

# Transcript of the Sheku Bayoh Inquiry

Tuesday, 31 May 2022

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(10.00 am)

LORD BRACADALE: Well, good morning.

Now, Ms Grahame, the witness today is Kevin Nelson,  
is that correct?

MS GRAHAME: That's correct.

LORD BRACADALE: Good morning, Mr Nelson.

A. Good morning.

LORD BRACADALE: You are going to be asked questions by  
Ms Grahame, but before that, would you say after me  
the words of the affirmation.

MR KEVIN NELSON (affirmed)

Questions from MS GRAHAME

MS GRAHAME: Good morning.

A. Morning.

Q. You're Kevin Nelson?

A. I am, yes.

Q. And what age are you, Mr Nelson?

A. 42.

Q. And can I ask what height you are?

A. 6 foot 1.

Q. Thank you.

Now, your contact details are all known to  
the Inquiry, so I don't need you to say those out loud  
today, but in May 2015, can I confirm you were living in

## Transcript of the Sheku Bayoh Inquiry

1 Hayfield Road in Kirkcaldy?

2 A. Correct, yes.

3 Q. Thank you.

4 I'd like to begin by looking at some 3D images that  
5 we have and we would like to look at still images number  
6 2, that section, and if we could look at image 5, first  
7 of all, please.

8 Now, we've heard evidence that this is  
9 Hayfield Road, it's an aerial view, and on  
10 the right-hand side is Hendry Road and a roundabout with  
11 Hendry Road. Do you recognise this place?

12 A. Yeah, I do, yeah.

13 Q. And you will see that in 2015, on the left-hand side,  
14 there was a bus stop on Hayfield Road?

15 A. Yeah.

16 Q. And there are houses opposite that bus stop on this  
17 image, and I wonder if you would be able to help  
18 the Chair by pointing to your front door --

19 A. Okay.

20 Q. -- in 2015?

21 A. Yeah, is this touch screen, yeah?

22 Q. Yes, so you'll see there's a red circle comes up, and if  
23 you don't like where you've put it, you can keep your  
24 finger on it and move it around?

25 A. Okay.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And if you don't like it at all, we can take it away.

2 A. (indicates).

3 Q. Lovely.

4 So that was your front door in 2015 --

5 A. Yes.

6 Q. -- looking out onto Hayfield Road.

7 And then, could you also point out your living room

8 window?

9 A. Yeah (indicates).

10 Q. So that's on the ground floor, just to the left of

11 the front door as we look at the screen?

12 A. Yes.

13 Q. Thank you.

14 And then could we look at stills 1, image 4, please.

15 Do you recognise the view from this point -- this angle?

16 A. I think that's higher up than my living room window, but

17 yes, that's -- I'm lower down, a little bit lower down

18 than that looking out of my living room window, yeah.

19 Q. So that's maybe from the first floor of your property?

20 A. Possibly, yeah, yeah.

21 Q. But the living room is on the ground floor?

22 A. Directly underneath that, yeah.

23 Q. Directly underneath this?

24 A. Yeah.

25 Q. Can you see the path leading up from the front to

## Transcript of the Sheku Bayoh Inquiry

1 Hayfield Road? Was that your path?

2 A. Yes, that's in the middle of the two grassed areas?

3 Q. Yes.

4 A. Yes, that's my path --

5 Q. And there's a hedge on either side?

6 A. Yeah.

7 Q. Thank you.

8 Then beyond that, there's some cars parked, and  
9 you'll see white vans.

10 A. Yeah.

11 Q. We'll talk about those shortly.

12 A. Okay.

13 Q. Thank you.

14 And the bus stop area is to the right of this image.  
15 You can sort -- you can see the yellow markings on  
16 the -- the roadway of Hayfield Road?

17 A. Yeah.

18 Q. Thank you.

19 I'd like to make sure, first of all, before we go  
20 through your evidence today, that you've got everything  
21 you might need in front of you.

22 A. Okay.

23 Q. So do you see a black folder --

24 A. Yeah.

25 Q. -- sitting there? Now, when I refer you to a statement

## Transcript of the Sheku Bayoh Inquiry

1           or a passage/a paragraph in a statement, it's going to  
2           come up on the screen, but you'll only see that  
3           paragraph on the screen. If you want to have a look  
4           round anything else in your statements, the hard copies  
5           are contained in that black folder for you, and you  
6           should feel free to look at them or refer to them at any  
7           time.

8           A. Okay.

9           Q. And can I ask, first of all, if we could look at  
10          SBPI 14, which is your Inquiry statement. Now, you'll  
11          see on the screen that this is a witness statement from  
12          yourself, it's taken by the Inquiry team in Kirkcaldy on  
13          22 December 2021. Do you remember giving that  
14          statement?

15          A. I do, yeah.

16          Q. Thank you.

17                 And would you look at the final paragraph, please,  
18                 which I think is 29, and it says:

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

23                 And then although we can't see it on the screen  
24                 which is made public, your copy should show that you've  
25                 signed that on 2 April 2022.

## Transcript of the Sheku Bayoh Inquiry

1 A. Yeah.

2 Q. Thank you.

3 And were you doing your best when you gave  
4 the Inquiry this statement to give a true and accurate  
5 record of what happened on 3 May 2015?

6 A. Yes.

7 Q. Thank you.

8 And then can I ask you to look at something else  
9 which you should also have in your black folder,  
10 PIRC 19, which is a statement from you dated 5 May 2015  
11 at 7.00 pm, 19:00 hours, and if we could just move that  
12 up a little bit -- thank you -- taken by Investigator  
13 Kareen Pattenden, in the presence of DSI Brian Dodd and  
14 Mrs Lorna Nelson, that's your wife?

15 A. Yes.

16 Q. And do you remember PIRC and Investigator Pattenden  
17 coming to your house and taking a statement on that day?

18 A. I can't remember the names, but I certainly remember  
19 them coming out, yeah.

20 Q. And that was a couple of days after the events?

21 A. I think it was the Tuesday, maybe. The Monday or  
22 Tuesday after, yeah.

23 Q. So 3 May 2015 was a Sunday, so two days after would have  
24 been a Tuesday?

25 A. Tuesday night, yeah.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Okay thank you. And again, that was taken at your then  
2 home address and were you doing your best to give a true  
3 and accurate record of what happened on 3 May?

4 A. Yes.

5 Q. Thank you.

6 Now, can I also finally ask you to look at PIRC 20,  
7 please, and this is a further statement from you, and  
8 this one's dated, if we can go up, please,  
9 26 August 2015 at 18:35, again, by Investigator  
10 Kareen Pattenden, again, at your home address and in  
11 the presence of Investigator Maurice Rhodes. Do you  
12 remember them coming back?

13 A. Yeah.

14 Q. In the August, the 26th?

15 A. Mm-hm, yeah.

16 Q. And again, were you doing your best to tell them  
17 the truth?

18 A. Yes.

19 Q. Thank you.

20 So, as I said, feel free to refer to any of those  
21 documents at any time if you wish to do so.

22 I'm going to -- first of all, I'm actually going to  
23 play some footage, which is from an evidence video  
24 timeline, and in addition, what you will see, maybe to  
25 your left, Mr Nelson, is a spreadsheet, a hard copy --

## Transcript of the Sheku Bayoh Inquiry

1                   that's it -- and I'm going to play three sections of  
2                   this footage and ask you some questions.

3                   Now, I don't know whether you've looked at any other  
4                   evidence in the hearing, you may have seen this on  
5                   the screen, if you have, but if not, I'll play the three  
6                   sections, but if you'd like to see it again, there's  
7                   absolutely no problem.

8                   A. Okay.

9                   Q. So, the first section -- we're going to effectively play  
10                  -- what I'll do, actually, is play four minutes --  
11                  around four minutes first of all, and then I'll go back  
12                  and I'll play little sections of it and I'll ask you  
13                  questions about those sections.

14                  A. Okay.

15                  Q. So, if we could play from 7.20 or thereabouts, actually,  
16                  where you are, to about 7.24. Thank you. And if you  
17                  focus on the CCTV, that would probably be helpful.

18                                                  (Video played)

19                   Thank you.

20                   Were you able to watch the CCTV? We've heard that  
21                   that was taken from a camera at Gallaghers public house?

22                  A. Yeah.

23                  Q. Which is near to the roundabout --

24                  A. Mm-hm.

25                  Q. -- with Hendry Road. Do you know that?



## Transcript of the Sheku Bayoh Inquiry

1                   Is it sometimes called the White Heather?

2           A. I know it as the -- just the Heather. That was just  
3           what it was called when I was growing up. It's changed  
4           its name a few times, I think; it's back to  
5           the White Heather now, so ...

6           Q. Okay. The first section I would like to play is from  
7           7.21.21 and it only lasts for 10 seconds, and what I'm  
8           going to do is ask you to focus on a particular area,  
9           so, I'm going to ask that a red circle be placed in  
10          the area near the houses from the left-hand side of  
11          the white house, and perhaps somebody could -- no, no,  
12          no. I'll come and show you. I don't normally have to  
13          get up.

14                   (Pause).

15                   I should have had that planned in advance.

16                   Can you see the area above the hedge just to  
17          the left of the white house?

18          A. Yeah.

19          Q. And I'm going to ask for that red circle to be removed,  
20          but what you may see is some movement, and if I can ask  
21          you to look at the spreadsheet, now, 7.21.21 is on  
22          page 4 of the spreadsheet, about a third up from  
23          the bottom. So 7.21.21, and just to the right of  
24          centre, you'll see a description, a thumbnail  
25          description of what's in the CCTV, and it says:

## Transcript of the Sheku Bayoh Inquiry

1               "Movement of a possible person can be observed from  
2               the residential properties on Hayfield Road. The person  
3               appears to walk straight out from a property in  
4               the front gardens. There is continuing movement by  
5               the persons whom are near the pavement."

6               Do you see that?

7       A. Yeah.

8       Q. So, the area I'm going to ask you to look at for these  
9               10 seconds is in that area, from the property, and then  
10              I'll ask you questions about that. So let's just look  
11              at that 10-second segment, please.

12                                            (Video played)

13              Did you see the movement --

14       A. I did, yeah.

15       Q. -- on the CCTV?

16              Do you know who that was?

17       A. That was me.

18       Q. Right, thank you.

19              And was that you moving from your front door up  
20              your path?

21       A. Up to the gate, yeah.

22       Q. Up to the gate, lovely, thank you.

23              If we could maybe just go back for a moment to  
24              7.21.21. That's lovely. And if we could just play that  
25              for a moment, please.

## Transcript of the Sheku Bayoh Inquiry

1 (Video played)

2 Pause.

3 And you'll see from the reconstruction tile at  
4 the top -- top centre, there's a little blue dot on  
5 a path; do you see that?

6 A. Mm-hm.

7 Q. So that is designed to replicate the movement that we  
8 see in the CCTV. So if it does that, that would also be  
9 a demonstration of where you were on the path?

10 A. Yes.

11 Q. Thank you.

12 Then the second segment I'm going to ask be played  
13 is 7.22.18, and that's 7.22.18 to 7.22.20. So you'll  
14 see this is a very short segment of about 2 seconds.  
15 The footage we've heard is to within one second  
16 accuracy, but it's a very short segment. So what we're  
17 going to do is when we get to 7.22.18, which will be in  
18 a second, I'm going to ask Ms Drury just to pause that  
19 and we'll do that.

20 (Video played)

21 Keep going, sorry. And keep going. Stop. Right.  
22 Do you see the image to the right-hand side? We've  
23 heard this is Snapchat footage from Ms Wise,  
24 Ashley Wise?

25 A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. She's your neighbour, or she was in May 2015?
- 2 A. Yeah, yeah.
- 3 Q. And you can see that this is taken from -- or appears to  
4 be taken from an upstairs window, and through  
5 the vertical blinds, the venetian blinds, on  
6 the left-hand side we see a person standing with a grey  
7 T-shirt on?
- 8 A. Yeah.
- 9 Q. Who's that?
- 10 A. That's me.
- 11 Q. That's your back?
- 12 A. Yeah.
- 13 Q. And that's you standing between the hedges at the end of  
14 your path?
- 15 A. Yeah, at the gate, yeah, between the two hedges, yeah.
- 16 Q. And I think you've mentioned in your statement there's  
17 two steps up?
- 18 A. There's two steps on -- on to that level, yeah.
- 19 Q. Right.
- 20 So, your path leads out from your front door --
- 21 A. Yeah.
- 22 Q. -- there's two steps up and then you're on the level of  
23 Hayfield Road pavement?
- 24 A. I come down two steps from the front door, pavement,  
25 then two steps back up.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Oh right, thank you. So down two steps from your front  
2 door, along the path and then up two steps in order to  
3 reach the pavement?

4 A. Yes.

5 Q. And on either side of you there's a hedge?

6 A. There is, yeah.

7 Q. Thank you.

8 And that's you that we can see looking out there?

9 A. Yeah.

10 Q. Thank you.

11 And then can we play the third bit of footage,  
12 please, 7.23.47.

13 (Video played)

14 Lovely.

15 I'm going to ask Ms Drury to play 7.23.47 to  
16 7.23.51. Now, you'll see on the reconstruction tile  
17 there's a blue dot at the end of your path, and I'm  
18 going to ask you again to look at the spreadsheet for  
19 a moment and you'll see that 7.23.47 is on page 6 of  
20 the spreadsheet, and the description of the CCTV given  
21 in the spreadsheet is:

22 "A person in light coloured clothing can be seen  
23 moving back towards the residential properties in  
24 the front garden area."

25 So again, I'm going to ask you to look in the same

## Transcript of the Sheku Bayoh Inquiry

1 area that we looked at in the first segment of  
2 the footage and then I'll ask you some questions about  
3 that. So if we can now play until 7.23.51.

4 (Video played)

5 And again, do you recognise who that would have  
6 been?

7 A. Yeah, that was myself.

8 Q. So that's you moving back from the path beside the gate  
9 back to your front door?

10 A. Yeah.

11 Q. Thank you.

12 Right. I'd like to look at your Inquiry statement  
13 now, if you don't mind.

14 A. Okay.

15 Q. And paragraph 2. And I think this is where you confirm  
16 that you were up about 6.45/7.00 in the morning taking  
17 the dog out?

18 A. Yeah.

19 Q. And you then describe here that your flat is -- or your  
20 flat was a ground floor cottage flat:

21 "There is [a] path that leads from the front door  
22 and a garden area to the side of the path. There is  
23 then a couple of steps up to the garden gate that leads  
24 out to the path that runs alongside Hayfield Road. So  
25 the house is on [a] slightly lower level than [the] path

## Transcript of the Sheku Bayoh Inquiry

1           on Hayfield Road. The gate has a hedge on either side  
2           separating the garden from the path. The living room is  
3           at the front of the flat and the living room windows  
4           face out onto Hayfield Road."

5           They're on the ground floor?

6           A. Yes.

7           Q. Right, thank you.

8           Can we look at paragraphs 3 and 4, please. So  
9           paragraph 3, first of all, at the bottom of page 1 of  
10          your statement, you had ventured out to the grassy area  
11          in front of your flat on the opposite side of  
12          Hayfield Road?

13          A. Yeah.

14          Q. Now that's the area where there's some grass and bushes  
15          and trees?

16          A. Yeah.

17          Q. And then you were playing with the dog and then we'll  
18          move on to page 2. And you weren't moving far from  
19          the house because your children were younger at the  
20          time?

21          A. Mm-hm, yeah.

22          Q. And then you went back to the flat, came back in and put  
23          the kettle on, came through to the living room, turned  
24          the TV on and opened the blinds and that's when you saw  
25          a police van going past.

## Transcript of the Sheku Bayoh Inquiry

1           So I'd like to -- you've got your statement in front  
2           of you if you need it, but I'd like to look at some  
3           images, please, and I'm thinking image 16, please, first  
4           of all.

5           Now, again, would you just point out your living  
6           room windows for us?

7           A. Yeah (indicates).

8           Q. So you've opened the blinds, you're looking out  
9           the living room window, and where did you see the police  
10          van?

11          A. It came off Hendry Road.

12          Q. That's to the right --

13          A. Just to the right.

14          Q. -- of this photo -- this image, sorry?

15          A. Yeah. And as I was looking out it was from left to  
16          right and pulled into the bus stop.

17          Q. Do you want to point into the bus stop where you saw  
18          the van stop?

19          A. Yeah (indicates).

20          Q. So it's in the area of the bus stop --

21          A. Yeah.

22          Q. -- on Hayfield Road?

23                 And what attracted your attention to that?

24          A. It was just the -- the blue lights were on and it was  
25          going quite fast after just coming off a junction and it



## Transcript of the Sheku Bayoh Inquiry

1           just got my attention. It was just that split second  
2           where the blinds opened, it came into my eye-line.

3       Q. And after it stopped in the bus stop, what did you see?

4       A. I seen officers getting out. Because it never stopped,  
5           it stopped quite abruptly, you know, it wasn't just  
6           pulling up and stopping, it stopped quite fast and it  
7           wasn't right in the bus lane either, and they got out  
8           quite quick.

9       Q. We may have heard it was parked at an angle.

10      A. Yeah, yeah.

11      Q. Did you see who got out the driver's side?

12      A. I just seen -- I just remember the vest, the yellow  
13           vests. I couldn't tell you who it was.

14      Q. Okay.

15           What about the front seat passenger? Were you able  
16           to see them from your angle?

17      A. Not both -- not both, it would have just been the side  
18           closest to my -- to my flat coming out, so it would have  
19           been the driver' side --

20      Q. Driver's side?

21      A. -- coming out, yeah.

22      Q. Describe for us, please, what you saw.

23      A. The -- from the police van just pulling up --

24      Q. Yes.

25      A. -- yeah, just pulling up, I seen police getting out

## Transcript of the Sheku Bayoh Inquiry

1 quite quickly, and then that's what made me think why  
2 are they stopped, so I just looked to my right -- sorry  
3 -- looked to my right and then that's when I seen  
4 Mr Bayoh walking -- what I know to be Mr Bayoh walking  
5 along.

6 Q. Where was he when you first saw him?

7 A. Just approaching the bus stop, or maybe just in line  
8 with it, round about that area -- the actual bus  
9 shelter, sorry, not the bus stop, the shelter.

