

Transcript of the Sheku Bayoh Inquiry

Friday, 10 June 2022

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(10.01 am)

LORD BRACADALE: Good morning.

Good morning, Dr Crawford.

We will continue with your evidence now, so

Ms Thomson, when you're ready.

DR RUDY CRAWFORD (continued)

Questions from MS THOMSON (continued)

MS THOMSON: Thank you.

Good morning, Mr Crawford.

A. Good morning.

Q. Yesterday afternoon I think we maybe went a little off topic and it was absolutely my fault, but what I would like to do this morning is get back on point and really focus on the matters that will help the Chair. I would like to look at any evidence that is available to the Chair for his consideration regarding any injuries to Nicole Short's back, and whether that evidence is consistent with the stamps as described and demonstrated by Constables Tomlinson and Walker.

We're going to do that this morning, you and I, by exploring three areas. Firstly, I would like us to look at Nicole Short's medical records and identify any entries that may be consistent with the stamps to her

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1 lower back or kidney area, as demonstrated. Then I'm
2 going to invite your comment on the evidence given by
3 Mr Ian Anderson who expressed the view that the injuries
4 that he noted when he examined Nicole Short on
5 21 May 2015 were not consistent with the stamps as
6 demonstrated. And finally, we're going to look at your
7 Inquiry statement briefly and clarify your position for
8 the benefit of the Chair.

9 So we're going to begin by looking at some medical
10 records, Mr Crawford, and I understand that you would
11 ordinarily wear prescription glasses for looking at
12 medical records --

13 A. Correct.

14 Q. -- and you have perhaps left those behind this morning.

15 A. Correct.

16 Q. But you do, by happenstance, have a pair of prescription
17 sunglasses in your brief case.

18 A. Yes, yes, I'm very embarrassed about that.

19 Q. Please don't be, please don't be embarrassed in the
20 slightest. The most important thing is that you are
21 able to read the text in front of you. All of the notes
22 are in hard copy, we may bring some up on the screen,
23 but I'm going to ask you to simply look through notes to
24 identify entries for me, so if you would be more

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1 comfortable doing so with your prescription sunglasses
2 on, then please feel free to pop them on.

3 A. Thank you.

4 Q. So we don't need to bring these up on the screen just
5 now, Ms Wildgoose, but I'm going to ask you firstly,
6 Mr Crawford, to look at the accident and emergency notes
7 from 3 May 2015, and they will have a PIRC reference on
8 them, which is 01158. That might help you to find them
9 in the folder. It may be that Mr Bruce and Ms Pang
10 might be able to assist.

11 A. Yes, I have them.

12 Q. At the very beginning --

13 A. Yes, at the very beginning.

14 Q. -- there we are. There are only a few pages of notes
15 and what I will ask you to do -- there are only two
16 pages of handwritten notes completed by Dr Mitchell.
17 Can I ask you please simply to cast your eye over those
18 notes and identify any entries that are consistent with
19 stamps to Nicole Short's lower back or kidney area, as
20 demonstrated. Please take the time that you need to
21 read through the records. Please don't feel intimidated
22 by the silence.

23 A. Thank you. Thank you.

24 (Pause).

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1 Q. Having read the notes, Mr Crawford, if you form the view
2 that there are no entries that would be consistent with
3 the stamps we saw demonstrated, please just tell me and
4 we will move on.

5 A. Yes, I am familiar with the notes, but I was just
6 reading them again. There is no reference to any injury
7 or injury mechanism like that in these particular notes.
8 The only thing that I previously noted but which is not
9 directly relevant to stamps so I don't know whether I
10 should actually mention it -- is there's an entry on
11 a blank page here that's not annotated in any way but it
12 says "Query loss of consciousness, punches to back
13 head", and, you know -- which applies or suggests that
14 there was a head injury, but that's not related to
15 stamping.

16 Q. And the Chair heard from Dr Mitchell yesterday as to who
17 may have made that entry and the significance of it so
18 rest assured, that's not a matter that need concern you
19 today.

20 A. Okay, fine.

21 Q. So we can move on then from the notes from the accident
22 and emergency department on 3 May 2015 and we will look
23 now at the report and notes prepared by Dr Norrie, the
24 forensic medical examiner, who examined Nicole Short

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1 later that day and again, what I'm going to ask you to
2 do, Mr Crawford, is look through these notes and
3 identify for the Chair any entries that you consider are
4 consistent with stamps to the lower back or kidney area,
5 as demonstrated by the officers, and for present
6 purposes, I don't think we need to concern ourselves
7 with any entries to do with head injuries.

8 A. Sure, okay.

9 Q. Now, these have PIRC references 01310 and 01301. I'm
10 not sure where in your folder they will be.

11 A. Yes, I have them here.

12 Q. You have them?

13 A. Yes. So 01310 --

14 Q. 01310 is the type-written report.

15 A. Oh, right.

16 Q. 01301 are the handwritten notes that preceded it.

17 A. Okay.

18 (Pause).

19 Right, again, there are none.

20 Q. All right. Let's move on then to the records from the
21 accident and emergency department on 4 May 2015. They
22 have PIRC reference 01160. Are you able to find those,
23 Mr Crawford?

24 A. Yes, I've got them.

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1 Q. Grand. Again, please take the time that you need.
2 (Pause).
3 You mentioned yesterday afternoon that you recalled
4 somewhere seeing a reference to --
5 A. Yes, it's in these records.
6 Q. -- paraspinal tenderness.
7 A. That's correct.
8 Q. It's here, isn't it?
9 A. It is. It was on the attendance at the emergency
10 department on 4 May 2015.
11 Q. Let's bring these records up, please, Ms Wildgoose.
12 This is PIRC 01160, and the relevant entry I think,
13 Mr Crawford, is on page 5.
14 A. Yes. It is a little bit lower down.
15 Q. Bottom right-hand corner.
16 A. There it is, that's it.
17 Q. There we are.
18 A. "Mild right paraspinal tenderness."
19 Q. Just to help those who are looking at the screen, that's
20 in the margin on the right-hand side of the page, is
21 that right?
22 A. That's correct.
23 Q. But if we look slightly to the left, do we also see
24 recorded:

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1 "No C-spine tenderness FROM ..."

2 Which I think is full range of movement?

3 A. Full range of movement, yes.

4 Q. "... neck ... no T/L/S spine tenderness..."

5 A. Thoracic, lumber or sacral spine tenderness or bruising.

6 Q. Thank you. And then in the margin "mild right
7 paraspinal tenderness."

8 A. Yes.

9 Q. And that's the entry that you recalled ringing a bell
10 with you yesterday afternoon?

11 A. Yes, and that's the area -- these notes refer to
12 specific bony tenderness of the spine and that entry
13 refers to the muscles around the spine, in this case on
14 the right side, where I was referring to yesterday which
15 also coincides with the kidney area, you know, that kind
16 of area, and so I formed the view that that was
17 supportive evidence of an injury there and that could be
18 attributed to a stamp.

19 Q. I see. Am I right to understand that the paraspinal
20 muscles run from the top to bottom of the spine on both
21 sides?

22 A. Well, you're -- yes, but these ones actually run from
23 the lower thoracic area to the pelvic area, so these are
24 lumbar muscles, they're predominantly in the -- either

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- 1 side of the lumbar spine, the ones that they're
2 referring to there.
- 3 Q. What makes you think that they're references to the
4 muscles in the lumbar spine?
- 5 A. Because -- well, it's in the entry where she is
6 examining the spine and it is right next to where she
7 says that there's no bony tenderness of the thoracic
8 lumbar or sacral spine, and paraspinal muscles in
9 clinical practice, that would normally be referring to
10 that area of the body at the time they're examining
11 them. If it was cervical spine -- because you could say
12 paraspinal in relation to the cervical spine, but most
13 people don't, they would say cervical spine, but that
14 would be in relation to the cervical spine, so that's
15 put in there and that was my interpretation of it.
- 16 Q. So that's how you have interpreted what's written in
17 those records?
- 18 A. That's how I have interpreted it. This is the right
19 paravertebral muscles, in other words, the right lumbar
20 back area of the spine.
- 21 Q. Mr Crawford, I'm going to ask you to consider some
22 evidence that is before the Inquiry in written form from
23 Dr Smeed, and Dr Smeed is the doctor who made these
24 entries. Now you have not seen this before?

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1 A. No.

2 Q. But if I can ask you, please, Ms Wildgoose, to bring up
3 on the screen SBPI 00121 and we will just satisfy
4 ourselves that this is in fact Dr Zoe Smeed's statement
5 and it is, and it was given to a member of the Inquiry
6 team on 4 April of this year.

7 Can we scroll down, please, to paragraph 60 and 61
8 and I will read these out, Mr Crawford, to save you
9 having to put your sunglasses on again. 60:

10 "I have been referred to the medical records at
11 page 5: 'no C-spine tenderness FROM neck mild R
12 paraspinal tenderness'. 'FROM' means full range of
13 movement. She's moving her neck normally. She had no
14 tenderness over the bones in her neck, she had some mild
15 tenderness to her right paraspinal muscles at her neck,
16 which are more muscular and she was able to fully move
17 her neck. So you do that if you're worried about
18 looking for a fracture with the neck. I test tenderness
19 by feeling down the spinal bones and checking if it is
20 sore.

21 "I have been referred to the medical records at
22 page 5: 'no TLS spine tenderness/bruising'. This means
23 she has no thoracic, lumbar or sacral spine tenderness
24 or bruising."

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1 In light of that evidence, Mr Crawford, and the
2 clarification that the tenderness was mild and was to
3 the right paraspinal muscles at her neck and not in the
4 lumbar spine as you had understood the position to be,
5 do you consider that the entry on page 5 of the records
6 that we looked at a moment ago is consistent with the
7 stamps to the lower back or kidney area as demonstrated
8 by Constable Tomlinson and Constable Walker?

9 A. If that doesn't refer to the area -- to the entry "No
10 thoracic, lumbar or sacral spine tenderness or
11 bruising", if it doesn't refer to that, then I would
12 interpret that as being that there was no evidence of
13 injury in that area.

14 Q. So no evidence of injury in the thoracic, lumbar or
15 spinal area?

16 A. If that entry didn't apply to -- if the marginal note
17 didn't apply to that entry.

18 Q. Which it doesn't; the evidence before the Chair by the
19 author of that note is that the marginal note does not
20 apply to "No T/L/S spine tenderness/bruising", but does
21 apply to "No C-spine tenderness FROM neck". That is the
22 entry to which the marginal note refers.

23 That being the case, do you consider that the entry
24 is consistent with stamps to the lower back or

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1 kidney area as demonstrated by the officers?

2 A. Well, if it doesn't refer to that then no, it's not
3 consistent with that.

4 Q. Would the tenderness in the right paraspinal muscles be
5 more consistent with Nicole Short having been struck to
6 the back of the head, behind her right ear with such
7 force that her feet left the ground?

8 A. Sorry, would you repeat that question, please?

9 Q. Of course. I'm wondering whether the tenderness in the
10 right paraspinal muscles of the neck might be more
11 consistent with Nicole Short having been struck to the
12 back of her head, behind her right ear, with such force
13 that her feet left the ground?

14 A. It would be consistent with that, yes. It would be
15 entirely consistent with that.

16 Q. We will move on. Can I ask you to look at another set
17 of records. These are slightly longer. PIRC 01361. We
18 don't need these on the screen, thank you. Let me know
19 when you find these, Mr Crawford.

20 A. Yes, I have them.

21 Q. They're a little bit longer and they encompass records
22 relating to an acute admission on 10 May following
23 a call to NHS 24, CT scans from 11 May and the GP
24 referral from 18 May to the maxillofacial unit where

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1 Nicole Short was seen on 8 June, so they are quite long.
2 Please take the time that you need to go through these
3 records and again, I'm going to ask you to identify, for
4 the benefit of the Chair, any entries that you consider
5 are consistent with a stamp or stamps to the lower back
6 or kidney area as described and demonstrated by the
7 officers.

8 A. Well, on page 9, dated 8 June 2015, it says:

9 "Referred by GP."

10 And the presenting complaint is there of "Weakness
11 of the right lower face and reduced sensation right side
12 of face and" -- which is slowly improving, but in the
13 history that's been given to the doctor who has made
14 these notes it says that she was kicked and stamped on
15 the head.

16 Q. Yes. Would you forgive me for interrupting you there,
17 Mr Crawford. I anticipated that you might note that
18 entry and we see it, I think, on at least three
19 occasions within this bundle of notes.

20 A. Yes.

21 Q. And Ms Short was asked about this in her evidence and
22 she gave very clear evidence that she has no
23 recollection of being kicked or stamped on the head,
24 no one told her that she was kicked or stamped on

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1 the head, there is no eye-witness evidence whatsoever
2 before the Chair to that effect, and this appears to be
3 a rogue entry. We cannot explain how it came to be in
4 the records. She does not consider that she provided
5 that information to the doctor, she can't explain how it
6 got there, but there is no information or evidence
7 before the Chair to suggest that she was kicked or
8 stamped on the head, so if we could perhaps leave
9 references to kicking or stamping of the head to one
10 side because they appear to be without foundation.

11 A. Mm-hm.

12 (Pause).

13 Right, well, there's no other reference -- sorry,
14 I haven't completed the notes, but in the handwritten
15 notes there, so far there's no specific reference to
16 other injuries related to stamping.

17 Q. Or any injuries to her back, Mr Crawford?

18 A. No, no, no, there's not.

19 Q. Nothing, okay.

20 A. The immediate discharge -- no, again, that's -- there's
21 a principle diagnosis: discharge of concussion/muscular
22 pain, but it is not specified.

23 Sorry, these notes go on -- am I still on the same
24 set?

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1 Q. They are quite lengthy but you will see that many pages
2 have been redacted and are blank sheets.

3 A. Yes, indeed.

4 (Pause).

5 Again, the only references so far have been in the
6 history that's given, because on page 18, again, that
7 history is repeated, which is what I would expect. It
8 says that she was stamped on whilst on the ground:

9 "... punched to the back of head, collapsed, stamped
10 on whilst on the ground."

11 Q. That's part of the history --

12 A. That's the history.

13 Q. -- but what we're really looking for, and what I would
14 invite you to focus on, Mr Crawford, are any references
15 to injuries, bruising, tenderness, anything that's
16 consistent with the stamps that you saw demonstrated
17 yesterday.

18 A. The -- I have seen these notes before and I know that
19 there was no specific evidence of physical injuries,
20 you know, to the back of the spine.

21 Q. Very well. If you have seen them before and that's your
22 recollection, are you content that we move on?

23 A. Yes, I'm happy to accept that, yes.

24 Q. I would like to take you now to a report prepared by

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1 a professional colleague of yours, Mr Ian Anderson. He
2 examined Nicole Short on 21 May of 2015 and I think in
3 fact you had sight of his report at the time that you
4 prepared your own report.

5 A. I had, yes.

6 Q. And I will ask that we bring this up on the screen
7 please. It is PIRC 1405. If we scroll down we will see
8 that this is indeed the report prepared by Mr Anderson
9 on 21 May and, as I mentioned a moment ago, he examined
10 Nicole Short on that date and gave evidence to that
11 effect yesterday.

12 I would like to take you very briefly, Mr Crawford,
13 to three very short entries, firstly, on page 6, fourth
14 paragraph down on page 6 -- this is page 6 of the
15 report. The PDF might have an additional page in.
16 I think it must be page 7 on the PDF, Ms Wildgoose.
17 There we are. Exactly:

18 "She described ongoing, troublesome symptoms of
19 headache, together with neck discomfort and stiffness.
20 She described discomfort and tenderness over the right
21 side of her torso."

22 So that's the history that she gave to Mr Anderson.

23 Then on page 7, please, or the next page, about five
24 paragraphs down beginning "No residual", there we are:

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1 "No residual bruising was noted on either side of
2 her rib cage but localised tenderness was noted over the
3 outer aspect of the right side of her lower rib cage.

4 Aus --

5 A. "Auscultation".

6 Q. Thank you, I was about to ask for your help with that
7 word:

8 "... of her chest using a stethoscope revealed
9 normal breath sounds."

10 And onto the next page, please, for the final
11 entry -- so that was from Mr Anderson's examination, and
12 this section is his opinion and we see at the bottom of
13 the screen there -- just there is perfect, thank you:

14 "She suffered contusions to the right side of her
15 torso, particularly over her lower right rib cage,
16 consistent with having been caused by blunt injury."

17 So you have heard there from Mr Anderson's report
18 the history that he took insofar as it is relevant to
19 issues concerning the back, his findings on examination
20 and his opinion.

21 Now, Mr Anderson gave evidence yesterday,
22 Mr Crawford, and in his evidence he said that he did not
23 consider that his findings on examination on 21 May were
24 consistent with a stamp to the lower back or kidney area

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- 1 as demonstrated by Constable Walker and Constable
2 Tomlinson. Would you wish to disagree with him?
- 3 A. I would say that tenderness over the right lower
4 rib cage is consistent with having been caused by blunt
5 injury, and I would say that that could be -- in my view
6 it is also consistent with that blunt injury being
7 a stamp or a blow to the right lower chest. There is
8 uncertainty as to exactly -- well, (a) whether this
9 occurred, (b) if it did occur, exactly where, it's not
10 just the back, it's -- there's suggestions that it could
11 be -- you know, it's the back area which includes the
12 right lower chest and that, in my view, could be
13 consistent, or would also be consistent with a stamp to
14 the right lower chest injuring the ribs and this is
15 21 May, which is a couple of weeks after the incident
16 I think, thereabouts, and, you know, so there's
17 definitely -- to me that's evidence of an injury there
18 and that would be consistent with a stamp.
- 19 Q. Evidence of an injury there consistent with a stamp, but
20 would it be consistent, in your opinion, Mr Crawford,
21 with the stamps demonstrated by Constable Walker and
22 Constable Tomlinson?
- 23 A. I have reservations about the interpretation of that in
24 terms of the potential severity of injury that actually

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1 occurs, because quite clearly the demonstration is
2 impressive of, you know, a potential -- of a severe
3 force and a serious mechanism of injury. However, there
4 are other variables in this situation, you know, not
5 every person who is stamped on sustains serious
6 injuries, even if the stamps occur with apparent force,
7 so I'm not sure how I can answer that question more
8 accurately because I -- there are patients who can have
9 an apparent stamp like that but not sustain a serious
10 injury or a life-threatening injury, and this is
11 a couple of weeks down the line.

12 Q. So should we understand, then, that you disagree with
13 Mr Anderson who had the benefit of examining the patient
14 which is a benefit that you did not have?

15 A. Well, I disagree to the extent that -- I do agree to the
16 extent that she didn't have any signs of a serious
17 injury having been sustained, but I -- my concern is
18 that you could not exclude a stamp injury based on that
19 alone, because there is no other -- you know, there
20 are -- there doesn't appear to be another explanation
21 offered for that injury and -- or other injuries that
22 she may have sustained.

23 Q. Mr Crawford, you will correct me if I'm wrong, but
24 I think yesterday in your evidence you accepted that

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1 pain to the right side could have been caused by her
2 lying on her right side curled up on top of her utility
3 belt and CS spray, and could also have been caused by
4 her falling to the ground?

5 A. Well, if I remember correctly, I didn't -- well, if she
6 had fallen on the ground onto her right side it could
7 have caused that. I think when you asked me that
8 question yesterday you specifically referred -- included
9 pain around the hip areas, which you were saying could
10 that be caused by lying, or contact with the spray and
11 the answer to that was yes.

12 However, I do recollect, and I saw it in the notes
13 there, that she actually had removed her spray from her
14 utility belt and, you know, it's not certain whether it
15 was actually in the utility belt at the time she fell.

16 That's for the Chair --

17 Q. Mr Crawford, these are very much matters within the
18 province --

19 A. Yes, so --

20 Q. -- the exclusive province -- if I may finish --

21 A. Yes, okay.

22 Q. -- of the Chair and it may be that the evidence that he
23 heard was in fact the casing was still on the belt and
24 the cover -- the spray itself had been --

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1 A. Okay, well, sorry, I accept that and I don't want to
2 stray, but when I was considering mechanisms of injury,
3 I'm considering these factors as to how the injury was
4 caused, because if it's there, or if it's not there
5 would affect -- would have an influence on whether or
6 not an injury was sustained by that. That was all,
7 sorry.

8 Q. It's a matter for the Chair to consider --

9 A. Yes, okay, I accept that.

10 Q. -- to consider the cause of various injuries and really
11 my focus this morning is very, very narrow and it is to
12 explore with you whether there are any entries in any of
13 the records that are consistent with the stamps as
14 demonstrated by Constable Tomlinson and Constable
15 Walker, and that's what I'm interested in, because that
16 I think will assist the Chair.

17 So we should understand then that you disagree with
18 Mr Anderson to the extent that you consider that the
19 contusions to the right side of the torso may have been
20 caused, or may be consistent with a stamping injury.

21 A. (nods)

22 Q. And that's notwithstanding the fact that the first
23 relevant entry appears to be on 21 May 2015 and that
24 there appear to be no relevant entries, or history

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1 whatsoever, prior to that date?

2 A. I feel you're trying to lead me down a path that is very
3 strict and narrow and looking for a yes or a no answer.
4 Medicine is very rarely like that and you can -- and
5 the -- in the presence of a history of being stamped on,
6 that type of injury would be consistent with that.
7 That's all I'm saying. I'm not saying that it did or it
8 did not happen.

9 In the absence of a history, or if the evidence is
10 it did not happen, the -- sorry, I'm getting myself
11 confused. You said in the manner demonstrated. There
12 is sufficient uncertainty in my mind between
13 a demonstration and a real life situation to -- for me
14 to say "Oh, no, it is not consistent with that", because
15 the mechanism is stamping and the -- it would be
16 consistent with a stamp, and with an apparent stamp --
17 or a stamp of apparent severe force, but I absolutely
18 accept that she has not got physical evidence of
19 injuries that -- of a significant or serious injury
20 caused by a stamp but she -- as I said before, she was
21 wearing protective gear and there are other factors that
22 could affect the severity of the injuries that occurred
23 as a result of a mechanism like that.

24 Q. Can I take you to your Inquiry statement, please, in

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1 conclusion of your evidence. That's SBPI -- we have it,
2 thank you.

3 So this is a statement you gave to a member of the
4 Inquiry team on 12 May 2022 and can I take you to
5 page 10, paragraph 41.

6 To put this in context you were provided with the
7 description of the stamp by Constable Tomlinson. You
8 weren't provided with the description by
9 Constable Walker, although they were quite similar, and
10 of course you weren't provided with the demonstrations
11 because they hadn't happened yet, but having been
12 provided with the description, you were asked if you
13 would:

14 "... expect the doctors examining Nicole Short to
15 discover any visible injuries on her back or side in A&E
16 on 3 or 4 May ... when she saw the [FME] and when she
17 saw her GP on 5 May ..."

18 If we scroll down to the next paragraph you say:

19 "Clearly PC Short didn't have broken ribs, punctured
20 lungs, internal bleeding and things like that. If it
21 happened she would have had bruising, straining, soft
22 tissue injuries. You may feel it at the time or may not
23 feel it at the time. You might not be aware of the pain
24 or injury but only later all the adrenaline and things

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1 wear off. Over a period of time because muscles and
2 tissue suffer microtrauma, they can stiffen up within
3 a day, two days, 24 to 36 hours, that's when you get
4 maximum symptoms as the changes in the tissue cause
5 that. A light injury could take several days to a week
6 or longer to settle. Severely bruised ribs or broken
7 ribs can take 6 weeks or longer to get better. You
8 would get stiffness. It would take several days to
9 resolve it. It depends on your level of fitness and
10 what you're used to having."

11 Can I ask you whether the paragraphs that I have
12 read out to you just now remain your opinion today?

13 A. What I was trying to explain in that was that there is
14 a spectrum, or a range and -- a range of severity and
15 the -- you can go from, you know, a mild injury to
16 a severe injury, but there are shades of grey in-between
17 as well, you know, and it can vary and it can be very
18 difficult to predict just exactly how long symptoms
19 would persist.

20 I also explained during that discussion that,
21 you know, there can be other causes for stiffness and
22 soreness in muscles after extreme physical exertion
23 and -- but in one way we're going from a general to
24 a specific.

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1 I do fully accept that in this particular case there
2 was no evidence of significant or severe injury to the
3 body of Ms Short as a result of stamping. My opinion
4 that was formed was based on the reports and the
5 statements that were given to me at the time describing
6 the mechanism of injury and describing, you know, her
7 symptoms and clinical presentation that -- to me at that
8 time in those statements was consistent with a stamping
9 injury.

10 MS THOMSON: Bear with me a moment, please, Mr Crawford.

11 (Pause).

12 I am grateful for your time. I have no further
13 questions for you.

14 A. Okay, thank you.

15 LORD BRACADALE: Are there any Rule 9 applications?

16 Dr Crawford, I wonder if you would retire to the witness
17 room while I hear a submission.

18 MS MCCALL: Sir, I wonder whether I can have a few minutes
19 to consider that?

20 LORD BRACADALE: Yes, very well. Do you want me to adjourn
21 then? I will adjourn for a short time to allow that.

22 (10.37 am)

23 (Short Break)

24 (10.53 am)

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1 LORD BRACADALE: Ms McCall, do you have an application?

2 MS MCCALL: No, thank you, sir.

3 LORD BRACADALE: Ms Mitchell, would you come to the table
4 please.

5 (Pause).

6 Yes.

7 Application by MS MITCHELL

8 MS MITCHELL: The issue 1 is in relation to breathing,
9 Nicole Short's breathing. Yesterday there was evidence
10 given by this witness where he said on the information
11 that he was provided with, there were various places
12 where Ms Short did complain of being unable to breathe
13 and he explained that he thought that would be
14 consistent with receiving -- having a blow in that area
15 because she was unable to breathe because of an injury
16 to there, possibly having been winded or an injury
17 causing pain that was restricting breathing.

18 Now, I didn't propose to take him through possible
19 other mechanism for the pain injury at the side because
20 my learned friend has already done that, but I was going
21 to ask him to look at PIRC statement 253 which is the
22 statement of Nicole Short, page 3 thereof, because
23 Nicole Short says in her interaction with Sheku Bayoh,
24 before there's any question of any contact between the

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1 two she said:

2 "I was in terror and fear of my life. I just turned
3 away and tried to run. I remember screaming 'no' and
4 crying but no tears were coming out and struggling to
5 breathe."

