would want to hurt
5 him? I was saying, 'No, Shek's the most gentle, most
6 loving, most popular man. Nobody would want to hurt
7 him. He had loads of friends, he was well-known in the
8 community.'

9 So looking at that paragraph there, there's a number
10 of questions that Colette Bell recollects that were
11 asked of her in the interview room. And I'm
12 particularly interested in the comments, first of all,
13 about questions being asked if Colette and Shek got on
14 well with his family:

15 "I was asked if his family had a problem with me
16 being white. Did they have a problem with me not being
17 a Muslim? Did Shek want me to become a Muslim?"

18 Do you remember any part of the conversation that
19 involved that topic of conversation?

20 A. No, not at all, because again, it would have no bearing
21 on the statement that was getting noted. So it wouldn't
22 make any sense, to be honest, so no.

23 Q. Earlier today, we talked about lifestyle questions --

24 A. Yes.

25 Q. -- and building rapport --

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. -- and putting people at ease.
- 3 A. Yes.
- 4 Q. Was any part of that conversation maybe discussing her
5 relationship with Shek?
- 6 A. Yes, I can imagine that was asked. Again, I can't
7 recollect, hopefully DC Parker may be a little bit
8 better than me, but certainly we had asked what the
9 relationship was like. I don't remember him asking if
10 he was violent, but that may well have been asked. With
11 regards to him drinking alcohol, that would have been
12 asked as well. Again, that's a sort of lifestyle thing.
13 But with regards to the sort of religious questions and
14 that as well, I don't remember any of that getting
15 asked. And again, with regards to him praying, eating
16 bacon, no relevance whatsoever, so I don't really see
17 why that would have been asked.
- 18 Q. So certainly looking back now, looking at these
19 questions, a number of them you think would have
20 absolutely no relevance whatsoever to an investigation
21 at that time?
- 22 A. Yes, and I think I would have remembered had it been
23 asked because it wasn't relevant at all.
- 24 Q. But whether or not they were said, many of them wouldn't
25 have any relevance?

Transcript of the Sheku Bayoh Inquiry

1 A. No, no.

2 Q. And can I ask you now to look at PIRC 00260 and this is
3 a statement -- sorry, I won't ask you to look at that.
4 I will ask you to look at your own statement. Sorry,
5 I'm juggling around different statements. Your own
6 statement, paragraph 115. Sorry about that.

7 And if we look at 115, we will see that you are
8 asked about Lorraine Bell's statement. So this is
9 a statement that Colette's mother gave to PIRC and it
10 says:

11 "I wish to state that I found some of the points
12 made and questions asked by police to be unusual. What
13 I mean by this is reference to matters such as: did
14 Sheku pray five times a day, did he eat pork, did he
15 smoke, did he drink alcohol. I could not understand why
16 such things were asked given that we were led to believe
17 that a body was found on the street. I also thought it
18 was inappropriate that police made reference to racial
19 issues including questions about whether Sheku perceived
20 that Colette and he faced problems in a mixed race
21 relationship."

22 Again, tell me, do you remember any of those aspects
23 being raised, that are raised by Lorraine Bell in her
24 statement?

25 A. With regards to asking if he smoked or drinking alcohol,

Transcript of the Sheku Bayoh Inquiry

1 yes, that would have been asked. But again, no, I don't
2 recall any of the rest of that getting asked and I don't
3 see why myself or Wayne would ask that anyway.

4 Q. And then in paragraph 116, you say:

5 "None of the questions were unusual. The praying
6 things, I don't remember that being asked and I don't
7 know why it would be relevant. I don't remember Wayne
8 asking."

9 Can I ask you what you mean when you say, "None of
10 the questions were unusual"?

11 A. No, I don't understand that bit.

12 Q. This is your statement.

13 A. Yes, I think I mean in more for the questions that we
14 asked during the time of the statement, none of them
15 were unusual that we asked, like those ones. Apologies.

16 Q. So you're not specifically referring to the questions --

17 A. No, no, I'm meaning more the statement in general, the
18 questions we were asking in regards to lifestyle and
19 other matters.

20 Q. So the questions that were actually asked by you or
21 Wayne on the day were not unusual?

22 A. Yes.

23 Q. Would you think that the reference to some of the
24 questions that Lorraine mentions, do you think they are
25 unusual questions?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, 100%. Whether someone prays or not is not relevant
2 for a statement to be honest.

3 Q. So let's look at those questions and you can tell me
4 which ones you think would be unusual. You have already
5 said a lot of them wouldn't be relevant anyway, but
6 where she says:

7 "Did Sheku pray five times a day ..."

8 Unusual?

9 A. Yes.

10 Q. Irrelevant?

11 A. Yes.

12 Q. "... did he eat pork ..."

13 A. Same again.

14 Q. Unusual and irrelevant?

15 A. Yes.

16 Q. "... did he smoke ..."

17 A. Yes, I don't remember it getting asked, but it would
18 have been asked, because it's a normal lifestyle
19 question. We would have asked for any statement similar
20 to that.

21 Q. "... did he drink alcohol."

22 A. Again, we would ask that and we would also ask about
23 drugs as well.

24 Q. And then later any questions about Sheku and Colette
25 being in a mixed race relationship?

Transcript of the Sheku Bayoh Inquiry

1 A. Again, no relevance whatsoever to the investigation at
2 that point, so it wouldn't have been asked.

3 Q. And would that also be an unusual question to ask?

4 A. 100%, yes.

5 Q. Thank you. Can I ask you again about another paragraph
6 in your Inquiry statement, which is paragraph 30.

7 Now, in terms of displaying this, there are some --
8 there is an element of that, I think, which has been
9 redacted, but I'm going to read out the whole paragraph.
10 So if you listen along with me, it says:

11 "For lessons learned from other police forces,
12 I believe there were case studies sent by DCU. There
13 was a case involving [a Chinese national] in Edinburgh
14 or Glasgow, a death. Also a death down south as well.
15 There was information sent out about these cases. There
16 was no obligation to read it."

17 Now, this is in an early part of your statement and
18 it's about training, and you're talking about the type
19 of training you have had in the Police Service and
20 awareness --

21 A. Yes.

22 Q. -- and I asked you earlier about your awareness of
23 situations down south, or you talked about America, that
24 type of thing.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So tell me what you recall about a case involving
2 a Chinese national in Edinburgh or Glasgow?
- 3 A. I don't know whether we were still Fife Constabulary at
4 the time, but we used to get sort of case studies sent
5 through, again just for awareness and obviously the
6 learning points and that as well. I can't remember the
7 specifics of it, to be honest, but we were obviously
8 sent it to give it a read obviously just for awareness.
9 I don't know whether it was an inquiry similar to this
10 one, to be honest, but I remember that, but it's been
11 years and years ago since we were sent them. I don't
12 remember ever getting sent them since we moved to
13 Police Scotland.
- 14 Q. Would your memory have been better in 2015?
- 15 A. Yes, it would have been.
- 16 Q. If I suggested to you that this related to the death of
17 a Chinese man called Simon San, in August 2011, would
18 that ring any bells?
- 19 A. Yes, that does ring a bell, yes.
- 20 Q. So that would be something you would be aware of in
21 2015?
- 22 A. Yes.
- 23 Q. The death of a Chinese national?
- 24 A. Yes.
- 25 Q. And were you aware in 2015 about that being perhaps

Transcript of the Sheku Bayoh Inquiry

1 quite a high profile matter because of the race related
2 aspect of it?

3 A. Yes.

4 Q. So you were aware in 2015 that deaths could occur in
5 relation to race?

6 A. Yes.

7 Q. And then can I ask you also about another racially
8 motivated murder. Do you remember the Chhokar case?

9 A. I remember the name, but I cannae remember the ins and
10 outs.

11 Q. We will probably hear more evidence about this later.

12 A. Okay.

13 Q. But just to prompt your memory, my understanding is that
14 there was a trial initially which collapsed in about
15 1999, and then a second trial in 2000, and there had
16 been a number of investigations and public comments made
17 by Lord Advocates and VIPs about the nature of how it
18 had been investigated and prosecuted by the Crown.
19 There were a number of criticisms, very public
20 criticisms about that.

21 A. Yes.

22 Q. And then there was a third trial in 2016. So, in 2015,
23 when the events were happening on 3 May, I think there
24 had been a double jeopardy application, it was very high
25 profile. And ultimately, I think it took about

Transcript of the Sheku Bayoh Inquiry

1 18 years, but there was a conclusion it had been
2 a racially motivated murder. Do you remember much about
3 that at the time?

4 A. No, I don't, to be honest. I think it might have been
5 one of the things that maybe was discussed in the
6 college in 2007 with regards to it, because it does --
7 it's a sort of vague memory of it, but I can't generally
8 remember the ins and outs.

9 Q. All right. Could you just give me a moment, please.

10 A. Yes.

11 (Pause).

12 Q. I have been asked to clarify one last thing about the
13 Chhokar case. It was marred, the police investigation
14 was marred, subsequently discovered that it had been due
15 to institutional racism. Do you remember anything about
16 that?

17 A. No, I don't, no.

18 Q. Do you remember about the implications of that being
19 shared with you as a police officer?

20 A. Maybe it was, but I genuinely can't remember.

21 Q. We may hear more evidence about that in the future.

22 A. Yes.

23 Q. Thank you so much.

24 LORD BRACADALE: Are there any Rule 9 applications? No.

25 Well, thank you very much, sergeant, for coming to

Transcript of the Sheku Bayoh Inquiry

1 give evidence to the Inquiry.