10 Q. Maybe let's look at another image. So we have still  
11 images 2, and I think number 4. You can see the bus  
12 stop area in this image, to the far right.

13 A. Yeah.

14 Q. And you see the actual bus shelter.

15 A. Mm-hm.

16 Q. And then the bus stop markings on the road.

17 Could you point, using this image, to the area where  
18 you first saw Mr Bayoh.

19 A. It was right in -- right in here (indicates), probably  
20 just a little -- maybe even a little bit more to  
21 the right, perhaps.

22 Q. To the right, okay.

23 And which direction was he moving?

24 A. He was moving towards Hendry Road, so from where I've  
25 marked at number 1 towards the police vans.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. If we could maybe have an arrow on the screen, you can  
2 draw a line showing us the direction that he was moving  
3 in.
- 4 A. Okay.  
5 I just moved it ...  
6 Right, okay. (indicates).
- 7 Q. That's it. So you've drawn that on the pavement area,  
8 have you?
- 9 A. Yeah.
- 10 Q. Was he on the pavement?
- 11 A. Yes.
- 12 Q. And tell us -- you've told us you saw him, can you tell  
13 us what he looked like at that time?
- 14 A. Yeah, he was about 6 foot, I would guess. He was -- he  
15 was black, tight white T-shirt on, dark trousers, and he  
16 just seemed to be walking along, along the street.
- 17 Q. Describe the way he was walking?
- 18 A. That morning, the weather was horrible that morning, so  
19 he was walking quite briskly, not power-walking or  
20 anything like that, but he wasn't dawdling along, just  
21 as anybody would walk. The fact that he just had  
22 a T-shirt on as well in that weather, I would be walking  
23 quick as well to get where I was needing to go.
- 24 Q. What was the weather like that morning?
- 25 A. It was -- when I was out with the dog, it was raining.

## Transcript of the Sheku Bayoh Inquiry

1 I don't know if it was raining at that exact moment. It  
2 was windy.

3 Q. What was the temperature?

4 A. I don't know what the temperature was, to be honest with  
5 you. It was a horrible day, but I don't know in terms  
6 of what the temperature was.

7 Q. What were you wearing?

8 A. If I went out with the dog I would have just had  
9 a fleece on. If it was raining I may have had my  
10 waterproof jacket on.

11 Q. Okay.

12 If the Chair has heard evidence that he was walking  
13 along Hayfield Road like a man on a mission or with  
14 a swagger, is that a description you would recognise?

15 A. I wouldn't say it was a swagger. It was pretty fast  
16 paced, so the arms were moving, but I wouldn't say it  
17 was a -- a swagger or on a mission.

18 Q. Right.

19 What did the police do?

20 A. Straightaway I had noticed that the police were  
21 shouting, I couldn't make out what -- what was being  
22 said exactly, or I can't remember now exactly what was  
23 being said, I could just hear shouting, and there was  
24 a lot of pointing, and that's when I noticed that --  
25 they were obviously shouting at him, but they were

## Transcript of the Sheku Bayoh Inquiry

1 backing off, because he was still walking. So they were  
2 trying to, like, keep that distance that they had  
3 initially going backwards along and there was lots of  
4 pointing, pointing to the ground as well.

5 Q. So you've told us how you could see some -- a police  
6 officer get out of the driver's side --

7 A. Yeah.

8 Q. -- of that van, and you saw Mr Bayoh near the bus stop  
9 area. Where did the police officer who came out of  
10 the driver's side go?

11 A. I believe -- again, touching this?

12 Q. Yes, please.

13 A. Is it ready for the circle? Is it a circle?

14 Q. A circle is absolutely fine.

15 A. Round about here -- oh, sorry, where number 4 was, sorry  
16 (indicates).

17 Q. We could maybe take those away and you could reapply  
18 them.

19 A. (indicates).

20 Q. So that's number 3. You think that's where the officer  
21 who came out the driver's side?

22 A. Initially, yes.

23 Q. And where was Mr Bayoh when the officer was at number 3?

24 A. Well, I lost sight of him behind one of the vans, or  
25 the van. So, when he came out there, I was looking at

## Transcript of the Sheku Bayoh Inquiry

1           that officer, but Mr Bayoh was still walking along.  
2           So -- I was looking at the -- the policeman, because he  
3           was pointing and I'm sure at that point he had a spray  
4           or some kind of spray in his hand, so I was watching him  
5           there, so I would imagine it would be anywhere -- again,  
6           can I just touch this?

7           Q. Yes, please do.

8           A. Be probably at that point (indicates), round about  
9           there.

10          Q. And number 4 is Mr Bayoh?

11          A. Yes.

12          Q. Right.

13                   And you've talked about the police were shouting?

14          A. Yeah.

15          Q. Was there more than one voice shouting?

16          A. Yeah, there seemed to be more than one. It appeared --  
17           I thought -- my recollection is there was more one  
18           voice, yeah.

19          Q. And you've said that the officer at number 3 was  
20           pointing --

21          A. Yes.

22          Q. -- and you mentioned something else that he was holding?

23          A. Yeah, he was pointing and I'm sure he was maybe pointing  
24           to the ground as to say "get down".

25          Q. Which hand was he pointing with?

## Transcript of the Sheku Bayoh Inquiry

1 A. I couldn't be 100% sure just now.

2 Q. And you said he was holding something --

3 A. Yeah.

4 Q. -- what was that?

5 A. A spray, some kind of spray.

6 Q. And what happened as you were looking at that?

7 A. He continued to walk back, keeping a gap.

8 Q. When you say "he continued to walk"?

9 A. Both, both were walking. It was like the policeman was

10 walking backwards still facing Mr Bayoh but trying to

11 keep a bit of a distance there, and then that's when

12 I seen a bit of spray coming out of the can, but it was

13 windy, it looked like -- I thought -- I can only

14 describe it as like silly string you used to get at

15 parties, came out of the can, caught the wind, went back

16 and it seemed to catch that officer in the face.

17 Q. Is that the officer at number 3?

18 A. At number 3, yeah.

19 Q. So you said he was walking backwards?

20 A. Yeah.

21 Q. Can you indicate the direction in which he was walking?

22 A. Yeah (indicates).

23 Q. Thank you.

24 How much distance was there between that officer and

25 Mr Bayoh?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. I --
- 2 Q. You've talked about him --
- 3 A. Yeah.
- 4 Q. -- trying to maintain that distance?
- 5 A. Yeah, I think it could have been, what, about 10 feet
- 6 maybe, roughly.
- 7 Q. Had Mr Bayoh's demeanour changed in any way by that
- 8 stage?
- 9 A. Looking back, I think he maybe gave the policemen
- 10 the middle finger, and then that's just when -- that was
- 11 when my eyes then went on -- was fixed on him at that
- 12 point.
- 13 Q. Mr Bayoh?
- 14 A. Yeah, Mr Bayoh, yeah, because I seen him shouting and
- 15 pointing -- sorry, again -- but because of the distance,
- 16 I couldn't see both in the same line of vision, so I was
- 17 -- I looked across, and then that's when Mr Bayoh then
- 18 -- they were further up by that point because while
- 19 I was looking this was all still moving, seemed to
- 20 change direction and come towards the houses on our side
- 21 of the road.
- 22 Q. And when you've described the officer who was originally
- 23 number 3, you said the spray was discharged and the wind
- 24 caught it?
- 25 A. Mm-hm.



## Transcript of the Sheku Bayoh Inquiry

- 1 Q. What happened after the wind caught it?
- 2 A. Well, it went back in his face and I seen him obviously  
3 (indicates) probably just a reaction to try clear --  
4 clear his face a bit.
- 5 Q. So you're using your left-hand?
- 6 A. I'm left-handed, so I'm just using what he would do,  
7 yeah.
- 8 Q. So he put a hand to his face?
- 9 A. Yeah.
- 10 Q. And in terms of his position on Hayfield Road, did he  
11 move or did he ...?
- 12 A. He was probably where I've got number 3, he was probably  
13 back in line almost where that number 5 was, roughly,  
14 again, just walking -- taking steps backwards all  
15 the time.
- 16 Q. And after he was -- after he wiped his face with his  
17 hand, what did he do?
- 18 A. At that point, I wasn't looking at him.
- 19 Q. Who were you looking at?
- 20 A. After that I was looking at Mr Bayoh, because he had  
21 changed direction.
- 22 Q. And what direction was he now going in?
- 23 A. Again, do you want me to draw it on?
- 24 Q. Yes, yes.
- 25 A. It was further up by this point, by the time I looked

## Transcript of the Sheku Bayoh Inquiry

1           across, so I would say he was coming down (indicates) -  
2           it's went over the van, but round about there.

3       Q.   So you've now drawn number 6, which is a line from  
4           the grassy tree area --

5       A.   Mm-hm.

6       Q.   -- across Hayfield Road?

7       A.   Yeah.

8       Q.   Closer to your living room window?

9       A.   Yeah.

10      Q.   And you're watching all of this through the living room  
11          window?

12      A.   Mm-hm.

13      Q.   At that moment, do you have any recollection of how many  
14          vans were in front of your living room window?

15      A.   No, it all happened so quick -- so quick, I can't  
16          describe how quick all that seemed to -- to happen.

17      Q.   Okay.

18                 Can I ask you to look at paragraph 6 of your Inquiry  
19          statement, please.  And then you mention that:

20                 "He started to move quite quickly towards here, he  
21          was closer to the policeman.  He swung to hit  
22          the policewoman.  She was the one he was closest to.

23                 "By that point, the officers were around 30 yards  
24          away from me.  They were walking backwards away from  
25          the man -- they were taking small, backwards steps ..."

## Transcript of the Sheku Bayoh Inquiry

1           I would like to ask you about who was in that area  
2           in Hayfield Road when you saw Mr Bayoh walking  
3           towards --

4           A. Mm-hm.

5           Q. -- your house at the time.

6           So tell us, where were the police officers then?

7           A. At the time he started towards me?

8           Q. Yes.

9           A. You had the policeman who had been -- spray in his face  
10          on the opposite side of the road on the little path that  
11          goes behind that shrubbed area, round about, the path's  
12          changed now from the way it was then, it's a lot wider  
13          now, it was a lot narrower then, still on the other side  
14          of those shrubs, but I couldn't see because there was  
15          another smaller van there, so I don't know if there was  
16          anyone that was behind that, but then there was  
17          the policewoman at this side of the van.

18          Q. Let's go back to the image. We'll clear that and go  
19          back to image 4. So, when you talk about  
20          the policewoman, can you point to the area where you saw  
21          the policewoman?

22          A. It would be roughly -- probably a bit closer, yeah about  
23          there (indicates).

24          Q. And you've described Mr Bayoh walking in the direction  
25          you demonstrated before. Was that towards

## Transcript of the Sheku Bayoh Inquiry

1           the policewoman?

2           A. Not when he was just walking along the street, that

3           wasn't towards her, that was towards the path.

4           Q. Yes, but in the previous image you drew a 6 --

5           A. Yeah.

6           Q. -- a line with a 6?

7           A. Yeah, yeah. That -- that line here when he was coming

8           down over there, yes, he came off the path there, yeah,

9           sorry.

10          Q. Were there any other police officers that you could see

11          in that area? We'll maybe take the 3 away --

12          A. Yeah.

13          Q. -- because we've got the arrow.

14          A. Not that I could remember right now exactly where they

15          were, other than the three, Mr Bayoh, the policewoman

16          and the guy who had been affected with the spray.

17          Q. Where was the guy who had been affected by the spray?

18          A. I think he was somewhere in the region of -- still on

19          the path (indicates), not far away, where -- can I move

20          that 3 a little?

21          Q. Yes, you can move that.

22          A. Do you just hold --

23          Q. Just touch your finger on it, or we can delete it and

24          you can start again.

25          A. There or thereabouts (indicates).

## Transcript of the Sheku Bayoh Inquiry

1 Q. Right.

2 So number 1 is the female officer and number 3 is  
3 the officer who had been affected by the spray?

4 A. Yeah.

5 Q. Can we look at paragraph 6, please, again, and we had  
6 just read the beginning of that paragraph. So let's go  
7 back to the beginning:

8 " ... he started to move quite quickly towards here,  
9 he was closer to the police van. He swung to hit  
10 the policewoman, she was the one he was closest to. By  
11 that point, the officers were around 30 yards away from  
12 me. They were walking backwards away from the man --  
13 they were taking small backwards steps..."

14 Then if we could ... that's it, thank you:

15 "... because they were pointing and they were  
16 walking back at the same time, they were probably more  
17 -- not almost dead in line with me, but just off-centre  
18 to me when I was standing here. He was swinging his  
19 arms, and made a punching motion be directed towards  
20 the female officer's head. It [wasn't] just like one  
21 punch. It's quite hard to describe, it's like both  
22 hands went. It was like if, if he didn't get with one  
23 swing of the arm, he might get with the other.  
24 The first blow landed as I saw the policewoman stumbling  
25 back and to the side from the force of the blow. I'm

## Transcript of the Sheku Bayoh Inquiry

1 not sure if the second blow struck the woman. Well, at  
2 that point, she kind of stumbled. He tried to move  
3 again from my right to my left and that's when the other  
4 police officer tried to stop him. I think he managed to  
5 grab hold of him or get an arm round him, to try and  
6 stop him. Then they started ..."

7 Sorry, I may have misread that, actually:

8 "It's quite hard to describe, it's like both hands  
9 went. It was like if, if he didn't get with one swing  
10 of the arm, he might get with the other. The first blow  
11 landed as I saw the policewoman stumbling back and to  
12 the side from the force of the blow. I'm not sure if  
13 the second blow struck the woman. Well, at that point,  
14 she kind of stumbled."

15 Okay, sorry if I misread that.

16 I'd like to get a full description from you about  
17 what you saw from your living room window.

18 So you've talked about the man's arms. Could you  
19 give us a description of what you meant when you  
20 described his arms in this paragraph?

21 A. In terms of the way he was swinging his arms?

22 Q. Yes.

23 A. Yeah. They were just, like, throwing punches, like  
24 arched, hooked punches rather than a straightforward  
25 jab, it was just wild swinging.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Right. And was that with both arms?
- 2 A. Both arms were going, yeah.
- 3 Q. Right. Wild swinging?
- 4 A. I would say it was -- it didn't look -- I'm not a boxing  
5 expert, but it didn't look in any controlled away at  
6 all.
- 7 Q. Did you see where it connected with the female officer?
- 8 A. At the side -- side of -- the side of her head.
- 9 Q. And you're gesturing to your right side. Is that  
10 the side that you saw it connect with the female  
11 officer?
- 12 A. As I'm looking out, it would have hit her on -- if her  
13 back was towards me -- her left side.
- 14 Q. Her left side.
- 15 And you say her back was towards you?
- 16 A. Yeah, she was backing off, coming towards me, yeah.
- 17 Q. So your recollection is she's walking backwards with her  
18 back towards you as you watch from the living room  
19 window?
- 20 A. Yeah, her movement's towards me, yeah.
- 21 Q. And if we've heard that she turned round and was running  
22 away, do you remember her facing you?
- 23 A. No.
- 24 Q. No. Your recollection is she had her back to you?
- 25 A. Yes.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. When the blow struck?
- 2 A. At best, maybe side-on, slightly at an angle, but not  
3 facing me.
- 4 Q. When you say "side-on", can you describe to us what you  
5 mean?
- 6 A. Because she was walking backwards, he was coming towards  
7 her. It may not have been exactly parallel with me, it  
8 may have been slightly walking back side-on, if that  
9 makes -- if I've described that okay.
- 10 Q. All right. So if she was side-on, what side of her  
11 could you see better?
- 12 A. I would probably say the left-hand side.
- 13 Q. Her left-hand side?
- 14 A. Yeah. It was the same as me, because we were both  
15 facing across the road.
- 16 Q. Okay, right.
- 17 And you say she kind of stumbled?
- 18 A. Mm-hm.
- 19 Q. What were you able to see?
- 20 A. I seen her getting hit and just like, if you see -- if  
21 you do see a boxing match when someone's punched, they  
22 go in the motion of where the force has come from, so it  
23 changed; it was no longer just walking or backing off,  
24 it was a bit more to the side and a bit faster.
- 25 Q. Did you see how she fell?



## Transcript of the Sheku Bayoh Inquiry

1       A. No, I couldn't see how she fell because of the --  
2       the hedge and the cars. I did see her starting to go  
3       down.  
4       Q. So you saw her going down --  
5       A. Yeah.  
6       Q. -- towards the ground?  
7       A. Ah-ha.  
8       Q. But the hedge and the cars in front of your living room  
9       window --  
10      A. Yeah, I would never -- I would never have seen anybody  
11      after the fall behind the --  
12      Q. So you couldn't see her on the ground?  
13      A. No.  
14      Q. Could you still see Mr Bayoh?  
15      A. Yes.  
16      Q. Was he still standing?  
17      A. He was still standing at that point, yeah.  
18      Q. So did you see -- or maybe you didn't see -- where she  
19      stumbled or fell to the ground. Did you see what area  
20      of Hayfield Road?  
21      A. Yeah.  
22      Q. Can we look back at image 4, please? Could you point to  
23      where you saw her stumble as if to fall.  
24      A. It would be approximately round about here (indicates).  
25      Q. So that's quite near the centre of Hayfield Road, but on

## Transcript of the Sheku Bayoh Inquiry

1           your side --

2       A. Yeah.

3       Q. -- the left-hand side, behind what looks like a black or

4           dark-coloured car?

5       A. Yes.

6       Q. Where was Mr Bayoh at this point?

7       A. At that point -- will the two circles go on top of each

8           other?

9       Q. Not immediately over them, or we won't see it, but if

10           it's easier, you can describe it.

11      A. Well -- oh, sorry.

12      Q. We can maybe remove 3.

13      A. Yeah, I would say the number 2 was more -- more central

14           to the 1.

15      Q. This is -- obviously there's limitations to this --

16      A. Yeah.

17      Q. -- but we will come on to a more refined version in due

18           course --

19      A. Right.

20      Q. -- once we've taken this evidence. So we can revise

21           this and fine-tune it later.