6 So I would like to take the witness to that part of
7 the statement where he can see that the symptom -- the
8 breathlessness symptom pre-dates any suggestion of
9 a punch or a stamp, and then simply identifying in the
10 emergency -- accident and emergency records, which he
11 records in his own report at page 7 of 26, at
12 subsection 3, that the witness's breathing was 16
13 breaths per minute as being recorded and just to confirm
14 with him that's within the normal range.

15 LORD BRACADALE: That's the only matter?

16 MS MITCHELL: No, no, there's one other matter. The second
17 matter is on the issue of Crown instruction and how the
18 report was obtained, the information given -- I will
19 give it more detail, my Lord, but the information given
20 and the reason for that, my Lord, is the Inquiry will of
21 course understand that part of the Inquiry terms --
22 whilst not specifically relevant to this Inquiry -- this
23 part of the hearing, is to examine the post-incident
24 management process and the investigation up to but not

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1 including the making by the Lord Advocate of the
2 prosecutorial decision communicated to the family, and
3 it also says in brackets:

4 "... (and the victim's right to review process that
5 was undertaken by the Crown counsel in 2019 including
6 (1), the effectiveness of procedures for gathering and
7 analysing information et cetera)..."

8 In this particular report what I would like to deal
9 with this witness is some restrictions in the report,
10 for example the methodology, the questions that were
11 asked and the broadness of those questions, the
12 documentation, just to check that he didn't receive any
13 information on audio, such as Airwaves -- he was given
14 some visuals only -- and very importantly, in light of
15 the evidence that he has given about the mechanisms of
16 energy and efficacy and whether or not something was an
17 assault which was severe and most effective, whether or
18 not he was given any information on Mr Sheku Bayoh
19 himself, because it doesn't appear from the
20 documentation that that happened.

21 And then take him to the fact that there doesn't
22 appear to be any discussions, as was explored in
23 evidence, about outdoor shoes or the vest or repeated
24 stamps, or again the height, weight or fitness of

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1 Mr Sheku Bayoh, and to ask him about the part of his
2 statement where he says:

3 "I don't think I was questioned on the report. It's
4 very common for solicitors to seek clarification of
5 certain points, or if there are any factual
6 inaccuracies."

7 And ask whether or not he can recall anyone from
8 Crown Office coming back to him to ask him about any of
9 these things and those would be my questions.

10 Ruling

11 LORD BRACADALE: Thank you. In relation to the first issue
12 it seems to me that I will have all that evidence
13 available to me and I don't consider it would assist for
14 this to be further explored with this witness. It can
15 be addressed in closing submissions in relation to the
16 whole evidence.

17 In relation to the second matter, that's really
18 a matter for the later hearing and I don't want to
19 embark on that with this witness at this stage. It may
20 be that the exploration of that issue by the Inquiry
21 will lead it back to this witness, but I wouldn't wish
22 to explore that with him at this stage, so I shall not
23 allow any questioning further of this witness.

24 MS MITCHELL: I'm obliged, and I'm obviously obliged

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1 MS JANE COMBE (sworn)

2 LORD BRACADALE: Ms Grahame.

3 Questions from MS GRAHAME

4 MS GRAHAME: Thank you.

5 Good morning. Is it Ms Combe or Ms Combe?

6 A. Combe.

7 Q. Combe, thank you. I will try to get that right
8 throughout. As everyone here knows, I have an issue
9 with names at times.

10 You are a former police inspector?

11 A. I am.

12 Q. And what age are you?

13 A. 52.

14 Q. And you have been retired from the police force as
15 I understand it for about three years, is that right?

16 A. That's correct.

17 Q. But when you were working, you worked mainly in Fife?

18 A. I did.

19 Q. And you had various inspector roles. You were first
20 promoted to inspector in 2010, is that correct?

21 A. Yes.

22 Q. And you were posted to Kirkcaldy Police Office at that
23 time?

24 A. Yes.

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1 Q. Good, thank you. Now, all of your contact details are
2 known to the Inquiry, so we won't ask you to say those
3 here. What I want to do, first of all, is to make sure
4 that you've got everything that you might need in front
5 of you, so as we go through your evidence you've got
6 hard copies. So you can see the black folder and what
7 you -- I will take you through what should be in there,
8 so when I'm maybe referring to a paragraph or
9 a particular section, it should come up on the screen in
10 front of you and so we will be able to see maybe
11 a paragraph, but if you want to look around that you've
12 got the hard copy and you please refer to it.

13 A. Thank you.

14 Q. And at any time if you wish to refer me to something you
15 would like to speak to, let me know and I can get that
16 brought up on the screen as well.

17 So the first thing I want to talk about is PIRC 190
18 which I believe is an operational statement dated
19 15 May 2015, and if that can be brought up on the
20 screen. We will see your name and the date it was taken
21 was 15 May 2015 at 9.00 in the morning and it says
22 "Self", so you prepared this yourself?

23 A. I did.

24 Q. And this was after the events of 3 May 2015.

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- 1 A. Yes.
- 2 Q. And you prepared this in Cowdenbeath. Were you based in
3 Cowdenbeath at the time?
- 4 A. Yes, that's where I was stationed at the time.
- 5 Q. Right. And were you doing your best on 15 May to give
6 a true and accurate record of what you had done on
7 3 May?
- 8 A. Yes.
- 9 Q. Thank you. Can we look at paragraph 66 of your Inquiry
10 statement -- we will look at the first page first. We
11 will see this is your Inquiry statement. It was taken
12 by a member of the team on 22 March this year?
- 13 A. Yes.
- 14 Q. And then if we can look at paragraph 66 you say:
15 "My operational statement ..."
16 Which is the one we were looking at a moment ago of
17 15 May:
18 "... would be the one that's most clear and I stand
19 by that because I gave that shortly after the event."
- 20 A. That's correct.
- 21 Q. So this was the first statement prepared by you after
22 the events of 3 May.
- 23 A. Yes.
- 24 Q. And then can we look at the end of Inquiry statement,

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1 the last paragraphs, paragraph 125, and it says:

2 "I believe the facts stated in this witness
3 statement are true. I understand that this statement
4 may form part of the evidence before the Inquiry and be
5 published on the Inquiry's website."

6 And in light of that you signed the pages of this
7 Inquiry statement?

8 A. I did.

9 Q. And although on the screen you will see it is redacted,
10 I believe the hard copy you have should have your
11 electronic signature.

12 A. Yes, on all pages.

13 Q. Thank you. And that was signed by you on 18 May this
14 year.

15 A. Yes.

16 Q. Thanks. And then can we also confirm that you were
17 doing your best when you gave this statement to the
18 Inquiry to be truthful and accurate in everything you
19 mentioned?

20 A. Yes.

21 Q. And then can we look at a statement dated 8 March 2018,
22 so this is almost three years after the events, and this
23 is PIRC 191. Again, at the top we should see your name,
24 we can just see your name, Jane, there we are, and then

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1 we see it's dated 8 March 2018, 10.10 hours, and it was
2 noted by investigating officer Neil Duncan and the place
3 was at Cupar. Where you based at Cupar by 2018?

4 A. I was, yes.

5 Q. Thank you. And again, when you gave this statement was
6 this to PIRC, Police Information and Review Commission
7 officers?

8 A. Yes.

9 Q. And you were doing your best again, three years later,
10 to give a true and accurate record of what you had
11 done --

12 A. Yes.

13 Q. -- on 3 May 2015. Can we look at paragraphs in your
14 Inquiry statement again please, 65 and 66 and 67. Let's
15 start with 65, and you are talking about the different
16 statements that you have given and you say:

17 "The second was taken by PIRC who interviewed me on
18 8 March 2018 ... they came to see me at Cupar ... I told
19 them the truth ..."

20 And then in paragraph 66, which we looked at
21 a moment ago, you say:

22 "My PIRC statement will be less clear, likewise my
23 later statement provided, given the passage of time. In
24 2018 my recollection of that incident will be the same

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1 as it is now. By 'clear' I mean my recollection would
2 not be affected by what I have seen in the media,
3 particularly the Panorama programme and media
4 reporting."

5 So it's something that you have kept an eye on in
6 the media, or been aware of?

7 A. Yes.

8 Q. And then paragraph 67:

9 "The content of both statements are exactly the same
10 other than the addition in the PIRC statement regarding
11 the contact with the force medical examiner (FME).

12 I don't see any difference in the content of my first
13 statement and my second statement. The only addendum
14 they have put in there is the contact with the FME, and
15 if I could remember any conversation with Nicole Short.
16 I don't think there's any other difference. If there is
17 a difference I stand by my operational statement because
18 it was produced closer to the time."

19 To help the Chair really it's the operational
20 statement, the first statement, that you think is
21 clearer and the most accurate?

22 A. Yes, definitely.

23 Q. Thank you. So if the Chair thinks there's any
24 difference between later statements, or your Inquiry

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1 statement, or even your evidence today, if there's
2 a difference between what you have said and your first
3 statement, he should prefer your first one?

4 A. Yes.

5 Q. Thank you. Lovely. Can I also ask you about
6 paragraph 68 of your Inquiry statement and you say:

7 "I've also been interviewed numerous times as well
8 by the officers working on behalf of the
9 police officers. A Mr John Sallens and somebody else as
10 well, during COVID, they have also been in contact. So
11 I have given a statement, it's the same statement and
12 I've never changed it."

13 So we have heard the name of John Sallens previously
14 from others; do you know who Mr Sallens is?

15 A. No. I know that he was working obviously on behalf of
16 the solicitors for the police officers but I don't know.

17 Q. Right. And when did you give him a statement or speak
18 to him?

19 A. That was just when COVID began, so probably
20 about March 2020, about that time.

21 Q. So that's roughly when we went into lockdown, around
22 about that time?

23 A. Yes, just at lockdown.

24 Q. Just then. Do you know what happened to that statement?

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- 1 A. No.
- 2 Q. But that was a later statement than your original
3 operational statement and your PIRC statement?
- 4 A. Yes.
- 5 Q. Thank you. What sort of things was he asking you about
6 at that time in 2020?
- 7 A. Just exactly the same: can I recall what happened on
8 that day, did I have any conversations with the
9 officers, did I have any conversation with Nicole Short
10 and that's what I could remember from him.
- 11 Q. All right, thank you. Do you still have a copy of that
12 statement, or was that only in the hands of Mr Sallens?
- 13 A. Mr Sallens' statement? No, it was dictated and then
14 they took that to be typed up but I've never seen that
15 statement.
- 16 Q. Right, thank you. And you also talk about being
17 interviewed numerous times. Were there other people who
18 interviewed you?
- 19 A. No, I think it was just Mr Sallens. I went into Police
20 Headquarters and then he was in contact via telephone so
21 that's what I mean by numerous times, but it was the
22 same person about the same statement.
- 23 Q. So PIRC interviewed you, the Inquiry team have
24 interviewed you and Mr Sallens has spoken to you as

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1 well?

2 A. Yes.

3 Q. Thank you. And he spoke to you said at Police
4 Headquarters, is that --

5 A. Sorry, Glenrothes Police Headquarters, Fife Division
6 Police Headquarters.

7 Q. Fife Division Police Headquarters. And again, that's
8 where you were based?

9 A. No, I was retired by that time.

10 Q. Oh, I see.

11 A. There was an arrangement for me to go in.

12 Q. Thank you. Are you happy you've got everything that you
13 would need in front of you today?

14 A. Yes, thank you.

15 Q. Good. Can I ask you about paragraphs 37 to 47 in your
16 Inquiry statement, and the Chair can read through all of
17 these paragraphs himself, but you're talking here about
18 police culture and what it was to you and how it has
19 changed over the years, and you talk about it being very
20 different in 1991 to how it is today and I think I'm
21 very interested in your impressions of police culture in
22 2015.

23 A. It depends on which you mean by police culture. I mean,
24 I was asked that question, I didn't evoke that, I didn't

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1 say I wanted to speak about that, so I was asked about
2 police culture, and for me, it's just the parameters of
3 an organisation, what we work within and what we think
4 is acceptable. We're obviously different from the fire
5 service, the police, education, but it has changed and
6 we are evolving all the time.

7 Q. Right. Can we move the screen up then and just have
8 a look. So you have talked about the difference between
9 working in a more urban area like Kirkcaldy where there
10 are more officers and maybe more violence, compared to
11 someone maybe in more of a rural area?

12 A. Yes.

13 Q. And is that the sort of thing that can make a difference
14 to culture and the way police officers act in a police
15 station?

16 A. No, not necessarily, because every police officer should
17 deal with the situation as they find them on that time.

18 Q. Right. And you have said at paragraph 40:

19 "Compared to somebody up in St Andrews or Cupar
20 where I actually started my service you had to take
21 a different approach because your back up was maybe
22 10/15 miles away."

23 A. Yes.

24 Q. "Whereas in Kirkcaldy, if required and appropriate,

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1 officers could take a more robust approach, however
2 officers should always adopt a policing style relevant
3 to the situation."

4 And so is this an issue about the support available
5 and how close --

6 A. Yes.

7 Q. -- or how much time it would take?

8 A. Yes.

9 Q. -- for officers to have back up and support?

10 A. Yes.

11 Q. Less immediate in a rural area; more immediate in an
12 urban area?

13 A. Yes.

14 Q. Is that fair to say?

15 A. That's my experience.

16 Q. But as you say, every policing style or every tactical
17 option adopted by a police officer will depend on the
18 particular circumstances that they're faced with?

19 A. Yes.

20 Q. And then you talk at paragraph 41 about not advocating
21 arresting individuals in a large crowd, and it can
22 escalate a situation. Is that something that you were
23 always conscious of, not to escalate situations or make
24 them worse --

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1 A. Yes.

2 Q. -- but is de-escalating situations something that
3 officers consider on a regular basis?

4 A. On a daily basis.

5 Q. What does it mean to you to de-escalate a situation?
6 How would you achieve that?

7 A. Well, obviously the example I was asked and I was given
8 was in a football crowd you wouldn't go in and arrest
9 someone there because you put the officers more at risk
10 and the public, so you would take an appropriate time,
11 whether that was them leaving the stadium, or if you
12 knew their identity you could get them at a later date,
13 and obviously, if that was a domestic situation you
14 would try and separate both parties. So officers have
15 a lot of things in their toolkit they can use to
16 de-escalate, communication being the priority one.

17 Q. So officers can bide their time --

18 A. Yes.

19 Q. -- pick their moment, depending on the circumstances
20 when it is appropriate.

21 A. Yes.

22 Q. And they can communicate. We have heard a lot of
23 evidence from officers talking about your voice is
24 actually a tool in your armoury --

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- 1 A. Yes.
- 2 Q. -- that you can always be trying to communicate with
3 people and that can be an effective technique for
4 de-escalating a situation?
- 5 A. Yes.
- 6 Q. And you would agree with that?
- 7 A. 100%.
- 8 Q. Thank you. And then if we move up the screen you talk
9 about -- at paragraph 42, talking about negotiation
10 tactics and "talking people down". Is that what you
11 mean by de-escalating?
- 12 A. Yes.
- 13 Q. Right. And you say 43:
14 "I would expect any officer to adopt a tactic
15 correct for the situation they are faced with."
16 But the location can be an important factor in that?
- 17 A. It can be.
- 18 Q. So you have talked about football stadiums, a lot of
19 fans present, you talked about urban areas, rural areas,
20 it can be an important factor?
- 21 A. Yes.
- 22 Q. We have heard evidence from a number of people about the
23 National Decision-Making Model. Is that something you
24 were aware of before you retired?

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- 1 A. Yes.
- 2 Q. And we have heard that you are feeding in new
3 information, information about all the circumstances,
4 and that could include things like location and the
5 incident?
- 6 A. Yes.
- 7 Q. And then you're working out your tactical options and
8 the more information, the new information you get in you
9 review -- is that the type of thing that you're doing
10 all the time?
- 11 A. Yes.
- 12 Q. Thank you. And you then, at paragraph 44, talk about:
13 "In an urban area assistance is more readily
14 available."
15 And again, that's about the level of support that
16 may be available to officers at any time?
- 17 A. Yes.
- 18 Q. Thank you. And then looking further down, you again
19 repeat it's the situation you're faced with and you have
20 mentioned Alan Smith. We have heard from PC Smith and
21 you were aware of him?
- 22 A. Yes, he was one of my officers.
- 23 Q. So you were actually his inspector, were you?
- 24 A. No, I think I was his sergeant at that time.

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1 Q. Right. And we have heard from PC Smith that he was
2 a trainer and first aid trained and the Chair has heard
3 his evidence so ... and then 47 you have also had the
4 benefit of working in London alongside the Met.

5 A. I did, yes.

6 Q. So that's a very built up and urban area; it's quite
7 different again from Kirkcaldy.

8 A. Yes.

9 Q. And you have talked there about:

10 "Officers cannot afford to alienate themselves
11 because potentially they could have their property
12 damaged."

13 Can I just ask you about that paragraph.

14 A. The point I think I was trying to make there is it's
15 a very different policing style, certainly in Fife
16 Division, when I was there, the officers actually live
17 in the community, so they're actually part of the
18 community, so the approach that I have witnessed down in
19 the Metropolitan Police or some of the larger police
20 forces down south was a different style of policing in
21 my opinion.

22 Q. I would imagine -- and you can tell me if I'm wrong
23 about this, that in London you could maybe meet someone
24 one year and not see them again --

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- 1 A. Yes.
- 2 Q. -- for many years, if at all?
- 3 A. Yes.
- 4 Q. But maybe that is less likely to happen in a town like
5 Kirkcaldy?
- 6 A. Yes.
- 7 Q. Thank you. And that may also be a factor in how you
8 police the community?
- 9 A. Yes.
- 10 Q. And we have heard some evidence about how important it
11 is for the police to have support from the community and
12 engagement with the community --
- 13 A. Yes.
- 14 Q. -- in which they are working. Can I ask you about
15 paragraph 48, please. You have been asked a number of
16 questions about race and you have said you have never
17 heard any of the officers subject to this Inquiry saying
18 anything with a racial overtone, and I'm interested in
19 whether you have ever seen or heard anything from any of
20 the officers with a racial undertone?
- 21 A. No.
- 22 Q. No. So both overtones and under --
- 23 A. Yes.
- 24 Q. -- not just blatant things, but maybe more subtle

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1 things?

2 A. No, nothing.

3 Q. You have not seen anything like that?

4 A. No.

5 Q. And do you think that officers would tone things down if

6 they're in the presence of an inspector, that's a senior

7 rank in the police?

8 A. Potentially, but when you're walking about the corridors

9 you can overhear conversations you maybe shouldn't

10 overhear.

11 Q. And partly I would imagine as an inspector your job is

12 to be aware of what's happening with your team?

13 A. Yes.

14 Q. Now, I think you have said you have -- at 49 you have

15 worked in the alcohol and violence reduction unit?

16 A. Yes.

17 Q. And your role was to engage with all communities?

18 A. Yes.

19 Q. And I'm interested in what engagement over the years you

20 had with the black community, if I can phrase it that

21 way?

22 A. There wasn't a large black community in Kirkcaldy, or

23 actually in Fife, but they were part of the larger

24 ethnic minority, so we went to open days, seminars,

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1 mosque visits, engagement with youth, having some of the
2 ethnic minority youths come into the police station, so
3 we actually worked quite closely with them.

4 Q. And can you tell me sort of roughly when was it you were
5 working with all these communities?

6 A. That would be 2000 and -- probably 2014 to 2018, about
7 that time.

8 Q. And when you say you were visiting and having open days
9 and attending those --

10 A. Yes.

11 Q. -- how big a part of your role at that time was visiting
12 with communities and attending events?

13 A. It was quite a large part of that role.

14 Q. Would you be able to assist the Chair and say how
15 regular those visits were? Was it weekly, or was it
16 monthly?

17 A. It actually depended on what events they were actually
18 arranging because we were invited along as guests so it
19 was dictated by the communities when the police were
20 actually invited as guests to that, and then obviously
21 if there were any community messages that were needed to
22 be put out, we also did that. Latterly we had a really
23 good system in Fife where we could actually just send
24 an email. I think there was always this mystique that

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1 we always had to go on prayer day on a Friday, but we
2 actually engaged with the community and they said that
3 wasn't appropriate, they felt they were businessmen,
4 they went to prayers, they wanted to get away, so it was
5 hindering them, so we actually listened to the community
6 and we were able to put out this messaging service that
7 we used quite regularly in Fife.

8 Q. So that was through better communication?

9 A. Yes, listening to the community.

10 Q. And then adapting your approach to suit the messages
11 that you were getting from the community?

12 A. Yes.

13 Q. And you have talked about a community message on
14 a Friday. Can you just explain what that is?

15 A. Well, for example, if Police Scotland or the wider
16 police community wanted to put a message out for
17 security, that would be a letter or something from the
18 Chief Constable to be delivered, so we would have to do
19 that, but that was only if and when it was required.

20 Q. Was that a personal visit by you with the message?

21 A. No, as I said, they didn't want that personal -- they
22 said "Yes, by all means you can come in, you're
23 welcome", but they were actually quite happy then to get
24 that as a leaflet drop.

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1 Q. A leaflet drop or emails you mentioned as well?

2 A. Yes.

3 Q. And you've said you were quite close to the black
4 community, small as it was. Can you tell me about your
5 connection with the black community?

6 A. Well, they obviously had what were called Frae Fife and
7 we actually had some of the members of Frae Fife who
8 would actually come in and assist us with some police
9 inputs.

10 Q. We have heard very limited evidence about Frae Fife. It
11 has been mentioned to the Chair. Could you tell us
12 a bit more about it in your -- the experience you had.

13 A. The experience I had was that they were sort of an
14 interface, if you want to call it that, with the ethnic
15 community, so they had the relationship with the police,
16 if they had any issues they could come to us, kind of
17 ask about things like that.

18 Q. Tell me about the organisation itself. Did it have
19 people in charge, or leaders or --

20 A. From my knowledge -- I'm not an expert on Frae Fife,
21 I think it was like trustees and they had, like,
22 a manager and then they had volunteers who worked with
23 them, but I can't give comment on it because I don't
24 exactly know how they were structured.

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- 1 Q. No, I'm only interested in your impression at the time.
2 But you did have contact with them?
- 3 A. Yes.
- 4 Q. Thank you. And were you aware at that time about any
5 concerns that the black community had or Frae Fife had
6 about policing of black people in Kirkcaldy?
- 7 A. No. The concerns they had were the same as any of the
8 communities in Fife, was the time police took to
9 respond, the lack of communication that we gave them, so
10 that was across all communities in Fife, that wasn't
11 just with our black communities, but they did have
12 concerns but, as I said, there was nothing just
13 specifically to them.
- 14 Q. Can you remember now what the concerns were about
15 communication with Police Scotland? Was there anything
16 specific that you can remember?
- 17 A. No, nothing specific.
- 18 Q. And do you -- you obviously personally had a lot of
19 contact.
- 20 A. Yes.
- 21 Q. What about other officers in Kirkcaldy? Did they have
22 contact with the black community, or with Frae Fife?
- 23 A. It wouldn't be unless it was their specialism, but a lot
24 of the community officers, as part of their role, if the

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1 meeting or the event was -- when they were on duty they
2 would go -- and to their credit a lot of officers
3 actually went to these events actually off-duty.

4 Q. And can you explain what is a community officer compared
5 to an ordinary police constable, if I can say,
6 a non-community officer?

7 A. I would explain it as a community officer has
8 responsibility for a certain area, so they could build
9 up that rapport, whether it's business or with schools.
10 Whereas a response officer doesn't have that luxury, if
11 you want to call it that, and they have to respond to
12 all the incidents coming in. Whereas a community
13 officer, usually they can put things in their diary, so
14 they have more time to spend on an incident.

15 Q. And so that's the distinction there: the response
16 officer and the community officer.

17 A. Yes.

18 Q. And is a community officer based in a particular
19 location for longer to allow them to build a rapport?

20 A. Usually.

21 Q. So a response officer may be moved about?

22 A. Yes.

23 Q. Paragraph 50, please. You have talked about:

24 "Following the tragic incident, there were concerns

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1 that there could be a negative and adverse reaction from
2 the ethnic minority community in Fife and a breakdown in
3 our engagement with these communities which could
4 manifest in demonstration and protest. However due to
5 the continued position community engagement and
6 dialogue, this was avoided."

7 A. I think that should read "Positive".

8 Q. "Positive community engagement", thank you. So we can
9 amend that. So:

10 "... due to the continued positive community
11 engagement and dialogue, this was avoided. Meetings
12 took place with community leaders where any concerns
13 could be addressed and discussed."

14 I would like to ask you about this paragraph. So
15 what was the continued positive community engagement
16 that you're referring to?

17 A. Well, after the event there was actually a meeting which
18 was chaired and all the community leaders were invited
19 to come to that meeting to see if they had any concerns
20 that they wanted to raise.

21 Q. And do you remember now when that meeting took place?

22 A. No, I couldn't give you a date, but it was quite close
23 after the incident.

24 Q. So some time after 3 May 2015?

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- 1 A. Yes. I would say it would be in May, no later
2 than June, but I couldn't give you a date, sorry.
- 3 Q. Where did that meeting take place?
- 4 A. In -- I think it's still called Dunnikier House Hotel in
5 Kirkcaldy.
- 6 Q. Is that in the centre of Kirkcaldy?
- 7 A. On the outskirts.
- 8 Q. On the outskirts. And then who was it that arranged
9 that meeting?
- 10 A. I don't know who arranged it, but it would be somebody
11 from the management team in police -- in Fife Division.
- 12 Q. So it was Police Scotland that arranged it?
- 13 A. Yes.
- 14 Q. And were you present at that meeting?
- 15 A. Yes.
- 16 Q. And you have talked about community leaders being
17 invited. Tell me who was invited?
- 18 A. I couldn't give you a list of who was invited, but it
19 would be the Imam, business owners, anyone who had,
20 I would say, influence in the community, so members of
21 Frae Fife, Fife Equality, they would have representation
22 there as well.
- 23 Q. So someone in Police Scotland -- we may be able to get
24 more information about this --

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- 1 A. Possibly.
- 2 Q. -- someone in Police Scotland would have selected a list
3 of people to invite?
- 4 A. The invite would go out and then they would respond who
5 would come.
- 6 Q. Was it invitation only, or was it a meeting open to all?
- 7 A. I can't recall.
- 8 Q. Were there -- was it advertised in any way more
9 publicly?
- 10 A. I don't know.
- 11 Q. And who was responsible, if you know, or if you don't
12 know, tell me, who was responsible for selecting the
13 invitees?
- 14 A. I don't know.
- 15 Q. Right. And do you know anything about how they were
16 identified?
- 17 A. No.
- 18 Q. Do you remember what concerns, if any, were addressed or
19 discussed at that meeting?
- 20 A. No.
- 21 Q. Not now. And it may be the view that the idea of
22 community leaders, as an amorphous body, if you like, is
23 quite an outdated view of how to engage with a community
24 such as the black community, that there are no longer

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1 community leaders as such. Do you have any views on
2 that at all?