2 A. Thank you, sir.

3 LORD BRACADALE: I'm going to rise briefly in order that the
4 next witness can be introduced and you will be free to
5 go then.

6 A. Thank you, sir.

7 (2.43 pm)

8 (Short Break)

9 (2.49 pm)

10 LORD BRACADALE: Good afternoon, Sergeant Parker. Can I put
11 you on oath before you give your evidence, please.

12 A. Yes.

13 SERGEANT WAYNE PARKER (sworn)

14 Questions from MS GRAHAME

15 MS GRAHAME: You are Wayne Parker?

16 A. Yes, that's correct, yes.

17 Q. What's your current rank?

18 A. It is sergeant.

19 Q. In 2015 were you a detective constable?

20 A. I was, yes.

21 Q. How many years' service do you have now?

22 A. It is just under 16 years now.

23 Q. And do you have a Newcastle accent?

24 A. I do, yes.

25 Q. Thank you. And, in 2015, did you have about eight years

Transcript of the Sheku Bayoh Inquiry

1 service?

2 A. Yes, that's right, yes.

3 Q. And were you working on 3 May 2015 with Andrew Mitchell?

4 A. I was eventually, yes.

5 Q. I don't know if you have seen any of the evidence that

6 we have taken in the Inquiry, but you will see a blue

7 folder sitting in front of you. That should contain

8 a hard copy of the statement that you have given to the

9 Inquiry team and any earlier statements as well.

10 I think there's an operational statement, a PIRC

11 statement that you have given.

12 A. Okay.

13 Q. Please feel free to refer to those at any time that you

14 wish. They're for your use. When I'm referring to

15 a particular paragraph and maybe asking for more

16 details, it will come up on the screen in front of you.

17 So if you're comfortable using the screen, you don't

18 need to look at the folder.

19 A. Okay.

20 Q. But it's there if you do want to look at it.

21 A. Okay.

22 Q. Can I ask you, first of all, to look at your operational

23 statement, which is PIRC 00023. I think you will see

24 that this is your operational statement that you wrote

25 yourself on 3 May 2015 and it says at 5 o'clock in the

Transcript of the Sheku Bayoh Inquiry

1 afternoon.

2 If we can go down the page a little bit. It was
3 prepared by you at Levenmouth police station.

4 A. Yes.

5 Q. Is that -- you recognise that?

6 A. Yes.

7 Q. Let's just quickly go through that, just scan through
8 it, and I think it's only a couple of pages long really,
9 is it? Well, I shouldn't say a couple, but actually it
10 is maybe two, and then at the end, there's a third page
11 with some blank confidential information. So it's
12 a brief statement. Can you tell us what the purpose of
13 preparing that was?

14 A. Yes. Usually at the end of an incident where you're
15 involved in an enquiry, if the enquiry is still ongoing
16 when you are terminated duty, the majority of DCs,
17 detective constables, prepare an operational statement,
18 which is the pertinent points for that officer for that
19 day, which is so much as a brief one, which can usually
20 be expanded on at a later date. It's for report
21 purposes for the fiscal and to assist enquiring officers
22 as to what's been done that day.

23 Q. So you were just putting down the briefest of details --

24 A. Yes.

25 Q. -- on that day?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Which you could then expand on in the future?
- 3 A. Yes.
- 4 Q. And I think if we go back to your -- well, I don't need
5 you to do this at the moment, but I think in your
6 Inquiry statement to the Chair, you have said that you
7 were doing your best on 3 May 2015 to give a true and
8 accurate note of what you had been involved in?
- 9 A. That's correct, yes.
- 10 Q. And I think you also say at paragraph 8, which we will
11 look at later, is that your recollection of events then
12 would have been better than it is now?
- 13 A. Yes.
- 14 Q. Many officers have said their memory then would have
15 been better.
- 16 A. Yes, I think due to the passage of time, definitely,
17 yes.
- 18 Q. Now, we have heard from your former colleague, Andrew
19 Mitchell, that he had been asked by his sergeant to beef
20 up his operational statement. And his was also brief,
21 although not as brief as yours, but he was asked to add
22 to it in terms of the detail, the connection with the
23 family. Were you asked to beef up your statement?
- 24 A. I can't remember having to beef it up, but I can
25 remember being told I could probably expand on what we

Transcript of the Sheku Bayoh Inquiry

- 1 had, a bit more detail, timings, and such like that.
- 2 I'm quite fastidious about timings for my notebook, it
- 3 has all the timings within that, so added timings and
- 4 a bit more -- expanded on certain points.
- 5 Q. So this statement that we see here, was that expanded
- 6 upon by you?
- 7 A. I think it was expanded on when we had been made aware
- 8 by PIRC -- I think at the time wanted a follow-up
- 9 statement, so I expanded on that.
- 10 Q. So when we look at the later statement -- this is dated
- 11 2 June and it's PIRC 00024, please. If we could look at
- 12 that. This is a separate statement, although it has
- 13 been moved very quickly onto the screen, and this is
- 14 dated 2 June 2015 at 17.05, and it was taken by DSI
- 15 Brian Dodd at Kirkcaldy Police Office. So this is taken
- 16 on a later date.
- 17 A. Yes.
- 18 Q. And this is from PIRC. And when you talked a moment ago
- 19 about expanding, was this the statement in which you
- 20 expand on your involvement on 3 May?
- 21 A. Yes. It was, yes. It covered the points that --
- 22 probably the ones that PIRC was wanting to ask around
- 23 and just more expanding on certain of the points --
- 24 pertinent points of our involvement. So that was the
- 25 one we expanded on for that date.

Transcript of the Sheku Bayoh Inquiry

1 Q. Can I ask you something else? Andrew Mitchell has said
2 that when he prepared his own operational statement,
3 that he would be typing it, be sitting in a room and
4 maybe get his memory jogged through a conversation with
5 you. Do you remember that happening, having
6 a discussion about your statements or ...?

7 A. Yes. Every individual officer completes their own
8 statement, it's their recollection of events and
9 obviously my pertinent points regards to Andrew would be
10 completely different and rightly so. We were probably
11 sat at the table just around from each other, because
12 everyone is in that room. He probably asked me timings,
13 can I remember what time we went there, can I remember
14 this time or can I remember what we had done there.

15 It's just to jog what we have done for that day,
16 because there's a lot going on from that morning all the
17 way through to termination of duty. So it's more -- not
18 directing each other, more trying to remember what we
19 had done that day and especially -- in fact, you will
20 see in my notebook, I've got timings for everything.
21 Just to remember what time I went everywhere.

22 Q. And so, to that extent, you would have helped him
23 complete his operational statement?

24 A. Not so much help more, if he said, "Can you remember
25 what time we went there?" So I think I've got a time in

Transcript of the Sheku Bayoh Inquiry

- 1 my notebook (inaudible) and that's probably about it.
- 2 Q. Do you remember now any specific parts where you
3 assisted Andrew Mitchell with jogging his memory in that
4 way?
- 5 A. No, no definitely not, not now.
- 6 Q. Okay. And equally, do you remember any specific parts
7 where your conversation with him maybe helped to jog
8 your memory in relation to your statement?
- 9 A. Maybe the -- I think because the to-ing and fro-ing back
10 and forth from addresses, we would probably have
11 discussed that. I can remember, did we go back at that
12 time, which way did we come, did we come back to the
13 station or not, that sort of thing, nothing that's going
14 to impact on the specific evidence, it's just more the
15 timeline of where we went because it was back and
16 forward all day.
- 17 Q. Andrew Mitchell has told us about various events that
18 happened during that day and the sequence of those
19 events.
- 20 A. Yes, probably the sequence, that's more so that the
21 jogging of the sequence of things, because, as I say, we
22 were at various different points and back and forward
23 a few times, so -- but I have no doubt we probably
24 discussed the sequence of events.
- 25 Q. Yes. And then can we look, please, at your Inquiry

Transcript of the Sheku Bayoh Inquiry

1 statement now, which is SBPI00238. You see this is your
2 witness statement. It says:

3 "DC Wayne Parker
4 Taken by ... by MS Teams
5 On Wednesday 2 November 2022."

6 So this is the Inquiry statement that you have given
7 to the Inquiry.

8 A. Yes.

9 Q. And it is 48 pages long and although we will not see
10 it -- if we move to the very last page, although we
11 won't see, because of redactions, your signature, you
12 will be able to tell in the hard copy in front of you in
13 the folder that you have signed every page.

14 A. Yes, I did, yes.

15 Q. And on the last page, we will see that you signed that
16 on 13 January this year, is that correct?

17 A. Yes.

18 Q. And the last paragraph is 250 and it says:

19 "I believe the facts stated in this witness
20 statement are true. I understand that this statement
21 may form part of the evidence before the Inquiry and be
22 published on the Inquiry's website."

23 And that was your understanding when you signed it?

24 A. Yes, I understood that at the time.

25 Q. Thank you. Can I ask you -- let's look at paragraph 34,

Transcript of the Sheku Bayoh Inquiry

1 that sort of area. You were asked initially about the
2 training that you had had yourself and the nature --
3 your background.

4 A. Yes.

5 Q. And we have heard evidence that you used to be a nurse,
6 or have a nursing background?

7 A. Yes. I was a nurse prior to joining the police. I was
8 a nurse for 8 or 9 years.

9 Q. That's quite a change in career.

10 A. Yes, just a wee bit.

11 Q. Why was that?

12 A. I had initially went to join the police, but I had quite
13 a bad accident, so I couldn't get into the police at the
14 time because of damage to my leg. So fortunately
15 enough, I went to an orthopaedic ward and was operated
16 on, joined the police after that, so -- which was very
17 lucky.

