

Transcript of the Sheku Bayoh Inquiry

Tuesday, 22 November 2022

(10.00 am)

LORD BRACADALE: Well, good morning and welcome to this evidential hearing in the Sheku Bayoh Public Inquiry.

Before we begin to hear evidence, there are certain matters which I wish to mention. Core participants and members of the public will be aware that I appointed a procedural hearing for Wednesday 16 November 2022 and subsequently cancelled it. I wish to explain why I took these steps.

On 8 November the Chief Constable of the Police Service of Scotland, who is a core participant, lodged a written application moving me to postpone until a later hearing the evidence of certain witnesses who were due to give evidence in the hearing starting today.

I carefully considered the application. I had regard to a number of considerations, including the extent of the evidence, subject to the motion to postpone, the importance of that evidence to the Inquiry, the reasons advanced for postponement, the impact of postponement on this hearing, its impact on subsequent hearings of the Inquiry and the proximity to this hearing.

I concluded that the matter was of such significance that it should be dealt with at a procedural hearing, at

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1 which I could hear arguments for and against
2 postponement. I directed that the application should be
3 circulated to other core participants in anticipation of
4 the procedural hearing.

5 In the event, in the course of the week before the
6 hearing, senior counsel for the Chief Constable
7 approached Senior Counsel to the Inquiry and they
8 engaged in fruitful discussions. Senior counsel for the
9 Chief Constable then indicated that, as a result of
10 these discussions, they were reassured to the extent
11 that postponement of the evidence was not necessary.
12 The Chief Constable's application would be withdrawn.

13 I think that it is unfortunate that that approach by
14 senior counsel for the Chief Constable was not made
15 before the decision was made to lodge the application.
16 Had it been, the issues could have been resolved
17 rendering the lodging of the application, consideration
18 of it and the making of the necessary arrangements to
19 hold a procedural hearing, unnecessary.

20 I would encourage the legal representatives of core
21 participants to raise such issues in first instance with
22 Counsel to the Inquiry and the Inquiry's legal team.
23 Only if such discussion does not bear fruit should it be
24 necessary for an application to be made seeking a ruling
25 by me.

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1 It is also important to bear in mind that this is an
2 inquisitorial and investigative Inquiry. It is of
3 a rolling nature and involves an iterative process. As
4 the Terms of Reference are extensive, it is necessary
5 for me to break the hearings into blocks, but these
6 blocks are not hermetically sealed and there will be
7 a degree of overlap. Issues may be revisited, so, for
8 example, in this hearing aspects of training, as it was
9 conducted in May 2015, will be the subject of evidence.
10 At a later hearing I would anticipate evidence of
11 a comparative exercise between training as it was in
12 2015 and training as currently provided.

13 Another aspect of the rolling approach is that it
14 would be premature to form any concluded views on the
15 evidence at this stage.

16 I now want to say a little about the timetable of
17 the Inquiry. The Inquiry was set up in November 2020,
18 on 30 November. Only then could I begin to gather the
19 evidence and, as it became available in the course of
20 2021, start considering it. The first hearing was held
21 in May and June [2022] and focused on the events in
22 Hayfield Road on 3 May 2015 leading up to the death of
23 Sheku Bayoh.

24 In the hearing beginning today in addition to
25 evidence relating to training which I have already

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1 mentioned, the Inquiry will hear evidence in relation to
2 police command and control on 3 May 2015, expert
3 evidence in relation to the options open to various
4 officers in the stages leading up to and including the
5 events in Hayfield Road, certain forensic evidence and
6 the final report prepared by Advanced Laser Imaging.

7 Looking forward, I anticipate that there will be
8 a series of hearings in the course of 2023 and into the
9 early part of 2024. On 31 January 2023 I intend to
10 convene a hearing on evidence relating to the
11 post-incident management by officers of Police Scotland.
12 That will be followed by a hearing on cause of death.
13 At that point I shall invite closing submissions in
14 relation to the events on 3 May 2015.

15 The Inquiry will then go on to hold hearings in
16 relation to the investigations conducted by the Police
17 Investigations & Review Commissioner and the
18 Lord Advocate. There will be further hearings in
19 relation to training and certain other matters.

20 While the issue of race will continue to be examined
21 in the course of each of the hearings, I expect to hold
22 a dedicated hearing on the issue of race in the
23 concluding stages of the oral hearings.

24 I consider that the timetable which I have outlined
25 is necessary in order to conduct the kind of full and

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1 thorough Inquiry to which I committed myself at the
2 outset. I do not think that the extensive Terms of
3 Reference could be fully explored in any lesser
4 timescale.

5 I want now to turn to another matter. It has come
6 to my attention that core participants in this Inquiry
7 have been subject to abuse on social media or in
8 writing. I abhor such abuse, whatever its source and
9 against whomever it is directed. Recently it has been
10 reported to me that the family of Sheku Bayoh and their
11 solicitor have been subjected to racist abuse. I am
12 sure that everyone associated with this Inquiry will
13 agree with me that such behaviour is despicable and
14 entirely unacceptable. In some instances it may amount
15 to hate crime. In every instance it causes the
16 recipients and members of their family, some of whom may
17 be quite young, pain, distress and harm.

18 The families of Sheku Bayoh remain at the heart of
19 this Inquiry. The Inquiry strongly condemns such
20 treatment of them and calls for it to cease.

21 I'm now going to adjourn briefly in order that the
22 first witness can be settled in.

23 (10.13 am)

24 (Short Break)

25 (10.21 am)

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1 LORD BRACADALE: Now, Inspector Young. Good morning.
2 I understand that you will take an affirmation.
3 A. Yes, sir.
4 INSPECTOR JAMES YOUNG (affirmed)
5 LORD BRACADALE: Ms Grahame.
6 Questions from MS GRAHAME
7 MS GRAHAME: Thank you. Good morning, Inspector Young.
8 A. Good morning.
9 Q. What is your full name?
10 A. James John Young.
11 Q. Thank you. What age are you?
12 A. I'm 53.
13 Q. And your rank is inspector?
14 A. That's correct.
15 Q. How many years' service do you have?
16 A. 27.
17 Q. And your current role?
18 A. I am the operational lead for the National Taser
19 Programme.
20 Q. Thank you. You will see in front of you that there's
21 a blue folder and this contains hard copies of a number
22 of documents. I'm going to go through them with you,
23 but please feel free to look at it, use it. If you
24 would like me to refer to something, we will be able to
25 bring it up on the screen.

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- 1 A. Okay, thank you.
- 2 Q. As we go through these I will bring them up on the
3 screen in front of you, but if there's anything that you
4 think is significant and you would like to look at, we
5 can do that as well.
- 6 A. Thank you.
- 7 Q. Would you look please, first of all, at PIRC 00388.
8 This is a statement dated 14 September 2015, so it
9 should be at the beginning of your folder and you will
10 also see it has come up on the screen and we're on
11 page 1 and it gives your name and it says the statement
12 was taken 14 September 2015, 10.55 by DSI Keith Harrower
13 at Coatbridge Police Office in the presence of
14 Investigator Alexander McGuire and if we look at page 2
15 of this statement, it -- thank you. It refers to -- can
16 we just go up slightly please? It says "Label No."
17 which is a document, "Probationer Training Officer
18 Safety Training Course Manual", and am I correct in
19 saying this was a statement taken by PIRC from you where
20 you provided them with a copy of an officer safety
21 training manual?
- 22 A. That's correct, yes.
- 23 Q. Thank you. And you did your best to tell them the truth
24 about these matters and to be accurate in everything you
25 said.

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1 A. Yes.

2 Q. And was that the position with all of the statements you
3 gave to PIRC?

4 A. Yes.

5 Q. You said in your Inquiry statement, which I will come to
6 in a moment, that your memory of matters in any of your
7 statements when they were given, so in 2015, for
8 example, was clearer at the time of giving the
9 statements than it is now?

10 A. Yes.

11 Q. And that's because, you said, of the passage of time?

12 A. That's correct.

13 Q. And that's correct in relation to any older statements
14 that you have given?

15 A. Yes.

16 Q. Can I ask you to look please at PIRC statement 0389
17 please.

18 This is a later statement. The date is
19 11 December 2017 and it was taken at Scottish Police
20 College, Jackton, by DSI William Little, Billy Little,
21 do you remember that?

22 A. Yes.

23 Q. And it was also -- if we move down the screen
24 slightly -- you will see it was in the presence of
25 a Temporary Investigator Ashleigh Leitch and again you

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1 were doing your best to provide PIRC with the
2 information they sought?

3 A. Yes.

4 Q. And then can we look at PIRC statement 00390 and this is
5 a statement from 12 January 2018 taken by Temporary
6 Investigating Officer Ashleigh Leitch, again at Jackton,
7 and in the presence of DSI Little.

8 A. That's correct.

9 Q. And in this statement at page 2, if we can move to
10 page 2, paragraph 3, it says here:

11 "I came into post as National Officer Safety
12 Coordinator in September 2014 and became the National
13 Lead for Officer Safety Training in October 2016."

14 And actually that relates to your involvement with
15 PIRC and this matter, your responsibilities in relation
16 to training in Police Scotland?

17 A. That's correct, yes.

18 Q. And at paragraph 3 you also mention that -- as we read
19 through this paragraph, that the -- you refer to the
20 manual, the officer safety training manual
21 dated September 2013 and you say:

22 "This was the manual that was in place when I came
23 in to post and must clarify that I cannot comment on
24 this as I had no involvement in its formulation."

25 And:

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1 "As I am aware, this is the only document that was
2 in existence at the time of me taking up this post.
3 I can also say this is the document used as the Officer
4 Safety Training course manual at the material time of
5 3rd May 2015."

6 So you refer to the 2013 manual. That was the one
7 that was in force when you came into post dealing with
8 training for Police Scotland --

9 A. Yes.

10 Q. -- and it was the one that was in force on 3 May 2015.

11 A. Yes.

12 Q. Who has access to that manual?

13 A. So that manual is provided to all probationer officers
14 on commencement of their training at Scottish Police
15 College of Tulliallan and that is the core reference
16 document for the probationer training of the officer
17 safety training programme and so they will have --
18 obviously all probationers get access to that as well,
19 all the officer safety instructors at Tulliallan and all
20 the officer safety instructors throughout the force
21 areas also.

22 Q. So for anyone who was a probationer from 2013, when this
23 manual came into force, until 2015, they would have had
24 a copy of that 2013 manual?

25 A. Yes.

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- 1 Q. Given to them when they were probationers?
- 2 A. Yes.
- 3 Q. What about versions that existed prior to 2013 for
4 officers who are maybe more experienced?
- 5 A. The manual -- as far as I'm concerned -- am aware, the
6 manual has I suppose morphed over the years and a number
7 of different versions from Scottish Police College
8 manuals -- we also had legacy force manuals, so there
9 were a number of different manuals in existence and
10 different versions in existence.
- 11 Q. With different officers?
- 12 A. Yes.
- 13 Q. Now, you have used the word "legacy" or "legacy force",
14 so we know that Police Scotland came into existence on
15 1 April 2013.
- 16 A. Yes.
- 17 Q. When you refer to legacy forces what is it you mean?
- 18 A. So the forces that made up Police Scotland, with the
19 formation of Police Scotland, so the previous local
20 forces.
- 21 Q. So prior to April 2013 we had Fife Constabulary --
- 22 A. Yes.
- 23 Q. Lothian and Borders?
- 24 A. That's correct.
- 25 Q. So it was the different areas in Scotland?

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- 1 A. Yes.
- 2 Q. And they all amalgamated and became Police Scotland?
- 3 A. That's correct.
- 4 Q. And that was 1 April 2013?
- 5 A. Yes.
- 6 Q. And it was after, I think you said here, September 2013
- 7 that this particular manual became the officer safety
- 8 training manual?
- 9 A. Yes.
- 10 Q. Thank you. So if there is -- just to be clear, before
- 11 I leave these PIRC statements, if there's any
- 12 discrepancy between what you said today or what you say
- 13 in your Inquiry statement which we will come to in
- 14 a moment, could you advise the Chair should he prefer
- 15 your original statements, or should he prefer your
- 16 evidence today?
- 17 A. I will obviously do my very best to remember what I said
- 18 in my statements. Probably my preference is what I say
- 19 today.
- 20 Q. Right, thank you. And just to be clear for anyone
- 21 listening, you weren't at Hayfield Road on 3 May 2015?
- 22 A. No, I wasn't.
- 23 Q. That's not your involvement in this matter?
- 24 A. No, no.
- 25 Q. Thank you. And really what we're interested in in

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1 relation to your evidence is to hear about your training
2 experience and your involvement primarily since you came
3 into this role in September 2014.

4 A. Yes.

5 Q. The national officer safety coordinator?

6 A. That's correct.

7 Q. Thank you. Let's look at your Inquiry statement please.

8 SBPI00153. You will see on the screen -- and you have
9 a copy in front of you -- that this is the Inquiry
10 statement that was taken from you by the Inquiry team
11 over Teams on 21 March this year, and you have -- it's
12 not shown on the screen, but on your hard copy you
13 should see that you signed it on every page.

14 A. That's correct.

15 Q. Thank you. And can we look at the final page please and
16 you will see that the date you signed it was 20 June --
17 there it is, 20 June this year, and if we look at
18 paragraph 88 which is the final paragraph it says:

19 "I believe the facts stated in this witness
20 statement are true. I understand that this statement
21 may form part of the evidence before the Inquiry and be
22 published on the Inquiry's website."

23 And that remains the position today?

24 A. Yes.

25 Q. So you understand that your full statement will be

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1 published later on our website for anyone who wishes to
2 read it?

3 A. Yes.

4 Q. And the whole statement is available for the Chair to
5 consider?

6 A. Yes.

7 Q. Thank you. Can we look please at paragraph 4 of your
8 Inquiry statement. This relates to officer safety
9 training experience, that's your own experience, and it
10 says you have been involved in officer safety training,
11 or OST for short, since 2012 and you became the national
12 OST instructor in 2012 while you were working as
13 a police sergeant at Tulliallan and then in October 2013
14 you took over responsibility for the coordination of OST
15 at Tulliallan and you were responsible for that at the
16 Scottish Police College, so this is prior to your move
17 in 2014. Can you tell the Chair a little bit about your
18 experience during this period?

19 A. Yes, so in November 2012 I undertook the two-week
20 national OST instructors' course. I thereafter
21 delivered OST training on a part-time basis to the
22 probationers at Tulliallan during their OST training
23 blocks. I continued that until around
24 about October 2013 with a change of role, I took over
25 the responsibility for the OST coordination at

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1 Tulli Allan. That entailed mainly ensuring that there
2 was adequate resources, venues in place to ensure the
3 training ran smoothly and was able to be delivered as
4 per the timetable.

5 I took over management responsibility for the
6 officer safety training instructors and so any issues or
7 any resourcing issues they would come to me to try and
8 manage. I also had a number of other responsibilities
9 at that time, it wasn't just in OST, and during that
10 time I became involved in the national, I suppose,
11 management of OST and that was not just the management
12 of the probationer training course delivered at
13 Tulli Allan, but also the annual refresher courses that
14 were delivered to operational officers throughout the
15 country.

16 During that time I took a keen interest in the
17 content of the programme, although I had no, I suppose,
18 overview or management responsibility in relation to the
19 programme at that time, that was the, I suppose,
20 the chief inspectors and superintendents for leadership
21 training and development at Tulli Allan that had that
22 overall management responsibility.

23 So in September 2014 I then moved down to Jackton
24 where my primary role was that of the national officer
25 safety training coordinator.

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- 1 Q. Before we move on to that can I just ask you some
2 questions about the position in 2013?
- 3 A. Yes.
- 4 Q. We have heard it became Police Scotland in April --
- 5 A. Yes.
- 6 Q. -- that year, so by -- I think you say was it October,
7 you were the coordinator at Tulliallan and was it the
8 2013 manual that was in place at that time?
- 9 A. To the best of my knowledge, yes.
- 10 Q. And that was for all the new probationers?
- 11 A. Yes.
- 12 Q. And the Chair probably knows this, but they will have an
13 intensive period of training at Tulliallan?
- 14 A. Yes.
- 15 Q. For a number of weeks?
- 16 A. That's correct.
- 17 Q. And you were not responsible at that time, however, for
18 the existing qualified, if I can say, police officers
19 who would be doing annual recertification training?
- 20 A. No, I wasn't.
- 21 Q. So that wasn't initially part of your role?
- 22 A. That's correct.
- 23 Q. And then in September 2014 you have moved to the role of
24 national officer safety training coordinator?
- 25 A. Yes.

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1 Q. And that then became your role, but not only were you in
2 charge of probationer training at Tulliallan, but then
3 the recertification annual training became your job as
4 well?

5 A. That's correct.

6 Q. Right, so from September 2014 you are dealing with it on
7 a national level. That's effectively for all
8 police officers under the grade of --

9 A. All police officers up to the rank of Chief Constable
10 and also relevant police staff.

11 Q. So not only probationers and officers, but staff also?

12 A. Yes, some staff, yes.

13 Q. And the Chief Constable?

14 A. Yes.

15 Q. I'm not going to ask you anything about training the
16 Chief Constable. Right, September 2014 you take on that
17 role and then 2015 you qualify also as a first aid
18 instructor and so until that point your training didn't
19 include -- or the training you delivered didn't include
20 first aid training, is that right?

21 A. No, it didn't, no.

22 Q. Right, but from that you then become qualified to give
23 training in first aid?

24 A. Yes.

25 Q. And then in October 2016 you were promoted to temporary

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1 inspector, as the head of officer safety training. Can
2 you explain to the Chair what the distinction there is
3 between the national officer safety training coordinator
4 and the head of officer safety training?

5 A. Yes. So the coordination and responsibility for the
6 programme, it lay with the head of training, but that
7 was devolved down to the Chief Inspector and then each
8 inspector within the training department had an area of
9 responsibility and the inspector at the Police Scotland
10 College at Jackton had the responsibility for officer
11 safety training at the inspector level, so when I was
12 the OST coordinator at sergeant level, I reported to an
13 inspector.

14 Q. Right.

15 A. That inspector wasn't an officer safety instructor, or
16 had any training in officer safety, therefore a lot of
17 the responsibility lay to myself as a sergeant.

18 When I was temporarily promoted I took on the role
19 as head of officer safety training, although I still
20 did -- I was still answerable to the Chief Inspector and
21 Superintendent.

22 Q. But once you received that, at that stage temporary,
23 promotion you could then take on that head of officer
24 safety training role?

25 A. Yes.

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1 Q. So prior to that you had been a sergeant?

2 A. Yes.

3 Q. But then the promotion allowed you to take on that full
4 title?

5 A. Yes.

6 Q. Thank you. And then you say you also took on the role
7 of taser as well which you told us is your current role?

8 A. That's correct.

9 Q. And you did joint roles up until 2020, so was that
10 the head of officer safety training plus the taser
11 responsibilities?