22           So, as we look at this image, the number 2 is

23           slightly to the left --

24      A. Mm-hm.

25      Q. -- of the number 1?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yeah.
- 2 Q. As you looked out your living room window, describe  
3 to us what position Mr Bayoh was in at that moment?
- 4 A. At that point he was looking almost straight toward me  
5 from that angle at that point, because he had come from  
6 the van across, hit the officer and was -- at that  
7 moment I seen her going down -- I've done it again,  
8 sorry --
- 9 Q. We can take that away.
- 10 A. Thanks. He was -- he was standing face -- almost  
11 face-on to where I was.
- 12 Q. Face-on to you?
- 13 A. Yeah.
- 14 Q. And was there anything particular you noticed about him  
15 at that moment?
- 16 A. Not -- not particularly other than, apart from, as  
17 I say, how quickly it was he then changed direction  
18 again towards Hendry Road.
- 19 Q. Can I ask you, when he was there at number 2, where were  
20 his arms?
- 21 A. His arms were by his side.
- 22 Q. So they were by his side?
- 23 A. He had stopped -- he had stopped swinging by then, yeah,  
24 because she was down.
- 25 Q. And you've said he changed direction. Using an arrow,

## Transcript of the Sheku Bayoh Inquiry

- 1           can you show us in which direction he changed to.
- 2       A.   (indicates).
- 3       Q.   Right.  So that's looking along Hayfield Road towards
- 4           Hendry Road direction?
- 5       A.   Yeah.
- 6       Q.   And what happened then?
- 7       A.   Then a policeman just grabbed him, almost tackled him.
- 8       Q.   Where did the policeman come from?
- 9       A.   I was watching him swinging and the officer going down.
- 10           I don't know where he -- where he appeared from, he just
- 11           seemed to be there.
- 12       Q.   When you say he tackled him --
- 13       A.   Yeah.
- 14       Q.   -- can you describe to us what you mean?
- 15       A.   I wouldn't say it was quite a rugby tackle, it was both
- 16           arms round the top half of him, almost in, like a -- a
- 17           way just to -- I can only think just to stop him maybe
- 18           swinging from him.  It was just like a full hug, like
- 19           a bear hug type tackle.
- 20       Q.   And you've described how Mr Bayoh was at number 2 --
- 21       A.   Yeah.
- 22       Q.   -- in the circle, and then the direction he moved was
- 23           towards number 3, the arrow you've shown us.
- 24       A.   Yeah.
- 25       Q.   So where did the officer bear hug him?  Was it from his

## Transcript of the Sheku Bayoh Inquiry

1 front -- to Mr Bayoh's front, or his back?

2 A. I would say coming in from the side.

3 Q. Right. And which side are you referring to?

4 A. As I'm looking to it, it would be my right, so it would

5 be his left.

6 Q. So to the right of Hayfield Road as we look at this

7 image?

8 A. Yes.

9 Q. That direction?

10 A. Yeah.

11 Q. He'd come from that direction?

12 A. My memory is that, yes.

13 Q. And where did he connect with Mr Bayoh?

14 A. I think, if you were to stand up, it would be almost

15 from your elbow area, round about there. It was

16 slightly higher than the waist.

17 Q. Right, and that's Mr Bayoh's right-hand side?

18 A. It would be Mr Bayoh's left-hand side.

19 Q. Mr Bayoh's left.

20 A. Yeah, to my right.

21 Q. So it was Mr Bayoh's left-hand side --

22 A. Yeah.

23 Q. -- which was to your right that the officer connected?

24 A. Uh-huh.

25 Q. And you've talked about the movement. What happened

## Transcript of the Sheku Bayoh Inquiry

1           when the officer connected with Mr Bayoh?

2           A. There was a slight stumble, and at that point, that's  
3           when I left the window.

4           Q. Right.

5                     And having left the window, where did you go?

6           A. I made my way to the gate.

7           Q. Right, let me just look at your Inquiry statement for  
8           a moment.

9           A. Yeah.

10          Q. Now, we were looking at paragraph 6 and you talked about  
11          the blow and she kind of stumbled. We'll get that on  
12          the screen. So this is paragraph 6 again. And you'll  
13          see the word "stumbled" sort of just above centre:

14                     "He tried to move again from my right to my left and  
15          that's when the other police officer tried to stop him.  
16          I think he managed to grab hold of him or get an arm  
17          round him to try to stop him. They then started to move  
18          diagonally across the road from the right-hand side to  
19          the left-hand side of the road. I don't know if they  
20          were entangled at this point. I'm not sure if the male  
21          police officer got a hold of him, but he certainly  
22          reached out and tried to restrain the guy, but I can't  
23          remember now if he managed to actually get him at that  
24          point and they were kind of wrestling each other, or if  
25          he just had tried to get him and the chap was too quick.

## Transcript of the Sheku Bayoh Inquiry

1 I can't really remember that part."

2 Now, is that largely what you've described to us  
3 today?

4 A. Largely, yeah.

5 Q. So he movements diagonally across the road from your  
6 right to the left-hand side of the road. You've talked  
7 about Mr Bayoh moving in that direction:

8 "I don't know if they were entangled at this  
9 point ..."

10 What did you mean by that?

11 A. Meaning together as almost like one, so, a right firm  
12 grasp/hold, trying to get someone down type thing.

13 Q. Okay:

14 "I'm not sure if the male police officer got a hold  
15 of him, but he certainly reached out and tried to  
16 restrain the guy."

17 What did you mean by that?

18 A. When he went round I wasn't sure if he had actually got  
19 a proper hold/grab.

20 Q. A sort of firm grip?

21 A. Yeah, firm grip, yeah.

22 Q. "... but I can't remember new if he managed to actually  
23 get him at that point and they were kind of wrestling  
24 each other or if he just had tried to get him and the  
25 chap was too quick. I can't really remember that part."

## Transcript of the Sheku Bayoh Inquiry

1                   But it was after that that you decided to move away  
2                   from the window?

3           A.   Yes.

4           Q.   And then let's move on to paragraph 7:

5                   "Once I seen them pass my gate at that point,  
6                   I don't know why, I decided to go outside."

7                   So at this stage, in terms of the movement and what  
8                   has been going on, they are past the gate that you have  
9                   from your front door onto Hayfield Road?

10          A.   It would have been just slightly past it, yeah.

11          Q.   "Up to this point I had been watching these events for  
12               around 30 seconds, I think. I can't remember exactly  
13               now."

14               And so that's from the van arriving to this point,  
15               you have been watching events from the living room?

16          A.   Yeah.

17          Q.   And then you walk away from the living room window.

18               Right, I'd like to ask you about what you see when  
19               -- what you do when you walk away from the living room  
20               window.

21          A.   Okay.

22          Q.   Could you explain to the Chair how long it takes you to  
23               get from the living room window on the ground floor to  
24               your front door?

25          A.   To my front door?



## Transcript of the Sheku Bayoh Inquiry

1 Q. Or as you go out?

2 A. Or to go out.

3 Q. Did you do an experiment when --

4 A. We did when -- when we done the statement, we timed it,  
5 yeah.

6 Q. Tell us about that.

7 A. In terms of?

8 Q. What was the experiment you did?

9 A. Yeah, started off by the window where the blinds were,  
10 I think I actually even showed how the blinds worked,  
11 the cord, where I was standing, and just the route  
12 I took from the window out to the front door and then up  
13 -- continuing up to the path -- up the path, sorry, to  
14 the gate.

15 Q. Did you time it?

16 A. Yes.

17 Q. And how long did it take?

18 A. I think it was about 15 seconds, maybe -- 12/15 seconds.  
19 I can't remember exactly.

20 Q. And do we see in paragraph 7 that you said:

21 "I walked from the living room window and went  
22 straight outside to my garden gate. I was standing on  
23 the top step which is level with the pavement on  
24 Hayfield Road."

25 You've told us earlier today that there's two steps

## Transcript of the Sheku Bayoh Inquiry

1 up to the pavement level --

2 A. Yeah.

3 Q. -- where your gate is:

4 "I have marked the number 2 on the attached map  
5 showing my location. I have been asked to time myself  
6 walking in the speed and manner that I would have done  
7 on that day from this window ..."

8 Is that your living room window?

9 A. Yeah.

10 Q. "... to standing at the garden gate. The time it takes  
11 is 15 seconds. By the time I got to the gate, the male  
12 police officer and the guy were on the ground so I never  
13 seen the moment that they hit the ground. There was  
14 a few more police officers there by that point as well  
15 and maybe three police vehicles, including the police  
16 van. I can't remember when the other police officers  
17 started to arrive. It may have been when I was at  
18 the living room window, but I can't be sure now. There  
19 might have been four police officers there, there might  
20 have been more. I couldn't put a number on it, because  
21 there was a few on the ground and there was a few  
22 standing over."

23 So by this time you've walked to the garden gate.

24 Which step are you standing on?

25 A. The very top one, so level with the pavement.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Level with the pavement, hedge on either side, and you  
2 can see further down Hayfield Road?

3 A. Yes.

4 Q. And that's towards the roundabout with Hendry Road?

5 A. Hendry Road, yeah.

6 Q. And is that -- that's where you were when we saw  
7 the Snapchat footage and you identified yourself --

8 A. Yeah.

9 Q. -- there?

10 And tell us, what did you see when you were standing  
11 there?

12 A. I just seen what looked like a -- a mound(?) of people  
13 on the pavement. There seemed to be double the amount  
14 of people that was -- that I initially thought  
15 was there, and they were just -- they were obviously  
16 trying to restrain him on the ground.

17 Q. So by the time you get out, there's additional police  
18 officers arrived?

19 A. Yeah.

20 Q. Can you remember how many there were?

21 A. I couldn't put an exact number on it, to be honest with  
22 you. When you say that, do you mean who -- in total,  
23 everyone that was about, or on the particular segment,  
24 on the pavement where he was?

25 Q. On the pavement where he was.

## Transcript of the Sheku Bayoh Inquiry

1       A. I would -- I would -- I wouldn't know what to say  
2       exactly, but it would be about four or five.

3       Q. Four or five, right.

4                Before I go into this part of what you saw, I'd like  
5       to ask you something about the events when you were  
6       looking out the living room window.

7       A. Mm-hm.

8       Q. And we may have heard some evidence and I wonder if you  
9       could look at an image for me, please, because you've  
10      described Mr Bayoh's arms being down at his side and  
11      being wrestled by an officer. We may have heard  
12      evidence that during that period, that Mr Bayoh stamped  
13      on the officer who was on the ground, and I'd like you  
14      to look at something for me and tell me whether this is  
15      something that you saw when you were looking out  
16      the living room window, if we're ready to show that  
17      image.

18               So this is evidence that we've seen from  
19      PC Tomlinson on the 25th of this month, and he is  
20      demonstrating how he remembered seeing Mr Bayoh stamping  
21      on the officer who was on the ground, who was Ms Short.  
22      So you can see that his -- one of his legs is upright,  
23      bent at the knee, and his arms are at right angles to  
24      his body. Now, when you see that image, are you able to  
25      tell us whether that's something that you saw before

## Transcript of the Sheku Bayoh Inquiry

1           the officer wrestled Mr Bayoh to the ground?

2           A. No. That -- definitely I've never seen arms that --  
3           other than when he was punching, arms that high.

4           Q. Is it possible that when you saw the arms up, you've  
5           described punching --

6           A. Yeah.

7           Q. -- that they were in relation to what could have been  
8           a stamp?

9           A. No.

10          Q. Why do you say that?

11          A. Because he was moving -- they were moving towards me.

12          Q. Right.

13                 So they were moving --

14          A. Yeah.

15          Q. -- at that time?

16          A. Yeah.

17          Q. Thank you very much.

18                 Before we move on from that, can I also ask you to  
19                 look at paragraph 12 of your statement, and it says:

20                         "I'm told my statement also says ..."

21                 This relates to a statement you gave to PIRC, which  
22                 I will come back to:

23                         "... 'The black male then stepped forwards towards  
24                         the female officer and appeared to lunge at her with his  
25                         left fist towards her face/head area. I believe he

## Transcript of the Sheku Bayoh Inquiry

1           struck at her with his closed fists at least three  
2           times. I heard her scream out. So I cannot be positive  
3           but I believe that at least one of these fists struck  
4           her. Yeah, I remember this because it was like a switch  
5           had just went. It was like he just woke up. It's like  
6           from going just walking along the street as you would to  
7           just reacting, and it's just like an explosion just  
8           went. And I remember him just going towards her, his  
9           arms swinging, and she stumbled and fell to the side.  
10          Because of the hedgerow there, I couldn't see her  
11          actually land onto the ground, but she went down.  
12          I didn't see him move towards her to strike her again.  
13          He appeared to be trying to get away. So, as she was  
14          going down, he was moving away from her. He was going  
15          towards my left-hand side. It was all like in one  
16          motion. It was like as if he was swinging whilst  
17          running, if that makes sense. He never stopped in front  
18          of her and started swinging. He was swinging as they  
19          were moving -- they were both moving at that point.  
20          The female officer was moving slowly backwards away from  
21          him. By that point, Sheku and the male officer weren't  
22          too far apart, so it was about a second or two before  
23          the officer grabbed him. By the time I left the window,  
24          Sheku had moved away from the female police officer and  
25          would have been maybe a step away from the pavement.

## Transcript of the Sheku Bayoh Inquiry

1 I couldn't see the pavement from where I was at  
2 the window, but that's where he appears to be from his  
3 position."

4 So let me just go back over that with you,  
5 paragraph 12, if we could go back up please.

6 You say her:

7 "I remember this because it was like a switch had  
8 just went. It was like he just woke up. It's like from  
9 just going walking along the street as you would to just  
10 reacting. It was just like an explosion just went."

11 What do you mean when you say that?

12 A. It was like two different people. You had one guy  
13 walking along the road oblivious that anything was going  
14 on at one point, and then all of a sudden, like  
15 a switch, like a click of someone's fingers, almost like  
16 a hypnotic trance type thing, just exploded.

17 Q. So he reacted in a different way at that point?

18 A. The complete opposite of what he was walking along  
19 the street, yeah.

20 Q. Okay. And then you remember his arms swinging and she  
21 stumbled and fell to the side, and I think that's what  
22 you've described --

23 A. Mm-hm.

24 Q. -- to us today.

25 And then again you say:

## Transcript of the Sheku Bayoh Inquiry

1            "Because of the hedgerow there, I couldn't see her  
2 actually land onto the ground, but she went down."

3            I think that's what you have said already.

4            Then if we can move up a little:

5            "I didn't see him move towards her to strike her  
6 again. He appeared to be trying to get away, so as she  
7 was going down, he was moving away from her. He was  
8 going toward my left-hand side. It was all like in one  
9 motion."

10           So I think you did indicate earlier on the image  
11 the arrow showing the movement that you described,  
12 diagonal movement towards the Hendry Road area?

13        A. Yeah.

14        Q. And that's what you've told us.

15           And then:

16           "It was all like in one motion. It was like as if  
17 he was swinging whilst running if that makes sense. He  
18 never stopped in front of her and started swinging, he  
19 was swinging as they were moving -- they were both  
20 moving at that point. The female officer was moving  
21 slowly backwards away from him."

22           Is that in fact what you've described already?

23        A. Yeah.

24        Q. "By that point Sheku and the male officer weren't too  
25 far apart so it was a second or two before the officer



## Transcript of the Sheku Bayoh Inquiry

1           grabbed him. By the time I left the window, Sheku had  
2           moved away from the female police officer and would have  
3           been maybe a step away from the pavement. I couldn't  
4           see the pavement from where I was at the window, but  
5           that's where he appears to be from his position."

6           Can you explain what you mean by that in relation to  
7           his location on the pavement?

8           A. In terms of where -- I couldn't see -- I can't see  
9           the pavement, so that was just where I would imagine he  
10          would have been from how far across he was coming along  
11          the road and he started moving to the -- to my left.

12          Q. Was that closer to your hedge?

13          A. A lot closer to my hedge, yeah.

14          Q. So you couldn't see his feet at that point?

15          A. No.

16          Q. But from the distance from your hedge, you thought he  
17          was on the pavement?

18          A. Yeah.

19          Q. Thank you.

20                 You've described to us coming out of your front door  
21                 and going up to the pathway.

22                 Can you give me a second, please?

23                 Right, I'd like to move on to a new image, if I may,  
24                 but I wonder if we could have a short break to allow  
25                 Mr DeGiovanni to ensure the image is prepared. It's not

## Transcript of the Sheku Bayoh Inquiry

1           ready at the moment and so I'd like -- I appreciate --

2           LORD BRACADALE: It's probably a bit early for a proper

3           break, but we could have a very short break.

4           MS GRAHAME: I'll move on to something first and then it

5           might be better to combine it with the morning break.

6           LORD BRACADALE: If that's convenient for you, I think that

7           might be better.

8           MS GRAHAME: Yes, I'll do that.

9                     Let's go back to the -- you've told us that you were

10           at your gate looking down Hayfield Road towards

11           the Hendry Road roundabout area?

12           A. Yeah.

13           Q. And you talked about seeing officers on the ground?

14           A. Mm-hm.

15           Q. Could we -- could you describe to us in a little more

16           detail what you could see from that position, that

17           viewpoint?

18           A. Yeah, from that viewpoint, there was -- there was

19           nothing obstructing my -- there was nothing on

20           the pavement other than where they've parked the cars

21           they're kind of half up on the pavement there, it's

22           quite a narrow road, so I had a clear view sight of what

23           looked like a -- like a pile of bodies on the ground.

24           I think I've used -- I've likened it to like a collapsed

25           scrum at rugby. There just seemed to be arms and legs

## Transcript of the Sheku Bayoh Inquiry

1            everywhere.

2            Q.  Could you tell from your position how many people were  
3            involved --

4            A.  No.

5            Q.  -- in that?

6            A.  No, I couldn't -- I couldn't say, exactly.

7            Q.  Could you see where Mr Bayoh was?

8            A.  Because of everybody that was there, I just presumed he  
9            was under them all.  I couldn't see him completely.  
10           I may have seen the white T-shirt in amongst all the --  
11           but no.