3 A. No, I think going back to 2015 you've got to use what
4 communication you have and for the police that was our
5 method of communicating with them, but I do recall there
6 were some very young men at that meeting, so they
7 wouldn't be the leaders, so they were obviously there as
8 part of the community because with the age group of
9 them, they couldn't have been the community leaders.

10 Q. So it's not that you excluded all apart from the
11 community leaders?

12 A. No.

13 Q. There were other younger people present as well.

14 A. So I think what I'm trying to get over there, the invite
15 would go to the community leaders and then they would
16 actually publicise this meeting and they would bring
17 along with them who they would bring along.

18 Q. So they would disseminate information more widely --

19 A. Yes, yes.

20 Q. -- amongst the people they knew or the groups they had
21 contact with.

22 Do you remember -- you have said there that concerns
23 could be addressed and discussed. Do you remember if
24 there were -- you know, we hear about action points

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1 after meetings where people go and resolve things that
2 have been raised, concerns that have been raised. Do
3 you remember if there were any action points?

4 A. No, not after this length of time, sorry.

5 Q. No. You have -- as part of the -- can we go up
6 slightly. Paragraph 51:

7 "I have been asked if I know why there was not any
8 kind of reaction from the community to the Sheku Bayoh
9 incident as I have described. My own perception is
10 because the local community trusted the police. There
11 wasn't the perception of 'a big cover-up' by the police
12 in Kirkcaldy or Police Scotland."

13 And that was your perception at the time?

14 A. That was my perception, yes.

15 Q. And that was based on the contact you had had with the
16 community --

17 A. And the fact there were no demonstrations or protests,
18 bar one that I'm aware of.

19 Q. What was the one you were aware of?

20 A. When the family had come to Kirkcaldy Police Station,
21 but that, for me, was very peaceful, very dignified,
22 more like a vigil as opposed to a demonstration.

23 Q. Right. And that was organised by the family?

24 A. I believe so.

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1 Q. You say more of a vigil?

2 A. Yes. There was no hostility, it wouldn't be
3 a demonstration -- what I would class as
4 a demonstration.

5 Q. So when we're thinking about any reaction from the
6 community, or in particular from the family, it wasn't
7 any sort of noisy --

8 A. No.

9 Q. -- difficult demonstration --

10 A. No.

11 Q. -- that -- was that at Kirkcaldy Police Office?

12 A. Yes.

13 Q. And you have said the local community trusted
14 the police?

15 A. Yes.

16 Q. Was that the local black community?

17 A. All community.

18 Q. All the community?

19 A. Yes.

20 Q. Can we look at paragraph 52, first of all, and 53. 52:
21 "When I was in the job, I was the type of person, if
22 I thought somebody had done something wrong, I would
23 stand up and say it. I was never one of those ones who
24 wouldn't. I said it how it was and wasn't frightened of

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1 that. I have challenged senior officers at times. So,
2 if there was something that was wrong, I would say it
3 was wrong. I wasn't frightened of that. I wasn't
4 frightened of my organisation. There was sexism and
5 things like that, but as I say, as far as officers under
6 my command being really racist, no, never saw that.
7 Sexism, homophobia? Yeah, definitely, there was that,
8 there were issues.

9 "53. I have been asked if there was sexism and
10 homophobia, would I be expecting also for there to be
11 racism. I'm not saying I wouldn't expect that. I'm not
12 saying that that didn't exist in Fife Constabulary or
13 Police Scotland officers. I'm not naive enough to say
14 that. Did I witness anybody being treated differently
15 because of race? No. Did I witness somebody different
16 because they were gay or lesbian? Yes, I did witness
17 that. If they were a female, were they treated
18 differently? Yes, I did witness that."

19 Can I ask you a couple more questions about this.

20 A. Yes.

21 Q. So paragraph 52, first of all. You're talking about
22 being willing to stand up and say something and
23 challenge. We have heard evidence about the ranks of
24 officers in the hierarchy and I have asked other

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1 officers about did they feel uncomfortable maybe
2 challenging a more senior officer, or a more experienced
3 officer and your -- as I understand your statement,
4 you're saying you weren't shy to do that?

5 A. No.

6 Q. It must have taken quite a lot of courage to do that,
7 however.

8 A. If it was the right thing to do, it was the right thing
9 to do.

10 Q. Right, so you had that courage to speak up?

11 A. Yes.

12 Q. And you have said that you had seen issues of racism and
13 homophobia?

14 A. No, not racism.

15 Q. Oh, sorry, sorry, sexism and homophobia and had you had
16 cause to challenge that type of behaviour?

17 A. Yes. You're going back to when I first joined the job,
18 that's the point I'm making, it's a totally different
19 organisation than it was in 1991.

20 Q. So that's examples from the early 90s?

21 A. Yes.

22 Q. Not from 2015?

23 A. No. Very few now in 2015.

24 Q. Very few?

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1 A. Yes, we have open officers or openly gay, that would
2 never have happened in 1991.

3 Q. I see. And we have heard that there were women working
4 in Kirkcaldy Police Office in 2015?

5 A. Yes. A lot now.

6 Q. Even more now maybe?

7 A. Yes.

8 Q. We have heard evidence that there were no black officers
9 in Kirkcaldy in 2015?

10 A. Not in Kirkcaldy.

11 Q. No. Do you remember them anywhere else?

12 A. There was one black officer who worked in the west of
13 Fife but I couldn't give you his date of joining.

14 Q. Right. And when you say the west of Fife what --

15 A. Dunfermline. Dunfermline, Cowdenbeath.

16 Q. Dunfermline, right. Do you remember his name?

17 A. Yes. Do I need to --

18 Q. No, no, you don't need to say it out loud if you don't
19 want to. So there was one in Dunfermline; anywhere else
20 in Fife?

21 A. Yes, we've got a senior ranking officer who started her
22 service in Fife as well who is a black officer.

23 Q. And where was she based?

24 A. She moved about so I don't know where she would be in

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1 2015.

2 Q. Right, okay. So these examples that you had come across
3 of sexism and homophobia were in the early 90s?

4 A. Yes.

5 Q. But you have said -- you have used the phrase there --
6 let me just see if I can find it "really racist",
7 I think I saw that somewhere. Second bottom line in 52:

8 "There was sexism and things like that but, as
9 I say, as far as officers under my command being really
10 racist, no, never saw that."

11 So under your command -- you have said you were an
12 inspector from 2010?

13 A. Yes.

14 Q. So is that when you began to command officers at that
15 stage?

16 A. You could say you started that as a sergeant or even
17 a senior officer but if you're talking about middle
18 management that would be 2010.

19 Q. That would be 2010. So we're looking at a period from
20 2010 and you say:

21 "As far as officers under my command being really
22 racist, no, I never saw that."

23 What do you mean --

24 A. I don't know what I mean by "really racist", I don't

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1 know if that's a typing error. "Really racist", I don't
2 know.

3 Q. We can check that, because we've got recordings
4 obviously of all these things. So looking at it now, do
5 you understand what you -- if you did say that --

6 A. No.

7 Q. -- do you understand what you meant?

8 A. No, just racist full stop, being racist.

9 Q. And can you remember any examples when you were
10 commanding officers of racism, whether overt or
11 covert --

12 A. No, none.

13 Q. Nothing like that?

14 A. No.

15 Q. But you do say -- you're not suggesting that it didn't
16 exist in Fife Constabulary, you're not naive enough to
17 say that, so you're not suggesting that Kirkcaldy Police
18 Office was a haven of --

19 A. No, utopia, no.

20 Q. Thank you. Can I ask you about paragraph 55, please.
21 You were asked about the media. And you say when it was
22 Fife Constabulary -- so this is before it became
23 Police Scotland?

24 A. Yes.

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1 Q. "... the local inspector could be expected to speak to
2 the local reporter, local radio, but then when we went
3 to Police Scotland everything went there you a media
4 department."

5 A. Yes.

6 Q. So the handling or the engagement with the media became
7 centralised?

8 A. Yes.

9 Q. After April 2013?

10 A. Yes.

11 Q. And you say:

12 "If a reporter arrived looking for a comment at an
13 incident, the correct procedure would be to direct them
14 to the media department."

15 And you say:

16 "I'd be really surprised if a reporter would phone
17 the station. They would just be directed to the Police
18 Press Office. They would know that."

19 So is that what the centralised department was
20 called, the police press office?

21 A. Media department, yes.

22 Q. The media department.

23 A. Yes.

24 Q. Now, what about people who had obviously worked for Fife

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1 Constabulary prior to it becoming Police Scotland: they
2 had maybe built up good relationships, professional
3 working relationships with members of the press and
4 would that contact continue even after the media
5 department was put in place?

6 A. No, not to my knowledge.

7 Q. Not to your knowledge. So although you have talked
8 about -- you were obviously an inspector prior to 2013
9 when it became Police Scotland?

10 A. Yes.

11 Q. And you had been expected as part of that role to have
12 that engagement with the media. After April 2013 did
13 you continue to have any engagement with the media
14 yourself?

15 A. I did have engagement with the media but it came through
16 our media department, it was arranged and authorised by
17 them.

18 Q. So it was all done through that media department after
19 that?

20 A. Yes.

21 Q. And was that part of the sort of rules that you were
22 supposed to abide by?

23 A. It was just a process. It made it easy for everyone
24 that we knew what the parameters were.

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1 Q. And it relieved you of that burden --

2 A. Yes.

3 Q. -- of engaging when you had, no doubt, other duties.

4 Can I ask you to look at paragraph 70, please, and
5 then we move on here to 3 May 2015 and you have been
6 asked if you had a line manager or a senior officer
7 giving you orders on that date and you say:

8 "... I had the authority to deploy my officers where
9 they were required."

10 Now, can I ask you on 3 May where were you based
11 that day?

12 A. Cowdenbeath.

13 Q. And how many officers were under your command or you
14 were in charge of?

15 A. On that day or ...

16 Q. Well, yes, or just in general if --

17 A. My team consisted of two sergeants and 13 officers.

18 Q. Right. So the sergeants would be the more senior --

19 A. Yes.

20 Q. -- members of your team and then the 13 officers -- did
21 they form part of a response team and community
22 officers?

23 A. No, no. They were a partnership, working in partnership
24 with other partners, so they didn't fall either in

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1 community or response.

2 Q. Can you tell me a little bit about their role?

3 A. Their role was to look at violence reduction, community
4 engagement and we also did youth diversion and when
5 there was anti-social behaviour we could be deployed for
6 a period of time to try and address those issues.

7 Q. So that sounds like your team were involved in some big
8 issues?

9 A. Yes, could be.

10 Q. Not individual incidents, just bigger, broader issues
11 for Police Scotland?

12 A. They could be.

13 Q. And can you explain how you became involved with the
14 Sheku Bayoh incident?

15 A. Well, I think all inspectors on duty should be aware of
16 all incidents that are ongoing so from my
17 recollection -- I wouldn't have been working on the same
18 radio channel, so I have picked it up from the STORM
19 incident.

20 Q. Tell us about that?

21 A. Well, a STORM incident is created when an incident is
22 ongoing and you can look at all the incidents that are
23 happening in the area.

24 Q. And when you were working in May 2015, is that something

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1 that you would regularly keep on top of?

2 A. Yes.

3 Q. So you were aware of incidents going on in other police
4 areas?

5 A. Yes.

6 Q. And that's how you became aware of the knife calls --

7 A. Yes.

8 Q. -- regarding Mr Bayoh.

9 And then can we look at paragraph 71, so you
10 specifically say there that you were reading from the
11 STORM call cards. We have heard reference to call
12 cards, so that's sort of a record, if you like?

13 A. Yes, an incident report.

14 Q. An incident report. And you became aware of the calls
15 from members of the public at that time and can we then
16 look at 72 and 73. 73:

17 "I have been asked if it was of my own volition that
18 I went to help, and that nobody called and asked for
19 support. Yes. From recollections, my instructions to
20 my staff would be permission to use blue lights and
21 sirens to get there. It was a serious incident. With
22 blue lights and sirens you could get to Kirkcaldy from
23 Cowdenbeath in under 10 minutes and I arrived around
24 8am."

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- 1 A. Yes.
- 2 Q. So when you say you arrived -- you say later in
3 paragraph 74 "I arrived in Kirkcaldy". Did you arrive
4 to Kirkcaldy Police Office or Hayfield Road?
- 5 A. Kirkcaldy Police Office.
- 6 Q. Thank you. So you were asked if you went of your own
7 volition and can you tell us a little bit more about
8 your decision-making process to go and attend.
- 9 A. Well, I would stand by that, that that was the right
10 decision to do. It was a priority, it was a serious
11 call where extra resources would have been needed, so
12 that's where I took my resources. On that day I only
13 had four officers on.
- 14 Q. All right, so that day you had four officers -- did you
15 have two sergeants as well?
- 16 A. No, just myself.
- 17 Q. Just yourself and four officers?
- 18 A. Yes.
- 19 Q. Did they all go?
- 20 A. Yes.
- 21 Q. So all five of you went?
- 22 A. Yes.
- 23 Q. And did you all go to Kirkcaldy Police Office?
- 24 A. Yes.

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- 1 Q. And you have said it was a serious call, a serious
2 incident; can you tell us what made you view it as
3 a serious incident?
- 4 A. Well, the nature of the call, that there was a male
5 brandishing a knife at members of the public in a public
6 place.
- 7 Q. Right. And your recollection is that he was brandishing
8 a knife at members of the public?
- 9 A. That's my working assumption, yes. That was what was on
10 the call card that I read.
- 11 Q. When you say -- can you look at paragraph 71. You use
12 that phrase about a working assumption and I wonder if
13 you can explain to the Chair what that means in reality
14 in terms of your day-to-day work?
- 15 A. Well, I had no reason to doubt what the members of the
16 public were phoning in about.
- 17 Q. You weren't listening to the calls, were you? You said
18 you got that from the STORM?
- 19 A. No, not at that time, but what I would do, my working
20 practice would be then --
- 21 Q. Sorry, could you stop for a second. Sorry, I missed the
22 first part of that answer.
- 23 A. I can't 100% say that I did on this day, but my working
24 practice would have been if I was going to an incident

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1 would be then to put my radio onto the channel where
2 that incident was.

3 Q. Right. So it's drawn to your attention --

4 A. Yes.

5 Q. -- through the STORM call cards?

6 A. Yes.

7 Q. You could then from your position --

8 A. Move onto that channel.

9 Q. -- move onto the channel and then listen to what was
10 happening at the time?

11 A. Yes.

12 Q. And we have heard about Airwaves transmissions and the
13 calls coming in, so you could actually listen in to
14 that?

15 A. Yes.

16 Q. And take a view then about whether you were going to
17 assist.

18 A. Yes.

19 Q. So you arrived at Kirkcaldy Police Office at 8.00 am,
20 you said that in paragraph 73, and in paragraph 74 you
21 talk about arriving in Kirkcaldy and speaking to
22 Inspector Stevie Kay in his office:

23 "I would have asked 'where do you want my resources
24 deployed?'. Inspector Kay would have given directions

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1 where they were to go. It is my recollection that
2 I would deal with all other incidents requiring an
3 inspector's oversight."

4 So you have turned up with your team at about
5 8 o'clock and spoken to Inspector Kay?

6 A. Yes.

7 Q. We have heard mention of Inspector Kay. Was he the
8 person -- a senior officer at Kirkcaldy Police Office
9 that day?

10 A. Yes, he was the same rank as myself. I don't know
11 whether Inspector Kay would have actually been based at
12 Kirkcaldy Police Station at that time or arrived there
13 because as a police incident officer you could start at
14 other stations so I can't comment where he actually
15 started his duty that day.

16 Q. We have not heard from Inspector Kay yet, but we have
17 heard that he may sometimes have been at Dunfermline but
18 on this particular day he was in Kirkcaldy.

19 A. Right. My recollection was I spoke to him in the
20 inspector's office at Kirkcaldy Police Station.

21 Q. In the morning?

22 A. In the morning.

23 Q. And you asked him -- you say:

24 "I would have asked 'where do you want my resources

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1 deployed?'"

2 That's a reference to you and your team?

3 A. Yes.

4 Q. And do you remember now what his response was? What did
5 he ask you and your officers to do?

6 A. No, I don't remember from the Inquiry statement, but if
7 I go back to my operational statement I have obviously
8 sent my four officers onto locus protection so that
9 would be what happened.

10 Q. Right. Let's look at that for a moment. That's the
11 15 May 2015 statement.

12 A. Yes.

13 Q. PIRC 190, and page 2 at the top you talk about arriving
14 at Kirkcaldy Police Office, contacting the duty police
15 incident officer, Inspector Kay:

16 "... who requested my team carry out locus
17 protection duties. My officers were thereafter duly
18 deployed."

19 So you essentially straight away sent your officers
20 who were from your team to Hayfield Road?

21 A. Yes.

22 Q. And just briefly for people listening in, do you mind
23 telling us what locus protection duties are?

24 A. It would be where the incident has actually occurred, so

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1 we would have to secure that area.

2 Q. So will they be helping with things like traffic duties
3 and taping off areas and things like that?

4 A. Yes, yes, but once the locus -- the location is secured
5 they shouldn't have to do any traffic duties because it
6 should be a sterile area.

7 Q. How do you secure an area?

8 A. Like just what we just said, with tape or with
9 an officer's presence.

10 Q. All right, thank you.

11 Then if we could go back to the Inquiry statement
12 please, paragraph 77 to 80, and let's -- you see 77 you
13 later learned that sadly Mr Bayoh had died:

14 "Senior officers thereafter started to arrive at
15 Kirkcaldy Police Office. They took control of this
16 incident. My role thereafter was minimal, I was
17 requested to act in a support role for Conrad Trickett."

18 And we have heard mention of Conrad Trickett. Was
19 he the post-incident manager?

20 A. He was.

21 Q. And were you -- in mentioning a support role, we may
22 have heard from someone else that you were the deputy
23 post-incident manager?

24 A. No, I wasn't the deputy post-incident manager; I was

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- 1 a liaison officer.
- 2 Q. Can you explain the difference, please, between a deputy
3 post-incident manager and a liaison officer.
- 4 A. I've never heard the term deputy post-incident manager,
5 but if you were a deputy manager you would have some
6 degree of taking the notes, of actually -- in carrying
7 out, fulfilling that role of the post-incident manager.
8 My role on that day, and I was very clear about that,
9 was could I act in a support role for Mr Trickett, so
10 basically show him about Kirkcaldy Police Station and
11 getting him anything he needed to fulfil his role.
- 12 Q. So you were showing him about. You were familiar with
13 Kirkcaldy Police Office at that time?
- 14 A. Yes.
- 15 Q. Was he not?
- 16 A. No, he wasn't a Fife officer.
- 17 Q. So you were able to tell him where things were and that
18 type of thing?
- 19 A. Yes.
- 20 Q. So you saw that as a position of support, a liaison
21 officer.
- 22 A. Yes, that was my role.
- 23 Q. So if there's any suggestion anywhere that you had
24 a more formal role as deputy post-incident manager, you

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1 would not agree with that?

2 A. No, definitely not.

3 Q. And if somebody had been appointed as a deputy
4 post-incident manager, how do you think -- do you have
5 an understanding of how that would be done?

6 A. No.

7 Q. Were you involved in part of your support role in
8 talking to the police officers who had been at
9 Hayfield Road?

10 A. No.

11 Q. Can we look at the next paragraph. I think you mention
12 Conrad Trickett there:

13 "He came down and asked would I act as his liaison
14 officer."

15 You have explained that, and then you say in
16 paragraph 79:

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

18 This is 15 May 2015, so your operational statement:

19 "... at page 2 ..."

20 And it says:

21 "About 1100 [in the morning] same date, I was
22 requested to act in a support role to the post-incident
23 manager ... who had been appointed, Chief Inspector
24 Conrad Trickett'. I have been asked what happened in

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1 the 3 hours in-between arriving and this request.

2 I didn't have any direct supervision of the incident so
3 would have been supervising any other calls requiring
4 a police response."

5 I'm interested in maybe getting a little bit more
6 information about what was happening between you
7 arriving at 8 o'clock and you being appointed to this
8 liaison officer role or support role to Conrad Trickett
9 at about 11 o'clock in the morning. Can you help the
10 Chair understand what was going on then?

11 A. I can't obviously say what calls were coming in at that
12 time without looking back on the STORM command and
13 control system, but this incident was obviously the
14 priority, but the very nature of policing there was also
15 other calls that would come in that the police are
16 required to respond to and that would be what I would be
17 diverting my attention to.

18 Q. So that would be calls completely unrelated --

19 A. Yes.

20 Q. -- to the events at Hayfield Road?

21 A. Yes.

22 Q. But you would be holding the fort, if you like, keeping
23 an eye on those --

24 A. Yes.

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- 1 Q. -- while other things are going on?
- 2 A. Yes.
- 3 Q. And did you have any contact with Inspector Kay during
4 those three hours?
- 5 A. I don't know. I may have been in the same room as him
6 because sometimes inspectors would share the phone or
7 share the computer systems, but I can't recall.
- 8 Q. And when did you become aware that Mr Bayoh had passed
9 away?
- 10 A. I can't give you a time for that. It would be after
11 8 o'clock but before 11 o'clock.
- 12 Q. And during that time, do you have any understanding or
13 recollection now about who was in charge of what was
14 happening at Hayfield Road?
- 15 A. My understanding would be Inspector Stephen Kay until
16 the more senior officers arrived.
- 17 Q. And once the officers came back from Hayfield Road --
- 18 A. Yes.
- 19 Q. -- we have heard evidence they came back to the canteen?
- 20 A. They did, yes.
- 21 Q. Did you have an understanding, or even a recollection
22 now as to who was in charge once they got back to
23 Kirkcaldy Police Office?
- 24 A. That would be Inspector Kay.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So in terms of the involvement of Conrad Trickett, he
2 wasn't in charge at that time?
- 3 A. No, not at that time.
- 4 Q. So his responsibilities began, I think you said, about
5 11.00 in the morning?
- 6 A. Yes.
- 7 Q. Right, thank you. Can I ask you about recovery of some
8 items of clothing, paragraph 81:
- 9 "Later that day, I'm not exactly sure of the time,
10 I was requested if I would corroborate the taking of the
11 female officers' clothing because they had to strip down
12 to their underwear."
- 13 And I would like to ask you about the recovery of
14 clothing, so tell us how you became involved with that
15 aspect of your --
- 16 A. I was approached by one of the senior investigating
17 officers who explained they were struggling to secure
18 the services of another female officer, and they asked
19 would I be willing to stay on duty and assist with that.
- 20 Q. Right, and this was for the female -- recovery of the
21 female officers' clothing?
- 22 A. Yes, yes, primarily. But there were other officers that
23 we took clothing from as well, male officers.
- 24 Q. Do you remember who the senior investigating officer was

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1 that asked you to do that?

2 A. If I look back in my statement I think it is DCI Stuart
3 Houston, that's in my operational statement, second
4 paragraph -- third paragraph.

5 Q. Third paragraph, about 4 o'clock in the afternoon you
6 were asked to do that?

7 A. Yes.

8 Q. And tell us who DCI Stuart Houston was?

9 A. I believe he was part of the MIT team.

10 Q. All right. We have heard some reference to the MIT team
11 and so he approached you. Who was the other female
12 officer that they had secured?

13 A. I don't know this lady, but from my operational
14 statement it is DC Jennifer McAulay.

15 Q. Thank you. And you agreed to carry out that task --

16 A. Yes.

17 Q. -- and be part of that process. Can I ask you first of
18 all before we move on about paragraph 84 and you talk
19 about -- you are asked about the canteen and you say:
20 "I attended at the canteen within Kirkcaldy Police
21 Office to ensure the welfare of the officers involved.
22 By the time the officers had all returned to the
23 canteen, I remember Amanda Givan ... being present."
24 We have heard that she was from the SPF:

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1 "The first time I went down was for a duration of
2 approximately 5 minutes. I can't recall the exact time
3 I went down there. It was probably mid-morning."

4 So you said the first time you went down was for
5 about five minutes. Was there a second time you went
6 down, or more times that I went down?

7 A. No, if you look down then I went back with
8 Conrad Trickett when he did the first -- the start of
9 his post-incident management so that would be after
10 11 o'clock.

11 Q. So is that paragraph --

12 A. 90.

13 Q. -- 90. Let me just see:

14 "I went back to the canteen later with Mr Trickett.
15 It will be in Mr Trickett's statement because he was
16 documenting his actions. He explained his role in my
17 presence because the PIM is usually just for a firearms
18 incident. They actually adapted that to fit this
19 circumstance. So he explained what his role was to the
20 officers. I didn't stay in the canteen with the other
21 officers, I left with Conrad Trickett. Amanda Givan
22 stayed there as the constant person who was with them.
23 That was her role as a Federation rep."

24 So does that mean you were there twice in the

Transcript of the Sheku Bayoh Inquiry

1 canteen?

2 A. Yes.

3 Q. So initially, if we can go back up to the earlier
4 paragraph, 84, you went into the canteen to ensure the
5 welfare of the officers involved and you were there
6 about five minutes?

7 A. For an estimate, give or take.

8 Q. Give or take. And during that time, Amanda Givan was
9 there?

10 A. Yes.

11 Q. What did you do during the time you were first there?

12 A. When I first went down as I say it was a welfare visit
13 to make sure that officers had refreshments, had coffee
14 and tea and just to make sure they were all back.

