

Transcript of the Sheku Bayoh Inquiry

Friday, 25 November 2022

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(10.01 am)

LORD BRACADALE: Before we begin this morning I should explain the position in relation to Mr Stewart whom I asked to return this morning.

Having discussed certain issues with my Assessors I came to the view that it was not necessary to put any further questions to Mr Stewart and as Ms McMenammin indicated that she did not wish to ask any questions under Rule 9.2, I cancelled Mr Stewart's attendance this morning. We are ready now to proceed to Constable Gary Wood.

Would you take the oath, please?

CONSTABLE GARY WOOD (sworn)

Questions from MS GRAHAME

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Good morning, Constable Wood.

A. Good morning.

Q. You are Gary Wood?

A. Yes.

Q. And what age are you?

A. 46.

Q. How many years' service do you have?

A. 14.

Q. You own a police dog?

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1 A. Well, the police own the dog; I work the police dog,
2 yes.

3 Q. You're in the dog unit --

4 A. Yes.

5 Q. -- with Police Scotland. How long have you been working
6 in the dog unit?

7 A. Coming up for about nine years.

8 Q. In May 2015, you were working in the dog unit?

9 A. Yes.

10 Q. How long had you been in the unit by that stage,
11 by May 2015?

12 A. Probably about a year or so.

13 Q. You will see in front of you that there is a blue folder
14 and if you would open that up, you should see inside
15 that there's a hard copy of your Inquiry statement.

16 A. Okay.

17 Q. And please feel free at any time if you want to look at
18 it, or refer to it, take it out if it's easier. You
19 will have that in front of you the whole time I'm asking
20 questions.

21 A. Okay.

22 Q. When you go through this it will come up on the screen
23 in front of you, the computer screen --

24 A. Okay.

25 Q. -- so people will be able to see it, but I will refer to

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1 maybe a paragraph. If there's other areas in your
2 statement you want me to refer to, just let me know and
3 we can put it up on the screen.

4 Thinking about paperwork, you do not have anything
5 other than your Inquiry statement in that folder; the
6 PIRC never came to ask you for a statement, did they?

7 A. No.

8 Q. So there's nothing like that. In fact, as I understand
9 it, the first time you were approached and asked for
10 a statement was when the Inquiry came to you?

11 A. Yes.

12 Q. And let's look at that Inquiry statement, it's SBPI00108
13 and you will see that coming up on the screen and it's
14 your statement, taken on Monday 28 March this year.

15 A. Yes.

16 Q. And if we look at the final page we should see that it
17 was signed on 13 May 2022.

18 A. Okay.

19 Q. Now, on the version on the screen your signature has
20 been redacted, but from the hard copy, can you confirm
21 that you had signed every page of your statement.

22 (Pause).

23 A. Yes.

24 Q. Thank you. And the last paragraph of your statement,
25 83, says:

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

5 And that was your understanding?

6 A. Yes.

7 Q. Thank you. In addition to the folder in front of you
8 there should be an A3-sized spreadsheet. We call this
9 the combined audio and video timeline. Do you have
10 that?

11 A. Yes.

12 Q. You may have seen a version of this previously?

13 A. No.

14 Q. No. I don't know if you have watched any evidence? No.

15 If we look at page 1, just to familiarise you with
16 it, you will see that on the left-hand column there are
17 timings.

18 A. Okay.

19 Q. And those are video timings and there's also timings for
20 audio timings.

21 A. Okay.

22 Q. To the right of that you will see Airwave transcription
23 and Airwave transcription, and you will see that there
24 are entries towards the bottom of page 1 where we can
25 see that a controller in the ACR provided an Airwaves

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1 transmission in relation to diverting officers to
2 Hendry Road.

3 A. Okay.

4 Q. As we go through your evidence I will probably refer you
5 to parts of this where we have some of your Airwaves
6 transmissions and I will just ask you some questions
7 about that.

8 A. Okay.

9 Q. But as we go through it I will tell you what page to
10 look at and the timing.

11 I would like to begin by maybe looking at
12 paragraph 6 of your Inquiry statement and really just
13 asking you about East Command, and can you tell us about
14 the sort of structure in which you work in the dog unit?

15 A. Yes. It was broken down. When Police Scotland first
16 came into being we used to work obviously the legacy
17 forces that was taken to three command areas which is
18 the west, east and north, so our command area covers
19 places like Central, Fife, Edinburgh, Borders, West
20 Lothian, Midlothian etc and --

21 Q. So you're in East Command?

22 A. We're in East Command, yes, so we have three kind of
23 central hubs. We have one in Glenrothes that covers
24 Fife, we have one in Central area which is Larbert and
25 then we have one in Edinburgh which also covers the ex

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- 1 Lothian, Borders force area.
- 2 Q. And do each of those command areas have a dog unit?
- 3 A. Yes. The dog unit is just the overarching banner for
- 4 our whole dog unit, but each area has a kind of
- 5 satellite area that they work from, but it's still under
- 6 the same command area.
- 7 Q. Where is the satellite area for East Command?
- 8 A. Well, there's three. There's Fettes, where I work, our
- 9 Edinburgh headquarters, there's one in Glenrothes, and
- 10 one in Larbert, those three.
- 11 Q. And you're in Edinburgh?
- 12 A. Yes.
- 13 Q. How many dogs are in each of those satellite areas, or
- 14 work from those satellite areas?
- 15 A. Each shift there should be a maximum of four dogs that
- 16 kind of work an area, so we work two from Edinburgh and
- 17 we work one in Glenrothes and one in Larbert, so at any
- 18 one time there should be four dogs covering that command
- 19 area.
- 20 Q. On any shift?
- 21 A. Yes, and that shift rotates obviously.
- 22 Q. And those four dogs will cover effectively the whole of
- 23 Scotland?
- 24 A. Not the whole of Scotland, the whole of the East Command
- 25 area. Glasgow, again, will have equivalent numbers for

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1 their side and North Command would have equivalent for
2 their side.

3 Q. So how many dogs are working in East Command?

4 A. East Command in total?

5 Q. Yes.

6 A. Probably 20 dogs. That's general-purpose dogs, looking
7 at the German Shepherd, the Malinois, because we
8 obviously have specialist dogs who do other types of
9 searching stuff, but for the general-purpose type that
10 people recognise as being police dogs, it would be about
11 20 covering the East Command area.

12 Q. And is that the same for the West Command and the
13 North Command?

14 A. Yes, it's generally the same, so you're probably
15 talking -- I'm not going to be exact, but say 60 dogs
16 covering the whole of Scotland.

17 Q. Thank you. You have talked about general-purpose dogs
18 and then other types of dogs. Explain what
19 a general-purpose dog is?

20 A. A general-purpose dog is a dog that is utilised to find
21 human scent and to find people, or to deal with people
22 that are violent or any kind of situation, so the
23 general kind of nature of those dogs is we train them to
24 find human scent, then if there is someone that has
25 basically ran away from something or someone that's

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1 vulnerable, they may be kind of a suicidal person or
2 someone with dementia, for example, we train the dogs to
3 find the scent that is left by that person. The dog can
4 follow that scent, obviously hopefully to find the
5 source of that scent, the person that's kind of there at
6 the end to be found. So the way we do that is the dogs
7 are very, very amazing, for want of a better phrase, at
8 finding scent, so much more powerful than our noses are.
9 So there's 50,000 skin cells fall off the human body at
10 any given second, in or around that number --

11 Q. That's a horrible image you have just created.

12 A. Yes, it's certainly an image, but if you look at a body
13 through a special camera you would be able to see that,
14 the dead skin cells falling off the body, so what we do
15 early in the dog's development, we introduce that scent,
16 coupled with a kind of reward that the dog can associate
17 with that scent through classical conditioning, etc, and
18 the dog then learns that "If I follow that scent, good
19 things come", so if you follow that scent pattern and
20 then obviously introduce other things into the mix with
21 the person's footprint into the ground can release
22 moisture, all these different molecular changes in the
23 footprint, coupled with the scent falling off the body,
24 the dog then follows that, gets its reward, so that's
25 how we kind of introduce the kind of tracking to the

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1 dogs further down the line, so that's how it's
2 introduced, so we find dogs that are capable of doing
3 that kind of work.

4 Q. Fantastic. And what about the other types of dog you
5 mentioned? You said there were general-purpose dogs and
6 others. What are they?

7 A. We have different types of specialism. Drugs and
8 firearms were generally paired together because
9 obviously the serious crime nature, drugs and firearms
10 kind of generally tend to go together. We then have
11 a separate specialism of explosive dogs who do a lot of
12 searching, like Holyrood, when the Queen or the King now
13 is going to come into residence we do loads of explosive
14 searches for that kind of stuff and we also do victim
15 recoveries for cadaver dogs to find bodies or residual
16 component decomposition and that kind of work as well so
17 that's kind of the three main ones that we have.

18 Q. So they've got special skills in relation to seeking out
19 unique smells?

20 A. Just a particular scent, yes. So they're trained to
21 find a particular scent. So cadaver dogs obviously
22 follow the decomposition, they're trained to find that,
23 explosive dogs, they work on all the major component
24 scents of explosives and drugs and firearms, we train
25 them on all the different drug scents and the kind of

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1 firearm components, gun oil and all the firearms
2 components of the guns and stuff like that, so yes, each
3 of the dogs -- generally we use labradors and spaniels
4 and they've got obviously a very good hunting behaviour
5 and we train them to find those specific scents.

6 Q. Thank you. But the general-purpose dog, their role
7 would include dealing with people who are violent or --

8 A. That's part of their job, yes.

9 Q. Part of their job, or who maybe tried to escape?

10 A. Yes.

11 Q. Or a missing person you said?

12 A. Yes.

13 Q. Or someone who is in crisis of some description?

14 A. Yes, so a large majority of our work now -- I would say
15 maybe 50%/60% of our work is vulnerable people or
16 missing people that have kind of -- either having mental
17 health breakdown or some kind of issue, or like I say,
18 people with dementia, people that have maybe got lost
19 and stuff like that, so it's a huge proportion of our
20 work doing that type of stuff.

21 Q. So the dogs, they are capable not just of dealing with
22 violent people, but also very vulnerable people?

23 A. Yes.

24 Q. Maybe elderly people?

25 A. Yes.

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1 Q. So they've got a nice nature, if I can say that?

2 A. Nature -- we obviously need to work with the nature of
3 the dog that we have in front of us, but we have to
4 assess the dog as having an ability to do the work,
5 first and foremost, so the nature of the dog: is it
6 biddable enough to be controlled, is it safe, is it
7 efficient that we can work it in a safe manner. We have
8 to assess all those things when we're doing the
9 assessment of the dog because if we have a dog that's
10 uncontrollable and doesn't have a nature that's going to
11 be controllable, then it's obviously not going to be
12 safe when you're operationally working on the street so
13 we have to assess all of those things when we're looking
14 at dogs, yes.

15 Q. When you're talking about controllable, is that
16 controlled by the handler?

17 A. Yes, yes.

18 Q. And is there always one individual police officer that
19 works with one individual dog?

20 A. Yes, yes. In the police we have a dog -- we take our
21 dogs home, they live in a kennel in the garden, so they
22 are individually given to a handler to manage and
23 maintain. Military dogs, for example, they can pass
24 from shift to shift because they have specific ways of
25 working, specific command structures and stuff like

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1 that, they can move dogs from person to person, but with
2 us, in the different environments we take our dogs into,
3 we work our dogs specifically to that individual
4 handler.

5 Q. And does that allow a bond to develop between you and
6 the dog that you're handling?

7 A. Yes. A bond is critical. If you've not got a bond with
8 your dog, then you're not going to be able to work the
9 dog in a safe, efficient and controlled manner, so yes,
10 the bond is critical.

11 Q. Do you as a handler have the same dog for their whole
12 service?

13 A. Generally. I have had three -- this one I've got just
14 now is my third general-purpose dog. He -- the one
15 I had at the time, 2015, was a dog who got rehandled
16 because the handler that had her before got pregnant and
17 went off-duty, so rehandled her to me at the time, so it
18 depends if the health of the dog permits it to work for
19 the eight or nine years that we're going to be able to
20 work it.

21 Q. Is that how long they work for the police?

22 A. Yes, they generally retire when they're around
23 nine years old or something like that.

24 Q. How long do the dogs live? I mean, what's their
25 lifespan?

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1 A. Dogs, generally anywhere, 10 to 15 years, just the same
2 as pets, no different to any pet animal.

3 Q. And for eight of those years it would be with the
4 Police Force?

5 A. Yes, eight or nine years, yes.

6 Q. Do they retire with a pension?

7 A. Unfortunately not, no.

8 Q. And what happens to them once they have retired?

9 A. Generally the handlers keep them if they want to, if
10 it's a practical solution, then if not, they can get
11 rehomed to other people. Ember, the dog I was working
12 at the time, was rehomed to somehow in the west who had
13 another couple of German Shepherds, who just loved
14 German Shepherds. She got hip dysplasia so I had to
15 rehome her at the time and it probably wouldn't have
16 been good for me to keep her because she was a very
17 frantic dog at the back of a vehicle so what I used to
18 do was I used to try and avoid the vehicle as much as
19 I could when I was off-duty so I wasn't kind of putting
20 that on her, so she went to someone who didn't have
21 a vehicle, she lived on the edge of a village and she
22 was able to just take her without putting that into her,
23 because I didn't want her putting through that stress of
24 what the lady would have went through to put her in
25 a vehicle and stuff, so each dog has their individual

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1 characteristics the same as people do, so you have to
2 try and look at what's best for the dog and what's best
3 for the handler at that given time.

4 Q. And Ember wasn't particularly fond of being in the back
5 of a police van?

6 A. No, she was a bit of a barker.

7 Q. Is that how you knew she was frantic?

8 A. She had her trait, she just associated the back of the
9 car with barking so it was just one of these things.
10 But each dog has a different nature, they have
11 a different thought process. You know, dogs have their
12 independent thought process. We have to instill in them
13 a balance of what we're looking for through our training
14 to understand what different pictures they're seeing in
15 front of them. Again, you talked about violence or
16 vulnerability and stuff like that; we have to train
17 those kind of elements into the dog so the dog can
18 understand "Right, okay, this person is showing threat
19 behaviours or evasive behaviours where they're trying to
20 escape", or the dog is actually coming across someone
21 who is vulnerable, to then bark to indicate to the
22 handler that the dog has found the person. So say
23 someone is hiding in the wood and it's a vulnerable
24 person from a care home and the person is lying, the dog
25 is trained to basically go up, do a stand-off, bark,

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1 bark, bark indication so that the handlers can then come
2 and join the dog. So we would train different scenarios
3 so it gives the dog a different picture as to what
4 they're facing, you know, and things like stick attacks,
5 gun attacks, so the dog understands this picture is this
6 person is a threat coming towards either the handler,
7 ourselves or one of my colleagues, so the dogs -- you
8 have to train all these pictures into the dog's mind to
9 understand but they have their own individual thought
10 process as well so you have to manage that.

11 Q. So you're teaching them scenarios and as part of that,
12 teaching them about body language --

13 A. Yes.

14 Q. -- and how people act or react to different situations?

15 A. Yes, yes. Dogs are very intuitive. They're not greatly
16 intelligent in what we term intelligence terms for
17 a human. All the signs kind of point to them being
18 around 3 years old when it comes to human intelligence
19 terms, but when it comes to body language, intuition of
20 someone's feelings and stuff like that, dogs are very,
21 very advanced compared to human beings in relation to
22 how they read people, people's body language, body
23 language behaviour.

24 Q. So how well are dogs able to assess whether someone's
25 behaviour is violent or a person who is in distress?

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1 Can they distinguish between that type of behaviour?

2 A. Yes.

3 Q. They can. Tell us a little bit more about the training
4 that a dog would have to go through to be deployed in
5 the Police Service? How long is the training that you
6 go through with a dog?

7 A. It's 13 weeks. The basic initial course is 13 weeks.
8 Up to that point generally the dogs are maybe starting
9 around anywhere 14 to 18 months old, so by that point
10 they would have had a lot of initial training with
11 either the breeder that they came from who will
12 obviously be working -- training working animals, or the
13 person who is kind of asked to kind of puppy-raise them
14 will be given specific a tasks to look towards putting
15 traits into the dog that's obviously going to be
16 amenable to when you actually train them, but when it
17 comes from the start of the training course to the end
18 of the training course in Police Scotland it's 13 weeks.
19 That's led by the Home Office, it's guidelines from
20 them.

21 Q. So that's across the UK?

22 A. Yes.

23 Q. So in relation to the age of a dog, they're quite mature
24 when they start going through this police training
25 course?

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1 A. I wouldn't say mature. I would say let's say anywhere
2 from 14 to 18 months old, but you can take dogs that are
3 slightly older than that or slightly younger, depending
4 on what traits they're giving you at that time. If
5 they're a confident dog -- because what you've got to do
6 is you have to try and build up the dog's -- it's not
7 natural for a dog to bite someone, for example, so for
8 the bite-work we train it in such a way where we have to
9 teach the dog that when you're biting, it's done as part
10 of their prey drive. A dog will either go into what's
11 called the prey drive or the defensive drive, so if
12 a dog is under attack, just like a human would be, the
13 dog will work on its instincts of protecting itself, but
14 when we're doing their training, a lot of the work we do
15 is in prey drive where ultimately the person running
16 away with a bite jacket on is the rabbit, in effect, so
17 we train in that kind of setting so the dog understands
18 if a person is running away and we deploy the dog to go
19 and detain that person, it's part of the game, and what
20 we're training the dog to do, it's not biting in that
21 sense out of aggression, it's training as part of the
22 prey drive and the game that we're actually building at
23 this point.

24 Q. Let me just check I've got the right names for this: so
25 there's a defensive drive?

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1 A. Yes.

2 Q. And that's -- probably is what it sounds like?

3 A. Yes.

4 Q. That's defending, maybe itself or you as the handler?

5 A. Yes.

6 Q. Or another person, a third --

7 A. Yes.

8 Q. -- a colleague or such-like?

9 A. Yes, yes.

10 Q. And then prey drive, is that P-R-E-Y?

11 A. Yes.

12 Q. And tell us more about this prey drive that is taught?

13 A. It's just a survival instinct that dogs have. It's

14 survival to find food in the wild so if you see

15 a rabbit, you see a dog chasing a rabbit, the dog is

16 working on its instinct to survive, to acquire food.

17 Q. And you develop that drive to suit the needs of the

18 Police Service?

19 A. Yes, yes, but the dog also has to work in a defensive

20 kind of frame of mind as well because we are putting

21 these dogs under a stress where the threat is going to

22 come and we have to have animals that actually

23 understand and are able to overcome that threat because

24 we have people that attack officers or dogs and the dog

25 has to be capable of dealing with that threat and if it

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1 doesn't have -- if the dog doesn't have the courage to
2 deal with that, obviously you don't want to put a dog
3 through that kind of stress anyway, so those dogs
4 wouldn't make it into the programme. It's only dogs
5 that are able to actually deal with that stress of being
6 under threat and then forcing that threat to go away and
7 that's what they're trained to do and --

8 Q. So the temperament of the dog is --

9 A. Yes.

10 Q. -- selected and --

11 A. It's critical, yes.

12 Q. -- the training is applied on top of that?

13 A. Yes, it's critical. The nature, if that's the word that
14 was used earlier, yes, the kind of nature and the
15 courage and how the dog copes with stresses is a major
16 part of the selection process, same as it is for human
17 beings. It's no different. You know, if you have
18 police officers who are incapable of dealing with those
19 kind of stresses that the work can bring, obviously it's
20 probably not the job for them. It's just the way it is.

21 Q. And is there a high level of dogs that simply fail the
22 process and can't be deployed?

23 A. Yes, there's definitely dogs that are kind of cut from
24 the programme because they're not showing -- or they're
25 maybe showing characteristics that they're not enjoying

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1 the work that they're actually doing, so you don't want
2 to put a dog through those kind of stresses because it's
3 not going to enjoy the work and the handler is not going
4 to ultimately have a tool that's able to actually do the
5 job efficiently, so yes, there is the -- I couldn't give
6 you a percentage of the ones that make it and not, but
7 what we're trying to do is select dogs that come from
8 a working background where maybe the parents of the
9 dogs, or we're selecting breeders who have a history in
10 working animals, who have the inherent DNA, or the fixed
11 action patterns, we call them in the dog world, of those
12 kind of traits that make them enjoy the work.

13 You know, if you see a police dog -- if you see my
14 dog working now, he loves everything he does, you know,
15 so I enjoy working him because he enjoys everything he
16 does, you know, so if I see stresses in my dog, that
17 he's not enjoying the work, it makes it much more
18 difficult for me to deploy him and it doesn't make it
19 enjoyable for the dog, so you have to be reading how the
20 dog deals with stressful situations and then stimulate
21 that in your training so that the dog is approximated to
22 basically deal with that better the next time because we
23 all have a difficulty in dealing with a difficult
24 situation the first time we come across it, and then the
25 next time you maybe deal with something difficult like

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1 that you're so much better equipped at dealing with that
2 stressful situation.

3 Q. Let me ask you about Ember, your dog in 2015. What
4 breed was Ember?

5 A. She was a German Shepherd.

6 Q. And for Ember when she was in service, did she have
7 something -- not a uniform, but equipment on her that
8 was marked or branded with "Police Scotland"?

9 A. Not with "Police Scotland" but with "Police".

10 Q. "Police"?

11 A. She had a harness that she wore with a Velcro patch with
12 "Police" on it, yes.

13 Q. So if you looked at her you would have noticed that she
14 was a police dog?

15 A. Yes. It depends on what kind of situation. In
16 a working environment, you mean?

17 Q. Yes.

18 A. Yes.

19 Q. And how old was Ember in 2015?

20 A. She was about 3 when I got her, so say 4.

21 Q. 4 years old. And you were her second handler?

22 A. Yes.

23 Q. By the time May 2015 came round, did you -- had you had
24 an opportunity to build a bond with her and train with
25 her --

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1 A. Yes.

2 Q. -- and -- yes. Were you comfortable with your skills
3 and her skills at that time?

4 A. Yes. I was probably relatively inexperienced at the
5 time in the dog unit, but again, like everyone, you've
6 got to build up your experience and your knowledge
7 and -- yes, so -- but if I was incapable of proving that
8 I was safe -- so safety, efficiency and control are our
9 three mantras in the dog unit that we have the safety
10 and control element. The efficiency is a kind of one
11 where you can tidy up the behaviours that the dog is
12 showing, but as long as it's safe and the control aspect
13 is there, you have to demonstrate that to actually be
14 licensed with a dog, so I would never have been allowed
15 to become operational with her if I hadn't demonstrated
16 the safety and control.

17 The efficiency element is just an ongoing process of
18 sharpening the dog, making sure the dog is trained in
19 certain situations. The dog maybe shows you a behaviour
20 when it's out and then you go, "Okay, that didn't work
21 that time", you go back and you identify that in your
22 training and all your follow-up training is geared
23 towards making the dog more efficient next time. So the
24 critical components though are the safety and control
25 stuff which is recalling a dog -- if you send it to

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1 chase someone, for example, realise it's the wrong
2 person, you have to demonstrate the recall of the dog,
3 so the person -- the dog is in flight chasing this
4 person, you give them the recall, if the dog doesn't
5 come back then you fail your recall control so you
6 wouldn't be licensed to go operational, so you have to
7 demonstrate all these skills as part of the licensing
8 process.

9 Q. Did you have a licence --

10 A. Yes.

11 Q. -- with Ember in May 2015?

12 A. Yes.

13 Q. So you were capable of sending her to apprehend
14 somebody?

15 A. Yes.

16 Q. And if you thought it's the wrong person, you had the
17 ability, even though she was in full flight, to recall
18 her and bring her back before she even reached that
19 person?

20 A. Yes.

21 Q. And let me ask about a situation where, for example, you
22 have someone who is suffering a mental health crisis, so
23 they are a vulnerable person, or they may be intoxicated
24 with drink or drugs. You have told us that
25 general-purpose dogs are capable of doing that, dealing

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1 with people in mental health crises, but can you explain
2 to the Chair how it is that a dog can help in that
3 situation?