12           Q.  Thinking back now, do you know how many officers were on  
13           top?

14           A.  I couldn't tell you the exact number, but it looked like  
15           three or four.

16           Q.  Do you remember the position of any of them?

17           A.  No, because as I said, it was just arms and legs.  There  
18           was some facing -- like, facing away from me and some --  
19           some towards.

20           Q.  And you've described it as a collapsed scrum?

21           A.  Mm-hm.

22           Q.  As you watched events unfold, were you able to make any  
23           sense of what was happening?

24           A.  I couldn't hear, but there was lots of shouting.

25           Q.  Who was shouting?

## Transcript of the Sheku Bayoh Inquiry

1           A. I don't know who was shouting, because I don't know what  
2           any of the -- the voices were like. There was lots of  
3           shouting.

4           Q. Do you know what was being shouted?

5           A. Not exactly, no. I just remember there was just lots of  
6           shouting. It was quite loud, quite deep shouting  
7           voicing -- voices, sorry.

8           Q. How long did that go on for?

9           A. Again, I would be guessing just now. Probably --  
10          the shouting probably -- the majority of the time I was  
11          standing at the gate, I would imagine. I don't know.

12          Q. Do you remember how long you were standing at the gate?

13          A. In terms of time, it wasn't great deal, to be honest,  
14          because I think once they had him on the ground,  
15          I thought, well, that's -- that's it then, they'll get  
16          him away now.

17          Q. Okay.

18                 You've kindly looked at some footage earlier, and  
19          I wonder if we could maybe look at that footage again,  
20          and we looked at 7.20 to 7.24, which was a full 4-minute  
21          segment of the footage, and then I asked you to look at  
22          7.20.52, I think it was. 7.21.21. I think 7.21.21 was  
23          when we see the movement of the figure come from  
24          the house up the path. We'll just play that for  
25          10 seconds.

## Transcript of the Sheku Bayoh Inquiry

1 (Video played)

2 Thank you.

3 We can see that by this stage, it appears that

4 people are on the ground nearer to the roundabout?

5 A. Yeah.

6 Q. So that would be to your left --

7 A. To my left, yeah.

8 Q. And at that time, when you get up to the path, you're

9 actually looking to the left when that's going on?

10 A. Yeah.

11 Q. And there are a number of people in that area moving.

12 And then can we look at 7.22.18, and you'll remember

13 that -- and we can actually see a little bit through

14 the venetian blinds of your back there?

15 A. Yeah.

16 Q. That's you standing at the gate?

17 A. That's me, yeah.

18 Q. Could we rewind that ever so slightly to see what's on

19 the left there. And just pause that there.

20 Does that look familiar to you? This is

21 Ashley Wise's Snapchat footage, and we see that when

22 the camera pans round, you're at the gate. So does this

23 look a familiar scene?

24 A. Yeah, people, yeah, all huddled round, yeah.

25 Q. Thank you.

## Transcript of the Sheku Bayoh Inquiry

1           Just to put it into context for you, Mr Nelson, this  
2           is around 1 minute after you go up to the pathway, so  
3           this is a minute into the events.

4           And then, just to look again at 7.23.47, this is  
5           the moment where I think you're seen heading back to  
6           your house. So you appear to have been heading up  
7           the path at 7.21.21, and this is you heading back at  
8           7.23.47, so over -- about two and a half minutes, you  
9           appear to have been at the path area --

10          A. Mm-hm.

11          Q. -- watching events.

12                 At some point, did you see leg restraints being  
13                 used?

14          A. I seen leg restraints getting ready to be used. I never  
15                 actually witnessed them -- I don't remember them  
16                 actually getting put on, but I seen what I thought at  
17                 the time looked like big cable tie type things.

18          Q. Right.

19                 Could you have a look for me, please, at something  
20                 we've heard is called Fast Straps --

21          A. Okay.

22          Q. -- which are leg restraints. So when you're talking  
23                 about -- and please feel free, you can't destroy them,  
24                 I understand, you can pull them apart.

25                 Do you recognise those?

## Transcript of the Sheku Bayoh Inquiry

1       A. Just like a black -- yeah, so, I wouldn't say that  
2       wasn't what was there, but yeah, it would be -- from  
3       the distance I was, I believe that's what they possibly  
4       could have been, yeah.

5       Q. All right. And when you say you saw them being --

6       A. Being like -- like I'm doing just now (indicates), like,  
7       prepared, like --

8       Q. Pulled apart?

9       A. Yeah.

10      Q. So you're pulling things apart. So you saw that --  
11      someone doing that?

12      A. Yeah.

13      Q. Was that a police officer?

14      A. Yeah.

15      Q. And we have indeed heard that a police officer pulled  
16      them apart to use them.

17      A. Right.

18      Q. And you saw that. Where was that officer when you saw  
19      them do this?

20      A. At his lower half of his body, at his feet.

21      Q. Mr Bayoh?

22      A. Mr Bayoh, sorry, yeah, Mr Bayoh's legs, yeah.

23      Q. What did you actually see him other than pulling it  
24      apart?

25      A. My memory, as he was -- the legs were already up at that

## Transcript of the Sheku Bayoh Inquiry

1 point, bent at the knees, so with the feet up at that  
2 point.

3 Q. Right.

4 A. Just, I'm presuming, awaiting the -- I can't remember  
5 what you called them, leg straps or Fast Straps --

6 Q. Fast Straps.

7 A. -- to be put on, that's what I imagine would have been  
8 about to happen.

9 Q. So could you tell from your position which position  
10 Mr Bayoh was in at the time you saw those being  
11 prepared?

12 A. Yeah, because of the angle of his -- where his legs  
13 were, they were bent at the knees up, so his --  
14 the soles of his shoes or trainers were facing up, so he  
15 must have been face-down.

16 Q. So Mr Bayoh was face-down on the pavement?

17 A. He must have been, because your legs can only bend  
18 the one way.

19 Q. Can I ask you to look at some enhanced Snapchat footage,  
20 please, and I'll ask you if you recognise this. Now,  
21 what we're going to do is show this, so we'll see it  
22 twice. If we could just pause it there, please.

23 You'll recognise some of the Snapchat footage that  
24 I've just shown you on the combined footage. You'll see  
25 this at the normal speed. The image on the left is at



## Transcript of the Sheku Bayoh Inquiry

1 the normal speed and the image on the right is actually  
2 400% zoom but is still at the normal speed. Then it's  
3 going to play again, but it will be slightly faster. So  
4 sorry, it's going to be 400% zoom on the right-hand  
5 side, but the speed will be 25%, so it's slower. Sorry,  
6 I got that wrong.

7 If we could go back to the beginning and play that  
8 fully.

9 (Video played)

10 You'll see that's the Snapchat we looked at before.  
11 You were there at your front gate.

12 (Video played)

13 And this is the 25% speed.

14 Then what I'm going to do, Mr Nelson, is play that  
15 again. We'll play the first one again and then when it  
16 comes to the 25% speed, I'm going to ask you some  
17 questions.

18 A. Okay.

19 (Video played)

20 Q. We'll just pause it there for the moment.

21 So you'll see that this is the Snapchat footage that  
22 we looked at before. You were, as we can see in  
23 a moment, standing on the top step between the two  
24 hedges behind your gate?

25 A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And you can see that on the right-hand side we have 400%  
2 zoom footage from the Snapchat, that's 25%, and you'll  
3 see the other officers moving around, and I'm going to  
4 ask Ms Drury to play a little bit more, and you'll be  
5 able to see one more officer moving round to the feet  
6 area on the right-hand side of the screen, and then  
7 you'll see another officer standing up. Thank you.

8 (Video played)

9 Then, first of all, we're going to look at  
10 the officer who's standing up on the far right and he's  
11 going to bend down. I'm going to ask you about that in  
12 a moment.

13 (Video played)

14 Can we pause it, please, and just rewind to that  
15 moment.

16 (Video played)

17 So do you see the officer there bending down and  
18 moving what appears to be a leg?

19 A. Yeah.

20 Q. And you see the officer standing up?

21 A. Mm-hm.

22 Q. Can you see what he's doing at that moment?

23 A. That looks as though he's preparing the ...

24 Q. Thank you.

25 I'll maybe ask that we rewind slightly and then look

## Transcript of the Sheku Bayoh Inquiry

1 at that again.

2 (Video played)

3 So, we're going to see one officer moving towards  
4 the legs, standing, and then appearing to bend a leg up,  
5 but the officer who has got dark hair, that's facing  
6 the person with the camera, we'll look at him as well.

7 A. Okay.

8 (Video played)

9 Q. So when we could see the officer with the dark hair  
10 facing the camera, is that the officer you were talking  
11 about preparing the --

12 A. Yeah.

13 Q. -- leg restraints? Thank you.

14 And the other officer appears to be bending a knee;  
15 the knee's on the ground and he's bending the leg up?

16 A. Yeah.

17 Q. And is that what you could see from the --

18 A. Yeah --

19 Q. -- top step --

20 A. -- from the top step, at my gate, yeah.

21 Q. -- at your gate, thank you.

22 LORD BRACADALE: Would this be a convenient point for  
23 a break?

24 MS GRAHAME: It would.

25 LORD BRACADALE: We'll take a break now for 20 minutes.

## Transcript of the Sheku Bayoh Inquiry

1 MS GRAHAME: Thank you.

2 (11.20 am)

3 (A short break)

4 (11.50 am)

5 LORD BRACADALE: Yes, Ms Grahame.

6 MS GRAHAME: Thank you.

7 Before we move on to some other images, Mr Nelson,  
8 there's some things I'd like to clear up with you.

9 A. Okay.

10 Q. First of all, I'd like to get a demonstration from you,  
11 if possible, about the moment that you've already  
12 described to us when Mr Bayoh struck the female police  
13 officer, and you've mentioned the arms, and I'd like  
14 you, if you would, to come out into the middle of  
15 the horseshoe table and demonstrate for the Chair and  
16 the Assessor how you saw Mr Bayoh move at that point.

17 A. From -- from at what point?

18 Q. If you come out, you'll see there's a bit of sticky tape  
19 on the floor, and if you come and stand in that general  
20 area. Now, the audio isn't perfect in that area, so if  
21 you could just stand there and face the Chair and  
22 the Assessor, and replicate -- demonstrate for the Chair  
23 how Mr Bayoh was moving when he struck the female police  
24 officer.

25 A. At the moment he struck her, or leading up

## Transcript of the Sheku Bayoh Inquiry

1 to (inaudible)?

2 Q. Well, first of all, leading up to, and then you can  
3 describe the moment he struck her.

4 So, first of all, leading up to, please.

5 A. Yeah, leading up to, he was coming towards me straight,  
6 the arms swinging, and then when he connected and  
7 the officer was going down, he then changed direction  
8 towards Hendry Road.

9 Q. So you've demonstrated the -- as he approached with your  
10 arms up, and then you've -- as he struck, can you  
11 demonstrate how he was standing when he struck her?

12 A. He was standing like -- because he wasn't standing,  
13 because he was moving and punching at the same time. He  
14 was like going towards her with the arms swinging  
15 (indicates) and as soon as she started to go down,  
16 almost in the same motion, he changed direction, changed  
17 course.

18 Q. Thank you. Thanks very much. That's very helpful.

19 And can I also show you another image. You'll  
20 remember that I showed you an image just before  
21 the break. I said it was of a PC Tomlinson  
22 demonstrating how Mr Bayoh was said to have stamped  
23 on --

24 A. Yeah.

25 Q. -- Ms Short. And I'm going to show you another image

## Transcript of the Sheku Bayoh Inquiry

1 from another police officer, PC Walker, and we'll get  
2 that up on the screen, and you'll see again, arms  
3 elevated, leg elevated, and this is evidence from  
4 PC Walker on 20 May 2022.

5 You'll see the position of PC Walker. So is that  
6 something that you saw Mr Bayoh do when you were looking  
7 from his (sic) living room window?

8 A. Not after he had punched her the first time, no, his  
9 arms weren't raised anymore, so they were almost in  
10 a position to -- to run off, like further down by your  
11 side.

12 Q. So his arms were up when he punched her or struck  
13 the female officer?

14 A. Yeah.

15 Q. And after that, I think you've said his arms came down?

16 A. They were going down into a motion where he would use  
17 them for running.

18 Q. Is it possible that when his arms were raised and you  
19 saw him with his arms raised, that he was stamping on  
20 the female officer?

21 A. I don't think it's possible, no.

22 Q. And why do you say that?

23 A. Because she was down and had moved away from him. As  
24 soon as she was going down, that's when he changed  
25 course.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Right.

2 And how long did that take for him to change course?

3 A. One movement, so a fraction of -- a fraction of a --

4 less than a second, a fraction of a second.

5 Q. Thank you. We can just shut that down, please.

6 And then the next thing I'd like to ask you about is

7 the Inquiry may have heard evidence that one of

8 the police officers, when Mr Bayoh was moving towards

9 the female police officer, that one of the police

10 officers at Hayfield Road struck Mr Bayoh to the head

11 two or three times with a baton and two or three times

12 to his arms, and is that something that you remember

13 seeing from your living room window?

14 A. No, I don't remember another person being there or close

15 enough to do that.

16 Q. Right.

17 And -- thank you.

18 What I'd like to do now is to ask you to look at

19 some images that have been prepared. You'll remember,

20 before the break, I said we were using the red circles,

21 but we would have an opportunity to refine that?

22 A. Mm-hm.

23 Q. So what I'd like to do now is to get Mr DeGiovanni from

24 Advanced Laser Imaging to bring up the first image.

25 There's going to be three, and I'd like him to bring up

## Transcript of the Sheku Bayoh Inquiry

1 the first image, and this is an image showing  
2 the positions of individuals when you first saw them.  
3 Now, these are indicative, so they're indications of  
4 the areas that you pointed to on the previous image, and  
5 you'll remember that, if we start at the right-hand  
6 side, you indicated that Mr Bayoh was just beyond  
7 the bus stop area.

8 Now, you'll see that the figure in green has a title  
9 above "Mr Bayoh", but that figure can be moved into  
10 the position where you first saw him. So I wonder,  
11 looking at that figure now, do you think that's  
12 a reasonable indication of where Mr Bayoh was when you  
13 first saw him, or would you like to move that figure?

14 A. I would like to move it slightly more to the right.

15 Q. To the right, closer to the grass?

16 A. Still on the pavement, probably just down a bit, still  
17 on the pavement and further to the right. (indicates).  
18 Yeah, roughly there.

19 Q. And in terms of which direction he was facing, are you  
20 content with what's shown there, or would you like to  
21 change it?

22 A. No, happy with that, yeah.

23 Q. Happy with that.

24 So that's where he was when you first saw him out  
25 your living room window.



## Transcript of the Sheku Bayoh Inquiry

1           And then you talked about him moving along the path  
2           and so I think you gestured that he was there at one  
3           point, you see in the middle there, just past the bus  
4           stop sign on the road. Are you happy with the position  
5           there?

6           A. Yeah.

7           Q. Yes.

8           Direction?

9           A. Yeah, still -- still happy with that, yeah.

10          Q. Still happy.

11          And then on the left there, we see "PC\_01", and this  
12          is where you talked about seeing a police officer  
13          pointing with something at his side. Is that  
14          a reasonable indication of where the police officer was  
15          at that point, or would you care to move that?

16          A. I would be quite -- quite happy with that.

17          Q. Quite happy with that?

18          A. Yeah.

19          Q. And then you described that officer moving backwards,  
20          trying to maintain a distance with him -- between  
21          himself and Mr Bayoh, and I think you gestured to  
22          "PC\_01\_a". Is that a reasonable area? I think that's  
23          where you'd roughly pointed to --

24          A. Yeah.

25          Q. -- in the previous image. Do you want to move that on

## Transcript of the Sheku Bayoh Inquiry

1           the pathway or are you happy with that position?

2       A. The pathway's different now from what it was then, it

3           was narrower.

4       Q. So this has been recreated back to 2015?

5       A. That's better, it looks a bit narrower now. So, yeah,

6           I would say if anything you're talking a matter of

7           a foot or something in any direction, so yeah.

8       Q. All right. So a reasonable indication?

9       A. Yeah, yeah.

10      Q. Then you'll see "PC\_01\_b". You also pointed to an area

11           that the officer had gone back to. Are you content with

12           that position?

13      A. Yeah.

14      Q. You'll see that the officer is actually facing

15           a different direction there?

16      A. Yeah, I would have him more facing down the path.

17      Q. Towards "PC\_01\_a"?

18      A. Yeah.

19      Q. So he's walked backwards?

20      A. Yeah.

21      Q. Now that that has been changed, are you more content

22           with that position?

23      A. Yeah.

24      Q. Thank you very much, so that's image 1.

25           The second image is -- so this is Hayfield Road.

## Transcript of the Sheku Bayoh Inquiry

1           You will see that on the left-hand side that you are  
2           positioned in yellow, Mr Nelson. Is that your  
3           living room window there?

4           A. That is, yeah.

5           Q. Right.

6                     And you'll see that there's a white police van on  
7           the other side of Hayfield Road. The cars have been  
8           recreated in this 3D reconstruction from 2015 on  
9           the day, on 3 May, and this is the moment in time when  
10          you talked about the female police officer being in  
11          Hayfield Road and Mr Bayoh being slightly to the left of  
12          her. But you'll remember, when you gave that evidence  
13          and you put the red circles on --

14          A. Mm-hm.

15          Q. -- I said to you we can fine-tune this --

16          A. Yeah.

17          Q. -- when we get another image. So I'd like to do that  
18          fine-tuning now, please, while Mr DeGiovanni is here.

19                     So these figures have been created -- the female  
20          officer is in blue and her height is, we have heard,  
21          5 foot 1, and the green figure is Mr Bayoh, and we've  
22          heard his height is 5 foot 10.

23                     So, when you look at Hayfield Road there, we can  
24          move around this scene as you wish. When you spoke  
25          about Mr Bayoh striking the female officer, where was

## Transcript of the Sheku Bayoh Inquiry

1 she on the road or on the pavement? And if it can help,  
2 we can show a line of sight from you at the living room  
3 window.

4 A. That would -- that would help better, to see it from my  
5 line of sight, if that's --

6 Q. Let's look at Hayfield Road from your line of sight and  
7 your living room window and you can tell us if it's ...  
8 right.