15 Q. So what did you do when you were there, just ask them
16 about that or check?

17 A. I can't remember exactly what I said, but just to make
18 sure are they all back, did they need refreshments but
19 I can't recall my exact wording.

20 Q. Do you remember any specific conversations with any of
21 the officers?

22 A. I have explained this several times. There was no
23 conversation. The only way I can describe it is -- I'm
24 not a doctor, but these officers were in shock. It was

Transcript of the Sheku Bayoh Inquiry

1 very silent, there was no conversations ongoing with
2 them, they just sat there very silently.

3 Q. Okay. Then the second time you went, if we can go back
4 to paragraph 90, so you were present with Mr Trickett?

5 A. Yes.

6 Q. And he was with you at all times then, was he during the
7 time --

8 A. I stood behind him.

9 Q. You stood behind him. And he had a conversation at that
10 time with the officers who were in the canteen. Did you
11 say anything that time?

12 A. Did I say anything?

13 Q. Did you say anything?

14 A. No.

15 Q. No. And those were the only two times you were in the
16 canteen?

17 A. Yes.

18 Q. And do you remember how long you were in the canteen
19 with Inspector Trickett, Chief Inspector Trickett?

20 A. No, but I wouldn't -- again, it wasn't a prolonged
21 period of time. It will be on his notes.

22 Q. If we have heard any evidence that Nicole Short had
23 a conversation with you at that time about her vest, do
24 you have any recollection at all about that

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1 conversation?

2 A. No, none whatsoever.

3 Q. Right, thank you. You do know Nicole Short, I think you
4 have said in your statement?

5 A. I know who she is, yes.

6 Q. And she would recognise you, you would recognise her?

7 A. Yes, yes.

8 Q. Can we look at paragraph 94, please, and you were asked
9 about the FME, Dr Norrie, and you have seen -- you say
10 you have seen her:

11 "I think I have observed her at Kirkcaldy Police
12 Station previously but can't recall any dealings with
13 her. I didn't work in the custody suites; it's more the
14 custody sergeants and inspectors who would work more
15 closely with the FME and custody nurses."

16 Now, I think at one point there was a question asked
17 about whether you had been involved with Dr Norrie, or
18 shared information with her and I'm not going to go to
19 that because we heard from Dr Norrie yesterday and she
20 said she had never had any conversations with you at
21 all, that the conversations she had had had been with
22 a nurse who had phoned her to make the arrangements, so
23 you can put to the back of your mind any suggestion now
24 that you had a conversation -- I think you were clear in

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1 your recollection you hadn't had a conversation with
2 her.

3 A. No, but PIRC asked what would I have said to Dr Norrie
4 and I had no reason to dispute what they had said,
5 I would say the man had a knife.

6 Q. Yes, but Dr Norrie has confirmed that she did not
7 actually have any direct contact with you on that day.

8 Right, can I ask you about the seizing of the
9 clothing and the equipment. Can we look further down,
10 please, at paragraph -- I think it is 99, seizing
11 clothing and equipment. So you have referred back to
12 your previous statement to PIRC and it said:

13 "From my previous statement ..."

14 That will be your operational statement:

15 "... I recall that at about 1808 hours to 1812 hours
16 that day, Sunday 3rd May 2015, I in the presence of
17 Detective Constable Jennifer McAulay seized the clothing
18 and equipment of Police Constable Nicole Short."

19 And you say:

20 "I didn't take any clothing, it was DC McAulay --"

21 We may hear that her name is now DC Bruce:

22 "... in my presence. I was standing at the door to
23 make sure no one else would come in and walk in while
24 she was in her underwear."

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1 So you were there actually to just stop people
2 interrupting?

3 A. And to corroborate the taking of the clothing.

4 Q. And to see that she had collected the right clothing
5 from the right officer?

6 A. Yes.

7 Q. And you say you had never met Jennifer, Jennifer McAulay
8 before:

9 "She was at Tayside [and] worked in Dundee, I think.
10 I don't know where she came from but she wasn't a Fife
11 CID officer."

12 She wasn't someone that you had had any connection
13 with prior to that?

14 A. No.

15 Q. And then further down you say you also provided
16 reassurance -- officers with reassurance that the
17 Federation were there to support them.

18 Can I ask when was it that you were providing that
19 reassurance: was that at the first meeting in the
20 canteen or later when you were there with Trickett?

21 A. I think this was from a PIRC interview was when the
22 seizing of clothing was taking place.

23 Q. All right, so it was reassurance to the officers whose
24 clothing you were seizing?

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- 1 A. Yes.
- 2 Q. Thank you. Can I ask you to look at the issue about
3 forensic recovery of clothing. Now, there's been some
4 evidence about the difference between seizing items and
5 forensic recovery, and I wonder if you could just help
6 us by explaining what those distinctions are.
- 7 A. I think the forensic recovery is to make sure there's no
8 cross-contamination between the items that are taken,
9 opposed to just physically seizing the items.
- 10 Q. Right. And how would officers forensically recover an
11 item?
- 12 A. Usually we would use a protective white suit.
- 13 Q. When you were corroborating the recovery of items, were
14 you wearing a protective white suit?
- 15 A. I can't recall that, but if I go to my operational
16 statement you will actually see that we have actually --
17 each time we have taken them off, we have taken the
18 white suit, so that would infer to me I was wearing
19 a white suit, as was DC McAulay, but I can't recall
20 wearing a white suit.
- 21 Q. But as part of your normal procedures, forensic recovery
22 would be wearing a white suit --
- 23 A. Yes.
- 24 Q. -- and then removing that --

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1 A. Yes.

2 Q. -- and then putting that in with --

3 A. The items.

4 Q. -- collecting that all together?

5 A. Yes.

6 Q. So that's available for any future forensic analysis?

7 A. Yes.

8 Q. Thank you. But that's not something that's done if

9 you're just seizing an item from a police officer?

10 A. No.

11 Q. Thank you. And as we have talked about you wearing

12 a white suit, would that have been the same for the

13 other female officer, she would also be wearing a white

14 suit recovering items?

15 A. DC McAulay?

16 Q. Yes, DC McAulay or DC Bruce.

17 A. Yes, I can't recall her actually wearing it, but from my

18 operational statement, yes, we were both wearing white

19 suits that were put in the bags.

20 Q. Thank you. Can I ask you to look at paragraph 103

21 please and you talk about -- this is your Inquiry

22 statement obviously:

23 "It was 7 years ago. I couldn't remember what was

24 said but there certainly would have been no dialogue

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1 with them. By this time, I think the females were
2 getting a wee bit more agitated and upset while their
3 clothes were taken."

4 So this is you talking about the process of
5 recovering the items:

6 "Unfortunately I can't remember any conversations
7 I had with Nicole, either PIRC or Mr Sallens asked me if
8 I remember Nicole saying to me that she had been stamped
9 on. I'm not saying she definitely didn't say that, but
10 I can't remember her saying that to me."

11 So this really reflects your recollection now?

12 A. Yes.

13 Q. And you just don't have any detailed recollection of
14 that?

15 A. No.

16 Q. And that remains the position today, does it?

17 A. It does.

18 Q. Thank you. Then 104:

19 "I have been referred to my statement to PIRC ..."

20 So that's the second statement at page 2 and 3:

21 "I have been asked and I cannot recall if
22 Nicole Short told me if she had been stamped on or
23 kicked. I cannot recall if Nicole Short's equipment,
24 specifically her body armour, had any marks, dirt or

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1 footprints on it, or if she pointed these out to me at
2 the time. The clothing was not photographed whilst worn
3 by the officers, nor when removed prior to being bagged
4 as productions. I have been asked if this is still my
5 understanding. To the best of my recollection, yes."

6 So I would like to ask you about this paragraph,
7 please. First of all, the clothing wasn't photographed
8 whilst worn by the officers. When Nicole Short came in
9 to have the recovery of her items, was she wearing all
10 of her uniform, or was she carrying some of it?

11 A. I can't recall.

12 Q. No. And do you remember any photographs being taken --

13 A. No.

14 Q. -- obviously not while the examination --

15 A. No.

16 Q. No, not at all?

17 A. Not in my presence.

18 Q. Not in your presence. Would it be normal for
19 photographs to be taken when items are recovered?

20 A. Not usually if you actually have the physical item. You
21 would usually only photograph them initially if you had
22 to hand the item back or it was a large structure you
23 couldn't physically take possession of.

24 Q. All right, thank you. I would like you to look at

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1 a vest and this is an actual vest, it's in a package.
2 I won't be asking you to open that, but can you confirm
3 that this is one of the items that you recovered on
4 3 May 2015?
5 A. Yes, that's my signature on the production label.
6 Q. And what item is that?
7 A. That is Nicole Short's vest.
8 Q. So that's the vest that you recovered from Nicole Short
9 after 6 o'clock in the evening on 3 May 2015?
10 A. Yes.
11 Q. And then we see the photographs on the screen which will
12 just be brought up, that's photographs of the item.
13 Now, can we leave it at that photograph please, the
14 second one on PIRC 01176. Do you see on that photograph
15 that there is a dark coloured mark --
16 A. Yes.
17 Q. -- on the rear of the police vest?
18 A. (Nods).
19 Q. Was that mark drawn to your attention by Nicole Short
20 that day?
21 A. Oh, I can't recall that.
22 Q. Do you remember seeing that mark?
23 A. No.
24 Q. Had that mark been drawn to your attention by

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1 Nicole Short that day what would you have said about it?

2 What would you have done about it?

3 A. It depends on the significance of the mark. If I wasn't
4 aware she had been stamped or kicked, a dirty mark on
5 a piece of police clothing might not be significant, so
6 it depends on what the significance of that was to me at
7 that time.

8 Q. So it would have been up to the individual officer to
9 draw the significance to your attention if she wanted
10 anything done about that?

11 A. Yes, or for someone else -- I'm not saying the officer
12 had to do that, but if an investigating -- senior
13 investigating officer was aware that was pivotal to his
14 enquiry, yes, we would be looking for that.

15 Q. Thank you. And if an officer drew the attention of an
16 inspector to a mark and said "This is significant for
17 some reason" --

18 A. Yes, yes.

19 Q. -- what would the inspector do about that?

20 A. We would obviously possibly tell the investigating
21 officer to see -- to make sure we didn't lose that
22 evidence, to make sure we took all steps to preserve it.

23 Q. So when you say the investigating officer, would that be
24 the senior investigating officer?

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1 A. Yes.

2 Q. The SIO?

3 A. Yes, SIO.

4 Q. So that would be information, if it was shared, and the
5 significance of it shared by an officer to an
6 inspector --

7 A. Yes.

8 Q. -- the inspector could share that with the SIO?

9 A. Yes.

10 Q. And that would then be dealt with as part of the overall
11 investigation?

12 A. Yes.

13 Q. But your recollection is -- you have no recollection of
14 that mark and no recollection of anyone saying to you it
15 was significant?

16 A. Yes, no.

17 Q. Thank you. So would it be possible that an inspector
18 such as yourself would just say to somebody "Put that
19 somewhere safe"?

20 A. If you're asking if I personally -- if I knew the
21 significance of that and said "Just go and put that some
22 place safe", no, I wouldn't have done that.

23 Q. No?

24 A. No.

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- 1 Q. Why wouldn't you have done that?
- 2 A. Because it's a significant piece of evidence.
- 3 Q. And if you had had that drawn to your attention, is it
4 the sort of thing that you might have noted in your
5 operational statement?
- 6 A. Yes, and sought clarity over.
- 7 Q. Thank you. Can I ask you about -- I think it is in your
8 Inquiry statement but we can discuss this. Can I ask
9 you about the micro fleece. We hear that
10 PC Nicole Short was wearing clothing underneath her body
11 armour, or her vest and one of the things was called
12 a micro fleece. Can you -- I think you called it -- it
13 is quite thin material and I'm wondering if you can help
14 us understand what a micro fleece is. Is it a standard
15 piece of clothing that's worn by police officers?
- 16 A. All police officers should wear their standard
17 authorised clothing but some officers, for different
18 reasons, may purchase something themselves that they
19 would wear to potentially keep warmer if they needed to,
20 so I don't know whether you're talking about a police
21 standard issue micro fleece or one that the officer has
22 purchased herself to wear on duty.
- 23 Q. Is a micro fleece something that police officers are
24 issued with?

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1 A. Yes.

2 Q. And is it thin material?

3 A. It is quite thin, yes.

4 Q. Can I ask you about your notebook on 3 May and I think
5 it's paragraph 117 of your Inquiry statement.

6 I appreciate you weren't at Hayfield Road but what was
7 your understanding of your obligations in relation to
8 completion of notebook entries in May 2015?

9 A. I have no reason not to complete my notebook, so my
10 notebook was completed as you would expect it to be
11 completed for the duties I undertook.

12 Q. And you have said that:

13 "If I thought the action I had taken would have been
14 pivotal to any subsequent enquiries I would have taken
15 notes. However, as I have stated, I did not deem any
16 actions I took were part of the evidential chain."

17 A. Yes.

18 Q. And I just wondered if you could explain what your
19 understanding is of that?

20 A. What I mean by that is you're asking me now seven years
21 later for times, specific times, so if I thought those
22 would have been pivotal, for example, when I walked into
23 the canteen, when I walked out of the canteen, I would
24 have put them in my notebook, but the notes in my

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1 notebook are what you would you expect regarding the
2 seizing of productions, what I started duty, when
3 I finished duty.

4 Q. And is it fair to say that your operational statement,
5 which you completed, would have been from your
6 recollection and from entries in your notes?

7 A. And from my notebook, yes.

8 Q. And it dealt with what you considered to be your
9 significant involvement --

10 A. Yes.

11 Q. -- with those events. And then finally you are asked to
12 deal with the PC Alan Paton complaint and you have been
13 asked some questions about a complaint that you were
14 involved in. You say:

15 "I think Alan Paton's complaint was about parking."

16 So just to be clear, these paragraphs are about
17 a complaint that had been made about PC Paton and that
18 you had some involvement in and it was limited
19 involvement in and you have made that clear. As we look
20 through these paragraphs -- I think you took a statement
21 so we'll go through those paragraphs --

22 A. I didn't take a statement.

23 Q. Oh, sorry. We will go through the paragraphs. 120
24 next, please:

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1 "I was only present, from my [recollection
2 presumably] at one house when the statement of complaint
3 was noted."

4 So you didn't take that statement?

5 A. No.

6 Q. You were present --

7 A. Yes.

8 Q. -- when the statement was taken and that's the extent of
9 your --

10 A. Yes, I can't even give you the year or date or anything
11 like that, as you can see from that, but I was asked
12 about that.

13 Q. Right. And you say at 121:

14 "It's very seldom we would go unaccompanied to note
15 a complaint. [some other inspector] had a statement to
16 note, and I would go as his corroborating officer. Only
17 one inspector would note a statement of complaint."

18 And that was not yourself?

19 A. No.

20 Q. And at 122:

21 "I have been asked if I was involved in the
22 decision-making for this complaint. No, that's the
23 investigating officer's decision and on that occasion it
24 was [a different inspector]. I wouldn't be involved in

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1 And she notes -- it is her evidence:

2 "However, due to the continued [I think positive]
3 community engagement and dialogue this was avoided.
4 Meetings took place with community leaders where any
5 concerns could be addressed and discussed."

6 The first issue that I want to ask about are
7 questions around the concerns that police had, so the
8 questions that I would like to ask are: how soon after
9 the death of Sheku Bayoh were there concerns that there
10 might be a negative and adverse reaction, whether or not
11 by that she meant demonstration or protest, to ask her
12 whether or not she was one of the people who had those
13 concerns, to find out who else had those concerns and
14 importantly to find out why did they have those
15 concerns, if there was a discussion about that.

16 And finally, would she have expected the concerns,
17 if she was one of these people that held them and other
18 officers did, would she have expected the officers in
19 the canteen to have these same sorts of concerns.

20 The second issue relates to matters of the community
21 and in particular those members of the community being
22 Sheku Bayoh's family and the issue of protest and the
23 following questions would like to be asked in order to
24 assist the Inquiry with a proper understanding of the

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1 situation. This Inquiry may come to hear in the future
2 that demonstrations and protests did take place, which
3 of course were peaceful and legal, but there was
4 a breakdown with the Bayoh family and what I would like
5 to ask this witness was whether or not she was aware
6 there was a complete breakdown in relationships between
7 family liaison officers and the Bayoh family in the days
8 following Sheku Bayoh's death. I would like to ask
9 about the meeting with community leaders, in particular
10 whether or not she was aware if the family of
11 Sheku Bayoh was invited because she said that it was not
12 all community leaders and others in the community were
13 present.

14 I would like to ask if she can recall what the
15 purpose of the meeting was and if the meetings were
16 in May, which I think she said she thought it was, given
17 the fact that the police officers hadn't yet given any
18 statements, what information or what discussions could
19 she recall about that and, finally, moving on to the
20 Bayoh family themselves and protest: were you aware of
21 demonstrations and rallies that the Bayoh family
22 participated in, not just in Kirkcaldy but through
23 Scotland, including 7 June where there was a march of
24 1,000 people outside the police station, a minute's

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1 silence and literally a banner which said "we want
2 justice and without truth there can be no justice", two
3 major marches, of other protests and September a meeting
4 in the community centre and October another rally in
5 Kirkcaldy, and also whether or not this witness was
6 aware that the Bayoh family campaigned for some
7 five years for the VRR and for the Public Inquiry, and
8 also whether or not this witness was aware of the name
9 Sheku Bayoh being carried at Black Lives Matter
10 demonstrations throughout Scotland. This is
11 particularly because of her part that she says that she
12 was involved in community relations in Kirkcaldy at that
13 time, so it's against that background I would like to
14 ask these questions.

15 (Pause).

16 Ruling

17 LORD BRACADALE: In relation to the first issue, I shall
18 allow you to explore the issues in relation to the
19 concerns.

20 In relation to the second issue, I would draw
21 a distinction between the immediate aftermath of 3 May
22 and the much broader matters that you mention towards
23 the end, so I would draw the line at the 7 June matter,
24 so you can ask about the aftermath of up to -- the

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1 subsequent issues I will not allow you to ask at this
2 stage.

3 MS MITCHELL: Can I just clarify in relation to those
4 matters whether or not that would include asking
5 a question of whether or not they were aware of the name
6 Sheku Bayoh being carried at Black Lives Matter
7 demonstrations.

8 LORD BRACADALE: Yes, that's much later.

9 MS MITCHELL: Well, I'm --

10 LORD BRACADALE: Is it?

11 MS MITCHELL: Well, I'm not sure that it would be. I'm just
12 wondering if that was much later. We know the dates of
13 certain marches on 7 June and we also --

14 LORD BRACADALE: That is 7 June 2015, is it?

15 MS MITCHELL: Yes, indeed. And we also know the meeting
16 with the community was in May, so is the Inquiry just
17 suggesting that the questions about the VRR should not
18 be included --

19 LORD BRACADALE: No. I would restrict your questions to
20 matters occurring in May and June 2015.

21 MS MITCHELL: I'm obliged.

22 LORD BRACADALE: And on that basis I shall allow you to ask
23 the questions, so if we can rearrange the seating
24 please.

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1 (Pause).

2 Can we bring the witness back, please.

3 Ms Combe, you're going to be asked some questions by
4 Ms Mitchell who is the senior counsel for the Bayoh
5 families.

6 Ms Mitchell.

7 MS JANE COMBE (continued)

8 Questions from MS MITCHELL

9 MS MITCHELL: Thank you.

10 I wonder if we could have on screen the Inquiry
11 statement of Inspector Combe, in particular
12 paragraph 50. Now, you will recall being asked some
13 questions by my learned friend about this already.

14 A. Yes.

15 Q. I would like to ask you some more questions, if I may,
16 about that.

17 As we see there it says:

18 "Following the tragic incident, there were concerns
19 that there could be a negative and adverse reaction from
20 the ethnic minority community in Fife and a breakdown in
21 our engagement with these communities which could
22 manifest in demonstration and process sorry protest and
23 protest."

24 Now, what I would like to ask you, first of all, is

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- 1 how soon after the death of Sheku Bayoh were there
2 concerns that there might be an adverse and negative
3 reaction?
- 4 A. I couldn't give you a timescale on that. I would say
5 quite quickly after that didn't -- any victim of any
6 crime or any incident, very quickly that would be one of
7 the community impact assessments, so it doesn't have to
8 be race, it could be it was a young person, it could be
9 any number of things that we take into consideration
10 after an incident.
- 11 Q. Okay. And when -- you have identified that, you have
12 said "Quite quickly", I'm wondering if we could explore.
13 Do you mean on that day would there have been concerns?
- 14 A. I would think so, as senior management, yes, it would be
15 part of your Community Impact Assessment.
- 16 Q. And were you one of the people that had those concerns?
17 Did you have a concern given your --
- 18 A. I wasn't part of the senior management team, but from
19 the work I have done with the communities, yes, that
20 would be a concern.
- 21 Q. And you would say that not only you would have that
22 concern but you imagine senior management would have
23 that concern?
- 24 A. I can't talk for senior management, but I would presume

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- 1 so.
- 2 Q. Why did you have those concerns?
- 3 A. As I said, after any incident involving the police,
4 whether as I say it's a young person who has died on the
5 road, whether it's an incident like this, you have to
6 look around and see what impact is that going to have on
7 the community.
- 8 Q. I would like you to look at this particular instance.
- 9 A. Yes.
- 10 Q. Why in this particular instance did you have an
11 apprehension that there might be negative and adverse
12 reaction?
- 13 A. Because of the gentleman's heritage.
- 14 Q. What do you mean by that?
- 15 A. He is a black male.
- 16 Q. And why did that make you think that there would be
17 negative and adverse reaction?
- 18 A. Well, if I'm being perfectly honest with you, it's after
19 anything -- whether it's worldwide or in the country, if
20 it is to do with an ethnic minority, the media will come
21 on the back of that.
- 22 Q. And is there a particular resonance with black men in
23 police custody?
- 24 A. No, no. Not in Fife, no.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. Well, in general, though, you were talking about --
- 2 A. In general if you look at the media reporting there's
3 plenty media reporting throughout the years about black
4 people being taken into custody, your stop and search
5 down in England.
- 6 Q. Was it one of your concerns that because Mr Bayoh was
7 black there might be an adverse --
- 8 A. Potentially, yes.
- 9 Q. -- reaction.
- 10 A. Yes.
- 11 Q. You say that there were concerns that there could be
12 a negative and adverse reaction. You have indicated
13 that you have that concern. Who else had that concern?
14 I'm just -- reflecting upon --
- 15 A. I couldn't comment on that.
- 16 Q. Well, you say "There were concerns", so I'm looking to
17 help the Inquiry with where those concerns arise. How
18 did you know about those concerns?
- 19 A. Because they were my concerns.
- 20 Q. Okay. And were you the person then that acted to carry
21 out the community engagement and dialogue?
- 22 A. I was present at some of those, yes.
- 23 Q. And when you were present at that, did other people
24 express their concerns about the possibility of

Transcript of the Sheku Bayoh Inquiry

- 1 a negative and adverse reaction?
- 2 A. Are you talking about other persons as in the police
3 community --
- 4 Q. Yes.
- 5 A. -- or as in the wider community?
- 6 Q. In the police community?
- 7 A. Yes, in the police community, yes.
- 8 Q. And were those discussions had presumably before you
9 reached out to ethnic minority communities in Kirkcaldy?
- 10 A. They would have been, yes.
- 11 Q. Do you remember those discussions?
- 12 A. No.
- 13 Q. Do you remember any meetings about them?
- 14 A. No.
- 15 Q. Would you have expected the officers who were in the
16 canteen to have the same sorts of concerns?
- 17 A. Not all of them, because some of them were very new into
18 the organisation and might not have had that exposure
19 previously.
- 20 Q. We have had evidence that some of the officers, for
21 example, Walker and Paton, were extremely experienced
22 officers. Would you have expected them to have those
23 sorts of concerns?
- 24 A. As I have already said, it depends on their exposure to

Transcript of the Sheku Bayoh Inquiry

1 these kinds of incidents, where it's involving an ethnic
2 minority community. If police officers have never dealt
3 with the ethnic minority community they might not have
4 those concerns, it might not be first and foremost in
5 their mind.

6 Q. Well, would you have expected police officers to be
7 aware of the worldwide media about black men dying in
8 police custody?

9 A. It would be an expectation but, as I have said, I can't
10 speak for every police officer that they do keep
11 up-to-date with current affairs.

12 Q. I would like to move on to another issue.

13 A. Thank you.

14 Q. This issue is in order to assist the Inquiry with
15 a proper understanding of the situation just post the
16 death of Sheku Bayoh. You have indicated already at
17 paragraph 50 that "due to the continued positive
18 community engagement and dialogue this was avoided", and
19 by "this" it means demonstration and protest.

20 Now, during the proceeding days after Mr Bayoh's
21 death in police custody, were you aware of large-scale
22 events?

23 A. No.

24 Q. Were you aware of a large-scale event on 7 June?

Transcript of the Sheku Bayoh Inquiry

1 A. And where are you talking about this large-scale event?
2 Is it in Fife or Edinburgh, Glasgow?

3 Q. In Fife.

4 A. In Fife. There was one -- I couldn't give you the date,
5 there was an event in Fife.

6 Q. And if I were to suggest to you that that was a march
7 which stopped outside the police station --

8 A. Yes, that's the one I'm referring to.

9 Q. Do you remember anything about that particular event?

10 A. As I have said, I wouldn't class that as a demonstration
11 or a protest, there was no hostilities that I am aware
12 of, it was very dignified by all those involved, but
13 yes, I'm aware that there was an event.

14 Q. Were you aware that there was a minute's silence outside
15 the police station?

16 A. Yes.

17 Q. Can you tell us anything else about that?

18 A. No.

19 Q. No. Now, you say you wouldn't class that as
20 a demonstration or a protest, but of course
21 demonstrations and protests --

22 A. Yes.

23 Q. -- are completely legal?

24 A. Yes.

Transcript of the Sheku Bayoh Inquiry

1 Q. And can be done peacefully?

2 A. Yes.

3 Q. Now, the Inquiry will come to hear that -- there will be
4 evidence that the Bayoh family in fact stood with
5 a banner which said "We want answers" and "Without truth
6 there can be no justice". Do you recall seeing that?