18 Q. I see. That's good.

19 A. But no, I think the training I received from there --
20 certainly people speak about transferable skills and, in
21 my job, it's been quite beneficial throughout my career,
22 even more so now.

23 Q. And in what way have -- can you identify or give us some
24 examples of transferable skills that you have found
25 beneficial?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes. Whilst I was in the hospital, I was a lead for
2 teaching sort of junior nurses and then latterly in the
3 last part of my training was teaching third-year doctors
4 and degree level students, clinical skills and patient
5 treatment, how to -- just active listening skills with
6 people at the time, which is a huge beneficial thing,
7 especially for this in passing death messages.

8 I think the problem with death messages -- it was
9 a lot easier in hospital, because predominantly a lot of
10 people come into hospital quite ill and it's not
11 expected that they're going to pass away, but it's
12 certainly in the back of people's minds.

13 But in policing, it's not the case. You could be
14 turning up at somebody's door, who has just seen that
15 partner, a loved one, the night before, and you're
16 turning up and saying that they have died, which is
17 quite different. But it's just prepared me a lot better
18 to pass them death messages, albeit it's probably the
19 worst part of the job that we have.

20 Q. And I think at paragraph 34, you say you haven't had
21 specific training in liaison with family members in
22 a death case:

23 "... but I was in a position where I had been
24 a nurse so I had that toolkit to use. I had an
25 empathetic side. It's been commented on by families.

Transcript of the Sheku Bayoh Inquiry

1 It's harder in policing because people aren't expecting
2 people to pass away whereas in hospital they might be
3 more expecting their family members to die. My bosses
4 know about this toolkit. I'm not a family liaison
5 officer ... but I have those skills for that empathetic
6 side of people."

7 So when you say that your bosses know about this
8 toolkit, a couple of questions: which bosses are you
9 talking about?

10 A. Throughout my career, my senior management have been
11 reporting and positively regarding, especially cases of
12 just emotional sort of incidents very much like this,
13 the death of a loved one, a high risk missing person,
14 I have been involved in a lot of cases like that,
15 because I tend to have that sort of way of speaking to
16 folk who need that information. And it's all about, to
17 be honest, information, providing families with
18 information about the incident that's happened.

19 Q. And how much experience of delivering death messages did
20 you have prior to 3 May 2015?

21 A. Within the police or prior to that?

22 Q. Let's start with the police.

23 A. I couldn't put a number on it to be honest. There's
24 various ones you get within force and then outwith force
25 from other areas, neighbouring areas that want family

Transcript of the Sheku Bayoh Inquiry

1 members contacted, which is kind of a lot harder when
2 you haven't been involved in it, because you haven't got
3 that basis of the family knowledge and you're going in
4 sort of cold feet to a family that you don't know. So
5 I couldn't put a number on it. A few, because I was in
6 the community team straight out of probation, so in the
7 community team, you tend to help a lot more with that
8 sort of side of things.

9 Q. In the eight years service you had before 3 May 2015,
10 although you might not be able to put a number on it,
11 can you tell us how often you had maybe had to deliver
12 a death message?

13 A. It's kind of guessing how long is a piece of string, I'm
14 being honest. I couldn't. I would probably have to
15 look back and try and recollect a lot of the ones that
16 stand out, you probably remember a few of them.
17 Probably up to about ten maybe in that time and usually
18 maybe one or two a year if that.

19 Q. Had any of them been deaths in custody?

20 A. No.

21 Q. Had you delivered a death message to a black family
22 before?

23 A. Not that I'm aware of, no.

24 Q. You have talked a moment ago about having a toolkit
25 through nursing. Can you tell me a little about the

Transcript of the Sheku Bayoh Inquiry

1 toolkit?

2 A. I think the majority -- I think the majority of everyone
3 I think has got that sort of -- if you haven't got that
4 human side to you, then there's something sort of wrong,
5 but I was in nursing for the right reasons. I enjoyed
6 that sort of side of it where it's being there for
7 people and showing that sort of compassion to what's
8 happened and having that empathy side. And not so much
9 speaking at people, listening to what they have to say
10 to you. It's a sounding board a lot of the times but
11 just actually being there.

12 Q. And can I ask you about any training you had had in race
13 awareness? I think paragraph 36, you were asked about
14 this in your statement. You say you have had training
15 in race awareness and you mention your nursing
16 background. Can you tell us a little bit more about any
17 race awareness training you had?

18 A. Yes, I had, prior to police, obviously being in the
19 hospital, you come across all diverse backgrounds within
20 the hospital. In the police -- I'm just trying to think
21 about this the other day. When we first started
22 training, I think it's within the first period during
23 the first month, we get a lot of diversity training and
24 protect the characteristics, sort of race, religion,
25 gender and age sort of thing. And it is emphasised and

Transcript of the Sheku Bayoh Inquiry

1 backed up a lot, as it is now, which I really don't
2 agree with, and Moodle packages, which is online, but
3 it's obviously monitored. But a lot of that is backed
4 up on a yearly basis which is -- I think there was
5 a recent one that came out this week. I came off annual
6 leave so there was one this week as well on diversity
7 actually.

8 Q. You said you don't agree with Moodle. We have not heard
9 much about Moodle, I'm sure we will hear more, but --

10 A. No, that's my personal opinion.

11 Q. Tell us about it.

12 A. I think it's -- I'm a very kind of old school
13 face-to-face teaching from when I taught at the
14 university. I think online Moodle packages have their
15 place, ie distance learning and things like that, but in
16 policing, it's quite hard to keep track on how much
17 degree of knowledge is taken in. But that's my opinion.

18 Q. Do you think those online packages create a barrier to
19 learning and absorbing that information?

20 A. I think it's more the absorbing. The sort of cyclical
21 aspect of learning doesn't sort of conform to that. You
22 can read through it and probably not take it in. But
23 I think everybody has their different ways of learning.
24 It doesn't suit mine. I'm very sort of classroom,
25 face-to-face, so I find it quite hard to learn that way

Transcript of the Sheku Bayoh Inquiry

- 1 from computers.
- 2 Q. All right. You mentioned that you had had training in
3 race awareness when you were a nurse?
- 4 A. Yes.
- 5 Q. What about when you were in the police force or
6 police service?
- 7 A. That was in your first -- as I say, the first few months
8 about the race awareness during that time and different
9 races and cultures and genders and that as well during
10 that time. It was the very start of the training
11 I think it was.
- 12 Q. So by the time you had eight years' service had you had
13 any additional training in race awareness?
- 14 A. I'm trying to think back. I think -- I'm sure there was
15 something annually throughout that period, but I can't
16 really pin down exactly when it was, but there was
17 definitely training throughout.
- 18 Q. At paragraph 38, if we can look at that, you say:
19 "... there was definitely one last year ..."
20 A race training course maybe. Could you tell us
21 a bit more about that?
- 22 A. It was -- I think that was on the intranet. I know
23 things come up and they've highlighted things on the
24 intranet, regarding diversity and race awareness, I'm
25 sure it was last year.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Did you do that course, attend that course?
- 2 A. Probably read through it, yes.
- 3 Q. How long did that take?
- 4 A. Honestly, I couldn't tell you.
- 5 Q. Was it lengthy or was it a short --
- 6 A. I honestly -- I would be lying if I said so, I couldn't
- 7 really say how long it was, it was short or not. A lot
- 8 of the Moodle packages can be anything from -- take over
- 9 a few days or up to a couple of hours to do them. So
- 10 they're all very dependent on content.
- 11 Q. Are they generally done when you're on duty?
- 12 A. Yes.
- 13 Q. Can I ask you to look at paragraph 44. You have said
- 14 here, by May 2015, you didn't have any experience in
- 15 investigating a death in police custody.
- 16 A. Yes.
- 17 Q. So this was your first involvement in this type of
- 18 situation?
- 19 A. Yes, it was.
- 20 Q. Had you been involved in any cases which involved the
- 21 death of a black man?
- 22 A. I'm trying to think. No, I don't think so. Probably I
- 23 would have to look through my CID stuff, just to make
- 24 sure. But no, not that I'm aware of, not in Fife.
- 25 Q. Can I ask you to look, please, at paragraph 61:

Transcript of the Sheku Bayoh Inquiry

1 "We have to be transparent anyway. The public have
2 to have a degree of comfort that we're transparent.
3 There wasn't any suggestion that morning that there was
4 criminality."

5 62:

6 "I wouldn't deal with it differently because the man
7 was black. All creed, colour, whatever, it didn't
8 change how I dealt with it. Him being black didn't make
9 a difference. I don't think anyone else did anything
10 different because he was black. We just had a male in
11 contact with the police. My personal opinion and
12 personal value and everyone I worked with, I've not come
13 across anyone who deals with people of different
14 ethnicity different. A male with a knife was all it
15 was. I had comfort that more than one person reported
16 him having a knife. On this occasion there were many
17 calls coming in. It was a male with a knife acting
18 erratically."

19 Can I ask you a little bit more about this.

20 A number of officers have given evidence that they're
21 saying, "We treat everybody the same", but do you
22 understand that people from different backgrounds may
23 need to be treated slightly differently?