9 A. She was facing towards Mr Bayoh.

10 Q. Right.

11 Do you recognise that viewpoint?

12 A. Oh, it's went off the screen there.

13 Q. Don't worry, it's very complicated and sometimes it  
14 takes a while to load up all the different elements.

15 So facing towards Mr Bayoh?

16 A. Yeah.

17 Q. And which direction was Mr Bayoh facing?

18 A. He was facing towards me, so a bit from that angle --  
19 yeah, that's the right way, yeah.

20 Q. Yes, okay.

21 And let's go back to your line of sight and see if  
22 that looks more ... right.

23 So, are you comfortable that this shows your view --  
24 your line of sight from your living room window?

25 A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And we can see the dark black car beyond the hedge that  
2 you've already told us about, and in terms of  
3 the positioning of the female officer, does that look  
4 similar to what you could see on 3 May 2015, or would  
5 you like her to be moved?

6 A. No, I'm quite happy with that.

7 Q. Quite happy with that.

8 And then looking at Mr Bayoh, the figure for him,  
9 can you tell us, does that look like a reasonable  
10 indication of where he was standing and the direction in  
11 which he was standing?

12 A. From that viewpoint, I think he needs to be more in line  
13 with the blue figure, so to the -- to the right-hand --

14 Q. Closer to the blue figure?

15 A. Yeah. In terms of line of sight, maybe not  
16 distance-wise -- yeah, something like that, but facing  
17 slightly more -- I don't know how to describe it --  
18 twisted round a bit to the -- to the left. I wouldn't  
19 say as much as that, probably halfway between the two,  
20 if that's possible. And then it looks like -- from  
21 there it looks like he's facing away; it was facing  
22 towards.

23 Q. Facing towards, yes. So facing towards you?

24 A. Yeah, I would say it was more clockwise.

25 Q. More in the direction of your house, right.

## Transcript of the Sheku Bayoh Inquiry

1 A. Yeah, there or thereabouts, yeah.

2 Q. Let's see.

3 Let's go back to your viewpoint. Right.

4 I wonder if it's possible to remove the names for  
5 a moment. Is it? Not really, all right.

6 So, looking at what we have here, this is indicative  
7 of a view from your living room window towards  
8 Hayfield Road, beyond the hedge, beyond the car. Is  
9 this a reasonable indication of your viewpoint on that  
10 day?

11 A. Yes.

12 Q. Thank you.

13 So when Mr Bayoh had his hands up at his -- waving  
14 his arms, as you suggested, before he struck her, that's  
15 something that you could have seen over the hedge?

16 A. Yeah.

17 Q. Thank you.

18 And I think you indicated that the officer you saw  
19 wrestled with Mr Bayoh came from the right-hand side as  
20 we look at this?

21 A. Yes.

22 Q. Thanks.

23 And I've asked you about another officer striking  
24 Mr Bayoh to the head two or three times, and that's not  
25 something you saw?

## Transcript of the Sheku Bayoh Inquiry

1 A. No.

2 Q. All right.

3 A. No.

4 Q. And then when the officer, the female police officer,  
5 fell, was that behind the black car that we can see on  
6 this image?

7 A. Yeah. I couldn't tell you exactly where she fell, but  
8 it was -- I lost sight because of that dark blue car  
9 there, yeah.

10 Q. And when Mr Bayoh changed direction --

11 A. Yeah.

12 Q. -- was it from this position towards the left?

13 A. Yes, towards the silver car that's on the --

14 Q. We can see the top --

15 A. The top of it, yeah, towards that --

16 Q. -- of the silver -- top of the hedge?

17 A. -- yeah, yeah.

18 Q. Thank you. We'll save that.

19 And then we're going to go back to another new  
20 image, image number 8 from brochure 2, and this should  
21 be, you'll see, an image which appears to be an  
22 indication of the view from your -- beside your gate.

23 A. Yeah.

24 Q. Now, do you see in the top right of this image, we can  
25 see the grey car on the right and the front of the black

## Transcript of the Sheku Bayoh Inquiry

1 car?

2 A. Mm-hm.

3 Q. And then there's a yellow figure. So that's said to be  
4 you at your gate. Does that seem to be a reasonable  
5 indication of --

6 A. Yeah.

7 Q. -- your position?

8 A. Yeah.

9 Q. And the bigger image that we see, number 8, is that  
10 a reasonable indication of what you could see from your  
11 gate?

12 A. Yes, it is, yeah.

13 Q. Thank you.

14 So using this image, can you point to the area where  
15 you saw the collapsed scrum, as you described it?

16 A. Yeah (indicates).

17 Q. Thank you.

18 And that's -- when we watched the enhanced Snapchat  
19 footage earlier, that's what was happening --

20 A. Yeah.

21 Q. -- in that area?

22 A. Yeah.

23 Q. Thank you.

24 Can we look at paragraph 8 of your statement now,  
25 please. You said earlier that you'd used



## Transcript of the Sheku Bayoh Inquiry

1           the phrase "collapsed scrum", and actually, do we see  
2           this in paragraph 8 of your statement, that you said:  
3           "I couldn't tell whose arms belonged to whose legs  
4           because it looked like a collapsed scrum at the rugby."

5           And:

6           "It just looked like there was a mass. If somebody  
7           scores at the football and everyone jumps on, it was  
8           kind of like that. It looked like there was people  
9           definitely on top of Sheku. Whether or not they were  
10          lying or pressing on him, I don't know. There was legs  
11          moving about and arms moving about and lots of  
12          shouting."

13          And that's what you told us earlier?

14          A. Yeah.

15          Q. And then towards the end of that paragraph we can see:

16          "I remember seeing the police ..."

17          If we just move down the paragraph, it's on the same  
18          page but that's it coming into view:

19          "I remember seeing the police officers restraining  
20          his legs with what looked like cable ties. His legs  
21          were bent upwards at the knees so he must have been  
22          face-down on the ground."

23          And that's what you've told us earlier?

24          A. Yeah.

25          Q. And then paragraph 9, you say:

## Transcript of the Sheku Bayoh Inquiry

1            "I don't remember any of the officers holding or  
2            using batons. I don't remember this at the time Sheku  
3            was being restrained, or earlier when I saw the CS spray  
4            being used."

5            But you did mention the baton -- somebody having  
6            a baton down at their side.

7            A. Mm-hm.

8            Q. So can you explain what you mean when you say, "I don't  
9            remember any of the officers holding or using batons"?

10          A. I can't remember any batons being swung about --

11          Q. All right.

12          A. -- looking back on the whole incident now.

13          Q. That's fine.

14                      And then you come on to talk about the cable ties on  
15                      his legs:

16                      "And I thought well he's being restrained now,  
17                      that's that, they'll put him in a van, away he goes, and  
18                      I came back into the flat."

19          A. Mm-hm.

20          Q. And that's what you did.

21                      Then can we look at the next page, page 6 at  
22                      the top, and you say:

23                      "... there was a chap at the door. I answered  
24                      the door and it was a policeman, quite out of breath,  
25                      asking me for a glass of water."

## Transcript of the Sheku Bayoh Inquiry

1                   What happened when the policeman came to the door?

2           A. He was out of breath. He looked a bit red around  
3           the face, and I -- I presumed at that point that he was  
4           red in the face because it was maybe the spray from  
5           earlier, and he asked me for a -- he just asked, "Can  
6           I get a drink of water".

7           Q. And what did you do?

8           A. I got him a pint of water. I found the biggest glass  
9           that was in the cupboard and filled it to the brim with  
10          water.

11          Q. And then you say in your statement there that:

12                   "...he swirled it around his mouth and spat it out  
13                   in the garden."

14                   And gave you the glass back.

15          A. Yeah, yeah.

16          Q. And you then said:

17                   "...I looked back across at what was going on, and  
18                   I'm sure the ambulance was there at that point."

19          A. Yeah.

20          Q. So that was a little bit of time after?

21          A. Yeah. I don't know how -- how long it was, but it  
22          wasn't a huge amount of time.

23          Q. And that was -- could you see a lot of officers in  
24          Hayfield Road at that time?

25          A. There was -- seemed to be a lot more, and I also noticed

## Transcript of the Sheku Bayoh Inquiry

1           there was some people there that weren't in uniform as  
2           well.

3           Q. Right. We may hear that CID --

4           A. Right.

5           Q. -- plain clothes officers were there.

6                     And did you see a number of police cars in  
7           the street at that time?

8           A. Yeah, there was just cars everywhere abandoned -- they  
9           obviously weren't abandoned, they were there to block  
10          other cars getting into the street, I imagine, but it  
11          looked like they were just abandoned cars, yeah.

12          Q. Police cars?

13          A. Yeah.

14          Q. And that was from your front door at that stage?

15          A. Yes.

16          Q. Then can I ask you to look at your PIRC statement,  
17          please, which was the statement given to PIRC on 5 May.  
18          I mentioned this to you earlier, and you were asked  
19          about this in paragraph 10 of your Inquiry statement,  
20          and it said:

21                     "My statement reads 'I saw the police van parked  
22          just to the right of my house on the opposite side of  
23          the street just before the bus stop [I will just read  
24          this] and I then saw a male police officer dressed in  
25          police uniform with a HV yellow jacket vest on. He was

## Transcript of the Sheku Bayoh Inquiry

1 white-skinned and I would describe him as tall and  
2 cuddly. I could see that he contained an extended black  
3 baton in his right-hand'. If I said that at the time,  
4 that's what I must have seen."

5 And then you talk about it. So you talk about that  
6 officer having a baton in his right-hand. Do you  
7 remember that now?

8 A. I remember there -- as I say, there being batons, but  
9 I can't remember them getting -- as I'm sitting here  
10 just now, getting swung about and used, and again, at  
11 the moment I couldn't tell you if it was left or  
12 right-hand with 100% accuracy.

13 Q. Okay.

14 If there's any difference between your original PIRC  
15 statement taken on 5 May 2015 and your Inquiry  
16 statement, what version should the Chair prefer?

17 A. The one that was done on the Tuesday after the --  
18 the incident.

19 Q. Was your memory fresher then?

20 A. Definitely, yeah. Yeah.

21 Q. Can we go back to your PIRC statement, please -- sorry,  
22 your Inquiry statement, paragraph 11 this time. And you  
23 were asked about saying in your statement in May to PIRC  
24 -- 2015:

25 "... 'I remember being aware of at least a further

## Transcript of the Sheku Bayoh Inquiry

1 two police marked vehicles approaching from my left and  
2 at least one from my right. I remember noting that  
3 the male suddenly appeared to realise that the police  
4 officer was talking to him and he turned and started  
5 shouting back, again I didn't know what was said.  
6 I then saw him using one of his hands, I'm not sure  
7 which, to gesture with his finger to the police officer,  
8 as in ..."

9 And if we can go up:

10 "... give him the finger, the gesture implying to me  
11 that he was telling him to "fuck off". As this was  
12 happening I became aware of a second male police officer  
13 appear from the side of the police van, he was also  
14 dressed in uniform wearing a yellow HV. He was about 6'  
15 in height, mid-30s, with an average build. He stood to  
16 the right of the female who was then in the middle of  
17 the two males officers'. Again, I don't remember this  
18 now. It fits with what I remember."

19 So do you remember a male officer standing near to  
20 the female officer?

21 A. Not vividly, no. I know there was other people about,  
22 there was other officers about, but not, I would say,  
23 close.

24 Q. And you say:

25 "There are certain things I can remember very

## Transcript of the Sheku Bayoh Inquiry

1 clearly, other details on the periphery have faded.  
2 Also, my memory was of everything happening  
3 and escalating very quickly. I remember other police  
4 vehicles and more police officers being there but it's  
5 hard to remember the order of when they arrived now.  
6 However, I accept that if I said that at the time, then  
7 it would be true."

8 So when you spoke to PIRC on 5 May 2015, you were  
9 trying your best to tell them the truth?

10 A. Yes.

11 Q. Thank you.

12 Then paragraph 12, I think we've already looked at  
13 in some detail, and then I'd like to go on to  
14 paragraph 13, and you say:

15 "I'm told that my statement ..."

16 That's your PIRC statement:

17 "... continues 'I exited my house via the front door  
18 and stood looking over my gate. In this time the black  
19 male now appeared to be face-down on the pavement to  
20 the left of my house on my side of the street. I could  
21 no longer get a clear view of this male, there appeared  
22 to be five or six male police officers attempting to  
23 restrain him. All of these officers were dressed in  
24 uniform wearing yellow HV'."

25 I think earlier before the break you said you

## Transcript of the Sheku Bayoh Inquiry

1 thought it might have been three or four?

2 A. Mm-hm.

3 Q. Here you seem to be saying five or six?

4 A. It was -- it was hard to tell. It was just --

5 Q. Yes.

6 A. -- with -- with the angle and everything else that was  
7 going on.

8 Q. Well, we have the Snapchat footage of you --

9 A. Mm-hm.

10 Q. -- while you were at the gate, but again, your  
11 recollection at the time when you gave your statement to  
12 PIRC was five or six, and that, you think, would have  
13 been -- that was only a couple of days after.

14 A. I'm saying the PIRC statement, yeah, certainly, because  
15 that was just days afterwards.

16 Q. Thank you.

17 And you they were wearing their yellow HV:

18 "'I observed one officer appeared to be kneeling on  
19 the ground with the weight of his upper body by use of  
20 his arms to the black male's shoulder/back of neck area.  
21 I would not be able to describe this police officer.  
22 The other police officers appeared to be laying across  
23 the black male's body, I believed in an attempt to keep  
24 him on the ground. I recall hearing the words, "Calm  
25 down" being repeated. I also remember a male voice say



## Transcript of the Sheku Bayoh Inquiry

1           'Get his legs' as the black male appeared to be kicking  
2           his legs'."

3           So again, that's a quotation from your PIRC  
4           statement. And you say:

5           "Yes, that makes sense with what I remember of  
6           the events now. I remember there being a struggle and  
7           there was definitely an attempt to keep him down and  
8           stop him breaking free while they got the restraints  
9           on."

10          So you say there was definitely an attempt to keep  
11          him down?

12         A. Mm-hm.

13         Q. What did you mean by that?

14         A. Well, with what was going on there, with their shouting,  
15         you know, to grab his legs and keep him down, there must  
16         have been some resistance to -- to being restrained.

17         Q. So Mr Bayoh was resisting the restraint at that time?

18         A. Would be what I would perceive was happening at that  
19         time, yeah.

20         Q. And at the time, as he resisted, what was your  
21         impression of what the officers were doing?

22         A. Bearing in mind I had just witnessed him, seconds  
23         before, hitting a policewoman, I thought they were just  
24         restraining him so nobody else was going to get -- get  
25         hurt.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And you say you:

2 "... don't remember the details of the male officer  
3 kneeling on the ground and using his weight of his upper  
4 body on Sheku's back, I just have an image of  
5 the officers lying on him, the collapsed rugby scrum  
6 that I have described, but again, if that's what I said  
7 in my statement at the time, then I accept that would be  
8 the truth of what I saw."

9 So if you said to PIRC on 5 May that you had an  
10 image of the officers lying on him in this collapsed  
11 rugby scrum, that would be the truth as you remembered  
12 it on 5 May?

13 A. Yes.

14 Q. Thank you.

15 And then if we can move up, please, this statement  
16 goes on to talk about when you spoke to  
17 the Crown Office. Before we look at that, can I ask you  
18 to look at your PIRC statement again, 19, and page 3,  
19 please. There's very short paragraphs in this  
20 statement. Can we look at paragraph 5. It says:

21 "The black male then stepped forwards towards  
22 the female officer and appeared to lunge at her with his  
23 left fist towards her face, head area. I believe he  
24 struck at her with his closed fists at least 3 times.  
25 I heard her scream out, so I cannot be positive but

## Transcript of the Sheku Bayoh Inquiry

1 I believe that at least one of these fists struck her.  
2 At this point I decided to go into the front garden to  
3 have a closer look."

4 And you then talk about going on to the gate.

5 So again, your description in your PIRC statement on  
6 5 May was that he stepped forwards towards the female  
7 officer and appeared to lunged at her with his left fist  
8 towards her face, head area, at least three times. Now,  
9 there you seem to suggest that the male was stepping  
10 forwards towards her and lunged at her rather than  
11 moving?

12 A. When he changed direction from coming off the path  
13 towards, to step off the path and coming towards her,  
14 yeah.

15 Q. All right, thank you.

16 LORD BRACADALE: Just before you read on, I wonder if  
17 I could ask a question to clarify the position here.  
18 You gave evidence earlier on that before you left  
19 the window to go into the garden, you saw the male  
20 officer tackling or giving a bear hug to Mr Bayoh.

21 A. Yeah.

22 LORD BRACADALE: And then you said you went into the garden.  
23 Now, looking at this page of your PIRC statement on  
24 5 May, you say that you saw him lunging at the female  
25 police officer and striking her, and then you say:

## Transcript of the Sheku Bayoh Inquiry

1            "At this point I decided to go into the front garden  
2            to have a closer look."

3            Now you didn't, in your PIRC statement, describe  
4            the intervention of the male police officer at that  
5            point, and I'm just wondering why that was.

6            A. Going back over seven years, I -- I couldn't say, but  
7            that's how I remember it as I'm sitting here just now.

8            LORD BRACADALE: I'm just a little puzzled why you weren't  
9            able to describe that to the PIRC inspectors on the --  
10           two days' later.

11           A. Yeah, going on -- going on all that, yeah, I can see why  
12           you would think that, but my -- my memory of it is that  
13           that is what -- what happened, what I've described  
14           today.

15           LORD BRACADALE: Yes, thank you.

16                     I'm sorry to have interrupted.

17           MS GRAHAME: Not at all.

18                     So, yes, the statement we have on the screen is  
19           the PIRC statement --

20           A. Mm-hm.

21           Q. -- from 5 May. And then paragraph 7, as we go down that  
22           page, beginning:

23                     "In this time the black male now appeared to be  
24           face-down on the pavement to the left of my house ...  
25           I could no longer get a clear view ... there appeared to

## Transcript of the Sheku Bayoh Inquiry

1           be five or six male police officers ..."