4 A. First and foremost the control element of an
5 environment, placing a cordon on whilst -- if the person
6 is displaying violence then the visual deterrent of the
7 dog first and foremost is very, very helpful because it
8 gives a focal point for a person to focus on, so for me
9 to verbally engage with that person with the dog, I've
10 got a protection element there, but I have also got the
11 person's attention with the dog so --

12 Q. People notice your dog?

13 A. Yes, people notice the dog. If the dog is barking
14 towards someone, it tends to get their attention so it's
15 a good focal point and also a good deterrent for
16 violence because if you have that there, the person,
17 I have found in my experience, is much, much less likely
18 to fight with us, fight with my colleagues, fight with
19 everybody else because the person becomes compliant just
20 through the visual deterrent of the dog even being
21 present, it's so much more powerful than lots and lots
22 of cops kind of shouting in different -- because it --
23 if there's several people kind of shouting in
24 a situation, for example, the dog, when the dog arrives
25 it's a great focal point that the person just notices

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- 1 the dog and we have a lot of kind of good engagements
2 end that way when the person goes "Right okay, dog is
3 here", just give up and that was it.
- 4 Q. Do you find in your experience that people are maybe
5 more apprehensive of a dog?
- 6 A. Very, yes. That's part of the training, that's why we
7 teach the dog to speak and to bark, it's a visual
8 deterrent and --
- 9 Q. To speak? Is the barking called speaking?
- 10 A. Yes, we train the dog to speak, yes, so there's a speak
11 command which indicates, and then the dog: bark, bark,
12 bark, bark, bark.
- 13 Q. You can get your dog to bark on demand?
- 14 A. Yes, that's part of the training, yes.
- 15 Q. And is that another way in which you get attention?
- 16 A. Yes. It's the first sign, just like the same as
17 speaking to an individual, you know, if you try to get
18 their attention, if someone's -- drink, drugs, whatever,
19 it's sometimes difficult to get their attention, so if
20 you're incapable of garnering that attention from the
21 person, it's -- I find the dogs are kind of very, very
22 good at getting that person's attention, getting the
23 focus and actually getting compliance from them, so it's
24 less likely to end up in a violent situation.
- 25 Q. Can you tell us about some examples in your experience

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1 with the dogs, either Ember or now, where you have had
2 that good experience and achieved that good compliance.

3 A. Yes.

4 Q. If someone, say, is intoxicated, drink or drugs, or
5 having a mental health crisis, can you give us any
6 examples of a situation that you have dealt with with
7 your dog?

8 A. Yes. There's one in Gorgie area, a guy was running
9 about with an axe, that was described as a red-handled
10 axe, just off the main Gorgie street, so obviously
11 a very busy place, so firearms weren't there at the
12 time, so I basically arrived at the scene and found one
13 of the police cars was empty and a couple of officers
14 went into the kind of common stair that the guy had been
15 seen, so I deployed the dog into the stairwell and when
16 I went up to the first floor the guys were pointing
17 towards a door which the guy is believed to have kind of
18 went into, so I had the dog there at the time and the
19 guy actually presented at the door and he had weapons on
20 him and one of the officers was actually on the incline,
21 going up the stairs, so he was kind of almost -- if the
22 guy chased him up he would have been trapped, so by me
23 having the dog there at that point, the guy ended up
24 kind of putting his weapon on the floor, he had a couple
25 of knives on his waistband as well after he had been

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1 arrested, but he basically got on his knees because
2 I was basically using the dog as a use of force to say
3 "Down on your knees", just gaining that compliance from
4 him and then from that the guy was able to safely go
5 down and handcuff him, it was a situation which could
6 have potentially ended up for a very dangerous situation
7 for -- especially the cop who was further up the stairs
8 and trapped in the common stair.

9 Q. Did you have the dog on the lead the whole time?

10 A. Yes, yes.

11 Q. The dog never came off the lead?

12 A. No.

13 Q. Never physically interacted with this person?

14 A. Physically interacted in the sense that she was barking
15 at him, yes.

16 Q. Barking. And what about -- was he intoxicated?

17 A. He was having a mental health crisis at the time. There
18 was tonnes of weapons found in his -- the axe that he
19 had in the street was in his vestibule and he had
20 samurai swords and lots of other stuff so he was just in
21 mental health crisis. I don't know the follow-up from
22 that, whether he was intoxicated with alcohol or drugs,
23 but he was -- certainly not by speaking to him in
24 a normal frame of mind.

25 Q. Can you think of any other examples where you have dealt

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1 with a situation with a dog, maybe in an open area where
2 the person was either in a mental health crisis or
3 intoxicated, but not in a stairwell, more in a street or
4 an open grass area?

5 A. There will be numerous people that I have found in kind
6 of wooded areas or areas where they have ran off from
7 a stolen vehicle and kind of found them in a field and
8 stuff like that and again, just dealing with the
9 compliance of forcing that person into a position of
10 disadvantage so that my colleagues can approach them
11 properly, can approach them safely, can deal with them
12 in a way that's much safer than actually just going
13 hands on and having a struggle ensue. Putting them in
14 that position of disadvantage, either on the ground --
15 you're almost testing the compliance of that person
16 before officers are approaching, so again, it's done in
17 a much safer manner because if I say to you "I've got my
18 dog, can you get on the ground, get on your knees, put
19 your hands at the back of your head", if a person is
20 doing all those actions that you're asking them to do
21 they're showing that they're kind of putting themselves
22 in that disadvantage, so for them to then jump back up
23 off their knees, you've got time that my colleagues are
24 kind of protected there, so my colleagues can approach
25 from a position behind the suspect, so the person has

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1 not seen it, if he still has his hands there, the person
2 can get handcuffed in a safe manner because the fighting
3 arc of the person is obviously in front, so if you can
4 diminish that as much as possible with the control of
5 the dog, I find it is very, very effective at stopping
6 people from fighting. I have found that numerous times
7 like, I couldnae go into, like --

8 Q. Numerous times?

9 A. Yes, tonnes of times.

10 Q. And again, you're doing this, is that you with the dog
11 on the lead?

12 A. Yes.

13 Q. So it's the visual deterrent and the barking?

14 A. Yes.

15 Q. And that can ensure the compliance of the subject?

16 A. It's very effective --

17 Q. Without the dog touching him?

18 A. Yes.

19 Q. Without any of your officers, other fellow officers
20 touching him or you?

21 A. Yes.

22 Q. Thank you. Can I ask you in around 2015, how common was
23 it then for you to be called out to a knife incident --
24 an incident involving someone with a knife?

25 A. Every other day, I would say.

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1 Q. Right. So that's a very common occurrence for you.

2 A. Yes.

3 Q. And did you find that -- what impact would you say
4 having the dog at a knife incident had?

5 A. It's very effective. Back then the firearms kind of
6 situation was different. Obviously the change in the
7 terrorist threat and stuff like that, there's kind of
8 more firearms officers now than probably there was back
9 then, but the dog as a deployment and a resource issue
10 was always kind of there to protect the colleagues and
11 to protect the members of the public, so we were always
12 kind of deployed to those types of calls and we still
13 are.

14 Now there's been several instances of dogs being
15 stabbed in different kind of force areas around the
16 world because they have engaged in those kind of
17 situations, so if I don't have to deploy my dog to go
18 and detain a person in that situation, I'm obviously --
19 I'm very wary of doing so because dogs are not
20 knife-proof just the same as people are not knife-proof
21 so we generally -- if we've got an STO, which is the
22 taser officer, I would always kind of support the taser
23 officer in the situation where the taser officer can
24 take control and I will be there as a contingency should
25 the person look to make off, so we can change the roles

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1 in relation to that given what we think is safest at
2 that time.

3 Q. We have heard that in 2015, officers didn't have tasers?

4 A. Yes.

5 Q. It would require an armed response vehicle?

6 A. Yes.

7 Q. So if we can think about 2015 where there weren't
8 generally the tasers --

9 A. Yes.

10 Q. -- available --

11 A. So yes I would have been shouted to, yes, the majority
12 of those kind of calls, yes, to support the cops.

13 Q. And is there an attitude that if it comes down to you or
14 the dog, the dog -- if someone is going to be stabbed,
15 it would be the dog rather than you?

16 A. It has to be an attitude, I think, the dog is a working
17 tool and I love my dogs, there's nobody loves dogs more
18 than me, he -- but Ember, at the time, she's obviously
19 a working animal, she is trained as a tool, and if it
20 meant someone getting killed, or her getting stabbed in
21 the defence of that person, then obviously it's a tool
22 that has to be used in that scenario, but that's a risk
23 assessment I have to take at that time. It sounds
24 callous when you say it but ultimately they're a tool to
25 be used to defend people and in that situation if

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1 a person is going to be killed then I would be deploying
2 my dog, yes.

3 Q. And that's something you would always have to be
4 prepared for?

5 A. Yes, but obviously I don't want to put my dog into
6 a dangerous situation if I don't have to.

7 Q. Tell us about -- you mentioned the words risk
8 assessment. We have heard evidence about risk
9 assessments.

10 A. Yes.

11 Q. Tell me about the sort of risk assessment you would be
12 doing if you're attending a knife incident with your
13 dog?

14 A. I will just be looking for as much information as I can,
15 just gather the information and intelligence that you
16 can to look at what your deployment options are for the
17 dog because if I'm -- you can't always rely on
18 everything that's heard through the control room so
19 I generally tend to ask questions when I'm going to jobs
20 because maybe the controllers don't understand when
21 I get to a job and I deploy my dog it's a high level use
22 of force, so I have to justify that, so I want to know
23 as much information as I possibly can so I am constantly
24 kind of questioning bits of information and ask them to
25 kind of follow up with further bits of information

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1 because sometimes the information you get is not what
2 you find when you get to the scene. I think through
3 policing you learn that by experience, you know, you get
4 a call regarding 50 people or 100 people fighting and
5 you turn up and there's five people fighting, so the
6 perception is kind of slightly different to what's
7 actually been reported, so I just gather as much
8 information and intelligence as I possibly can and then
9 I would assess that information, look at my kind of
10 options for what I'm going to do, it's all part of the
11 National Decision-Making Model that we get in officer
12 safety training, look at that, assess it, and then look
13 at my powers, policies and think "What can I do in this
14 situation? What am I legally allowed to do? What
15 is --" and then once things happen and you take action,
16 you review your situation and then obviously it just
17 goes round a spinning wheel again so -- but it sounds --
18 when we get officer safety training it probably took me
19 a couple of years to understand really wholeheartedly
20 what that really means, but we do it every single job we
21 go to. It's a very simple process of processing that
22 information you're getting and asking those questions
23 because I need to be thinking about preclusion, for
24 example. If I can preclude the use of using my empty
25 hand techniques or my verbal chat because I'm suddenly

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1 being -- somebody is shooting a gun at me, you know, if
2 someone is shooting a gun at you, that level of violence
3 is up there, we have to obviously meet that level of
4 violence with our own. Like simply chatting to somebody
5 that shooting a gun at you is not going to work, so
6 we're constantly looking at situations and assessing it
7 in that frame of mind.

8 Q. We have heard that officers should use the minimum force
9 that they can and we have heard about this concept of
10 preclusion.

11 A. Yes.

12 Q. And please tell me if I'm wrong, that's about trying
13 options --

14 A. Yes, not just necessarily trying options.

15 Q. -- or considering them, excluding them and then moving
16 on to other options --

17 A. Yes.

18 Q. -- maybe more forceful options as you either try and
19 fail, or exclude the lower level options?

20 A. Yes, yes. You just -- you've got to look and see what
21 situation is developing in front of you and think: well,
22 is this thing going to work? Will this work? Will my
23 baton work? Will verbal, open hand, giving yourself
24 a bit of space, or a show of force with a baton, for
25 example, above the shoulder, or a low-profile carry in

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- 1 a certain situation, so there's all these different
2 techniques that we have to try and --
- 3 Q. So you've got all the normal pieces of equipment?
- 4 A. Yes.
- 5 Q. And you have a dog?
- 6 A. Yes, so a lot of the time I will go to jobs and I don't
7 take the dog out, or even I will maybe just open the
8 boot of the dog car. I have had situations where people
9 have approached me and I have had to kind of almost take
10 refuge at the back of the police van, just flip the
11 tailgate of the van so the dog is there, still within
12 the cage, but then I ask the dog to speak and it will
13 basically stop a crowd of people actually coming towards
14 me, because in a situation I have four, five people
15 coming towards me at the back of the vehicle, I will
16 either have to -- well, get out there because I could
17 take my dog, bite one and then I have four other people
18 to deal with, so I've got to assess that threat and go:
19 is it best to deploy the dog here? Is it not? You're
20 always kind of assessing --
- 21 Q. So even the dog in a cage in a van --
- 22 A. Yes.
- 23 Q. -- is a sufficient visual deterrent at times --
- 24 A. Yes.
- 25 Q. -- to prevent matters escalating?

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1 A. Yes. And we do that at things like football, for
2 example. We've got football games where there's maybe
3 opposing fans and you will have the dogs present. Again
4 it's just a visual deterrent to say "Right, okay,
5 there's a deployment of dogs here". People are less
6 inclined to then go down the line of committing
7 violence, it's just a deterrent.

8 Q. I'm interested in where the dog or the use of the dog
9 would fit in in terms of the preclusion that you have
10 talked about. We have heard about tactical
11 communications with officers and we have heard about
12 restraint, or strikes with batons, or such-like, so we
13 have heard about levels of force and we have heard about
14 verbal communication.

15 A. Yes.

16 Q. Where in the spectrum of the use of force would you
17 describe the use of a dog? You have obviously talked
18 about just the visual presence?

19 A. It's quite high up there. I mean you've got your
20 profiled offender behaviour, how you assess how that
21 person is behaving at that given time, and then you have
22 to match that profiled offender behaviour with how high
23 up that ladder the use of force you're going to use to
24 actually deal with that threat.

25 Q. I'd like to do that with you, I would like to look

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1 through those with you.

2 A. No, it's just off the top of my head.

3 Q. You're anticipating my questions.

4 A. Okay.

5 Q. Can we look, please, at the use of force SOP. Do we
6 have that? That's PS10933, or we could have the manual,
7 2013 manual, which would be PS11538A. Either of those
8 would be ...

9 If you just give us a moment you will see it on the
10 screen. This is the use of force standard operating
11 procedure which was in force in May 2015?

12 A. Okay.

13 Q. So if we could look at that and if we could look at 4.6
14 and 4.7, so the 4.6 should be the profiled offender
15 behaviour. Here, "Profiled offender behaviour":

16 "This term encompasses the actions and behaviour of
17 the subject and comprise of the Warning and Danger signs
18 they exhibit coupled with Impact Factors. Profiling
19 a person's behaviour may assist in determining
20 an officer's reasonable response. Profiled Offender
21 Behaviour can be sub-categorised."

22 So you will see there 4.6.2, level 1 is compliance,
23 so this is the subject who is at level 1 and it is
24 compliance and it says:

25 "Most people dealt with are reasonable and will

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1 comply with any lawful instruction. This compliance may
2 be verbal or it may be active compliance such as
3 stopping an action when told."

4 And do you understand that --

5 A. Yes.

6 Q. -- that description?

7 Tell me in terms of the response with the dog, what
8 would -- if someone is demonstrating level 1 compliance,
9 what could you do with your dog, or what would you need
10 to do, if anything?

11 A. Nothing. If a person there, probably even driving up in
12 the dog van, it says "Police dogs" on the side of the
13 van is enough and I will just start chatting to the
14 person. I don't need to engage a dog at that point. If
15 the person is showing compliance then --

16 Q. Nothing?

17 A. No.

18 Q. "Level 2 - Verbal Resistance and/or Gestures.

19 "This includes shouting, swearing, verbal challenges
20 to requests and/or instructions given. It normally
21 includes non-verbal gestures and posturing (body
22 language) and can consist of Warning and Danger signs of
23 potential attack."

24 Do you recognise that level 2?

25 A. Yes.

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- 1 Q. What could you do -- how could your dog help with
2 a subject who is demonstrating level 2 behaviour?
- 3 A. Again, just the presence of being there. I wouldn't
4 generally be getting my dog out in a situation where
5 someone is just showing that kind of level 2 verbal
6 resistance, someone being a bit mouthy or whatever. I'm
7 there as a trained cop, I'm a police officer as well,
8 I'm not just a dog handler. A dog handler is
9 a specialism but I have 14 years in the police, so
10 speaking to that person, trying to get them to kind of
11 stop their behaviour and sometimes they will maybe not
12 be compliant at the start, but your explanation to them
13 to tell them what's going to happen should they refrain
14 from their behaviour, it's obviously going to be more
15 powerful than anything, so that coupled with -- also we
16 have other -- like the sight of me in my uniform with
17 all the equipment that's -- that again is a visual
18 deterrent, not just the dog in the van, me as a police
19 officer is a visual deterrent to that person to kind of
20 change that behaviour.
- 21 Q. What if the person appears to you anyway at that
22 stage -- what if that person appears intoxicated or as
23 if they may be having a mental health crisis? How could
24 the dog help with that, with a subject who is displaying
25 that type of level 2 behaviour in those circumstances?

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1 A. Like I said earlier, the presence of the dog or even the
2 dog van could focus that person's attention towards you,
3 so you could use that to your advantage to try and
4 engage a person.

5 Q. And by engaging, do you mean trying to communicate with
6 them?

7 A. Yes.

8 Q. Is there a restriction on time that you can use that?

9 A. No.

10 Q. No, thank you. And what if the person has or is
11 suspected of having -- it maybe not visible to you, but
12 suspected of having a knife but appears to be displaying
13 level 2 behaviour?

14 A. Well, just --

15 Q. How can the dog help with that situation?

16 A. Again, containing the area, trying -- again, it would be
17 a visual contact point for the person and try and
18 contain and be support for the officers that are present
19 and be there as a kind of contingency should things
20 escalate to a level where the threat needs to be dealt
21 with so ...

22 Q. What distance do you have to be from a person so that
23 they can see the dog, hear the dog, maybe have the full
24 impact of that visual deterrent?

25 A. You have to be aware of what's called the person's

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1 fighting arc, so if you're within striking range of that
2 person or that person can close you down, obviously
3 certain parts of our kit, like the incapacitant spray
4 that we use, works at an optimal level from set
5 distances, but when it comes to being the dog and being
6 close in, I would prefer to get as much distance as
7 I possibly can while still being effective at
8 communicating with the person because that safety gap
9 will give you more decision time to think about your
10 option, your preclusion, what am I going to use here if
11 someone is kind of chasing me down and it gives you an
12 escape route to move by being further away. The closer
13 you are to a person, obviously the higher risk you're
14 at, so I'm not going to give you a specific distance for
15 it --

16 Q. No, no, I'm not asking.

17 A. -- but the more distance you can have whilst still being
18 effective at communicating is more optimal.

19 Q. Can we look at passive resistance, level 3:

20 "This is a typical tactic used, but not exclusively,
21 by demonstrators. It is best described as non-active
22 conduct with no compliance to lawful instruction."

23 Do you recognise that description?

24 A. Yes.

25 Q. Again, if somebody is demonstrating level 3, passive

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1 resistance, how can the dog help in relation to that?

2 A. It's not much a change from the one before to be honest
3 because the passive resistance, like it says there,
4 about demonstrators, kind of, predominantly, but
5 sometimes we get subjects that are maybe just hiding
6 their hands under their body, just don't want to be
7 arrested but they're just staying rigid, so I don't
8 think the dog in that situation is really that
9 effective, to be honest, because if they're in that
10 frame of mind where they're still, again, the presence
11 might change their behaviour, but if someone's kind of
12 showing that passive resistance I don't think the dog is
13 really that beneficial in that, but there may come
14 a time that that changes, and I come across an incident
15 where it maybe is effective but ...

16 Q. If the person is suffering from a mental health crisis
17 or intoxicated with drink or drugs, but demonstrating
18 level 3, does that alter what you have just said about
19 the benefit of having the dog?

20 A. No, it's just the same as the one before, just again
21 trying to get focus. It might be beneficial by being
22 there. Sometimes I have found speaking to people,
23 especially people maybe that are under the influence of
24 drugs or whatever, but they like dogs and they have
25 dogs, sometimes even being there people kind of talk to

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1 us like we're almost not police officers, so it's
2 sometimes really effective at de-escalating a situation
3 because they go "Oh, what kind of dog have you got?" and
4 you're able to get a little bit more compliance because
5 you've got a common theme that you can speak to about
6 so --

7 Q. Many people in this country like dogs?

8 A. Yes, yes, so there's a kind of respect thing there that
9 they forget you're a police officer for a period of
10 time. I have found that lots.

11 Q. And what if in that situation where the subject is
12 demonstrating level 3 behaviour but they are suspected
13 of having a knife, would that alter what you have just
14 said?

15 A. Not greatly. Again, just putting that containment on,
16 just getting the officers further back and maybe having
17 the dog in front of the officers in a way where we try
18 to do the containment of the subject that's there in
19 like as safe a manner as possible, rather than the
20 officers being there and then the dog being behind, so
21 if the threat of the knife is there I think it does
22 escalate up to a point where I would have closer access
23 to my dog for sure, either from the back of the vehicle
24 or potentially on a lead to say: this threat may
25 escalate very, very quickly and I have to react in

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1 a quicker manner, so I would probably be looking at
2 that, but if the dog is going to compound the situation
3 possibly then you could again change it, look at your
4 powers and policies and think "Okay, I will stick the
5 dog away because it's actually making things a little
6 bit worse", so when we go to contain and negotiate
7 situations, sometimes an individual officer, for some
8 reason, the subject that's there will have a particular
9 issue with that person, so we will take them out of the
10 firing line and then have another person try to
11 negotiate with them to have that verbal communication be
12 more effective.

13 Q. If you have concerns about a situation escalating you
14 have said that you would have your dog on a lead. Is
15 that --

16 A. No, not all the time, but sometimes. It's an option
17 because like the guy that was in that stairwell that
18 I told you about on the landing, again, it was reported
19 he had this axe, so the reason I deployed the dog was to
20 protect the officers and to deal with a threat that may
21 escalate because things happen so, so quickly. It's --
22 to have access to your dog is really, really critical,
23 really important because if someone starts chasing a cop
24 or someone starts chasing a member of the public and
25 they produce that weapon -- so again, you're dealing

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1 with the information intelligence that you've got at
2 that given time. If someone is telling me "This guy has
3 a knife, he is sitting there on the ground but he is not
4 complying with what's being said", he is already kind of
5 starting to show the sign that he is not being
6 compliant, right, okay, where is this going to go?
7 Unless we can talk him down into compliance it's going
8 to go potentially further up that chain and then move on
9 to the active resistance that you're going to go to next
10 so we have to be ready and prepared for that active
11 resistance coming.

12 Q. So you will try to talk him down?

13 A. Yes.

14 Q. But you will have the dog close in case things escalate?

15 A. Yes, yes.

16 Q. Then let's look at level 4, this is "Active resistance":

17 "This is more of a physical form of resistance, in
18 that the subject is actively doing something to prevent
19 or obstruct an officer from carrying out their duty.
20 This type of resistance, although physical by nature,
21 falls short of an assault upon another. It can include
22 holding on to an object/person either physically or
23 mechanically; struggling to break free from an officer's
24 grasp; trying to dispose of evidence."

25 So again, if a subject is demonstrating level 4

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- 1 behaviour, how can a dog assist?
- 2 A. If someone is trying to break free from an officer's
- 3 grasp, again, they're trying to evade capture, the
- 4 deployment of the dog may have to come further down that
- 5 line if he continues to break free, but depending on
- 6 what crime is taking place. If it's a shoplifter trying
- 7 to break free from a cop and he runs away, I wouldn't be
- 8 deploying the dog in that situation, but if it's someone
- 9 who has maybe stabbed someone, or someone who has done
- 10 a -- committed a serious assault or something like that,
- 11 then the person breaks free from the officer's grasp and
- 12 runs away then I have to be ready to try and detain that
- 13 person if required, so it really will depend on the type
- 14 of crime that's taking place for how I would react with
- 15 a dog in that situation. It's too wide a --
- 16 Q. It's too wide a --
- 17 A. Yes.
- 18 Q. So it could be that you don't use the dog?
- 19 A. Yes.
- 20 Q. Or it could be that you send the dog to apprehend the
- 21 person?
- 22 A. If they break free, yes.
- 23 Q. So there's quite a range there of possible options?
- 24 A. Massive range, yes.
- 25 Q. And if the person is intoxicated or suffering from

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1 a mental health crisis would that alter any of those
2 options?

3 A. Again it depends on the vulnerability that is being
4 described. If a person is suicidal, for example, and he
5 wants to run away to harm himself and he is running
6 towards a bridge or a something like that, me deploying
7 the dog to bite that person rather than the person
8 jumping off the Forth Road Bridge, for example, that's
9 a better option because the person, yes, may get
10 injuries to his arm with the dog detaining him but it's
11 going to save him from taking his own life, so that's
12 obviously going to extremes of the matter but that's the
13 kind of example I can think of just now.