24 A. Yes. I think more so -- this is kind of going back to
25 again being a nurse and especially being a male nurse

Transcript of the Sheku Bayoh Inquiry

1 and a sort of -- it's a female dominated area and a lot
2 of patients in the ward I was in -- it was a female
3 ward --

4 Q. Sorry, give me a moment. There's a lot going on here,
5 isn't there?

6 (Pause).

7 We don't have to worry about any of this. It's not
8 going to interrupt us.

9 We have heard from others that, to be fair to
10 everybody, you may need to tailor the way you deal with
11 people.

12 A. Yes.

13 Q. It sounds like you understand that from, at the very
14 least, your nursing background?

15 A. I think more so now. I think it's because I taught
16 nurses at the time. I do the same now with my
17 probationers. One size doesn't fit all. It sounds like
18 a generic sort of thing, but one size doesn't fit all.
19 People come in all different shapes and sizes, races,
20 gender, age, whatever.

21 You can't say treat everybody the same, because
22 I don't, I personally don't and I never have. And
23 that's the way, how I have worked as a nurse and it has
24 benefited me throughout my police career to get to the
25 rank that I am now. And I impart that on my cops that

Transcript of the Sheku Bayoh Inquiry

1 I teach on a daily basis, because you can't say,
2 "I treat everybody the same", because you don't.
3 I don't personally treat everybody the same.

4 A prime example for that is we --

5 Q. Before you give me that example, could I ask you to pull
6 the microphone slightly closer to you, because as you
7 sit back, you're further away from it and I want to make
8 sure that the transcriber can get absolutely everything
9 written down.

10 So you were just about to go and give us an example.

11 A. Yes. A lot has to be led by a patient, I think when
12 I was in sort of patient led care. In policing, it
13 pretty much reflects that a lot of the times, especially
14 dealing with serious incidents, the person who is
15 getting the statement noted can actually say, "I don't
16 want a female officer, I don't want a male officer, can
17 I have" -- and they're well within their rights to say
18 that. With certain religions, it will be very, very
19 similar.

20 In an incident we had during the last week, we have
21 a person who is transitioning from male to female, and
22 they have an option how to be searched, whether it be
23 male or female, that is their choice. As long as the
24 officer is happy and comfortable with doing that, then
25 it has to be led by that person at the time, because if

Transcript of the Sheku Bayoh Inquiry

- 1 that person says, "I am male" and they are being
2 searched by a female, then you are then imparting on
3 their human rights and everyone can't be treated the
4 same.
- 5 So that's the way that I deal with everything, not
6 everyone is the same.
- 7 Q. So there's not one uniform way of doing anything?
- 8 A. No.
- 9 Q. You try to keep account of individual's preferences?
- 10 A. Yes.
- 11 Q. Perhaps their religion?
- 12 A. Mm-hm.
- 13 Q. Their gender or their sex or preferences that they
14 express?
- 15 A. Yes. You can't go wrong if you just align it with
16 what -- what I have tried to explain to the guys is
17 you're looking at protected characteristics and that's a
18 lot to start off with to understand that when you speak
19 to people.
- 20 Q. Just to stop you there, protected characteristics,
21 you're referring to the Equalities Act?
- 22 A. Yes.
- 23 Q. So you tell people that you work with bear in mind
24 protected characteristics?
- 25 A. Yes. Especially when I work -- I work in St Andrews, we

Transcript of the Sheku Bayoh Inquiry

1 have quite an expanse across the world of students from
2 every single country, which is in this small place, so
3 you're getting every single race, religion, everyone in
4 this compact place, which is the bubble of St Andrews.
5 So you have to be aware of that, especially working in
6 that area as well.

7 Q. So is this something that you come across personally in
8 your work on a regular basis?

9 A. It depends who you deal with. As I say, if it comes
10 across, then you have to be aware of how you treat these
11 people on an individually basis, not as a general one
12 size fits all.

13 Q. So not one size fits all?

14 A. No.

15 Q. But more bespoke or tailored to that particular person?

16 A. Yes, yes.

17 Q. Right. So although you have said in paragraph 32,
18 "I wouldn't deal with it differently because the man is
19 black", you would take account of people's individual --
20 if you're dealing with a black person, you would take
21 account of perhaps their religion or their preferences
22 or cultural preferences that they had expressed?

23 A. Yes. You take cognisance of that. If you're aware of
24 that, if you're aware the person is presenting as black,
25 then there may be an inkling that there may be

Transcript of the Sheku Bayoh Inquiry

1 a religion or something impacting on your decisions
2 after that. So you would have that in the back of your
3 mind thinking how you would be dealing with that
4 obviously.

5 But when I first seen the call card, my -- from
6 a risk assessment point of view, it was male with
7 a knife. The colour of the gentleman's skin doesn't
8 come into it at that point. And that's not what we're
9 dealing with. That's not a risk factor to me. That's
10 nothing -- as I say, everyone is dealt with
11 individually, but not differently, just because someone
12 is described as black on a call card. It's a male with
13 a knife.

14 That's where I'm personally speaking from now as
15 a risk assessment point of view, as a sergeant as well
16 now.

17 Q. So you're more experienced, you've got higher rank now
18 than you did in May 2015.

19 A. Yes.

20 Q. Was this something that you were aware of in 2015, that
21 you should treat people in a different way if it --

22 A. Yes, I have kind of -- as I have touched -- I have
23 carried that throughout my career, from ten years of
24 nursing into policing. And, as I say, it has stood me
25 in good stead since then and I have been positively

Transcript of the Sheku Bayoh Inquiry

1 reported on from numerous high risk miss per cases and
2 people passing away, from family members.

3 Q. Just for the transcriber's benefit, you said a miss per
4 case, and that's a missing person, isn't it?

5 A. Missing person, yes. You kind of revert to police speak
6 sometimes.

7 Q. And you mentioned that you had seen the call cards. We
8 have heard of STORM cards as well. They're the same
9 thing?

10 A. Yes.

11 Q. When did you first see the call cards or the STORM cards
12 in relation to this incident involving Mr Bayoh?

13 A. So my base post on that day was Levenmouth. In the
14 morning, part of our duties is to review call cards
15 that's come in from the night before. So say if there
16 are call cards, what's happened in the Fife area. That
17 morning, before the morning briefing, I saw the call
18 card come in. I think through experience a lot of cops
19 will tell you the same, a lot of what's on the call card
20 is not necessarily what's happened. So when you get one
21 call card that comes in and says, "Male with a knife",
22 you think, "Right, hang on a minute", and then you wait
23 until you get a bit more information and then you make
24 your decision from there.

25 That one that had come in and then we got a phone

Transcript of the Sheku Bayoh Inquiry

1 call shortly after saying there had been an incident in
2 Kirkcaldy with the night shift, and my sergeant came
3 through, can we head to Kirkcaldy.

4 Q. Sorry, I didn't catch that. Sorry, I just didn't catch
5 what you said. You said the night shift came in and
6 you ...?

7 A. The night shift had an incident that had come in through
8 the hours, into the early hours of the morning, and
9 there had been a phone call to officers saying -- I had
10 already seen the call card beforehand -- saying there
11 had been an incident, could we come through to give
12 a hand with the day shift.

13 Q. So you were asked to go through to Kirkcaldy that day --

14 A. Yes.

15 Q. -- to help the day shift on 3 May?

16 A. Yes.

17 Q. Who asked you to go through?

18 A. I think it was DS Dursley came through and said to
19 myself and Calum Clayton that we were needed in
20 Kirkcaldy, we were to head through for a briefing.

21 Q. So you and Calum Clayton were asked by DS Dursley at
22 that time?

23 A. Yes.

24 Q. And where was Andrew Mitchell? Was he with you or --

25 A. No, I think he was stationed in Glenrothes at the time.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. But you came together when you got to Kirkcaldy, the
2 three of you?
- 3 A. Yes, we all met in Kirkcaldy for the briefing in the CID
4 room, yes.
- 5 Q. And who was in charge when you got to Kirkcaldy that
6 day?
- 7 A. From my recollection, I think -- I'm sure it was the
8 DI Robson. I think it was DI Robson was there. The DS
9 from the night before, who was Sammy Davidson, who
10 I think is an inspector now, and DS Dursley, who is an
11 inspector now as well. That's a face I recognise at
12 that point then.
- 13 Q. So when you arrived at Kirkcaldy, there was DI Robson?
- 14 A. Yes.
- 15 Q. You think he was in overall charge?
- 16 A. Yes.
- 17 Q. There was DS Samantha Davidson?
- 18 A. Yes.
- 19 Q. You called her Sammy?
- 20 A. Yes.
- 21 Q. And DS Dursley, we have heard of Graeme Dursley.
- 22 A. Yes.
- 23 Q. And there was a briefing --
- 24 A. Yes.
- 25 Q. -- we understand at that point when officers arrived in

Transcript of the Sheku Bayoh Inquiry

1 the morning.

2 A. Yes.

3 Q. Do you remember what was said to you at the briefing?

4 A. Yes. I can't remember exactly what was said. I think
5 the rough information that we had was basically there
6 had been an initial call came in, which I had seen on
7 the call card. I wasn't aware of any other ones after,
8 but we were listening to the radio and there had been
9 a couple of calls after that regarding a male that was
10 acting erratically with a knife.

11 So there's been in the morning -- there's been a
12 following couple of call cards. Following that, cops
13 have attended. There's been -- they have attempted an
14 arrest on the male and then he has come to the ground.
15 He has been -- I think the wording was he became
16 unconscious at that time and he has been taken away by
17 an ambulance and he has been taken to hospital. That
18 was what we had at that time. That was basically the
19 crux of what happened as far as it was.