2           So this is the section where you talk about  
3           the collapsed scrum.

4           And then towards the latter half of that, you say:

5           "The other police officers appeared to be laying  
6           across the black male's body, I believed in an attempt  
7           to keep him on the ground. I recall hearing  
8           the words 'calm down' being repeated. I also remember  
9           a male voice saying 'get his legs' as the black male  
10          appeared to be kicking his legs. I then observed a male  
11          police officer holding what I can only describe as black  
12          cable ties."

13          And that's what you described earlier today?

14          A. Yeah.

15          Q. Right, thank you.

16          Right, I'd like to go back to your Inquiry  
17          statement, please, paragraph 14, and we were going to  
18          just come on to that. This is -- you gave -- you went  
19          and spoke to someone in the Crown Office on  
20          6 October 2016, so that would have been the year  
21          after --

22          A. Mm-hm.

23          Q. -- these events --

24          A. Yeah.

25          Q. -- in Hayfield Road. And you gave what we would call

## Transcript of the Sheku Bayoh Inquiry

1 a precognition to them, you spoke to someone in  
2 the Fiscal Service?

3 A. Yeah.

4 Q. I think paragraph 14, you've talked about some of  
5 the things that you said in relation to Mr Bayoh to  
6 the Crown Office. And then at paragraph 15 you say in  
7 your statement to the Inquiry:

8 "I can confirm that the statements I gave to PIRC  
9 and to [Crown Office] were true and accurate. The first  
10 statement I gave to PIRC, I remember having  
11 the opportunity to read over it a few times. I'm unsure  
12 whether I read over the other statements. My memory of  
13 the events were definitely clearer at the time that PIRC  
14 took the statement from me. If there is any discrepancy  
15 between what I've said in this statement compared to my  
16 PIRC statement, the PIRC statement would be the one to  
17 be preferred."

18 That's correct?

19 A. Yeah.

20 Q. That's your position today?

21 A. Yes. Yeah, it is, yeah.

22 Q. Thank you.

23 And then, in paragraph 16, you were asked about  
24 giving an interview to Panorama, the BBC?

25 A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

1 Q. And that was actually to a Mr Daly, who's a journalist,  
2 who was doing some work in relation to that programme,  
3 and you've said at paragraph 16:

4 "After the incident, we were getting chaps at  
5 the door quite a lot, whether it be local newspapers,  
6 the TV channels that were camped out on the street for  
7 two or three days. Even Sheku's family came and chapped  
8 on my door. Then one day, I was at work, and I think it  
9 was ..."

10 Then the name's blanked out:

11 "... for Panorama that came. I just ignored it.  
12 And then I stopped buying newspapers round about  
13 the time it happened because that was when my work went  
14 into administration as well. Between what happened on  
15 Hayfield Road and what happened at my work, none of what  
16 was reported seemed to be true, so I just stopped  
17 reading anything about it. People were saying that  
18 Sheku was stamping on a policewoman and everything  
19 I thought, 'No. He hit her, but he didn't stamp on her.  
20 That's not right if that's what people are thinking'.  
21 I tried to block it out pretty much. Just wanted to kid  
22 on it never happened. I ignored it for a few years  
23 until there was a documentary about George Floyd and  
24 then when [blank] got in touch again I told him that I  
25 didn't agree with what I'd heard about the stamping."

## Transcript of the Sheku Bayoh Inquiry

1           And then:

2           "[This person] asked me to do the interview and  
3           I said no three or four times but I said would meet up  
4           with and just talk to but not be filmed [and then when]  
5           came out managed to persuade me to do a bit in front of  
6           the camera."

7           We'll then come on to paragraph 17, but I'd like to  
8           ask you about this Panorama interview.

9           A. Mm-hm.

10          Q. First of all, were you given any benefits or incentives  
11          to do this interview?

12          A. None at all, no.

13          Q. And why did you decide to do this Panorama interview?

14          A. Just as I described there, that, you know, hearing all  
15          the different stories about he done this, he done that,  
16          and I was -- that just didn't happen, so I wanted just  
17          to get my -- my thoughts across on it. I had -- I had  
18          seen what I seen, and I thought it was -- people have  
19          got to know.

20          Q. Where were you getting this information about what  
21          people were saying?

22          A. There was -- it was coming from -- from everywhere  
23          really. There was stuff online. When I was buying  
24          newspapers, there was stuff in there. There was people  
25          that knew where I lived obviously was asking me



## Transcript of the Sheku Bayoh Inquiry

1           about it. People at my work at the time were asking me  
2           about it. They were -- it was like Chinese whispers, it  
3           was -- things were getting exaggerated and I just didn't  
4           think it was fair.

5       Q. Right.

6           And so you did the Panorama interview, and can we  
7           look at paragraph 17:

8           "I'm asked about the part of the Panorama I spoke of  
9           Sheku punching the female police officer and that there  
10          was no further contact: that I didn't see Sheku stamping  
11          on the female police officer. I described Sheku as  
12          'running off after the punch, and that was it, there was  
13          no more attack on her at all'. That is correct and  
14          that's what I've said in my statement today."

15          And is that what you've told us today?

16       A. Yeah.

17       Q. "I'm 100 per cent sure that he made his way away from  
18          the female police officer. So no, I can't see how he  
19          could have stamped on her. I don't think it's possible  
20          that Sheku could have stamped on the female police  
21          officer in the 15 seconds that I was walking from  
22          the window to my gate. I don't think it's possible  
23          because of the way they were moving and the police  
24          officer grabbing him. I can't see Sheku having time to  
25          go back, stamp on the officer and then get back to where

## Transcript of the Sheku Bayoh Inquiry

1           he was on the ground with the police officers on top of  
2           him within 15 seconds. I don't think that's possible at  
3           all."

4           And does that remain your position today?

5           A. Yeah.

6           Q. So you just don't think that's possible that he stamped  
7           on the female police officer?

8           A. I -- no.

9           Q. When did you first become aware that people were  
10          suggesting, either in the media or in the local area,  
11          people you knew, that Mr Bayoh had stamped on a female  
12          officer?

13          A. The stamping didn't come up for a while afterwards. It  
14          was mainly the stories that I was getting told was that  
15          he was going about with a -- a large knife and some  
16          people were even saying it was a machete, which I didn't  
17          see a knife at all that morning. It was the first I'd  
18          heard of that. The stamp, I can't be 100% sure if I had  
19          read it somewhere whilst I was still buying newspapers  
20          or online. I also seen another documentary -- I don't  
21          think it was Panorama though, it was Disclosure perhaps  
22          -- where it was made reference to in that about a stamp.

23          Q. Right.

24          A. And I remember actually turning to my wife watching that  
25          and going, "That's -- there wasn't a stamp".

## Transcript of the Sheku Bayoh Inquiry

1 Q. Do you remember when that Disclosure programme came out,  
2 how long after the events?

3 A. I can't be 100% sure, to be honest.

4 Q. Okay.

5 And how long after that programme did you speak to  
6 the person from the BBC?

7 A. It must have been a couple of years, because it was  
8 after -- it all came -- it all surfaced again, after it  
9 all dying down, it all surfaced again after  
10 the George Floyd thing, so it must have been about two  
11 years ago.

12 Q. Right, two years ago from now?

13 A. Round about now. It couldn't have been too far.

14 Q. So we're talking about 2020?

15 A. 2020, yeah, it was the whole pandemic thing was  
16 happening, yeah.

17 Q. Right.

18 You say in your witness statement that you initially  
19 declined to do --

20 A. Yeah.

21 Q. -- an interview with Panorama? What made you say yes?

22 A. I just had time to think about it, go over it myself,  
23 and I decided that -- I put myself in -- in Mr Bayoh's  
24 position. If it was me or my brother, I would want  
25 somebody to do what I done.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Right.

2 Can we look at paragraphs 18 and then 19 of your  
3 Inquiry statement. You were asked about the fact that  
4 in the interview, the Panorama thing:

5 "... I don't make any mention of leaving my  
6 viewpoint at the window to go outside and whether this  
7 was something that I was asked about in the interview."

8 And you say:

9 "I was asked quite a lot of questions compared to  
10 what was included in the TV programme. They had a copy  
11 of my statement and went through my statement line by  
12 line and asked me about it, so I'm sure this would have  
13 come up as it would be in my statement. I don't have  
14 a copy of my statement, I wasn't given a copy by PIRC.  
15 I don't know how the interviewer got my statement.  
16 I asked about this and just said 'People have got  
17 things', pretty much glossed over it. I can confirm  
18 that I wasn't paid for my interview. I never asked for  
19 money and it wasn't offered to me to take part."

20 So there's no suggestion that you gave your  
21 statement to the BBC?

22 A. I didn't have my --

23 Q. You didn't have -- (overspeaking) --

24 A. -- do you mean my PIRC statement?

25 Q. Yes?

## Transcript of the Sheku Bayoh Inquiry

1 A. No. No.

2 Q. You never had your statement?

3 A. No. That's what made my intrigued to ask --

4 Q. How they'd got it?

5 A. -- how someone else has it.

6 Q. Thank you.

7 And then paragraph 19:

8 "The newspapers ... have my statement. I know this  
9 because I got a quite aggressive voicemail from  
10 a reporter, who was obviously quoting a line out of  
11 the statement. It was Douglas Walker at The Sun on  
12 21 January 2021. He was quite aggressive asking me why  
13 when the police officer was knocked down and I left  
14 the house for 15 to 20 seconds to go outside, why didn't  
15 I say this, this was a key part of the story and could  
16 I call him back. And then he said 'You know you'll have  
17 to go to court, and give evidence on oath'. I felt  
18 harassed so I didn't phone him back. I do remember  
19 seeing something in The Sun shortly afterwards. I was  
20 aware that they were going to print something because  
21 I phoned Mark Daly at the BBC shortly after receiving  
22 the voicemail. Mark Daly said I received any calls to  
23 contact him and if I needed any help, they had had  
24 a legal team there if I was threatened with anything, so  
25 I made a call to him and he just basically said 'leave

## Transcript of the Sheku Bayoh Inquiry

1           it with me, I'll let you know what I find out'."

2           You've said that -- you described Mr Walker's  
3           voicemail as "quite aggressive" and you say that you  
4           felt harassed?

5           A. Mm-hm.

6           Q. Could you tell us how you were feeling at that time?

7           A. I just had a voice -- I'd been at work, had a voicemail  
8           on my call, it started off quite friendly, introduced  
9           himself on the call, and then I took it as if the tone  
10          changed, he was being a bit accusing of why I didn't  
11          make the point of leaving the viewpoint to go to  
12          the gate, and he quoted it in such a way that it was  
13          like he was reading from something, which I presumed was  
14          my statement, which wasn't a surprise, because if one  
15          person's got it, lots of other people are going to have  
16          it, and I just took it as quite an aggressive or kind of  
17          an accusing tone that he had and at that point  
18          I thought, "Well, I'm no phoning that guy back".

19          Q. So this was a voicemail?

20          A. It was a voicemail, yeah.

21          Q. Right. And I think your position is that the BBC  
22          Panorama programme had been edited by the BBC, but there  
23          was actually a lot more --

24          A. We had numerous conversations about the whole scenario  
25          both on and off the camera. I don't know if it actually

## Transcript of the Sheku Bayoh Inquiry

1           came up when we were recording it. I'm sure it's got to  
2           have, because we went through it, we were there for  
3           a good few hours going over it.

4       Q. Well, I think in fact there was discussion during that.

5       A. Yeah.

6       Q. Thank you. And then Mr Daly:

7           "... called [you] back a few hours later to say he  
8           had been in touch and The Sun were going to print  
9           something on the Saturday morning. At that point it was  
10          already on The Sun online and I either had my old  
11          workplace, the age I was at the time and a few personal  
12          things about me in it. But he said ..."

13          The hard copy I have isn't redacted, so I'm being  
14          reminded to read it out from the screen:

15          "... said that article online had been edited there  
16          and then to remove some of these details and the edited  
17          story would appear the next day pretty much the same  
18          story that was online in the next day and it was.  
19          I knew it was going out. I went and bought the paper to  
20          see what they were saying. It was on about page 14 or  
21          15, a quarter of the page, pretty much what had been  
22          online and they'd removed some of the personal details  
23          about [you]."

24          And:

25          "The way I read the article, they said I had omitted

## Transcript of the Sheku Bayoh Inquiry

1 from the Panorama interview about me leaving and that  
2 I had to stand up on oath and say this which isn't true  
3 because it was talked about in the Panorama interview  
4 but it was edited such that it wasn't included in  
5 the programme but it was discussed with them."

6 And that's your recollection?

7 A. Yeah.

8 Q. That it was discussed but it had been edited by the BBC?

9 A. Mm-hm.

10 Q. Thank you.

11 I'd like to move on to paragraph 20, please, and you  
12 were asked about the statement you gave to PIRC in  
13 May 2015 and speaking to the Crown Office in  
14 October 2016:

15 "I'm told that neither of these statements mention  
16 that I saw Sheku move away or run away from the female  
17 police officer. As I say, it was a moving scene I was  
18 watching. The officer were moving away, Sheku was  
19 moving towards them, it seems to me he was trying to get  
20 past them and she swung at the female officer ..."

21 I think that maybe should be a "he":

22 "... as he was going past. So they were moving  
23 already, if that makes sense. It's not as if he stopped  
24 to swing at her and then ran away. He was running and  
25 swinging at the same time, moving across the road.



## Transcript of the Sheku Bayoh Inquiry

1 I don't remember ever being asked by PIRC or the Crown  
2 about Sheku stamping on anyone."

3 Tell us a little bit about what you were meaning  
4 when you put this in your statement?

5 A. Going back -- sorry, it was moving quite a lot on  
6 the screen there, so I was trying to keep up with what  
7 you were saying on the paragraph there.

8 Q. Oh, sorry.

9 A. The bit where it's -- where it's got --

10 Q. We can make --

11 A. Because -- no, I've got (inaudible) -- see when I was  
12 watching -- watching it, it was all happening so quick,  
13 it's really -- I can't find the word that describes how  
14 quickly everything was happening, and that the angle had  
15 changed in coming towards me. As I say, it just  
16 happened to quick. He was just swinging his arms and  
17 then by the time he went down and away, it was just like  
18 a blink of an eye.

19 Q. Okay, thank you.

20 And you don't remember ever being asked by PIRC or  
21 the Crown about Sheku stamping on anyone?

22 A. I can't remember that, no.

23 Q. In fairness to PIRC, the officers who spoke to  
24 the stamping on the female officer didn't give  
25 statements to PIRC until 4 June, so you had given your

## Transcript of the Sheku Bayoh Inquiry

1 statement --

2 A. Mm-hm.

3 Q. -- to PIRC on 5 May.

4 A. Yeah.

5 Q. All right.

6 Moving on, please. Can I ask you to look at  
7 PIRC 20, please. So this is your second statement to  
8 PIRC and it will come up on the screen, and you'll see  
9 this one is dated 26 August 2015, 18.35, taken at your  
10 home address with two investigators from PIRC.

11 In this statement you talk about being visited on  
12 24 August. So can we look at page 2 of this statement,  
13 please, paragraph 2, and you're asked:

14 "Just after 1800 hours on Monday 24 August 2015,  
15 I was at home ... at this time was out ... I remember  
16 hearing the sound of the doorbell ringing. As  
17 I answered the door, I observed a man I would describe  
18 as black, reasonably built, just under 6 foot in height.  
19 I noticed he had what I could see as facial stubble.  
20 I did not notice any glasses. He was wearing a hat,  
21 I would describe it as a bunnet, it was like a knitted  
22 baseball cap and either dark blue or black in colour.  
23 He had a bulky [khaki] coloured jacket on and I believe  
24 a pair of jeans, the colour I do not remember.  
25 I recognised this man from having previously been

## Transcript of the Sheku Bayoh Inquiry

1 present on Hayfield Road. I cannot remember exactly  
2 where. I had however, never had any interaction with  
3 this man before. My initial thought was that this man  
4 was a friend or relative of Sheku Bayoh. I thought this  
5 as he had previously told me that a black man had been  
6 at the door of our neighbour Ashley Wyse, [who lives  
7 upstairs]."

8 Then moving on to paragraph 3:

9 "... he was carrying what appeared to be a pile ...  
10 of leaflets in his hands. I remember that he offered me  
11 his right hand to shake and introduced himself.

12 I cannot remember what he said his name was. I did not  
13 offer my name in turn, however, I did shake his hand.  
14 He appeared calm and friendly and at no point did I feel  
15 intimidated by this man.

16 "I remember him telling me that he was the brother  
17 [of] Sheku Bayoh."

18 So you've said specifically there at no point did  
19 you feel intimidated by this man. How did you feel when  
20 he came to the door?

21 A. I was surprised, because things had started to -- or had  
22 calmed down by that point, so I was surprised. My exact  
23 feelings, probably a little bit of confusion why  
24 chapping on the door now, perhaps, but at that time,  
25 I didn't -- again, it was a good few years ago, I don't

## Transcript of the Sheku Bayoh Inquiry

1 know the exact feelings that were going through --  
2 through my mind at that precise moment.

3 Q. Yes.

4 Can you tell us why PIRC came back to speak to you  
5 on this occasion?

6 A. I think we had -- during my statement with PIRC, they  
7 had made a point of saying, "You've not -- try not to  
8 speak to anyone about it", so I never even mentioned  
9 anything to Ashley if I had seen her out in the garden  
10 or what have you.

11 Q. That's Ashley Wyse.

12 A. Ashley Wyse, yeah. So I never raised it with her at  
13 all. So when somebody came and was asking questions,  
14 I thought you had to let people know that someone was --  
15 was asking about.

16 So I think the guys at PIRC had already knew that  
17 Ashley had had a few chaps on the door, so I think  
18 I just contacted them. I think they had left me a card  
19 with an email address or a phone number, I can't  
20 remember how I had contacted them to say we were getting  
21 chaps on the door again.

22 Q. All right. And so they came to speak to you about the  
23 chap on the door?

24 A. Mm-hm.

25 Q. But there's nothing in the statement about the actual

## Transcript of the Sheku Bayoh Inquiry

1 events on 3 May.