14 Q. So again, you've got the whole range of options open to
15 you, it would depend on the circumstances?

16 A. Yes.

17 Q. And that would include a situation where -- and you have
18 mentioned the knife scenario.

19 Can we look at level 5. This is "Assaultative
20 Resistance":

21 "This is when there is a deliberate intention by
22 another to cause a physical effect upon a person, either
23 directly or by indirect means (assault by menaces). It
24 can be caused by an individual or by a group of people
25 acting together."

Transcript of the Sheku Bayoh Inquiry

- 1 I'm interested in an individual who may be
2 demonstrating level 5 behaviour. Tell us how your dog
3 could assist in that situation?
- 4 A. It's pretty much the same as the last answer. I know
5 I'm kind of going back into the same thing.
- 6 Q. It's very helpful to have details.
- 7 A. But assaultive resistance can mean, you know, someone --
- 8 Q. Say a punch?
- 9 A. Someone is intoxicated and any time a cop goes near them
10 they're trying to punch out at the person or something
11 like that, to someone being on top of someone and trying
12 to force a brick on their head, or something like that,
13 you know, it's --
- 14 Q. Can your dog help?
- 15 A. It's so wide-ranging. I mean, if someone is going to
16 a level where they're going to seriously injure my
17 colleague, or seriously injure a member of the public
18 then the dog could help by apprehending that person,
19 yes.
- 20 Q. So if someone punches a police officer, the dog could
21 help apprehend them?
- 22 A. Depending, again, just on the circumstances to that,
23 what other impact factors are there, what's happened
24 prior to this.
- 25 Q. What might stop the dog being able to apprehend a person

Transcript of the Sheku Bayoh Inquiry

1 who has punched an officer?

2 A. Well, again, am I capable of apprehending the person, is
3 there other officers there that are able to apprehend
4 the person, has the officer sustained injuries or he has
5 got a punch to the head and caused any injury and stuff
6 like that, so one specific punch to another punch that
7 could potentially kill someone, if someone has kind of
8 fallen back and hit their head off the pavement and
9 they've got really serious injuries, my reaction would
10 obviously depend on what's in front of me at that time
11 so it's very difficult to say how I would deploy the dog
12 in any situation until I see that picture in front of me
13 because it's so important that I take on board
14 everything that's in front of me and then that's how I'm
15 able to do the preclusion, "I did this and my
16 justification for this was because of these factors",
17 but to simply go on the bands and then say "I would do
18 this with my dog or do that", it disnae work like that.
19 I would have to take everything in totality and say
20 "This is why I would deploy my dog in this situation",
21 because my -- what we do is a bite debrief after. If
22 I have deployed my dog to bite someone, I have to do all
23 these preclusion justification stuff to actually explain
24 why, you know, and some people would look at it and go
25 "Why did you deploy your dog in that scenario?" and you

Transcript of the Sheku Bayoh Inquiry

1 have to actually say "This is how I was feeling at the
2 time, this is the picture I saw before me and this is
3 why I reacted in the way I did."

4 Q. I'm going to ask you about level 6 first and then I will
5 ask you about some circumstances for your specific
6 comment.

7 A. Okay.

8 Q. So level 6 is "Serious/Aggravated Assaultative
9 Resistance":

10 "The highest level of resistance encountered which
11 generally involves the intended use of weapons as part
12 of the attack where the perceived threat is that of
13 serious injury or is life threatening. It can also
14 include situations without the presence of weapons where
15 the perceived threat is that of serious injury or is
16 life threatening.

17 "The above provides a rising scale of resistance.
18 An offender may display a combination of these types of
19 behaviour, and may start at any level."

20 And we have heard that they're not clearly defined
21 categories --

22 A. No.

23 Q. -- and things can be blurred between them.

24 A. Yes.

25 Q. So again, if a subject is demonstrating level 6

Transcript of the Sheku Bayoh Inquiry

1 behaviour, how can a dog assist with that? Is there any
2 difference to what you have already told us really?

3 A. No, just -- well, that level obviously the dog being
4 there used as a use of force is there to suppress that
5 threat, so we train the dogs to bite the upper arm area
6 and then the dog is trained to basically hold on to that
7 individual through pain compliance to basically suppress
8 that threat so we can arrest that person in a safe
9 manner, then obviously the dog is released once that
10 person is contained and safe so --

11 Q. So at this stage a dog -- you could instruct or command
12 your dog to bite the person?

13 A. Yes.

14 Q. As a use of force?

15 A. Yes.

16 Q. To prevent this subject demonstrating level 6 behaviour?

17 A. Yes.

18 Q. And you mention the arm, is it always the arm that they
19 bite?

20 A. We train them to predominantly take the upper arms, yes,
21 but a dog will, given the circumstances, depending how
22 the -- in what drive they're biting, or situation, they
23 will take a part of the body that is obviously kind of
24 available to them at the time, but we train them as the
25 standard to basically take the upper arm area.

Transcript of the Sheku Bayoh Inquiry

1 Q. So if a subject is demonstrating the highest level of
2 behaviour, what is the worst thing to them that the dog
3 is going to do?

4 A. Bite them in the arm and just make them submit.

5 Q. And so it's that pain control?

6 A. Yes. It's pain compliance to submit, or suppress the
7 threat.

8 Q. But they're not trained to go beyond that --

9 A. No.

10 Q. -- level of biting or attack?

11 A. No. You want a dog to basically go, bite the arm, clamp
12 and then the person suppresses and then they can be
13 arrested in a safe manner and then the dog is released.

14 Q. If the person doesn't comply with the dog, or react to
15 the pain and the clamping of the dog on its arm, will
16 the dog go further and cause further damage to the
17 person?

18 A. Potentially. At the end of the day the dog is then in
19 a situation where it's fighting for its life and a dog
20 would then flip into the defensive kind of way of biting
21 where, like you and I would, you will defend yourself,
22 a dog will defend itself, but we train them to take that
23 arm and you don't want a dog that kind of then takes off
24 and then reattaches to another point of the body. It
25 may happen and in the middle of bites, but if a dog is

Transcript of the Sheku Bayoh Inquiry

1 not confident and strong that's generally what happens,
2 but you've got a confident, strong dog, they will clamp
3 harder and basically put on more pressure to submit that
4 threat, just like they would in the wild, so you
5 can't --

6 Q. So they grip on?

7 A. Yes. You train the grip so that the dog pushes into the
8 grip, pushes in and holds. That's the kind of dog you
9 want that's able to overcome that threat and I know
10 it's -- it's not a nice thing to talk about, it's
11 like -- probably the public don't want to -- but that's
12 why the dogs are there. We're there to try and deal
13 with the threat that's in front of us and, like I say,
14 I would only deploy my dog in a situation like that if
15 it's very, very necessary and lives are on the line, but
16 that's what the dog is there for as a tool to basically
17 stop that threat being towards another person or another
18 colleague.

19 Q. Was Ember a strong and competent dog?

20 A. She was, yes. She had her idiosyncrasies but she was --

21 Q. Her barking in the back of the van?

22 A. Yes, she had her little peccadilloes, like I think we
23 have all got, but again, she was confident when she was
24 working, yes.

25 Q. Was she competent and strong in relation -- if you had

Transcript of the Sheku Bayoh Inquiry

1 given her an instruction to bite somebody, would she
2 have complied with that instruction?

3 A. Yes.

4 Q. And would Ember have been -- you talked earlier about
5 the ability to recall a dog, even if it's in full flow.
6 If you had been with Ember and she was clamped onto
7 somebody's arm but you instructed her to release --

8 A. Yes.

9 Q. -- would she have complied with that instruction?

10 A. Yes. That's part of the licensing, the safety and
11 efficiency. If you're not capable of getting your dog
12 off, or recalling it from -- the recall itself is so
13 critical to what we do because ultimately you need the
14 dog to understand that no matter what situation it's in,
15 the dog responds to the handler, so if you have got
16 a dog ultimately that disobeys a recall, for example,
17 and then goes and bites someone when you have actually
18 shouted it back, it's obviously a failure of safety and
19 control, so that person's licence would then be
20 withdrawn, they would potentially get an action plan to
21 work through those kind of scenarios in a situation
22 where they go and do the same exercise over and over,
23 they get the dog to understand "No, no, you come back",
24 but there might be a time when a dog fails a recall then
25 the dog would have to get kind of taken off the -- taken

Transcript of the Sheku Bayoh Inquiry

1 out of the programme and be rehomed because it's not
2 a dog that's suitable. If a dog is not listening to you
3 then it's a potential danger to members of the public
4 so ...

5 Q. Thank you. Can I ask you about -- I said that
6 I would -- once we had gone through the levels I would
7 ask you about a particular scenario, a scenario where
8 officers have arrived -- and I want to talk about the
9 ways in which you could have used your dog in this
10 situation. So a subject is demonstrating initially
11 level 1 or level 2 behaviour, they then refuse to -- or
12 fail to comply, I should say, with verbal commands and
13 their behaviour starts to move up the levels that we
14 have seen. They are sprayed, potentially up to six
15 times with CS and PAVA spray, that they then punch
16 a police officer, so again, going up the levels of
17 behaviour, and I'm interested in if we just take that as
18 one scenario how you, with your dog, could assist
19 officers who were at the scene?

20 A. It sounds like a messy scene. So when I arrived again
21 given what you have given me I probably would have
22 deployed the dog on lead at that point to be
23 a contingency should things escalate further, but again,
24 it's easy me saying that now in hindsight, it's just
25 a -- the situation that unfolded and the information on

Transcript of the Sheku Bayoh Inquiry

1 that morning that we were kind of given over the radio
2 which you will probably go on to, then the information
3 and intelligence picture that we're being given is that
4 there's a potential threat there, so if that threat is
5 then met by non-compliance, escalation in behaviours,
6 all that kind of stuff, then that would be taken into
7 consideration when I first arrived, but to merely say
8 I would do this or do that is difficult, but certainly
9 with what you have given me and the information
10 intelligence picture that I've got, I would be very,
11 very close to my dog and looking at what would have come
12 across should I have arrived at the scene and think:
13 right, okay, am I going to take the dog into this
14 situation, is it potentially going to make it messier,
15 so I have to think about that sometimes as well. If
16 I take a dog into a situation where there's lots and
17 lots of stuff already involved and lots of people it's
18 potentially going to make things messier, potentially
19 an officer could get bitten as part of that melee as
20 well, so I've got to think of the safety of everyone
21 that's there so maybe in that situation I would have
22 arrived and went: oh actually, I need to just be
23 an extra hand or maybe take control of certain things as
24 a kind of more experienced officer or whatever, I don't
25 know, I never got to the scene so I can't actually say

Transcript of the Sheku Bayoh Inquiry

- 1 what I would have done.
- 2 Q. If you are the first person there, or officers are there
3 but they have waited for you, you're the -- you're
4 basically the first person sent in?
- 5 A. I would have taken the lead, yes, probably as a --
6 generally colleagues will look at me to take that lead
7 as the kind of dog person, or I will try and cajole them
8 if we have maybe met round a corner and say: right,
9 okay, when I get there I'm going to try and engage him
10 with the dog and try and get some verbal communications
11 done as a focal point.
- 12 Q. So you're saying meet round the corner -- say they are
13 meeting at a rendezvous point --
- 14 A. If that had happened and --
- 15 Q. -- and you're there, or they're not maybe necessarily
16 round the corner, but they're in the vicinity but
17 sitting there waiting?
- 18 A. Yes.
- 19 Q. And they have waited for you, you would take the lead on
20 that with the dog?
- 21 A. I generally tend to, yes.
- 22 Q. And does that mean you would have the dog on the lead
23 out the van on the lead and you would go and approach
24 the subject?
- 25 A. Again, potentially, depending how many officers are

Transcript of the Sheku Bayoh Inquiry

1 there, depending how many members of the public are
2 there, if there's anybody needing protected, if that
3 person -- again, the kind of area it was in, it was in
4 the middle of a field where there's no members of the
5 public then we can contain that whole field, stick
6 a cordon round the whole field, give him that space in
7 the middle, get a megaphone, speak to him from
8 a distance, you know, do all these things to try and
9 minimise the risk to the officers, minimise to the
10 members of the public. So I can't say what I would have
11 done in that situation because --

12 Q. You weren't there?

13 A. I can't look at the layout, I can't see the escape
14 routes for the officers that are there, I can't see the
15 potential inherent dangers of any -- again, there could
16 be children running about, there could be other dogs
17 that are there, so you're assessing every single thing
18 of the layout, what you're seeing in front of you and
19 going: a dog is going to work here, or a dog is not
20 going to work here."

21 Q. But all of the options you have described to me in
22 response to looking at the different types of behaviour
23 and your earlier evidence, they are always open to you
24 depending on the particular circumstances that you're
25 faced with?

Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. And you carry out your risk assessment in terms of the
3 National Decision-Making Model?

4 A. Yes.

5 Q. And you would tailor your response with the dog
6 depending on the circumstances as you saw them?

7 A. Yes.

8 Q. At any given time?

9 A. Yes, and there's nothing worse than being in a situation
10 where you don't have access to your dog, for example.
11 I got assaulted a while ago down at the Cramond
12 waterfront because I was out looking for a missing
13 person, for example. There was loads of joggers, loads
14 of walkers, stuff like that. The other dog handler was
15 searching around the kind of home area for this
16 gentleman that went missing and I just decided to go and
17 walk the waterfront, so I didn't take the dog with me
18 because there was too many people, too many runners and
19 stuff, so I just walked the waterfront. At the end of
20 the waterfront happens to come across a gentleman who
21 then decided he wants to go fighting with the police
22 because of the uniform I had on. Not even the person
23 I was looking for, so suddenly I'm away from my vehicle,
24 no tools, individual officer, so I end up having to
25 engage with this guy and it just turns into a bit of

Transcript of the Sheku Bayoh Inquiry

1 a stramash, so you learn pretty quickly: I need to be
2 close to my tool, my dog that I have the ability to
3 deploy that, because at the end of the day that's what
4 I'm there for, I'm there as a specialist officer, so
5 without me having a dog and the ability to deploy that
6 dog quickly, it doesn't really help having that
7 specialism there, but sometimes it will dictate where,
8 like you say, the level of compliance, do I need to get
9 the dog out because I'm a police officer first and
10 foremost, and then I'm a police officer with a tool so
11 the same as a kind of firearms officer going to a job
12 and not having his guns with him, it makes sense in most
13 situations that escalate -- and things do escalate
14 really, really quickly and it's very difficult again in
15 hindsight to look over these things. I understand that
16 that's just part of the process of what we're going
17 through here, but it's another thing to actually be in
18 that situation where someone goes from level 1 straight
19 up to that top level without any kind of warning
20 whatsoever and that reaction time it takes for someone
21 to process that information, to -- and until you have
22 had several kind of times where people have assaulted
23 you and went through that process, your body, your mind,
24 is able to adapt much more quickly to actually react to
25 it, rather than obviously people sometimes freeze

Transcript of the Sheku Bayoh Inquiry

1 because they have never been in that situation before
2 and you can try and roleplay all those situations but
3 it's very, very difficult until you're actually faced
4 with that threat to actually fluently allow your brain
5 to think: okay, what are these -- what's my
6 contingencies, what's my policies, and get in that
7 mindset, you know. It takes time to learn and get that
8 experience in the job.

9 Q. And everyone's experience is different?

10 A. Yes.

11 Q. And for you, one of your most important pieces of
12 equipment or a tool is your dog?

13 A. Yes.

14 Q. And I can see that you feel that having your dog is an
15 important part of your work and your ability to do your
16 job properly?

17 A. It's massive, yes.

18 Q. Can we look, please, at the combined audio and visual
19 timeline. That's the spreadsheet that you have in front
20 of you and can I ask you do you have -- we maybe won't
21 need it. If there's -- yes, we will put the combined
22 audio and visual timeline on the screen, please. Do you
23 have any other paperwork in front of you, Mr Wood?

24 A. No. Just the two things you described.

25 Q. Actually what I would like to start with is the STORM

Transcript of the Sheku Bayoh Inquiry

1 log, it might be better to start there. We heard some
2 evidence yesterday about the STORM log and I'm
3 interested in PS00232. So you will not -- you don't
4 have a copy of this in front of you, but it's only two
5 bits I want to ask you about. Oh, yes, there may
6 actually be a hard copy we can provide you with. So
7 it's PS00232.

8 A. Thank you.

9 Q. And it is at the top left-hand corner, you will see it
10 says 3/5/2015, 7.15 and it is now on the screen as well?

11 A. Yes, okay.

12 Q. And we have heard that this is a STORM log, comes up on
13 the screen in the ACR.

14 A. Okay.

15 Q. And I just want to ask you about something on page 2.
16 You will see in the middle column on the right-hand side
17 that there are timings in the column.

18 A. Yes.

19 Q. Would you look please at 7.18.18.

20 A. Yes.

21 Q. It is on the screen and it says "SD10 attending".

22 A. Yes.

23 Q. We have heard that that was a dog unit.

24 A. Yes, Sierra Delta, specialist dogs.

25 Q. Specialist dogs?

Transcript of the Sheku Bayoh Inquiry

- 1 A. Well, I assume that's what it's from, I have always
2 assumed it's specialist dogs how they've come up with
3 the numbers, because they change every few years, they
4 kind of seem to change these call signs and stuff, but
5 yes, Sierra Delta.
- 6 Q. And then slightly further down that page you will see
7 another reference that says "SD18", if we can go down to
8 7.21.25, so it says "SD18 attending from Edinburgh"?
- 9 A. Yes.
- 10 Q. Were you SD18?
- 11 A. I was Sierra Delta 18, yes.
- 12 Q. 18, sorry.
- 13 A. Sierra Delta 10 is probably a typo, I would think, but
14 Sierra Delta 18, that was the call sign I generally
15 used. Sierra Delta 10 is a call sign from Central,
16 I think, so it would have been me, being 18.
- 17 Q. So you were 18 that day and you were attending from
18 Edinburgh?
- 19 A. Yes.
- 20 Q. We have heard that -- keep those timings in mind but
21 let's look at the combined audio and visual timeline.
22 We have also heard evidence in relation -- let's look at
23 page 2 of the spreadsheet and just to give you some
24 context you will see that at 7.17.23, you will see an
25 entry relating to Acting Police Sergeant Maxwell?

Transcript of the Sheku Bayoh Inquiry

1 A. APS Maxwell.

2 Q. And he requests:

3 "All units, an ARV and a dog as well please."

4 Do you see that?

5 A. Yes, I see that.

6 Q. Then further down at 7.19.12 you will see an entry by

7 Maxwell again saying:

8 "Is there an update from ARV or dogs unit over."

9 And then Con 1, who we have heard was

10 a Mr Masterton, at 7.19.17 says:

11 "I believe a dog unit is en route."

12 A. Okay.

13 Q. And we heard yesterday that SD10 by that time was

14 attending.

15 A. Yes.

16 Q. And you have told us you were attending from 7.21.25.

17 Now, we have heard some evidence that the Airwaves

18 transmissions are audible to officers on their radios?

19 A. Yes.

20 Q. And that's audible to ACR, to the inspector in Kirkcaldy

21 Police Office, but also to the officers en route to

22 Hayfield Road.

23 A. Yes.

24 Q. And was that Airwaves transmission audible to you also?

25 A. It would have been, yes. I've got a vehicle handset

Transcript of the Sheku Bayoh Inquiry

1 that would be on Police Scotland on top, I don't know if
2 it was the same back then, but our roaming channel, we
3 call it, for specialist services and then I would have
4 switched my personal channel on to the local channel so
5 I was kind of listening to both.

6 Q. Listening in to the events in Kirkcaldy that day?

7 A. Yes, at some point I would have switched my radio onto
8 the Kirkcaldy channel.

9 Q. And we heard yesterday that as well as the Airwaves
10 transmissions, that from ACR there is communication
11 going on in the background, so between Sergeant Maxwell
12 asking for a dog and then being told by the controller
13 in ACR that there was a dog en route, there would have
14 been some communication in the background, not that we
15 can hear on the Airwaves transmission but someone such
16 as another controller at ACR contacting the dog unit
17 people?

18 A. Okay.

19 Q. So is that how you got involved with these events?

20 A. It would have been the roaming channel shout up for the
21 specialist resource, so yes, it has been shouted on the
22 roaming channel and then I would have switched my normal
23 radio onto the Kirkcaldy channel.

24 Q. And is that shout out from the ACR?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So they make an open request --
- 2 A. Yes.
- 3 Q. -- to dogs?
- 4 A. They just shout up something like:
- 5 "Any dog handler able to attend a call in
- 6 Kirkcaldy?"
- 7 Q. And you responded to that?
- 8 A. Yes.
- 9 Q. And having responded to it, at that time were you still
- 10 in Edinburgh?
- 11 A. Yes.
- 12 Q. At Fettes?
- 13 A. I had just started, yes, because it was a 7 o'clock
- 14 start.
- 15 Q. It was 7.18 -- 7.21 in the morning on Sunday 3 May.
- 16 Tell us, once you received that communication from
- 17 ACR, what did you do?
- 18 A. I stuck the blues and twos on and started driving over
- 19 towards Kirkcaldy.
- 20 Q. That's the flashing lights?
- 21 A. Yes.
- 22 Q. The sirens?
- 23 A. Yes, just started attending from Edinburgh as quickly as
- 24 I could.
- 25 Q. Right. How long did it take you to get the dog into the

Transcript of the Sheku Bayoh Inquiry

1 van?

2 A. The dog was probably already in the van at that point.
3 Normally for day shifts I will get there maybe at about
4 6.30 so I get the dog, PE, everything like that, get the
5 dog in the van, get my uniform on, get ready, so I'm
6 actually starting at 7 o'clock, so the dog would have
7 been in the van at that point so it would have been
8 a case of me just jumping in the van and going.

9 Q. What type of van was it?

10 A. I'm not 100% sure. Maybe a -- a Ford Cougar or maybe
11 a Connect van maybe, Ford Transit Connect.

12 Q. Okay. Can we look at your Inquiry statement for
13 a moment, please, and if we could start with
14 paragraph 38. You will see this on the screen. You say
15 here:

16 "I basically loaded the dog up on the van and just
17 left from Edinburgh. I was just hearing the radio
18 communications from the transcript as I was driving
19 over. So I think I got probably over to just past the
20 Forth Road Bridge at the time when everything developed
21 and happened as it did. So at that point I got stood
22 down just prior to actually going off and doing what
23 needed to be done at the locus. So I was aware of
24 everything that was going on from the radio, but
25 I didn't have a huge involvement in anything that went

Transcript of the Sheku Bayoh Inquiry

1 on at the scene.

2 "The drive from Edinburgh to Kirkcaldy would
3 probably take me about 13 or 14 minutes with lights and
4 sirens. Anywhere between 10-15 minutes depending on
5 congestion. On an early Sunday morning I would expect
6 empty roads and nothing to slow me down."

7 And you have given an estimate there in paragraph 39
8 of anywhere between 10 and 15 minutes to get from
9 Edinburgh to Kirkcaldy.

10 A. Yes.

11 Q. How realistic was that estimate?

12 A. I don't know. I would have to look at Google Maps to be
13 honest. I don't know. If it's clear roads, you're
14 straight along Queensferry Road, straight past Barnton,
15 up on to the Forth Road Bridge and you're on the A90, 92
16 so it's pretty much straight roads all the way so yes,
17 I would say 15 minutes is accurate enough.

18 Q. What was the traffic like that Sunday morning at 7.20?

19 A. I can't remember. I would imagine it would have been
20 quiet because it was a Sunday morning, it generally is.

21 Q. What speed were you doing when you've got the blue
22 lights and the sirens on?

23 A. At what specific point?

24 Q. As you were travelling to Kirkcaldy?

25 A. It depends on the speed of the actual road that I was

Transcript of the Sheku Bayoh Inquiry

1 on.

2 Q. Did you comply with the speed limits on the road or do
3 you go faster when you're doing --

4 A. I would like to think so, but I couldn't give you an
5 exact, to be honest.

6 Q. I'm not asking you to confess to speeding.

7 So it's been -- one of our witnesses suggested some
8 surprise at the idea you could be there in 10 to
9 15 minutes, and I just wondered how confident you were
10 about that estimate.

11 A. I honestly don't know. Unless I went out and drove it
12 under those conditions again, I'm not sure, but
13 15 minutes for me, if you're going on the A90, it's
14 a 70-mile limit, so you can go up to 90 miles an hour on
15 the 90, 92 so it's a -- yes, I think 15 minutes would be
16 a doable enough time given kind of quiet road
17 conditions, but again, I could be wrong.