7 A. I don't recall seeing it at Kirkcaldy but I have seen
8 that in the media.

9 Q. And were you present at that --

10 A. No.

11 Q. Okay. Do you have any recollection of any other
12 meetings in Kirkcaldy in the days or weeks preceding
13 that --

14 A. No.

15 Q. A rally?

16 A. No.

17 Q. A meeting at a community hall?

18 A. No.

19 Q. You have already explained to us that you didn't
20 consider these demonstrations or protests because what
21 you were thinking of when you meant that was
22 something --

23 A. I will clarify that for you then. What I mean by is
24 a large-scale disturbance -- as I say, yes, I take

Transcript of the Sheku Bayoh Inquiry

1 on board what you're saying, they can be classed as
2 a protest or demonstration, but there was no
3 hostilities, there was no arrests that I am aware of.

4 Q. Were you aware that there was a breakdown in relations
5 between the police and the family liaison officers and
6 the Bayoh family in the days following Sheku Bayoh's
7 death?

8 A. No.

9 Q. Did you have any interaction with the family liaison
10 officers at all?

11 A. Did I personally?

12 Q. Yes.

13 A. No.

14 Q. You spoke also about the meeting with community leaders.

15 A. Yes.

16 Q. And it would be fair to say you can't remember a huge
17 amount about that, is that correct?

18 A. That's right.

19 Q. Can you remember what the purpose of that meeting was
20 for?

21 A. From my recollection it was just to have that engagement
22 still with the community, so if there was any underlying
23 issues, we could try and address them.

24 Q. And what underlying issues might those be?

Transcript of the Sheku Bayoh Inquiry

1 A. They could be anything, a lack of communication, a lack
2 of information-sharing, feeling that they were being
3 persecuted, you know, being targeted by other members of
4 the community, but there was none of that from my
5 recollection.

6 Q. At that particular time, if your understanding is
7 correct and the meeting was in May --

8 A. I said I couldn't remember, I said it would be May
9 or June.

10 Q. May or June?

11 A. Yes.

12 Q. If it was May or June. What information could you have
13 given at that stage about the circumstances of
14 Sheku Bayoh's death?

15 A. We couldn't have shared anything about the
16 circumstances, but the community impact is to see how
17 the community are feeling about that incident, or any
18 other incidents.

19 Q. Were you aware whether or not the Bayoh family were
20 invited to the meeting of community leaders?

21 A. The Bayoh family have a member of their family who is
22 part of Frae Fife and they were invited.

23 Q. So through Frae Fife?

24 A. Yes, and there was a member of Frae Fife there and

Transcript of the Sheku Bayoh Inquiry

1 a member of their family is a quite influential member
2 of Frae Fife.

3 Q. Do you have any information that anyone else in the
4 family was invited to that meeting?

5 A. I couldn't tell you who the invite list was.

6 Q. Okay. So any invite that was given was given to a body
7 of whom a member is a party of that group, but not the
8 family itself?

9 A. I couldn't tell you.

10 MS MITCHELL: No further questions.

11 LORD BRACADALE: Ms Combe, thank you very much for coming to
12 give evidence to the Inquiry. I'm going to rise now in
13 order that the next witness can be introduced and you
14 will be free to go then.

15 MS MITCHELL: Sorry, my Lord, I did forget to ask a question
16 (mic turned off) the community leaders.

17 LORD BRACADALE: Yes, very well (inaudible overspeaking) --

18 MS MITCHELL: I'm sorry, I'm sorry.

19 A. Not at all.

20 Q. You have indicated to us briefly the make-up of the
21 community leaders and I wonder if I can explore that
22 with you in a little more detail?

23 A. Yes.

24 Q. You described the imam of the mosque?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. Can you tell us who else you thought was there?

3 A. The leader of the Fife Arabic community, Frae Fife,
4 business leaders, anyone who has actually been
5 interactive with the police from any of the communities
6 is what I would say, is somebody who is influential and
7 we could get a message through.

8 Q. And what people of that group were members of the black
9 community?

10 A. Frae Fife.

11 Q. And is the particular person that you're referring to in
12 relation to Frae Fife, that particular person isn't
13 a member of the Bayoh family that was there that day?

14 A. He wasn't -- yes, it was someone else other than the
15 member of the Bayoh family who I have said is a member
16 of Frae Fife.

17 Q. And do you know who that person was?

18 A. I believe it's -- Naeem is his first name, I don't know
19 his surname.

20 MS MITCHELL: I've no further questions.

21 LORD BRACADALE: Thank you.

22 (12.39 pm)

23 (Short Break)

24 (12.44 pm)

Transcript of the Sheku Bayoh Inquiry

1 LORD BRACADALE: Now, Ms Grahame, who is the next witness?

2 MS GRAHAME: The next witness is Samantha Davidson.

3 LORD BRACADALE: Ms Davidson, are you a Detective Inspector,
4 is that right?

5 A. Temporary Detective Inspector at the moment.

6 LORD BRACADALE: Would you take the oath, please.

7 TEMPORARY DI SAMANTHA DAVIDSON (sworn)

8 LORD BRACADALE: Ms Grahame.

9 Questions from MS GRAHAME

10 MS GRAHAME: Thank you.

11 You are Samantha Davidson?

12 A. Yes.

13 Q. And what age are you?

14 A. 38.

15 Q. And tell us how many years' service you now have?

16 A. 17.

17 Q. And in 2015?

18 A. 10 years' service.

19 Q. And your rank now, you have just told the Chair you're
20 temporary detective inspector?

21 A. Yes, that's correct.

22 Q. And in 2015, were you a DS, a detective sergeant?

23 A. Yes.

24 Q. And we have heard people talk about the CID officers.

Transcript of the Sheku Bayoh Inquiry

1 Is that one -- you're that person?

2 A. Yes.

3 Q. Thank you. And your contact details are all known to us
4 so I'm not going to ask you to say what they are.

5 Have you had the chance to see other aspects of the
6 evidence that we have had in the Inquiry?

7 A. Some, not all.

8 Q. You may have seen me refer officers and witnesses to the
9 black folder in front of you, so have a look in that and
10 that should contain four statements and I'm going to
11 take you through all of them now. So the first one was
12 a self-penned statement dated 4 May 2015. I don't
13 actually know what order they are in in your folder, but
14 it will also come up on the screen as we go through it.

15 A. Mm-hm.

16 Q. So this is Samantha Davidson and you will see it says
17 4 May 2015, 12.25, done by yourself at Kirkcaldy Police
18 Office.

19 A. Yes, that's correct.

20 Q. Right. And when you prepared this, this was just the
21 day after the events of 3 May.

22 A. Yes.

23 Q. Were you doing your best to give -- to give a true and
24 accurate recollection or record of what had happened the

Transcript of the Sheku Bayoh Inquiry

1 day before?

2 A. Yes.

3 Q. And then can we look at PIRC 184 and we will see that
4 this is a statement by you on 29 May 2015 at 11.10,
5 taken by investigators John McAuley and Kevin Rooney at
6 Kirkcaldy Police Office?

7 A. Yes.

8 Q. We have heard that these are investigators from PIRC, so
9 they took a statement from you on that date and again,
10 were you doing your best to give a true and accurate
11 record of what had happened?

12 A. Yes, I was.

13 Q. Thank you. And were you given the chance to change
14 anything?

15 A. Just to clarify from my original self-penned statement,
16 yes.

17 Q. So this was about clarifying your original statement.
18 and then look at number 3, PIRC 185, please.

19 This is a statement of 2 June 2015, 17.20, by
20 John Ferguson, investigating officer, again at Kirkcaldy
21 Police Office, and again, on this date were you doing
22 your best to give a true and accurate record of what had
23 happened?

24 A. Yes, that's correct.

Transcript of the Sheku Bayoh Inquiry

1 Q. And again, were you given the chance to clarify or make
2 any changes if you wished?

3 A. Yes.

4 Q. Thank you. And then finally, can we look at the Inquiry
5 statement. We will see that this is your Inquiry
6 statement taken by a member of the team on 9 March 2022,
7 and if we can look at the last page, you will see
8 there's a paragraph there which says at 39:

9 "I believe the facts stated in this witness
10 statement are true. I understand that this statement
11 may form part of the evidence before the Inquiry and be
12 published on the Inquiry's website."

13 Then we should be able to -- we will have a -- yes.
14 So we see that there was a signature there. It has been
15 redacted on the copy that we see on the screen, but on
16 your hard copy you should see your signature on all the
17 pages?

18 A. Yes, that's correct.

19 Q. And that was dated -- signed by you on 26 April 2022.

20 A. (Nods).

21 Q. So when I go through things, I will ask for particular
22 paragraphs or pages to be brought up on the screen, but
23 at all times you're going to have the full hard copy and
24 if you think there's an area you would like to refer to,

Transcript of the Sheku Bayoh Inquiry

1 please just tell us and we can bring that up on the
2 screen as well.

3 A. Okay, no problem.

4 Q. So feel free to use those hard copies in any way. In
5 addition to the folder with your statements in it, you
6 should see a spreadsheet which has been printed off.
7 It's a combined audio and video timeline.

8 Now, if you have managed to watch any of the
9 evidence, you may have seen me refer people to this,
10 witnesses to this. You will see on the left there's
11 timings given in the 24-hour clock, so, for example, the
12 first one is 7.09 in the morning, 20 seconds to 33
13 seconds. And then to the left of centre of the
14 spreadsheet, you will see a list of Airwave
15 transmissions that are transcribed, and then to the
16 right of centre, you will see a very brief description
17 of events that are said to be happening in the CCTV or
18 in the footage and on the right-hand side, you will see
19 the source of that -- the video extract.

20 A. Okay.

21 Q. Now, you may have seen in the hearings, or you may have
22 seen on the news that we have also got an evidence video
23 timeline which combines all the footage, and that will
24 be on the screen, and I might ask you questions about

Transcript of the Sheku Bayoh Inquiry

1 that.

2 A. Okay.

3 Q. You might have seen witnesses touch the screen and a red
4 circle appears. We might be doing that as part of your
5 evidence as well.

6 A. Okay.

7 Q. But if you're not clear about anything, just tell me and
8 I will explain what we want to do.

9 A. Okay, no problem.

10 Q. Great, thank you very much.

11 So let's start with your Inquiry statement if I may,
12 paragraph 5, and you have said at around 7.15 in the
13 morning you were in the CID office in Kirkcaldy Police
14 Office:

15 "... when I heard a transmission over the radio
16 regarding a black male in possession of a knife in the
17 area of Hendry Road, Kirkcaldy. I understood this was
18 a priority 1 call requiring immediate response.
19 DC Connell and I acknowledged the call, along with
20 uniformed officers. While this was a call for uniformed
21 officers rather than CID, Kirkcaldy Police Office was
22 very short staffed at that time. That, together with
23 the serious nature of the call, made us respond to the
24 call."

Transcript of the Sheku Bayoh Inquiry

1 I would like to ask you some general questions about
2 this. Now, we have heard officers talk about the CID
3 officers. Are you quite a distinct group of officers
4 compared to other uniformed officers in a police
5 station?

6 A. Distinct in that we wear different uniform. A CID
7 officer will routinely wear suits as opposed to the
8 normal standard police uniform and the distinction is
9 what crimes we lead on as opposed to what crimes the
10 uniform lead on. So we would lead on serious,
11 protracted crimes, as opposed to maybe your kind of
12 volume crime that response deal with.

13 Q. So things like murders, or serious assaults, that type
14 of thing?

15 A. Mm-hm.

16 Q. And you would be dressed in suits rather than the
17 standard police uniform?

18 A. Yes, that's correct.

19 Q. So you are quite easily distinguished compared to other
20 officers maybe in a scene: you can be seen because of
21 your normal clothing --

22 A. Yes.

23 Q. -- smart clothing.

24 A. Mm-hm.

Transcript of the Sheku Bayoh Inquiry

1 Q. And do you have a separate office then with CID officers
2 in Kirkcaldy Police Office?

3 A. Yes, at the time -- we don't have a CID office there
4 just now, but at the time we had a separate CID office
5 from uniform.

6 Q. So do you form a unified group --

7 A. Yes.

8 Q. -- distinct from the less serious business that other
9 officers conduct and engage in?

10 A. Yes.

11 Q. And you have mentioned a DC Connell?

12 A. Yes.

13 Q. Who was he?

14 A. He was one of my detectives that was on duty that
15 morning, DC Derek Connell.

16 Q. So DC Derek Connell was one of your constables?

17 A. Yes.

18 Q. And at that time were you a detective sergeant?

19 A. Yes.

20 Q. So you have been promoted on a temporary basis since
21 then.

22 A. Yes.

23 Q. How long had you been a sergeant in May 2015?

24 A. I was promoted in June of 2014, so only just shy of

Transcript of the Sheku Bayoh Inquiry

- 1 a year.
- 2 Q. Just shy of a year. And how many officers did you have
3 under your command?
- 4 A. In Kirkcaldy I had three or four. In Glenrothes
5 I likewise had three or four, so anything up to about
6 eight DCs.
- 7 Q. So we have heard about other officers, who are maybe
8 senior officers, that their teams were in the one
9 office; you actually spanned two offices with your --
- 10 A. Yes, so Fife is separated into central, east and west,
11 so I would cover the central area which would encompass
12 Kirkcaldy and Glenrothes.
- 13 Q. Right. And you have said that Kirkcaldy Police Office
14 was very short staffed at that time. Now, do you mean
15 in relation to CID officers or in relation to uniformed
16 officers?
- 17 A. Probably across the board.
- 18 Q. Right. And what do you mean it was very short staffed?
- 19 A. In terms of the team numbers, essentially with changes
20 to Police Scotland, a lot of changes had occurred, a lot
21 of staffing had moved nationally, so yes, we were going
22 through a big change at that time.
- 23 Q. And we may hear that it was a time of considerable
24 change in the organisation --

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. -- so still feeling the effects of the change to
3 Police Scotland from the individual regions or areas?
- 4 A. Yes, that's correct.
- 5 Q. Would that be fair?
- 6 A. Yes.
- 7 Q. And you said that this was a serious call that you heard
8 and so you also acknowledged that call for that reason,
9 and what was it that made you consider it a serious
10 call?
- 11 A. High risk in terms of safety. So, you know, essentially
12 you hear it's an immediate priority 1 call, and any
13 officer, regardless of specialism, rank, can go to an
14 immediate 1 call.
- 15 Q. Right. So when there's calls, for example we have
16 called about all units being called for, there's not
17 a small group of CID officers who ignore all of that?
- 18 A. No.
- 19 Q. You're still part of the response --
- 20 A. Yes.
- 21 Q. And if all units are called for, that would include CID
22 officers as well?
- 23 A. Yes, it can include, yes, depending on commitments, but
24 it can include us.

Transcript of the Sheku Bayoh Inquiry

1 Q. So if you were involved in some serious investigation at
2 that moment, you wouldn't be available, but if you are
3 available, you would be part of the all units call?
4 A. Yes, absolutely.
5 Q. And you said it was high risk for safety; whose safety?
6 A. Officer safety in terms of the dispatching officers, but
7 predominantly it's the safety of the community and the
8 subject male.
9 Q. Right, thank you. If Kirkcaldy Police Office had not
10 been very short staffed, would you have responded to
11 this call?
12 A. Absolutely.
13 Q. So the staffing didn't actually matter --
14 A. No.
15 Q. -- to your initial decision to respond?
16 A. It was a consideration but I would have still -- I'm
17 a police officer and that's my core responsibility,
18 I would have still responded to that call.
19 Q. That's still your priority?
20 A. Yes.
21 Q. And DC Connell, did he go with you?
22 A. Yes.
23 Q. And had you attended that type of call, a knife call, or
24 a knife incident, from Kirkcaldy Police Office before?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Very likely. I would very often back up uniform at
2 immediate calls, or likewise, if we were the closest
3 unit, we would get dispatched to that call ourselves.
- 4 Q. All right. So you have experience -- or had experience
5 in 2015 of responding to knife incidents and knife
6 calls?
- 7 A. I can't think specifically to knife calls, but certainly
8 immediate calls. Whether that involved a knife or not,
9 I'm unsure.
- 10 Q. Can you explain to me the distinction between immediate
11 calls and knife calls?
- 12 A. An immediate call could be a call that's graded grade 1,
13 with immediate threat to, it doesn't mean that there's
14 a knife, it could be a large-scale disturbance, it could
15 be, you know, a domestic incident with a serious nature.
16 It doesn't have to be -- it's just graded that it is
17 life threatening.
- 18 Q. So grade 1, immediate threat to life, but it could be
19 from any means or source --
- 20 A. Circumstance.
- 21 Q. -- or as a result of anything, but if that call came in,
22 you would respond to that?
- 23 A. Yes.
- 24 Q. But it may not be a knife call?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. Thank you. Can I ask you to look at paragraph 7,
3 please. You have said that you collected your
4 equipment:

5 "... the yard [by that time] was empty of police
6 vehicles as the uniformed officers had already left
7 shortly before to respond to the incident. DC Connell
8 and I left the carpark area of Kirkcaldy Police Station
9 in a marked CID vehicle. This was a silver Vauxhall
10 Corsa ... DC Connell was driving. Driving time from ...
11 and Hayfield Road is approximately 3 to 5 minutes."

12 So it's a very short journey. DC Connell was
13 driving. Are you and he familiar with Hayfield Road and
14 the area?

15 A. Yes. I had worked in Kirkcaldy my full service for
16 10 years, so I was fully aware of Hayfield Road.

17 Q. So we have heard there's hospitals in the area and
18 churches and it's -- and houses. You were fully aware.

19 So as you are driving to Hayfield Road, were you
20 listening to the radio messages coming over the police
21 radio?

22 A. Yes.

23 Q. Thank you. So -- and is that a way of keeping yourself
24 up-to-date on what's happening at the scene?

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1 A. Yes.

2 Q. Thank you. You have said:

3 "We did not have blue lights or sirens in our car.
4 We responded as quick as we could."

5 So you have said it was a marked police car but --
6 does that mean there were no sirens or lights on it?

7 A. There's no sirens and lights, but at that time there was
8 a Police Scotland emblem kind of taping -- like on the
9 bonnet of the vehicle so it was identifiable as a police
10 vehicle, but it was not kind of fitted with sirens or
11 lights.

12 Q. So not the normal sort of equipment that would be fitted
13 to that car?

14 A. No.

15 Q. And:

16 "During the journey to Hayfield Road we heard the
17 emergency button activation. This indicates that
18 an officer requires assistance. We then heard that
19 PC Short had been injured. At that time there was no
20 exact detail of who was responsible or the extent of her
21 injuries."

22 So the first thing you heard was an emergency button
23 activation, and then that an officer was injured,
24 PC Short?

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1 A. Yes.

2 Q. We have heard that when the emergency button is
3 activated, the radio vibrates for the officers who are
4 attending; is that what happened?

5 A. Yes, it vibrates and goes red.

6 Q. And the screen goes red?

7 A. Yes.

8 Q. And so at that stage you didn't know -- you told us you
9 knew about the knife, the calls that had come in, but
10 you didn't know what injuries PC Short had or the extent
11 of those injuries?

12 A. No.

13 Q. So what was going through your head at that time as you
14 responded?

15 A. Essentially when we heard the emergency button being
16 pushed we were only just leaving the back yard of
17 Kirkcaldy Police Station. With the context of the call
18 and information known, I immediately -- my gut reaction
19 was an officer had been stabbed. That was quickly
20 reported back on the radio that it was PC Short and she
21 had been physically injured and I think it was,
22 you know, confirmation that it was not -- she had not
23 been stabbed.

24 So at that stage, you know, when the emergency

Transcript of the Sheku Bayoh Inquiry

1 button goes, obviously fear, adrenaline heightens and
2 you just want to get there to make sure everybody is
3 okay.

4 MS GRAHAME: All right. I'm going to be asking you some
5 questions this afternoon about the events and we will
6 look at the spreadsheet and go through that.

7 Would that be an appropriate time?

8 LORD BRACADALE: Yes, certainly. We will stop for lunch and
9 sit at 2 o'clock.

10 (1.00 pm)

11 (The luncheon adjournment)

12 (2.01 pm)

13 LORD BRACADALE: Right, Ms Grahame.

14 MS GRAHAME: Can we turn to the spreadsheet and page 5.

15 Actually, let's start with page 4. I think just before
16 lunch you mentioned that you had become aware that an
17 emergency button had been pressed and you will see at
18 7.21.19, Ashley Tomlinson's emergency button status was
19 turned on, do you see that?

20 A. Yes.

21 Q. And then you also mentioned hearing that the officer had
22 been injured but didn't have serious injuries?

23 A. I believe so. There was an update prior to my arrival.

24 Q. Absolutely. Let's have a look at page 5 at the very top

Transcript of the Sheku Bayoh Inquiry

1 of page 5, and we have heard that at 7.21.38 PC Smith
2 said:

3 "An officer's been punched to the back of the head.
4 No obvious serious injuries. Male secure on the
5 ground."

6 And is that the reference to the Airwaves
7 transmission that you're thinking?

8 A. Yes, I believe so.

9 Q. Thank you. And then I would like you to look at page 6,
10 please, and I'm going to play -- sorry, I should have
11 actually asked you something else about page 5. Could
12 you just go back a second, sorry about that, and I think
13 in your statement you also mention that you said over
14 the Airwaves that you were going to give an update and
15 do we see that at 7.21.55 Stephen Kay requests:

16 "PS Maxwell can you arrive there and give me an
17 update please."

18 And then very shortly after that at 7.22.04 you say:

19 "We're just approaching, I'll give you an update."

20 A. Yes, that's correct.

21 Q. So you effectively reply to Stephen Kay to say that you
22 will give him the update, and you're on your way at that
23 time?

24 A. Mm-hm.

Transcript of the Sheku Bayoh Inquiry

1 Q. And then can we look again, sorry, page 6 and I'm going
2 to ask to -- I will show you a part of the evidence
3 video timeline, so that's the footage on the screen,
4 just to let you see, you will see the real time clock in
5 the top left-hand corner and then at the bottom there's
6 the CCTV from Gallaghers pub.

7 A. Yes.

8 Q. And you can see the emergency status buttons on the
9 left, if they're lit up -- Paton's and Tomlinson's are
10 lit up at this time, and then in the middle at the top
11 of the screen you will see a reconstruction tile which
12 is a 3D reconstruction bird's eye view of the vehicles
13 and things arriving at the scene, so what I'm going to
14 do is ask that we play from 7.23.10 and if you look at
15 the spreadsheet on page 6 for 7.23.10, you will see that
16 in the description, slightly to the right of halfway on
17 the spreadsheet, you will see:

18 "Two light coloured small vehicles appear
19 approaching the roundabout, one from the south and one
20 from the north, both on Hendry Road. The vehicle
21 approaching from the south turns right at the roundabout
22 into Hayfield Road and then stops just past the exit of
23 the roundabout."

24 And I'm going to play that footage with

Transcript of the Sheku Bayoh Inquiry

1 Ms Wildgoose's assistance, and then I'm going to ask you
2 some questions about it, so let's just watch that for
3 a few seconds, please.

4 (Video played)

5 So did you see that vehicle arriving or do you want
6 to see that footage again?

7 A. I didn't see a vehicle.

8 Q. You didn't see. Right, let's go back to 7.23.10.

9 A. Oh, yeah.

10 Q. Or just slightly beforehand and ... right, and we will
11 play that.

12 (Video played)

13 And we will just pause it there. Sorry, I maybe
14 didn't have it rewind far enough to see it. Did you
15 see the vehicle coming up Hendry Road from the
16 right-hand side of the screen?

17 A. Yes.

18 Q. Turning right into Hayfield Road, round the roundabout
19 and stopping on the left. We can see it behind the tree
20 that is in front of us.

21 A. (Nods).

22 Q. And there was movement of people exiting the vehicle.
23 Did you recognise the car?

24 A. Yes, that's our CID vehicle.

Transcript of the Sheku Bayoh Inquiry

1 Q. Is that the Vauxhall Corsa --

2 A. Yes.

3 Q. -- with the marked police on the front --

4 A. Yes, that's correct.

5 Q. -- that you said earlier. And DC Connell was driving?

6 A. Yes.

7 Q. And you were in the front passenger seat?

8 A. Yes.

9 Q. And that's you arriving at Hayfield Road. We have heard
10 evidence you're the sixth car arriving at the scene. So
11 that was prior to your arrival we have heard evidence
12 that Walker and Paton arrived in a Transit van?

13 A. Yes.

14 Q. Tomlinson and Short arrived in what was known as the
15 fish van?

16 A. Yes.

17 Q. I don't know if you knew that. Smith and Good arrived
18 in something akin to the Transit van. Gibson and
19 McDonough have arrived in the diary car?

20 A. Yes.

21 Q. And Maxwell had also arrived in a Corsa?

22 A. Yes.

23 Q. So let's -- we have heard part of the Airwaves
24 transmission that you made after your arrival and

Transcript of the Sheku Bayoh Inquiry

1 I would like to listen to that again, so that is 7 --
2 you will see it on the spreadsheet, 7.23.13 on page 6
3 and we have heard snippets of that already and I think
4 we would like to play that in full again, thanks.

5 (Video played)

6 Thanks very much, that's lovely. Were you able to
7 hear that?

8 A. Yes.

9 Q. That's your voice?

10 A. Yes.

11 Q. So how long after you got out of the car did you make
12 that transmission?

13 A. I believe immediately. I did have a short conversation
14 with Craig Walker so it could have been after that, but
15 I believe it was immediate because I came out and made
16 observations.

17 Q. Right, so looking again, the police vehicle arrives
18 between 7.23.02 and 7.23.10, according to the
19 spreadsheet and then this message is 7.23.13, so within
20 seconds?