12 A. That's correct, I was head of officer safety training
13 and the operational lead for the initial taser uplift
14 programme.

15 Q. But they are now separate roles, are they?

16 A. Yes.

17 Q. So up until 2020 it sounds like you were doing
18 everything on the training?

19 A. As regards to officer safety training and taser, then
20 yes.

21 Q. And then from March of 2020, so that would be just about
22 lockdown, effectively, you stopped your head of officer
23 safety training role and you moved on to full-time taser
24 work.

25 A. That's correct.

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1 Q. Thank you. Can I ask you to look now just briefly at
2 paragraph 26. This is a paragraph headed "National
3 Review of [officer safety training]" and you say when
4 you became the national OST coordinator:

5 "... I undertook a full national review of OST
6 [provision] across the country."

7 This commenced on 1 December 2014, so this is when
8 you're national officer safety training coordinator?

9 A. Yes.

10 Q. We need to find a shorter acronym for that one, but
11 that's when you're in the national role?

12 A. That's correct.

13 Q. So you're doing the probationer and the qualified
14 police officers and staff?

15 A. Yes.

16 Q. And you say you undertook a review. Could you tell the
17 Chair a little about the review that you did.

18 A. So when I -- as I say, I had been involved in -- even
19 although I wasn't I suppose officially the national OST
20 coordinator at that time, when I was the OST coordinator
21 at Tulliallan I was involved with the legacy force
22 representatives through regular meetings, so I became
23 involved in the national programme, the training that
24 was delivered to officers outwith Tulliallan, and
25 I observed a number of -- I suppose of challenges or

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1 issues that I identified with regards to provision of
2 OST across the country and therefore I sought approval
3 to undertake a review to identify what these challenges
4 were and how we could resolve and mitigate the issues
5 that had been identified.

6 Q. I will come on to those challenges and ask you about
7 those later, but I think you have said that your review
8 commenced in December of 2014 and then it concluded
9 in March of 2015 and there were -- if we carry on down
10 the page slightly we will see that you made 28
11 recommendations and:

12 "... all were approved and formed part of the new
13 OST training programme [but] that commenced
14 in August 2016."

15 So it took a period of time to do the review,
16 conclude what your recommendations would be and then to
17 implement a new programme having devised that programme?

18 A. That's correct.

19 Q. Right. And that work was completed by August 2016?

20 A. Yes.

21 Q. And you say here:

22 "This review was mainly about standardisation of
23 processes and procedures."

24 And you looked at delivery of training and you
25 looked at mental health and acute behavioural disorder

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1 and felt that those areas could be improved?

2 A. Amongst other areas, yes.

3 Q. And other areas. I'm interested in what you say here
4 about standardisation of processes and procedures. Why
5 was that something that you were aiming for? What was
6 the position until you did your review?

7 A. So even after the formation of Police Scotland, as far
8 as OS -- or officer safety training was concerned, the
9 legacy forces, if we can call them that, were still
10 following their own legacy force procedures/policies.
11 There was a disparity in processes. There was disparity
12 in record keeping and audited, quality assurance, so as
13 a national force, you know, our officers and the public
14 deserved national standardised processes. We needed to
15 ensure that we had the same training and processes from
16 the north to south, to the east to the west of the
17 country.

18 Q. Right. We will come back to that in a moment. You do
19 detail this later.

20 Can I just check with you, coming back to the 2013
21 manual, did that remain in force until August 2016,
22 during the period you're doing the review?

23 A. Yes, we had to, I suppose, have a holding position, or
24 a status quo as such, so that holding position was that
25 we would refer to that manual as the core reference

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1 document until that new manual could be produced and
2 that programme implemented.

3 Q. So for any officer who was doing their probationary
4 training in that period from 2013 up to 2016, it would
5 still remain the 2013 manual that would be used to train
6 them?

7 A. Yes.

8 Q. Thank you. We have heard evidence that some of the
9 officers involved in the events in Hayfield Road were
10 probationers in 2015, so they would have been trained in
11 relation to the 2013 manual?

12 A. Yes, they would have been, yes.

13 Q. But for any officers who were trained prior to 2013, so
14 were probationers maybe seven years before then or
15 20 years before then, they would have had different
16 materials from which they were trained?

17 A. Yes.

18 Q. But those officers would have had annual recertification
19 training?

20 A. Depending in what force they came because I do know that
21 some forces had possibly bi-annual, so they would have
22 had some sort of refresher training, yes.

23 Q. But it was particular to their legacy force, whether
24 that be Fife or Lothian and Borders or some other --

25 A. Yes, that's correct.

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- 1 Q. Thank you. And between 2013 and 2015 was the
2 recertification annual during those years, so the years
3 that you were involved?
- 4 A. With the formation of Police Scotland a decision was
5 made that it would go to annual recertification, yes.
- 6 Q. So from 1 April 2013 across Scotland officers were
7 getting annual recertification?
- 8 A. That's correct.
- 9 Q. And tell me if I'm wrong, was that a one-day training
10 course?
- 11 A. Yes.
- 12 Q. Thank you. And did you have a say or involvement in the
13 nature of that training, that recertification training,
14 or the content of that training?
- 15 A. Not at that time, not until the new programme was
16 introduced in 2016.
- 17 Q. So who was providing that annual recertification
18 training between 2013 and 2015?
- 19 A. So the training model depended on the legacy force area.
20 If you were in the old Strathclyde area then that
21 training was delivered by full-time -- a full-time OST
22 team managed by a sergeant. If you were in any other
23 forces, or legacy forces, or divisions, then the OST was
24 delivered by part-time divisional officers who came in
25 and delivered OST as and when required and each division

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1 had its own, I suppose, governance procedures in place.

2 Q. Are you able to help us today with working out -- I'm
3 wondering how much control you had over whether training
4 at this recertification was done in relation to the 2013
5 manual, or some other legacy force documents?

6 A. So when I carried out the review I contacted, I suppose,
7 the officer safety training representative from each of
8 the legacy force areas. I conducted a number of focus
9 groups, I spoke to instructors, I spoke to students and
10 officers and what I suppose discovered was that the core
11 source reference document that each division said that
12 they used was the 2013 manual. But I subsequently -- or
13 at the same time I discovered that there were a number
14 of other source documents being used. There were some
15 legacy force documents being used, there was outdated,
16 I suppose, older versions of the 2013 manual. We still
17 had legacy force documents. We had instructors who
18 didn't use any manual at all, so it was disparate.

19 Q. Right. Let's look at the 2013 version of the OST
20 manual, so the copy I have been working on,
21 Ms Wildgoose, is PS11538A. So this -- if we go down to
22 the bottom of page 1 of this you can see this particular
23 version was last amended 8 October 2013.

24 A. That's correct.

25 Q. And if we could maybe -- this is module 1. Could we

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1 maybe look at page 5 and you will see at the -- all
2 right, we won't get the entire page on the screen, but
3 you can see page 5 relates to:

4 "Module 1. Use of Force. Police Scotland Policy."
5 There we are and we can see the 5 on the bottom
6 right-hand corner of that page and just show half of
7 that even because it's quite small print. You will see
8 that this is the 2013 manual and it relates to use of
9 force, so this is the base material that would normally
10 provide a source document between 2013 and 2015 in
11 relation to use of force, is that right?

12 A. That's correct.

13 Q. Do you recognise this page?

14 A. Yes.

15 Q. And towards the bottom of that page we can see there's
16 a reference to:

17 "... officers confronted with the same set of
18 circumstances may react differently. They may select
19 different force options each of which they perceived to
20 be appropriate and reasonable for them."

21 And:

22 "It is for each officer to justify their individual
23 course of action. The Police Scotland National Decision
24 Model should be considered at all times."

25 So, I'm interested in this paragraph for the moment,

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1 if you don't mind. So this suggests that there's -- am
2 I correct to say there's not always one option, there's
3 not one option. Two officers can take different courses
4 of action in relation to the use of force?

5 A. That's correct.

6 Q. And am I right in saying that the manual doesn't
7 prohibit use of force, it doesn't say to police officers
8 "You're not allowed to use force --

9 A. No.

10 Q. -- in a set of circumstances"?

11 A. No, it doesn't.

12 Q. So it's very much at the discretion of the individual?

13 A. Yes. We provide a framework to the officers and it's
14 their discretion, yes.

15 Q. Right, and the sort of caveat to that, or the condition
16 that that has to be complied with is that it has to be
17 justified and can you explain what that means?

18 A. So any use of force, the officer must be able to justify
19 their actions and there is a number of different ways
20 that that can be done.

21 Q. Can you explain why it has to be justified?

22 A. Because if a police officer's use of force is not
23 justified then it could be an offence has been
24 committed.

25 Q. Right, and I'm interested in the reference there to the

Transcript of the Sheku Bayoh Inquiry

1 National Decision Model. Now, we have heard some
2 evidence about this. This is the 2013 manual. Was the
3 National Decision Model being used by officers at this
4 time?

5 A. It was in the manual. I don't recall it ever being
6 taught.

7 Q. Right, but it was in the manual?

8 A. It was in the manual, but, as I say, as far as in an OST
9 context I don't recall it ever being taught.

10 Q. So can you explain, why would it be referred to in the
11 manual but not be taught in officer safety training?

12 A. That's one of the conundrums that I identified when
13 I took over. I couldn't tell you why. I don't know.
14 As I say, this manual was in place before I came in and
15 it's one of the issues that I addressed later.

16 Q. What was taught if it wasn't the National Decision
17 Model?

18 A. So we had a number of -- mainly two use of force models,
19 if you want to call them that. The first one was what's
20 known as a confrontational continuum and the second was
21 what we called the conflict resolution model.

22 Q. Tell us about the confrontational continuum, please.

23 A. So the confrontational continuum is a use of force
24 model, it's been in existence for as long as I ever
25 remember and basically it correlates a subject's

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1 behaviour to what would be an appropriate tactical
2 option for the police.

3 Q. Can you explain that in a little more detail?

4 A. Yes, of course. So if you think about it, it's like
5 a -- it looks like a graph, you have an X and a Y axis,
6 and down the vertical axis you would have what's known
7 as the officer response options and then on the
8 horizontal axis you would have the subject actions and
9 this model would directly correlate a tactical option to
10 a subject's behaviour and it gave the officers a guide
11 of -- when they identified the subject's behaviour they
12 could then correlate that back to what an appropriate
13 tactical option would be given the circumstances.

14 Q. And the conflict resolution model, what was that?

15 A. So, the conflict resolution model basically showed
16 officers the relationship between the reasonable officer
17 response options, or the tactical options, the profiled
18 offender behaviour of the subject and how it impacted
19 factors. You know, could you be used to inform
20 an officer's use of force.

21 Q. All right. I'm going to refer you to the use of force
22 SOP in a moment, but let's have a look at -- before we
23 move there -- paragraph 34 of your Inquiry statement
24 please and I think here you talk about the "36-hour
25 initial training programme" for -- that's for

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1 probationers presumably?

2 A. Yes.

3 Q. And there was:

4 "... a 3-hour theory input [and] a PowerPoint
5 presentation was used as part of the theory input."

6 So this is in 2014/2015?

7 A. Yes.

8 Q. And the PowerPoint is in addition to the manual?

9 A. Yes, it's used to -- in a lecture style environment --
10 teach elements of the manual, yes.

11 Q. And then if we can move down, it says:

12 "This covered a variety of topics including use of
13 force, impact factors, various other parts of what we
14 called OST theory such as use of force legislation,
15 conflict resolution models, et cetera."

16 That's what you have just been mentioning, conflict
17 resolution models?

18 A. Yes.

19 Q. And you mention there was a small part of it where
20 positional asphyxia was covered in some slides. It
21 informed the officers what it was and what could cause
22 it and the risk factors which contribute to the
23 condition and this was things like body position, drugs
24 and alcohol, inability to escape, especially if they're
25 in the prone position. So can I ask you, the PowerPoint

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1 that was used, was that based on information that was in
2 the 2013 manual?

3 A. Yes.

4 Q. Can I ask you -- I haven't asked you this previously --
5 were special constables incorporated in part of your
6 role in 2014/2015?

7 A. Special constables received the same officer safety
8 training as conventional constables, yes.

9 Q. So it was probationers, qualified officers, staff and
10 the special constables as well?

11 A. Yes.

12 Q. Thank you. Could we look at paragraph 14 of your
13 statement please. You say that you knew there was an
14 instructors' manual from 2012, so this paragraph is "OST
15 Instructors Manual". So this is another manual separate
16 from the one that's used for probationers?

17 A. Yes.

18 Q. The sort of student police officer probationer?

19 A. Yes.

20 Q. And you knew there was another manual, an instructors'
21 manual from 2012, but when you took over as coordinator
22 you weren't aware of the provenance of that manual,
23 where it came from, and that was also causing some
24 confusion, I think, in your view:

25 "Through senior officers, [you] instructed ... the

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1 Instructors's manual no longer be referred to and ... we
2 only referred to and taught the techniques ... contained
3 in the 2013 Manual."

4 And:

5 "That [ensured] consistency [and] standardisation."

6 I'm interested in the existence of this instructors'
7 manual also. What confusion was being caused? Why was
8 this different from the 2013 manual, do you remember?

9 A. Yes, so the instructors' manual effectively was
10 a reference document for the OST instructors' course so
11 it contained the same techniques, the same -- same
12 techniques that were contained within the student
13 manual, but it had additional information about how to
14 teach and I suppose additional information that an
15 instructor would need to know that students wouldn't
16 need to know.

17 There was elements of the instructors' manual that,
18 as I say, I wasn't -- I wasn't happy with their
19 provenance, I wasn't happy with their accuracy and there
20 were certainly elements about certain techniques that
21 were contained in the instructors' manual that to me
22 contradicted what was in the student manual, so to
23 ensure that only one version of the truth, if you will,
24 was being taught, then I removed the instructor manual
25 and made the core reference document the student manual

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1 and then when they brought in the new programme in 2016
2 we supplemented the new student manual with trainer
3 guides, etc, nothing that would directly contradict what
4 was in the manual.

5 Q. Right, so you said some of the techniques
6 contradicted --

7 A. Yes.

8 Q. -- what was in the student manual --

9 A. Yes.

10 Q. -- the 2013 manual. Do you remember which techniques
11 those were?

12 A. So the issue I had was the significant reference to what
13 we call distraction techniques, so there was no
14 reference to distraction techniques within the student
15 manual, but there was a significant part of it in the
16 instructor manual. When I did the review there was
17 significant confusion in my mind and also in the
18 officers' minds around about what an actual distraction
19 technique was.

20 Q. Can you help me with that?

21 A. Yes, so a distraction technique in -- it's an approved
22 technique used in England and Wales. It's basically
23 normally a strike that's delivered to an area of the
24 body that causes an overwhelming sense of pain or
25 a muscular dysfunction which will allow that officer

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1 then to gain control of a resistant subject.

2 Q. Can you give us an example?

3 A. So, for instance, if an officer or two officers were
4 trying to put someone into an armlock and take --
5 you know, take control of their arms and that person was
6 resisting and the officers were unable to do that, then
7 in the instructors' manual it said that you could
8 deliver what was known as a distraction technique, so it
9 would be a strike to the muscular areas of the arms and
10 that would then allow the officer to take control of
11 that arm because it distracts the subject away from the
12 resistance.

13 My view is that a distraction is still a strike, so
14 we had what was known as a -- we had strikes in the
15 programme and then we had distractions and when I spoke
16 to officers they basically were of the opinion that
17 a distraction was different from a strike and required,
18 you know, less justification which is not the case, so
19 there was -- that was the main issue I had with the
20 instructors' manual is that a strike is a strike and had
21 to be justified as such.

22 Q. So that was causing some confusion?

23 A. Yes.

24 Q. And you in your work, streamlined all of that, tried to
25 minimise the confusions -- areas where confusion arose

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1 and turned it into the one manual in 2016?

2 A. That's correct, yes.

3 Q. But in the 2013 student manual they didn't have these

4 distraction techniques?

5 A. No, it wasn't mentioned.

6 Q. So there was more in the instructors' manual than there

7 had been in the student manual?

8 A. Yes.

9 Q. But the instructors' manual went to those who were being

10 taught to be instructors?

11 A. That's correct.

12 Q. Not to --

13 A. To students.

14 Q. -- a normally qualified officer?

15 A. That's correct.

16 Q. And you have also said you were concerned about the

17 provenance of some things. Do you remember what that

18 related to?

19 A. That mainly was in relation to the medical implications

20 section. Obviously as an instructor they will be asked

21 questions -- or potentially be asked questions by

22 students, so there is I suppose more information in the

23 instructors' manual that the students would receive, but

24 it gave the instructor more information in case

25 questions were asked.

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1 There was a significant section in the instructors'
2 manual on medical implications, but I couldn't find
3 where this came from. There was no clinical governance
4 around about it, you know, I couldn't see any evidence
5 of a medical professional having looked at this medical
6 implications section and saying that it was, you know,
7 medically correct.

8 Q. And that was a concern for you?

9 A. Yes, because we may have been teaching something that
10 was wrong or hadn't been governed, yes.

11 Q. Right, and did you rectify that when you introduced the
12 new 2016 manual?

13 A. Yes, I instigated a clinical governance group and we got
14 a recognised medical professional to clinically govern
15 the medical implications aspect of the new programme,
16 yes.

17 Q. So that became the 2016 manual which you --

18 A. Yes.

19 Q. -- revised that?

20 A. Yes.

21 Q. Were there any specific sections that you had the
22 medical professional review that were then altered in
23 the 2016 version?

24 A. Yes. There was obviously the medical implications
25 section, there was the section on acute behavioural

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1 disturbance and -- yes, so that's -- and then we --
2 you know, we got them to review our techniques that we
3 trained and to make sure that we had covered the medical
4 implications of these techniques in the manual.

5 Q. Right. When you say the techniques, do you mean the
6 strikes that officers might adopt?

7 A. Strikes, holds ...

8 Q. And the impact that would have on the subject?

9 A. That's correct, yes.

10 Q. And in relation to ABD, acute behavioural disorder, as
11 you say, were there specific changes that were made by
12 your medical professional?

13 A. So I had liaised with the College of Policing in
14 England, I think it was in 2015 I obviously became aware
15 of I suppose the change away from using the term
16 "excited delirium" to the introduction of the term of
17 ABD. I was sitting on the UK national petitioners group
18 at that time and we became aware of this ongoing change.
19 I sought approval from the College of Policing to use
20 their training on ABD which I then incorporated that
21 into a mandatory training package for Police Scotland
22 and also into the manual. Because it was
23 Police Scotland I got the medical professional to ensure
24 that what was -- the content of the ABD package and what
25 was in the manual was correct.