18 Q. All right, thank you.

19 A. That was just a -- this kind of stuff there was
20 obviously a chat on Teams with a solicitor and it was
21 just basically that, it was a chat, just -- so the
22 accuracy of that may be -- but I don't think it changes
23 much to be honest.

24 Q. Sorry, I didn't quite understand, so when you gave your
25 Inquiry statement to the Inquiry team, you did it over

Transcript of the Sheku Bayoh Inquiry

1 Teams?

2 A. It was over Teams, yes.

3 Q. Online?

4 A. Yes.

5 Q. Can I ask you when you -- at paragraph 38 you mention

6 you had just:

7 "I got probably over to just past the Forth Road

8 Bridge at the time when everything developed and

9 happened so at that point I got stood down."

10 Tell us what sort of time you took getting just past

11 the Forth Road Bridge?

12 A. I don't know, 6 minutes, 7 minutes, I don't know.

13 Q. All right, thank you.

14 A. Again, it is all kind of guesstimate stuff, I'd have to

15 live it again.

16 Q. But are these your best estimates?

17 A. Yes.

18 Q. Based on your recollection?

19 A. Based on my -- I don't know, knowledge, experience,

20 or -- but again, I've never timed those kind of runs,

21 you know. It's difficult to say exactly how long.

22 Q. Have you had to go to Kirkcaldy --

23 A. Yes.

24 Q. -- on other occasions?

25 A. But again, I don't time these things so unless

Transcript of the Sheku Bayoh Inquiry

1 I actually went out with the mindset of timing where
2 I got to and stuff like that, so it's difficult to say.

3 Q. All right. Thank you.

4 Can we go back to the combined audio and video
5 timeline, the spreadsheet, please, and we were looking
6 at page 2. You will see that we finished at 7.19.17
7 with the controller at the ACR believing a dog unit was
8 en route, and I would like to move on to your first sort
9 of contact on the Airwaves transmission, which I think
10 is 6, page 6. Someone will tell me if I'm wrong, but at
11 the bottom of page 6., you will see that you do make a
12 transmission at 7.24.06. It is inaudible, 118 to
13 control". I think you said your number was 18?

14 A. Yes, Sierra Delta 18.

15 Q. SD18. And then the controller responds and then if we
16 turn over to page 7 and you will see at 7.24.11, it
17 says:

18 "Gary Wood: yeah I'm en route from Edinburgh.
19 I take this is the same male with the knife, yeah."

20 A. Yes.

21 Q. Do you remember where you were when you made that
22 transmission?

23 A. No.

24 Q. No. Then if we move on to page 8 you will see at
25 7.26.20, which is at the top, you see:

Transcript of the Sheku Bayoh Inquiry

1 "Sierra Delta 18 ..."

2 We don't have a lot of what you said and then on
3 page 9 --

4 A. Probably saying inaudible because obviously me driving
5 with the blues and sirens on when you're trying to
6 transmit, the clarity of the set is probably not the
7 best.

8 Q. Can I ask you to explain 7.27.39. You appear to say:
9 "Yeah, that's received, thank you".

10 What was that in relation to? And please feel free
11 to look at the previous page, but I couldn't see
12 anything on the previous page.

13 LORD BRACADALE: (Mic turned off) 7.27, which is the
14 beginning of that conversation.

15 A. It says:

16 "Yes, I'm a dog handler. I'm heading from
17 Edinburgh. Is this guy fully restrained or is there
18 still requirement?"

19 So I'm asking is there still a requirement for
20 myself to attend.

21 MS GRAHAME: My version doesn't have that in it, so excuse
22 me for the moment. It must have something missing.
23 Right, sorry. That was my issue.

24 7.27.27, you have that on your version, do you?

25 A. Yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. I don't know why it has been missed out on mine. It
2 says:
- 3 "Yes, I'm a dog handler. I'm heading from
4 Edinburgh. Is this guy fully restrained or is there
5 still a requirement?"
- 6 What information were you seeking there?
- 7 A. If I was still required to attend at the scene because
8 obviously saying -- I want to know is the guy
9 controlled, that's what I'm asking, if I'm still
10 required because I don't want to be driving blue lights
11 if I don't need to, because again, any time you're
12 driving blue lights it's -- I'm not saying it's
13 inherently dangerous, but it's obviously more dangerous
14 than driving at normal speed, so I'm just asking is the
15 guy under control.
- 16 Q. Right. And then the response to that, 7.27.34 from
17 Sergeant Maxwell:
- 18 "We've got him under control now thanks."
- 19 A. Yes.
- 20 Q. And then so the 7.27.39 response from you was:
- 21 "Yes, that's received. Thank you".
- 22 A. Yes.
- 23 Q. And then do you remember where you were when you were
24 stood down?
- 25 A. Probably somewhere on the 92, I would think, or the 90,

Transcript of the Sheku Bayoh Inquiry

1 going on to the 92, something like that. I don't know.

2 Q. So in relation to the Forth Road Bridge, where were you?

3 A. I would probably be on the Fife side of it, yes.

4 Q. Over the bridge --

5 A. Yes.

6 Q. -- on the Fife side, heading to Kirkcaldy?

7 A. I think so, but ...

8 Q. Yes. And can we look at paragraph 63 of your Inquiry
9 statement please. You have said:

10 "I have been asked what I did next after I was told
11 that the male was under control. I just kept going
12 over. I just drove to Kirkcaldy anyway just for
13 support. Given the nature of the call and what was
14 going on on the radio, then it was obvious it was
15 becoming a bit more of a serious incident. A lot of
16 times I get requested to then do further searches for
17 things because still at that stage I didn't really know
18 if the knife was outstanding or if there was any other
19 stuff that had happened."

20 A. Yes.

21 Q. So you kept going?

22 A. Yes.

23 Q. Did you turn off your lights and siren?

24 A. I would have done, yes.

25 Q. And how long did it then take you to get to Kirkcaldy?

Transcript of the Sheku Bayoh Inquiry

1 A. Again, I'm not sure if I was -- how far I was kind of on
2 the 92. It depends how close I was to Kirkcaldy.

3 Q. Where did you head first of all?

4 A. I can't even remember to be honest. I just went into
5 the kind of area and then I was requested by the --
6 I think it was maybe the CID or somebody to attend to --
7 was it Hayfield Road, something like that?

8 Q. That's where the incident took place, yes.

9 A. Yes, so I was asked to go to a certain property which
10 was believed to have been connected to it so ...

11 Q. Right.

12 A. Just that kind of area.

13 Q. If we look at your statement again, I think on the next
14 page, paragraph 70 and 71, you were asked about --

15 A. It would have been that other address, yes.

16 Q. A call to Arran crescent?

17 A. So not Hayfield then, just Arran.

18 Q. So you then went to Arran Crescent, we see that in
19 paragraph 71, and you took your dog to Arran Crescent,
20 not Hayfield Road.

21 A. I drove the car, yes, just to the back.

22 Q. Thank you. Can I ask you briefly about the -- are you
23 happy for me to continue given the time?

24 LORD BRACADALE: What's your sort of --

25 MS GRAHAME: I don't have very long at all.

Transcript of the Sheku Bayoh Inquiry

- 1 LORD BRACADALE: Perhaps you can finish this witness and
2 then take a break.
- 3 MS GRAHAME: Can I ask you briefly about paperwork that you
4 have to fill in.
- 5 If the dog comes off the lead --
- 6 A. Yes.
- 7 Q. -- and you command the dog to approach, apprehend, bite
8 the subject, what paperwork do you have to do?
- 9 A. We have a use of force document we have to submit which
10 goes to the officer safety training instructors to
11 assess and we also complete an ION, an incident of note
12 form, basically dictating what had happened and from
13 that if the dog had bitten and engaged in that we would
14 have a bite debrief which is a kind of like a bite
15 report.
- 16 Q. So we have heard that other officers if they have to use
17 force they have to complete paperwork and you are in the
18 same position with your dog?
- 19 A. Yes.
- 20 Q. And can I ask you one or two questions about whether you
21 have had any training in relation to diversity,
22 equality, discrimination, that type of thing.
- 23 A. Yes.
- 24 Q. What sort of training have you had?
- 25 A. I remember the first week at college we did the

Transcript of the Sheku Bayoh Inquiry

- 1 diversity training. Apart from that --
- 2 Q. When would that have been?
- 3 A. 2008, when I first started, and there's diversity
- 4 training on Moodle that we have kind of completed as
- 5 part of kind of -- stuff like unconscious bias and other
- 6 items like that.
- 7 Q. And how were you able to use that in terms of your work
- 8 in the dog unit?
- 9 A. I'm not really sure what you mean, just ...
- 10 Q. Did you learn any skills or techniques that you were
- 11 able to develop and evolve as your work with the dog
- 12 unit continued?
- 13 A. I don't think anything specific to dogs would relate,
- 14 but certainly as a police officer, yes, I think
- 15 diversity is obviously a massive part of your
- 16 understanding of different groups, cultures, belief
- 17 systems. The more you can understand, the more you can
- 18 emphasise with people in situations.
- 19 Q. Do your dogs or any dog deal with people differently
- 20 depending on their ethnicity, or their nationality?
- 21 A. Not that I'm aware of, no. Again, there may be science
- 22 to disprove that but I have certainly never been given
- 23 any training in relation to how a dog would deal with
- 24 different people.
- 25 Q. You have mentioned unconscious bias; do you remember

Transcript of the Sheku Bayoh Inquiry

- 1 anything about the training you received on that?
- 2 A. No.
- 3 Q. Were you given any techniques to guard against
4 unconscious bias?
- 5 A. As part of the training we would have had, yes, but
6 I have also kind of researched stuff like that in my own
7 free time as well, but it's important to our role that
8 we're dealing with different people all the time.
- 9 Q. Do you remember anything that you have learned?
- 10 A. Yes.
- 11 Q. Do you want to tell us about that?
- 12 A. Just that unconscious bias is a thing that exists and we
13 have to guard against it in situations where you may
14 make decisions based on your pre-conceived stereotypes
15 of things so ...
- 16 Q. Is that something you're conscious in yourself?
- 17 A. Yes.
- 18 Q. You have unconscious bias and --
- 19 A. I think everyone does, in a sense, so to guard against
20 it you have to understand it and I think I'm -- I like
21 to read things, I like to understand things as best
22 I can, so to deny that fact is, I think, folly. You're
23 not going to be able to understand people if you don't
24 understand it.
- 25 Q. Do you yourself -- can you -- are you able to identify

Transcript of the Sheku Bayoh Inquiry

1 any unconscious bias that you have?

2 A. Individually, maybe. I don't know what --

3 Q. I suppose I'm more interested in whether there is any
4 recognition about an unconscious bias that you may have
5 which somehow is translated in how you use your dog
6 and --

7 A. No.

8 Q. -- use that tool in your work?

9 A. No. I wouldn't like to think so, but again, you've got
10 to guard against that all the time by keeping learning
11 and keeping understanding things and the more experience
12 you have, the more knowledge you acquire, the more that
13 you can guard against that. I mean when we first came
14 in, it was not long after the Stephen Lawrence Inquiry,
15 the Macpherson Report came out, so a lot of the stuff in
16 the initial phases of the police training was to do with
17 the Macpherson Inquiry, to do with the stuff that
18 happened in the Met at the time, so we were very well
19 sighted that that was a main trigger as to why we were
20 doing all the training we were doing at police college,
21 to try and understand that right from the start. So
22 again, throughout my life just the kind of person I am,
23 I like to understand things, I have read a lot of books
24 about those kind of inquiries, those kind of situations
25 so it helps me to be a better police officer and that's

Transcript of the Sheku Bayoh Inquiry

1 just -- I think it's an important thing to do, but yes,
2 have I as a person probably got inherent biases that
3 I was given by my parents as a child, probably, but have
4 I tried to guard against them as best I can? Probably,
5 yes.

6 Q. Thank you. Could you give me a moment please.

7 (Pause).

8 One last thing please, Constable Wood. You
9 mentioned Glenrothes as being a satellite where a dog
10 is, or dogs are based. That's closer to Kirkcaldy than
11 Edinburgh?

12 A. Yes.

13 Q. Were you aware when you were deployed to Edinburgh and
14 you went to attend to Kirkcaldy, why the Glenrothes dog
15 wasn't?

16 A. I'm not sure if I knew that the person that was working
17 at Glenrothes wasn't working that day until I had asked
18 that on the radio maybe, I don't know, or if I knew in
19 advance, I can't remember, I can't tell you, but
20 certainly the handler in Glenrothes that day wasn't
21 working which was why I would cover -- because
22 I wouldn't normally cover from Edinburgh to go to
23 Glenrothes unless there wasn't a handler over in that
24 area.

25 Q. And from your own experience, do you know how much

Transcript of the Sheku Bayoh Inquiry

1 quicker it is for someone to get from Glenrothes to
2 Kirkcaldy than Edinburgh to Kirkcaldy?

3 A. Yes, it would be a matter of minutes to get from
4 Glenrothes, just straight up the 92, yes. So it would
5 be quicker from Glenrothes to Kirkcaldy, definitely,
6 yes.

7 Q. If they had been available?

8 A. Yes, yes.

9 MS GRAHAME: Thank you.

10 Questions from LORD BRACADALE

11 LORD BRACADALE: Thank you.

12 Just following on from that, Constable Wood, you
13 described the set-up for specialist dogs in the
14 East Command as being 20, and on any one shift there
15 would be four: two in Edinburgh, one in Glenrothes and
16 one in Larbert.

17 A. Yes.

18 LORD BRACADALE: Can you help me whether to understand is
19 that the case now and in 2015, or is there any
20 difference?

21 A. I think it's probably the same. I couldn't give you
22 exact like 100%, but when Police Scotland -- obviously
23 it was changed over to the one force, those structures
24 were changed in a way where it obviously became
25 Police Scotland and those satellite areas. I don't

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1 think they have changed since then and I don't think the
2 numbers of dogs have particularly changed. I think the
3 big change had happened from the transition of the
4 legacy forces to the actual Police Scotland set up as it
5 is, so I think it's -- if it's not exactly the same it
6 will be very, very close to the same numbers.

7 LORD BRACADALE: Thank you.

8 Any Rule 9 applications? Mr Dunlop.

9 Constable, would you just withdraw to the witness
10 room for a moment so I can hear this.

11 A. Okay, thank you.

12 (The witness withdrew)

13 Application by THE DEAN OF FACULTY

14 LORD BRACADALE: Sorry, Dean of Faculty, I didn't give you
15 your proper --

16 DEAN OF FACULTY: (Mic turned off). My Lord, the question
17 of the time it would have taken for the dog to get from
18 Edinburgh to Hayfield Road may be a matter of some
19 importance, particularly given what we expect to come
20 from Ms Caffrey, a witness to be adduced later. I would
21 like to ask the witness a few clarifying questions
22 regarding the contention that he could have been there
23 within 10 to 15 minutes.

24 LORD BRACADALE: I don't think you put in a written
25 application.

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1 DEAN OF FACULTY: No, that is correct, my Lord, but it
2 arises from the discussion that my learned friend has
3 just had with the witness 10 minutes ago, [draft]
4 page 66 and page 67.

Ruling

6 LORD BRACADALE: Very well, I shall allow you to do that.

7 Can we have the witness back.

8 (Pause).

9 (The witness returned)

10 CONSTABLE GARY WOOD (continued)

11 LORD BRACADALE: Constable Wood, senior counsel for certain
12 of the attending officers is going to ask you about
13 a certain matter.

14 A. Okay.

15 Questions from THE DEAN OF FACULTY

16 DEAN OF FACULTY: Officer, I wonder if I could just ask you
17 a few questions about the time it might have taken to
18 get to Hayfield Road on the day in question.

19 A. Okay.

20 Q. The statement has redacted where you were starting from,
21 it just says "Edinburgh".

22 A. Yes.

23 Q. Am I right in understanding it is based at Fettes?

24 A. Yes.

25 Q. So we're looking to get from Fettes Police Station to

Transcript of the Sheku Bayoh Inquiry

- 1 Hayfield Road in Kirkcaldy.
- 2 A. Yes.
- 3 Q. Now, Google Maps tells us that's -- travelling on the
4 road that's 26.7 miles, okay. When you're getting from
5 Fettes, there you're going to have to go over the Forth
6 Road Bridge.
- 7 A. Yes.
- 8 Q. The first part of that journey involves going through
9 built up areas, yes?
- 10 A. Okay.
- 11 Q. So I just want to be clear, am I right in understanding
12 that in that time you're not going to be travelling --
13 some of that is 20, some of it is 30 miles an hour,
14 you're not going to be travelling at 80 miles an hour
15 going through those?
- 16 A. No, 20 miles an hour above the speed limit.
- 17 Q. Okay. So for the first part of that journey you're not
18 bound by the speed limit but you're not going to be
19 going at 80 miles an hour?
- 20 A. No.
- 21 LORD BRACADALE: Did you just say you're allowed to go at 20
22 plus over the limit.
- 23 A. 20 miles an hour above the speed limit, yes.
- 24 DEAN OF FACULTY: So if it's a 20 mile an hour, you will be
25 going up to 40; if it's a 30, you would be going up to

Transcript of the Sheku Bayoh Inquiry

1 50?

2 A. I don't think a 20 mile an hour existed in Edinburgh at
3 that time, it was probably still a 30, but yes, okay, 50
4 in a 30 area and -- yes.

5 Q. Okay. If it's right to say it's 26.7 miles, to get
6 there in ten minutes would require you to hold a speed
7 of 160 miles an hour?

8 A. Okay.

9 Q. So it can't be 10, is that fair?

10 A. Yes, that's fair, yes, 100%.

11 Q. To get there in 15 minutes would require you to hold
12 a speed of 107 miles an hour for the whole distance and
13 again, I assume we're agreed that's not correct?

14 A. Yes.

15 Q. 20 miles an hour requires you to hold a speed of
16 80 miles an hour from the start to the end. Again, does
17 that seem perhaps a little unlikely?

18 A. Sorry, you said 20 miles an hour.

19 Q. Sorry, 20 minutes, 20 minutes requires you to hold
20 a speed for the whole duration at 80 miles an hour?

21 A. Okay. We'll say 20 then, that's fair, yes.

22 Q. So is it at least 20?

23 A. Again, without scientifically going out and proving how
24 long it would take me to drive, that comment of the
25 timings was based on a conversation via Teams with

Transcript of the Sheku Bayoh Inquiry

1 a solicitor and again, I gave an off-the-cuff timings
2 for it.

3 Q. Please --

4 A. It could very easily be 20.

5 Q. Please don't misunderstand, I've got no criticism,
6 I just want to be clear as to how accurate this could
7 be.

8 A. Yes. If you're telling me the numbers then yes, fair
9 enough.

10 Q. And if, for the first part of that, you're effectively
11 capped to 50 miles an hour, and even allowing that you
12 might be able to catch up some thereafter by going at
13 90, does that mean at the very, very quickest you could
14 have been there is 20 minutes and it's probably a bit
15 more than that?

16 A. I suppose that would be fair enough because it sounds
17 more scientific than my approach to it, yes.

18 DEAN OF FACULTY: Thank you, officer.

19 I'm obliged.

20 LORD BRACADALE: Thank you very much, constable, for coming
21 to give evidence. When we rise you will be free to go.

22 A 20-minute break.

23 (11.51 am)

24 (Short Break)

25

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1 (12.21 pm)

2 LORD BRACADALE: Good afternoon, Mr Graves.

3 A. Good afternoon, sir.

4 LORD BRACADALE: Would you say the words of the affirmation
5 after me, please.

6 MR MARTIN GRAVES (affirmed)

7 Questions from MS GRAHAME

8 LORD BRACADALE: Ms Grahame.

9 MS GRAHAME: Thank you.

10 Good afternoon, Mr Graves.

11 A. Good afternoon.

12 Q. You are Martin Graves?

13 A. Yes.

14 Q. What age are you?

15 A. I'm nearly 60. 59.

16 Q. And you were formally with the Metropolitan Police
17 Service from 1982 until your retirement
18 in September 2012.

19 A. That's correct, yes.

20 Q. Thank you. And you have been retired for 10 years?

21 A. Yes, nearly -- well, just over.

22 Q. And when you retired, you had held the rank of sergeant
23 from January 1997, so for the last 15 years of your
24 service you were a sergeant?

25 A. I was, yes. I had also acted as inspector during that

Transcript of the Sheku Bayoh Inquiry

- 1 time as well.
- 2 Q. Right. So did you end as an acting inspector?
- 3 A. No, I was a sergeant when I retired. I had done acting
- 4 inspector in the interim period, yes.
- 5 Q. Right, thank you. You see in front of you that you have
- 6 some papers, you have a folder and some loose papers and
- 7 I just want to let you know, please feel free to use any
- 8 of the papers in front of you. You have given an
- 9 Inquiry statement to us and there's a hard copy of that
- 10 in front of you.
- 11 A. Yes, okay.
- 12 Q. And other documents that we will come to in a moment.
- 13 A. Yes.
- 14 Q. When I'm going through those they will come up on the
- 15 screen in front of you as well, but that might be just
- 16 one paragraph or one section. If you feel there's some
- 17 other important issues that are outwith the screen,
- 18 please let me know and we will have those brought up on
- 19 the screen as well.
- 20 A. I will, yes.
- 21 Q. Could I ask you to look first of all at your Inquiry
- 22 statement, SBPI00190. You will see on page 1 it was
- 23 taken over the course of two days, 12 and 13 October
- 24 this year?
- 25 A. That's correct, yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And if we can look at the final page, you should see
2 that it was signed on --
- 3 A. 16 November.
- 4 Q. Yes. I have that as well. I don't see it on the
5 screen, but your signature is redacted on the screen.
- 6 A. Yes.
- 7 Q. But can you confirm to us that on the hard copy you have
8 signed every page?
- 9 A. Yes, every page and the last page is all signed by
10 myself.
- 11 Q. Thank you. The final paragraph, which is 123, reads:
12 "I believe the facts stated in this witness
13 statement are true. I understand that this statement
14 may form part of the evidence before the Inquiry and be
15 published on the Inquiry's website."
- 16 A. Yes, I am aware of that, yes.
- 17 Q. And that was your understanding when you signed?
- 18 A. It was, yes.
- 19 Q. Thank you. You will also see in front of you an A3
20 sized spreadsheet which we're calling the combined audio
21 and visual timeline?
- 22 A. Yes.
- 23 Q. Am I correct in saying you have had a chance to look at
24 that previously?
- 25 A. Yes, I have had access to that document previously, yes.

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1 Q. Thank you. We may come to that, when we do I will tell
2 you which page I'm interested in.

3 Then we have also got access to an evidence video
4 timeline, which is SBPI00046. If we just pause it, can
5 I just confirm you have had access to this?

6 A. From the original investigation, yes, I was given the
7 footage that was available at the time. I believe
8 further footage has come to light which I have not seen.

9 Q. This has been combined into one document. If we need to
10 look at it, we will do so and I will explain that on the
11 screen for you.

12 A. Yes.

13 Q. Now, at one point you were contacted, or instructed by
14 the Crown Office, so if we could go back to your Inquiry
15 statement, paragraph 9, do we see that you have
16 explained here that you were instructed by the Crown
17 Office to produce a report on the use of force by
18 the police in relation to the restraint of
19 Mr Sheku Bayoh?

20 A. Back in 2018, yes.

21 Q. And that was dated 13 April 2018?

22 A. That is correct, yes.

23 Q. So it was three years after the events, but it was four
24 years ago now?

25 A. That's correct, yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. And in addition to your involvement with the Inquiry,
2 you have been also given access to some of the Inquiry
3 evidence?
- 4 A. That's correct, yes.
- 5 Q. People are aware that we have -- this is all been
6 live-streamed and we have recordings of evidence
7 available on our website.
- 8 A. Yes, I was specifically asked to view certain footage
9 from the Inquiry, yes.
- 10 Q. You will be aware that in 2018, no evidence had been
11 taken, but we now have the privilege of having been able
12 to do that?
- 13 A. Yes, at the time I didn't have any of that information.
- 14 Q. But you have had a chance to look at some of that?
- 15 A. I have, yes.
- 16 Q. Thank you. Let's just look briefly at your report,
17 which is COPFS00024. You see that this was instructed
18 by Mr Alisdair Macleod, Senior Procurator Fiscal Depute
19 at Crown Office, Serious and Organised Crime Unit in
20 Edinburgh?
- 21 A. That's correct, yes.
- 22 Q. And if we can just go down to pages 3 and 4, do we see
23 that as part of your report to Crown Office you provided
24 a summary or a brief CV.
- 25 A. Yes, as it was dated in 2018, yes.