20 Along with that, because the location of where on
21 Hayfield Road it had occurred, there was another call
22 card in the Kirkcaldy area, which was very, very close,
23 both timeframe and the location, it was probably about
24 a couple of hundred metres in the direction of where the
25 male had travelled from. It was for insecure premises,

Transcript of the Sheku Bayoh Inquiry

1 the female had rung in that the house was insecure. It
2 was tentatively connected between the two, because the
3 male had come from that area. And I'm only surmising
4 because of the presence of the knife, we thought this
5 might actually be the location of where an incident has
6 possibly happened.

7 So that was the tenuous sort of link at that time
8 and that's what we received. And then from the
9 briefing, I think it seems like a lot going on at the
10 time, so the DCs are just waiting to be -- the way it
11 sort of works out is that you get put in enquiry teams,
12 so you have investigative strategy, which is basically
13 to keep the enquiry ongoing, you get separated into
14 groups to have your own strand of an enquiry. So we
15 were given to contact the female who was at the house
16 there. And that was our objective for that day, for
17 that morning.

18 Q. And we have heard that you and Calum and Andrew went to
19 the house of Colette Bell.

20 A. That's right.

21 Q. And she was the female who had made the call to
22 the police --

23 A. That's correct.

24 Q. -- about an insecure property?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. Can I ask you to look at paragraph 55, please. Well,
2 54, first of all. I think you say in your statement
3 that, at that time, you did not know if the man was
4 deceased. You just say that at the very last line of
5 paragraph 54, and then it goes on to the next page.

6 So at the time of the briefing, you didn't know that
7 Mr Bayoh had died.

8 A. Mm-hm.

9 Q. That's correct?

10 A. That's correct, yes.

11 Q. And you were to secure the house, which was a source of
12 the incident. So, at that time, you thought you knew --
13 or you thought there was a connection?

14 A. I think there was a reasonable suggestion there was
15 a tenuous link to sort of -- from there it looks like we
16 would totally go and secure. At that point, it wasn't,
17 it was just a tenuous link. It could have been
18 unrelated, but I think because of the locality and the
19 time period, especially the time when the male has been
20 seen and the house is insecure, at that time, there was
21 a potential that it could be the source of where the
22 incident has happened. So we were sent up to establish
23 that.

24 Basically, at that time, I think that call was being
25 treated as a concern for a female who has reattended

Transcript of the Sheku Bayoh Inquiry

1 a house that's insecure and that was the concern there.

2 Q. During the briefing, was there any discussion about
3 the police looking for two men?

4 A. No.

5 Q. Do you remember any discussion during the briefing about
6 the police looking for a man called Martyn Dick or a man
7 called Saeed Zahid?

8 A. No, I hadn't heard any names mentioned at that point at
9 all. The only time I became aware of their names was
10 during the statement from Colette Bell. That's the only
11 time I came into recognition of that.

12 Q. So that would be later on that day?

13 A. Yes, yes.

14 Q. We will come on to that in a moment. During that
15 briefing, I think at paragraph 55, you say:

16 "... [did you] know of any of my colleagues
17 considering, that this was an investigation into
18 potential criminality by police officers. No,
19 definitely not."

20 So at that time of the briefing in the morning of
21 3 May, were you aware of anyone talking or speculating
22 about criminality on the part of the police?

23 A. I certainly wasn't aware of any criminality being
24 suggested at all at that point. I knew -- I can't sit
25 here and say I didn't know anything was ongoing. I knew

Transcript of the Sheku Bayoh Inquiry

1 that cops had been held back. I was told of cops being
2 held downstairs, but I only presumed that because they
3 were involved in the incident. But I knew there was
4 officers from night shift still there. That's all
5 I knew. I never heard -- I didn't hear anything of
6 criminality wise. But that's not unusual, a lot of
7 times, to secure clothing from people regarding an
8 incident that's ongoing. So I didn't think anything at
9 the time.

10 Q. When you say, "Cops being held back", what do you mean
11 by that?

12 A. So the night shift from the previous evening who were
13 involved, I was aware that the officers had been
14 involved in the incident were downstairs and that was
15 just through I heard coming up the stairs that the cops
16 are still here.

17 Q. Were people talking about the incident in Kirkcaldy that
18 day?

19 A. It wasn't so much talking about it. It was more I heard
20 officers are being kept back and that's all I heard
21 on -- because our sort of path on that, we went straight
22 into the briefing, got the briefing, allocated our task
23 and then went straight out. And I'm not going to sit
24 here and say that you don't hear police chat. It's like
25 any office, you come out and you hear bits and pieces.

Transcript of the Sheku Bayoh Inquiry

1 Kirkcaldy is quite a windy city, so there was lots of
2 officers down there, and obviously saying, "Why are the
3 cops being kept down from night shift?" So obviously,
4 I was aware as we left that there was somebody being
5 kept on. So that was my only awareness regarding that.

6 Q. So there was discussion going on in Kirkcaldy?

7 A. Yes.

8 Q. Were you aware, at that time, at the time of the
9 briefing on the morning, of anyone considering
10 a possible racial element, or a racial angle to this
11 incident?

12 A. No, no.

13 Q. Was anyone considering possible racial discrimination on
14 the part of the police?

15 A. No, not that I was aware of at all.

16 Q. Who would have been considering those things, if they
17 were being considered?

18 A. It will probably have been assessed by the SIO. The SIO
19 probably does the policies and the decisions from when
20 the inquiry starts up. It will be taken into these kind
21 of -- they use a kind of police investigative hypothesis
22 as to what's happened. Whether they put that into that,
23 I don't know. I can't speak for what they had in the
24 SIO log, I don't know.

25 Q. We may actually hear from another witness about

Transcript of the Sheku Bayoh Inquiry

1 investigative hypotheses where they think about the
2 possible causes of the death and they investigate each
3 of them to either rule them out or rule them in.

4 A. It has to be -- there has to be -- it is investigated
5 certainly from -- that's me being CID through the
6 majority of my career until recently. You have to sit
7 on the fence regarding everything. You can't just walk
8 up to someone and say, "That's happened and that's why".
9 Every eventuality has to be taken into account until
10 it's chalked off, until you get the actual inquiry
11 itself. So every avenue has to be sort of pursued, if
12 you know what I mean.

13 Q. So the police who are doing the investigation have to
14 keep an open mind?

15 A. Open mind, yes.

16 Q. About all the possibilities?

17 A. Yes.

18 Q. And investigate those to either rule them in or rule
19 them out?

20 A. Yes.

21 Q. And is that the normal approach that you would expect
22 during an investigation where someone has died?

23 A. I would. Yes, I would, definitely, yes.

24 Q. And could you look at paragraphs 57 and 58, please. You
25 say:

Transcript of the Sheku Bayoh Inquiry

1 "At the outset of an investigation, we're wanting to
2 secure any evidence. The primary thing with policing is
3 to preserve life. On this occasion the gentleman has
4 passed away. We were to secure locuses of the potential
5 deceased and the locus where the incident happened and
6 any witnesses. We couldn't rule out criminality on the
7 part of police officers. We can't rule anything out at
8 the start. At the time the male has been taken away it
9 could've been anything."

10 So, at that stage, in the investigation, were you
11 personally thinking, "We can't rule out anything,
12 including criminality on the part of the police"?

13 A. Of course you can't. As I have said before, we have to
14 be transparent. This isn't the -- I'm under no
15 illusion, this isn't the 1970s, this is 2023, and there
16 has to be transparency. It's to provide confidence from
17 the public and you have to be up and above board with
18 stuff like this to keep that confidence from the public.

19 Q. You're talking about how you have to be transparent now
20 in 2023. How -- what do you think in 2015 the
21 attitude -- it wasn't the 70s then either, but had they
22 moved away from that attitude from the 70s, or --

23 A. I can honestly say you get -- from any profession you
24 get classes of prehistoric -- for want of a better word,
25 in a profession. I've never -- I have seen people who

Transcript of the Sheku Bayoh Inquiry

1 have retired and things like that, but I don't think
2 policing is what it was in them days, certainly from the
3 days -- I've got family members who were officers in
4 that era, but it's not -- I have certainly not seen
5 anything that reflects anything -- and it has to improve
6 as things go on. I've no doubt it has improved from
7 2015, but I can't see it -- well, that must change from
8 then. I still think even then as a young cop everything
9 was transparent then, but more so now I think and
10 I think it has to improve as things go, it has to.

11 Q. And do you see the benefits of that transparency --

12 A. Yes, completely.

13 Q. -- in your daily work?

14 A. Yes.

15 Q. We have heard some evidence that that transparency can
16 build trust and build rapport with members of the
17 public.

18 A. Yes.

19 Q. And building that trust and that rapport can have
20 long-term benefits in investigations as well as other
21 ways.

22 A. Yes.

23 Q. Would you agree with that?

24 A. Yes, I would to a certain extent. However, on the
25 flip-side of that it can be that some sort of negative

Transcript of the Sheku Bayoh Inquiry

1 impact of an enquiry sometimes -- I have been on
2 enquiries where a lot of information has to be withheld
3 for a certain time and it sounds awful.

4 Me personally I would love to go into the family on
5 the first day and say, "This is what's happened", but it
6 would have been a negative impact on the enquiry because
7 no one knew at that time. As I said before, we have to
8 be transparent to a degree. We -- me as a DC was
9 directed by the SIO's policy and if it meant me giving
10 any further information that impacts on the outcome of
11 this enquiry then I wouldn't be doing my job properly
12 either, so it has to be a balance I think. That's my
13 personal view, there has to be a balance.