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- 1 Q. A couple of things I would like to ask you about that.
2 You said you incorporated it into a mandatory training
3 package on ABD for Police Scotland?
- 4 A. Yes.
- 5 Q. And tell us about this mandatory training package, what
6 it was.
- 7 A. So I had identified that there was, in my view, a kind
8 of significant knowledge gap there and that we had to,
9 you know, provide some training to our officers in
10 relation to this condition, or symptoms and the
11 management of it, so we have an e-learning platform in
12 Police --
- 13 Q. E-learning platform?
- 14 A. An e-learning platform in Police Scotland so I then
15 created an e-learning training course programme on ABD
16 that all police officers had to undertake.
- 17 Q. And when was that?
- 18 A. I think it was 2015, but I can't be sure.
- 19 Q. All right. We can check.
- 20 A. Yes, right.
- 21 Q. Thank you. So that was something that you were working
22 on, but you can't remember exactly when that was made
23 available to all the officers?
- 24 A. I can't remember exactly when the training was
25 introduced, sorry.

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1 Q. Right. And just looking back briefly at paragraph 14,
2 you say, this is in relation to the instructors' manual:

3 "... I instructed that the Instructor's manual no
4 longer be referred to and that we only referred to and
5 taught the techniques that were contained within the
6 2013 Manual."

7 Do you remember when you gave that instruction?

8 A. I remember sending an email. I ... no, I'm sorry,
9 I don't. It could have been -- I think it was 2014, but
10 I couldn't remember the exact date, sorry.

11 Q. Do you remember in relation to the review that you were
12 carrying out was it before you had completed it, after
13 you started it? Does that help in any way?

14 A. No. I'm sorry, I can't remember. I'm sorry.

15 Q. Right. And the email you sent, who did that go to?

16 A. So that went to all officer safety instructors
17 nationally.

18 Q. How many were there at that time?

19 A. At that time I think there was around about 110 to 120.

20 Q. So you told all of the instructors, "Stop using this
21 manual, use the student manual from 2013"?

22 A. That's correct.

23 Q. Right. So did that instruction assist with the
24 standardisation that you were trying to achieve?

25 A. It was the first step, yes.

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1 Q. First step. So if one of the officers who was at
2 Hayfield Road was a training instructor then he --
3 by May 2015 he would have received that instruction from
4 you, that email from you saying, "Don't use the
5 instructors' manual any more"?

6 A. Yes, if he was an instructor then yes, he would have
7 been on the mailing list, yes.

8 Q. Okay. And he would have been using the 2013 manual at
9 that time, in May 2015?

10 A. Should have been.

11 Q. Right. Can I look at paragraph 16 please. Let me just
12 check this:

13 "When I took over and ... did the national review,
14 I couldn't find any provenance for the instructor
15 manual, I don't know who wrote it, I don't know where
16 the information came from."

17 That's what you have been telling us about. At the
18 bottom of the page as we look at it, it says:

19 "So there was no standardisation that was the issue.
20 So it's difficult to know how much it was used. This
21 instructor's manual was used for instructors' courses
22 until I discontinued its use in 2016..."

23 And then if we could move down, please.

24 "... when it was superseded by the new OST manual
25 and associated trainer guides."

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1 Can I just be clear, you give the instruction to all
2 the instructors not to use the manual, but the new 2016
3 manual didn't come in until 2016. During that period
4 are you confident that all the instructors stopped using
5 their instructor manual and threw it away, or got rid of
6 it, or shredded it?

7 A. No.

8 Q. No?

9 A. No.

10 Q. No, all right. Can we look at paragraph 17. I said we
11 would come back to talk about the challenges that you
12 faced when you had come into the job originally. In
13 paragraph 17 you say:

14 "One of the challenges ... we faced was ... we had
15 instructors of all ages and experience ... We had
16 instructors who had been trained back in the 1990s.
17 I have absolutely no idea what training material they
18 ever got or what training course they received. When
19 I started they were just instructors. We had
20 instructors who had attended an instructors' course at
21 Tulliallan. That way we knew roughly what they'd been
22 taught. So, there may have been reference material they
23 used from legacy forces that I couldn't track down
24 during the review. When I questioned, 'why are you
25 teaching that particular technique?' [it's] not in the

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1 manual [I've] never seen [it] before, a regular response
2 was 'well, so and so taught me this back in the day and
3 I still use it and I still like it'. So, it really was
4 very, very disparate. So it's difficult to point to one
5 source of reference for instructors."

6 And:

7 "During the review, I didn't speak to all 200 OST
8 instructors to see what materials they used. However,
9 it wouldn't surprise me if, back then, some instructors
10 were still using legacy material."

11 Can we go back up the page slightly, Ms Wildgoose.
12 So can you explain to the Chair a little bit more about
13 your experiences during this time with the instructors?
14 You have said they were all different ages and
15 experience. Tell us what challenges you faced when you
16 came into your job.

17 A. So I suppose to go back, so, OST has been in existence
18 around about 1994/1995, first Strathclyde and then other
19 forces back then would take on -- would introduce, you
20 know, probably what we were kind of looking at just now,
21 the kind of current officer safety training and that has
22 obviously more often developed and enhanced over the
23 years, but each force, prior to the introduction of
24 Police Scotland, each force was responsible for its own
25 officer safety training and what techniques they decided

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1 to include in their own programme.

2 To be an instructor back then or -- was, again,
3 there was different avenues or different ways that you
4 could become an instructor. Some of the manufacturers
5 of the equipment who, you know, manufactured the batons
6 and supplied them and the handcuffs etc would deliver
7 instructor courses. Some of the instructors would go
8 abroad and be trained as an instructor, or an advanced
9 instructor, some went down south. So really to become
10 an instructor there was a number of different ways that
11 one could become one.

12 Q. And the Chair may be aware that when they brought in
13 PR24 batons officers would often go abroad or down south
14 to get training --

15 A. That's correct.

16 Q. -- and teach that particular piece of equipment?

17 A. Yes.

18 Q. Same with rigid handcuffs when they were brought in?

19 A. Yes, exactly.

20 Q. So specific changes to equipment used by officers could
21 give rise to officers trained in that particular piece
22 of equipment?

23 A. That's correct and what you would find is that the
24 manufacturers of that piece of equipment would also
25 deliver training in control and restraint, or, you know,

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1 other aspects of officer safety training. Some of the
2 instructors would go to the Scottish Prison Service,
3 for instance, you know, and see what they were -- and
4 incorporate that into their own training programme, go
5 to the military. They would use maybe their own martial
6 arts backgrounds to inform their own legacy training
7 programme.

8 Q. So would these instructors absorb information from
9 a number of different sources?

10 A. Yes.

11 Q. -- potentially --

12 A. Yes.

13 Q. -- and then that would inform their own type of training
14 that they delivered to other student officers, or
15 recertification?

16 A. Yes, back then, yes. And also you have I suppose the
17 recognised police restraint techniques that have been,
18 you know -- police restraint techniques since time
19 immemorial I suppose, they're still effective and they
20 still work so they were included as well.

21 So we had instructors at that time when I did the
22 review, it was difficult to pinpoint, you know, who had
23 instructed them, what qualifications that instructor had
24 to instruct. It was difficult.

25 Q. And just in terms of records, if we were looking into

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1 records for individuals, prior to you coming in and
2 standardising the training -- so for officers who may be
3 older, more experienced, were you able to identify which
4 instructors had trained which officers?

5 A. Only at the Scottish Police College and then only within
6 certain areas. Again, each area's record keeping was
7 disparate, so if a probationary constable went to
8 Tulliallan and received their OST training, we could
9 probably, yes, identify what instructors were involved
10 in that training. If we went to certain legacy forces
11 then yes, we could identify what instructor delivered
12 what training during the refresher; others, no.

13 Q. And as well as identifying the instructor, what was the
14 position in relation to identifying the content of the
15 training?

16 A. There wasn't one.

17 Q. No?

18 A. No.

19 Q. Can I ask you about something that you mention in a PIRC
20 statement while we're talking about this, PIRC 00390 and
21 it is page 4. I wanted to ask you -- you will see at
22 the bottom of the page:

23 "I have been asked by the investigators if there is
24 a record kept for documenting which instructor trained
25 an individual officer. I can confirm that currently

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1 this information is recorded and is retained centrally
2 within Officer Safety Training. Currently this
3 information clearly details the officer in attendance,
4 location of the training, details of the OST trainer
5 providing each aspect of the training and a breakdown of
6 the individual components. This was introduced
7 from January 2016."

8 So was this one of your recommendations, or one of
9 your changes that you implemented?

10 A. Yes, we -- you know, to keep accurate training records
11 for audit purposes, for any other purpose, you need to
12 know, you know, when the officer attended their
13 training, who trained them and what the content of the
14 training they received, yes.

15 Q. Yes, and so that good record keeping came in
16 in January 2016, but prior to that you have used the
17 word "disparate" to talk about whether you could
18 identify the instructor, whether you could identify the
19 content, whether you could really tell us what that
20 audit trail is, it is not certain?

21 A. No it wasn't, no.

22 Q. Are you aware if there is anywhere, a repository
23 somewhere, where there are all these records where we
24 could identify training for individuals or the content
25 of that training?

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- 1 A. Again, each area is different and during the review
2 I had significant challenges in trying to track down
3 training records from certain areas, so I couldn't --
4 I couldn't answer that, sorry.
- 5 Q. So if there was that information it would be held
6 locally and can you tell us -- say an officer moved from
7 one area to another, moved from Fife to another area or
8 went from Lothian and Borders to Fife, would their
9 training records follow them, or would they remain
10 within that local area?
- 11 A. I couldn't actually say when each legacy force moved on
12 to the centralised SCoPE system, the system to
13 coordinate personnel and establishment, where now and
14 for a number of years training records are updated onto
15 that system so they can be accessed, you know,
16 throughout the full force and that personal training
17 record is personal to that officer. Prior to -- and
18 I know that different legacy forces went on to SCoPE at
19 different times, they didn't all, you know -- so I don't
20 know how the paper records were uploaded onto SCoPE and
21 I don't know how, if an officer moved prior to SCoPE,
22 how those training records would go with them, sorry.
- 23 Q. That's not part of your remit?
- 24 A. No.
- 25 Q. But we have seen some SCoPE records for individuals, but

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1 they were the new system that was brought in, were they?

2 A. Yes.

3 Q. Right, thank you. I would like to move on and look at
4 a PowerPoint presentation please and we will look at the
5 first one which is mentioned in paragraph 20 of your --
6 let's look at paragraph 20 of your Inquiry statement
7 first, just to move on to this section. And you will
8 see there it says:

9 "Probationer OST Training PowerPoint."

10 And you were shown two different versions of
11 PowerPoint presentations:

12 "... used in the Initial OST training provided to
13 probationers."

14 And you can confirm that the content of the first is
15 entitled "Police Scotland safety Training PowerPoint"
16 and in brackets "historic", that's COPFS-05973. This is
17 a version that would have been used in initial OST
18 training in 2013 to 2015. So the one marked "historic"
19 is the one that would have been in place between 2013
20 and 2015?

21 A. (Nods).

22 Q. And then there's a second one entitled "Police Scotland
23 safety Training PowerPoint" and that's labelled
24 "Current" and that's the PowerPoint that you introduced
25 to support the new programme and the new manual in 2016.

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1 A. Yes.

2 Q. Thank you. Let's look at the historic one that was used
3 in 2013 to 2015. It is COPFS-05973. We will see on
4 page 1, this is the first slide "Police Scotland:
5 Officer Safety Training", and I know it's 36 pages long,
6 I think. Can we just have a look at this. Do you know,
7 was this used before 2013?

8 A. I -- yes, or a version of it, yes, a similar version of
9 it, yes.

10 Q. So this or a similar version. This one at the bottom is
11 dated 24 July 2013, but this is the one that would have
12 been used prior to May 2015, is that fair to say?

13 A. That's fair to say, yes.

14 Q. And we will just go through this briefly if we can. We
15 have looked at this with some other witnesses. If we go
16 through we will just scroll down and we will see that
17 page 2 relates to use of force. Sorry. Can we go
18 through each page. Thank you. So there is:

19 "Use of Force.
20 "Force must only be used when it is:
21 "Reasonable ...
22 "An absolute necessity
23 "The minimum amount necessary"
24 And:
25 "Proportionate to the seriousness of the case."

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1 And:

2 "Officers must be accountable for their decisions
3 and actions and must be able to show a legal basis for
4 their actions."

5 Is this about force being justified? This is how
6 they would justify the use of force?

7 A. Yes, this is -- as I referred to earlier on, this is the
8 number of elements that ...

9 Q. So these are the individual elements that make up
10 that --

11 A. Yes.

12 Q. -- for an officer who would have to consider it
13 reasonable, an absolute necessity, the minimum amount
14 necessary and proportionate and by covering these four
15 bullet points that makes them accountable for the
16 decisions and actions and will give them a legal basis
17 for using force.

18 This explanation, was that an explanation that was
19 given prior to 2013? Is this an explanation that most
20 officers would understand?

21 A. I would say so, yes.

22 Q. Yes, thank you. If we could just go through the next
23 page, so then we talk about criteria for use of force:

24 "Justification:

25 "The level of force must be reasonable for the

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1 resistance exhibited by the subject."

2 So this relates to justifying the use of force, but
3 having regard to what the subject is doing?

4 A. Yes.

5 Q. And that's the behaviour. You mentioned earlier
6 profiled offender behaviour.

7 A. Yes.

8 Q. We will come on to that shortly.

9 And then "preclusion", can you tell me what
10 preclusion is?

11 A. So preclusion allows you to choose the least intrusive
12 force option by looking at other options and saying,
13 "Well, why did I choose a particular option?" Because
14 you have to have said to yourself, "Why wouldn't that
15 lower force option have worked, could I have used it?"
16 Or, "I have considered using a lower force option and it
17 wouldn't work."

18 Q. Right. And you can do that based on your own
19 experience, or your training?

20 A. (overspeaking) Training. So you preclude other options
21 and it leaves you with the most appropriate option, yes.

22 Q. And again is that a concept that most police officers
23 would understand?

24 A. Yes.

25 Q. Thank you. And then on to the next slide please:

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1 "Tactical communications."

2 I'm interested in what officers were being taught
3 about tactical communications.

4 A. Again, there is I suppose a significant amount of
5 information contained within the manual that wasn't
6 necessarily all taught. I would suggest that there
7 wasn't an awful lot taught about tactical
8 communications, or not as much as there should have
9 been.

10 Q. Has that changed now?

11 A. I think -- yes, yes, definitely.

12 Q. So what was taught at this time? We've got this slide.
13 Can you tell us what techniques or what was taught to
14 officers?

15 A. So this slide here obviously forms part of the --
16 I suppose the lecture style OST theory, three, three and
17 a half hours that officers receive at the very beginning
18 of the programme. They would then go into the practical
19 element. So this, as far as I remember, was really the
20 only information they received on tactical
21 communications and during the practical elements there
22 was parts of tactical communications that were
23 reinforced.

24 Q. What parts?

25 A. So because of the absence of scenario based training at

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1 the time, really the only tactical communications in my
2 opinion that officers received was, you know, to give
3 commands, loud verbal commands, to allow officers to
4 take control, gain compliance of subjects, you know the
5 loud shout of, "Get back". There was -- that was really
6 all that they received at that time in my view.

7 Q. Right. And we have heard a phrase used "De-escalation".
8 Tell us about that. Is that a new phrase that's used,
9 or was it something that was discussed alongside
10 tactical communications?

11 A. Unfortunately in my view de-escalation wasn't -- didn't
12 play a part in the tactical communications. If you look
13 at how de-escalation back then was viewed, it was about
14 reducing your use of force when you gained subject
15 compliance, it wasn't about as we would think about
16 de-escalation now, you know: how to diffuse a situation,
17 how to try and minimise use of force, you know, using
18 body language, using voice, using tactics and
19 positioning to try and minimise use of force. That
20 really wasn't a concept that was discussed back then.

21 Q. So the training that's provided now has evolved and
22 changed under your direction?

23 A. Yes.

24 Q. And is there -- how would you describe the quantity of
25 material that's given to officers now on tactical

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1 communications or de-escalation compared to in 2015?

2 A. So I suppose the focus -- in my view the focus of the
3 programme back then was about physical skills, it was
4 about gaining control and compliance, not about managing
5 that conflict situation, not about conflict management,
6 so with the new programme in 2016 we brought in
7 a separate I suppose element into the programme about
8 conflict management where we talked about de-escalation
9 skills, softer policing skills, we have talked about how
10 tactics and self-awareness, you know, are able to have
11 an impact on that conflict situation, a positive impact.
12 We introduced more about dealing with people in crisis,
13 crisis intervention, so the amount of softer policing
14 skills and conflict management skills that are in the
15 programme just now is -- I think it's a significant
16 difference to what was in the programme back then.

17 Q. I'm going to carry on.

18 LORD BRACADALE: Is this a convenient point to take a break?

19 We will break for 20 minutes.

20 (11.33 am)

21 (Short Break)

22 (11.58 am)

23 LORD BRACADALE: Yes, Ms Grahame.

24 MS GRAHAME: Thank you. We were looking at the historic

25 PowerPoint, the one that applied during 2013 to 2015, so

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1 just immediately prior to 2015. Could we go back to
2 that, please. I'm not going to refer you to every page,
3 but there are a number of pages I'm interested in you
4 talking about.

5 A. Okay.

6 Q. Now, we were -- can we go back to number 9. Is that it?
7 "Tactical Communications", we were talking about that,
8 and so there was some training given to officers about
9 taking information in through their eyes, "[Don't]
10 underestimate the visual impact of your appearance and
11 body language". We have heard some evidence that when
12 police officers arrive with their police vehicles, maybe
13 with the blue lights and the sirens on, they're in full
14 uniform, they've got equipment and there's two of them,
15 they can be quite an imposing presence and sometimes
16 even just the mere existence or presence of those
17 officers can have an impact on a subject; is that
18 correct?

19 A. That's correct, yes.

20 Q. And when it said 80% of information is taken in through
21 the eyes, what was that designed to remind officers
22 about, or probationers about?

23 A. So in a conflict situation, or in any, I suppose,
24 two-way communication process, the body takes in 80% of
25 the information through sight, or the brain does. 20%

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1 is taken in through listening. So basically, a human
2 being will take in more information visually than they
3 do auditory, and therefore the basis -- a lot of the
4 basis of OST back then through this was about how the
5 officer would present themselves, so because a lot of the
6 information is taken in through the eyes, that's why
7 officers -- you will see police officers putting their
8 hands up to tell people to get back, to back off, a lot
9 of visual movements, because the body will more readily
10 take in those than commands.

11 Q. Right. And equally presumably that's -- those
12 percentages apply to officers. They will take most of
13 their information through observing the subject, or
14 watching to see what they can glean --

15 A. Yes.

16 Q. -- from what they see.

17 A. That's correct, but I suppose what's also of relevance
18 is that this is -- and I suppose in a normal type of
19 interaction when you have a conflict situation where
20 adrenaline is coursing through the body, where what we
21 call a chemical cocktail, a number of fight or flight,
22 freeze emotions are taking place then that changes, that
23 can change and therefore each officer, or each person
24 involved in that incident -- what the information they
25 take in can be different for each person.