Transcript of the Sheku Bayoh Inquiry

- 1 Q. So it was up-to-date in 2018?
- 2 A. Yes, that's correct.
- 3 Q. And if we could just briefly -- if I could just briefly
4 take one or two matters from you in relation to this, so
5 everyone can tell what your experience is.
- 6 I think you say in your summary here that
7 in April 2011 you went to New Scotland Yard as a senior
8 advisor and subject matter expert in relation to
9 personal safety.
- 10 A. That's correct.
- 11 Q. Sorry, if we go up the screen?
- 12 A. That's correct. I have been involved with its practical
13 delivery since 1995. I became the lead sergeant for the
14 Central Officer Safety Unit in April 2000 and then due
15 to restructuring within the Metropolitan Police, in 2011
16 I then moved to Scotland Yard as the senior advisor on
17 officer safety.
- 18 Q. And how many officers were you -- in terms of delivering
19 officer safety training, how many officers did you work
20 with?
- 21 A. In delivery, we were responsible for all the new
22 recruits and staff joining the Metropolitan Police on
23 a yearly basis, and a cascade trainer pool of nearly 500
24 trainers, and I personally managed a team of 16 staff.
- 25 Q. And were you part of that group of 500 trainers or were

Transcript of the Sheku Bayoh Inquiry

- 1 you the manager in charge?
- 2 A. I was the manager in charge of the lead team of 12 to 16
- 3 staff. The cascade trainers were out on station and
- 4 they were responsible for delivering the refresher
- 5 training at a local level.
- 6 Q. And was that the 500?
- 7 A. That's the 500, yes.
- 8 Q. And how many recruits or new officers were you training,
- 9 let's say, in the course of a year?
- 10 A. In excess of 5,000.
- 11 Q. So every year, 5,000, thank you. And you said that this
- 12 role included the creation of a curriculum, review and
- 13 development of service training packages, policy and
- 14 equipment.
- 15 A. That's correct, yes.
- 16 Q. So it didn't remain static during that time?
- 17 A. It was a continual development process on a six-monthly
- 18 rolling basis, yes.
- 19 Q. Right. How long were you in that particular role?
- 20 A. Just over ten years, nearly ten and a half years.
- 21 Q. You have also indicated in this CV that you provided
- 22 advice to professional standards, legal services and
- 23 other departments within the Met?
- 24 A. Yes.
- 25 Q. And would that be writing opinions, or how would you

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1 provide that advice?

2 A. It would be reviewing case studies, reviewing CCTV
3 footage, providing professional standards with opinion
4 on use of force, dealing with -- as a representative of
5 the Metropolitan Police -- external bodies such as
6 Inquest and various Home Office panels.

7 Q. Right. And during that time, did you also have to keep
8 up with your own personal training?

9 A. Yes, I was actively involved in the delivery of the
10 training and obviously the development of those skills,
11 so we had to keep our skills up to level.

12 Q. So you remained a police officer?

13 A. Yes, I was still operationally deployed, mainly at the
14 weekends, and trained during the Monday to Friday.

15 Q. Thank you. As part of this role, you say you liaised
16 with outside agencies and you mentioned a number of them
17 already. You mentioned the agency Inquest. Could you
18 tell us a little bit about your involvement with them?

19 A. We were regularly involved with a number of external
20 organisations that were looking at police use of force
21 and specifically deaths in police contact, with the
22 continual review of the training and the national
23 curriculum and the national manual it was part of my
24 role as the secretary for the Advisory Committee to --
25 then ACPO, now National Police Chiefs Council -- to be

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1 the liaison between these outside groups and senior
2 management within the Police Service.

3 Q. So you were representing the police force on those
4 advisory boards, or engaging with those bodies?

5 A. Yes, representing and also providing required support
6 for those groups that were multi-agency on a number of
7 occasions.

8 Q. Now, as part of your -- this is (f), you said in this CV
9 you still retained your qualification as a personal
10 safety trainer and, as I understand, having read your
11 up-to-date statement, I think that remains the position
12 today, is that right?

13 A. Yes, I still deliver some training on behalf of the
14 College of Policing and I also deliver training
15 externally to police forces, police services and also
16 immigration and Border Force officers.

17 Q. Right. Can you tell us about your involvement with the
18 College of Policing?

19 A. When I retired in 2012 I became an associate lecturer
20 with the College of Policing, again, assisting with the
21 development of training packages and development
22 processes around personal safety. I delivered various
23 packages on their behalf, both here in the UK and also
24 abroad to police forces such as Sierra Leone,
25 Saudi Arabia, Ghana and various other places.

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1 Q. I will come back to that actually. In relation to your
2 position as associate lecturer, is that building on the
3 experience and the work you did with the Met in your
4 role as head of the training, effectively?

5 A. Yes, obviously as I said I was secretary to the
6 committee for over ten years and that gave me an
7 overview nationally. I regularly attended other police
8 services around the country, including Scotland,
9 Northern Ireland, etc, to look at their training, to
10 provide advice and guidance and to act as a conduit to
11 try and pull all of this -- the different learning that
12 was happening around the country into one place.

13 Q. Can I just ask: is that an honorary position as
14 associate lecturer?

15 A. No, it's a -- you have to go through a selection
16 process.

17 Q. So is it a paid employed position?

18 A. Yes.

19 Q. With the College of Policing?

20 A. With the College of Policing, yes.

21 Q. So although you have retired from the Police Force,
22 you're now an employee of the College of Policing?

23 A. That's correct, yes.

24 Q. How often do you work with them?

25 A. I haven't worked with them for over two years now,

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1 purely because of other work commitments, not being able
2 to release the time, but I worked extensively with them
3 for over five -- nearly six years.

4 Q. Thank you. Now you mentioned that as part of your role
5 you would go round the country and you mentioned
6 Scotland. Can you tell us what experience you had of
7 Scotland and when you would do that?

8 A. Yes, I have attended the training school on at least
9 three separate occasions for meetings.

10 Q. Is that Tulliallan?

11 A. Yes, that will be Tulliallan. I have also attended --
12 I have been to Edinburgh, I have been to Glasgow, when
13 regional meetings were being held and I was asked to
14 come and sit in to comment on particular areas of
15 development that different forces or different services
16 were looking at. In relation -- I have also been to
17 Scotland on two occasions where we have had multi-agency
18 seminars with the Prison Service, the police and mental
19 health institutions where we have been looking at
20 combined restraint techniques and looking at best
21 practice.

22 Q. And would members of the Police Service in Scotland be
23 at those meetings --

24 A. They would, yes.

25 Q. -- and discussing the training that they were

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- 1 considering implementing or doing --
- 2 A. Yes, they would, yes.
- 3 Q. -- at the time.
- 4 A. Police Scotland, when it was formed, they actually had
- 5 a representative who sat on the main committee with us.
- 6 Q. And did you, as part of any of those meetings, say at
- 7 Tulliallan, did you see demonstrations of training
- 8 carried out in Scotland?
- 9 A. Yes. Not just demonstrations but we also took part in
- 10 actual workshops where we sort of joined in together and
- 11 looked at different physical tactics and different
- 12 things that we were all looking at.
- 13 Q. And during those meetings would you share best practice,
- 14 information, that type of thing?
- 15 A. Yes, we would, and there was also a process that
- 16 I introduced whereby other services, other police forces
- 17 could introduce tactics or amendments to the manual with
- 18 relevant paperwork, etc, which could then be considered
- 19 by the committee for inclusion in the following year's
- 20 amendments.
- 21 Q. And that committee, could it adopt some of those
- 22 recommendations and then roll them out?
- 23 A. Yes. We were responsible for the ongoing management of
- 24 the -- both the curriculum within England and Wales and
- 25 obviously Scotland were happy to sort of come along with

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1 that work and also the yearly update of the manual.

2 Q. And when were these meetings and sharing sessions taking
3 place?

4 A. Across the board we had a quarterly meeting every
5 three months. That was shared around the country, so we
6 went to different places to sort of support the
7 different services. From memory, I can remember at
8 least four visits to Scotland over that sort of ten-year
9 period.

10 Q. When you were in this role with the Met?

11 A. Yes, so at least once a year.

12 Q. Once a year.

13 A. Yes.

14 Q. Thank you. Can we also just draw the Chair's attention
15 to some of the other information that you provided in
16 your Inquiry statement and I think that's available from
17 paragraphs 2 of your Inquiry statement up to
18 paragraph 8. So all of these detail your experience
19 over the years and different work that you have carried
20 out. Is that correct? The Chair will have this Inquiry
21 statement available to him to consider in detail.

22 A. Yes.

23 Q. Now, in addition to your original report and your
24 Inquiry statement I think you have also kindly provided
25 us with a CV and can I ask us to look briefly at

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1 COPFS00007, please. It is headed appendix A but it is
2 a curriculum vitae and that is up-to-date at the moment,
3 is it?

4 A. Yes, it should be, yes.

5 Q. Thank you. Can I look first of all at page 1,
6 paragraph 6. I think you mentioned this a moment ago.
7 You say that earlier this year, is that 2022?

8 A. Yes.

9 Q. You designed and delivered an eight-week personal safety
10 training programme to police officers in Sierra Leone.

11 A. That's correct, yes.

12 Q. Can you explain a little more about the work you did?

13 A. It was basically initially a training event for
14 police officers in Sierra Leone, then from that training
15 of just over 250 officers we selected a group of 20
16 officers who had the relevant level of expertise, and
17 then trained them on to be able to deliver cascade
18 training going forward, so basically a train the trainer
19 event. In total we were there for just over seven
20 weeks.

21 Q. And can you explain to those listening a little bit
22 about this word you have used, the cascade training.
23 Can you tell us about that?

24 A. Yes, obviously if we were going out all the time and
25 delivering the training we would be there on a constant

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1 basis and certainly within the UK, the model is around
2 repeated refresher training for officers, although very
3 minimal, it's -- they have dedicated it 12 hours a year,
4 officers to deliver that normally come from local draw,
5 whereby they are trained up to deliver a package of
6 refresher training every six months, or once a year, and
7 that's normally delivered by a central team, sometimes
8 from the training school, sometimes from another
9 location, sometimes under the public order wing and they
10 basically -- they look after the cascade trainers and
11 the cascade trainers deliver to the local officers and
12 the local staff.

13 Q. Thank you. You mentioned a 12-hour training regime.

14 I -- I may be mistaken in this, I thought in Scotland it
15 was a one day a year but --

16 A. It's one day a year in Scotland. The UK, the UK
17 recommendation is 12 hours per year.

18 Q. Thank you. Can we look at paragraph 9, please, on
19 page 1. You talk about having a certificate for verbal
20 judo. I'm quite interested in an explanation on that?

21 A. It's a very old form of tactical communication that was
22 introduced probably 15 years ago but looks at different
23 ways of being able to engage people and use
24 communication skills to glean a result or lead a person
25 in a particular direction. It's sometimes now referred

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1 to as sort of persuasive communication skills, for want
2 of a better terminology. It's about using different
3 words and different phrases in different ways to glean
4 a result from a person that they might not want to
5 actually go down that particular road.

6 Q. And you did that 15 years ago?

7 A. Yes.

8 Q. Right. We have heard mention of things like
9 de-escalation, tactical communications, and they may
10 mean slightly different things, but the use of words and
11 body language to communicate with people, is that the
12 type of thing that is covered by verbal judo?

13 A. It is, yes, and it's something that was brought in --
14 a lot of what appeared in the original training for
15 verbal judo was incorporated into the manual, into the
16 communication section of the manual.

17 Q. Right. Could we look at the top of page 2, please.

18 That will be fine, thank you. There is mention of --
19 it's at the bottom of page 1 and then on to page 2 --
20 let me just read that:

21 "At a National level, I was appointed Secretary to
22 the Association of Chief Police Officers Practitioners
23 Advisory Group on Personal Safety in April 2000. This
24 is part of the Self-Defence Arrest & Restraint
25 sub-committee under the Firearms and Conflict Management

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1 portfolio. This role included the management of the
2 National Personal Safety Manual which I fully reviewed
3 and continually updated with the latest version having
4 been launched in February 2012."

5 So is this the equivalent of the Scottish OST
6 manual?

7 A. It's a far larger document. It's in excess of
8 4,500 pages.

9 Q. Oh, right.

10 A. It covers just about everything that we come across,
11 including personal safety skills for firearms officers,
12 mounted officers, etc, and it's -- as part of the review
13 we conducted a very large, independent medical review of
14 all of the tactics that went into the manual and that
15 panel which was independent was funded by
16 the Home Office.

17 Q. And this covers not just the police services; is it all
18 emergency services?

19 A. It is -- it's a police document, it's run by the Police
20 Service. As I said, it was owned and instructed by ACPO
21 as it was then, now the NPCC, and -- but there are other
22 organisations that take some of its content on board.
23 I'm aware that Police Scotland have taken an awful lot
24 of what is in that manual across to their training here
25 and, as I said, the Prison Service have some of it in

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- 1 their manual, certainly some of the medical review
2 information has been incorporated into their manuals.
- 3 Q. Right. And the latest version of that is
4 dated February 2012?
- 5 A. The latest -- when I say "version", the latest sort of
6 incarnation of it, how it looks now is from the review
7 that I did in 2012 just before I retired. It is updated
8 on a regular basis, but the actual format is
9 from February 2012 onwards.
- 10 Q. Was that the sort of foundation document?
- 11 A. Yes, that was the large document and then every year, or
12 every two years there's a review and, as I said, there's
13 this process for additional tactics or training to be
14 added to it, or amendments to be made to what's already
15 in there.
- 16 Q. Is this the document that new recruits would be given
17 when they are arriving in the service?
- 18 A. Within England and Wales they're given access to it
19 online because it's such a large document, via the --
20 what was then called the -- via the College of Policing
21 basically, but most services or forces also then take
22 from that manual what they require for the training of
23 their particular staff and will mostly produce an
24 additional manual, a hard copy manual for their staff.
- 25 Q. I see. And for officers who maybe became

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- 1 police officers before February 2012, are they given
2 access to this as well?
- 3 A. Yes, they would have been, but they would have been
4 trained from the previous manual and the previous manual
5 has been in existence since 2004.
- 6 Q. Right. Was that the first manual?
- 7 A. That was the first formulated manual at a national
8 level, yes.
- 9 Q. Thank you. Then can we look at paragraph 3 of page 2,
10 please. This is about 2008 and you say that you
11 designed a national learning programme curriculum.
- 12 A. Yes, in 2007 there was a -- Her Majesty's Inspector of
13 Constabularies did a review of personal safety and made
14 a number of recommendations and on the back of those
15 recommendations ACPO put together a working party, for
16 which I sat on, to review the national curriculum,
17 review the trainers' programme and also review the
18 manual.
- 19 Q. Thank you. And then paragraph 4, you talk about doing
20 a research project on behalf of the Federation.
- 21 A. I did --
- 22 Q. Police Federation?
- 23 A. Yes, I did a number of research programmes over the
24 years, not just for the Federation but also on behalf of
25 ACPO.

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1 Q. So are the Police Federation seen as one of the outside
2 bodies, or third parties, or are they seen as being part
3 of -- a closer part of the police?

4 A. They're an outside body, they're the representatives for
5 police officers, rank and file and the senior officers
6 across the service, but they -- you know, part of their
7 role is to improve the safety of their members, of
8 officers, and they will regularly fund and support
9 programmes that may improve that.

10 Q. Thank you. Then if we can look at the bottom of page 2,
11 do we also see that you have received a number of
12 commendations and awards --

13 A. Yes.

14 Q. -- during your time as a police officer.

15 A. Yes, I mean the top one on there, my ACPO President's
16 commendation, was for my 11 plus years' work on the
17 development and improvement of officer safety across the
18 whole of the service.

19 Q. And it says:

20 "Commander's commendation for bravery in talking
21 a [redacted] with a large knife and wearing an
22 improvised explosive device."

23 A. Yes.

24 Q. So it sounds like that was a situation where you -- did
25 you use your judo on that occasion?

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1 A. I tried it. It ended up in a scuffle whereby he went to
2 detonate the improvised explosive device that he was
3 wearing on his body, he basically provided a bomb and he
4 had it on his chest and he went to detonate the bomb and
5 we had to tackle him, so we took him to the ground and
6 disarmed him.

7 Q. Can we look now -- move away from that for a moment and
8 go back to your Inquiry statement, please. You have
9 said in paragraph 3 that you were in a unit based in
10 Hendon. Was this at the time you were doing the job for
11 the -- at New Scotland Yard?

12 A. I had -- I basically had three hats. I had the training
13 role at Hendon, the police college, I had the role at
14 Scotland Yard, so I split my time between the two
15 positions, and I also had my national role as well as
16 secretary in the committee.

17 Q. A very, very busy man obviously at this time.

18 You were asked at paragraph 6 of your Inquiry
19 statement if you had ever trained as an initial tactical
20 firearms commander. We have heard this expression,
21 sometimes abbreviated to ITFC, and I think you said that
22 wasn't something that you had done?

23 A. No, I was a firearms officer for a number of years.
24 I had to surrender that qualification when I moved over
25 and became a sergeant, so I have trained with firearms

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1 officers, I have actually delivered personal safety
2 training to firearms officers, so at the time of when
3 I was still serving, I was aware of the guidance and the
4 deployment guidelines for armed officers, but I've never
5 been trained or acted as an ITFC.

6 Q. When did you train with firearms officers?

7 A. I was training right up to 2012 with firearms. I was
8 an authorised firearms officer up until about a year
9 after I became a sergeant, so 1997/1998.

10 Q. I think you said you became a sergeant in 1997?

11 A. Yes, that will be about right. By 1998 I would probably
12 have had to surrender my authorisation.

13 Q. Right. So after that date, did you stop training with
14 firearms officers?

15 A. Yes, yes I did.

16 Q. And then you have also said that you trained -- you
17 carried out some training for firearms officers?

18 A. My department was responsible for training alongside
19 firearms trainers, new officers to the role and in
20 particular, close protection and residential protection
21 officers who were taking on those roles within the MPS.

22 Q. And when were you doing that?

23 A. I was doing that right the way up to 2010.

24 Q. Were you aware at that time in terms of the firearms
25 training were there distinctions between Scotland and

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- 1 England in the way training was delivered?
- 2 A. There were distinctions, specifically and further
3 distinctions between the Met Police and how a lot of
4 other services deployed their armed officers, yes.
- 5 Q. Thank you. And looking again at paragraph 6, you say
6 you are also a trained tactical advisor and a PIM
7 manager, post-incident management.
- 8 A. Post-incident manager, yes.
- 9 Q. Could you tell us a little bit more about that
10 experience?
- 11 A. On a number of occasions while I was still -- before
12 I went to the officer safety unit, I would be called in
13 to supervise and manage critical incidents, serious road
14 traffic accidents, etc, or possible deaths in police
15 contact.
- 16 Q. And when was that?
- 17 A. That was right up to 2000, but then I continued my work
18 past then and I started to do major incident debriefing
19 as part of the officer safety unit for major public
20 order events, so major public disorder and things like
21 that, I would be involved more in that side of it rather
22 than the death in police contact.
- 23 Q. And when you say more involved, what do you mean by
24 that?
- 25 A. I would be called in sometimes as a subsequent debriefer

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1 for post-incident debriefs, after the sort of initial
2 PIM process has been put in place, so I would be brought
3 in maybe two, three days, maybe even a week or two after
4 the incident to offer advice and guidance and to debrief
5 officers in relation to the incident to try and prevent
6 post-traumatic stress building within the units.

7 Q. Can you help me understand when you last acted as a PIM
8 manager?

9 A. Last one would have been 2011, just after the disorder
10 in London.

11 Q. Right, and then after that you would be occasionally
12 brought in a couple of weeks after the incident to deal
13 with other matters?

14 A. Yes. I mean 2011 I was actually deployed throughout
15 that whole week of disorder within the MPS and I think
16 it was about three to four weeks after that I was asked
17 to sit in on a couple of debriefs and offer support to
18 some of the units that had been on the ground working at
19 the time.

20 Q. And can you tell me a little bit more about the disorder
21 that you're describing?

22 A. It was the major disorder that basically followed
23 a shooting in London. It started with the Tottenham
24 disorder and then spread rapidly throughout London to
25 many seats. One of the first and only times I have seen

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1 so many officers from other forces being deployed on the
2 streets of London.

3 Q. And you came in after that to assist?

4 A. Yes, as I say, having worked the five or six days solid
5 that the sort of disorder went on for, it was about
6 three or four weeks afterwards I was brought in to
7 I think three separate briefings that were set up and
8 asked to assist with the debriefing of officers who had
9 been involved.

10 Q. Thank you. You have also said that you delivered
11 training in relation to risk assessment. This is again
12 in paragraph 6 -- and managing restraints within the
13 custody arena on the initial custody course within
14 the Met. Could you tell us a little about that role?

15 A. Yes, when they did a review -- I think it was about
16 2003 -- of the custody officers' training within the MPS
17 they looked at bringing in something that would assist
18 them in dealing with and understanding the protocols
19 around dealing with violent or potentially violent
20 individuals coming into custody. We had just at that
21 time -- we were reviewing the restraint processes around
22 restraint of individuals, so it was about giving them an
23 input, giving new sergeants, new custody officers an
24 input on how to manage that environment, you know, that
25 they're in charge of that domain and that they've got to

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1 manage those environments to the best of their
2 capability, and also I used to look at the assessment of
3 detainees and looking at the risks, you know what to
4 look out for, different things to look out for for risk
5 markers for detainees in response to self-harming and
6 those sorts of areas.

7 Q. Just out of interest, if someone is brought to a custody
8 suite and they have been struck to the head, is it part
9 of the training for custody officers that that person
10 should be medically assessed?

11 A. Oh, definitely, yes.

12 Q. Definitely. Our understanding in evidence we have heard
13 is that any head injury should be -- the person should
14 be assessed medically?

15 A. Yes, that's correct.

16 Q. And then at the final sentence there you say:

17 "Additionally, I have worked in an area control room
18 in Scotland Yard on the 999 system."

19 A. Yes.

20 Q. And I would like to hear more about that, please.

21 A. I used to work additional shifts as both a receiver and
22 dispatcher within the Scotland Yard 999 system, so
23 that's taking in what you would class as a grade 1 or
24 category 1, I call, as we would call them, communicating
25 with the informants, deploying and assigning units,

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1 setting up containment, setting up cordons, managing
2 RVPs, rendezvous points, if it's necessary, and
3 escalating any calls that needed to be looked at by the
4 supervisors, possibly the chief inspector or inspector
5 within the control room.

6 Q. We have heard some evidence about a control room in
7 Scotland and the structure there and we have heard about
8 call-takers, controllers, sergeants and then people in
9 the overview room which contains an overview sergeant,
10 an inspector who is also a trained ITFC officer. From
11 that description, brief as it is, are you able to
12 compare the job you did in the ACR in Scotland Yard with
13 any of those jobs that we have heard about?

14 A. I would have been both a call receiver, or taking the
15 calls in, but also a dispatcher, and I also acted on the
16 sergeant's role, whereby you would be supervising a bank
17 of dispatchers in relation -- remembering that
18 information room takes in calls for the whole of London,
19 so you could be deploying to any of the 32 boroughs
20 within London from information room, so it's a very
21 large central -- at that level, but you have then got
22 what -- now we have area control rooms as well which
23 would be responsible for two or three boroughs each.

24 Q. Right. I would like to try and tease out whether there
25 are any similarities between the system that you worked

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1 in and the system here. It sounds like your particular
2 role would have covered the call-taker, the controller
3 and on occasions, the sergeant even?

4 A. Yes. As I said, certainly, you know, night shifts, over
5 the weekends and things like that, when the resources
6 are reduced, I would sometimes go in and be the sergeant
7 sort of controller in relation to a number of desks or
8 a number of positions, so I would supervise to make sure
9 that calls are -- you know, looking at the calls coming
10 in, anything that was being directed to me for my
11 attention, reviewing that, carrying out an assessment of
12 the risk involved in that particular call, ensuring that
13 the relevant resources have been assigned, or if they're
14 not assigned, you know, making sure that they are
15 contacted or assigned as soon as they are available, and
16 also monitoring that particular incident at a distance
17 to make sure that it's being dealt with locally and as
18 and when it's either escalated or it needs to be
19 supported from other resources, that those resources are
20 made available.