14 Q. Let me just ask you a few more questions about that.
15 You said there could be enquiries where there are
16 particular circumstances where you would want to
17 withhold information.

18 A. Yes.

19 Q. Could you give the Chair an example of where it might
20 be, or you think it might be appropriate to withhold
21 information?

22 A. I think when -- if you're looking for an outstanding
23 suspect here and you're divulging information regarding
24 a certain crime and it's going to impact on you getting
25 any further evidence on that person, or sufficient for

Transcript of the Sheku Bayoh Inquiry

1 you to get that person into custody then you would have
2 to retain information.

3 On that morning I think no one knew what we had, we
4 had to have that open mind and I think, as you can see
5 from the messages, as identification has been confirmed
6 the messages have changed. Could we have been better at
7 it? I think we probably could have, but it's a learning
8 curve for everyone and I can totally understand why they
9 withheld certain parts of it, but I think a degree of
10 being honest with the family in passing that death
11 message to both Colette and Kadi at that time was before
12 it got out into the social media because everyone is
13 aware how quick things -- I think the worst possible
14 thing for a family is finding out third-hand from the
15 public, which is awful.

16 Q. We may hear that the speed at which social media and
17 information is out there, that has become even more of
18 a priority as the years have gone by. Is that the sort
19 of thing you're referring to?

20 A. Yes, yes.

21 Q. Where information is very quickly disseminated?

22 A. Yes.

23 Q. When we're thinking about enquiries where it may be
24 appropriate, or there may be circumstances where it's
25 appropriate to withhold information, would -- in your

Transcript of the Sheku Bayoh Inquiry

1 experience would it have impacted this enquiry or this
2 investigation on 3 May to have shared with the family
3 that Mr Bayoh died after coming into contact with
4 the police?

5 A. This is my personal opinion regarding it, so this
6 probably isn't a police opinion. I think it probably
7 would have benefited the family, if I'm being honest,
8 because when we passed that last message we got -- the
9 family sort of exploded and rightly so. The aggression
10 towards us was more borne out of frustration because of
11 lack of information and I could totally empathise with
12 that because I would be exactly the same, I would want
13 information.

14 So it's never easy to pass that sort of thing and
15 I think that initial morning when we passed that
16 information, what would we have lost? Personally
17 I don't think that much. At least it would have been
18 upfront and honest and they wouldn't have been provided
19 with information from social media, or given another
20 death message, then another death message. That's my
21 personal opinion. Looking back on it in hindsight is
22 great; at the time you have to make operational
23 decisions that fit the investigation but ...

24 Q. You have said a lot there. Can I ask you to go through
25 that again. You have said that delivering that second

Transcript of the Sheku Bayoh Inquiry

1 death -- we have heard from Andrew Mitchell this morning
2 about the first death message being delivered to the
3 Johnsons and then the second. You said the family's
4 reaction was borne from frustration because of lack of
5 information and is that in your experience what gave
6 rise to the problem?

7 A. Yes. I didn't take anything personally the way they
8 reacted. It's raw emotion. I've lost a cousin this
9 year and the lack of information, it just -- it tears
10 families apart and they just want information and I knew
11 what they wanted and we tried to explain as much as we
12 could. We are restrained under a "You will provide this
13 and nothing more, nothing less", and that is what we had
14 to keep saying, "We can only give you this because it is
15 an ongoing ..." I would have loved to have given them
16 more information to put their mind at rest a little bit.
17 It wouldn't have given them any consolation but it would
18 have answered a few questions as to what's happened that
19 day because we left them with nothing very much to be
20 honest.

21 Q. And how would that have helped -- from your own personal
22 experience of this, how would it have helped the family?

23 A. I think it would have been -- if -- for me if they had
24 been given a wee bit more context from the start it
25 wouldn't have been this shock factor of -- even though

Transcript of the Sheku Bayoh Inquiry

1 I don't think we're trying to mislead them with those
2 messages because there was a reason why the message
3 changed as information came in to us, confirmation of
4 identification. Once that identification was confirmed
5 it probably would have been easier to have just said,
6 "This is what's happened this morning, following an
7 incident whereby he was contacted by police and
8 an attempted arrest on Sheku Bayoh has resulted him
9 becoming unconscious." If that had been disclosed
10 probably earlier, it wouldn't have had the family
11 thinking, "Why are we being given yet another
12 explanation to it?"

13 I think their concerns were throughout the whole --
14 as an expansive time period throughout that day -- that
15 timeline for that day, having them messages passed over,
16 must have impact on them, sitting there waiting, and we
17 have come to give another death message within
18 ten minutes which is different from the one previous, so
19 I have no doubt I would have been exactly the same.
20 I would have been frustrated.

21 Q. You say you would have disclosed it if it had been
22 disclosed earlier. How much earlier would you think
23 a death message should have been disclosed?

24 A. I'm merely just suggesting from my opinion what might
25 have helped and might not have helped so ...

Transcript of the Sheku Bayoh Inquiry

- 1 Q. What benefits can there be from disclosing a -- or
2 providing a death message earlier, or as early as
3 possible?
- 4 A. I think once identification is confirmed I don't see any
5 reason why we couldn't have just passed it then, saying
6 "This is what's happened". There has to be an
7 investigation into it, so I can understand that there
8 has to be a way of between the both -- but obviously
9 that's -- it isn't my decision to make that.
- 10 Q. We have heard different evidence from different people
11 about how they maybe weren't 100% sure that the
12 identification was that it was Sheku Bayoh and then we
13 have heard other information about they were almost 100%
14 sure, or they were convinced, or they could see there
15 was a link, and when you say when the ID is confirmed
16 there should be a death message, what do you mean by
17 confirmed? Are you talking 100% or something less than
18 that?
- 19 A. Yes, realistically -- I think to go to a family without
20 the full context of what happened there has to be
21 a positive ID, a confirmed 100% identification, whether
22 it be from a friend, family member, or potentially
23 a social media image or anything like that, just to
24 confirm 100%.
- 25 On the flip-side of that, the first time we went we

Transcript of the Sheku Bayoh Inquiry

1 did not have that 100%. We had -- a lot of things were
2 suggesting that it was him. We were just about there
3 due to the -- there were numerous things, I'm sure we
4 will discuss them anyhow, that suggested it was him and
5 I think passing that death message -- we had to do
6 something, to speak to Colette regarding that, rather
7 than her find out it was him an hour or two later. We
8 had to say who we believed it to be. We couldn't
9 (inaudible) definite at that point so we had to give
10 something at that point.

11 Q. Having shared that death message with Colette Bell --
12 not being 100% but having been asked to share that
13 message with her, why was there not then a corresponding
14 message given to the Johnsons at that time?

15 A. I don't know.

16 Q. You don't know?

17 A. I couldn't comment. I honestly couldn't comment on
18 that. We were given that task to pass that death
19 message and then we spent three hours speaking to
20 Colette and she was great that day. I asked her on
21 numerous occasions, "If you want to stop, I'll quite
22 happily stop", but it was probably about two or three
23 hours we sat with her after giving the death message, so
24 I couldn't fault her that day for sitting through with
25 us in that room with her baby and her mum.

Transcript of the Sheku Bayoh Inquiry

1 I don't know what decision was made in between that
2 time, could it have been passed, I don't know. I can't
3 comment on when the confirmation was made during that
4 time period. So I was away for about -- both Andy and
5 I were away with Colette for about three, three and
6 a half hours easily.

7 Q. So whose decision would it have been on that day about
8 the timing of the death message to the Johnsons?

9 A. It depends who has come at the time. I think the senior
10 investigator at the time will have been the SIO, so it
11 will have been an inspector at the time and I don't know
12 who has taken over. I knew there was a super that came
13 who I didn't recognise at first, so I don't know what
14 time he had arrived and if he had indeed taken over
15 control of the enquiry, so I don't know. I couldn't
16 comment on that.

17 Q. We may hear at some point in the hearing that there was
18 DI Robson and there was Detective Superintendent
19 Pat Campbell.

20 A. Yes.

21 Q. Do you know who the SIO was on 3 May?

22 A. I believe it was Colin Robson initially and then
23 I briefed Pat Campbell, the Superintendent Pat Campbell
24 I should say, at the FLOs meeting at the end of the day.
25 That was the only time I met him and I didn't know if he

Transcript of the Sheku Bayoh Inquiry

1 was taking over at all, I wasn't made aware of that, and
2 that was us terminating duty at that point.

3 Q. What time was that?

4 A. Probably the end of the day. My timings are in my
5 statement I'm sure somewhere.

6 Q. I can go over that tomorrow, but if I say about 6.30 in
7 the evening when you had a meeting with the FLO and
8 Pat Campbell, would that be roughly about right?

9 A. It will be around about that time, yes.

10 Q. So as far as you were concerned, up until that point you
11 thought DI Robson was the SIO?

12 A. Yes.

13 Q. Senior Investigating Officer.

14 A. Yes.

15 Q. And it would have been his decision to decide what the
16 death message was and when it was delivered?

17 A. Yes. Whoever is SIO at that point -- I don't know.
18 When we had been given that task to speak to Colette, he
19 was the SIO at that point, so I don't know if he was
20 relinquished from that and someone else took over, but
21 at that point he was SIO as far as I was concerned.

22 Q. We may have heard about the involvement of DS Graeme
23 Dursley at that time, involved in giving instructions
24 and discussing the death message from Andrew.