2 A. Right.

3 Q. Right.

4 Did they, on this occasion, ask you about  
5 the stamping or any of --

6 A. Not that I recall, no.

7 Q. Can I ask you to go back to your Inquiry statement,  
8 please, paragraph 24. Again, in this paragraph, you're  
9 talking about people chapping the door and you said:

10 "... they weren't the only ones chapping  
11 the door: every time the door chapped, we wondered who  
12 it would be. Sometimes we just never answered it."

13 And you mention Panorama.

14 Then can we move on to the next paragraph,  
15 paragraph 25:

16 "There [were] also two guys who came to my house who  
17 said they representing the police in the matter. One of  
18 the men was called John Sallens. He showed me some kind  
19 of photo ID. I took it to be that he was representing  
20 the police service and that they were just wanting to  
21 double check some things with me. It was just basically  
22 a chat. However, the guy was telling me negative things  
23 about Sheku and telling me ... and what he was up to.

24 I realised that he wasn't representing the police a good  
25 while after when I heard something on the radio that

## Transcript of the Sheku Bayoh Inquiry

1 the police couldn't comment on the investigation as it  
2 was in the hands of PIRC, that they couldn't  
3 investigate. That made me wonder who it was that was at  
4 my house. A couple of years later I saw a TV programme  
5 about the murder of Jodie Jones. This guy who came to  
6 my house was on the programme as a detective trying to  
7 solve the crime. The programme said he was a former  
8 police officer with so many years' experience of trying  
9 to solve these cases. I ... and said 'that is the guy  
10 who came to our house -- what is going on?'. I feel  
11 like I was duped by them. With hindsight, I now think  
12 he was just trying to figure out what I told the guys at  
13 PIRC. I mentioned this ... at the time I was  
14 interviewed by them and got the impression they didn't  
15 think it was quite right; that they weren't who they  
16 claimed to be."

17 Let me ask you about that paragraph. You've talked  
18 about a man called John Sallens?

19 A. Yeah.

20 Q. Could you describe him, please? You mention him at  
21 the top of that paragraph 25.

22 A. Yeah, he was probably about 5 and a half foot, probably  
23 mid-50s, I don't want to be cheeky, but a little bit  
24 overweight, grey hair.

25 Q. Okay.

## Transcript of the Sheku Bayoh Inquiry

- 1                   And you've said that:
- 2                   "I took it to be that he was representing
- 3                   the police."
- 4                   And you've said he showed you a kind of photo ID?
- 5           A.   Yeah.
- 6           Q.   Tell us about that?
- 7           A.   What I'm not sure about, if he'd introduced himself as
- 8                   working on behalf of or working for the police or
- 9                   the solicitors representing the police.
- 10          Q.   Right.
- 11          A.   In my naivety at the time, you hear police,
- 12                   solicitors, "come in".
- 13          Q.   And you've said two guys came to the house.  He was one
- 14                   of them?
- 15          A.   He was one of them, yeah.
- 16          Q.   Do you remember who the other person was?
- 17          A.   I don't know his name, but he was taller, older, I'm
- 18                   sure he had a -- I would like to say he had either heavy
- 19                   stubble or a thin beard, but he didn't seem to interact
- 20                   as much as the first guy I've described.
- 21          Q.   And you say he was -- "the guy was telling me ..."
- 22                   I take it you mean John Sallens was telling you?
- 23          A.   Yeah, when I'm referring to that "the guy is telling
- 24                   me ", yeah, it was him.
- 25          Q.   "... the guy was telling me negative things about Sheku

## Transcript of the Sheku Bayoh Inquiry

1           and telling me... things he had allegedly done in the  
2           past... and what he was up to. "

3           Can you tell me, what things was he telling you?

4       A. He was telling me he wasn't how he was perceived to be  
5       in some of the newspapers or online articles as being  
6       a good guy, in fact he -- he said he wasn't necessarily  
7       a good guy, he had been involved in -- he pretty much  
8       described him as like a heavy for a local gangster-type  
9       chap that was -- had been in the news round about that  
10      time as well, maybe a couple of years before, that he  
11      worked for him to sort out -- I think -- I don't know  
12      the exact words, whether it was to sort out issues or to  
13      help him out with issues.

14     Q. You've said in your statement:

15                 "... he was ... wanting to double-check some things  
16                 with me. It was just basically a chat."

17     A. Mm-hm.

18     Q. Did he explain why he was saying those things about  
19     Mr Bayoh?

20     A. He didn't explain them, to be honest, it didn't -- it  
21     didn't trigger to me to ask.

22     Q. And when you mention the word "gangster" and "heavy", do  
23     you remember the area he was talking about; was it  
24     Kirkcaldy?

25     A. He made a reference to the guy locally, so Kirkcaldy and



## Transcript of the Sheku Bayoh Inquiry

1           the surrounding areas. There was an incident,  
2           I remembered it at the time, where there was a --  
3           I believe there was some kind of shooting up in  
4           Glenrothes, and that he was involved -- not in that, but  
5           with the chap who was involved in that.

6           Q. And did he explain why he was telling you those things?

7           A. Again, no, and again, I never -- I never challenged him  
8           on it either.

9           Q. What was your impression when he told you these things  
10          about Mr Bayoh?

11          A. I didn't know Mr Bayoh at all, so I didn't know if he  
12          was good, bad or indifferent. So I've got, at that  
13          time, people telling me he was a great guy, and then  
14          I've got guys like him telling me he wasn't, and I'm  
15          just like, well, I didn't know him, so ... I tried to  
16          just ignore everything, not -- not just the bad things  
17          but ignore everything, because I didn't -- I never knew  
18          the guy.

19          Q. And how long were they in your house?

20          A. I don't think it was too long. I think -- again,  
21          I can't be exact, but it could only have been about an  
22          hour, I think, from memory.

23          Q. And who else was there at the time, or was it just  
24          yourself?

25          A. It was myself and the two chaps and my wife was there as

## Transcript of the Sheku Bayoh Inquiry

1 well.

2 Q. And can you give us an indication of when this happened,  
3 when Mr Sallens came to your house?

4 A. I don't have the exact date, to be honest. I'm sure it  
5 was -- it was a good while after, so maybe may have been  
6 late summer, maybe. I -- I really don't know.

7 Q. Late summer 2015?

8 A. Yeah. At the time, yeah, it was quite -- quite soon, if  
9 I remember correctly. I'm sure as well that he did  
10 leave a card.

11 Q. Right.

12 A. I think. But if he did, I've -- I've not got it  
13 anymore.

14 Q. Right.

15 Can I ask you about the language that Mr Sallens was  
16 using, the words. We've heard some evidence about  
17 a statement that Mr Sallens took from a police officer  
18 and certain words were used in that and the officer  
19 questioned whether they were her words or Mr Sallens'  
20 words. When he was describing Mr Bayoh to you and  
21 giving you the information -- the negative information,  
22 what sort of words was he using? What sort of language?  
23 Did anything strike you at the time?

24 A. No, nothing that's left a lasting memory of words that  
25 was used really. It was just the things that he was

## Transcript of the Sheku Bayoh Inquiry

1 saying, like he was a -- a gangster's heavy, type of  
2 thing. Pretty much it felt to me like he was sprinkling  
3 seeds into me to -- you know, to -- not poison my mind,  
4 but to try and get me thinking, you know, he wasn't as  
5 nice as you maybe think he was, is my lasting impression  
6 of it anyway.

7 Q. Was there any discussion or mention of Mr Bayoh's race?

8 A. No, not that I could recall, no.

9 Q. Could you just give me a moment, please?

10 A. Of course.

11 MS GRAHAME: Subject to any other questions that you or  
12 the Assessors may have, I've completed my questioning.

13 LORD BRACADALE: Are there any Rule 9 applications at this  
14 stage? Just Ms Mitchell.

15 Mr Nelson, you're going to go back to the witness  
16 room while I hear a submission from counsel.

17 A. Okay. Just head through, yeah?

18 LORD BRACADALE: Somebody will take you out there.

19 (The witness withdrew)

20 Yes, Ms Mitchell, if you would like to come to  
21 the table, please.

22 Yes.

23 Application by MS MITCHELL

24 MS MITCHELL: Thank you.

25 The first issue that I would simply wish the witness

## Transcript of the Sheku Bayoh Inquiry

1 to explore in a little more detail is his interaction --  
2 well, I suppose "interaction" is not the word -- his  
3 view of Mr Bayoh when he saw him. Clearly it was  
4 critically important what view was formed by the police  
5 officers when they arrived on the scene and how they  
6 interacted with Mr Bayoh. We know that when he was  
7 spoken to by Neil Morgan, the Inquiry has already heard,  
8 the last person to speak to Mr Bayoh before his  
9 interaction with the police was calm and Mr Bayoh  
10 similarly responded to them in a calm way, and it was  
11 also clear to Mr Morgan that there was something not  
12 quite right with Mr Bayoh when he was speaking to him,  
13 obviously that's paraphrasing.

14 It's clear from the statements which have been given  
15 by this witness that his initial reaction was that  
16 something wasn't right with Mr Bayoh. It's said in his  
17 statement taken October 2016:

18 "It was like he could not tell the police were  
19 there."

20 He also says in his Inquiry statement:

21 "... although he did not register the police were in  
22 front of him to begin with."

23 And later he said:

24 "... he suddenly appeared to realise."

25 What I would think might be helpful to the Inquiry

## Transcript of the Sheku Bayoh Inquiry

1 is to explore in a little more detail what it was that  
2 made the witness think this. Was it body language,  
3 was it his movement? Because this is an untrained  
4 witness, who appears to realise that there is at least  
5 some communication problem with Mr Bayoh that he wasn't  
6 registering that they were there, and therefore I would  
7 like that to be explored in some more detail.

8 The next issue is in relation to shouting.

9 The Inquiry has heard this witness describe the events  
10 where police officers are on top of Mr Bayoh like it was  
11 a scrum or football, if someone scores at football and  
12 everyone jumps on, and he describes at that point  
13 shouting. Now, the Inquiry may come to hear that  
14 the appropriate way to deal with someone in restraint,  
15 particularly if there are a number of people involved,  
16 is that the people who are involved in the restraint  
17 remain silent and there's one person at the head of  
18 the person being restrained who keeps a dialogue, if  
19 they can, up with that person in order to explain to  
20 them what's going on and to calm them and to reassure  
21 them.

22 What I would like to explore in greater detail with  
23 the witness was how long did the shouting go on for,  
24 was it for the whole time that he was restrained, was  
25 the shouting still going on while he was getting

## Transcript of the Sheku Bayoh Inquiry

1           the Fast Straps put on. That seems likely because of  
2           one of the things which he remembers saying "get his  
3           legs", and did the shouting continue after the straps  
4           were applied? So it's really to explore for how long  
5           that was going on.

6           The next issue arises as a result of my learned  
7           friend's questioning in respect of the statement given  
8           by PIRC and what was put by my learned friend at --  
9           the number is 96.6, when she was asking whether or not  
10          the officers who spoke to the stamping of the female  
11          police officer didn't give statements to PIRC until  
12          a later stage and perhaps that was why he wasn't asked  
13          about it, but I just wanted the witness to confirm that  
14          on the statement that he gave on 26 August 2015, after  
15          the police had given their statement, they did not ask  
16          him at that time about the police statements. So they  
17          ask him his own evidence, they get the police statements  
18          which in some ways may be contradictory, and to confirm  
19          that when they went back to get the next statements,  
20          that was focused solely on the actions of the Bayoh  
21          family and not going over what he had said in relation  
22          to his first statement and how that may have materially  
23          contradicted what the police said.

24          The next issue is the use of the word "duped" -- my  
25          learned friend read that out -- when he is speaking of

## Transcript of the Sheku Bayoh Inquiry

1           someone from what turned out to be from  
2           the Scottish Police Federation coming to his home, and  
3           I think we haven't heard, at least focused, on why he  
4           believed that he had been duped and to try and get him  
5           to explain in some detail what he meant by that.

6           Following on from that, the issue of the card. He  
7           explained that he was left a card, and I understand that  
8           at least one other person was left a card which made  
9           reference -- it was a card in respect of a Mr Sallens  
10          and it made reference to a fatal accident inquiry and to  
11          see whether or not the witness's memory might be jogged  
12          as to anything that was on that card, and if so, what  
13          was on it.

14          Finally, in relation to the issue of media. At  
15          paragraph 26 of his Inquiry statement, the witness says  
16          that he was spooked, and he was talking in relation to  
17          media intrusion, and in particular where his telephone  
18          number had been obtained from, and he indicated that he  
19          was spooked about that, and what I would like to find  
20          out from this witness is if he made any enquiries of  
21          anyone as to whether they'd given his number out, ie any  
22          of the people that he had dealt with from the media, had  
23          he contacted them and said, "Did you give my number  
24          out", just to narrow down the number of places where his  
25          mobile telephone number could have come from.

## Transcript of the Sheku Bayoh Inquiry

1                   Those are the issues.

2           LORD BRACADALE: Thank you. Well, there are a number of  
3           issues there, so I'll consider them over lunch and  
4           decide whether I'll allow any questioning.

5           MS MITCHELL: I'm obliged.

6           (1.00 pm)

7                                 (The short adjournment)

8           (2.01 pm)

9                                 Ruling

10          LORD BRACADALE: Ms Mitchell, I'm going to allow you to ask  
11          questions on some of these issues, but not others.

12                 On the first issue, that's the impression that  
13          Mr Nelson formed of Sheku Bayoh at the beginning,  
14          there's already been evidence of this, but I shall allow  
15          you to explore it in a little more detail.

16                 On the second issue in relation to the shouting, I'm  
17          not satisfied that any further explanation of this will  
18          assist the Inquiry, so I'm not going to permit  
19          questioning on that.

20                 The third issue relates to the contents of the PIRC  
21          statement taken on 26 August 2015. I have the point in  
22          relation to that, so I do not think it requires any  
23          further explanation at this stage --

24          MS MITCHELL: I'm obliged.

25          LORD BRACADALE: -- though it's something that I may be



## Transcript of the Sheku Bayoh Inquiry

1 interested in for separate reasons at a later hearing.

2 The fourth issue relates to the visit of Mr Sallens.

3 I think that the visit and the way that Mr Nelson was

4 treated have been sufficiently explored, but I will

5 allow you to ask about the card which Mr Sallens left.

6 And in relation to the fifth issue, which is whether

7 Mr Nelson made any enquiries as to who disclosed his

8 telephone number, I shall allow you to ask about that.

9 So do you have a clear understanding of what I'll

10 allow you to ask about?

11 MS MITCHELL: I hope so.

12 LORD BRACADALE: So can we have the witness in, please.

13 (The witness returned)

14 Mr Nelson, you're going to be asked some questions

15 by Ms Mitchell, who's the counsel for the Sheku Bayoh

16 family.

17 A. Okay.

18 LORD BRACADALE: Ms Mitchell.

19 Questions from MS MITCHELL

20 MS MITCHELL: I just wonder if I can ask you a few

21 questions.

22 The first one, I wonder if we can have up on

23 the screen, Ms Drury, the Crown statement 55, COPFS~55,

24 and we're looking at the bottom of page 2 of 5. Do you

25 see that paragraph that starts:

## Transcript of the Sheku Bayoh Inquiry

1                    "To start with ..."?

2            A.    Yes.

3            Q.    It says:

4                    "To start with he was just walking along normally."

5                    I just want to explore with you something that you  
6                    saw at the time and see if we can get a little more  
7                    information from you, if you can help us with that.

8                    It says:

9                    "To start with he was just walking along normally.

10                   It was like he didn't know the police were there. He  
11                   was just ignoring them. He was walking towards  
12                   the police officer in front of me. It was like he  
13                   couldn't tell the police were there."

14                   So, I want you to just think of that.

15                   And then I would also like to take you to your  
16                   Inquiry statement at paragraph 5, and at paragraph 5  
17                   your evidence is:

18                   "There was nothing obvious to me about why  
19                   the police were shouting at him. He just seemed to be  
20                   a guy walking along the street. To me, it seemed as  
21                   though he didn't register the police were in front of  
22                   him to begin with, which looking back, strikes me as  
23                   odd. The man didn't react. He just kept walking: if  
24                   somebody's shouting and pointing in front of you,  
25                   particularly the police, my first reaction would be to

## Transcript of the Sheku Bayoh Inquiry

1 stop. He just kept walking like they weren't there. He  
2 never stopped. The police officers were still shouting  
3 and bawling."

4 So my question for you really is, what was it about  
5 Mr Bayoh that made you think that he wasn't aware of  
6 the police? Was there anything about the way he moved  
7 or his body language? What was it, if you can help us  
8 with that?

9 A. It was -- if the police weren't there, I wouldn't have  
10 batted an eyelid to him, because he was just walking on  
11 the opposite side of the road, as countless people do on  
12 that street. The only thing that struck me as odd was  
13 the weather that day was horrible and he just had  
14 a tight, white T-shirt on. It was just -- it was like  
15 he was hypnotised to kid on that there was no one else  
16 there.

17 Q. So what we hear from you is that his clothing was  
18 perhaps somewhat out of the ordinary for the weather?

19 A. To me, yes, yeah.

20 Q. And you describe someone who seemed as if they were like  
21 hypnotised?

22 A. Almost, or in a trance, as if there was no one there, or  
23 he was purposely ignoring them, like as to try and blank  
24 them out, pretend they are not there, but there was  
25 nothing -- nothing else really that I could -- it's

## Transcript of the Sheku Bayoh Inquiry

- 1 quite hard to describe how -- how more I can add to  
2 that.
- 3 Q. So it was simply because they were interacting with him  
4 by shouting and --
- 5 A. Yeah, and they were getting nothing back, yeah.
- 6 Q. I would like to move on to another issue that you came  
7 on to close to the end of your evidence, and that was in  
8 relation to a card that was left with you.
- 9 A. Yeah. I can't recall if there definitely was a card  
10 left with me or not, yeah.
- 11 Q. I see. Well, in that case, this question might be even  
12 more difficult, because I was going to ask you about  
13 what was on the card.
- 14 A. Right. I'm sure he did -- he definitely showed me some  
15 kind of -- I'm talk -- I think you are talking about  
16 the John Sallens guy that --
- 17 Q. Yes.
- 18 A. He definitely showed me some kind of ID, and I'm sure he  
19 maybe handed me a card. I 100% can't tell you just now.  
20 He may have, he may not have. Just something in  
21 the back of my mind is there that, now that I'm here,  
22 I wish I'd kept it, but ...
- 23 Q. Okay, thank you. Thank you for that.
- 24 A. No problem.
- 25 Q. The next issue that I'd like to ask you about is when

## Transcript of the Sheku Bayoh Inquiry

1           you spoke about the media intrusion which you were  
2           suffering, and at one point you said in your statement,  
3           and I think it was repeated before the Inquiry, that you  
4           were "spooked". You received a phone call --

5           A. Yeah.

6           Q. -- and you wondered how they had got your number?

7           A. Yeah.

8           Q. Did you make any enquiries with anyone as to whether or  
9           not they had given your number out?

10          A. No, I never asked anyone why. I think I maybe asked  
11          when I was giving my statement for the Inquiry here,  
12          you know, how -- how did they get that kind of  
13          information, but I never asked anybody at the time how  
14          they got it. Again, my naivety. Sometimes you're  
15          better off not knowing how they get hold of things.