21 Q. So you continued to monitor calls which you're dealing
22 with?

23 A. Yes.

24 Q. And is this information that's coming up on a screen?

25 A. Yes.

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- 1 Q. And at the same time, do you have a headset where you
2 can hear Airwaves transmissions from officers?
- 3 A. Yes, you're listening to all the radios. You have
4 not only -- you have actually got two channels to think
5 about in London. You have the personal radio network
6 for the actual area that it's actually being used on,
7 but there's also a separate radio channel which connects
8 all of the main vehicles, and that's how we would
9 normally deploy vehicles, and then revert over to the
10 personal radios once they're on scene and they're out of
11 the vehicles. So you're actually monitoring two systems
12 basically.
- 13 Q. And the screen?
- 14 A. And the screen.
- 15 Q. And we have heard about in Scotland that in addition to
16 the work that's going on with the controller, that there
17 will be other people supporting around the scenes, maybe
18 contacting the Ambulance Service, contacting specialist
19 resources. Is that similar to --
- 20 A. Yes, yes. You would be using your dispatchers or you
21 would be using your call-takers to be able to say
22 "Right, refer that to ..." because in London they're
23 linked automatically to the Fire Service, to the
24 Ambulance Service, etc, but some of the other services
25 you have usually got to contact them directly so you

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1 would dedicate somebody to say "Right, I want that
2 done".

3 MS GRAHAME: Thank you. I'm going to move on now to
4 a different paragraph.

5 LORD BRACADALE: Is that a convenient point to stop? We
6 will stop for lunch and sit at 2 o'clock.

7 (1.03 pm)

8 (The luncheon adjournment)

9 (2.01 pm)

10 LORD BRACADALE: Yes, Ms Grahame.

11 MS GRAHAME: Thank you.

12 I was just about to move on to paragraph 7 of your
13 Inquiry statement, Mr Graves.

14 A. Yes.

15 Q. And we will just get that on the screen and there's two
16 sentences in it I'm particularly interested in. The
17 first one says:

18 "Within the Met, when I worked there we didn't have
19 area control rooms, we had individual control rooms
20 within each borough."

21 And I wonder if you could help me understand.

22 I know that Scotland Yard is the headquarters of the Met
23 and you're in London. Is the Met the only police force
24 in London?

25 A. Yes -- apart from the City of London, of course.

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- 1 Q. Right, City of London and the Met?
- 2 A. And the Met and then you've got British Transport Police
3 as well.
- 4 Q. Right. And just to be clear, when you say the Met, they
5 didn't have area control rooms, they had individual
6 control rooms, is that -- that's where you worked when
7 you were working there?
- 8 A. Yes. They then moved over to area control rooms later
9 on when I was still serving, but I didn't actually work
10 in one of those. Initially each, what would have been
11 a borough, or each station had their own control room
12 which just looked after their particular patch.
- 13 Q. So originally there were individual control rooms
14 allocated within a borough?
- 15 A. Yes.
- 16 Q. But then ultimately they moved to a system where there
17 was one area control room?
- 18 A. It would be an area control room covering anywhere
19 between three or four boroughs depending on the size.
20 I can give you an idea, one borough I worked on was
21 26 square miles, that was just one station.
- 22 Q. And within that area control room, there may have been
23 up to three boroughs and were there different people
24 dealing with each borough within that area control room?
- 25 A. Yes, the call could come into any of the call handlers

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1 or any of the dispatchers, so quite a lot larger sort of
2 area control room but I think we had at any one point
3 I think it was about six around London that were
4 controlling the different areas.

5 Q. Right. And what size would the individual control rooms
6 cover?

7 A. What would be possibly two to three stations, as I said.
8 One I did work at at a borough level before they went
9 over to area control room covered five stations and in
10 excess of nearly 45 square miles.

11 Q. Right, thank you. Before your retiral from the service,
12 can you tell us if you had any qualifications or
13 experience of first aid training?

14 A. Yes, I have been first aid trained since before I joined
15 the police. I did first aid training when I was
16 a member of the Territorial Army. I continued that
17 training and then became a first aid instructor within
18 the police in I think about 1996 or 1997.

19 Q. Right. And did you as part of your role in London, did
20 you also train officers in first aid?

21 A. That's correct, yes.

22 Q. Did that continue up until your retiral?

23 A. It did within the Police Service. I now deliver
24 first aid externally. I've got qualifications
25 externally to deliver it.

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- 1 Q. Thank you. Can I ask you about -- sorry, the final
2 sentence in paragraph 7 and you confirm you:
3 "... haven't done the inspector role within the
4 control room set-up in Scotland, being the person making
5 the decisions, but I have made those decisions in
6 a smaller control room for a larger area of London as
7 the supervisor controller of that control room."
8 A. Yes, controllers within the Metropolitan Police would be
9 of sergeant level or senior PC.
10 Q. Right. So you have done that at the sergeant level?
11 A. Yes.
12 Q. During the time that you were a serving officer?
13 A. Yes, I have, yes.
14 Q. But not the inspector role or the ITFC role?
15 A. No, that -- at the areas now or at Scotland Yard that
16 inspector would be the sort of the same level, yes.
17 Q. And we have heard that in Scotland the inspector role is
18 permitted to authorise the deployment of an ARV?
19 A. Yes, that's correct.
20 Q. Or declare a firearms incident, but officers below that
21 rank are not -- do not have that authority.
22 A. Yes. As I said, there are differences across different
23 services in relation to the deployment requirements so
24 yes, I believe it is an inspector level within Scotland.
25 Q. And I understand in London the situation is different in

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- 1 relation to ARVs; is that correct?
- 2 A. Yes. Armed response vehicles are actually out and about
3 patrolling, they're already out, equipped, and they
4 don't need to be actually authorised to deploy. They
5 will be assigned to calls but they don't need an
6 authorisation from a senior officer.
- 7 Q. So they are patrolling areas, kitted up and ready to be
8 sent to a call at any time?
- 9 A. That's correct, yes.
- 10 Q. Thank you. So as part of your role when you worked in
11 London, would you be able to assign an ARV to attend
12 a call, or deploy them to attend a call without
13 requiring any special authorisation?
- 14 A. I would, yes. I would be able to assign direct and
15 I would also be able to accept or reject them trying to
16 attend a call that I didn't think was suitable.
- 17 Q. Did they sometimes volunteer to go to things?
- 18 A. On occasions, yes.
- 19 Q. So you had authority to deploy them as you saw fit?
- 20 A. Yes, as required, based on the risk assessment of the
21 call that was being received.
- 22 Q. And that would be your risk assessment?
- 23 A. Yes.
- 24 Q. And is that done in accordance with what they call in
25 Scotland the National Decision-Making Model?

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- 1 A. It would be, yes.
- 2 Q. And is that used -- that model used nationally?
- 3 A. It is, yes.
- 4 Q. And so could you explain to us an example, say, of the
5 circumstances in which you felt that an armed response
6 vehicle was appropriate?
- 7 A. Certainly where there's a risk to the public, where the
8 information or the intelligence that's been received
9 indicates that a subject involved may be armed with
10 a weapon. That could be anything from a sharp
11 implement, a knife, to an actual firearm, where an
12 actual firearm has been seen or where officers or
13 members of the public may be placed in danger if that
14 type of specialist support was not provided.
- 15 Q. We have heard that in Scotland there's a particular
16 firearm protocol which does not mean that there has to
17 be a gun or a firearm, but it could also be a bladed
18 weapon or a knife, something that could cause death or
19 injury to --
- 20 A. Yes, that's correct.
- 21 Q. Is that the same in London?
- 22 A. It's the same in the Met, yes.
- 23 Q. Thank you. Can I ask you to look at paragraph 8,
24 please, and you say that -- decisions to deploy armed
25 response units -- is that what we have just been talking

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1 about, the slightly different set up in London compared
2 to Scotland?

3 A. Yes, that sort of over-arching authorisation is not
4 required within the MPS because of them being out
5 already deployed with firearms.

6 Q. That's lovely, thank you. I would like to move on to
7 focus for a moment on your experience as an expert, or
8 a skilled witness in courts and Inquiries such as this.
9 Could we look at paragraph 5 of your Inquiry statement.
10 You have said that you have provided in excess of 200
11 statements and actual expert testimony in excess of 100
12 cases in your role as an expert.

13 A. That's correct, yes.

14 Q. And that remains correct today?

15 A. Yes.

16 Q. And you have commented on a number of organisations who
17 have been involved in cases, or litigation where you
18 have acted: MPS?

19 A. Yes, Met Police, yes.

20 Q. The Met Police. IOPC?

21 A. Independent Office for Police Conduct, formally the
22 IPCC.

23 Q. And that's in relation to misconduct allegations by
24 officers?

25 A. Yes, everything from, as I say, deaths in police contact

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1 down to excessive force.

2 Q. CPS?

3 A. Crown Prosecution Service in England.

4 Q. The equivalent of Crown Office here?

5 A. Equivalent, yes.

6 Q. And the Police Federation of England and Wales?

7 A. Yes, sometimes the Federation will instruct or fund

8 officers, solicitors and barristers and I will be called

9 by -- or instructed by the Federation to give opinion on

10 the case.

11 Q. And that's the equivalent of the Scottish Police

12 Federation here?

13 A. Yes, that's it.

14 Q. Together with a number of other forces, including

15 South Wales, Scottish forces, Dorset, Bedfordshire,

16 Merseyside. GMP?

17 A. Greater Manchester Police.

18 Q. And Cambridgeshire?

19 A. Yes, among others, yes.

20 Q. Could you help the Chair understand to what extent you

21 act for police officers, either in defence or in

22 relation to inquiries, or that type of thing?

23 A. Irrespective of my instruction, my over-arching

24 responsibility is to provide impartial opinion on the

25 information that's given to me. As I said, it was from

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1 the Police Federation I would be instructed on behalf of
2 probably an officer who is being prosecuted or is facing
3 misconduct hearing. In relation to the IOPC it's where
4 they're investigating possibly a death in contact, or
5 an allegation of misconduct by an officer, and again,
6 professional standards, Department of Professional
7 Standards within the police services across England and
8 Wales, a number of times they will look for independent
9 expert opinion in relation to cases that they're
10 investigating around excessive use of force or
11 misconduct, or again, deaths in police contact.

12 MS GRAHAME: So you have mentioned that you understand you
13 have obligations as an expert and --

14 NEW SPEAKER: (Mic turned off).

15 MS GRAHAME: Sorry? Sorry, it was an accident, sorry.

16 So you understand the need to be objective and
17 impartial and, as I understand it in England, they have
18 a book, the White Book which says there's a Part 35
19 which sets out and helps experts understand the
20 importance of impartiality?

21 A. That's correct, yes.

22 Q. Regardless of who is instructing them?

23 A. Yes, so I mean to give an example, I have regularly been
24 instructed by one party and then actually been called by
25 the other party in relation to the information or the

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- 1 evidence opinion that I have provided so ...
- 2 Q. Thank you. So when you have said here you have acted
3 and given testimony and one of the bodies was the Crown
4 Prosecution Service --
- 5 A. Yes.
- 6 Q. -- so were you called as a witness in relation to
7 a prosecution of a police officer?
- 8 A. Yes, I have been called to a number of cases,
9 manslaughter cases, cases where the CPS have decided to
10 prosecute officers in relation to excessive force, or
11 malfeasance in a public office.
- 12 Q. Right. And so you have been called by the Crown?
- 13 A. Yes.
- 14 Q. Or what we would call the Crown, the Crown Prosecution
15 Service?
- 16 A. Yes.
- 17 Q. And in relation to any of the others you have mentioned,
18 say Police Federation of England and Wales, are you
19 there acting on behalf of an individual officer, or a --
- 20 A. It may be an individual officer or a group of officers
21 that are facing discipline or criminal findings, yes.
- 22 Q. And your role will be as an expert witness in relation
23 to those allegations of misconduct or discipline?
- 24 A. That's correct, yes.
- 25 Q. Right. And are you able to help us understand maybe the

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1 percentage of times that you act on behalf of
2 an officer, or the Federation, or a police force, and
3 times where you have acted and been called as a witness
4 by the Crown?

5 A. I would say probably more -- I have given more testimony
6 on behalf of the Crown, or what you might class as the
7 prosecuting unit, whether that be the Professional
8 Standards or the actual service involved, probably about
9 70/30.

10 Q. 70/30, thank you. You have said that you have acted for
11 various Scottish forces. Are you able to give us an
12 indication of any of those?

13 A. Before the formation of Police Scotland, obviously, and
14 excluding this case, I have previously given advice
15 to -- in Glasgow, and also to a case that took place in
16 Aberdeen.

17 Q. Thank you. We touched on this earlier. You have looked
18 at the evidence of a number of witnesses in advance of
19 coming here today.

20 A. I have, yes.

21 Q. And can I just check with you that was PC Walker?

22 A. Yes.

23 Q. Retired PC Paton?

24 A. Yes.

25 Q. PC Short?

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1 A. Yes.

2 Q. PC Tomlinson?

3 A. Yes.

4 Q. And Inspector Stewart?

5 A. Yes, that's correct.

6 Q. Now, we had Inspector Stewart back yesterday. I don't
7 know have you watched one session or two?

8 A. I only saw his first session.

9 Q. First session, thank you. Apart from that, have you
10 watched the evidence of anyone else?

11 A. I have dipped into some of the evidence, yes, of
12 different individuals.

13 Q. Thank you. Do you remember who they were?

14 A. I remember looking at some of the doctor's evidence in
15 relation to the injuries sustained to the officers and
16 I think that was about it. I think that was the only
17 one. I did get 39 hours of original footage to go
18 through so I had quite a lot to look at anyway.

19 Q. Yes, we have had a lot of evidence so far.

20 A. Yes.

21 Q. And can I ask you to look at a use of force standard
22 operating procedure, PS10939. Sorry, PS10933, sorry.
23 I might have the number wrong with that.

24 A. I don't think that's in this bundle, is it, over here?

25 Q. I just wanted to check with you -- you will see this on

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1 the screen, use of force, and I understand that was
2 recently sent to you?

3 A. Yes, I was originally given an earlier --

4 Q. Version?

5 A. -- version of it and I received this on -- the day
6 before yesterday.

7 Q. Right. So this was a different -- slightly different
8 version sent to you in advance of today?

9 A. Yes, it's an update -- it appears to be an updated
10 version.

11 Q. And have you had a chance to look at that?

12 A. I have had a quick look over it, specifically looking
13 for any major changes. I will be happy to stand
14 corrected, but I couldn't see any major changes other
15 than what I would expect with regards to changes that
16 have taken place in relation to use of force.

17 Q. I agree, but I didn't want to influence you in any way.
18 That's good. Had you had sight of this or a use of
19 force SOP from the Crown when you first instructed?

20 A. No, I wasn't. I wasn't given any training materials.

21 Q. No training materials?

22 A. No.

23 Q. And this is the standard operating procedure?

24 A. Yes.

25 Q. Rather than a manual or --

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- 1 A. Yes.
- 2 Q. Did you have that?
- 3 A. No.
- 4 Q. And then can we have a look briefly at the OST course
5 manual from 2013, which is PS11538A. Now, this is
6 a large document. We will see the first page. It is
7 split into modules for officers. We have heard this is
8 a training manual which came into force, if you like, in
9 2013 and was in force by 2015 --
- 10 A. Yes.
- 11 Q. -- at that stage. And you will see that it's got
12 a number of sections regarding a wide variety of topics.
13 Have you had a chance to see that manual?
- 14 A. I have, yes.
- 15 Q. Yes. And did you have sight of that when you did your
16 report for the Crown?
- 17 A. I hadn't, no, but I was aware of the training at the
18 time within Police Scotland.
- 19 Q. And were you aware of the training manual at the time?
- 20 A. I was that led -- I have seen a very similar version to
21 this in one of my visits.
- 22 Q. When you were sent your instruction by the Crown were
23 you sent a manual to look at --
- 24 A. I wasn't, no.
- 25 Q. -- or to consider?

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- 1 A. No.
- 2 Q. No. Could we look at a PowerPoint please, OST
3 PowerPoint, PS17208, I think that is.
- 4 Now, we have looked at this before, it's a number of
5 slides on a PowerPoint. Have you had sight of that --
- 6 A. I have, yes.
- 7 Q. -- before today. When you were instructed by the Crown
8 did they give you access to anything like this?
- 9 A. No, not until I was instructed by the Inquiry.
- 10 Q. This is part of a document used for training, as we
11 understand it.
- 12 A. Yes, it would be the standard PowerPoint that would
13 support the training. Obviously it's open to
14 interpretation as to who delivers it in relation to how
15 much information is given on each slide.
- 16 Q. We have heard that the manual is a bulky document but
17 some key points from the manual would be part of this
18 slide because there's only 30 slides or so.
- 19 A. Yes, what they would consider to be the main bullet
20 points, yes.
- 21 Q. Can I ask you now to look at a report by Joanne Caffrey,
22 SBPI00181. You will see the first page of this, it says
23 "expert witness report". If we go down slightly you can
24 see it relates to the incident on 3 May 2015 and the
25 report is from October 2022 and again, were you provided

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1 a copy of this by the Inquiry in advance of today?

2 A. I was, last week. It's a substantial document so yes,
3 I have read the relevant sections that I think may come
4 up in questioning, but I haven't done the whole
5 document.

6 Q. That's fine. I will be asking you different questions
7 anyway.

8 Can I move on to your instruction with the Crown in
9 2018. I don't want to look at the report in any detail,
10 but can I just confirm with you that -- we can take that
11 off the screen, thank you -- were you asked by the Crown
12 to consider the overall management of the incident on
13 3 May 2015?

14 A. Not initially. I was then called to Scotland for
15 a one-to-one interview by one of the investigating staff
16 and during that deposition I was asked questions in
17 relation to the post-incident management because I had
18 actually commented on it anyway within my original
19 report.

20 Q. Right. So you were asked about the post-incident
21 management, so things happening afterwards.

22 A. Yes.

23 Q. But in relation to the way the incident was managed from
24 the time when calls started coming in, were you asked
25 any questions about that?

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1 A. From recollection, no, it didn't form part of the
2 original instruction or questions that were posed to me.

3 Q. There's nothing about it in your original report from
4 2018, but I just wanted to ask if they had asked you
5 maybe at consultation, or by email, or anything along
6 those lines?

7 A. I don't remember anything regarding the actual handling
8 of the incident. It was more around the post-incident
9 management.

10 Q. So the first time that you were asked to consider that,
11 or look at the whole circumstances, was that when the
12 Inquiry were in touch with you?

13 A. That's correct, yes.

14 Q. Thank you. If we look at paragraph 20 of your Inquiry
15 statement, I think towards the bottom of that paragraph
16 you say:

17 "... the initial assessment of risk across the board
18 to Mr Bayoh, the officers, and the public has to ... be
19 high by the inspector ..."

20 Now, we have heard a lot of evidence where officers
21 have said they thought it was a high risk incident. Is
22 it fair to say you agree with that assessment?

23 A. I would, yes.

24 Q. And we have heard considerable evidence where officers
25 have talked about risks to the subject, the police, and

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- 1 potentially to the public?
- 2 A. Yes, correct.
- 3 Q. Would you agree with that?
- 4 A. Yes, I would say it was high across the board for all
- 5 parties concerned.
- 6 Q. Thank you. And is that primarily because of the
- 7 allegations in relation to a knife?
- 8 A. Yes. Certainly in relation to the public and the
- 9 officers, but then obviously as I commented in relation
- 10 to Mr Bayoh that the relevant level of force that may be
- 11 required to meet that risk would likely to be quite
- 12 high.
- 13 Q. Thank you. In relation to -- if you look, please, at
- 14 paragraphs -- it might be easier in your hard copy --
- 15 10, 11 and 12. I'm going to ask you some questions
- 16 about these paragraphs, so if we start with 10. You
- 17 were asked about command and control of the incident,
- 18 including the role of the area control room, and in
- 19 terms of the initial reports there were six emergency
- 20 calls, 999 calls, 101 calls, from five people. One
- 21 gentleman, we have heard his name, Harry Kolberg, phoned
- 22 twice. So you're aware of all of that?
- 23 A. Yes, I was from the original investigation, yes.
- 24 Q. Right. And the reports were generally of a well built
- 25 or muscular man in the street carrying a knife and you

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1 say:

2 "I understand one individual reported the subject
3 took a flying kick at his car."

4 A. I believe so, yes.

5 Q. Now, I wanted to just check, that's not in the STORM
6 records that went into ACR, it's not in the transcripts
7 of the telephone calls made by members of the public, so
8 was that information maybe from some evidence that you
9 heard?

10 A. It probably was if I would have used that particular
11 terminology because I have lifted it out of some of the
12 evidence that was provided to me.

13 Q. Well, that's fine. I just wanted to make it clear to
14 you that in terms of the calls that were coming in from
15 the public and the records, the STORM records, it wasn't
16 noted on any of those.

17 A. Okay, thank you.

18 Q. And then you said:

19 "I think with that information and intelligence
20 available the requirement for specially trained and
21 equipped staff was a necessity, certainly to consider."

22 And you mention that Maxwell requested the ARV and
23 the dog unit.

24 A. I believe if you look at the timeline he was the first
25 one to mention the ARV. It may well have been being

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1 considered by Inspector Stewart but the first comment of
2 consideration of ARVs and dog unit appears to be coming
3 from the sergeant who is in charge on the ground.

4 Q. Yes. In fact, if we look at the spreadsheet in front of
5 you and you look at page 2, you will see that Acting
6 Police Sergeant Maxwell, at 7.17.23, makes a request for
7 all units to attend, an ARV and a dog?

8 A. That's correct and I don't think it's until about 7.19
9 that we have a response from the control room confirming
10 that ARVs are being considered and a dog unit has been
11 assigned.

12 Q. And you will see at 7.19.12, Maxwell asks for an update,
13 and then at 7.19.17, the controller, we have heard from
14 says "I believe a dog unit is en route", and
15 controller 2, "Be aware, organising an ARV as well."

16 And we have heard that behind the scenes in the
17 [ACR] other members of staff were contacting the dog
18 unit and assessing the situation with the ARV.

19 A. Yes.

20 Q. So you are quite right, the call from Maxwell at 7.17.23
21 is the first request on the Airwaves transmission for
22 specialist resources?

23 A. (Nods).

24 Q. And I just want to ask you about that point. Can we
25 begin by looking at the STORM record first, so that

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1 I can explain something to you, PS00231. So this is the
2 STORM records. There's PS00231 which starts at 7.14.16
3 on 3 May 2015. This was created at 7.14.17 in response
4 to the first call, so the call came in from
5 Harry Kolberg at 7.10 and this record was created by
6 a call-taker and marked up as 7.14 and then we hear
7 Sergeant Maxwell's Airwaves transmission at 7.17, and
8 I would like to ask you at what point -- knowing what
9 you do about the calls that have come in and the
10 information that was available to the police at that
11 time, at what point would you think a reasonable
12 controller in the ACR would start considering specialist
13 resources?

14 A. I think the consideration for specialist resources would
15 have been immediate once the number of calls and the
16 actual information that was being received arrived in
17 front of them.

18 The other thing to consider is the -- I think is the
19 travelling time, knowing the resources that are
20 available to you as the controller, what the possible
21 travelling time would be to that particular incident in
22 that area, and I have commented on when I was asked in
23 my opinion if I was the supervisor making that decision
24 at the time I would have rolled the ARV immediately
25 based on the information and intelligence that I had,

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1 especially knowing that they were 20 to 25 minutes
2 travelling time away from the incident.

3 Q. So on the basis of the information that's in the STORM
4 log -- I have shown you this one which is 7.14 and it
5 says:

6 "African looking male was chasing complainer's car
7 and he thinks he may be carrying a knife."

8 And then if we look at 232 we see another STORM log
9 that was created at 7.15.42, and on page 2 of this we
10 see the first entry here -- these eventually were
11 combined, if I can say. The first entry here is:

12 "Male in possession of a large knife, a black male
13 wearing white T-shirt, no jacket, walking along the
14 street with a large knife in right-hand about 9-inch
15 blade walking in the direction of the hospital."

16 And that's at 7.15.

17 A. Yes.

18 Q. So the first one is 7.14, the second one is 7.15, but
19 eventually they are joined together, and I can tell you
20 we have heard evidence about this one that was on the
21 screen now that this was immediately graded a grade 1
22 call. Now, you have already mentioned to us this
23 morning about a grade 1 call.

24 A. Yes.

25 Q. You will understand in Scotland that's immediate threat

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1 to life and we have heard that for grade 1 calls, they
2 come up with a flashing red thing on the screen.

3 A. Yes.

4 Q. And we have heard that a filter can be applied by the
5 inspector or a sergeant which only filters the grade 1
6 and grade 2 calls.