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- 1 Q. And there will be a number of factors that are the
2 reasons for that?
- 3 A. Yes.
- 4 Q. And so coming back to what you said earlier when we were
5 looking at the manual, two different police officers can
6 interpret situations differently?
- 7 A. Very much so.
- 8 Q. And factors -- we have heard some evidence that factors
9 can be their own experience?
- 10 A. Yes.
- 11 Q. The equipment they have?
- 12 A. Yes.
- 13 Q. The training they have had?
- 14 A. Yes.
- 15 Q. Whether they're with other officers?
- 16 A. (Nods).
- 17 Q. The location could be a factor?
- 18 A. Yes.
- 19 Q. All of these things we have heard evidence about
20 already.
- 21 A. Skill levels. Yes.
- 22 Q. Skill levels, yes, thank you. And that can explain why
23 each individual might come to slightly different
24 impressions or views of any given situation?
- 25 A. And thereafter may act differently, yes.

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1 Q. Their position -- how long they have been there, all of
2 those are factors?

3 A. Exactly, yes.

4 Q. Can we look at the next slide, please. I think this is
5 10. It talks about "The 5 step 'Positive Style' of
6 Tactical Communications". Now, we have heard some
7 evidence from other officers about this, and would you
8 just explain to the Chair -- this is obviously one of
9 the slides in the PowerPoint -- what sort of information
10 was being given to officers at this time, summarised
11 here on this slide?

12 A. So the 5 step positive style is a communications model
13 that's taught to police officers, or was taught to
14 police officers, enabling them to go through, I suppose,
15 a linear process of gaining compliance or control of an
16 individual.

17 Q. So the aim was to gain compliance or control?

18 A. Yes.

19 Q. And can you explain or give examples of any of these
20 different five step styles: "ethical appeal"?

21 A. So that -- I suppose you would start off I suppose at
22 a kind of low-level and you would make an appeal to that
23 person's own moral compass, I suppose, if you want to
24 call it that, and so if someone was potentially behaving
25 in a certain manner or maybe possibly committing

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1 offences, you would explain to them, you know -- or you
2 would try to explain to them their own, I suppose,
3 morals or ethics, what they had been doing, potentially
4 could be wrong.

5 Q. And then a "reasonable appeal and explain"?

6 A. So that's when you basically ask that person to cease
7 and desist their behaviour and you explain why, so maybe
8 somebody may be committing an offence or they may be
9 causing others -- you know, maybe causing a disturbance,
10 etc, then yes.

11 Q. How would an officer demonstrate that he was being, or
12 she was being reasonable? What is it about them that --

13 A. So what you are then doing is you're actually reasoning
14 with that person, so you are making a reasonable,
15 I suppose, request of that person: "Could you please
16 stop shouting and swearing because ..." and you explain
17 the reason why.

18 Q. So this is not a command or a shout or anything like
19 that?

20 A. It shouldn't be.

21 Q. Shouldn't be. And then "Personal appeal and options"?

22 A. So that's when you make an appeal to that person and
23 you -- I suppose you outline the potential consequences
24 of that person's actions.

25 Q. To them personally?

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1 A. To them personally, so, "If you don't stop this
2 behaviour you could be arrested. The consequences of
3 that arrest could be financial, you could lose your job,
4 it could impact your family", etc.

5 Q. Right. And "Practical appeal and confirmation"?

6 A. That's basically the last step when you say to that
7 person, "Is there anything that I could reasonably do,
8 you know, to make you stop your behaviour?"

9 Q. And then "Action"?

10 A. Is whatever action you decide to take, whether that be
11 detention, arrest, etc.

12 Q. So it could be detention, arrest or use of force or --

13 A. Yes, yes.

14 Q. -- some physical action at that stage?

15 A. Yes.

16 Q. Is there a limit -- are officers taught that there's
17 a limit on the number of appeals that can be made?

18 A. No.

19 Q. Is there a limit on the types of appeal that can be
20 made? Is there only one that -- do you pick one of
21 four, or could you try all four?

22 A. You could try all. It would depend on each individual
23 circumstance.

24 Q. Is there a limit on the time that officers are advised
25 they should take over any of this?

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- 1 A. No.
- 2 Q. And are there any circumstances where officers are
3 advised this is not a -- this style of communications is
4 not suitable?
- 5 A. It was -- all the officers had at the time was this
6 tactical communications model, so that's what was
7 taught.
- 8 Q. Right. You're obviously a police officer: is this the
9 type of style of communication that you have used
10 personally in your own experience?
- 11 A. I suppose before I undertook certain roles then yes.
12 I suppose it follows a kind of reasonable format, a kind
13 of natural format, and it is what most -- if you like --
14 most police officers will go through this process of
15 a sort. Very rarely have I seen officers stick rigidly
16 to this, maybe it's more in protest-type situations,
17 but -- and I suppose in a conflict management situation
18 as you normally get as a police officer, I have seen it
19 used, I have seen it not used.
- 20 Q. How effective did you find it when you have used it in
21 your experience?
- 22 A. I don't personally like it.
- 23 Q. Tell me why?
- 24 A. This is about control and compliance, in my view. There
25 is nothing about listening, there is nothing about

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1 empathising, there's nothing about trying to understand
2 what that person's going through, if you can. It's very
3 much police-focused and I think it's -- I think it's
4 outdated.

5 Q. You say there's no empathy, there's no understanding;
6 what type of style of communication do you think works
7 well?

8 A. For me when you -- I suppose if you want to take in the
9 concept of de-escalation, the concept of conflict
10 management, softer skills, for me is about listening,
11 it's about trying to understand. You can get an awful
12 lot of information from someone when you just listen to
13 them. It's about good tactics, so by standing off, by
14 giving that person time and space they're more -- less
15 likely to feel intimidated by you, therefore you're more
16 likely to get a positive outcome, with the understanding
17 that there may always be at times a requirement to use
18 physical force, that's the nature of the job that we do.
19 That is the type of, I suppose -- the type of approach
20 that's always worked well for me and I have seen it work
21 well in a lot of officers and it's a type of approach we
22 use during my taser training just now.

23 Q. Is that the type of approach that's being taught to
24 officers now?

25 A. Yes, I would suggest so, yes.

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1 Q. You mentioned the words "giving time and space"; can you
2 explain what you meant by that?

3 A. So I suppose back at the time of the incident there
4 wasn't really any tactical training as such. It was
5 very much focused on physical skills, gaining control
6 and compliance, so giving time and space is a tactic.
7 Now we did talk about, I suppose, creating a reaction
8 gap, maintaining a reaction gap back then and what we
9 would call contact and cover where we have officers
10 standing off a subject outwith I suppose the --
11 you know, the assault zones, but when it can be done
12 it's an effective tactic, especially when someone is in
13 crisis, especially if someone is aggressive or upset or
14 whatever, it's a very effective tactic just to stand off
15 and give someone time and space, if the incident --
16 you know, if it allows, if the circumstances allow,
17 because you have to remember that sometimes the police
18 will have to take, you know, immediate positive action,
19 but standing off and giving time and space is less
20 intimidating and it allows the subject potentially to
21 vent and then it's a tactic that has been recognised
22 that can help minimise use of force.

23 Q. You talk about circumstances. Tell us about the sort of
24 circumstances that might exist where you cannot use that
25 type of tactic? What would the circumstances have to be

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- 1 where police officers immediately have to act?
- 2 A. If there is an immediate risk of threat or harm to the
- 3 individual themselves, to others or to the police.
- 4 Q. An immediate risk of threat or harm, so physical or --
- 5 A. Yes.
- 6 Q. -- their wellbeing or something?
- 7 A. Yes.
- 8 Q. So if you remove that immediate risk, does that then
- 9 provide that space -- time and space as you are
- 10 describing?
- 11 A. I mean, again, it's difficult to say because it very
- 12 much depends on the location, the circumstances. Each
- 13 individual -- you know, impact factors, each -- these
- 14 are things that make each incident unique, I suppose.
- 15 You know, the police have a positive power to act, so we
- 16 will always at times have to arrest people, even if
- 17 they're not -- even if there's not an immediate threat
- 18 of risk and harm, we have to bring people before
- 19 the courts etc, so I would suggest that nowadays the
- 20 ethos has changed to around about trying to slow things
- 21 down and to try and communicate better with subjects,
- 22 give them that time and space where we can, but again
- 23 with the caveat that it's not always possible.
- 24 Q. But now you see in your role as a trainer that
- 25 Police Scotland see the benefit of more time and space

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- 1 to communicate with the person?
- 2 A. Very much so. Conflict management is now becoming far
3 more, you know, the focus of the training, or it was
4 before I left anyway, that was the direction we wanted
5 to go.
- 6 Q. Before 2020?
- 7 A. Yes. We wanted to redress that balance between physical
8 skills and softer skills, whereas we thought before the
9 balance was greater in the physical skills aspect which
10 are very important of course but we thought we could
11 redress that balance a bit and move in that direction
12 and I think we are compared to what we were with the
13 previous programme, yes.
- 14 Q. But ultimately the circumstances as exist at any moment
15 are the key to understanding what options are open to
16 a police officer?
- 17 A. Yes. Every circumstance could be different and it is
18 based on the threat, risk and harm, and it is based on
19 that risk assessment by the officer, the officer's
20 perception, etc, yes.
- 21 Q. And all the different factors that you have mentioned
22 and we have heard evidence about: the geographical
23 location, the training the officers have, the size of
24 the officers, what their perspective is, what their
25 mindset is?

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1 A. Yes.

2 Q. Thank you. Can we move on to the next slide, please,
3 which I think -- is it 11? "Tactical Communications for
4 Gaining Compliance". Now here is this word
5 "Compliance", you have mentioned that a few times, and
6 down the left-hand side it says "Communicate",
7 "Explain", "Ask", "Inform", "De-escalate". Can you
8 speak through what was being taught in relation to this
9 slide?

10 A. Yes. I suppose the definition we used to give of
11 tactical communications was that communication process
12 for obtaining control or compliance, and that ultimately
13 back then was the goal, so this was, I suppose, a model,
14 a communications model to gain that compliance through
15 verbalising as opposed to using physical force and it
16 was very much about you explained the situation to the
17 subject and you require them to comply and if they
18 didn't comply, there were consequences which usually
19 ended up in arrest. Then once you're arrested then
20 that's when we used that term de-escalate. As I said,
21 I think it was used wrongly back then. It was used
22 to -- you would reduce the amount of force once you
23 gained compliance, as opposed to using it as a tool to
24 diffuse a situation initially.

25 Q. So the examples we see on this slide relate to

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- 1 effectively speaking to the subject?
- 2 A. Yes.
- 3 Q. And the first is "Communicate - speak calmly and
- 4 clearly". And is this to enhance the student's
- 5 knowledge about tone, volume of voice, the manner in
- 6 which they're speaking?
- 7 A. Yes, we would include that -- that all is included in
- 8 this "speak calmly and clearly" part of it, yes.
- 9 Q. And then "explain", so explain to the subject what the
- 10 officer is doing, why they're there presumably, what
- 11 their intention is?
- 12 A. Yes.
- 13 Q. "Ask", the subject, "why are they not complying", so
- 14 this is giving the subject an opportunity to respond to
- 15 a question?
- 16 A. Yes.
- 17 Q. And then "Inform - that you may need to use force", so
- 18 it's not using force, it's effectively giving a warning
- 19 to the subject?
- 20 A. Yes.
- 21 Q. That you may have to resort to force?
- 22 A. To physical force, yes.
- 23 Q. So again, the steps here are about not using force but
- 24 about discussing that with the subject?
- 25 A. Yes.

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1 Q. And then "De-escalate", and you think this was the wrong
2 definition, but "When you gain control or compliance."

3 A. Yes.

4 Q. And again, were officers at this time taught that you
5 can only do one or two, or were they taught you could do
6 all of them?

7 A. Again, it's down to that each individual incident is
8 different, so you will get some people, some individuals
9 who will, you know, comply after 30 seconds, others who
10 you will have to go through this process a number of
11 times, or expand each element of the process to get to
12 where you want to get to.

13 Q. So officers weren't taught that there was a time
14 limit --

15 A. No.

16 Q. -- or that try one, it doesn't work, ignore the rest?

17 A. No. And there's times when officers were taught that
18 sometimes this wouldn't even be applicable. There would
19 be times when that attempt to go through this
20 communication model just has been irrelevant.

21 Q. Where there's an immediate risk to the public or
22 a police officer's health and wellbeing?

23 A. I would suggest so, yes.

24 Q. Can we move on to the next slide, please. So this is --
25 we won't labour on this. I would like to actually move

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1 on to slide 20 if you're able to identify that.

2 Actually, if we can go back to the previous slide. That
3 is a demonstration of the conflict resolution model that
4 you mentioned earlier?

5 A. Yes.

6 Q. And then can we go on to the next slide. We see
7 "Profiled Offender Behaviour", you mentioned that
8 earlier as well. We will come back to this, but we see
9 that there are six levels of profiled offender
10 behaviour. So this is the subject that might be looking
11 at -- it's the offender?

12 A. Yes.

13 Q. The alleged offender. Can you talk us through these six
14 levels, please.

15 A. So officers were taught to try and categorise
16 a subject's behaviour, again, through the conflict --
17 through the confrontational continuum, so that they
18 would be able to choose the most appropriate tactical
19 option based on the subject behaviour, so obviously
20 compliance is as it says, it's when that person was
21 cooperating, you know, wholeheartedly with the police.

22 Verbal abuse or gestures is again, as it explains,
23 it's that person may be shouting, swearing, being
24 verbally abusive, gesturing with their hands, etc.

25 Passive resistance, so passive resistance as

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1 an example would be if a protester is in the middle of
2 the road and just simply refusing to move, would use
3 that dead weight, that's what we call passive
4 resistance.

5 Active resistance is when the subject, I suppose, is
6 resisting the officer but not trying to assault the
7 officer, so that would be an example, trying to pull
8 away, trying to get away, you know, but not actually
9 trying to assault the officer.

10 Q. So if an officer had their arm --

11 A. Yes.

12 Q. -- or their wrist and they were resisting going with --

13 A. They were trying to pull away, maybe trying to get away.

14 Q. That would be active resistance?

15 A. That's active resistance, yes.

16 Assaultive resistance, as I said, is when, you know,
17 the subject is actively trying to assault the
18 police officer, and then serious aggravated resistance
19 is that higher level of assault resistance and that
20 could include the use of a weapon. Mainly that's when
21 we talk about serious aggravated resistance.

22 Q. So level 6 is generally the use of a weapon?

23 A. Generally use of a weapon, but -- or assaultive

24 resistance to the nature where the injury could be --

25 the injury sustained could be very, very serious.

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1 Q. Right. And we have heard some evidence about profiled
2 offender behaviour and I'm sure we will hear more during
3 this hearing, but tell me if I'm wrong, my understanding
4 is that these aren't neat categories that everything
5 will fall into one or other?

6 A. Yes.

7 Q. That there's a blending between them, is that right?

8 A. Yes, yes. It's a model that can be very helpful, but
9 with others they find it slightly, either constrictive
10 or open to interpretation.

11 Q. So is it possible for an officer -- one officer to say
12 "it's level 4", one officer to say "I think it's level
13 5"?

14 A. Yes.

15 Q. Or between two.

16 A. Yes.

17 Q. Or one to say it sort of falls in the middle, they're
18 not very sure.

19 A. Yes, it's again down to each individual officer's
20 perception.

21 Q. Right. And in any given circumstances it will be up to
22 an officer to make an assessment themselves?

23 A. Yes.

24 Q. And then can we look at the next slide. Then we see
25 this is "Officer Response Options", and it is levels 1

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1 to 5, so it doesn't tally exactly --

2 A. No.

3 Q. -- with the 1 to 6 we saw in relation to the subject,
4 the profiled offender behaviour. Could you talk us
5 through this slide, please?

6 A. So "Officer Presence" is, as you explained earlier on,
7 it's about the presence of a police officer, whether it
8 be in uniform or plain clothes, and the hopefully
9 positive effect that can have on defusing a situation
10 and that -- you know, the officer's uniform, as you say,
11 the equipment, the hat, whatever it may be. The next
12 level is obviously "Tactical Communications" and that's
13 where the officer will use their communication skills to
14 either make direction or commands, or to try and defuse
15 a situation.

16 Q. We looked at the slide before --

17 A. Yes.

18 Q. -- about the five positive steps and the --

19 A. Exactly. They use their own communication skills, yes.

20 "Control Skills" is what we -- I suppose what you
21 would more commonly refer to as control and restraint,
22 so that's likes of holds, various types of holds, that's
23 normally -- the handcuffing, anything to control the
24 physical actions of a subject.

25 "Defensive Tactics" normally will include strikes,

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1 so that will be use of baton, striking with the other
2 knee, the foot, the elbow, that's what we normally --
3 and then take downs, so when you take someone down to
4 the ground to control and restrain them.

5 Then "Deadly Force" is obviously the use of police
6 issue firearms or a strike to an area of the body which
7 could result in serious injury or death.

8 Q. Such as?

9 A. Such as a baton strike to the head, the use of anything
10 to defend yourself if it's proportionate, reasonable and
11 necessary.

12 Q. Where would the use of sprays come within these levels?

13 A. So the use of spray is a slightly complicated. It
14 really depends. In most cases it sits -- it straddles
15 both control skills and defensive tactics. When I --
16 when spray was first introduced and for many, many years
17 the use of PAVA or CS spray, as it was at the time, was
18 what was called a defensive tactic, and really that put
19 it into the category of only being used to defend the
20 police officer or someone else. Over the years it has
21 kind of moved into a control skill, so I can't actually
22 remember at that time where it sat in the manual.

23 I think it was still a defensive tactic, but, as I say,
24 I know down south and in the rest of the UK it's
25 a control skill, it sits there.

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- 1 Q. So you think it may have been, in 2015, a level 4?
- 2 A. I think it was a level 4., I may be wrong, it may have
3 moved to level 3 by that time.
- 4 Q. We will hear more about this.
- 5 A. Okay.
- 6 Q. Can we look at the next slide, please. This is a -- you
7 talked about a graph earlier. Now, this is the
8 "Conflict Resolution Model" that you mentioned earlier,
9 isn't it?
- 10 A. Also known as the "Confrontational Continuum", yes.
- 11 Q. And you will see on the left it says "Profiled offender
12 behaviour", and on the bottom "Use of force response
13 options". I'm wondering if you can help us in relation
14 to the sort of training that's given, because we know
15 from profiled offender behaviour that there were six
16 levels, officer response there are five, so there's not
17 a neat line you can draw --
- 18 A. No.
- 19 Q. -- from one to the other, and I'm wondering if you can
20 help the Chair understand how it is that an officer will
21 determine what response to use depending on the profiled
22 offender behaviour.
- 23 A. Basically as you see it here. The officers were taught
24 to identify the behaviour of the subject, which would
25 then -- and then -- sorry, my apologies.