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And I wondered what was your awareness of Dursley's role
2 that day, what his responsibilities were?

3 A. I think they were both -- him and DI Robson were both
4 working together and basically allocating the tasking
5 from there, so basically both working together, albeit
6 the usual routine is inspector is the SIO and then the
7 DS allocates the job from there, so routinely you're
8 sometimes briefed by the DI and the DS at the same time.

9 Q. Right, okay. You mentioned earlier -- I have slightly
10 gone away from it, but you mentioned earlier that you
11 were told to provide -- when you were delivering the
12 death message to the Johnsons -- provide "no more and no
13 less". That's the words you used.

14 A. Yes.

15 Q. Who gave you the instruction to provide no more and no
16 less?

17 A. I'm trying to remember now. Was it DS Dursley? I think
18 it was DS Dursley that had spoken to us and that's --
19 a death message is -- you can't give any more
20 information than what you're given. As I said before,
21 you would like to give more in certain circumstances,
22 but you're kind of restrained because of that
23 investigation and if you're told to give that, that is
24 all you give. And certainly respecting what I said
25 earlier about two other suspects, I don't know where

Transcript of the Sheku Bayoh Inquiry

- 1 that's come from because we had no idea there was
2 anybody else involved at all at that point and there
3 obviously wasn't either.
- 4 Q. When did DI Dursley -- or I think he was DS then
5 perhaps.
- 6 A. Yes, DS.
- 7 Q. When did he give that instruction to provide no more, no
8 less?
- 9 A. I can't remember, but he said it that day I can
10 remember. I task it myself. I say it when I tell my
11 cops to go and give a death message, if it's required:
12 no more, no less than what there is. Some death
13 messages -- you kind of assess what it is. If it's
14 a sudden death in a family, it's expected, there's no
15 issue with giving how they were found that night,
16 whatever, but on that day we're told no more, no less
17 than what we have been given.
- 18 Q. Do you know why you're told "no more, no less"?
- 19 A. I can only assume because of the investigation which was
20 ongoing. It was still in the sort of early stages of
21 it -- in the early stages of it and I can only surmise
22 that's probably because of that, but that's not for --
23 that wasn't my decision, so it's probably down to policy
24 at the time.
- 25 Q. We will maybe need to hear other evidence about this.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. In the first death message that you gave to Colette
3 Bell, for example, there was no mention of police
4 contact.
- 5 A. No.
- 6 Q. Or Sheku having come into contact with the police.
- 7 A. No.
- 8 Q. Do you know why that wasn't mentioned in the first death
9 message?
- 10 A. No, no idea. I was just told to pass that message and
11 that was it.
- 12 Q. Were you told not to mention that there had been contact
13 with the police?
- 14 A. All I got was just give that as per read and nothing
15 more. That's all we can give at the moment until we
16 clarify ID on it as well, that was it.
- 17 Q. How did you -- you have talked about transparency and
18 the benefits of that. You have talked about being
19 upfront and honest.
- 20 A. Yes.
- 21 Q. You have used those words. How did you feel about being
22 asked to pass a death message where there's no mention
23 of the fact the police were in contact with the person?
- 24 A. I didn't know the full context of what had happened,
25 what else had gone on since we first got there. So we

Transcript of the Sheku Bayoh Inquiry

1 were away at the house so in between that time anything
2 could have happened, so I really could only make
3 a decision on the information that I had prior to that.
4 If I had had any more information regarding it and what
5 had come in then I would probably be better placed to
6 make a better decision, but that wasn't my decision at
7 that time. Did it sit right with me? Probably not
8 because I have always been the one to give them that wee
9 bit of comfort towards what's happened and, as I said
10 before, I can understand why they maybe retained that
11 sort of information, but as the reasons behind that
12 I don't know.

13 Q. You said it didn't sit right with you and that you would
14 have given a bit more information, given the family
15 comfort. Do you think giving more information can be
16 comforting for families in your experience?

17 A. Yes, I think so. I think therein lies the problem,
18 I think that lack of information is probably where the
19 frustration was coming from. As I say, it's not me
20 trying to offload this onto someone else's decision
21 because I'm in that position now where I make that
22 decision, so it's not an easy one, it's not took
23 lightly, certainly not when there's other things that
24 have been happening behind the scenes that we haven't
25 seen so I couldn't comment why it was withheld. From

Transcript of the Sheku Bayoh Inquiry

1 a human aspect, is it nice? No, it's not nice, but from
2 a policing aspect sometimes it has to be done
3 unfortunately.

4 Q. In this particular set of circumstances can you think of
5 reasons why it had to be done on this occasion?

6 A. I think we didn't know the full context of what's
7 happened. We've got -- at that point we now had two
8 locuses where the deceased was and the house where we
9 end up deciding that was probably the incident started
10 from, or whatever started, because there was
11 a disturbance there, so we still didn't know what had
12 happened there, so I can understand why they didn't give
13 it, but what information is coming between that time,
14 I don't know.

15 Q. Looking back at that death message which you delivered
16 to Colette Bell on 3 May, do you think that could have
17 been done better?

18 A. From the delivery method from Andy and I?

19 Q. I will come to that later. Do you think the phrasing or
20 the actual message itself?

21 A. I think from -- once I passed the death message to
22 Colette she obviously was distraught and it's
23 understandable, she had just found out her partner died
24 and she kept saying, "It can't be him, it can't be him"
25 and trying to explain to her, "This is the reasons why

Transcript of the Sheku Bayoh Inquiry

1 we believe it is him", because the timeline between the
2 two houses, the incidents have sort of occurred a very,
3 very similar timeframe, he is missing, we have seen --
4 it's not trying to say -- it wasn't exact it was
5 guaranteed because it was a black man had then become
6 unconscious and transferred to hospital and died.

7 It was believed to be her partner at that point and
8 that was what was passed over and the reasons why it was
9 believed. It was confirmed -- she said he has a gold
10 phone with him and that was confirmed that that was at
11 locus where he was found. Lots of those strands that
12 gave us reasons to suggest quite highly that it was him
13 and just trying to explain that after we had passed the
14 death message because the death message was very bland,
15 she had loads of questions that we couldn't answer and
16 the main one was, "It's not him, it's not him". I said
17 "Look, these are the reasons why we believe it to be
18 him", and I don't think we could have passed it any
19 better. We tried to explain it as much as we can.
20 Especially in them sort of emotional times, everything
21 was just going over her head, she was distraught, the
22 baby was there. Fortunately her mum was there with her
23 as well which give her some sort of comfort.

24 Q. Can I take you back before we finish today about when
25 you go to the house of Colette Bell and can you explain

Transcript of the Sheku Bayoh Inquiry

1 your understanding at that time about why you wanted to
2 secure the house --

3 A. Yes.

4 Q. -- and tell us a little about that.

5 A. Okay. Can I take a drink of water first, is that okay?

6 Q. Yes, please do. I will take one as well.

7 (Pause)

8 I also understand that -- do you know that there's
9 a transcript of what's being said prepared and sometimes
10 the transcriber is having difficulty picking up what
11 we're saying.

12 A. Right, okay.

13 Q. So I'm going to sit very close to the microphone. I'm
14 going to ask you to do the same. Will you be able to do
15 that?

16 A. Yes, I'm fine. I don't think I can get any closer. It
17 will be up my nose I think.

18 Q. And I think it's late in the day and we're maybe
19 speaking a bit quickly as well.

20 A. Okay, yes.

21 Q. So, I have been warned.

22 A. I will slow down.

23 Q. I will get into trouble unless we manage to work this
24 out.

25 A. Okay.

Transcript of the Sheku Bayoh Inquiry

1 Q. So let's go back just before we finish today about --
2 and talk about going to the house of Colette Bell.

3 A. Yes.

4 Q. And I would like to know what your position was when you
5 arrived. We have heard that three officers arrived.

6 A. Yes.

7 Q. Yourself, Andrew Mitchell and Calum Clayton.

8 A. Yes.

9 Q. Three officers. I'm wondering why three officers turned
10 up at the house and if you can speak slowly as we go
11 through it.

12 A. I will. I can honestly say I don't know. It might be
13 the reason the fact that you're sent out in pairs
14 normally for enquiry teams. It was an odd number.
15 I would like to think we probably had three because of
16 the call that came in. So we have two call cards that
17 have tenuous links between the two of them, a female --
18 so if we deal with the call we're sent to with Colette
19 and it's individually by itself, there's a female that's
20 rung in and found her house insecure and there's
21 evidence of a disturbance within. I'm not trying to
22 relate this to what's happened to Sheku, I'm taking this
23 on its own, just by itself. My risk assessment is at
24 that point I have a female who has got a child, found
25 the house insecure, there's a disturbance inside, I'm

Transcript of the Sheku Bayoh Inquiry

1 worrying is anyone in that house, do we have concerns
2 for that, so we may -- immediately we got to the house,
3 the house was locked at the time. I'm thinking "Right,
4 hang on a minute, is there anything else happening
5 here?" So we rang her I believe at the time and she
6 came within about five or ten minutes with her mum.