7 A. Yes.

8 Q. So the controller, the sergeant and the inspector have
9 this on their computer screen and they're listening to
10 the transmissions. So the calls come in, 7.14, 7.15.
11 I think we have heard evidence that the controller very
12 quickly thought they were the same incident, and then
13 you can see from your spreadsheet that at 7.16, on
14 page 2, you will see that controller 1 at 7.16.32 sends
15 a call-out to what was Response Team 4 and said:

16 "I need you to divert to Hendry Road, a disturbance
17 ongoing, male armed with a knife, African looking male,
18 chasing someone, may be carrying a knife, described as
19 big with muscles, about 6 feet tall, wearing a white
20 T-shirt and dark coloured jeans. There's another job
21 coming in about it, stand by."

22 A. Yes.

23 Q. So at that stage you would expect the controller to be
24 considering specialist resources?

25 A. I think with -- as I said, with PS231 and 232, by the

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1 time we get to 7.16, so we're two minutes in, we've got
2 more calls coming in, then yes, I personally would
3 have -- I think there's sufficient intelligence there,
4 sufficient information that, you know, a number of
5 members of the public have -- are so concerned to ring
6 in, we've got eye-witness accounts of the individual
7 being in possession of a knife, high grade -- grade 1
8 call, I would have ruled -- authorised ARV deployment at
9 that point.

10 Q. So in paragraph 10 in your Inquiry statement you have
11 talked about:

12 "With the information intelligence available the
13 requirement for specially trained and equipped staff was
14 a necessity, certainly to consider."

15 You are actually saying that in those circumstances
16 you think it's more than consideration that should be
17 given, you would have --

18 A. I would have considered it and I would have deployed.
19 I would have authorised and deployed at that point.

20 Q. Now, we have heard that if we think about
21 a hypothetical, reasonable officer, there may be more
22 than one option available, and you personally may choose
23 one and someone else may choose the other and they could
24 both be equally reasonable options, and so I would like
25 to ask you questions on the basis of what a -- what the

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1 range of reasonable options might be to an officer who
2 is acting in accordance with his legal requirements,
3 his -- acting in accordance with the standard operating
4 procedures, guidance, his ethical obligations.

5 A. Yes.

6 LORD BRACADALE: Ms Grahame, just before you go on to that,
7 I'm going to take a very short break.

8 MS GRAHAME: Yes.

9 (2.34 pm)

10 (Short Break)

11 (2.41 pm)

12 LORD BRACADALE: Yes, Ms Grahame.

13 MS GRAHAME: Thank you. The break has given me

14 an opportunity to look at something, Mr Graves.

15 I understand that in fact you were sent training
16 materials in your instruction from Crown Office in 2018.

17 A. I have certainly listed them in my original report from
18 2018, but I haven't detailed them, but I do have access
19 to the detailed list which I can check and tell you
20 exactly what documents were provided.

21 Q. I don't think you were given the PowerPoint, you can
22 perhaps confirm that, but I think you may have been
23 given at least a manual?

24 A. I think I was given a very heavily redacted manual which
25 had basically very little information in it.

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1 Q. All right, thank you. And I think in addition you were
2 given a use of force standard operating procedure?

3 A. Yes, which I believe was identical to the original one
4 that I was given.

5 Q. Thank you. So just to go back, we were talking about
6 how there could be a range of options open to
7 a reasonable officer. Two officers could both act in
8 accordance with the legislation and their SOPs and
9 ethical obligations, but maybe take different courses of
10 action?

11 A. That's correct, yes.

12 Q. And so when we're going through some aspects where you
13 have expressed a view, I would ask maybe if we can talk
14 about the possible ranges of options that would be open.

15 A. Yes, yes.

16 Q. And we were looking at this aspect in relation to the
17 STORM cards information and the Airwaves transmission,
18 and this is information that's available to the
19 controller in the ACR at the same time, and so the first
20 call card in the STORM log is 7.14. The controller, as
21 we have looked at, at 7.16 diverts a unit to
22 Hendry Road --

23 A. Yes.

24 Q. -- in relation to response to these messages. So we
25 have the call 7.14, 7.15, and then the controller going

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1 on to the Airwaves at 7.16 and sending a unit to the
2 area.

3 A. Yes.

4 Q. And we have also looked at Maxwell's request for
5 specialist resources, ARV and dog, and requesting for
6 all units at 7.16.

7 A. Yes.

8 Q. So we see 7.14, 7.15, 7.16, 7.17, and you have indicated
9 that a controller aware of all these logs and
10 transmissions would be considering specialist resources?

11 A. Certainly by the time we get to 7.16. Probably not with
12 the original 7.14 because there's insufficient -- in my
13 opinion there's insufficient information on there to
14 confirm that a knife or an edged weapon is involved.
15 The 7.15 indicates that there is and then from memory
16 I believe the 7.16 call, the additional calls that come
17 in again confirm that the individual was in possession
18 of a knife.

19 Q. So is it the -- if we look at 7.14 there was mention of
20 a knife.

21 A. Yes.

22 Q. There's more detail in the 7.16 -- 7.15 STORM log.

23 A. Yes.

24 Q. But you think from the 7.15 STORM log that would be --
25 plus the additional calls coming in, you think that

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- 1 would be the moment where the controller would be
2 considering --
- 3 A. Yes, yes, definitely. I would say by sort of 7.16 --
4 we've got there 7.17, additional calls, so yes, I would
5 say around about that 16, 17 benchmark would be when
6 I would be considering the --
- 7 Q. And that would be happening even before
8 Sergeant Maxwell's request for an ARV or a dog unit?
- 9 A. If I was that controller then yes, I would already be
10 considering that prior to Sergeant Maxwell requesting
11 one anyway.
- 12 Q. Right. But for a reasonable controller, would it be
13 reasonable for that person to start thinking about
14 specialist resources after Maxwell's call?
- 15 A. I would have hoped -- as I said, I would have thought
16 that that consideration would already be in place prior
17 to that. It's unusual where somebody on the ground has
18 to make that request without it already have been either
19 considered or instigated by the control staff.
- 20 Q. And you know that in Scotland -- and we agreed earlier
21 that to deploy an ARV in Scotland, that has to be
22 something within the authority of the inspector?
- 23 A. That's correct.
- 24 Q. But the lower ranks do not have that authority?
- 25 A. Yes.

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- 1 Q. And so when you said the reasonable controller would
2 consider these things, what would that consideration
3 look like?
- 4 A. You're looking at the risk factors, taking into
5 consideration the number of calls, the quality of the
6 information that's being contained in those messages.
7 You may well speak to the call handler who has received
8 the call to establish how realistic the information may
9 be from the informant, how did they sound, but I think
10 just with the sheer number -- I mean, it's a Sunday
11 morning, it's usually very quiet on that time on
12 a Sunday morning. When you start getting six or seven
13 calls to one location, to one incident and to one
14 individual, you sit up quite quickly and start taking
15 notice of it.
- 16 Q. Thank you. And we have heard that on page 2, as you
17 will see, by 7.19 the controller is saying "I believe
18 a dog unit is en route", and we have heard that behind
19 the scenes, a member of the staff in the ACR has been in
20 contact with a dog unit and they are attending from
21 Edinburgh?
- 22 A. Yes. I would have expected that to be happening, yes.
- 23 Q. And we can see from the -- if we go back to STORM log
24 PS232, we have heard today that at 7.21 there is SD18
25 which related to specialist dog units, they're coming

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1 from Edinburgh, but prior to that at 7.18.18, SD10 was
2 supposed to be attending?

3 A. Yes.

4 Q. Right. But I think we heard this morning from the dog
5 handler that the initial dog handler was travelling
6 a further distance and then he was brought in to come
7 from Edinburgh.

8 A. Yes.

9 Q. So by the time Maxwell seeks an update at 7.19, two dog
10 handlers have been contacted and one is coming -- sorry,
11 that's not correct -- one dog handler has been contacted
12 and is attending and then shortly after, at 7.21,
13 a second closer dog handler has been contacted.

14 A. Yes.

15 Q. And in relation to the ARV element, 7.19.23 on page 2,
16 we see Con 2, Controller 2 saying:

17 "Be aware organising an ARV as well."

18 Now, we have not heard from that particular witness,
19 but we understand that the inspector wasn't actually in
20 the overview room until 7.18 approximately.

21 A. (Nods).

22 Q. And he did not authorise the deployment of an ARV and
23 I'm interested in your view about this particular
24 evidence. So his name is Inspector Stewart and we heard
25 from him yesterday.

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1 A. Yes.

2 Q. And he took the view that he would not deploy the ARV --
3 although contact had been made with them, they were in
4 Edinburgh, but until he received feedback as to what was
5 happening on the ground, that it was not appropriate for
6 him to deploy the ARV.

7 If you take those facts as circumstances, would you
8 say that that was within the range of a reasonable
9 approach for --

10 A. I -- it is an approach that could be used. The -- my
11 caveat with that is the time delay in getting that type
12 of resource to the scene. If you know the ARV is 20,
13 25 minutes away, and, as I said, this is my opinion
14 based on similar situations where I have had to wait for
15 back up, I would have had that authorisation in place
16 and had that unit travelling to the scene as a safety
17 precaution for the officers and the members of the
18 public that may be at risk should they come across the
19 subject.

20 Q. Right. In terms of the speed at which you would expect
21 the ACR department to have that deployment in place, we
22 know in Scotland it has to be the inspector --

23 A. Yes.

24 Q. -- who has the authority. Do you have any views about
25 how quickly that should have been deployed?

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1 A. If he wasn't in the room at 7.18 I would expect him to
2 be taking a couple of minutes to review the various
3 messages, review the intelligence and the information
4 that's come in, before making that decision.

5 The decision that was made I think was to some
6 degree influenced by the fact that officers had already
7 been deployed and were reasonably close to the scene, so
8 taking the decision not to authorise, I can understand
9 it. I personally don't agree with it but, as you said,
10 that's my opinion based on my years of experience in
11 doing that role.

12 I can understand that and, as I said, awaiting --
13 and he does actually, you know, request an update from
14 the attending officers which appears to take place
15 literally as the officers come into contact with
16 Mr Bayoh, so it's -- it's an understandable decision but
17 I still stick with my opinion that I would have had that
18 unit running but in reality it wouldn't have made any
19 difference because they would never have reached the
20 scene before the incident, you know, developed.

21 Q. So ultimately, we're talking about small periods of time
22 and it wouldn't have actually made any difference, even
23 if that decision had been made earlier?

24 A. No, no. You know, in hindsight, with the development of
25 the situation being so rapid, that decision was moot,

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1 really, in relation to the ARVs attending or not
2 attending.

3 Q. What importance would you place on officers on the
4 ground knowing that an ARV had been deployed?

5 A. I think the deployment is -- you know, it's something
6 that they would probably expect. As I said,
7 Sergeant Maxwell certainly expected it and requested it.
8 I think officers faced with that type of call or that
9 number of calls would expect an armed response to be
10 assigned and it would give them some sort of support in
11 relation to what might happen if -- you know, if they
12 come across an individual armed with a knife.

13 Q. And where a request has been made from a sergeant on the
14 ground, what importance do you think a reasonable
15 controller would give to that specific request from the
16 officer on the ground?

17 A. I think you have to give some credence to that. It may
18 well be that the local sergeant has -- is in possession
19 of more information or more intelligence that may sway
20 that decision, that the controller may not be in
21 possession of, but I think you have to take it --
22 overall the decision lies with the inspector to
23 authorise that deployment. The sergeant can ask as many
24 times as they like, but it's down to the inspector based
25 on the information that's in front of them to make that

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- 1 decision.
- 2 Q. Would it be reasonable for a controller to have regard
3 to a sergeant who may know his team and the particular
4 experience and skills and make up of the team that he
5 has working under him?
- 6 A. It could certainly be with an impacting factor, yes.
- 7 Q. And that's not necessarily something that a controller
8 would have any information about?
- 9 A. Probably not. Again, I commented elsewhere in my
10 interview that with regional -- you know, area control
11 rooms that lack of local knowledge is one of the down --
12 the sort of downturns of having that type of system in
13 place because you lose that local information, that
14 local intelligence which can only come from the officers
15 on the ground.
- 16 Q. We have also heard that local information is not
17 necessarily always accurate or available to controllers
18 in the ACR?
- 19 A. That's correct, yes.
- 20 Q. So personally they may not have experience of particular
21 areas and also we have heard that the mapping system on
22 their computers may not always be accurate?
- 23 A. Yes, I can give examples. When I have been in the
24 central control at Scotland Yard whereby, you know,
25 a big call would come in and it may be that somebody on

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1 another desk sees it, or hears it and says "Oh, that's
2 my old ground, I know that", and it's actually passed to
3 them to sort of help control it because they've got that
4 local knowledge. It's not always the case in a lot of
5 control rooms that I have been in or sat and watched.

6 Q. So where the controller also have has some local
7 knowledge, is that -- can that be of assistance --

8 A. It can be yes, definitely.

9 Q. -- in carrying out this risk assessment?

10 A. Yes, definitely.

11 Q. Can I just ask you to reflect for a moment on
12 paragraphs 23 to 25. I think we have covered most of
13 this. You have been asked to consider the grade 1 call
14 and the immediate response to that and the questions
15 that a controller would be asking themselves about
16 deployment of resources, and in paragraph 24 you
17 mention:

18 "The speed at which this developed obviously negates
19 an awful lot of [the] decision-making because the
20 decision, to some degree, was taken out of the
21 inspector's hands because it was dealt with very quickly
22 on the ground. The officers had obviously made the
23 decision, whether they came across it by accident or,
24 saw him and approached as they did, getting quite close.
25 The response officers having made that decision to

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1 approach the male and assess the male, I think from
2 there it developed so quickly. There's little or no
3 additional information going back to the control room
4 until such time as Nicole Short is assaulted."

5 A. That's correct, yes.

6 Q. Can we talk about that. We have heard that the
7 inspector was seeking feedback.

8 A. Yes.

9 Q. Information. And his expectation was that officers who
10 arrived at the scene would provide that feedback via
11 their radios?

12 A. Yes.

13 Q. And you have commented there that there's little or no
14 additional information being fed back to the ACR.

15 A. Yes, I mean --

16 Q. Can you explain the importance of that information?

17 A. I think with Inspector Stewart having made the decision
18 that he was going to depend upon an update from the
19 scene before he made the decision to deploy ARVs, it was
20 very relevant, very important for him to get that
21 information as soon as possible. His transmission in
22 relation to requesting that information virtually
23 crosses with the first officers arriving on scene and
24 engaging with the subject, so I think it's -- you know,
25 from that time forward, he doesn't really get that

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1 information that he requires to make that tactical
2 decision in relation to the ARVs.

3 Q. We see on the transcript that Inspector Stewart came on
4 to the Airwaves at 7.20.13.

5 A. Mm-hm.

6 Q. And we have called this variously a stay safe message:

7 "Inspector Stewart area control room to the set
8 attending, I'm monitoring this obviously from an ARV
9 perspective. If you get sightings of the male you need
10 to make an initial assessment yourself and feed back
11 through straight away and I will listen out on
12 the channel."

13 And we have heard that there was an expectation from
14 the inspector that the officers on the ground would
15 carry out an initial risk assessment, a dynamic risk
16 assessment, and then feed back, go on their radios and
17 give information to ACR.

18 A. That would be the standard practice, yes.

19 Q. And we have heard that he expected that before he made
20 any decisions about an armed response vehicle.

21 A. Yes. I mean having made his decision along those lines,
22 yes, he would have to wait for that type of information
23 to come in before he made a further judgment.

24 Q. Would you be able to help us with what type of
25 information would an officer on the ground be expected

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- 1 to feed back?
- 2 A. I think the first bit of information is actual contact
3 with the subject, so the fact that you have found the
4 person that you're looking for. That, again, would then
5 increase the risk because now we're not just talking
6 about officers driving round looking for somebody, we're
7 talking about officers actually engaging and actually
8 coming across the individual who they believe they're
9 looking for, so that would have been the first bit of
10 information I would have been waiting for, you know,
11 some sort of contact message, some sort of "We've got
12 him at the bus stop", or something like that, just
13 something to indicate that the subject has been located.
- 14 Q. And does "located" mean actually seen visibly?
- 15 A. Yes, visibly seen, not so much contact because then the
16 decision by the officers then has to be whether they're
17 going to observe, whether they're going to approach,
18 whether they're going to engage.
- 19 Q. So it could be that there's some sort of contact with
20 ACR via the radio from the vehicle?
- 21 A. Yes.
- 22 Q. As they approach the area?
- 23 A. Yes.
- 24 Q. And that's the sort of thing you would expect an officer
25 to provide?

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1 A. I would have hoped for that. What I would say though is
2 in those sorts of situations, bearing in mind the level
3 of risk the officers perceived, that was probably one of
4 the first things that goes out the window because they
5 become focused on the incident rather than the impact on
6 others and the bigger picture. They will become very
7 focused on what's in front of them.

8 Q. So how common is it for officers who are sent to an
9 incident not to provide that type of feedback to ACR?

10 A. It's very common unfortunately. What you tend to find
11 is that the original officers you won't hear from
12 because they're dealing with the situation. What you
13 then hope for is for the second unit or third unit to
14 arrive, because they've got that slight bit of distance,
15 will give that information to the control room based on
16 "We have just arrived on scene, officers are engaging,
17 officers are talking, whatever, we're at such and such
18 a location".

19 Q. So officers who maybe aren't first on the scene but who
20 arrive shortly after, there's not an end point to feed
21 back, they can continue to provide that feedback?

22 A. Yes, yes. You would hope that somebody down the line --
23 you know, it might be the case that if officers are
24 engaged in a struggle, the next officers arrive and will
25 go to that as the primary concern and then the third

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1 unit arrive and will be the ones that give the update
2 because the restraint has taken place, if that makes
3 sense.

4 Q. Yes. But at some point you would expect that feedback?

5 A. When it has been requested but even without it being
6 requested it's just common practice and best practice to
7 get that information out to other units arriving.

8 Q. We did hear from Inspector Stewart that he said this is
9 really effectively a reminder to staff who are trained
10 to provide the feedback?

11 A. Yes, that's correct.

12 Q. You would agree with that?

13 A. Yes, I would.

14 Q. And we have talked about officers maybe observing,
15 I think was the word that you used, as they approach the
16 area and can provide feedback then, or when they leave
17 their vehicles they can provide feedback?

18 A. Yes, they can provide it over their personal radios.

19 Q. And is that something that's very simple to do?

20 A. Yes, I mean it's press a button and talk. With this
21 particular incident, we also have two activations of
22 emergency buttons on the radios. I'm sure you have
23 heard evidence, but that basically opens up the channel
24 to that particular radio and gives that radio priority
25 over other signals, so even then, just pressing that

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1 button you can then shout instructions, you can shout
2 locations, it gives you that opportunity to be basically
3 hands-free but still communicating with the control
4 room.

5 Q. So they don't need to touch anything on their radios at
6 all?

7 A. No, once that's activated, it opens the channel and it
8 opens it for between 10 and 15 seconds depending on the
9 radio set.

10 Q. Looking at the spreadsheet again -- you have mentioned
11 the events after the message from Inspector Stewart, so
12 that's at 7.20.13. We heard some evidence yesterday
13 that effectively although there was no feedback in terms
14 of a conversation, or verbal comments from officers,
15 that at 7.20.42 -- you will see that at the bottom of
16 page 3 -- there was an emergency status turned on. That
17 was PC Alan Paton.

18 A. Mm-hm.

19 Q. And by -- that was acknowledged by Inspector Kay at
20 7.20.56, and then we see 7.21.02, this is on to page 4,
21 "Officer injured, PC Short, male".

22 And so although there's no verbal or communication
23 of feedback, we have heard that turning on an emergency
24 button and then "Officer injured" being transmitted,
25 that is in itself feedback --

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1 A. Yes.

2 Q. -- of some description. And at that point can you
3 explain for an inspector who is in the ACR with
4 authority to deploy an ARV, would it be reasonable at
5 that stage to say it's too late, things have moved on by
6 then?

7 A. I wouldn't use the terminology "Too late". What you've
8 got to consider is if this was the incident that they
9 thought it might be, you know, the ARV may still be
10 required because if this individual then escapes the
11 custody of the officers and officers have been injured,
12 you're now doing a search for an armed suspect so the
13 ARV would be required for that. Around it's too late,
14 I think by the time you get the comment "Male
15 restrained" or "Male secure", then you're realising that
16 at that point then the ARV is irrelevant, the ARV is not
17 required, but I think at that point where you're
18 stipulating in relation to the emergency button and the
19 officer assaulted, at that point you don't know the
20 degree of the injury, whether the knife has been used or
21 seen, and whether the ARV is still required.

22 Q. So at that point -- moment in time it's still a matter
23 for consideration?

24 A. Yes, definitely. Yes. And, as I say, the mere pushing
25 of the emergency button, or the activation of the

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1 emergency button indicates that that particular officer
2 that's pressed it now requires, in terminology, urgent
3 assistance from other officers.

4 Q. And then the second emergency status button is 7.21.

5 A. Yes.

6 Q. So 19 seconds after "Officer injured" is transmitted.

7 A. Yes.

8 Q. And "Male secure on the ground" is also 7.21. This is
9 the top of page 5.

10 A. Yes.

11 Q. 7.21.38, but that's the point I think at which you say
12 it would be reasonable to no longer consider an ARV
13 appropriate.

14 A. Yes. I would still probably want an update just to make
15 sure that everything was okay and the ARV wasn't
16 required, but at that point in my considerations that's
17 when I would be thinking "It's too late to deploy, or
18 consider deployment of an ARV".

19 Q. So a reasonable officer in the ACR would not necessarily
20 consider it appropriate at that stage?

21 A. Not at that late stage, no.

22 Q. I would like to ask you about the situation -- I took
23 you a moment ago to your comments about the speed at
24 which things developed and what impact can that have on
25 officers who are attempting to do risk assessments,

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1 attempting to prepare plans?

2 A. The -- the speed at which an incident develops greatly
3 impacts on any human being's ability to rationally
4 process information that's coming in. We become more
5 responsive and more reactive than considering the actual
6 actions that we're doing. This is all part and parcel
7 of the training that officers receive around the effects
8 of stress on the body and a heightened heart rate,
9 heightened breathing, etc, and how that can impact on
10 not just physical reactions but also psychological and
11 your thought processes in relation to that sort of
12 incident.

13 So we become more reactive and the way I try to
14 explain it sometimes is you're driving your car down the
15 motorway and the car in front brakes heavily. You still
16 have that ability to react to that stimulus. The
17 stimulus is the car slowing down. It takes your brain
18 approximately three-tenths of a second to process that
19 information and to instigate a physical action to deal
20 with that problem, ie slam your brakes on. For those of
21 us that remember the Highway Code, if you think about
22 the back page of the Highway Code you have the speed
23 stopping distances for the vehicle. The one thing that
24 doesn't change is the thinking distance because that's
25 the speed at which our normal cognitive brains, in

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1 a live situation, can process that information, that
2 visual cue.

3 Unfortunately, as adrenaline is released into the
4 body, as the heart rate rises, that time -- thinking
5 time basically expands and we need longer to process
6 information. Therefore, it's more difficult for
7 officers to process rapid changes and come up with
8 accurate tactical responses to those and it becomes more
9 reactive and instinctive than it does actually a thought
10 process, for want of a better terminology.

11 Q. Right. I would like to ask you about -- we touched
12 earlier on risk assessments and considering risk to the
13 officers, the subject and members of the public if
14 they're in the vicinity, and I would like to have your
15 views on what control measures could be in place to
16 protect officers and the public from a subject who is
17 alleged to have a knife.

18 A. The simple control measures for the officers are not to
19 engage, or not to become close enough to the individual
20 for them to become at risk, so with a knife obviously
21 you have to be in close proximity for that individual to
22 injure you so the simplest control measure is to keep
23 a distance from that individual, you know, a substantial
24 distance, if possible, engage in conversation if
25 necessary, if you deem that is appropriate, or observe

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1 that individual from a distance.

2 The problem then you have -- that keeps the officer
3 safe, but what it then does or can do is if a member of
4 the public then comes into close proximity with the
5 individual who is allegedly armed, that member of the
6 public now becomes at risk and obviously as officers we
7 have a duty to respond and a duty to keep the public
8 safe. Therefore, that control measure is not always
9 suitable or appropriate to the situation that you find
10 yourself.