21 A. Within seconds, yes. So it was immediately when I got
22 out of the car, that would make sense.

23 Q. Would that make more sense to you than having stopped
24 for a conversation with someone?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. And did you immediately go over to the area of the
3 restraint --
- 4 A. Yes.
- 5 Q. -- in Hayfield Road.
- 6 A. Yes.
- 7 Q. And you have described -- you have made this
8 transmission. Where were you standing when you made
9 that transmission?
- 10 A. Between my vehicle and the restraint, an area around
11 there.
- 12 Q. So you have parked on the north side of Hayfield Road
13 and the restraint we have heard was on the south?
- 14 A. Mm-hm.
- 15 Q. So a reasonably short distance between. And during the
16 time you're making this transmission, are you on the
17 move to get closer to the restraint, or were you
18 standing still?
- 19 A. I would likely be walking towards them, that would make
20 sense but I don't know for sure.
- 21 Q. Okay. You have said there that the male's on the ground
22 when you arrive?
- 23 A. Mm-hm.
- 24 Q. And several officers have "taken a big restraint". What

Transcript of the Sheku Bayoh Inquiry

1 did you mean by that?

2 A. In terms of resourcing I think, you know --

3 Q. Sorry?

4 A. Resourcing.

5 Q. Resourcing.

6 A. In terms of how many officers were there, it was a big
7 number essentially.

8 Q. How many, do you remember?

9 A. I believe in my statement -- if I may refer back?

10 Q. Yes, please do.

11 A. I knew -- I could name four officers but I believe there
12 were others that I couldn't name but were present so.

13 Q. Right, so more than four officers present?

14 A. Yes.

15 Q. And when you say "They have taken a big restraint", can
16 you help me understand whether you meant the restraint
17 was ongoing, or whether it had stopped?

18 A. No, the restraint was ongoing.

19 Q. And when you say:

20 "We're going to need more control with leg
21 restraints."

22 What did you mean by that?

23 A. I could hear them discussing that and I believe I kind
24 of observed that they were in the process of doing or

Transcript of the Sheku Bayoh Inquiry

1 starting to do that.

2 Q. So what position was Mr Bayoh in?

3 A. He was in the prone position, lying down.

4 Q. And was he struggling at that time?

5 A. I believe -- my recollection at the time, and in my

6 statements I have said that his legs were moving.

7 I couldn't tell you now exactly the movement of, but

8 certainly his legs were moving.

9 Q. So you arrive before they have actually applied the leg
10 restraints, although it is being discussed --

11 A. Yes.

12 Q. -- and his legs are still moving at that stage?

13 A. Yes.

14 Q. So you were there when the leg restraints were applied?

15 A. No.

16 Q. You had moved away by that stage?

17 A. Yes.

18 Q. All right, thank you.

19 At that time when you first arrived, did you have
20 any concerns at that time as to the manner of restraint

21 or the number of officers that were involved in the

22 restraint?

23 A. I had no concerns. From the short observations that

24 I took at locus at that restraint area, I had no

Transcript of the Sheku Bayoh Inquiry

1 concerns.

2 Q. And if you had had concerns, what would you have done at
3 that time?

4 A. I would have voiced them concerns and interjected.

5 Q. And can you tell me at any stage at that -- sorry, at
6 that stage when you arrived and you saw the restraint
7 and the officers and what was happening, did you
8 consider at that time that it would be important to get
9 the person from the ground upright because they were in
10 the prone position.

11 A. I didn't consider it at that time. If you go by the
12 kind of timing of driving to locus, the calls coming in,
13 I knew that due to radio messages that they had not long
14 come to be in that position in terms of the timeline
15 that I was aware of, so I knew that they were still
16 gaining control, they had still to, you know, assert
17 that control by cuffs, et cetera, and then the movement
18 would happen thereafter. I had no concerns because
19 I didn't believe it was a vast amount of time that he
20 had been in the prone position.

21 Q. So when you arrived, the officers were still trying to
22 gain control?

23 A. Yes.

24 Q. Mr Bayoh was prone but still -- his legs were still

Transcript of the Sheku Bayoh Inquiry

1 moving?

2 A. That's correct.

3 Q. No handcuffs were on and no leg restraints?

4 A. Not that I observed, no.

5 Q. Thank you. So no concerns for you at that particular

6 time --

7 A. No.

8 Q. -- when you arrived. Now, can you help the Chair

9 understand when you arrived -- you told us about

10 Mr Bayoh's position; can you tell us about the officers

11 who were there and the positions they were in and --

12 A. Can I refer to --

13 Q. You might want to have a look at paragraph 8 of your

14 Inquiry statement and we can get that on the screen, and

15 just so -- I will just read part of this out. So you

16 arrive at 7.20, you say:

17 "... [turned] right [into] Hayfield Road from

18 Hendry Road. DC Connell parked the ... vehicle ... on

19 the left-hand side ... I believed that there was

20 a uniformed car on the same side of the road in front of

21 our vehicle."

22 We have heard mention that was the fish van?

23 A. Yes.

24 Q. "Immediately to the right of the CID vehicle was the

Transcript of the Sheku Bayoh Inquiry

1 officers and a man that I did not know but we later
2 identified to be [Mr] Bayoh. The majority of [his] body
3 was on the pavement; head and body and upper legs. He
4 was face down. His lower legs were stretched out into
5 the road and his head was on the pavement and pointing
6 in the direction of the hedge."

7 We have heard that he was -- his head was pointing
8 in the direction of Gallaghers pub, is that a similar
9 description --

10 A. I believe so, yes.

11 Q. -- to what you give there?

12 A. Yes.

13 Q. "His legs were moving at this point but I couldn't tell
14 you exactly what the exact movement was. I don't have
15 any recollection of how the legs were moving for
16 example, whether it was side to side or up and down, but
17 certainly I do recall movement. I also observed four
18 officers in particular at this point, PC Craig Walker,
19 PC Alan Paton, PC Ashley Tomlinson and PC Daniel Gibson.
20 PC Alan Paton being on the deceased's right-hand side.
21 PC Craig Walker being on [his] left-hand side, at his
22 upper shoulder area. PC Walker was on his upper
23 shoulder area. PC Walker was lying on his right-hand
24 side, facing away from Sheku Bayoh. PC Walker was

Transcript of the Sheku Bayoh Inquiry

1 restraining him by leaning his weight on Mr Bayoh's
2 shoulder and the arm. I am clear that PC Walker was not
3 leaning his weight on Mr Bayoh's body at that time."

4 So I would quite like to -- then you go on in
5 paragraph 9 to say you don't recall exactly what
6 PC Paton was doing, Ashley Tomlinson was at his feet and
7 likewise, so was Daniel Gibson:

8 "... what they were effectively doing, I don't know.
9 My concentration was on speaking with Craig Walker.
10 From my statement, I can see that I remembered somebody
11 saying 'leg restraints'. I believed somebody was going
12 to put Leg Fast Straps on Mr Bayoh's legs...I [don't]
13 recall seeing this happen."

14 I would quite like to go through that and ask you
15 some further questions if you don't mind?

16 A. Yes, no problem.

17 Q. We have obviously read that description of what
18 PC Walker was doing but I wonder if you could help the
19 Chair understand what you saw when you arrived walking
20 over the road from your vehicle towards the restraint.
21 So you have told us about Mr Bayoh, prone, face towards
22 the hedge, and tell us about where PC Walker was and
23 what he was doing?

24 A. So PC Walker was on the left side, so the side furthest

Transcript of the Sheku Bayoh Inquiry

1 away from the Hayfield -- the roundabout --

2 Q. The roundabout.

3 A. -- at Gallaghers. He was on the left side and he was

4 lying on his side, so PC Walker was lying on his right

5 side.

6 Q. On his own side?

7 A. Yes, on the ground and in a restraint, holding

8 Mr Bayoh's kind of top of his arm and -- his shoulder

9 and his arm down.

10 Q. Can I just be clear, you have said PC Walker was on the

11 left side of Mr Bayoh, Mr Bayoh's prone, but he was

12 lying on his right side.

13 A. Mm-hm.

14 Q. Was he faced away from --

15 A. Yes, he had his back to Mr Bayoh and was facing towards

16 the hospital.

17 Q. All right. So he had his back to Mr Bayoh at that time

18 that you arrived?

19 A. Yes.

20 Q. Sitting on his right side --

21 A. Lying.

22 Q. Lying, sorry, on his right side, facing the direction of

23 Hayfield Road that leads to the hospital,

24 Victoria Hospital?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. What was he doing?
- 3 A. He was in a restraint -- he was doing a ground pin at
4 that point.
- 5 Q. Right. And you have mentioned Mr Bayoh's arm. Tell us
6 what he was doing to Mr Bayoh's arm.
- 7 A. (Inaudible overspeaking) --
- 8 Q. You have talked about a ground pin.
- 9 A. He was holding it down and he was looking away, so
10 Mr Bayoh is behind him and he is pinning the top of his
11 arm and looking in the other direction.
- 12 Q. Okay. And when you say he was lying, was he lying
13 parallel to Mr Bayoh's body as he was lying on the
14 ground?
- 15 A. Certainly the top of his body was parallel; I couldn't
16 tell you where his legs were, but certainly the top end
17 of his body.
- 18 Q. But he had pinned Mr Bayoh's left arm?
- 19 A. Yes.
- 20 Q. What about PC Paton, where was he?
- 21 A. He was on the right side but, you know, as said in
22 a couple of statements I can't exactly say what he was
23 doing in terms of restraint, where his hands were,
24 because my focus was -- I asked Craig Walker a couple of

Transcript of the Sheku Bayoh Inquiry

1 questions, he answered them and then I left, so in terms
2 of what Alan Paton was doing exactly, I don't know, and
3 likewise, for Daniel Gibson and Ashley Tomlinson.

4 I knew they were at the feet of Mr Bayoh but exactly
5 what they were doing, I don't know.

6 Q. As you approached the area of the restraint --

7 A. Yes.

8 Q. -- where were those two officers? Was one on the left
9 and one on the right in the (inaudible overspeaking) --

10 A. I believe I have said that, yes, that -- I think it's in
11 my PIRC statement. I don't know if --

12 Q. Okay, let's have a look at your first statement from
13 4 May which is PS 000379. That was your first
14 self-penned statement and then we also have PIRC 184,
15 which is your statement of 29 May.

16 A. 185 it's in.

17 Q. It's 185, right. Let's have a look at that. So this is
18 the statement of 2 June 2015. Is this page 4 --

19 A. Yes.

20 Q. -- by any chance? Let's have a look at page 4 and we
21 will see at paragraph 5, let's start with that, it
22 starts:

23 "I saw 4 officers in particular ..."

24 And we can see that on the screen:

Transcript of the Sheku Bayoh Inquiry

1 "... as I got out of the passenger side of the car.
2 These officers were [Walker, Paton, Tomlinson and
3 Gibson].
4 "PC...Paton was on the deceased's right-hand side
5 'controlling' the deceased but I don't know how.
6 PC...Walker was lying on the deceased's left side, his
7 upper shoulder area, he was lying effectively on his
8 right-hand side facing away from the deceased. I cannot
9 remember if the deceased said anything. I do not
10 remember if his face was on the left or the right. It
11 was not face down."
12 And then you say:
13 "PC Ashley Tomlinson was at the male's feet on the
14 male's left side."
15 So Tomlinson was on Mr Bayoh's left side, is that
16 correct?
17 A. Yes.
18 Q. "PC Daniel Gibson was also at the feet of the deceased
19 right side at the feet."
20 So he was on Mr Bayoh's right-hand side?
21 A. At the bottom of his legs, yes.
22 Q. "I think Ashley Tomlinson was holding his lower legs,
23 but his legs were moving. I cannot recall what
24 PC Gibson was doing. I remember somebody saying 'leg

Transcript of the Sheku Bayoh Inquiry

1 restraints'. I believed somebody was going to put leg
2 restraining straps on his legs. I do not recall seeing
3 them being put on the deceased Bayoh."

4 And you have said earlier you asked a couple of
5 questions of PC Walker when you arrived.

6 A. Yes.

7 Q. What were you asking?

8 A. I asked him where PC Nicole Short was because she wasn't
9 visible to me and I asked him where the vehicle keys
10 were for the Transit van.

11 Q. Right. And what information did you receive about both
12 those things?

13 A. They're both in the van. So Nicole Short was in the van
14 as well as the keys were in the van.

15 Q. Right. And that was PC Walker's van, the Transit van?

16 A. Yes.

17 Q. Thank you. Can I ask you if we could look at
18 paragraph 11 of your Inquiry statement. You see:

19 "I asked Craig what was taking place and where
20 Nicole was, as I was aware she was injured. He said to
21 me 'he is struggling' referring to Mr Bayoh and told me
22 Nicole was in the van. I asked him where the van keys
23 were as I intended to drive the van closer to the
24 officers as I knew this male was being arrested. The

Transcript of the Sheku Bayoh Inquiry

1 officers would require the police van to convey
2 a custody and this was the only van on scene. Craig
3 said that the keys were in the vehicle. So, I made my
4 way towards the van. I was with PC Craig Walker and the
5 other officers for a minute/two minutes at most. I see
6 from my statement that I've checked up on control to
7 give them an update that the male was restrained and
8 officers had control of him."

9 So at this stage the restraint's ongoing?

10 A. Yes.

11 Q. You know they're going to be applying leg restraints.

12 A. Yes.

13 Q. And you take the view you need the custody van because
14 he was going to be taken into custody, "he" being
15 Mr Bayoh?

16 A. Yes.

17 Q. And you then went to get the Transit van that Walker and
18 Paton had arrived in?

19 A. Yes, my focus at that time was Nicole, not the van,
20 but -- that was a secondary.

21 Q. So Nicole Short, the officer who had been injured, was
22 the priority at that time?

23 A. Yes.

24 Q. And when you went over to the van, tell me how she

Transcript of the Sheku Bayoh Inquiry

1 appeared to you?

2 A. So I approached the van and I climbed in the driver's
3 side of the van. She was sitting within the passenger
4 area of the front of the Transit van. I think I have
5 detailed in my statement she was visibly crying,
6 shaking, holding at her head and, you know, looked like
7 she was in total shock, essentially.

8 Q. We have heard evidence that she was very distressed in
9 the van?

10 A. Yes.

11 Q. And that seems to have been your recollection. And you
12 have said she was holding her head. Do you remember
13 where on her head she was holding?

14 A. She just kept on gripping the back of her head, like
15 pulling at her hair and holding the back of her head.

16 Q. Right. And did she say anything about her head?

17 A. I believe she said to me that she had been struck by him
18 and I assumed she meant Mr Bayoh.

19 Q. Did she say where she had been struck?

20 A. I don't know if I have that recorded. I'm sure she said
21 in the head but ...

22 Q. If we look at your PIRC statement, page 6, the one we
23 just looked at a moment ago, 185, and I'm thinking
24 paragraph 6 on this page, it starts:

Transcript of the Sheku Bayoh Inquiry

1 "When I first saw her she was crying, there were
2 tears running down her face. Her hands were shaking,
3 her hands were trembling, she was visibly shaking and in
4 shock. She is very small and of slight build. I think
5 she has only 5 years police service. I queried the
6 injuries she had to her. She said that the back of her
7 head was 'sore'. She had been struck to the back of the
8 head, she did not say how. She said 'he did it'. I
9 took it this was Sheku Bayoh she referred to. She said
10 something similar to he was going to jump on her head
11 and if it was not for 'Craig' meaning PC Walker, then
12 she broke down more. When I made reference in my
13 earlier statement to 'other officers present protected
14 her' I believe she meant PC Craig Walker."

15 And that's what you told PIRC on 2 June 2015.

16 A. Yes, that's correct.

17 Q. Thank you. Was there anything obvious about her head,
18 or did you notice any obvious injury?

19 A. No, so I got out of the van and went round to the
20 passenger side. I comforted her and took her from the
21 van onto the kind of pavement or the road, and I tried
22 to have a look at her head. As you are aware, you have
23 met Nicole, her hair is particularly thick and
24 I couldn't actually get a proper look but what

Transcript of the Sheku Bayoh Inquiry

1 I ascertained was there was no bleeding injury and it
2 was at that point DI Colin Robson turned up and we made
3 the decision that we weren't waiting on an ambulance, we
4 were just going to take her because she was walking
5 wounded.

6 Q. And did he then make arrangements to have her taken to
7 the hospital or did you make those arrangements?

8 A. No, he pulled up behind the van in his vehicle, so
9 I approached the vehicle and just said "Look" -- we
10 could see the hospital from there, it was like 200 yards
11 away, so I put her into the passenger side of the
12 vehicle and DI Colin Robson took her to the hospital,
13 a short journey.

14 Q. And that was a quicker approach than actually waiting
15 for the ambulance?

16 A. Yes, she was safe enough to be travelled in a police car
17 as opposed to --

18 Q. And then at paragraph 15 of your Inquiry statement, if
19 we can go back to that, you were asked if you remember
20 any mention being made of her being stamped on:

21 "At that point, I was not aware of any reference to
22 Nicole being stood on or stamped on, from Nicole or even
23 transmissions on the radio, I don't think. Certainly,
24 I didn't overhear that Nicole had been stamped on. It

Transcript of the Sheku Bayoh Inquiry

1 wasn't until later in the media scenario that I've seen
2 that, but at that moment in time, I didn't ask and it
3 was never said to me. I didn't see any marks on
4 Nicole's uniform. But again, I wasn't paying particular
5 attention, but certainly there was nothing obvious."

6 And that remains your position today?

7 A. Yes.

8 Q. Thank you. Then you have told us that you -- how long
9 did you spend with Nicole Short, did I ask that?

10 A. A few minutes at most.

11 Q. And then you have told us you drove the Transit closer
12 to where the restraint was going on?

13 A. That was correct, yes.

14 Q. So DI Robson arrived and you arranged that he would take
15 her to the hospital, Nicole Short.

16 A. Mm-hm.

17 Q. And then did you get the keys to the Transit van and
18 move it at that point?

19 A. Yes.

20 Q. And can I ask you to look at some still images too:
21 number 4 in the still images. Actually I think I would
22 rather have -- sorry, it was actually number 6 that
23 I was interested in. Right, so this is an image -- a 3D
24 image of various vehicles at the scene at a later moment

Transcript of the Sheku Bayoh Inquiry

1 in time. Can you -- just for the purposes of clarity,
2 can you identify your vehicle from this image?

3 A. Yes, it's the small grey one.

4 Q. And the Transit van that you moved that had had
5 Nicole Short in it.

6 And for both of those vehicles, are you reasonably
7 content that these are a reasonable indication of the
8 position in the road, Hayfield Road, that they were in?

9 A. Yes, reasonable, yes.

10 Q. Thank you. So 2 was the Transit van that had been taken
11 from the bus stop area?

12 A. Mm-hm.

13 Q. And then was moved to nearer the island on Hayfield Road
14 that we see on the image.

15 A. Yes.

16 Q. And the restraint that you returned to was going on
17 where?

18 A. In this area here, I believe (indicating).

19 Q. Thank you, that's lovely. That's number 3. Now, can
20 I ask you, prior to leaving the area of the restraint
21 and going to speak to Nicole Short, had anyone at that
22 time been monitoring Mr Bayoh's breathing as far as you
23 were aware?

24 A. I was not aware of that.

Transcript of the Sheku Bayoh Inquiry

1 Q. All right, thank you. Can we look at the spreadsheet,
2 please, and can we look at 7.25.17 and this is on page 7
3 of the spreadsheet. Now, you will see that at this
4 time, 7.25.17, it's a transmission from PC Smith which
5 says:

6 "This male certainly appears to be unconscious,
7 breathing, not responsive, get an ambulance for him."

8 Did you remember hearing that transmission?

9 A. I recall hearing a transmission that he was
10 unresponsive. I couldn't tell you if it was from
11 PC Alan Smith or the full context, but I do remember
12 knowing that he was unresponsive.

13 Q. So you realised that he had become unresponsive?

14 A. Mm-hm.

15 Q. Where were you when you heard that transmission?

16 A. I believe I was mid-driving the van back towards the
17 restraint area.

18 Q. So you were in the Transit van, moving it to the
19 position you just demonstrated on the image --

20 A. Yes.

21 Q. -- when you realised that he had become unresponsive.

22 What did you do after you stopped the van? What did
23 you do immediately after that?

24 A. I'm slightly confused as to what came first, but

Transcript of the Sheku Bayoh Inquiry

1 essentially I know I approached the restraint and
2 observed Mr Bayoh for myself. I felt for a pulse.
3 I couldn't feel an external pulse so I asked
4 PC Alan Smith to corroborate that because I wasn't sure
5 that that was correct and he did so and then CPR
6 commenced.

7 Q. Right. Let's look at PS 379 again before I ask you some
8 further questions. So this is your self-statement dated
9 4 May, so this is the first statement that we have in
10 the bundle.

11 A. Mm-hm.

12 Q. And can we look at page 3 -- sorry, page 4, I should
13 have said. At the very top of the page it says:

14 "At this point I myself checked the deceased for
15 a pulse; right side of his neck. I could not feel
16 a pulse. I asked PC Alan Smith to confirm or locate
17 a pulse.

18 "I believe PC Smith could not feel a pulse as soon
19 thereafter the officers relayed the deceased had no
20 cardiac output and CPR commenced. I mainly observed
21 PC Walker carry out chest compressions.

22 "An ambulance was requested to attend immediately
23 and the current position of the deceased was transmitted
24 on the radio."

Transcript of the Sheku Bayoh Inquiry

1 So you yourself checked by pressing the right side
2 of his neck?

3 A. Mm-hm.

4 Q. Without success in finding a pulse?

5 A. Mm-hm.

6 Q. You got PC Alan Smith to do something similar. Did he
7 touch the same area, or did he touch a different area?

8 A. I believe he did the exact same movement I did.

9 Q. Same thing. And he couldn't feel a pulse and then you
10 have said:

11 "The officers relayed the deceased had no cardiac
12 output and CPR commenced."

13 Does that mean there was a message transmitted?

14 A. I believe so, yes.

15 Q. And do we see in fact on page 7 of the spreadsheet,
16 7.25.17, from PC Smith:

17 "Male now certainly appears to be unconscious,
18 breathing, not responsive, get an ambulance for him."

19 A. I don't believe that would be the message.

20 Q. That was the first message --

21 A. That's the unresponsive message.

22 Q. -- and then there's a message later, on page 11 of the
23 spreadsheet at the top, and this is 7.29.30, from
24 Scott Maxwell:

Transcript of the Sheku Bayoh Inquiry

1 "Control can you get a move on with the ambulance.
2 This accused is now not breathing. CPR is commencing.
3 Over."
4 Is that the message that you --
5 A. I believe so, yes.
6 Q. -- remember. So the first message when he was
7 unconscious but breathing, where -- were you --
8 A. I was still driving the van back, so I was aware --
9 Q. You were driving the van back?
10 A. -- but I wasn't at the restraint.
11 Q. You weren't there at that time?
12 A. Yes.
13 Q. But when this second message is made by Scott Maxwell
14 that he is not breathing and CPR is commencing, were you
15 at the restraint at that point?
16 A. Yes, yes.
17 Q. So you had returned to the restraint from there?
18 A. Yes.
19 Q. The van had been moved by that point?
20 A. Yes.
21 Q. Thank you. From the point you were at the restraint at
22 that stage, did you see PC Smith do a test to see if he
23 could get a pain response from Mr Bayoh?
24 A. I believe I have said in statements that I heard him

Transcript of the Sheku Bayoh Inquiry

1 trying to get a verbal response.

2 Q. What do you mean by that?

3 A. I believe he was just asking him "Are you" -- "Can you
4 hear me" type scenario, "Are you okay?" I don't remember
5 any kind of pain response. It could have happened, it's
6 something I didn't observe.

7 Q. Do you remember at all seeing PC Paton slapping or
8 tapping or patting Mr Bayoh on the face?

9 A. No.

10 Q. At that time, was there anyone monitoring his breathing?

11 A. I don't have any recollection of that because when
12 I arrived, I have pretty much immediately felt for
13 a pulse and it was CPR so I don't know if that was maybe
14 pre my arrival but I didn't observe any of that.

15 Q. All right, thank you.

16 In relation to how the officers in the area were,
17 can you tell us where they -- how many officers were
18 around at that time and where were they?

19 A. I knew all eight officers from team 4 were on scene.
20 Exactly where they were, I don't know. PS Scott Maxwell
21 was in the area of the restraint also. I was aware of
22 him in my periphery. PC Craig Walker was again
23 remaining on the left side of Mr Bayoh. Alan Paton was
24 in and around the kind of head area on the pavement and

Transcript of the Sheku Bayoh Inquiry

1 I knew Alan Smith was down to my right. He was directly
2 next to me on the right. Where the other officers were
3 positioned -- I suspect nearby, but I don't know.

4 Q. What was PC Walker doing at the time?

5 A. He was just kneeling down to Mr Bayoh's side.

6 Q. What was PC Paton doing, do you remember?

7 A. Likewise, he was just kneeling down on the pavement but
8 exactly I don't know.

9 Q. Do you know what PC Smith was doing?

10 A. When I arrived? He was kneeling down and, as I said, he
11 was trying to get a verbal response. I certainly
12 I think recall that and then I have went over, felt for
13 a pulse, he has done similar and then CPR has commenced.

14 Q. And which officers commenced the CPR?

15 A. PC Craig Walker.

16 Q. And we have heard they sometimes work in teams of two.

17 A. Yes.

18 Q. Who was his team -- who was his partner?

19 A. I suspect Alan Smith took over, but I didn't observe
20 that.

21 Q. Did you observe the CPR?

22 A. Yes.

23 Q. By the time CPR was being performed, was Mr Bayoh in
24 handcuffs?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Yes.
- 2 Q. Was he in leg restraints?
- 3 A. I never ever observed leg restraints.
- 4 Q. You didn't?
- 5 A. But it is -- they would have been in position but I do
6 not have a recollection of physically seeing them.
- 7 Q. Did -- can I ask you, by that time, by the time you have
8 arrived, you're a sergeant in the CID --
- 9 A. Yes.
- 10 Q. -- we have heard about Maxwell was an acting police
11 sergeant --
- 12 A. Yes.
- 13 Q. -- when you arrived at the scene, in terms of your rank
14 and seniority, were you in charge at that point?
- 15 A. No, we were -- I wouldn't be in charge initially. That
16 is a response call and we are attending not an
17 investigative matter, we are attending to back up other
18 police officers, so I wouldn't take charge of
19 PS Maxwell's team or the situation, so we can work
20 together, that's not an issue at all, we can work
21 together, I will help him out, he can help me out, but
22 certainly I was going as a support officer for the
23 response.
- 24 Q. So you're not coming onto the scene and taking

Transcript of the Sheku Bayoh Inquiry

1 command --

2 A. No.

3 Q. -- or taking charge of that?

4 A. No. Unless I see I need to do so, I wouldn't do that.

5 Q. If you saw the need for you to do that --

6 A. Yes.

7 Q. -- how would you communicate that to the officer who was

8 in charge?