7 I have spoken to Colette asking "Right, you rang in
8 regarding your house being insecure, is that right?"
9 "Yes." And she explained that her partner was missing,
10 that the house had been a mess inside. I said "Are you
11 quite happy for us to go in purely out of safety for
12 yourself?" As I have said before, to protect life, that
13 is our job. Under section 20 of the Reform Act, to
14 protect life, we have legislation to go in that house if
15 need be --

16 Q. Okay, you are speeding up again.

17 A. Yes, sorry.

18 Q. So, you are there to -- your number 1 priority is
19 protecting life?

20 A. Yes, yes. So I had to be confident that there was
21 no one in Colette's house because she has obviously got
22 concerns enough to ringing the police and say "My house
23 is insecure and there's a disturbance within" so --

24 Q. How did you satisfy yourself that there was no one in
25 the house?

Transcript of the Sheku Bayoh Inquiry

1 A. I spoke to Colette and said "Are you quite happy for us
2 to go in first?" she says "Yes, I'm fine" I said "I'm
3 not really wanting you to go in the house with a 15 week
4 old child and your mum and someone's in that house." I
5 says, because potentially what could be there and it has
6 happened in the past.

7 Q. So that was a risk, a potential risk as far as you were
8 aware?

9 A. Yes. I think the risk -- there's obviously a risk
10 because she has rung in, so that risk has come from her
11 ringing the police and we have come out to try and help
12 with that. My concern that there was someone in the
13 house, there's potential. In the back of our minds
14 we're thinking "Is this in relation to the male that's
15 further down the street?" which is literally a couple of
16 hundred metres away. Has this been the site of where an
17 incident might have started? So we don't know and as
18 I said before you have to have an open mind as to what's
19 happened.

20 Colette was quite happy with that. Because she had
21 a child I didn't want her going down the house and being
22 faced with some male that's in there, some female or
23 whoever is in that house. "So what we're going to do is
24 we will make sure the house is empty before you go in so
25 everything is safe for you." I have stood with her at

Transcript of the Sheku Bayoh Inquiry

1 the doorway while I sent the other two DCs, one upstairs
2 and one through the kitchen into the living room. They
3 cleared the house and no one was within. I was quite
4 happy at that point. I said "Are you quite happy for us
5 to come in and give us an explanation, a rough
6 explanation as to what's happened?" Her partner had
7 gone missing the night before and explained who he was,
8 description of him and showed a photograph and that was
9 when I fed back to DS Dursley stating potentially that
10 this might be a link between the incident that's
11 happened on Hayfield.

12 Q. So the three of you arrive.

13 A. Yes.

14 Q. Wait for Colette Bell.

15 A. Yes.

16 Q. She arrives with her mum Lorraine Bell and her baby.

17 A. Yes.

18 Q. And you have said you waited outside while the other two
19 went in to check the house.

20 A. Yes.

21 Q. How long were you outside?

22 A. Not long. The reason why I stayed outside was just to
23 provide security for her and the wee one. We didn't
24 know who was there. There was still potential there
25 were people in that house. We didn't know what was

Transcript of the Sheku Bayoh Inquiry

1 going to be in there, so it's an unknown risk to be
2 honest.

3 Q. If we have heard that you went into the living room,
4 was-- that's not -- with the two other officers, that's
5 not the case then, is it?

6 A. I honestly can't remember. I remember I had her waiting
7 at the door to make sure she hadn't gone in to make sure
8 no one was in there. I might have looked in the living
9 room because the living room was literally at the front
10 door to the right as you go in. I remember it rightly,
11 so straight -- there's a straight view from the living
12 room through the kitchen to the back door which was
13 open. The living room door is to the right and we have
14 looked in to make sure there is no one in there and
15 someone has gone to the kitchen and then come back and
16 checked the living room.

17 Q. And did someone go upstairs?

18 A. Yes.

19 Q. And so once you have checked -- had the property checked
20 did you go in -- did all the officers go into the house
21 at that time?

22 A. Yes. We were still within the house and Colette was
23 saying that she needed to feed the baby and I said
24 "Where do you feel comfortable?" So she went into the
25 living room and got stuff for the child at that point

Transcript of the Sheku Bayoh Inquiry

1 and that's where she gives us a brief sort of thing that
2 her partner had been missing since last night. His pal,
3 his friend -- I think it was that -- I think she
4 mentioned the name Saeed at that point, saying he had
5 rang and that they were back at the house or something
6 around -- I think it's in her statement. And she
7 returned to the house and it had been insecure and there
8 was disturbance because there was stuff strewn in the
9 kitchen and into the garden when we arrived.

10 Q. And you have said the back door was open.

11 A. Yes.

12 Q. And we have heard that you took her to Kirkcaldy Police
13 Office for a statement, to give a statement?

14 A. That's correct, yes.

15 Q. Was there a reason why you couldn't take the statement
16 in her house?

17 A. Initially it was trying to get the right sort of order
18 of what's happened. I spoke to DS Dursley about the
19 connections between his description, she is stating he
20 has been missing since last night, the gold phone that
21 she says he has on his person which was found next to
22 his body at Hayfield and I said this is a suggestion
23 that this could be one and the same man that's gone
24 missing, her partner. At that -- I was speaking to DS
25 Dursley as I say. I can't remember if he said then that

Transcript of the Sheku Bayoh Inquiry

1 he had passed away then and we need to try and secure
2 the house now because there's a potential point of where
3 the incident may have started and that's why we have
4 gone back.

5 Q. So is that the reason, you wanted to secure the house?

6 A. Yes, I believe so.

7 Q. And that was a conversation you had with DS Dursley.

8 A. Yes.

9 Q. And what was the authority, the legal authority on which
10 you seized the house?

11 A. We spoke to Colette (inaudible) entering the house, so
12 at that point, entering the house, it wasn't an issue.
13 I think under general seizure under common law we can
14 seize any evidence if that's pertaining to a house,
15 albeit it will be seized at that time, but obviously if
16 we're needing to search and get warrants they will be
17 asked for and more than likely granted on the back of
18 that as well.

19 Q. Did you seek a warrant for that house to be searched?

20 A. I didn't personally. I secured the house as I was
21 directed and that was my last time I was in the house
22 after that.

23 Q. When you say you secured the house, what does that mean?

24 A. We basically closed the front door, back door and put
25 a cop on either entrance just to secure it, secure

Transcript of the Sheku Bayoh Inquiry

1 evidence basically because there is reasonable doubt --
2 I should say reasonable to suggest that that's the point
3 of where the incident potentially happened or started.

4 Q. And we have heard some evidence about a locus protection
5 book or a scene entry log.

6 A. Yes.

7 Q. Is that something you remember being asked to sign?

8 A. It will be asked to bring -- to have been brought down,
9 more than likely, and we will have probably left by that
10 point. So routinely we will have documented both
11 within -- with our operational statement that we have
12 been in the house, so that would routinely cover that
13 and when the log is started, it's started and time
14 dated. Usually noted on your notebook if you start
15 a log at that time or within the start of the log a name
16 put in it, whoever starts it. I think it was two
17 community officers who came up on that day.

18 Q. And was there any difficulty when you took Colette to
19 Kirkcaldy Police Office for her mum or her baby to come
20 with her?

21 A. No, it wasn't an issue at all. We spoke and Colette was
22 quite -- and I said "Look, there's no issue at all" and
23 I said "If you're needing anything for the child, that's
24 fine, you can bring the wee one and your mum can come
25 out as well." Her mum wasn't potentially going to be

Transcript of the Sheku Bayoh Inquiry

1 a witness so that wasn't going to impact on her giving
2 a statement at all, so just purely for her welfare I
3 didn't see any reason why we couldn't and there was --
4 none of my gaffers were contradicting that either, they
5 were quite happy with that, so.

6 Q. Is this something that you discussed with your gaffers?

7 A. No, I made that decision myself. I don't think they
8 would have -- to be honest, when we got back, I informed
9 that we brought her up just to give her the support and
10 they were quite happy with that. So there wasn't any
11 issue at all.

12 Q. You didn't have any concerns or try and stop her mum or
13 her baby coming?

14 A. No, I don't think that would have been fair on her to be
15 honest, having to say "You can't bring your mum or your
16 child", especially the fact that it's a 16 week old
17 child and mum -- it's ideal in those circumstances to
18 have somebody like that. Especially the fact that we
19 are potentially going to pass a death message to someone
20 and if she's sat there without her mum, I don't think
21 that would be great, to be honest.

22 Q. And is that something that was in the back of your mind
23 already --

24 A. Yes.

25 Q. -- when you took her to Kirkcaldy?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, because I knew on the back of that we would
2 probably have to get movements of Sheku through that
3 night, but what's led up to the incident so I knew from
4 previous experience that we're going to have to
5 potentially get a statement if she is able to get one.

6 Q. And if we -- we haven't heard evidence from Colette Bell
7 so far, but if we were to hear that she felt there was
8 some hesitation about her mum and her baby coming with
9 her which she resisted, would you remember anything
10 along those lines?

11 A. No, no, definitely not. I don't think -- that sort of
12 thing, as I have said before, you have to be flexible
13 with that and it would probably have been suggested that
14 her mum come, to be honest if anything, certainly from
15 us and definitely if you have worked with Andy or I in
16 the past, you probably couldn't get any two cops that
17 are that helpful. We have both been in the community
18 teams before and that. I genuinely think we couldn't
19 have suggested anything better than that to help her
20 welfare, albeit taking her to a station for a statement
21 is not great, but we couldn't do it in that house
22 because it was the potential locus, so --

23 MS GRAHAME: Thank you very much. I'm conscious of the time
24 now.

25 LORD BRACADALE: We will stop there then and sit at

Transcript of the Sheku Bayoh Inquiry

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SERGEANT ANDREW MITCHELL (sworn)1
 Questions from MS GRAHAME1
SERGEANT WAYNE PARKER (sworn)159
 Questions from MS GRAHAME159