11 In relation to, again, Mr Bayoh, you think that if
12 officers don't approach and don't engage what is going
13 to -- what could happen, what could he do, where could
14 he go, etc. So there's that balancing act between the
15 sort of risk to the three -- those three areas, but the
16 predominant overview is that the police are responsible
17 for the safety of the public, therefore, they may have
18 to act and may have to put themselves in a position of
19 risk to mitigate that risk to the public.

20 Q. If we have heard evidence that there were no public in
21 the vicinity, although it was a residential area, early
22 hours of Sunday, there were people in cars but not out
23 on the street, so where there are no public visible in
24 the vicinity, does that have an impact, does it permit
25 more time to be spent?

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1 A. I think it certainly could do, yes. You know, options
2 such as putting a cordon in, or putting a block in on
3 the road to stop any vehicles coming down would be an
4 option.

5 Q. How easy would that be to create?

6 A. Thinking of the location that the incident took place it
7 would have been quite easy to block the roundabout on
8 one side. Obviously I'm not aware of what was down the
9 other side of the road, but again, you know, if that
10 whole process had gone through somebody's mind they may
11 have directed a unit to the other side of the street,
12 again to stop anybody trying to get to where the subject
13 was, so they could have stood back and seen what
14 happened. The officers made the decision to engage.

15 Q. How easy is it to create a cordon?

16 A. Very difficult in an open area. You've got to
17 consider --

18 Q. What do you mean by an open area?

19 A. Well, various escape routes, there were various
20 footpaths, there was an open grass area, there was
21 trees, so it's quite -- it's very difficult, virtually
22 impossible to put what they call a floating containment
23 in place for somebody who is wandering around the
24 streets. It is far more easy if you've got them
25 contained in a building or, you know, down an alleyway

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1 or something like that, it's easier to control. But
2 it's very difficult and you would literally be
3 responding to whatever direction the subject has walked
4 in, so if they walk one direction, you walk with them,
5 they walk back towards you, you walk away from them, so
6 it's a nigh impossible task to accomplish in an open
7 space area.

8 Q. If there are no members of the public in the area, but
9 obviously in that area that may change, does that permit
10 the officers a longer period of time -- more opportunity
11 to consider their tactics?

12 A. I think it probably would if that was their initial
13 assessment of the tactical option to use should they
14 find the individual.

15 What you're remembering is that this -- the National
16 Decision Model is being run through in the officers'
17 heads on an ongoing basis, so as the different calls
18 come in, as the different bits of information come in,
19 they're constantly reviewing their options and their
20 processes as to how they're going to deal with this
21 individual should they come across them and officers
22 will make a decision based on that assessment.

23 So in this instance, the decision was made to
24 engage -- you know, if they found him was to engage.
25 The fact that there were no members of the public

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1 around, if the decision had been different, if they had
2 made the decision is "We're going to try and locate but
3 not contact or not engage with the individual, we're
4 going to just try and locate them", then yes that -- the
5 fact that there was no members of the public there would
6 have changed or altered the assessment of risk to the
7 public based on that bit of information, but, as you
8 said, that could have changed very quickly by somebody
9 coming out of their door, a car passing, you know,
10 something like that.

11 Q. I would like to put some different scenarios to you and
12 ask for your views. The first would involve
13 non-engagement by the officers and by that I mean that
14 they would move to a rendezvous point, so a remote area,
15 for example, in this location such as Gallaghers pub car
16 park, and the officers could park in the car park, wait
17 there, same position, same location, keep their eyes on
18 the subject. If he walked off, they could try and --
19 they could try to contain him. They would have to be
20 fluid. There would be a potential risk to members of
21 the public if they appeared. It would have to be
22 closely monitored, but they could take a point of view
23 from Gallaghers car park and see the roundabout and the
24 streets in that area and while they were there waiting,
25 feed back to ACR.

Transcript of the Sheku Bayoh Inquiry

1 A. Certainly if it had been declared as a firearms incident
2 or the ARVs had been deployed, then that would be what
3 I would have expected to happen, that officers would
4 have been sent to a forward rendezvous point ready for
5 deployment, or ready to support the armed vehicle when
6 they arrived.

7 Somebody had to have a view of the subject. The
8 safest place to do that, to be honest, is inside the
9 vehicle because short of the person then smashing their
10 way into the vehicle -- you know, you're inside the car,
11 you lock the car doors, they can't really do you a lot
12 of damage with a knife, so somebody would have probably
13 just pulled up on the road and observed the individual,
14 so yes, it was an option. I don't think it was
15 a requirement because of the decision to deploy to the
16 scene, that decision had already been made. So I think
17 then -- I think sensible deployment of the units
18 arriving is how they got there and where they went to
19 was probably more beneficial than everybody turning up
20 to one place, but that, again, would have been better if
21 that initial contact information had been given by the
22 first officers spotting the subject and then basically
23 saying "We've got sight of him in such and such an area,
24 next to the bus stop", etc.

25 Q. Let's just go over that maybe in a little more detail.

Transcript of the Sheku Bayoh Inquiry

1 So in terms of a rendezvous point, if we can call this
2 scenario "rendezvous point", would that instruction have
3 come from the ACR?

4 A. Certainly if they had declared -- assigned ARVs or
5 declared it as a firearms incident, I would have
6 expected that decision and that instruction to come from
7 the control room inspector.

8 It's also a decision that could have been made by
9 the sergeant. He could have made that decision on the
10 ground, taking into the same consideration information
11 that the inspector was taking into consideration.

12 It's unusual to have a rendezvous point unless
13 you've got somebody there to then assign or control that
14 rendezvous point and then assign units from there.

15 Q. If you have officers arriving on a scene at different
16 times, quite quickly, but at different times, does that
17 make it harder to organise a rendezvous point?

18 A. Yes, very much so.

19 Q. So is that decision to direct officers to a rendezvous
20 point made easier by making that decision in advance of
21 them actually arriving at the scene?

22 A. It is. One of the other considering points is also how
23 many units have you actually got because if you have
24 only got four units, which is not unusual on an early
25 Sunday morning, if your four units is all you've got and

Transcript of the Sheku Bayoh Inquiry

1 you think it's going to take four units to deal with
2 that particular incident, the four units go to the scene
3 to deal with that particular incident, you haven't got
4 the luxury of then deploying to a rendezvous point
5 unless you've got the resources to actually operate that
6 type of system.

7 Q. What resources do you need to operate a rendezvous
8 point?

9 A. You're certainly going to need a marshaling officer to
10 sort of bring them in and hold them, somebody there to
11 make the decisions around deployment or send --
12 obviously deploying them from that scene and then
13 obviously the resources that you actually need to
14 deploy. You know, you can run a rendezvous point with
15 two or three units, but if your total shift is four
16 units and you send three to the rendezvous point, you
17 have only got the one unit that's actually dealing with
18 the incident.

19 Q. If all units have been called to a rendezvous point,
20 does that permit that mechanism to be implemented?

21 A. Yes, certainly as I said from a firearms point of view
22 that would be the standard practice. All units would go
23 to a rendezvous point, await the arrival of the armed
24 unit, the armed unit would then go to the call, or go to
25 the individual, deal with it and then they would

Transcript of the Sheku Bayoh Inquiry

1 probably have an unarmed unit in support of them for
2 possibly arrest and detention purposes, or bringing that
3 person out of the location.

4 Q. So having all the officers arrive at a rendezvous point
5 allows more coordination about how they're going to
6 handle the incident?

7 A. Yes, it gives them time to consider the approaches, the
8 requirements -- you know, I talked about blocking roads
9 and things like that. It gives you a little bit more
10 time to think of that plan which hopefully would be
11 coming down from the inspector at the control room, and
12 then the sergeant on scene acting as the bronze and
13 putting those tactical decisions into practice.

14 Q. And you have talked about if there was a firearms
15 incident declared, that that's the type of arrangement
16 that you would expect to be in place, a rendezvous
17 point?

18 A. Yes.

19 Q. What if there's no firearms incident declared?

20 A. Certainly --

21 Q. Is it still an option?

22 A. It's still an option, yes, it is still an option but, as
23 I said, that's sort of mitigated by the number of units
24 that you've got and the number of units that are likely
25 to be needed to deal with the particular incident. As

Transcript of the Sheku Bayoh Inquiry

- 1 I say, I think four or five units on the day turned up.
- 2 Q. We've got a large number of cars?
- 3 A. And then there's a lot more turning up afterwards, so
- 4 you might dictate that three or four go to the scene and
- 5 then make the decision that any remainder pooled at
- 6 a RVP pending contact with the individual, pending more
- 7 information.
- 8 Q. So just to be clear about when that type of decision can
- 9 be made in relation to a rendezvous point, you can have
- 10 it before any officer arrives at the scene?
- 11 A. Yes.
- 12 Q. Or once officers have arrived at the scene?
- 13 A. Yes.
- 14 Q. Or once a number of units have arrived at the scene?
- 15 A. Yes, could be. You know, that decision has to be made
- 16 as to how many units are going to be required to deal
- 17 with the initial threat or the initial risk, and then
- 18 you regularly see it where you have got sort of 10 or 15
- 19 vehicles parked down the road and you don't need 10 or
- 20 15, they're just blocking the road, so you may as well
- 21 say "Please gather at the car park" or "Please go to
- 22 this location and stand by".
- 23 Q. Right, and if officers are in a rendezvous point, parked
- 24 and located there, you said you would expect a marshal.
- 25 Is that someone in charge?

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1 A. It's somebody who is basically just bringing them in,
2 you know, indicating who you've got, so that when the
3 bronze arrived, whether it be the sergeant or whatever,
4 he can say "You've got five units here, these are the
5 units you've got, where do you want them, what do you
6 want them to do?" and then the sergeant can make that
7 decision and then the marshaling officer would send them
8 out to do whatever the particular job is that needs
9 doing.

10 Q. You said earlier that it's possible for officers to take
11 that decision, not simply an inspector in the ACR?

12 A. Yes, could be.

13 Q. If it's officers, individual officers who take that
14 decision, would they have to nominate someone as
15 a marshal?

16 A. If it's -- like they would probably be the first unit on
17 scene to the rendezvous point really, that's what
18 normally would happen. They would turn up and somebody
19 would then start, you know, marshaling and actually
20 coordinating what's happening.

21 Q. Could we look at paragraph 77 of your Inquiry statement
22 please. We will see the start of this on the screen:

23 "I'm asked about the evidence of PC Paton in which
24 he addresses the possibility of an alternative course of
25 action, namely parking in Gallaghers pub car park and

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1 waiting for the arrival of an ARV, and just observing
2 and monitoring Mr Bayoh and providing feedback to the
3 ACR and whether this would be an appropriate course of
4 action. Yes, I think it was certainly a course of
5 action that, if they've considered it, was appropriate,
6 the issue being, as I said earlier, the fact that there
7 is still a danger to members of the public. So they may
8 have decided that's what they wanted to do. However, if
9 they had, either the control room or the supervisor
10 could have directed that they search the area for the
11 subject."

12 A. That's correct, yes.

13 Q. And just to look at that paragraph, are you envisaging
14 in this situation that it would have been the officers
15 who took the decision to gather in the car park?

16 A. Based on that evidence from PC Paton, yes, they could
17 have made that decision initially to try and locate
18 Mr Bayoh. Once they had located him, stand back,
19 observe, and coordinate with the control room so yes, it
20 was a viable option, yes, it was a decision that could
21 have been made but it wasn't made. Their decision was
22 to, you know, engage.

23 Q. So thinking about options that are open to reasonable
24 officers, then that is an option that would have been
25 open to reasonable officers?

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- 1 A. Yes, certainly.
- 2 Q. Yes. Are you envisaging in this paragraph that when
3 they're in the car park there would be feedback with the
4 ACR and the other officers who are on the radios?
- 5 A. If that decision had been made and that tactical choice
6 had been their go-to, then yes, I would have expected
7 them to be immediately on locating Mr Bayoh, stating
8 that they have found him, the location and what he is
9 doing and most importantly, is he in possession of
10 a knife or can they see the knife.
- 11 Q. Right. And in circumstances where, for example,
12 officers have decided to gather in a rendezvous point
13 and that is fed back to the control room, to the
14 controller, to the sergeant/inspector, to what extent
15 would that set of circumstances and that feedback be
16 inputted by those officers in ACR into their assessment
17 of risk?
- 18 A. I think it would indicate to the control room inspector
19 that the officers on the ground have major concerns
20 around going to and engaging with a subject believed
21 armed with a knife, and it would show them that their
22 tactical choice, or their decision-making and their risk
23 assessment on the ground has indicated that the risk is
24 too great for them to actually approach the individual
25 and that they want to handle it in a slightly different

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1 way.

2 Q. So that in itself would be indicative of maybe an
3 elevated perception of risk?

4 A. Yes.

5 Q. And that would equally go into their own risk assessment
6 in terms of their NDM?

7 A. Yes, I mean each individual officer would be assessing
8 the risk to them personally and, as we have said, they
9 could all be coming up with slightly different decisions
10 and slightly different versions of the level of risk
11 that they're facing in that circumstance.

12 Q. Thank you. Then I would like to move on to another
13 scenario and ask you about this. This, again, would be
14 a non-engagement with the officers on the ground with
15 the subject, but in this case they wouldn't move to
16 a remote rendezvous point, but perhaps a park nearby in
17 the street, at the end of the street or in the vicinity,
18 so non-engagement, observe, wait and feed back. So you
19 can imagine parked, remaining within the vehicle, but
20 observing, waiting and feeding back to ACR, stop the car
21 perhaps a short distance away and say to themselves
22 "I can see him, this is what's happening to him", so
23 observing what the subject looks like, what he is doing,
24 what's happening at that moment in time and the location
25 and then creating some space and distance there, so not

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- 1 bringing themselves out of the vehicle into potential
2 harm's way.
- 3 A. Yes, certainly a viable tactical option and quite
4 a sound one really. Even better would have been if
5 there was an unmarked vehicle as part of the team,
6 you know, maybe driving past, observing from a distance
7 and calling an unmarked vehicle in to take over that
8 observation, so ...
- 9 Q. So initial officers at the scene, if they saw the
10 subject they could park a short distance away and
11 communicate equally with other officers who were -- all
12 units due to attend -- other officers who may be in
13 a different type of vehicle?
- 14 A. Yes, yes, it's certainly an option, yes. That's got to
15 be balanced against, as I say, their perception of risk
16 to the public and, as I say, at that point there isn't
17 anybody there, but that could change very quickly and
18 that could instantly change what they've got to do, but
19 they need to be in a position to react to that but
20 without escalating the situation.
- 21 Q. So maybe being a little closer physically in terms of
22 where the vehicle is parked would allow a quicker
23 reaction perhaps?
- 24 A. Yes.
- 25 Q. And in terms of the observation, what would you expect

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- 1 officers in this situation to be feeding back to ACR?
- 2 A. As I said: location, demeanour, what they're doing,
3 behaviour, and whether they're in possession of the
4 weapon, the alleged weapon.
- 5 Q. And what would be the benefits of waiting at a close
6 distance to the subject?
- 7 A. There's a number of benefits to it. One could be
8 waiting for sufficient officers to more safely deal with
9 that individual, depending on the length of time waiting
10 for the armed support, if it had been deployed, the
11 armed support to arrive and make that initial
12 engagement, but it all just gives you thinking time,
13 gives you more time to consider the options and the
14 what ifs based on, you know, the decisions.
- 15 Q. Or you could be waiting for other specialist resources,
16 a dog unit or ARV?
- 17 A. Yes.
- 18 Q. And that thinking time, what's the benefit of that
19 thinking time?
- 20 A. As I said, I think the fact that you can mull over the
21 decisions that you have made, you can think about is
22 that really the best choice of option, but also be
23 prepared then from that point that if it escalates and
24 escalates quickly, how and what you're going to do in
25 that set of circumstances.

Transcript of the Sheku Bayoh Inquiry

1 Q. And would one of the benefits also be that other units
2 can join so you have more support from other officers?

3 A. Yes, as I said, if you're the first unit there, I might
4 look at a situation and say: well, I'm going to need at
5 least three units here, so I want six officers on scene
6 before I consider placing myself in a position of risk.
7 You know, maybe eight, maybe 10, maybe 12, but that's
8 a decision that that officer would make, so it would be
9 that position -- that thought process of: yes, I'm happy
10 to deal with this as we are, or: no, I want X, X and X
11 in place before we go and deal with this.

12 Q. And so that type of option would be one that would be
13 open to a reasonable officer?

14 A. Yes, definitely.

15 Q. Thank you. And then I should perhaps say that in that
16 scenario what impact would that decision by the initial
17 officers have on ACR? So if ACR are getting feedback
18 and officers are sitting in the van, how would that
19 impact on the risk assessment that the control room
20 staff are performing?

21 A. Well, certainly the initial bit of additional
22 intelligence or additional information is the fact that
23 the subject has now been found and located. Then you're
24 looking for, as I said, what are they doing, are they
25 presenting a risk, are they in possession of a weapon,

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1 but we must remember that just the fact that we can't
2 see the weapon doesn't mean that they're not in
3 possession of one, but the major fact here is that we
4 have actually located the individual.

5 You know, the number of calls that officers go to
6 and they search the area for 20 minutes or 15 minutes
7 looking for the person and they're never ever found, so,
8 you know, that sort of situation as against "Well,
9 actually we have arrived, they're there, they fit the
10 description of the individual allegedly concerned in
11 this call, they're allegedly in possession of a knife",
12 that raises that level of risk straight away.

13 Q. And does that period of time of observation, for
14 a reasonable officer, would that also permit them time
15 to look at the demeanour of the subject and see how they
16 appeared as well?

17 A. Certainly from a distance, yes. I mean you're not going
18 to get that much information from just the observations.
19 You would get far more from interaction with the
20 individual but yes, it would certainly give you
21 an opportunity to observe, you know, look at their --
22 whether they're staggering, whether they're acting
23 bizarrely or unusually, you know, wandering in and out
24 of the streets, so just what do they look like, what are
25 they presenting to you.

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1 Q. And if that person was -- if an officer was able to see
2 that the person had eyes bulging out of their head, is
3 that the type of thing that you might be able to feed
4 back to ACR?

5 A. It would, but what I would suggest is that the distance
6 you would probably be away from them it would be quite
7 difficult to identify that at that sort of distance.
8 You know, you only see that sort of physical evidence
9 when you're in reasonable proximity to an individual, so
10 yes, it would be difficult from a distance observing
11 from a vehicle.

12 Q. But if you were able to tell that the person appeared
13 perhaps to be in a mental health crisis, or to be
14 intoxicated in some way, again, would that period of
15 observation and waiting time permit that information to
16 be fed back to ACR?

17 A. It would allow you to gather more information and
18 certainly then pass that on to the ACR and also to the
19 other units arriving.

20 Q. We heard evidence yesterday that if ACR are told certain
21 information about a person that indicates they may be
22 having a mental health crisis or be intoxicated, that
23 they would contact ambulance services immediately for --
24 because it was perhaps a medical emergency?

25 A. Yes.

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1 Q. You agree that that's the type of thing that --

2 A. If you've got that sort of information available to you
3 it would be standard practice to call for medical
4 assistance, yes.

5 Q. I would like to move on to a third scenario and ask you
6 about this. This is the first scenario where there
7 would actually be engagement with the officers,
8 de-escalation.

9 So this has been described as "engage and negotiate
10 and de-escalate", so unarmed officers attend a location,
11 they are trying to understand what is going on, which
12 would then allow them to inform the decision-making
13 about the process, that they would provide additional
14 updates to ACR and their other officers, it would
15 provide them with various options such as the
16 opportunity to communicate, it would it be key to
17 building rapport, and they would attempt to de-escalate,
18 engage and negotiate. So that type of situation where
19 there is engagement with the subject, so this is
20 envisaged, they're not sitting in a vehicle at any
21 position, they're actually approaching the subject, and
22 in relation to that type of scenario, again, is that the
23 sort of option that's open to reasonable officers who
24 are approaching a subject?

25 A. It's certainly another option for officers to consider.

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1 Even within that there's ways of still keeping yourself
2 safer, such as things as pulling alongside, opening the
3 window a little bit, talking to the individual through
4 the window, keeping the doors locked, things like that.
5 You know, there's other ways of protecting yourself from
6 the possibility of the knife attack.

7 Q. We have heard about a process called "CUT".

8 A. Yes.

9 Q. Which would permit an officer to engage with someone but
10 to retain that distance.

11 A. Yes, it's -- CUT's majority basically based on reaction
12 time and best practice around incidents involving edged
13 weapons or sharp implements. So, as I said before, the
14 primary protection against an edged weapon is the
15 distance you can maintain from the individual, so the
16 further away you are from them, the less opportunity
17 that individual has to injure you.

18 The second one is use cover, so again, that's why
19 I emphasise about using the vehicle, even if it was the
20 case of pulling up and the passenger -- you know, if
21 Mr Bayoh was on the passenger side, the passenger side
22 not getting out, the driver getting out and engaging
23 over the top of the car so you've got the car between
24 you and the subject, so you have always got that
25 barrier, but the T is exactly what we have been talking

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1 about for the ACR, it's transmitting where you are, what
2 they're doing, what's going on, getting that additional
3 information into the other units that are attending, so
4 that they know exactly what they're coming into.

5 Q. So again, the "using cover" could be keeping the vehicle
6 between you and the subject, or it could be rolling down
7 the window and speaking --

8 A. Yes, just keeping some sort of physical barrier between
9 you and the individual. That could be a set of
10 railings, a fence, a vehicle, a bit of street furniture,
11 a bus shelter, giving you some sort of protection from
12 that individual getting direct contact with you.

13 Q. And again "transmit", is that the sort of feedback that
14 you're giving on the radio to ACR and to other
15 colleagues?

16 A. Yes, it's sold as transmit for help, that's basically
17 how it's sold for. If you're dealing with an edged
18 weapon incident, you want help, you want specialist
19 support, you want more officers to come and help you, so
20 yes, but that's the sort of information, you know, as
21 I have said before "We have found him, think we've got
22 the subject here", bang, "Haven't seen a knife yet
23 however ..." bang.

24 Q. And again, does that permit an officer more time, more
25 opportunity to observe and see what's happening?

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- 1 A. To some degree, yes, but you're now in the situation
2 whereby that risk can go very, very quickly. It can
3 develop very, very quickly. It doesn't take a lot of
4 time for an individual to draw a weapon and attempt to
5 use it on you and people can travel over a large
6 distance in a very, very short period of time to get to
7 where you are to cause you that injury with the knife,
8 so, you know, we may be thinking sort of 6, 8, 10 feet.
9 That distance can be closed down in a fraction of
10 a second and you're then at risk to that attack.
- 11 Q. Would a reasonable officer then be in a position to
12 observe the subject and have a clearer picture of their
13 demeanour and their body language and how they appeared?
- 14 A. Yes, definitely, yes.
- 15 Q. So again, at that point, this engagement would permit
16 a clearer assessment of whether the person is under the
17 influence of drugs or alcohol, or perhaps suffering
18 a mental health crisis?
- 19 A. Well, even to the extent of, as I said, from a distance
20 you're not going to get that much feedback from what
21 they are, but the fact that you're trying to engage
22 verbally and whether you're -- depending on the type of
23 response you get, you may get a nil response whereby the
24 person is ignoring you, you then have to factor in: why
25 is this person ignoring me, is it because of some sort

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1 of medical condition, drug or alcohol intoxication, or
2 is it the fact they just don't like us and they don't
3 want to talk to us. So it's assessing that situation
4 because of now the verbal, or the lack of verbal
5 response is now added to the mix of what you have been
6 viewing in the non-verbal communication world, now
7 you're getting some verbal communication to add to it.

8 Q. So we have heard a number of officers talk about the
9 National Decision-Making Model permits always additional
10 information, and when you get that additional
11 information, whatever it may be, it goes back into the
12 process and the cycle and you're constantly reviewing
13 and evolving your risk assessment.

14 A. Yes, it's an ongoing process. As more information comes
15 in, you go back to the beginning of the model, you
16 basically reassess, add that to the mix, reassess the
17 risk, reassess the threat to yourself, consider, you
18 know, what you might now be dealing with, what powers
19 and policies have I got to deal with this, and then what
20 basically tactical options -- what options have I got to
21 deal with this person in this situation at this time.

22 MS GRAHAME: Thank you.

23 I wonder if we could perhaps adjourn now before
24 I move on to the fourth and final --

25 LORD BRACADALE: Yes, I think for administrative reasons

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1 I wanted to stop about 3.45, so it is now 3.45. So we
2 will resume again on Monday at 10.00 am.

3 (3.46 pm)

4 (The Inquiry adjourned until 10.00 am on Monday,
5 28 November 2022)

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