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- 1 Q. No, don't worry.
- 2 A. And then from the behaviour of the subject they would be
3 able to correlate a response option based on this graph.
- 4 Q. Were they -- they were trained on this --
- 5 A. Yes.
- 6 Q. -- we see it in the PowerPoint; were they supposed to
7 remember this?
- 8 A. Yes.
- 9 Q. Right. So could you give us some examples. Let's use
10 the easy ones first: "serious or aggravated resistance"
11 from the offender, that's the worst level --
- 12 A. Yes.
- 13 Q. -- and show us how we work out the response there from
14 a reasonable response from an officer?
- 15 A. So using this particular model you would just follow the
16 red dotted lines and you would go from serious -- and go
17 to the axis, or the middle, and then drop down and that
18 allowed you to use deadly force in that circumstance.
- 19 Q. Do you have to use deadly force?
- 20 A. No.
- 21 Q. You mentioned earlier that there's a minimum principle,
22 a minimum force necessary?
- 23 A. Yes.
- 24 Q. Would it be possible that someone is using, say,
25 aggressive resistance and you don't need to use deadly

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- 1 force or defensive tactics?
- 2 A. You absolutely don't, no, and for me, it's one of the
3 criticisms I had and many people have of this model
4 which is why it's been discontinued, is that it can
5 either be too prescriptive, or not prescriptive enough.
- 6 Q. Yes, and equally, you could have someone who was
7 compliant: your presence as an officer may assist but
8 you may need something more than that, you may need to
9 go to tactical communications?
- 10 A. Yes, and if you look at the graph, tactical
11 communications doesn't correlate with compliance and
12 that's where the confusion came in.
- 13 Q. So in the real world was there much more fluidity
14 between these different levels than would appear to be
15 the case from this graph?
- 16 A. Absolutely, and there was elements of use of force
17 training that just simply aren't incorporated into this
18 graph.
- 19 Q. But equally, if you are faced with a compliant person,
20 you would not consider in any circumstances that deadly
21 force would be appropriate at that stage?
- 22 A. No, it gives you a rough, I suppose, guide.
- 23 Q. Yes. All right, thank you. Let's move on. I had it as
24 slides 26 to 28. Let's stick with positional asphyxia.
25 You have -- I think for the next -- this slide and the

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1 next two slides we have slides about positional
2 asphyxia, and this was also taught to officers in
3 relation to the PowerPoint slides.

4 A. Yes.

5 Q. Can you tell us a little about positional asphyxia.

6 A. So positional asphyxia or restraint-related asphyxia is
7 when an individual is in a certain position that
8 interferes with their body's normal process of
9 breathing. It can be caused by pressure on the lungs
10 themselves, by on the ribcage, by on the diaphragm, on
11 the back. It usually can be caused by some sort of
12 compression to the mechanism of breathing.

13 Q. Right. And it says there "Death can occur rapidly"?

14 A. That's correct, yes.

15 Q. Is that something that's known to police officers?

16 A. Yes, very much so, yes.

17 Q. As well as compression being applied, can it also be
18 just from the position the person is sitting in?

19 A. Yes, so depending on the impact factors, but yes, we try
20 and avoid what we call a W position, whereby if that
21 person's knees are up that can restrict breathing, so
22 yes, it can be caused by -- it can be caused by even if
23 a person is standing and maybe pressure is put on the
24 person, so it's not just about prone, it can be a number
25 of different positions, yes.

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- 1 Q. But it says "Restraints can increase that risk"?
- 2 A. Very much so, yes.
- 3 Q. And that's a -- would you say that's commonly known to
4 police officers?
- 5 A. This is one of the areas of use of force training that
6 was constantly reinforced when I was in training, yes.
- 7 Q. It sounds like use of force and the repercussions or the
8 consequences of that are heavily trained to officers?
- 9 A. Yes, it's -- going back to the earlier point is that we
10 give officers a range of options and we provide the
11 implications of those options, and as long as the
12 officers know the implications, it's then up to them to
13 decide, in all the circumstances, what use of force
14 option is reasonable, proportionate and necessary, yes.
- 15 Q. And they have to justify if they use force and you have
16 told us about that earlier.
- 17 A. Yes.
- 18 Q. Can we move on to the next slide, please. Then you
19 talked about "Risk Factors contributable to the
20 condition". Can you tell us what these are?
- 21 A. So there's a number of factors that could make
22 positional asphyxia -- the negative outcome of
23 positional asphyxia more likely.
- 24 Q. The negative outcome being possible death?
- 25 A. Yes, that's correct. So body position, restraint,

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1 you know, prone, inability to escape position really are
2 all very, very similar in that pressure -- they all put,
3 you know, put pressure on the body's ability for normal
4 inhalation and exhalation, and these, as I say, are
5 always heavily reinforced during OST training and then
6 the rest are just other impact factors that can
7 contribute to the onset of positional asphyxia.

8 Q. And then moving on to the next slide. It says "Signs
9 and Symptoms". It's "Active to passive/loud to quiet";
10 tell me what that is?

11 A. So one of the main signs of someone who is suffering
12 from positional asphyxia is that they will very often be
13 maybe shouting or verbalising, and all of a sudden they
14 will stop that and they will go to very quiet, or they
15 will be actively resisting, struggling, and then all of
16 a sudden they stop struggling. That's one of the main
17 indicators that you know that something's untoward.
18 When someone is obviously having that inability for
19 normal inhalation and exhalation, sometimes you can get
20 a big build-up of fluid which will cause maybe
21 a gurgling, a rasping, that type of sound. Someone
22 verbalising that they can't breathe and then you will
23 see a discolouration at times of skin colour because the
24 oxygen is not getting to their extremities.

25 Q. And is the discolouration the cyanosis that we see here?

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1 A. That's correct, yes.

2 Q. And if nothing else, all of these things could be signs
3 of positional asphyxia?

4 A. All, or even individual on their own.

5 Q. And positional asphyxia at that time, pre-2015, was
6 being taught to officers?

7 A. Very much so, yes.

8 Q. Emphasised even?

9 A. Yes.

10 Q. Let's move on to the next slide, please. We see here
11 "Excited Delirium", and we have heard that this is
12 a controversial title.

13 A. Yes.

14 Q. Can you give us a little bit of information about what
15 officers were being taught in relation to this
16 PowerPoint, the 2013-2015 PowerPoint?

17 A. In my experience I think there were two slides, maybe
18 three slides --

19 Q. I think the next slide is also excited delirium if I'm
20 right in thinking.

21 A. Yes. And from my recollection it was mentioned --
22 quickly covered in the lecture-style, you know, input
23 and in my experience that was really -- it wasn't ever
24 revisited, as far as I'm concerned. It may be revisited
25 by certain instructors, but in the main, I don't ever

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1 recall it being revisited apart from their initial
2 training.

3 Q. We have heard evidence from officers that they
4 recognised the term.

5 A. Yes.

6 Q. Tell us what this slide -- what was taught in relation
7 to this slide?

8 A. So this slide would be spoken through and the
9 instructors would explain what excited delirium is and
10 in this slide here is I suppose the main signs and
11 symptoms, indicators if you want, of what -- how someone
12 would display these signs and symptoms.

13 Q. Let's look at them. The first one is:

14 "A person exhibits violent behaviour in a bizarre
15 and manic way."

16 A. Yes.

17 Q. Tell us about that.

18 A. I mean, obviously, every person who is experiencing this
19 type of condition may be very different, but some of
20 the, I suppose, the common signs and symptoms is their
21 behaviour is extremely bizarre and erratic. Very often
22 they are manic, so they're constantly moving, they're
23 constantly doing stuff, they can't sit still, stand
24 still. You will find that their speech is incoherent.
25 At times they will have a sense of panic about them.

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1 They may be violent, or their behaviour may be construed
2 as violence or aggressiveness, and it's just a very,
3 very bizarre behaviour to witness.

4 Q. And then:

5 "Constant, purposeless often, violent activity."

6 A. Yes.

7 Q. What does that mean?

8 A. So if you -- if you see someone who is going through
9 this then you will see that, as I say, they constantly
10 move. There is no purpose, there's no reason to their
11 behaviour, and at times they will lash out to be
12 violent, whether it be you will see them, you know,
13 smashing windows, especially windows because glass is --
14 they are often attracted to, or have a fear of
15 reflection and glass, so a lot of times they will smash
16 windows, but their behaviour is just -- as I say,
17 there's no rhyme or reason to it, there's no meaning to
18 it and it's a very, very difficult situation to manage.

19 Q. "Meaningless speech and hallucinations with paranoid
20 delusions."

21 How was that explained to the officers?

22 A. So again, it's about the incoherence of the speech. You
23 will tend to find they don't make any sense, their
24 speech is very, very bizarre and they may be either
25 visually or auditory hallucinating, so they may be maybe

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1 hearing things that aren't occurring, they may be seeing
2 things that aren't there and, as I say, this paranoid
3 delusion links in with this sense of panic that they
4 often experience. They feel that someone is there to
5 hurt them, they are going to be hurt or they're going to
6 be injured or they're going to die. It's that
7 overwhelming fear or panic which can cause the paranoia.

8 Q. "Abnormally [strong]" or abnormal strength, perhaps, and
9 "pain tolerance". What are those?

10 A. Yes, so restraining any individual is very difficult in
11 the best of times, but you tend to find -- I have
12 experienced it myself -- you tend to find that trying to
13 restrain someone who is in that state of -- you know,
14 that bizarre or manic state, they don't feel pain or
15 they're very tolerant to pain and they have this inner
16 abnormal strength that, as I say, it's difficult to
17 describe, but they can become very, very strong.

18 Q. So again, if nothing else, demonstrations of abnormal
19 strength or pain tolerance could be indicators of
20 excited delirium?

21 A. Could be. Could be indicators of other things, but yes,
22 could be.

23 Q. And then "CS may not work"; what's that?

24 A. I was never ever -- this is -- it's not just CS, but it
25 could be batons don't work, physical restraint doesn't

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1 work, and then I suppose this specific reference to CS
2 is that 60% to 70% of the population will experience
3 some sort of effect from an irritant spray. People who
4 are maybe in this manic state are able to fight through
5 the effects of incapacitant spray.

6 Q. So they can be resistant to the effects?

7 A. Yes, yes.

8 Q. So again, that could be another warning sign or
9 indicator of excited delirium?

10 A. It could be, yes.

11 Q. Thank you. The next one may be the second one on
12 excited delirium, and then it is given as the causes:
13 drugs, alcohol intoxication, psychiatric illness or
14 a combination. So officers are taught that this could
15 be the underlying cause?

16 A. Yes.

17 Q. And that includes a psychiatric illness as well as
18 intoxication?

19 A. Yes.

20 Q. And the "Medical Emergency" column here:

21 "Expect a sudden collapse.

22 "Acute exhaustive mania can be fatal."

23 Tell me what officers were taught about this being
24 a medical emergency?

25 A. So the risk of death is significant if someone is in

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1 this manic state and officers were taught that it should
2 be treated as a medical emergency.

3 Q. And so for an officer who is treating something as
4 a medical emergency, what do they do?

5 A. They obviously have to get medical attention as soon as
6 possible, so in this case they were taught that they
7 should always contact an ambulance, as soon as possible.

8 Q. How does an officer contact an ambulance as soon as
9 possible, how do they do that?

10 A. Through their own personal radios.

11 Q. Right. So they make an Airwaves transmission over the
12 radio?

13 A. Yes.

14 Q. And as I understand it, we have heard evidence that goes
15 to the area control room?

16 A. That's correct.

17 Q. And they will be able to facilitate calling an
18 ambulance?

19 A. Yes.

20 Q. So that's the way that an officer on a street can obtain
21 medical assistance as soon as possible?

22 A. Yes.

23 Q. And is there a limit to the number of warning signs that
24 the officer sees before they treat something as
25 a medical emergency? Were they told or taught that you

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- 1 need at least two or three or four or five of these
2 signs to be obvious before you phone for an ambulance,
3 or were there any limitations?
- 4 A. In respect of ED?
- 5 Q. If we go back to the previous slide actually, if that's
6 possible. You've got five different things there. Were
7 they taught that there had to be a minimum number before
8 they called for an ambulance?
- 9 A. If I was delivering the input, then no. It was based
10 on: these are the signs and symptoms, if you believe
11 that this person is experiencing excited delirium --
12 there's also other signs and symptoms, but if you --
13 then call an ambulance ASAP.
- 14 Q. Do you remember what those other signs were?
- 15 A. So as I said, one of them was a fascination with broken
16 glass. One of the main indicators is due to the
17 hyperthermia, the increased body temperature is a lot of
18 times you will see them removing their clothing.
- 19 Q. So they might not be wearing as much as you might
20 expect?
- 21 A. Very often, yes.
- 22 Q. We don't see anything about clothing on that slide?
- 23 A. No.
- 24 Q. But was that the sort of information that was being
25 taught at the time?

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1 A. As I say, if I was delivering the input then I would
2 mention, you know, the clothing, the other signs and
3 symptoms, but no, it was -- that was included later on
4 in the ABD package when we introduced that, but these
5 were the main signs and symptoms that were known back
6 then, but that was specifically towards ED.

7 Q. Right. Thank you. I'm going to come back to this in
8 a moment, but could we briefly have a look at your
9 Inquiry statement again, please. Sorry, paragraph 21
10 please. I don't want to forget to ask you about this,
11 Inspector Young. 21, "Requirement for standardisation
12 of OST training:

13 "In the run-up to the creation of Police Scotland,
14 there was work ongoing for a couple of years prior to
15 this on reform workstreams or standardisation
16 workstreams, so likes of firearms, custody arrangements.
17 So that come 1 April 2013, all the firearms officers in
18 Scotland worked in a similar way. However, OST didn't
19 have a standardisation workstream."

20 Can you give a little bit more of an explanation
21 about this?

22 A. Again, I'm not that well versed on, you know, the exact
23 processes regarding the creation of Police Scotland.
24 Being ex-firearms I knew, you know, colleagues in the
25 firearms department and I knew that they were working

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1 on, I suppose, the reform workstream where to bring all
2 the legacy arrangements together so that, you know,
3 something is obviously important and high risk as police
4 use of firearms had a standardised approach come the
5 creation of the national service.

6 I believe, I think there was maybe similar with
7 custody, I don't know, again, that's just my
8 understanding. I understand there's probably a number
9 of other reform workstreams in other areas of business
10 within the organisation for the same reason, but, as
11 I say, OST, we didn't have any work ongoing prior to the
12 creation of the force to ensure that when the force was
13 created we had, you know, a standardised approach across
14 the country.

15 Q. When you came into your position, your national
16 position, and you have told us earlier about doing your
17 review and going round the instructors and gathering in
18 information and then ultimately you created and devised
19 the 2016 manual, were you brought into that job in order
20 to provide this standardisation, or was that a byproduct
21 of your own...?

22 A. I just identified what I saw was the challenges and the
23 issues and I approached the senior management to say
24 that we really require to address this and this is what
25 I think we need to do to address it and so it went from

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1 there.

2 Q. So because you took over the role you reviewed things
3 and realised there were challenges that needed to be
4 addressed?

5 A. Yes.

6 Q. And then is that when you started your review?

7 A. I -- I suppose I identified there was, I suppose,
8 challenges prior to going into that role when I became
9 more involved in the national, and I -- I wanted to
10 develop the -- you know, I wanted to enhance and change
11 the programme, yes.

12 Q. And improve it?

13 A. Yes.

14 Q. Thank you. Can I ask you to look at paragraph 23. You
15 talk here about:

16 "There was no quality assurance processes in place
17 back then so it was pretty difficult to establish what
18 an officer would actually get trained in when they went
19 back for their annual recertification programme."

20 Would you explain to people what a quality assurance
21 process is?

22 A. So from a strictly training perspective, each training
23 course obviously has to have an outcome and that outcome
24 has to be measurable because if you don't have
25 a measurable outcome then you don't know if the training

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1 has been effective or not, so quality assurance is about
2 ensuring that the training programme that's delivered is
3 meeting the outcomes.

4 Q. So it's checking that the outcomes are what you want
5 them to be and that you're able to achieve them by
6 taking certain steps?

7 A. Yes.

8 Q. And:

9 "There was national governance in place for PTD.
10 There was no quality assurance carried out back then,
11 that didn't start until 2016. Once that was in place we
12 can be confident of what was delivered at refresher
13 training."

14 The refresher training is the recertification.

15 A. Yes.

16 Q. So really it was only from 2016 when your new manual
17 came in, you had implemented your recommendations, that
18 you could be confident that there was a standardisation
19 and the quality assurance that you were seeking?

20 A. Yes.

21 Q. Right. But that's not something you can be confident
22 about prior to that date?

23 A. No.

24 Q. Okay. Can I look at paragraph 25, please:

25 "... when I took over as OST coordinator and given a

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1 national remit then my priority back then first of all
2 was to minimise the risk posed by that, so that was to
3 standardise the programme. It wasn't to enhance the
4 programme or improve the programme. Back then for my
5 review there was many forces had no lesson plans ... no
6 risk assessments ... no training documentation ... no
7 standardisation or consistency. So, my priority was to
8 make sure that what was trained in Stranraer was the
9 same as was trained in Aberdeen, and that took years to
10 do. That wasn't even my primary role. My primary role
11 was the management of the OST Team in the West Command.
12 The secondary role was to standardise OST nationally,
13 create a new programme, create all the ancillary
14 documents, programme specifications, lesson plans, risk
15 assessments, health and safety."

16 So if we find examples of lesson plans, or exam
17 questions, or -- can I take it from that paragraph that
18 they would not be nationally consistent across Scotland;
19 lesson plans in the period up to 2016 would be from
20 legacy forces?

21 A. That's correct, yes.

22 Q. And that would be individual forces teaching individual
23 areas with instructors who weren't standardised or
24 hadn't been trained in a standard way to students who
25 were being taught by those individuals?

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1 A. Yes.

2 Q. Thank you. Can I look at the use of force SOP, please,
3 and I think it's PIRC 01342 or PS 10933. This is it.
4 We see it on the screen: "Use of Force Standard
5 Operating Procedure", and this date is published
6 26 August 2013, and the version is 1.03.

7 I wonder if you can help us understand the
8 interrelation between the SOP, the standard operating
9 procedure on use of force and the 2013 manual which we
10 have looked at earlier where there's use of force
11 sections in it, and we have also seen in the PowerPoint
12 there's reference to use of force. I'm trying to work
13 out how they relate to each other.

14 A. So the training manual is that, it's a source document
15 used for training courses. The standard operating
16 procedure will cover policies and procedures to be
17 undertaken, you know, around about use of force, so you
18 don't use this SOP for training purposes, you use that
19 as your policy document.