9 A. I would essentially discuss it constructively and pass

10 my guidance on.

11 Q. Okay. But that conversation did not happen?

12 A. No.

13 Q. -- on this occasion?

14 A. No.

15 Q. So as far as you are concerned, who was in charge of

16 this incident?

17 A. PS Scott Maxwell was there in charge of the incident

18 initially and he was in charge of his officers.

19 However, I will be happy to share that responsibility.

20 I was on scene also and I was a sergeant.

21 Q. Okay, right.

22 So during the CPR when you're -- you're in the area

23 and you see that proceeding.

24 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And you think it was commenced by PC Walker.
- 2 A. Yes.
- 3 Q. At any time did you consider instructing or requesting
4 that his handcuffs be removed?
- 5 A. No, I didn't consider instructing that. My sole focus
6 was on Mr Bayoh, his upper body, looking at his face,
7 looking at the CPR. If I'm being honest, I didn't even
8 look at the cuffs. The urgency was life-saving kind of
9 intervention so I didn't look at the cuffs, I didn't
10 consider taking them off.
- 11 Q. And are you first aid trained?
- 12 A. Yes.
- 13 Q. You can perform that type of CPR?
- 14 A. Yes.
- 15 Q. Was there anything about the CPR at that time that
16 caused you to have any concerns about its effectiveness
17 or the way it was being performed?
- 18 A. No. I observed Craig Walker completing the CPR. As far
19 as I'm aware, it was very effective, and there was no
20 restriction to the chest area that I observed.
- 21 Q. We have heard that Mr Bayoh had his hands cuffed
22 together at the front.
- 23 A. Yes.
- 24 Q. And that that position can compress the chest.

Transcript of the Sheku Bayoh Inquiry

- 1 A. Mm-hm.
- 2 Q. And could interfere with effective CPR.
- 3 A. Yes.
- 4 Q. I'm paraphrasing, obviously, but we have heard evidence
5 about that, and do you -- was there anything that drew
6 your attention or caused you to have concern about the
7 position of the handcuffs or the fact it was to the
8 front?
- 9 A. My observation of CPR gave me no concern, you know, it
10 was effective and it was ongoing, I had no concern and
11 I was not drawn to the cuffs causing any issue. As
12 I say -- and honestly, I didn't even look at the cuffs,
13 my focus was on Mr Bayoh and the CPR and the concern for
14 him.
- 15 Q. Now, you have told us when you first arrived Mr Bayoh
16 was prone; you have told us about CPR.
- 17 A. Yes.
- 18 Q. When CPR was being performed, was he on his back?
- 19 A. Yes.
- 20 Q. Were you present when he moved from his front to his
21 back?
- 22 A. No.
- 23 Q. Did you see at any time how he was moved from his front
24 to his back?

Transcript of the Sheku Bayoh Inquiry

1 A. When I first arrived he was on his left side. When
2 I came back with the van he was on his left side.
3 I didn't know who moved him from his back to his left
4 side and then obviously Alan Smith and Craig Walker took
5 part in moving him to his back to perform CPR.

6 Q. So when you returned from moving the Transit van --

7 A. Yes.

8 Q. -- he was on his left-hand side by that time?

9 A. Yes.

10 Q. And then you witnessed him being moved onto his back to
11 start the CPR?

12 A. Yes.

13 Q. Thank you. Did you see PC Smith bringing a mask to try
14 and provide rescue breaths?

15 A. No, I don't -- I didn't observe that. So I have
16 obviously left PS Maxwell, the officers, with Mr Bayoh
17 doing CPR and gone off to do other matters.

18 Q. Thank you. Did you see Mr Bayoh being stretchered into
19 the ambulance later?

20 A. I did.

21 Q. So you were back by that stage?

22 A. Yes, I was in that vicinity at all times but -- yes.

23 Q. Yes. Can I ask you then about paragraph 19 of your
24 Inquiry statement, please. You say:

Transcript of the Sheku Bayoh Inquiry

1 "Derek Connell was to my right-hand side (as you
2 face Hendry Road), not far away, just across the road.
3 He shouted over that he had recovered a knife. Whether
4 he did that as I approached the officers and Mr Bayoh,
5 or whether this was after I checked for a pulse, I can't
6 remember. The order of that is a bit jumbled and
7 I can't be 100% sure, but it probably happened pretty
8 much all at the same time, because we were only a short
9 distance away from each other and things were happening
10 simultaneously. Somebody was shouting on this side and
11 I was helping out this side. So, it's probably all
12 consecutively happening about the same time."

13 I'm interested in this knife.

14 A. Mm-hm.

15 Q. Can you tell me about DC Connell's involvement with
16 that?

17 A. Obviously when I have arrived back with the van after
18 Nicole Short had gone to the hospital, Mr Bayoh is
19 unresponsive but obviously Derek is over to my right
20 which would be the north side of Hayfield Road, the
21 grass area on the corner, and he shouts that he has
22 located the knife. By this point he has already
23 collected the knife from its original position from the
24 grass and walking towards our vehicle, so I have gone to

Transcript of the Sheku Bayoh Inquiry

1 the boot of our vehicle, there's not a big enough knife
2 tube that we had within the boot, so I grabbed a brown
3 evidence bag. We put it within the bag and then secured
4 it and locked our vehicle and secured it within the
5 vehicle.

6 Q. Could I ask you to look at something for me, please, and
7 I'm just going to -- it's in a plastic tube and I'm just
8 going to ask you if you recognise this.

9 A. Yes.

10 Q. And what is that?

11 A. That is the knife.

12 Q. That's the knife that you have just described to us --

13 A. Yes.

14 Q. -- that DC Connell recovered, and actually you will see
15 a photograph on the screen which shows the knife and
16 that's the knife that was recovered from Hayfield Road
17 in the grassy area?

18 A. Yes, and my signature is on that.

19 Q. That's lovely, thank you very much.

20 Then can I ask you just to confirm something,
21 7.31.13, which you will see at the bottom of page 11,
22 and we have heard some evidence at this stage that there
23 had been a request initially for a dog unit to attend
24 and during the course of the events on 3 May that

Transcript of the Sheku Bayoh Inquiry

1 a Gary Wood from the dog unit had been in touch and then
2 you were involved to say Gary Wood at 7.31.02 said:

3 "That's great, thank you. Was there any talk,
4 I dinnae hear the entirety of the job initially came in.
5 Is there anything else that's outstanding that you may
6 require a dog for?"

7 And you made the transmission at 7.31.13 and said
8 "No negative".

9 So it was you that told the dog unit, Gary Wood,
10 that he wasn't any longer required?

11 A. I believe so. I have no recollection of that, but yes,
12 it is recorded obviously.

13 Q. Thank you. At paragraph 21 of your Inquiry statement
14 please, if we can have that on the screen:

15 "At the point of Mr Bayoh becoming unresponsive and
16 in cardiac arrest ..."

17 This is the point at which CPR was commenced?

18 A. Yes.

19 Q. "... the situation changed to a far more serious
20 incident and something that CID would lead on. So, it
21 was at that point that the transition is that I'm going
22 to start taking control of this incident. It's no
23 longer a uniformed response incident. I collected
24 barrier tape from one of the police vehicles. I'm not

Transcript of the Sheku Bayoh Inquiry

1 sure which one. We're all in all the vehicles, so it
2 would have been whatever vehicle was nearby to me.
3 I then set parameters for the locus protection, which
4 was at the junction of Hayfield Road with Hendry Road
5 and also Hayfield Road with Poplar Road. As I was
6 setting the barrier tape on Poplar Road, that's when the
7 ambulance has arrived. I allowed them in and then set
8 the cordon again and I put officers on locus protection,
9 which was PC Kayleigh Good at the
10 Hayfield Road/Hendry Road junction and PC McDonough at
11 the Hayfield Road/Poplar Road junction with instructions
12 not to allow anybody to enter unless they have
13 permission to do so."

14 If we can go back to the top of that, I will ask you
15 some questions. So I asked you a few moments ago about
16 who was in charge and you explained your understanding
17 of the position initially, but you said in paragraph 21
18 that when Mr Bayoh became unresponsive in cardiac arrest
19 and CPR was commenced, that you realised this was a far
20 more serious incident?

21 A. Yes.

22 Q. So was this the point at which things changed in terms
23 of command and who was in charge?

24 A. Yes, I instinctively took charge at that point, knowing

Transcript of the Sheku Bayoh Inquiry

1 the kind of gravity of the situation, and obviously
2 started completing some priority actions in containing
3 the scene, et cetera.

4 Q. Right. So because you were on the scene at that time
5 you were able to take that decision --

6 A. Yes.

7 Q. -- as soon as that happened?

8 A. Yes.

9 Q. And when you talk about taking priority decisions, can
10 you maybe explain to us what priority decisions were
11 taken by you?

12 A. So the initial one was scene management in terms of
13 setting parameters and securing the area, in terms of
14 any further contamination of the area. I would be
15 resourcing persons within the ambulance and also at the
16 hospital, and then we would then follow on to, you know,
17 contacting initial witnesses, et cetera, gathering
18 information to develop the situation.

19 Q. So that then becomes a serious investigation that will
20 need witnesses and such-like?

21 A. Yes.

22 Q. And so in terms of you taking control, is that something
23 that you shared with Acting Police Sergeant Maxwell, or
24 was that something that you just naturally or

Transcript of the Sheku Bayoh Inquiry

1 instinctively took control of?

2 A. No, time was not on our side. Essentially
3 I instinctively done that. PS Scott Maxwell did not
4 object to it. We didn't have a big discussion about it,
5 it was just something that happened and he went along
6 with.

7 Q. And would it have been reasonably obvious to Maxwell or
8 other officers that you were now in more of a control --
9 taking control, being more proactive?

10 A. Yes. He was still in control of his own officers,
11 I didn't take full control from him, but I was
12 controlling and containing the scene and the incident.

13 Q. Right. So by the time we looked at that message that
14 you made -- you made a couple of messages on page 11 of
15 the spreadsheet, so we see the entry at 7.29.30 towards
16 the top of the page, Scott Maxwell:

17 "Get a move on with the ambulance. This accused is
18 now not breathing. CPR is commencing. Over."

19 So how long after that call would you say you took
20 command? We see the entry 7.29.51 where you say:

21 "That's me now taping this area off. Did you hear
22 the last?"

23 Was it really from that point that you were in
24 charge?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes, in or around that point.

2 Q. In or around. And when you say "Taping the area off" is
3 that -- we have seen some footage with officers taping
4 off one end of Hayfield Road at the roundabout end. Is
5 that the sort of exercise that was being carried out by
6 officers?

7 A. Yes. I would tell them exactly where I want it taped.
8 It's the police barrier tape, essentially, and you just
9 cordon that area and guard it.

10 Q. Thanks. And as one of the actions that you take when
11 you're taking control of what's become a serious
12 incident, do you also prepare a scene log?

13 A. You don't prepare one; they're within the vehicle,
14 they're blank documents or blank books.

15 Q. Can we look at paragraph 22, please:

16 "I am asked about what the usual practice would have
17 been regarding having a scene log. The scene log would
18 generally start as soon as practical, if you have them
19 to hand, given the situation. We ... have [them in]
20 vehicles ... they can be produced fairly quickly, and if
21 not, we [could] collect them from the nearest police
22 station."

23 So really as soon as an incident becomes more
24 serious and you're in charge, these are the sorts of

Transcript of the Sheku Bayoh Inquiry

1 documentation that you want to have to hand?

2 A. Yes, the scene log is essentially there to log anybody
3 coming to and from entry from the scene, so it's
4 essentially persons, scenes of crime photographers,
5 et cetera.

6 Q. Anyone entering into your --

7 A. Yes, cordon, yes.

8 Q. -- secure area or leaving the secure area?

9 A. Yes.

10 Q. And the timings of those?

11 A. The timings and rationale for visit and permission.

12 Q. And the purpose of that is to have a record of everyone
13 entering or leaving the scene?

14 A. Yes.

15 Q. Thanks. Then paragraph 23 you say:

16 "I told DC Connell to accompany [Mr] Bayoh to the
17 hospital. I see from my statement that DI Robson was
18 back at the scene by that time ..."

19 You told us earlier he had gone to take Nicole Short
20 to the hospital:

21 "... and that we had a discussion about the
22 cordons."

23 What are the cordons?

24 A. That is the police barrier tape.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And then you say:
- 2 "A discussion also took place between PI Kay,
- 3 Sergeant Maxwell and me regarding replacing the officers
- 4 at the scene: that the officers involved should return
- 5 to the Kirkcaldy Police Office and go to the canteen."
- 6 So do we see that Inspector Kay had arrived by this
- 7 time?
- 8 A. Yes.
- 9 Q. Do you remember when he arrived?
- 10 A. He gave me a point-to-point. I think he was originally
- 11 on Victoria Road. There was a confusion initially with
- 12 a few of the calls, and he had gone to Victoria Road
- 13 point-to-point and I told him to come up to
- 14 Hayfield Road. I don't -- I think that was after
- 15 Mr Bayoh went into cardiac arrest. I don't think it was
- 16 before then.
- 17 Q. So after he has gone into cardiac arrest, after the
- 18 ambulance has been called?
- 19 A. Possibly, I don't know.
- 20 Q. But before the ambulance has arrived and taken him to
- 21 hospital?
- 22 A. I'm not sure.
- 23 Q. Not sure. So -- but he was there at some point at the
- 24 scene?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Mm-hm.
- 2 Q. And then this discussion took place between you,
3 Inspector Kay and Sergeant Maxwell about the officers
4 involved returning to Kirkcaldy Police Office.
- 5 A. Yes.
- 6 Q. Tell us about that.
- 7 A. Well, essentially we were on scene. All the officers
8 looked, you know, particularly shocked, quiet, I was
9 really worried about their welfare actually. My initial
10 concern was this was the full Kirkcaldy resource; what
11 do we do to answer the calls that are still coming in,
12 and my fear was that the controller would dispatch these
13 officers to another call.
- 14 Q. I see.
- 15 A. So I made it clear to Inspector Kay that I think we need
16 to quickly resource Kirkcaldy with other officers so
17 these officers would not be sent to another call,
18 because if an immediate 999 call came in there was
19 a potential that they would get pulled away and
20 dispatched, so I knew that they weren't fit to do so,
21 they were in shock and they needed to return and debrief
22 back at the station.
- 23 Q. Right. So as part of that you needed to resource other
24 officers who could take control of any 999 calls that

Transcript of the Sheku Bayoh Inquiry

1 came in?

2 A. That was Inspector Kay's --

3 Q. So was that was -- but you raised that concern with
4 him --

5 A. I raised that concern with him.

6 Q. -- at that point. And then it goes on to say:

7 "At that time PC Good and McDonough remained on
8 scene undertaking locus protection."

9 So did you feel at that stage that PC Good and
10 McDonough were sufficiently well to continue with duties
11 on locus protection?

12 A. More so than the other officers. However, I wanted to
13 replace them as soon as I could as well, but I had no
14 other option. It was essentially use both of them at
15 that time. They appeared okay with that, they agreed to
16 it, and then we quickly obviously resourced and replaced
17 them.

18 Q. Thank you.

19 "My statement notes that I recall PC Paton and
20 Walker were running to the police van. The word running
21 here is incorrect. PC Paton and PC Walker were directly
22 next to the van and would have no requirement or
23 opportunity to run. I recall observing both sitting in
24 the van with the engine running and they left locus

Transcript of the Sheku Bayoh Inquiry

1 thereafter."

2 So PC Walker and PC Paton, had they gone back to the
3 Transit van that they had arrived in originally?

4 A. They were now sitting within the Transit van, yes.

5 Q. Walker in the driver seat?

6 A. I believe so, yes.

7 Q. But they weren't running to the van, it was (inaudible -
8 overspeaking) engine running?

9 A. No, I think that's a typo, yes, a typo in the PIRC
10 statement which I corrected. The van was running; they
11 weren't running.

12 Q. Thank you. And paragraph 24, you went back to Kirkcaldy
13 Police Office at 8 o'clock. You say that DC Connell was
14 at Victoria Hospital with Sheku Bayoh. So we may hear
15 that he had gone in the ambulance.

16 A. Yes.

17 Q. You had not spoken to any senior officers on your
18 return. You mention a couple of officers there at
19 Kirkcaldy CID and they were sent to Victoria Hospital to
20 remain with Mr Bayoh and then if we can move up the
21 page, please.

22 You made arrangements in relation to what was
23 happening at the hospital at that time and are those two
24 officers, Balsillie and Brown, was it, sorry?

Transcript of the Sheku Bayoh Inquiry

1 A. Mm-hm.

2 Q. Are they part of your -- or were they part of your team
3 at that time?

4 A. Yes, they commenced duty at 8 o'clock, it is a staggered
5 start, so it was myself and Derek Connell at 7.00;
6 Ryan Balsillie and Andrew Brown were starting at
7 8 o'clock.

8 Q. Right. And then:

9 "... Connell returned to Kirkcaldy around quarter
10 past 8. He had a gold mobile phone and a lighter which
11 I understand belonged to Mr Bayoh and these items were
12 placed in the ambulance with DC Connell. It was at this
13 point that DC Connell explained he had taken
14 a photograph of the knife in situ with his mobile phone
15 and he had been instructed by DI Robson to do this."

16 Is that the knife that you identified for me just
17 moments ago?

18 A. Yes, it is.

19 Q. So DC Connell had actually taken a photograph at the
20 scene of the knife, before he picked it up and recovered
21 it?

22 A. Yes.

23 Q. And then paragraph 25:

24 "I am asked about an Airwave transmission at 8.18 in

Transcript of the Sheku Bayoh Inquiry

1 which I transmitted to the officers at the locus asking
2 the officer who had taken a statement to point-to-point
3 me."

4 We have heard that that's a direct radio call
5 between one officer and another.

6 A. Mm-hm.

7 Q. And then you require a certain number of the radio you
8 wish to contact in order to do that:

9 "One of the officers involved in locus protection
10 mentioned he had been approached at the cordon.
11 I didn't have the number to phone him. When
12 I transmitted to request that officer to make contact my
13 number would have been visible and able to him to then
14 point-to-point me."

15 So this is really just you're continuing to
16 communicate with an officer at the scene at
17 Hayfield Road but you're back in Kirkcaldy Police Office
18 at this time?

19 A. I believe so, yes.

20 Q. Thank you. Can I ask you to look at some photographs
21 now, please, for me. 03374. Am I correct in saying
22 that it was you that added all the names to this
23 photograph?

24 A. I don't believe it's my writing, it was the PIRC

Transcript of the Sheku Bayoh Inquiry

1 officer's writing, but yes, I talked through it and
2 named each officer on scene.

3 Q. And we see DC Connell heading towards the grassy area at
4 the top of the screen.

5 A. Yes.

6 Q. In the blue jacket.

7 A. Mm-hm.

8 Q. And then we can see you, DS Davidson, dressed in dark
9 clothing -- did you have your hair up that day?

10 A. Yes.

11 Q. And that's you standing next to -- or to the right of
12 PC Smith. And again, looking at that picture today, do
13 you still agree with everyone you have identified?

14 A. Yes, I believe so.

15 Q. Now can we look at the next photograph, please, and
16 again it may not be your writing but again, did you
17 identify people from this photograph?

18 A. Yes, I believe I did, yes.

19 Q. So again, those are your identifications. Thank you.
20 And you agree with those today?

21 A. Yes.

22 Q. Thank you. Before you left the scene, did you issue any
23 instructions to officers not to confer or discuss the
24 incident with each other?

Transcript of the Sheku Bayoh Inquiry

- 1 A. I did not instruct them.
- 2 Q. And is there a reason for that or not?
- 3 A. It just wasn't priority at the time, I didn't think
4 about it. My concern was scene management, tasking the
5 priority actions and the welfare of the officers. The
6 non-conferring aspect, I didn't even consider it on
7 scene.
- 8 Q. Okay. And then at some stage were you involved in
9 identifying Mr Bayoh?
- 10 A. Yes.
- 11 Q. And I think you have given the Chair information about
12 that in paragraph 31 of your Inquiry statement. And was
13 that in relation to, or in comparison to images that you
14 recovered from Facebook?
- 15 A. I didn't recover them from Facebook; I think it was
16 a family member that had recovered them.
- 17 Q. And you used that as a comparison?
- 18 A. Yes.
- 19 Q. With Mr Bayoh at the hospital?
- 20 A. Yes.
- 21 Q. And can I ask you how is it normally done, that you work
22 out the identification of someone who is in hospital?
- 23 A. In hospital generally when we're in that setting, family
24 are with the person, have probably travelled with or

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1 been contacted --

2 Q. But if you don't know the person?

3 A. In a hospital setting, it depends if it's an unexplained
4 death or an expected death. If it's an unexplained
5 death and there's forensic aspects to it, then it will
6 be an SIO's decision how we go about identification.
7 Obviously it's very important that we complete that. On
8 most occasions, for an unexplained death where forensic
9 integrity is a matter, we would convey the deceased to
10 the mortuary. There's an area -- a viewing area in the
11 mortuary where it's behind glass, so there's no physical
12 contact at that stage, so we could do the identity with
13 least impact to the forensic integrity. That was how
14 I would normally do it, would be at the mortuary
15 setting.

16 Q. And you have mentioned the SIO, that's the senior
17 investigating officer?

18 A. Yes.

19 Q. So who would that have been on 3 May 2015?

20 A. Initially obviously on scene it was myself was the
21 deputy SIO, Colin Wilson was the SIO, however, that
22 changed dynamically throughout the day because more
23 senior officers arrived. I'm not privy to the structure
24 of command thereafter, so it would be probably something

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1 that would have to be asked of someone else.

2 Q. Okay. When you returned to Kirkcaldy Police Office we
3 understand the officers went back to the canteen?

4 A. Yes.

5 Q. And I think you have given some information in your
6 Inquiry statement, paragraphs 63 and 64 --

7 A. That doesn't look --

8 Q. Maybe I've got the wrong --

9 A. Wrong numbers.

10 Q. I don't know why I've got those numbers there. Let's
11 forget that, forget I said that. Terrible typo there.

12 Did you have any involvement with speaking to the
13 officers in the canteen about what they should be doing,
14 providing any information, giving any statements?

15 A. No.

16 Q. We may have heard some evidence that one or more officer
17 felt that you and DC Connell were treated differently --

18 A. Mm-hm.

19 Q. -- to the officers who had been at the scene maybe
20 involved in the restraint.

21 A. Mm-hm.

22 Q. Were you aware of that at the time?

23 A. I was aware -- I wasn't aware of post-incident
24 procedures, that's not something I was aware of, I don't

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1 believe that was routine for death in -- or serious
2 injury in custody. I believe that that was something
3 that came in later, but at that moment in time, I had no
4 awareness of post-incident procedures or the role of
5 a post-incident manager. I don't believe the officers
6 would have done either. My belief was that they were in
7 the canteen for a welfare aspect, nothing other than
8 that.

9 Q. And we may have heard some evidence -- we have heard
10 some evidence that one of the officers felt that perhaps
11 you were getting favourable treatment because you were
12 allowed to leave the canteen and go about your business
13 to some extent --

14 A. Yes.

15 Q. -- as did DC Connell, whereas they were told to remain
16 within the canteen. Can you explain why that would have
17 been?

18 A. To be fair, retrospectively I understand that and
19 I acknowledge that. At the time I wasn't told to go
20 anywhere specific, I wasn't told I was subject to any
21 specific procedures, so I didn't. I continued in my
22 job, I had a job to do, I had other jobs to do and
23 I believe -- you know, I was under the belief they could
24 have left the canteen so no, I didn't question it.

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1 Apologies.

2 Q. No, not at all. So you just went about your normal
3 business that day, after you got back to Kirkcaldy
4 Police Office?

5 A. Yes, I had other matters to...

6 Q. And did you complete your notebook and you obviously
7 completed your self-penned statement and gave
8 a statement to PIRC at an earlier date in May and then
9 again on 2 June.

10 A. Yes.

11 Q. Thank you. Did you have any involvement with
12 Amanda Givan?

13 A. No.

14 Q. Can I ask you just one or two questions about race
15 before we complete this section.

16 Can I ask you -- you're obviously an inspector.

17 A. Yes.

18 Q. I have been asking officers about equality and diversity
19 training, and many of them have spoken about training
20 they had at Tulliallan.

21 A. Mm-hm.

22 Q. And it would appear that many of them have said they
23 didn't really receive any additional equality and
24 diversity training. Is that your experience?

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- 1 A. My experience is obviously the initial -- we had two
2 weeks when we first joined. I believe I also had
3 diversity and equality training locally in Fife in 2014,
4 which is recorded on my SCoPE, and recently we have had
5 further training online which is to do with the
6 competency and value frameworks. Fundamentally that
7 brings in human rights, et cetera, so within that
8 package, online package and testing, there was also
9 aspects to do with diversity within that.
- 10 Q. And is that training that you have had as part of your
11 role as inspector, or is that just across
12 Police Scotland?
- 13 A. No, that's across Police Scotland.
- 14 Q. For all officers, of any rank?
- 15 A. The competency and value framework?
- 16 Q. Yes.
- 17 A. All officers should complete that.
- 18 Q. Right, thank you. And part of that involves equality
19 and diversity training?
- 20 A. Yes, within that, yes.
- 21 Q. Was any of that training in relation to race,
22 discrimination, bias?
- 23 A. It's about integrity, fairness and respect for all
24 cultures within your community, so it doesn't go

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1 specific, it's that kind of fundamental principles, the
2 overarching principles or values, and how you should, as
3 a person have them personal values as well, on or
4 off-duty, so that's the framework that we as
5 police officers should abide by and we should value,
6 personally and whilst -- as an officer.

7 Q. Right. And was any part of any of the training you have
8 had -- did any of it relate to unconscious bias or
9 recognising unconscious bias?

10 A. I don't believe it was labelled unconscious bias, but
11 I don't recall.

12 Q. Has any of the training ever asked you to self-reflect
13 or consider your own bias, or asked you to recognise any
14 unconscious bias or anything like that?