20 Q. But is the information in the use of force SOP used to
21 provide the training? Are they consistent with each
22 other, I suppose is the question I have?

23 A. They should be, and they should support and inform each
24 other, yes.

25 Q. And we have heard other evidence that the SOPs are

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1 available on an intranet for officers?

2 A. Yes.

3 Q. And we have also heard there are many, many SOPs.

4 A. Yes.

5 Q. How important would you say the use of force SOP is to
6 police officers when they're going about their daily
7 work?

8 A. I mean, it was an area -- it was my area of business and
9 it's something I was very passionate about, so for me
10 I would say it's, you know, extremely important. Use of
11 force is an area of policing that can be very emotive
12 and very controversial and it is high risk, so for me it
13 would -- it should be extremely important for officers
14 to know the content of a use of force SOP.

15 Q. And would I be correct in saying that when we look at
16 the training that's given and what's in the manual, that
17 there is an emphasis given to officers understanding use
18 of force and justifications for that?

19 A. That's correct, yes.

20 Q. Yes. Could we look at a couple of paragraphs or
21 sections. 4.6 and 4.7. So again, here we see, 4.6,
22 "Profiled offender behaviour", and this seems to mirror,
23 to some extent, the title of one of the slides, and as
24 we move down the page we will see that levels 1 to 6
25 should be there. Yes. So again, that was mirrored in

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1 the slide.

2 A. Yes.

3 Q. Let's go back to the top, please, Ms Wildgoose. So this
4 is the actual SOP and it says:

5 "This term encompasses the actions and behaviour of
6 the subject and comprise of the Warning and Danger signs
7 they exhibit coupled with Impact Factors. Profiling
8 a person's behaviour may assist in determining
9 an officer's reasonable response. [And it] can be
10 sub-categorised."

11 And again, 4.6.2, level 1 is compliance where -- you
12 have already explained it in relation to the slides:

13 "Most people dealt with are reasonable and will
14 comply with any lawful instruction."

15 And it:

16 "... may be verbal or it may be active compliance
17 such as stopping an action when told."

18 Then level 2, 4.6.3, "Verbal Resistance and/or
19 Gestures", and again, this very much ties in with what
20 you told us earlier:

21 "It normally includes non-verbal gestures and
22 posturing (body language) and can consist of Warning and
23 Danger signs of potential attack."

24 Can you explain what that is? It's obviously verbal
25 resistance and/or gestures, and it contains warning and

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1 danger signs of potential attack. What does that mean?

2 A. So warning and danger signs. Human beings are
3 preprogrammed, I suppose, if you want to call it that,
4 you know, from primal days. We have a set of behaviours
5 that are subconscious and these behaviours can be
6 exhibited when there is a conflict situation, when that
7 individual has gone through a fear process, or anything
8 like that, when a person is angry, aggressive, they will
9 very often display what's known as warning signs.

10 Warning signs are signs of what we call ritualised
11 combat, and they are signs like, you know -- it goes
12 back to kind of animalistic-type behaviours where the
13 person will use big hand gestures, they will grow
14 themselves up tall, they will raise their head to make
15 themselves look more intimidating and these are all
16 subconscious behaviours.

17 A danger sign is usually a precursor to an imminent
18 attack, so that is when the body is preparing to attack
19 and that is when you will see a discolouration of the
20 face from darker to paler, you will see the chin going
21 down to protect the softer areas of the throat, you will
22 see fists getting clenched, you will see the body
23 getting ready to attack.

24 Very often these are signs that can indicate that
25 someone is ready to assault or attack another person.

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- 1 Q. Would this include someone clenching their fists?
- 2 A. Yes.
- 3 Q. Would it include someone holding their palms outwards?
- 4 A. So normally holding their palms outwards is classed as
- 5 a warning sign because that's when that person is trying
- 6 to make themselves bigger. Clenching of the fists, in
- 7 my view, is normally a danger sign. That's when they're
- 8 getting ready to attack.
- 9 Q. This distinction with the palms out with the warning
- 10 sign, would it matter if they were at the side of their
- 11 body, or are you -- to make yourself bigger I'm
- 12 wondering if you can demonstrate what you mean?
- 13 A. Normally, again -- as I say, everything is different and
- 14 everybody behaves differently -- one of the warning
- 15 signs that I'm aware of is when an individual makes big
- 16 gestures, you know, they will put their hands up, make
- 17 themselves look bigger, hands go out to the side to make
- 18 themselves more imposing or more intimidating, but what
- 19 you can very quickly do is move -- people can go from
- 20 danger sign to warning sign and you will tend to find at
- 21 times there could be an occasion when the hands were out
- 22 but then they will start to come in.
- 23 Q. To their body?
- 24 A. To their body, because that is then them starting to
- 25 reduce their own target profile and it allows them to --

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1 potentially for an attack.

2 Q. So again, it's open to interpretation?

3 A. Absolutely, yes.

4 Q. And then let's just finish off these last few ones.

5 Level 3 is "Passive Resistance", I think you explained

6 that, and can we move on to 4 and 5. This is the

7 "Active Resistance" and "Assaultive Resistance", and

8 then level 6 is "Serious/Aggravated Assaultive

9 Resistance". So again the SOP itself mirrors the

10 information, the levels that were demonstrated in the

11 slides, and also are present in the manual.

12 A. Yes, correct.

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

14 LORD BRACADALE: Yes, very well. We will stop for lunch.

15 2 o'clock.

16 (1.02 pm)

17 (The luncheon adjournment)

18 (2.03 pm)

19 LORD BRACADALE: Yes, Ms Grahame.

20 MS GRAHAME: We were looking at the use of force SOP just

21 before lunch and I wonder if we could have that back on

22 the screen and I would like to look at section 4.7. We

23 were talking about how the information that we see in

24 the SOP sometimes is mirrored in the manual, 2013

25 manual, and the PowerPoint, so looking at 4.7 "Officers

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1 Reasonable Response (Force Options)":

2 "By combining the elements of Profiled Offender
3 Behaviour and Impact Factors it affords the
4 officer/staff the ability to quickly assess the threat
5 and to make an informed decision to adopt appropriate
6 tactics from a range of force Options in order to deal
7 with the situation in a controlled justifiable and
8 accountable manner."

9 Then it categorises them and I think as we go
10 through 4.7, we will see that there are five levels,
11 which is what you have explained to us earlier today.

12 A. (Nods).

13 Q. And we see all of them there, leading up to deadly or
14 lethal force, and just to clarify can we go back to
15 level 4, please, "Defensive tactics":

16 "These tactics are generally perceived to be
17 strikes, whether delivered by means of empty hand
18 techniques or baton strikes, but also include the more
19 robust defensive handcuffing techniques and the use of
20 CS Incapacitant Spray."

21 And I think you earlier said you thought it might be
22 level 4 but you weren't 100% sure?

23 A. Yes.

24 Q. But certainly according to this version of the use of
25 force SOP, it was a level 4 defensive tactic --

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. -- to use your CS spray?

3 A. I see that.

4 Q. Thank you. Before I move on, can I also just very
5 briefly look at the manual, just to refer to pages 14
6 and 15, and we should see on these pages again that the
7 profiled offender behaviour and the response, the
8 reasonable response, is replicated, or covered in the
9 manual, pages 14 and 15 is the next one, and we see the
10 same levels again, so they are appearing in the manual,
11 the SOP and the PowerPoint presentation.

12 A. Yes.

13 Q. Lovely. Can we have a look, since we're on the manual,
14 at 6, 7 and 8 -- sorry, pages 6, 7 and 8. And again we
15 see page 6, "Tactical communication", so again -- and 7
16 and 8, and again, these are things that we saw in the
17 PowerPoint as well and you have talked to us about the
18 five step positive style of communication. And then
19 page 8, "Five occasions when tactical communications may
20 fail", and you briefly touched on that as well. Thank
21 you.

22 There's one other thing I would like to ask you
23 about before I move on. There's a mnemonic that we have
24 heard of called PLANE. Can you tell us what that is?

25 A. PLANE is basically -- it was the criteria for the use of

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1 force based on ECHR, and it stands for proportionate,
2 legal, accountable, absolutely necessary and ethical,
3 and that's the framework that use of force should be
4 used within.

5 Q. So that's really saying what you said earlier when we
6 looked at the justifications --

7 A. Yes.

8 Q. -- but there's a phrase or a word that helps officers to
9 remember --

10 A. Yes.

11 Q. -- the different elements?

12 A. That's correct.

13 Q. And that's PLANE?

14 A. Yes.

15 Q. Can I move on to first aid training. We mentioned that
16 at the very start of this morning. You talked about
17 when you had yours. Can we look at paragraph 47 of your
18 Inquiry statement, please. We're going to look at 47
19 and 48. You will see this is headed up "First aid
20 training" and:

21 "I'm asked about the first aid training which was
22 provided in 2014/2015. The student officers at
23 Tulliallan [were given] Scottish Police Emergency Life
24 Support training package..."

25 And that is shortened to "SPELS", so if we have

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1 heard anyone talk about SPELS, it's the first aid
2 training package --

3 A. That's correct, yes.

4 Q. -- that they're talking about. When was SPELS training
5 introduced?

6 A. Again, that depends on what legacy force you came from.
7 As I say, my legacy force was Strathclyde. I remember
8 we had SPELS training for many years. I couldn't
9 exactly tell you when it was first introduced and
10 I can't speak to as to when other legacy forces
11 introduced their own training. What I do know, I think,
12 when I started at the Scottish Police College in 2012,
13 all officers received their initial SPELS training at
14 Tulliallan and as I say, depending on what legacy force
15 you went back to, in Strathclyde you would receive
16 annual -- it was an e-learning package you had to
17 complete before your annual OST recertification. As to
18 what the other forces did, I couldn't comment.

19 Q. So just to check I have understood that correctly, 2012
20 is before you become Police Scotland?

21 A. Yes.

22 Q. So it's still all the individual forces at that time?

23 A. Yes.

24 Q. And that's when there was a -- all officers had to do
25 SPELS training, basic SPELS training?

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- 1 A. At the Scottish -- when they came for their probationer
2 training, yes.
- 3 Q. Oh, it was probationers who would come and get the
4 first aid training?
- 5 A. Yes, so probationers from all over Scotland, regardless
6 of what force they were part of, would come to the
7 Scottish Police College at Tulliallan to receive their
8 basic training.
- 9 Q. Thank you. So it's not all police officers, it was the
10 probationers effectively, students?
- 11 A. Yes.
- 12 Q. Thank you. And when they came to be recertified, and
13 that would include officers of many years' experience --
- 14 A. That's correct.
- 15 Q. -- would they then be given other SPELS training, other
16 first aid training?
- 17 A. Again, it really depends on what the legacy force
18 programme entailed. I can't speak for what happened in
19 other legacy force areas.
- 20 Q. So in Tulliallan since 2012, all new officers have been
21 getting SPELS training?
- 22 A. Yes.
- 23 Q. And that's as far as you can say?
- 24 A. At that time, yes.
- 25 Q. Can you confirm something is different now?

Transcript of the Sheku Bayoh Inquiry

1 A. They still receive their first aid training, their SPELS
2 training at Tulliallan, but Police Scotland have
3 recently introduced a new two-day annual OST refresher
4 programme which is an enhanced OST and first aid
5 training programme, which includes a significant
6 increase in first aid training that the officers receive
7 now.

8 Q. Is that compulsory for officers?

9 A. That's correct, yes.

10 Q. It is. Thank you. And do you know the percentage or
11 the number of officers who have gone through that
12 compulsory package?

13 A. I couldn't say, sorry.

14 Q. Can I ask you about training in relation to the area
15 control room. Is there any training at all given to
16 officers, either probationers or students or experienced
17 officers, about the workings of the ACR?

18 A. It's not something I could comment on. It's not my area
19 of business, sorry.

20 Q. Right. It's not something you have been involved in at
21 all?

22 A. When I was a probationer training sergeant at
23 Tulliallan, the probationers did get an input called
24 Airwave training which was, you know, the basic
25 operation of their Airwave terminals.

Transcript of the Sheku Bayoh Inquiry

1 Q. That's the radios, as I understand it?

2 A. The radios, yes. You know, the language and terminology
3 to be used, how to use them. As far as the workings of
4 the ACR, I couldn't say if that was included or not,
5 sorry.

6 Q. No, that's not a problem.

7 Can I ask where officers may be responding to
8 multiple reports of a man in possession of a large knife
9 in a public place, if in a situation like that -- if
10 when they attend they can't see the knife, what training
11 is given to officers about approaching that situation?

12 A. So the information intelligence that those officers
13 received, either en route -- so they would form a risk
14 assessment based on that, or they should have formed
15 a risk assessment based on that and that risk assessment
16 would then inform what their options would be, so that
17 would take in all the elements that we spoke about,
18 impact factors and profiled offender behaviour, etc.

19 When the officers arrived at the scene then
20 obviously that information and intelligence would change
21 because they then would have sight of the subject, they
22 would be able to see the subject's behaviour, if they
23 were verbalising anything, you know, and they would
24 then, I suppose, reassess their threat assessment which
25 would then inform what tactical options they would feel

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1 would be appropriate.

2 As far as the training back then, as I said, there
3 was no scenario training included in -- that I'm aware
4 of, so the officers were taught a tactic called contact
5 and cover which ensured that the officers would
6 maintain -- or they were taught to maintain the reaction
7 gap of about 4 to 6 feet. If a knife was involved the
8 training included that that reaction gap should be
9 greater because the closer you are to a subject, action
10 always will beat reaction, so the closer you're away
11 from a subject the safer you are, and that was really
12 the only training that they would have received on how
13 to deal with someone potentially or allegedly in
14 possession of a knife. It was -- as I say, there was no
15 scenario-based training so those officers wouldn't have
16 had a chance to practise those tactics and there wasn't
17 really any recognised tactics back then.

18 We had what was known as a CUT principle, but that
19 was in the context of when a knife was actually, or
20 a knife or a weapon was actually presented at an officer
21 as opposed to how to approach a subject that may be in
22 possession of a knife. My experience was again it was
23 about gaining control and compliance.

24 Q. Can you give us an example of scenario training and what
25 that actually is?

Transcript of the Sheku Bayoh Inquiry

1 A. So for an activity such as officer safety training where
2 there are a number of elements that you have to put
3 together, academic research will tell you that the best
4 type of training to get the greatest learning from, from
5 that training for that activity would be scenario-based
6 training, so scenario-based training is when you act out
7 an incident, a situation. You will have a role player
8 who will act the role of the subject. They will act in
9 a certain manner and the officers will have to
10 practically deal with that situation as they would
11 operationally.

12 Q. And that would be the sort of training that's now given
13 in Tulliallan, is it?

14 A. We moved to a new seven-day course to allow for two days
15 of scenario-based training. I left prior to that being
16 implemented so I don't know, but I believe it is.
17 I certainly introduced scenario-based training back in
18 2016, the new programme.

19 Q. So for new officers in 2013 to 2015 they wouldn't have
20 had that scenario-based training?

21 A. Not really, no.

22 Q. But for experienced officers who have been out in their
23 daily work as officers, they would have had real life
24 experience instead?

25 A. Yes.

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1 Q. You have mentioned the CUT principle. Can I ask you to
2 look at paragraph 63 of your Inquiry statement, please.
3 Here you are talking about training in relation to knife
4 incidents and what training was available in 2014 and
5 2015 on responding to a person in possession of a knife,
6 and you have said that:

7 "... we used to train officers, and there's
8 a variation of it now, in what we called the CUT
9 principle."

10 Can you -- we may have heard about this already; can
11 you give us a reminder of what the CUT principle is?

12 A. So the CUT principle is a tactic, a set of tactics to be
13 used if that officer is presented -- has a knife or
14 another weapon presented at them by an individual and
15 it's a safe way to deal with that incident. The CUT
16 principle is separated into three separate elements: the
17 C means create distance, the U is use cover, and the T
18 is transmit. Transmit -- what we mean by transmit is to
19 shout -- make a loud shout of "Knife", so that
20 colleagues, members of the public, whoever it may be,
21 will know that there's a subject in possession of
22 a weapon.

23 Q. Can it only be used if a subject has a knife or presents
24 a knife, or can it be used if you have suspicions that
25 a person has a knife but you cannot see the knife?

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1 A. That would make sense. Unfortunately the way it was
2 trained was only in the context of a knife being
3 presented, but I certainly used, you know, those
4 principles when dealing with someone who either has had
5 a knife, or I suspect or reasonably suspect may have
6 possession of a knife. It makes common sense to
7 maintain as much distance as you can and if there's
8 cover there, use it.

9 Q. Thank you. And again, just briefly to move away from
10 your Inquiry statement, do we see this in the 2013
11 manual at page 25? So this is PS 11538A at page 25.
12 I think that's it. So this is page 25 of the 2013
13 manual and again, do we see CUT: [C], create distance;
14 U, use cover; T, transmit?

15 A. Yes.

16 Q. And so that was in the manual at that time?

17 A. Yes.

18 Q. Thank you. And I think it was also in one of the slides
19 in the PowerPoint, PS 1728, slide 22. Again, it's about
20 edged weapons and CUT appears there as well.

21 You say -- can we go back to your Inquiry statement,
22 please. You said at paragraph 64, it is now CUTT with
23 an extra T. Tell us what that difference is?

24 A. So when I reviewed the programme and spoke to officers,
25 spoke to instructors, I would ask them: "well, once you

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1 have transmit -- you know, once you have I suppose
2 carried out the T, what do you do then?" And I got
3 I suppose kind of bemused responses "Well, we do this or
4 we do that", so in order to, I suppose, reinforce and to
5 give officers that thought process I added the extra T,
6 so it has now become CUTT, so that the response doesn't
7 just finish with transmit; you have to do something else
8 after that and the final T means tactical option.

9 So once you have transmitted, you have to then --
10 based on all the information, intelligence, risk
11 assessments, etc, you then have to, you know, select
12 a tactical option and that could be withdraw, it could
13 be, you know, carry out knife defence, it could be
14 anything at all, so -- any of the tactical options that
15 we would teach.

16 Q. But the first step in using this process is create
17 distance; that remains the same?

18 A. Where possible, yes, it's not always possible.

19 Q. So where it's possible --

20 A. Yes.

21 Q. -- if you're using CUTT, you create a distance between
22 yourself and the subject.

23 A. That's correct.

24 Q. Are there any requirements in relation to how big that
25 distance should be, or --

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1 A. So we talk about, I suppose, a normal reaction gap is
2 about 4 to 6 feet. That takes you outwith what we call
3 the fighting arc, where someone could punch or kick you.
4 Also that 4 to 6 feet will give you that, I suppose,
5 half second of reaction to someone's action. When we
6 teach knife defence we will always say that that gap
7 should be increased because of the significantly higher
8 risk of injury with a knife. We don't prescribe --
9 you know, we don't say 10 feet or 12 feet, it's where
10 possible try and create a greater distance than the
11 standard 4 to 6 feet.

12 Q. Greater distance than the reactionary gap?

13 A. Yes, if you can.

14 Q. Where that's possible?

15 A. Yes.

16 Q. Paragraph 65:

17 "So it may be appropriate, if you think someone's in
18 possession of a knife, that you maintain that reaction
19 gap and probably increase your reaction gap and, as one
20 of your tactical options, seek back up before
21 intervening."

22 So "seek back up before intervening"; what did you
23 mean by that?

24 A. So there if we have an individual in possession of
25 a knife, for instance, now what we train is, you know,

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1 use a concept of contain and negotiate, which is we will
2 try and contain that incident the best we can because
3 obviously the risk of trying to physically intervene or
4 carry out a physical intervention with a subject with
5 a knife is extremely dangerous, so you want to try and
6 minimise and mitigate that risk as best you can and if
7 you can then, you know, you will create that distance,
8 try and contain the situation and call for additional
9 resources if required and that could include specialist
10 resources, including, you know, for instance, taser
11 officers, dogs, potentially public order officers,
12 firearms officers.

13 Q. And that's via your radio?

14 A. That's correct, yes.

15 Q. And then it says:

16 "Now, if that person's in possession of a knife,
17 create distance is about creating that distance,
18 containing the situation as best you can with the
19 officers available ... then to transmit and ask for
20 additional resources..."

21 You have explained what those would be:

22 "So, it's wholly appropriate if there's no need for
23 an immediate intervention or physical intervention at
24 that time."

25 Can you just explain that last sentence?

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1 A. There will be occasions when if someone is in possession
2 of a weapon or a knife there may not be a requirement
3 for an immediate physical intervention.

4 Q. What would those circumstances be?

5 A. I suppose I will go back to what I said earlier on. If
6 there's not any immediate, you know, serious threat of
7 risk or harm, then placing yourself in that danger when
8 there's no immediate risk is counterintuitive as far as
9 I'm concerned, and as far as the training is concerned.

10 Now, if that person is actively causing someone else
11 harm, themselves harm, or there's a potential -- you
12 know, immediate potential for that, then unfortunately
13 then there may have to be a need for a requirement for
14 a physical intervention, but that puts everyone at risk.

15 Q. Including the officers?

16 A. Including -- especially the officers, yes.

17 Q. Especially the officers.

18 A. Yes.

19 Q. And so am I right in saying the "C" part, keeping your
20 distance in that situation you have described, is
21 something that you would prioritise, unless there was an
22 immediate need to get physically involved?

23 A. Yes, absolutely. For me creating distance -- distance
24 is your friend when it comes to dealing with weapons,
25 but, as I say, that -- this tactic was specifically

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1 aimed at, you know, if a knife was -- but that's how it
2 was taught, and I suppose that's how the officers would
3 perceive it, but again, it's going back to that each
4 individual officer may perceive that situation to be
5 totally different. Going back to the, I suppose, the
6 training in force at the time, it wouldn't surprise me
7 if officers, you know, went in and tried to physically
8 control that situation, or a situation.

9 Q. Can I ask you in 2013 to 2015 -- you have talked about
10 officers seeking back-up before intervening. Were
11 officers taught that that was an option for them, to
12 seek back-up or to seek additional resources?

13 A. I would suggest absolutely, yes.

14 Q. Yes. And does that remain the position?

15 A. Yes.

16 Q. So if they feel they need that back-up, or think it
17 would be wise, that is an option for them to call for
18 that on their radio?

19 A. Absolutely, yes.

20 Q. Are they encouraged to do that, or discouraged to do
21 that or ...?

22 A. I would never say they would be discouraged to do it.
23 I mean, I couldn't pinpoint any specific area of
24 training that says, you know, "Call for back-up", but to
25 me it's a -- I think it's a common sense approach that

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1 has -- is threaded through most police training,
2 you know, that if you can't deal with a situation or you
3 don't feel you can, or there's other specialist
4 resources out there who could deal with it safely, more
5 safely, then absolutely. It's something I have always
6 done and I think officers -- I think it's common
7 practice for officers, absolutely.

8 Q. Are officers encouraged through this training not to put
9 themselves and their own lives at risk?

10 A. There will always be occasions when a police officer has
11 to put the safety of others before their own safety and
12 there will always be occasions when police officers have
13 to intervene physically and it will put them at great
14 risk. It is up to their own perception of the incident
15 and their own perception of their own skills, knowledge,
16 etc, if they feel that they can deal with that incident.
17 You will get some officers who feel they can deal with
18 an incident, you will get some officers who feel they
19 couldn't, but I don't know, there's no specific training
20 that says "You will never ever put your own safety
21 at risk".

22 Q. Can I move on, please, and ask you to look at document
23 PS 11500. This is a memorandum on the operational
24 discharge of CS incapacitant spray and it is from
25 1 April 2013, so actually the date that Police Scotland

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1 amalgamated. And as we go down the page, we will see
2 Police Investigations and Review Commissioner so that's
3 come from the PIRC:

4 "Operational discharge of CS incapacitant spray.

5 "From 1 April 2013 there is a legal requirement for
6 the Police Service ... the Scottish Police Authority
7 [and PIRC] to ensure compliance with ..."

8 Certain statutory provisions that are detailed
9 there:

10 "This means that on every occasion where CS
11 Incapacitant spray discharged operationally there is
12 a legal requirement to record the incident and report
13 onwards to PIRC within 24 hours."

14 And there's mention of a form, a force form and it
15 says it:

16 "... will be available on the Intranet Force Forms
17 site from ... 1 April 2013 and **MUST** [in bold capitals]
18 be submitted as soon as is reasonably practical after
19 the incident and no later than the end of the
20 discharging officer's tour of duty."

21 And:

22 "If the officer is unavailable then a Supervisor
23 must arrange its completion."

24 Then there were other instructions in relation to
25 the forms. I'm interested in whether there was any

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1 training given to officers after this instruction about
2 accessing the forms, completing the forms and getting
3 them in the right place?

4 A. I was at the Scottish Police College at the time
5 Police Scotland was created. As far as -- this sat
6 within OST training and there was information given to
7 all the probationer officers at the time about the
8 completion of this form. As to what was included in
9 the -- for the operational officers at division, I would
10 imagine that this, as normally happens, this memo would
11 have gone to the force intranet, the force forms, and it
12 would be for each local policing commander to ensure
13 that their own staff are sighted and are made aware of
14 this requirement.

15 Q. Just to be clear then, from 1 April 2013 up to May 2015,
16 probationers, student officers at Tulliallan, were given
17 some training or some instruction about the use of these
18 forms?

19 A. I'm sure that it was included in the OST theory part,
20 I'm sure it was.

21 Q. And for officers who weren't doing their probation at
22 that time, or weren't student officers at that time, so
23 maybe more experienced officers, a local commander
24 should have brought that to their attention?

25 A. That's normally -- the memo will go onto the force

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1 intranet and it's for each local policing commander to
2 ensure that their officers are made aware of it.

3 Q. And when you say a local commander, have you any idea
4 who that would be in a particular police office?

5 A. The local policing commander being the divisional
6 commander, because I believe the memos are sent to each
7 individual divisional commander who would then, you
8 know, proliferate it down to --

9 Q. Distribute it?

10 A. Yes, to the officers, so each division would have
11 a different process for that, divisional coordination
12 units to the local area commanders. I don't know
13 exactly the process at each division.

14 Q. So even after 1 April 2013, it would be divisional
15 commanders who would -- in individual areas that would
16 disseminate that information?

17 A. Yes, I believe it's their responsibility to make sure
18 all officers under their command receive this
19 information, yes.

20 Q. Thank you. As far as you are aware, during that period
21 between 2013 and 2015, were there different practices
22 followed in different areas about the completion of
23 forms?

24 A. I can only speak for when I moved down to take the
25 national coordination, but when I moved down, yes, there

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- 1 was a consistent approach by that time.
- 2 Q. When was that?
- 3 A. I think was it October 2014? But I believe that the job
- 4 that I took over, which was the Officer Safety Training
- 5 unit for West Command, was given the national
- 6 responsibility for the collation of these forms, so any
- 7 time a CS incapacitant spray was discharged, then
- 8 officers were directed to forward the completed forms to
- 9 Officer Safety Training Local Policing West who would
- 10 then transmit that on to the PIRC.
- 11 Q. So all of the completed use of spray forms would come to
- 12 the west area, be gathered and then sent on to PIRC?
- 13 A. That's correct, yes.
- 14 Q. Within the timescale?
- 15 A. Yes, because we were the only area that had a full-time
- 16 team, full-time OST team at that time.
- 17 Q. And forms could come in, presumably, at any time, day or
- 18 night?
- 19 A. That's correct.
- 20 Q. And they were supposed to go to the PIRC within
- 21 24 hours --
- 22 A. Yes.
- 23 Q. -- so it was a short timescale?
- 24 A. Yes.
- 25 Q. Can you tell me, was there any training given -- again,

Transcript of the Sheku Bayoh Inquiry

1 thinking about 2013 to 2015 -- any training given about
2 use of force forms generally, not just the use of
3 sprays?

4 A. I don't know what training was given to divisional
5 officers during their annual recertification training.
6 I do know that there was again another -- I suppose
7 a disparate approach to recording use of force. Again,
8 it was done on legacy force systems. In some areas it
9 was still a paper system and we standardised that
10 I think in 2015, potentially, where every use of force
11 form had to be submitted on SCoPE.

12 There was an input in the new programme, but as to
13 the old programme, I don't know what training was given,
14 I can't remember, sorry.

15 Q. We have heard some evidence that these forms are
16 available online through the computer system, but maybe
17 not as available otherwise if you didn't have access to
18 a computer; would that be correct?

19 A. Again, the processes were different across the legacy
20 forces. As I say, the West Command we had been using
21 the SCoPE system and we submitted our use of force forms
22 through the SCoPE system. I know there were some paper
23 systems, I think Lothian and Borders still had a paper
24 system and other ones used the legacy force -- whatever
25 their operating systems were. But yes, it wouldn't

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1 surprise me if you didn't have access to a computer in
2 a certain area then you wouldn't be able to submit the
3 form.

4 Q. Okay. Was there any training given during that period
5 in relation to the completion of notebooks?

6 A. There was some training given to what we called tactical
7 report writing and that is how to accurately record your
8 use of force, referencing, you know, PLANE, impact
9 factors, etc, so that you could provide the full picture
10 of -- or your full justification of your decision to use
11 force. That was delivered at Tulliallan to the
12 probationers. The probationers also received a notebook
13 input, how to complete a police issue notebook, during
14 part of their probationary initial training.

15 As far as, again, we go back to divisional officers,
16 and I don't recall any inputs during the annual
17 refresher training about completion of police issue
18 notebooks.

19 Q. So again, for anyone going to Tulliallan or being part
20 of that training process between April 2013 and 2015,
21 they would have had that training?

22 A. They would have had some training, yes.

23 Q. About tactical report writing?

24 A. Yes.

25 Q. Which would effectively be justifying use of force?

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1 A. Yes.

2 Q. Thank you. Was there any training given at that time
3 about operational statements and the completion of
4 those?

5 A. I know there was training given to probationers in
6 general about how to complete a police operational
7 statement.

8 As far as specifically within use of force, I ...
9 I vaguely remember a guidance document. I know we
10 created a guidance document for 2016, how -- you know,
11 about the elements that should be included, you know, in
12 an operational statement when force is used, but as to
13 prior to that, I couldn't say.

14 Q. Thank you. Can I ask if in 2015, May 2015, officers
15 were trained in the Independent Advisory Panel common
16 principles for safer restraint, and in particular were
17 officers at that time trained that if three or more
18 staff were actively involved in a restraint, then one of
19 those must be in control of the restraint and it must be
20 clear at all times to those involved in the restraint
21 who the controller was?

22 A. I don't recall that being part of the training, no.

23 Q. I would like to ask you some questions about training in
24 relation to diversity and race, equality and diversity.
25 Was there any such training given to students,

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1 probationers between 2013 and 2015?

2 A. Not OST-specific, but being a probationary training
3 sergeant at the time, then yes, there was -- I think at
4 that time it was a two-day diversity awareness course.

5 Q. And for officers trained prior to that period, are you
6 aware what training they received in equality and
7 diversity?

8 A. I'm not, no.

9 Q. No. When you came into your role, did you give any
10 consideration to introducing an equality and diversity
11 component into the training that was given at
12 Tulliallan?

13 A. As --

14 Q. As part of OST training?

15 A. As part of OST? In the new programme, yes. At the time
16 what we have to be aware of is that whilst OST,
17 you know, will go into other areas of policing, there
18 are other areas of policing that provide specific
19 training -- oh, I'm so sorry. Sorry, I talk with my
20 hands, I'm so sorry.

21 Sorry, where was I?

22 Q. It's not a problem. I do that sort of thing all the
23 time.

24 We were talking about training and the officers who
25 come out of Tulliallan go into other areas and you say

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1 that certain other areas will have bespoke or tailored
2 training in that field for those officers working in
3 that field.

4 A. Yes, so --

5 Q. But was there anything given to all officers, or --
6 other than the two-day programme that you have
7 mentioned?

8 A. The two-day programme is all that I'm aware of at
9 Tulliallan at the time.

10 Q. Right. And do you know what the content of that
11 programme was?

12 A. I was -- so diversity training at Tulliallan at that
13 time could only be delivered by trained diversity
14 awareness trainers, so they had to complete a specific
15 training package, so I wasn't a diversity awareness
16 trainer, so I couldn't say what the actual content of
17 the training was back then.

18 Q. But if we spoke to someone who was a diversity awareness
19 trainer, they might be able to provide us with more
20 information?

21 A. Yes, I would suggest so, yes.

22 Q. For officers who were past those early years, if I can
23 say, past their probation, did they come back at
24 Tulliallan at any time to do this two-day programme for
25 diversity?

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1 A. I don't -- I don't know, I don't believe so. It was
2 part of the national probationer training programme, so
3 I would doubt it very much.

4 Q. Right. For your own personal career, have you had
5 equality and diversity training?

6 A. Obviously for my own interest I sat in the training
7 delivered at Tulliallan just to get an oversight of it.
8 We have had -- yes, we have had I'm sure online
9 diversity training that's been provided by the force to
10 us.

11 Q. Right. Tell us about the online training.

12 A. I'm sorry, I just -- I couldn't tell you exactly what
13 was included in it.

14 Q. When was it?

15 A. Again, as I say, I couldn't tell you, sorry.

16 Q. Did it last for a while? Was it a short training
17 programme? Do you have any recollection of the
18 duration?

19 A. Obviously if it was an online -- I'm sure it was the
20 online programme, so the online, you do it in your own
21 time obviously, it's not classroom-based. As far as the
22 length of time and the content, I'm sorry, I couldn't
23 say.

24 Q. No, not at all. Do you remember if that was compulsory
25 or optional?

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- 1 A. I would imagine it would be compulsory.
- 2 Q. Compulsory. Compulsory across the whole of
3 Police Scotland?
- 4 A. I would assume so.
- 5 Q. Is that -- that's an assumption?
- 6 A. It's an assumption of course, yes, sorry, but as I say,
7 I couldn't say.
- 8 Q. And you said you watched the two-day diversity course?
- 9 A. Yes.
- 10 Q. Do you have any memories of the content of the course,
11 having watched it?
- 12 A. So from recollection we would cover such aspects as,
13 you know, the Equality Act and legislation in relation
14 to equality and diversity, protected characteristics,
15 protected groups, you know, basically definitions of
16 what discrimination was, what prejudice was, etc, and
17 how it affected, you know, particular groups. There was
18 a number of other elements to it, but that's all I can
19 recall at the minute.
- 20 Q. Do you remember if there was any training about
21 sensitivities around religious or cultural matters?
- 22 A. I'm sure that was included in the training at the time.
- 23 Q. Anything about racial stereotypes?
- 24 A. Definitely stereotyping was mentioned. Whether it was
25 reference to racial stereotyping, I couldn't say, but

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1 there was definitely a section on stereotyping.

2 Q. Do you remember any of the training that was given in
3 relation to that?

4 A. I can't recall now, sorry.

5 Q. Anything covered about the use of racial language?

6 A. Again, I couldn't recall.

7 Q. Unconscious bias?

8 A. We train in unconscious bias in OST, confirmation bias
9 and unconscious bias, that was in OST, but as far as
10 that diversity course, I don't know.

11 Q. Tell us about your training in relation to unconscious
12 bias in the OST.

13 A. So there's a part in the manual, or there was a part in
14 the manual regarding, you know, awareness of unconscious
15 bias and how it can affect people's decision-making,
16 potentially.

17 Q. Were you given techniques to guard against unconscious
18 bias?

19 A. Not at the time, no.

20 Q. And for yourself when you -- you have obviously been
21 promoted, you were a sergeant, you're an inspector now,
22 at those moments in your career when you were promoted
23 and you would have men under your command, if I can say,
24 were you given further training at that time in relation
25 to those new roles that you were going to be doing?

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1 A. You would complete a first line managers course on being
2 promoted to sergeant, but there was no second line
3 managers because there was no specific training for
4 inspector, other than the police incident officer
5 training.

6 Q. And did any of that additional training encompass
7 equality and diversity issues?

8 A. When I got promoted to sergeant, I don't believe so, no.

9 Q. Could you give us any examples of how any of the
10 equality and diversity training you have had, you have
11 received, has assisted you in your role as an OST
12 instructor?

13 A. So one of my prime responsibilities is the creation and
14 maintenance of what we call an equality and human rights
15 impact assessment. I have received training on how to
16 complete an equality and human rights impact statement,
17 I have received diversity training obviously and so I --
18 through the EQHRIA process it makes you, you know,
19 acutely aware of people's characteristics and how
20 policing can either protect those characteristics or
21 infringe on them.

22 Q. Can you tell us any more about that?

23 A. In what respect, sorry?

24 Q. As an example, I was hoping you could maybe give us
25 an example?

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1 A. An example, for instance -- so part of the EQHRIA
2 process is looking at all the available evidence. If
3 you take a protected characteristic and the articles of
4 the ECHR, then part of the EQHRIA process is to look at,
5 you know, the available evidence, look at your own
6 workforce, look at your communities that you serve, look
7 at academic research, etc and how a particular part of
8 policing may -- and in this case, use of force -- may
9 either, you know, as I say, protect those rights or
10 potentially infringe those rights, so, for instance,
11 when we look at say, for instance, disability, you know,
12 how -- if a police officer uses force on someone with,
13 say, for instance, a physical disability, or you know,
14 a neurodiverse condition, etc, then what is the
15 potential for, if you want to call harm or impact to
16 those individuals through a police officer using force
17 and what you then do is you try and put measures in
18 place to mitigate that normally through training,
19 through awareness.