15 A. Most of the -- even my detective training you have to be
16 self-reflective to learn and develop and evolve, so
17 self-reflection is something that is apparent in most
18 training packages that we do, certainly detective
19 packages, senior investigating officer's training, and
20 the CVF also, to be self-reflective.

21 Q. And have you been taught any tools or skills that would
22 allow you to guard against bias or prejudice or
23 discrimination?

24 A. No tools, there's no specific tools to go by. It's

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1 inevitably to be open minded, considerate, and if you're
2 open minded, you will make accurate and informed
3 decisions. If you're not open minded and you're not
4 taking in all accounts, then you will make inaccurate
5 and, you know, poor decisions, essentially, so yes, open
6 mindedness is the main factor for me anyway.

7 Q. All right, thank you. When you were at Hayfield Road
8 were you aware at that time -- so we're
9 talking May 2015. Were you aware at that time about
10 some high profile deaths in the UK and abroad of people,
11 particularly black men, dying after police restraint?

12 A. I have to say I have no recollection. I have tried --
13 I knew -- and kind of -- this question had been asked
14 before and honestly, if I'm answering that honestly and
15 uninfluenced, I have no -- I have no recollection.

16 Q. That's not something you had been taught about or had
17 been raised with you in any training courses?

18 A. Possibly, but I can't recall.

19 Q. So you weren't aware of any particular risks associated
20 with restraint in the prone position or statistical
21 information about --

22 A. I was aware about risks in terms of prone position,
23 we're aware about positional asphyxia, et cetera, we're
24 taught that in OST, so I was aware of prone position

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1 being a risk.

2 Q. Right. When you saw Mr Bayoh on the ground in
3 Hayfield Road being restrained by officers, you have
4 told us when you arrived he was in the prone position.

5 A. Yes.

6 Q. Did you consider the risks, significant risks of that
7 restraint when Mr Bayoh was in the prone position?

8 A. I did not consider intervening or thinking there was
9 a kind of increased risk at that point. As I have
10 detailed that my impression was -- my assessment was
11 that he had just become to be in that position due to
12 the timeline of events and that once cuffs were applied,
13 he would be moved into a safer position. Yes, I didn't
14 observe that movement, however, that was my assessment
15 and I didn't consider any risks at that point.

16 Q. Did you consider at that stage calling for an ambulance
17 straight away?

18 A. No.

19 MS GRAHAME: If you would just give me a moment, please.

20 Thank you very much.

21 LORD BRACADALE: Any Rule 9 applications? Ms Mitchell.

22 Detective Inspector, would you retire to the witness
23 room, please, while I hear a submission.

24 (Pause).

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1 Yes, Ms Mitchell, if you come to the table please.

2 (Pause).

3 Application by MS MITCHELL

4 MS MITCHELL: Yes, the first issue is in relation to the
5 taking control of the scene, barrier tape having been
6 placed up, and it was simply to ask after Sheku Bayoh's
7 body was removed in the ambulance, did the officer
8 notice batons lying around and did she consider taking
9 any action in relation to them.

10 The next issue is in relation to the sudden death
11 report and we had understood from a section 9
12 application that my learned friend was going to ask
13 questions on this, and I don't think my learned friend
14 highlighted that particular issue so I would like to ask
15 some of the questions that we wanted to in relation to
16 that, namely what was the purpose of the report, what is
17 the content of a sudden death report. The witness
18 indicates that she had sight of and relied upon
19 Zahid Saeed and Collette Bell's statement when she wrote
20 the document for the sudden death report and to ask her
21 what the relevance of those two witnesses were for that
22 report and whether or not she thought to seek any
23 information from the officers that were in attendance
24 and, if not, why not? And the death report itself

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1 states:

2 "This resulted in the deceased being restrained to
3 the ground. Handcuff and leg restraints were applied
4 (details of officers involved are known to PIRC and are
5 not included in this report)."

6 And to ask why the details of the officers involved
7 were not included in the death report.

8 The next issue is in relation to something
9 my learned friend did touch on, which was the
10 identification and the treatment of Mr Bayoh's body, and
11 it is to ask more questions in relation to paragraph 31
12 of the witness's statement.

13 The witness did give information that this was not
14 an orthodox way of identifying, and she gave some
15 information of what was the orthodox way or
16 straightforward, and she gave an explanation about
17 urgency, and what I want to ask was what had been the
18 delay to that point and then ask her if she was then at
19 11.00 am able to accurately confirm that it was
20 Mr Bayoh, who she confirmed that to, and also given the
21 fact was that the urgency was to let his family know as
22 soon as possible, to explore the fact that despite some
23 four hours passing, Sheku Bayoh's family members, his
24 sister and other family members, had still not been

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1 informed.

2 Lastly, the Inquiry -- second last, the Inquiry may
3 come to hear that Sheku Bayoh's sister and his
4 brother-in-law were asked to identify Mr Bayoh later on
5 and they asked if that could happen the next day when
6 Mr Sheku Bayoh's mother had arrived in Scotland and to
7 ascertain whether or not it would be orthodox to have
8 a second identification by family members.

9 Finally, to ask this witness whether or not she is
10 aware of the identity of the person who contacted the
11 Sierra Leone Embassy to have Sheku Bayoh's body
12 repatriated.

13 LORD BRACADALE: Ms Grahame, in relation to the sudden death
14 report, is that something that the Inquiry will be
15 looking at a later stage?

16 MS GRAHAME: Yes, and I apologise to Ms Mitchell, I should
17 have explained this to her earlier today and it slipped
18 my mind.

19 There is reference in the witness's Inquiry
20 statement to the sudden death report, paragraphs 34, 35
21 and 36, and I -- initially when I was considering the
22 Rule 9 application I said I would be happy to ask
23 further questions. I checked the position and it was
24 confirmed to me this morning that the sudden death

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1 report was not cleared for disclosure to core
2 participants, has not ever been disclosed, and it is not
3 at a stage it has been cleared for disclosure publicly,
4 and so it wouldn't be possible to have any of that on
5 the screen, and in relation to the Inquiry witness
6 statement, this witness has indicated already -- and
7 this is evidence before the Chair, that she created
8 a synopsis used to assist DS Moore and DI Wilson to
9 submit the SDR, and we will be exploring this at a later
10 stage, but as at today's hearing, I'm not in a position
11 to put any of the content of that onto the screen or to
12 make it public.

13 LORD BRACADALE: Very well. I think we should leave the
14 sudden death report for later.

15 Is that all the matters?

16 MS MITCHELL: Those were all the matters.

17 LORD BRACADALE: Right.

18 (Pause).

19 Also, Ms Grahame, in the post-incident management
20 chapter will you be addressing the issue of the
21 identification of the body in more detail?

22 MS GRAHAME: Yes. That will be a matter that can be
23 explored in what we anticipate to be the third hearing
24 regarding post-incident management and, in particular,

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1 LORD BRACADALE: Detective Inspector, you're going to be
2 asked some questions by Ms Mitchell, counsel for the
3 family.

4 Questions from MS MITCHELL

5 MS MITCHELL: There is just one issue I want to ask you
6 about and that's in relation to the point at the scene
7 at Hayfield Road, where you took control, you have given
8 your evidence to explain that at a point you realised it
9 was more serious and you took over control, and one of
10 the things that you did was to put up barrier tape?

11 A. Yes.

12 Q. And you have given an explanation of why you might want
13 to secure that area, and I think you gave evidence to
14 say that one of the initial things you did was scene
15 management in terms of setting parameters and securing
16 the area, and in terms of any further contamination of
17 the area, is that correct?

18 A. Yes.

19 Q. After Sheku Bayoh's body was removed and it was put in
20 the ambulance, did you see police batons lying around?

21 A. Not at that stage, no. I was aware that they were
22 already collected by DC Connell.

23 Q. So having known that they were collected, did you take
24 any action in relation to them as to what should be done

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1 with them?

2 A. They were already seized from their original position,
3 we were past that point, so they would be seized as
4 a production. I wouldn't place them back on the ground,
5 that wouldn't be --

6 Q. No, I wasn't suggesting that, but if you knew they had
7 been bagged, were you going to decide to put them
8 somewhere or...?

9 A. They were within my police vehicle and I subsequently
10 seized them individually in evidence production bags.

11 Q. Okay. So you split them up?

12 A. Yes.

13 Q. And tagged them, presumably?

14 A. Yes.

15 Q. And then did what?

16 A. They were lodged as a production with the inquiry team.

17 LORD BRACADALE: Thank you.

18 Detective inspector, thank you very much for coming
19 to give evidence to the Inquiry. I'm going to rise
20 briefly to let the next witness to be brought in and you
21 will then be free to go.

22 A. Thank you, sir.

23 (3.25 pm)

24 (Short Break)

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1 (3.30 pm)

2 LORD BRACADALE: Now, Ms Grahame, who is the next witness?

3 MS GRAHAME: The next witness is DC Jennifer Bruce.

4 LORD BRACADALE: Good afternoon, Detective Constable. Would
5 you take the oath.

6 A. Yes.

7 DETECTIVE CONSTABLE JENNIFER BRUCE (sworn)

8 LORD BRACADALE: Ms Grahame.

9 Questions from MS GRAHAME

10 MS GRAHAME: Thank you.

11 You are Jennifer Bruce?

12 A. Yes.

13 Q. What age are you?

14 A. 37.

15 Q. How many years' service do you have?

16 A. 14.

17 Q. And you have been a DC since 2014?

18 A. 2012.

19 Q. Oh, sorry, my mistake. Prior to that you had been
20 a police constable?

21 A. Yes.

22 Q. And we have all your contact details, so we don't need
23 to look at those.

24 A. Yes.

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1 Q. Have you been able to watch any of the other evidence
2 that we have had?

3 A. Yes.

4 Q. Great. You will know there's a black folder in front of
5 you?

6 A. Yes.

7 Q. Let's look at the two things that should be there, the
8 first should be PS 00772, a statement dated 5 May 2015?

9 A. Yes.

10 Q. This was an operational statement, was it?

11 A. Yes, this is a statement I compiled myself.

12 Q. A statement you prepared --

13 A. Yes.

14 Q. -- on 5 May, two days after the events we're here to
15 explore?

16 A. That's correct.

17 Q. And were you doing your best to give a true and accurate
18 record of your involvement with these events in that
19 statement?

20 A. Yes.

21 Q. Thank you. And then can we look at your Inquiry
22 statement, please, SBPI 32. This is a statement you
23 have given to the Inquiry taken by a member of the team
24 on 14 March 2022. Do you have that in your black folder

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1 as well?

2 A. Yes, I do.

3 Q. And can we look at the last paragraph, 35, and we will
4 see that it says:

5 "I believe the facts stated in this witness
6 statement are true. I understand that this statement
7 may form part of the evidence before the Inquiry and be
8 published on the Inquiry's website."

9 And am I correct in saying you signed every page?

10 A. Yes.

11 Q. And that was on 14 April this year?

12 A. Yes.

13 Q. Lovely. You have hard copies of those. If you want to
14 refer to any part of them at any time, please feel free
15 to do so, and if it's not on the screen, I will make
16 sure it gets on the screen.

17 So paragraph 4, first of all. You were part of
18 a major investigation team and you started as a DC in
19 MIT and you were there in May 2015.

20 A. Yes.

21 Q. And then paragraph 7. Your team -- you say you always
22 worked in Dundee, but your team helped cover the Fife
23 area and sometimes worked weekend cover and occasionally
24 be asked to go to Kirkcaldy?

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- 1 A. Yes.
- 2 Q. And -- but it wasn't your usual base, Kirkcaldy?
- 3 A. No.
- 4 Q. You would sometimes work there?
- 5 A. I worked in Dundee and we generally covered the north so
6 we would go Aberdeen, Inverness way, but just given how
7 close we were at Fife, if need be, we would come to
8 Fife, but not very often.
- 9 Q. Sometimes?
- 10 A. Yes.
- 11 Q. Then paragraphs 14 and 15, you tell us that on
12 3 May 2015 you started at 8 o'clock in the morning in
13 Dundee and that was you and a colleague and you were the
14 only two working in the MIT in Dundee that day. It was
15 a Sunday.
- 16 A. Yes.
- 17 Q. And then paragraph 15, you were asked to go and help in
18 Kirkcaldy, so you then travelled to Kirkcaldy.
- 19 A. That's right.
- 20 Q. And what time did you arrive in Kirkcaldy?
- 21 A. I think from my first statement it said we were asked to
22 go about 11 o'clock, and then maybe we took 40 minutes
23 to get there, so probably just before lunchtime.
- 24 Q. So was it a senior officer in Dundee asked you and your

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- 1 colleague to travel --
- 2 A. We had a sergeant in Dundee who was dealing with another
3 incident, so he asked us to go to Kirkcaldy.
- 4 Q. And you went there to help in connection with the
5 Sheku Bayoh incident?
- 6 A. Yes.
- 7 Q. And what was your role to be?
- 8 A. Just an enquiry officer, just to assist with any
9 enquiries that were required. Usually it would be
10 noting witness statements.
- 11 Q. So you are really an additional resource at Kirkcaldy to
12 help organise and prepare the investigation?
- 13 A. Yes, generally it would be noting civilian witness
14 statements, I think that was the role that we were
15 tasked with.
- 16 Q. And I think you have said in paragraph 17 of your
17 Inquiry statement that you did actually take a witness
18 statement at that time?
- 19 A. Yes.
- 20 Q. Can I ask you about your involvement with
21 Inspector Combe, Jane Combe?
- 22 A. Yes, so later on that day, my colleague that I had been
23 working with finished duty, so I was left without
24 a double up, and I was asked, being a female, if I would

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1 pair up with a female inspector to assist in seizing
2 clothing.

3 Q. Right. And can we look at paragraph 18, please.

4 I think you say Keith, your colleague, had to finish on
5 time:

6 " ... so I ended up there [on your] own. I was
7 paired up with a uniform Inspector just to seize some
8 clothing. Her name was Inspector Jane Combe. I hadn't
9 worked with her before. I don't remember who asked me
10 to do that."

11 A. Yes.

12 Q. And were you aware of Inspector Combe at that time?

13 A. No, I had never met her before.

14 Q. You had never previously met her. Can I ask you, did
15 you have any involvement with Conrad Trickett that day,
16 who was the post-incident manager?

17 A. I was aware he was there because he had also come from
18 Tayside, but no, I didn't have any --

19 Q. No involvement with him?

20 A. No.

21 Q. Can I look at paragraph 19. You have been asked here
22 about seizing clothing:

23 "We seized the clothing of four officers and I wrote
24 up the labels and helped seal up the bags. Seizing the

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1 clothing of the officers is to try and preserve the
2 productions forensically."

3 And we have heard some evidence today that forensic
4 seizing rather than just normal seizing would involve
5 officers wearing white uniforms?

6 A. Yes, a forensic suit.

7 Q. Suits, sorry, that's the word, it's Friday afternoon.

8 So did you wear a forensic suit, a white forensic
9 suit that day?

10 A. Yes. We wore a different one for each officer and then
11 bagged up those suits.

12 Q. And did Inspector Combe also wear that?

13 A. Yes.

14 Q. And we have already heard that after each item -- each
15 officer has been dealt with, the white suit that you're
16 wearing is then folded up and also seized at that time?

17 A. Yes, and then we put a new one on for the next officer.

18 Q. And what's the reason for that being done?

19 A. Just to avoid any cross-contamination for when they're
20 later examined.

21 Q. So the items you're examining are then sent off to be
22 forensically examined by other scientists and forensic
23 people?

24 A. Yes.

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1 Q. And some of the items that you recovered were from
2 Nicole Short?

3 A. Yes.

4 Q. PC Short?

5 A. Yes.

6 Q. It wasn't just only female officers that you seized
7 items from that day, but she was one of them?

8 A. Yes. I think initially it was all females and then
9 I think there was one male at the end.

10 Q. All right, thank you. Could we look at paragraph 20,
11 please. It is on the screen:

12 "Specifically on that day, as best as I can
13 remember, we got the officers to stand on a brown paper
14 bag and take each item of their uniform off. We were in
15 forensic suits as well, with gloves on. As they took
16 each item off, they would hand it to me or the
17 Inspector, and we would put it in a production bag and
18 we would give the production a name by writing on the
19 bag or label. We just did that until we had every item
20 that we needed. Then we bagged up our own forensic
21 suits and gloves. You end up with a pile of everything
22 that they were wearing, everything that we were wearing,
23 all bagged and labelled and sealed for each officer."

24 And then if we look at paragraph 21:

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1 "Different officers wear their equipment
2 differently. We didn't remove or unclip any of it. So
3 for Samantha Davidson I have written in my statement on
4 page 3 'vest (with baton)' which means it is clipped on
5 or in one of the pockets ..."

6 But they have different preferences, let's say.

7 A. Yes.

8 Q. Right. And can we look at paragraph 23, please. You
9 are asked about your previous statement on page 2:

10 "... I wrote that ..."

11 This is your self-penned statement:

12 " ... I wrote that we seized PC Kayleigh Good's
13 clothing between 1647 and 1653 hours and Nicole Short's
14 clothing between 1808 and 1812 hours. I don't know why
15 there was a delay between these two officers having
16 their clothing seized. I don't think the delay would
17 have been on our part."

18 We have heard evidence from Inspector Combe that
19 there were a number of officers. Thinking now, can you
20 think of any reason why there was a delay in recovering
21 Nicole Short's clothing?

22 A. No, I have no idea. We were based in an office and the
23 officers were either brought up to us or came up to the
24 office and when they arrived we seized their clothing,

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- 1 but what was happening prior to them coming to us,
2 I have no idea.
- 3 Q. So it was other officers organising when the
4 individual --
- 5 A. Yes.
- 6 Q. -- officers would attend with you?
- 7 A. Yes. It was certainly nothing to do with me.
- 8 Q. And you were available, I think you said from about
9 11.00 that day?
- 10 A. I think we were asked in Dundee to go through at 11.00,
11 so we probably arrived just before lunchtime, but then
12 I noted statements after that.
- 13 Q. When were you available that day to forensically recover
14 or preserve productions or items of clothing?
- 15 A. I think I noted a statement at about quarter past 1, so
16 I don't know how long that took, maybe an hour or two,
17 so potentially from between 3.00 and 4.00.
- 18 Q. And certainly you seized Kayleigh Good's clothing at
19 4.47?
- 20 A. Yes.
- 21 Q. And we have heard that there was a room within Kirkcaldy
22 Police Office and the officers attended and you were
23 there with Inspector Combe?
- 24 A. Yes.

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1 Q. And I think she described sort of standing at the door
2 making sure nobody was coming in to interrupt, is that
3 correct?

4 A. Yes.

5 Q. What time did you go home that evening? You say at
6 paragraph 25:

7 "I went home after that."

8 So this was after you had gathered in these items.
9 What time was that?

10 A. I don't know what time I finished duty, but we have
11 obviously seized clothes right up to 8.02 that evening,
12 so probably just shortly after that I left and then we
13 would have to travel back to Dundee to go off-duty.

14 Q. Thank you. Can we look at paragraphs 26 and 27. This
15 relates to Nicole Short. 26:

16 "The 4 minutes to seize Nicole Short's clothing was
17 the time for her to take them off and for us to put them
18 in the bags. I don't think I would've spent much longer
19 with her before or after that. She would have had to
20 get redressed into something afterwards but that would
21 be about it."

22 Do you remember what she was wearing when she
23 arrived? You have said at paragraph 27:

24 "When she came to us, she had her T-shirt ...

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- 1 microfleece and ... her vest."
- 2 A. They all arrived to us in uniform, but whether they were
3 carrying some of it or wearing some of it -- I don't
4 know if they had their vests on or not, but the rest of
5 it, they were wearing their uniform.
- 6 Q. I was going to ask you: was Nicole Short wearing her
7 body armour and her high-visibility vest or carrying it?
- 8 A. I don't remember.
- 9 Q. Thank you. When you talk about her micro fleece and her
10 vest, what do you mean by that?
- 11 A. So by her vest, it's her stab-proof vest.
- 12 Q. The black body armour?
- 13 A. Yes, the body armour, yes. And the micro fleece is just
14 a thin, fleecy top that you wear underneath your
15 stab-proof vest.
- 16 Q. Is that standard police issue or something --
- 17 A. Yes, you get issued them. They've got "police" on the
18 arm, a small zip and just thin fleece material.
- 19 Q. Right. Could I ask you to look at a vest, please. It's
20 in a bag. Ms Wildgoose will hand this to you and I'm
21 going to ask you if you recognise it.
- 22 A. Yes, that's my writing on the label.
- 23 Q. And is that Nicole Short's vest?
- 24 A. Yes. It's called "Nicole Short's".

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1 Q. Thank you. And that was the item that you seized from
2 her that day?

3 A. Yes.

4 Q. And do you remember anything unusual about it at the
5 time?

6 A. No.

7 Q. Was anything drawn to your attention?

8 A. No.

9 Q. Did PC Short indicate to you in any way that there was
10 a mark, or something on it that was significant or
11 important?

12 A. No.

13 Q. Would you look at this photograph, please, that we've
14 got on the screen, the second one, and you will see this
15 is a photograph of the rear of Nicole Short's vest and
16 you will see that there's a dark-coloured mark on the
17 back of the yellow hi-vis jacket part?

18 A. Yes.

19 Q. Was that drawn to your attention at all on the day that
20 you recovered it?

21 A. No.

22 Q. If it had been drawn to your attention, what would you
23 have done to respond to that?

24 A. We would have raised that with a senior investigating

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1 officer and let them decide how they wanted to proceed
2 with that.

3 Q. Who was the senior investigating officer?

4 A. DCI Stuart Houston, I think.

5 Q. Right. And was he someone that you could have gone to
6 and spoken about a mark on a vest if that had been drawn
7 to your attention?

8 A. If not him, somebody just below him, yes.

9 Q. But ideally the senior investigating officer?

10 A. Yes, or the deputy.

11 Q. The deputy, whoever that may have been.

12 A. Yes.

13 Q. And was there any sort of mechanism or procedure in
14 place where you would have drawn that to the attention
15 of the forensic services in any way? Would you have
16 marked it on the label?

17 A. No, I would say that's probably -- no. I would say it's
18 probably more a decision for the SIO to make how they
19 wanted to proceed with that, whether they wanted it
20 photographed or taken straight to the lab, or -- that
21 would be a decision for them.

22 Q. So if you have noticed something on an item, or it's
23 drawn to your attention, you can draw that to the
24 attention of the SIO and is there any reason you can

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1 think of why if someone has brought something to your
2 attention, or you have noticed something, that you
3 wouldn't mention that to the SIO?

4 A. Not if it was flagged up as potentially being relevant.

5 Q. Right. So no reason that you -- if that mark had been
6 drawn to your attention, you can't think of any reason
7 why you wouldn't have mentioned that to the SIO that
8 day.

9 A. No.

10 Q. Right.

11 Could I ask you about paragraphs 29 and 30 of your
12 Inquiry statement please. It says:

13 "I don't remember if Nicole Short said anything to
14 me about her uniform when she came to us. I didn't have
15 much of a conversation with any of them. I don't think
16 any of them said very much at all, but I can't
17 specifically remember.

18 "I didn't consider photographing any of the
19 clothing. This is not something I would normally do.
20 It's not routinely done."

21 I'm quite interested in the taking of photographs.

22 A. Okay.

23 Q. What's the normal routine with photographs?

24 A. We wouldn't normally photograph items of clothes that we

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1 have seized. We would package them, send them for
2 examination and it would be for the scientists, if they
3 find something during examination, to decide to take
4 a photo.

5 Q. So more the forensic specialists could take photographs.

6 A. We are not examining them, so it's more during the
7 examination that if anything is found it would be
8 photographed.

9 Q. Right, thank you. So that wasn't part of what you were
10 doing, the process you were following, it wasn't any
11 part of it?

12 A. No, we weren't to examine them. We were just to seize
13 them and bag them.

14 Q. Thank you.

15 If an officer had asked about a photograph, or
16 wished a photograph taken, is that something that you
17 would also have spoken to the SIO about?

18 A. Yes.

19 Q. Thank you. Can we look at paragraph 32:

20 "When I was seizing the officers clothing, it was
21 clear to all parties that bagging and labeling the
22 uniform was our only role at that time. There was
23 a mutual understanding that we would not ask the
24 officers any questions and they would not discuss the

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1 incident with us. Our role that day was purely to seize
2 their clothing, not to obtain any information from
3 them."

4 And is that -- you weren't having discussions with
5 them or noting down what had happened earlier that day
6 or any of that?

7 A. No, there was no conversation.

8 Q. Do you have any recollection now about how Nicole Short
9 was when you seized her clothing?

10 A. Not specifically Nicole. I remember all the officers
11 seemed upset, but not specifically anything about
12 Nicole.

13 Q. All right, thank you. Can we look at paragraph 33
14 please. You are asked about the media:

15 "I have not really been following the media
16 surrounding this case. I see the headlines
17 occasionally, or if it is on STV news at night. I don't
18 go out of my way to follow it.

19 "I haven't really seen much more other than that,
20 maybe a headline on the news about his family. I really
21 haven't followed it much at all. The family were making
22 a complaint about how it was dealt with. That's all
23 I know really. I've maybe seen a family member or their
24 solicitor making comment about complaints that they have

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1 made and the processes that they are going through.

2 I have not seen anything outwith that about the incident
3 itself."

4 So you have not really followed this?

5 A. No, I mean other than that -- the day of the incident
6 that I attended, I then went back to Dundee and had
7 nothing at all to do with the inquiry thereafter.

8 Q. So you have not had any ongoing contact really with the
9 officers who were involved?

10 A. I didn't know any of them. I have had no contact with
11 them since and, yeah, because it was a Sunday I helped
12 that day and then had nothing else to do with it.

13 Q. So you had an awareness that the family were
14 concerned --

15 A. Yes, but --

16 Q. -- about certain aspects, but no more than that really?

17 A. No.

18 Q. Thank you very much. I have no further questions.

19 LORD BRACADALE: Any Rule 9 applications? No.

20 Detective Constable, thank you very much for coming
21 to give evidence to the Inquiry. I am about to rise for
22 the day and then you will be free to go.

23 A. Thank you.

24 (3.50 pm)

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1 (The Inquiry adjourned)

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