20 Q. And that's something that you take account of or did
21 when you were involved with the OST training?

22 A. Yes, I wrote the equality and human rights impact
23 assessment for use of force SOP, yes.

24 Q. And when did you do that?

25 A. 2016.

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- 1 Q. So was this after the introduction of your 2016 manual?
- 2 A. It was to support the introduction of it.
- 3 Q. It was part of the package that you prepared?
- 4 A. Yes, that's correct.
- 5 Q. Was an equality impact assessment available prior to the
6 one in 2016 which you wrote?
- 7 A. Not that I'm aware of.
- 8 Q. And in relation to people who may be black, or their
9 ethnicity is such that -- can you explain to us how you,
10 in doing this impact assessment, how you incorporated
11 that protected characteristic into the OST training?
- 12 A. So a person's race should not be considered as part of
13 the threat assessment process, so the threat assessment
14 process is based on the threat posed by that person to
15 themselves or others, so when you talk about race then
16 if a person has a knife, if a person is being violent,
17 if a person is in crisis, then, you know, the race of
18 the person should not impact on that officer's response
19 and options to that incident. It should be based on the
20 information, intelligence and the threat and harm that's
21 being caused.
- 22 Q. So it should be completely disregarded?
- 23 A. It should be, yes.
- 24 Q. As part of your impact assessment, did you have any data
25 about whether it is completely disregarded?

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1 A. At that time we -- the only data we had was the amount
2 of force -- you know, how many times a baton has been
3 used, how many times handcuffs have been used on,
4 you know, a breakdown with ethnicity.

5 Q. So that was available but you have explained to us, if
6 I'm correct in saying, that in relation to the
7 completion of paperwork it was still based to some
8 extent on the legacy forces and there wasn't necessarily
9 consistency?

10 A. The best data we could get, mainly from SCoPE and from
11 the forces who were on SCoPE, we also were able to
12 establish data from certain legacy forces like, say, for
13 instance, spreadsheets, and they would capture the
14 ethnicity of the individual that force had been used
15 upon.

16 Q. Do you remember those statistics?

17 A. I don't remember at all, but what I do remember was that
18 there was no disproportionality identified.

19 Q. Right, and that was based on a limited sample based on
20 the forces who were using SCoPE?

21 A. It was based on the data that we could obtain, yes.

22 Q. The best data you could obtain at the time?

23 A. Yes, that's correct.

24 Q. And as part of this impact assessment did you, as part
25 of that, consider whether any connection was ever made

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1 between officers in relation to existing threat levels,
2 in relation to terrorism, and the ethnicity of a person?

3 A. That's -- as far as threat levels, terrorist threat
4 levels and ethnicity, that's not something that we
5 considered in OST, no.

6 Q. All right, thank you. In the years since the death of
7 Mr Bayoh, so May 2015, when you were in your role
8 regarding OST, had you been involved in any discussions
9 at all about the need for Police Scotland officers to
10 have additional equality and diversity training?

11 A. I personally wasn't involved in that aspect, no.

12 Q. No. Are you aware of others being involved in
13 discussing training on a national scale in
14 Police Scotland?

15 A. I'm aware that there was I think, you know, a push for
16 enhanced, you know, diversity training. Whether that
17 was in direct relation to the incident, I couldn't say.

18 Q. Who was making that push?

19 A. Again, I couldn't say, I'm just aware that there was --
20 within training circles there was rumours or talk,
21 you know, that there was going to be new training
22 involved and introduced.

23 Q. When you say there was talk, who was talking about that?

24 A. That was again just within training circles. It was
25 just other supervisors or whoever, I can't actually

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- 1 remember where it came from.
- 2 Q. Would that include instructors, supervisors, when you
3 use the word "supervisors"?
- 4 A. It was probably the training, within training, the
5 training supervisors.
- 6 Q. In Tulliallan?
- 7 A. At Tulliallan, at Jackton and other training centres,
8 yes.
- 9 Q. Okay. Did any senior officers have any contact with you
10 to consider enhanced equality and diversity training?
- 11 A. Not that I remember, no.
- 12 Q. Do you remember it being part of your review, or being
13 discussed?
- 14 A. I mean, the review -- I carried out the review before
15 the incident, but it was not something that I identified
16 within the review. That wasn't the purpose of that
17 review.
- 18 Q. No, okay.
- 19 Have you ever worked in Kirkcaldy Police Office?
- 20 A. No.
- 21 Q. No, thank you. Were you aware in or prior to May 2015
22 of a level of public concern about the use of force by
23 police officers, particularly in relation to black men?
- 24 A. Not in Scotland, no.
- 25 Q. Were you aware of public concern in England?

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1 A. Yes.

2 Q. And maybe abroad, America?

3 A. Absolutely, yes.

4 Q. So that was something that was on your radar?

5 A. Yes. I worked closely with American officers.

6 Q. Did you?

7 A. Yes.

8 Q. Tell us about that, please.

9 A. I delivered presentations to a group of American

10 officers who attended at Tulliallan and as a result of

11 that, I was invited back to the US on another three

12 occasions to assist the Police Executive Research Forum

13 which is I suppose a policing think tank in the US, to

14 look at how they can improve de-escalation skills for US

15 policing, how they can improve communication tactics and

16 hopefully, you know, reduce the amount of

17 police-involved shootings that was occurring in the US.

18 Q. So this is called the Police Executive Resources Forum?

19 A. Police Executive Research Forum.

20 Q. Oh, research, sorry.

21 A. Yes.

22 Q. Where do the American officers come from that are

23 members of this forum?

24 A. They come from any police organisation, department in

25 the US.

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- 1 Q. Right across the US?
- 2 A. Yes. The Police Executive Research Forum is mainly for
3 senior managers, police chiefs and senior managers out
4 in the US.
- 5 Q. And you were there in your role as OST?
- 6 A. Yes.
- 7 Q. And can you tell us if there was ever any discussion or
8 planning in relation to learning lessons from the
9 experiences of other police forces around the world, or
10 in England and Wales, and bringing that experience and
11 learning to Scotland?
- 12 A. Absolutely. I made contact with colleagues in a number
13 of different countries to look at, you know, what
14 practice they were -- what was best practice, especially
15 around about conflict management, you know, enhanced
16 de-escalation skills, crisis intervention skills.
17 I collaborated with colleagues from Australia, northern
18 Europe, America, Canada, obviously the UK and the
19 College of Policing, etc, and so, yes, it was -- we --
20 I worked extensively with other colleagues across the
21 globe to try and identify best practice that we could
22 bring in to help inform -- better inform our training.
- 23 Q. Can you help us by giving us any examples of where you
24 did bring that best practice from other jurisdictions
25 into Scotland?

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1 A. So if you look at, I suppose, the de-escalation
2 training, the managing people in crisis training that we
3 incorporated into training from 2016 onwards, a lot of
4 that was informed by what we learned in the US,
5 especially in respect of the crisis intervention, kind
6 of mental health training. At that time, a lot of the
7 US agencies had specific crisis intervention departments
8 training their officers, and we took a lot of that back.
9 The value and importance of integrating communications
10 and tactics together as opposed to just physical skills.
11 Scenario-based training that they were doing in Western
12 Australia, we brought that in to kind of replicate that.

13 I visited Berlin and worked with the Berlin police
14 and looked at what they were doing -- their
15 scenario-based training was as well and a lot of that
16 helped inform the new two-day programme that's now in
17 just now, but, as I say, I left in 2020 so I don't know
18 to what extent all the stuff that we wanted to bring in
19 has actually been implemented.

20 Q. We may later want to hear about the current situation,
21 but you are perhaps not the best person to provide us
22 with that information.

23 A. Yes, I left in 2020, so I wouldn't be the best person
24 I wouldn't suggest, no.

25 Q. Not now?

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1 A. No, not now, certainly.

2 Q. And when you brought that best practice and those
3 examples back to Scotland, you said you incorporated
4 that into your 2016 manual, was --

5 A. Some of -- what we could.

6 Q. In the package?

7 A. Yes, what we could.

8 Q. What about officers who were trained prior to that? Was
9 there any training given to them in relation to these
10 learning points that you gathered together from around
11 the world?

12 A. Not prior to 2016, no.

13 Q. No.

14 A. No.

15 Q. Right. Can we go back to your Inquiry statement just
16 for a moment. There's a section of your Inquiry
17 statement where you have very helpfully given the Chair,
18 at paragraphs 52 to 62, a summary of risk assessments
19 generally and I will let you see them on the screen,
20 although you've got the hard copy in front of you, and
21 you talk about dynamic risk assessment in the period
22 2014/2015.

23 Can I ask, just to be absolutely clear, was any
24 advice or training given to officers during this period
25 in relation to racial stereotypes and the impact they

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1 may have on the assessment of the level of risk posed by
2 a person?

3 A. There was no specific training on that because, as
4 I said earlier, race should not play a part in an
5 assessment of threat and harm.

6 Q. We may hear more evidence about this at a much later
7 stage. We may hear about something called racial threat
8 theory, and we may hear about statistics that show the
9 impact of the use of force, particularly on black men,
10 and I'm interested in whether, when you were reviewing
11 the OST training, you took account of statistics or
12 up-to-date data on those matters, the statistics showing
13 the preponderance and the racial threat theory. So
14 although perhaps fantastic if it isn't part of that
15 process, that risk assessment process, and that's the
16 ideal, but the underlying data and the reality may be
17 different and I'm wondering if you took account of that.

18 A. I'm obviously aware of that. As far as our data was
19 concerned we hadn't identified any disproportionality in
20 relation to the use of force. As a matter of fact the
21 only disproportionality I think we identified was
22 against males, because males I think -- I think there
23 was a higher proportion of use of force against males,
24 but they only take up something like, you know, 50%, 49%
25 etc of the population, so that was the only

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1 disproportionality we ever identified as far as I was
2 concerned. I didn't -- we hadn't identified from the
3 data that there was any disproportionality with regards
4 to police use of force in Scotland against any --
5 you know, at that particular -- you know, against black
6 males. So it wasn't something that we considered in the
7 training at that time.

8 Q. Not at that time?

9 A. Not at that time, no.

10 Q. Is that something, as far as you know, that has been
11 incorporated into training, or do you not know the
12 current position?

13 A. I don't know if it has been incorporated into OST
14 training. I don't know -- it may have been incorporated
15 into other elements of police training, but I'm not
16 sure.

17 Q. Thank you. And were officers in that period, 2013 to
18 2015, given any training about individuals from
19 different countries with different experiences of
20 the police, were they ever given training about
21 different reactions that they might come across to the
22 use of police commands or warnings, or the use of force?
23 Was that part of the training at all in OST?

24 A. No, we did talk about obviously barriers to
25 communication. One of the main barriers to

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1 communication obviously being language, and if someone's
2 -- English is not their first language that's
3 a potential barrier, but no, we didn't cover what you
4 describe there, no.

5 Q. What training did you give officers on how to deal with
6 that communication barrier where somebody -- maybe
7 English wasn't their first language?

8 A. As far as OST-specific, we just identified that it is
9 a barrier to communication, so we didn't provide any
10 specific training in relation to how you could overcome
11 that barrier. I think it's just part of policing, it's
12 part of that common sense approach. The officers would
13 use their own, you know, knowledge and skills, etc, to
14 overcome that barrier.

15 Q. Now, we have heard some evidence of two examples, one
16 that holding up your hand like that is a sort of
17 universally recognised sign or symbol to stop.

18 A. Stop, yes.

19 Q. We have also heard evidence that translators or
20 interpreters are actually very easy to get hold of --

21 A. Yes.

22 Q. -- through your radio, is that correct?

23 A. Yes.

24 Q. Any other examples you can think of?

25 A. I mean, you can use other members of the public. You

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1 may have colleagues who -- you know, who speak another
2 language or may speak that particular language. As
3 I say, other members of the public, family members,
4 whatever it may be, you could potentially use in that
5 situation.

6 Q. So thinking about what other resources might be
7 available to you?

8 A. Yes.

9 Q. Could you give me one moment please.

10 (Pause).

11 Thank you so much, Inspector Young.

12 A. Okay, thank you.

13 MS GRAHAME: Thank you. I have completed my examination.

14 Questions from LORD BRACADALE

15 LORD BRACADALE: Thank you.

16 Inspector Young, could I ask you about one matter
17 that you were asked about. You were asked whether
18 in May 2015 officers were trained in the Independent
19 Advisory Panel common principles for safer restraint and
20 then, in particular, whether they were trained that if
21 three or more staff were actively involved in
22 a restraint then one of those must be in control, and
23 you indicated that you didn't recall that ever being
24 part of training.

25 Are you familiar with the Independent Advisory Panel

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1 common principles for safer restraint?

2 A. In theory, sir, yes. I've heard of it. I don't
3 believe -- I believe it's an English and Welsh panel, in
4 my understanding, but it's not something I don't
5 believe, sir, that we incorporated into our training
6 back then.

7 LORD BRACADALE: Leaving aside then the provenance of the
8 advice, in your training were officers trained, in
9 a restraint involving three or more, that one person
10 should be in control?

11 A. I don't think that was part of the manual, sir. It may
12 have been trained locally, so you may have had
13 individual instructors who would train that. We now
14 incorporate that what we call a safety officer.

15 LORD BRACADALE: That's what I was going to ask you next.

16 A. Yes.

17 LORD BRACADALE: The concept of a safety officer, is that
18 different from the concept of a controller --

19 A. No.

20 LORD BRACADALE: -- or is it the same thing?

21 A. It's the same thing, sir.

22 LORD BRACADALE: And what would be the function of the
23 safety officer?

24 A. So the main function of the safety officer is to place
25 themselves at the head of the individual who is being

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1 restrained on the ground, to monitor their colour, to
2 monitor their breathing, to maintain observations on
3 where the other officers are placing their bodies in
4 relation to the restraint and to be that controlling
5 person with regards to the restraint itself.

6 LORD BRACADALE: So that would be taught in current
7 training, but was not part of the 2013 manual, is that
8 correct?

9 A. That's correct, sir, yes.

10 LORD BRACADALE: I see. Thank you.

11 Now, are there any Rule 9 applications at this
12 stage? Ms Mitchell.

13 Inspector, I wonder if you would withdraw to the
14 witness room while I hear a submission.

15 (The witness withdrew)

16 Ms Mitchell, would you come round here. Yes,
17 Ms Mitchell.

18 Application by MS MITCHELL

19 MS MITCHELL: Yes, my Lord. I'm obliged to my learned
20 friend and there's only one issue arising which comes as
21 a result of the specific questioning that was put.

22 When this witness was asked about various hand
23 movements and hand gestures he, at 91:23, talked about
24 signs of indicating that someone is ready to assault or
25 attack another person and Counsel to the Inquiry asked

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1 the question:

2 "Question: Would this include someone clenching
3 their fists?"

4 He says "yes" and then he is asked:

5 "Question: Would it include someone holding their
6 palms outwards?"

7 And the witness responds:

8 "Answer: So normally holding their palms outwards is
9 classed as a warning sign because that's when that
10 person is trying to make themselves bigger."

11 Now, what I take from that is in fact instead of
12 just meaning moving the palms outwards, he is talking
13 about putting the palms outwards, that he is trying to
14 make himself bigger. I just want to clarify that with
15 the witness because rather than being a sign of
16 aggression, in the training manual -- which I am hoping
17 for the purposes of demonstration is PS10938, page 14.
18 If we go to actually number 8 on this I think it is. If
19 you just go slightly further up. Yes, as we see
20 "Recognising 'compliance' and signals of submission" one
21 can see that:

22 "Open hand gestures with the palms facing the
23 officer are the most common physical signs of compliance
24 body language."

25 So I just wanted to clarify with the officer that

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1 when he gave evidence that palms outward was a sign of
2 threat, he wasn't talking about when someone just
3 rotated their hands outwards rather than -- he was
4 meaning when someone meant large gestures.

5 Ruling

6 LORD BRACADALE: Yes, very well. I will allow you to
7 clarify that.

8 MS MITCHELL: I'm obliged.

9 (Pause)

10 LORD BRACADALE: Now we can have the witness back please.

11 (The witness returned)

12 INSPECTOR JAMES YOUNG (continued)

13 Inspector, Ms Mitchell, who is senior counsel on
14 behalf of the Sheku Bayoh family, is going to ask you
15 one matter.

16 A. Okay.

17 Questions from MS MITCHELL

18 MS MITCHELL: I wonder -- we were talking -- or you were
19 talking in your evidence earlier in relation to hand
20 gestures, in particular in relation to whether or not
21 someone is ready to assault another person, and
22 my learned friend asked you whether or not the hand
23 gestures you might expect -- she said:

24 "Question: Would this include someone clenching
25 their fists?"

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1 And you said yes. And for the purposes of
2 the tribunal that's at 91:23.

3 Then she said:

4 "Question: Would it include someone holding their
5 palms outwards?"

6 And your response to that was:

7 "Answer: So normally holding their palms outwards is
8 classed as a warning sign because that's when someone is
9 trying to make themselves bigger."

10 Now, I just want to check with you, when you say
11 holding your palms outwards, can you identify what that
12 would look like to you?

13 A. So holding your palms out could be that (indicating).

14 Q. Indeed. Now for the purposes of the Inquiry, what
15 you're doing is physically making yourself bigger at
16 that point?

17 A. Yes.

18 Q. May I ask you simply to consider the position where
19 someone is walking with their arms by their side but has
20 their palms rotated outwards with their palms at the
21 side; would you consider that to be a matter -- or
22 a hand signal to show that that's someone ready to
23 assault or attack another person?

24 A. I would probably say not. Having your palms out can
25 also be construed as a sign of submission, so it's down

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1 to perception, but if someone is just walking with their
2 hands down and their palms out, then I probably would
3 suggest that's not a warning sign.

4 Q. Yes, so if someone were to say:

5 "He was walking towards me with his arms at the side
6 and his palms facing forwards."

7 You would say that that would not be a --

8 A. I would suggest not, it's not --

9 Q. I see. And I wonder just for the purposes of
10 exemplification if we could have up on the screen the
11 document which is the student training manual module 1,
12 section 4, and I think we had identified that as page 8
13 of the document. So this is a document obviously you're
14 very well acquainted with. Do we see it is headed
15 "Recognising 'Compliance' and signals of submission"?

16 A. Yes.

17 Q. And do we see the second paragraph -- I wonder if you
18 might want to read that out for us, please.

19 A. "Compliance has both verbal and body language components
20 which are easy enough to identify. Open hand gestures
21 with the palms facing the officer are the most common
22 physical signs."

23 Q. And you would agree with that?

24 A. That's correct, yes.

25 MS MITCHELL: No further questions arising.

Transcript of the Sheku Bayoh Inquiry

1 LORD BRACADALE: Thank you, Inspector Young, for coming to
2 give evidence to the Inquiry. When I adjourn you will
3 be free to go. Thank you.

4 A. Thank you.

5 (3.17 pm)

6 (The Inquiry adjourned until 10.00 am on Wednesday,

7 23 November 2022)

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Transcript of the Sheku Bayoh Inquiry

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