16          MS MITCHELL: One moment.

17                    I've got no further questions.

18          LORD BRACADALE: Thank you.

19                    Thank you very much, Mr Nelson, for coming to give  
20          evidence to the Inquiry. That's the end of your  
21          evidence now. I'm just going rise very briefly so that  
22          the set-up for the next witness can be established, so  
23          you'll be free to go then.

24          A. Okay, thank you.

25          (2.09 pm)

## Transcript of the Sheku Bayoh Inquiry

1 (A short break)

2 (2.14 pm)

3 LORD BRACADALE: Well, good afternoon, Constable Good.

4 A. Good afternoon.

5 LORD BRACADALE: You're going to be asked questions by

6 Ms Thomson, who's the second-in from the end of counsel,

7 but before we do that, I'll put you on oath. So would

8 you raise your hand, please, and say the words of

9 the oath.

10 PC KAYLEIGH GOOD (sworn)

11 LORD BRACADALE: Ms Thomson.

12 Questions from MS THOMSON

13 MS THOMSON: What is your full name, please?

14 A. Kayleigh Good.

15 Q. And you're a police constable?

16 A. I am, yeah.

17 Q. May I ask your age?

18 A. I'm 32.

19 Q. And how many years' police service do you have?

20 A. I have seven.

21 Q. Constable, can I ask you to open up the black folder

22 that's in front of you on the table. I want to check

23 that everything is in it that should be that might help

24 you as you give your evidence this afternoon.

25 There should be a statement in there with

## Transcript of the Sheku Bayoh Inquiry

1 the reference number SBPI 00040. Do you see that?

2 A. Yes.

3 Q. I'm going to refer to that as your Inquiry statement.

4 I believe that it is a detailed response by you to

5 a formal request by the Inquiry for an evidential

6 statement?

7 A. Yes.

8 Q. Is that right?

9 Can we have that up on the screen, please, Ms Drury,

10 and if we can look at the final page, second last

11 paragraph. Do we see that you conclude -- or

12 the penultimate paragraph reads as follows:

13 "I believe the facts stated in this witness

14 statement are true. I understand that this statement

15 may form part of the evidence before the Inquiry and be

16 published on the Inquiry's website."

17 A. Yeah.

18 Q. Do you see that?

19 And do we see that it's been signed by you on

20 13 April?

21 A. Yes.

22 Q. And although your signature has been blanked out on

23 the copy on the screen, in the hard copy in front of

24 you, you should be able to see your signature and

25 satisfy yourself that that's a copy of your statement.

## Transcript of the Sheku Bayoh Inquiry

1           Is that right?

2           A. Yes.

3           Q. Do you see that?

4                    So the Inquiry statement is evidence before  
5           the Inquiry already and I won't go through it line by  
6           line, but I may refer to certain paragraphs and if I do  
7           so, they'll come up on the screen.

8                    You should also have in the folder, constable,  
9           a statement that you gave to the Police Independent  
10          Review Commissioner on 4 June of 2015, and that's  
11          PIRC 000274. Do you see that in the folder in front of  
12          you?

13          A. Yes.

14          Q. And do we see again it's now on the screen in front of  
15          us that it's a statement that you gave to Investigator  
16          Rhodes at Tulliallan Police College?

17          A. Yes.

18          Q. When you spoke with Investigator Rhodes, did you do your  
19          best to give a truthful and complete and accurate  
20          account of what happened on 3 May?

21          A. I did, yes.

22          Q. I'm going to call this your PIRC statement, so we've got  
23          your Inquiry statement and your PIRC statement. Your  
24          PIRC statement was given on 4 June, a month after  
25          the events of 3 May. Your Inquiry statement was given



## Transcript of the Sheku Bayoh Inquiry

1 or prepared nearly seven years later.

2 If there are any differences between your PIRC  
3 statement and your Inquiry statement, which should  
4 the Chair prefer?

5 A. My PIRC statement.

6 Q. Is that simply because the events were fresher in your  
7 memory --

8 A. Yes.

9 Q. -- in June of 2015?

10 A. Yes.

11 Q. For completeness, in your folder, there should also be  
12 a short supplementary statement that you gave to  
13 the PIRC on 12 January 2017?

14 A. Yes.

15 Q. Is that there, and also a map?

16 A. Yes.

17 Q. Is the map there too?

18 These are all in front of you and you can look at  
19 them at any time if you would find that helpful as you  
20 give your evidence.

21 There should also be a copy of a spreadsheet,  
22 I think it's maybe under your folder. And if you can  
23 have a look at that for a moment, constable. You may be  
24 aware that the Inquiry has footage from the CCTV camera  
25 at Gallaghers pub, from dash cams and from mobile

## Transcript of the Sheku Bayoh Inquiry

1           telephones and also police Airwaves. The footage in  
2           the Airwaves have all been aligned for us against  
3           a real-time clock in what we are calling the evidence  
4           video timelines and the timings are accurate to within  
5           one second.

6           So this spreadsheet is a record of what is seen on  
7           the footage and what is heard on the Airwaves, and when  
8           we watch the footage, you might find it helpful to have  
9           the spreadsheet to hand. I'll talk you through it very  
10          quickly. You will see that to the far left-hand side of  
11          the spreadsheet, we have timings both for video and for  
12          audio. We then have caller ID. So where Airwaves have  
13          been transcribed, we can see who made the transmission.  
14          We then have a transcript of what is heard in  
15          the Airwaves. And finally, a description of what is  
16          seen on the video footage. And for completeness,  
17          the column at the very far right makes clear the source  
18          of the material.

19          So you can put that to one side now, but you might  
20          find it helpful to have in front of you when we look at  
21          the footage.

22          Can we have your Inquiry statement on the screen,  
23          please, the very first paragraph. It says that you:

24                 "... officially joined Police Scotland on  
25                 5 January 2015 where [you] completed 12 weeks initial

## Transcript of the Sheku Bayoh Inquiry

1 training at Tulliallan Police College. On completion  
2 [you were] posted to Team 4 Response at Kirkcaldy Police  
3 Station and completed [your] first shift on 6 April 2015  
4 with team 4."

5 I want to begin by asking you a few questions about  
6 your initial days as a police constable.

7 How many other recruits were on the course at  
8 Tulliallan?

9 A. I can't remember. I remember it being a big course,  
10 maybe in the hundreds.

11 Q. Okay, 100, 200, more than?

12 A. Maybe 100. I'm not sure.

13 Q. Or thereabouts?

14 A. I'm not sure.

15 Q. And of those police recruits, how many were black?

16 A. I don't know.

17 Q. Take a moment just to think about it. Do you recall  
18 there being any black recruits at Tulliallan with you?

19 A. Yeah. I couldn't say how many, though. I'm not sure.

20 Q. Can you say if it would have been more than one or two?

21 A. I couldn't say exactly.

22 Q. And of the recruits, how many were from other ethnic  
23 minority backgrounds?

24 A. I can't remember.

25 Q. Take a moment and just think about it.

## Transcript of the Sheku Bayoh Inquiry

- 1 A. I'm not sure, I'm sorry.
- 2 Q. So as at 3 May of 2015, you were a probationer, and your  
3 tutor constable was PC Alan Smith; is that right?
- 4 A. Yeah, that's correct.
- 5 Q. Am I right to understand at that as your tutor constable  
6 he was something of a supervisor, a mentor to you?
- 7 A. Yeah. Yeah, that's correct.
- 8 Q. And you explain in your statement that you had completed  
9 your training but your practical experience of  
10 day-to-day policing was limited --
- 11 A. Yeah.
- 12 Q. -- in May of 2015.
- 13 Do I understand correctly that before you completed  
14 your training at Tulliallan, you were in fact a special  
15 constable?
- 16 A. Yeah.
- 17 Q. What does that role involve?
- 18 A. So, you basically volunteer in your spare time to go out  
19 with the regular police. You may do one or two shifts  
20 per week, per month, but you basically have the same  
21 powers as a -- a regular police officer, but you don't  
22 get paid.
- 23 Q. You don't get paid?
- 24 A. Yeah.
- 25 Q. Do you have to undergo training?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. Yeah.
- 2 Q. Is it the same training that regular police officers  
3 undergo?
- 4 A. I believe it's changed now, but I think back then it was  
5 maybe -- I think it was like six weeks, but maybe once  
6 a week at night, it's on, like, a Thursday night,  
7 I think it was.
- 8 Q. So one evening a week over about six weeks?
- 9 A. Yeah.
- 10 Q. How long had you been a special constable?
- 11 A. For one or two years before, I think, but I didn't --  
12 I didn't go out very often.
- 13 Q. How often were you going out?
- 14 A. Maybe four hours every few months.
- 15 Q. Okay. So it was an occasional thing?
- 16 A. Yeah.
- 17 Q. And during the time that you were a special constable,  
18 had you ever gone to a knife call?
- 19 A. Not that I can remember.
- 20 Q. As a probationer, am I right to understand that your  
21 first knife call was 2 May 2015, the day before  
22 the restraint of Sheku Bayoh?
- 23 A. Yeah, that's correct.
- 24 Q. And that you attended that call with Constable Smith?
- 25 A. I did, yeah.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And that was the one and only knife call that you had  
2 ever attended before 3 May?
- 3 A. Yeah, that's correct.
- 4 Q. What were the circumstances of that call?
- 5 A. So, if I can remember correctly, it was -- I think it  
6 was a mental health related call. The female was in  
7 a care establishment and it had been reported that she  
8 was within her room self-harming.
- 9 Q. All right. And when you went to the incident, were you  
10 and Constable Smith able to resolve it?
- 11 A. Yeah. So, I can't remember the full circumstances, but  
12 when we went into the room, she's been in possession of  
13 a Stanley blade, and we've had to restrain her and  
14 remove the blade from her hands.
- 15 Q. So that particular call involved restraint?
- 16 A. Yeah.
- 17 Q. What sort of restraint?
- 18 A. I think, basically -- I can't remember exactly, but  
19 I think it just involved us taking hold of her arm and  
20 I think it was maybe PC Smith taking hold of her arm and  
21 I removed the knife.
- 22 Q. So you laid hands on her?
- 23 A. Yeah.
- 24 Q. But did you require to use handcuffs?
- 25 A. I -- I can't remember if she was -- what the outcome

## Transcript of the Sheku Bayoh Inquiry

1           was.

2       Q. Did you require to use your baton?

3       A. No.

4       Q. Or your spray?

5       A. No.

6       Q. In the past seven years I would imagine that you will

7           have attended numerous knife calls in your role as

8           a police constable?

9       A. Yeah.

10      Q. Can you say how many, approximately?

11      A. No, I can't remember.

12      Q. Can you say whether you attend a knife call once a week,

13           once a month?

14      A. I don't currently work on a response team, so it's not

15           very often now.

16      Q. I see. How long were you on a response team?

17      A. Two or three years.

18      Q. And during that time, can you help us to understand how

19           often you would go to knife calls?

20      A. Maybe once a set of shifts.

21      Q. And sorry, what length of period is a set of shifts?

22      A. Sorry, so, like, six days.

23      Q. So roughly once a week --

24      A. Yeah.

25      Q. -- that would be fair?

## Transcript of the Sheku Bayoh Inquiry

1                   And of those knife calls, how many times did you  
2                   have to use your baton?

3           A. I've never used my baton.

4           Q. Ever?

5           A. No.

6           Q. How many times did you have to use your spray?

7           A. Never.

8           Q. How many times did you have to resort to restraint?

9           A. Yeah, a few times.

10          Q. A few times.

11                   And how have you been able to resolve knife  
12                   incidents without having to resort to baton or spray,  
13                   and without having to resort to restraint?

14          A. Mostly through, sort of, like, communication, speaking  
15                   with them, trying to get them to drop the knife.

16          Q. Tell me more about that. When you say "communication",  
17                   what is it about the communication that can help you to  
18                   reach an outcome in a knife call that doesn't involve  
19                   the use of your baton or your spray, or perhaps even  
20                   restraint?

21          A. Well, every set of circumstances is different, but the  
22                   times that I have been involved in, just trying to  
23                   reason with them, tell them you understand and you're  
24                   there to help, and in all those cases, yeah, they've --  
25                   they've dropped the knife.



## Transcript of the Sheku Bayoh Inquiry

1 Q. How many of the knife calls that you've gone to in  
2 the past seven years have involved a person who was  
3 black?

4 A. None, I don't think.

5 Q. I'd like to look at one of your appraisals where you  
6 were a fairly junior constable. Could we have on  
7 the screen, please, PS~01124, and if we look at  
8 the front page, do we see that this appraisal relates to  
9 you and it's for the period October 2015 to April 2016?

10 A. Yeah.

11 Q. Just so that we understand precisely what this document  
12 is, would you have an appraisal once a year, twice  
13 a year?

14 A. I think this is an old system. I can't -- I can't  
15 really remember how often they would be.

16 Q. All right.

17 A. Because the system changes a lot, so ...

18 Q. Well, certainly this review period seems to span roughly  
19 six months from the October until the April.

20 A. Yeah.

21 Q. And what was the purpose of having this review?

22 A. I can't remember. It was maybe because I was still on  
23 my probation.

24 Q. Okay.

25 And once you complete your probation, do you

## Transcript of the Sheku Bayoh Inquiry

1 continue to have reviews from time to time?

2 A. As I say, it's all changed now, but I think there was  
3 a chance if maybe you'd done something good, they would  
4 record it, or at the same time, something negative,  
5 I think they have a way of recording it on the system.

6 Q. So perhaps feedback about things you have done well,  
7 things you might perhaps do better as well and work on  
8 in future?

9 A. Yeah.

10 Q. Is that the purpose of this?

11 A. Yeah, yeah.

12 Q. Okay.

13 Can we look at page 7, please. I'm sorry, can we  
14 scroll up, I think I must have the wrong reference.  
15 There is only one block of text that hasn't been  
16 redacted. There we are. Thank you.

17 Sorry, I had the wrong page number here, but can we  
18 scroll up just a little bit, please, Ms Drury, to see  
19 what it is that was being commented on here.

20 So, this is your appraisal, and the heading  
21 is "Effective Communication", and the standard of  
22 the objective appears to be:

23 "Communicates ideas and information effectively,  
24 both verbally and in writing. Uses appropriate language  
25 and a style of communication that is relevant to

## Transcript of the Sheku Bayoh Inquiry

1 the situation and people being addressed. Capable of  
2 persuading and influencing others in a variety of  
3 situations."

4 And you've been graded on a scale  
5 between "exceptional" and "unsatisfactory" as "exceeding  
6 competence" here. And an example has been given. I'm  
7 just going to read out what the example says.

8 Example 2:

9 "Situation. Was instructed to check the home  
10 address of a suicidal missing person.

11 "Action. Upon arrival at the missing person's home  
12 address it was obvious that someone was within as  
13 the door was open. Due to the concerns for the male, my  
14 colleague and I went in. I shouted loudly and clearly,  
15 stating that we were the police as I did not want to  
16 scare the male. As we approached the living room  
17 the male was holding a knife to his chest area.  
18 I engaged in communication with the male, using  
19 reassuring and soft language to build a rapport with  
20 him. Once I built the rapport and the male was  
21 engaging, I issued instructions to the male regarding  
22 the knife. Once it was safe to do so, I relayed clear  
23 and concise information to the ACR and my supervisors.  
24 Result, the male put the knife down and did not harm  
25 himself or anyone else. He became calm and compliant.

## Transcript of the Sheku Bayoh Inquiry

1           The supervisors were able to make quick decisions on  
2           the information I had passed. Because his behaviour  
3           caused fear and alarm, the male was arrested for  
4           a contravention of section 38 of the Criminal Justice  
5           and Licensing Act and brought into police custody. By  
6           communicating effectively and remaining calm, I ensured  
7           the safety of everyone involved."

8           Do you remember that incident?

9           A. I do, yeah.

10          Q. And do you remember that being used as an example of  
11          good practice in your appraisal?

12          A. Yeah.

13          Q. Should we understand from the information recorded there  
14          that you identified yourself -- sorry, this was written  
15          by you, is that right, it's an example that you gave?

16          A. Yeah, I think it was written by myself.

17          Q. So you identified for yourself that your communication  
18          skills had been important here and that you had begun by  
19          speaking calmly and using soft language -- reassuring  
20          and soft language in order to build a rapport with  
21          the male; is that correct?

22          A. Yes.

23          Q. That's something you recognised as being important.  
24          That you then issued instructions regarding the knife;  
25          would that be to put the knife down or something to that

## Transcript of the Sheku Bayoh Inquiry

1 effect?

2 A. Yeah, something similar.

3 Q. And you had then updated the ACR, that's

4 the Area Control Room?

5 A. Yes.

6 Q. What would be the purpose of you updating the ACR?

7 A. Just so they knew what was happening, yeah.

8 Q. Why might they want that information?

9 A. Just so they could assess the situation from where they

10 were, if we needed any additional support.

11 Q. Okay.

12 The approach that you describe here, is it an

13 approach that you followed in other knife calls since?

14 A. Yeah.

15 Q. Is it an approach that has been effective on other

16 occasions?

17 A. Sorry, I'm struggling to think of other times I've

18 attended knife calls.

19 Q. You said on the other occasions you hadn't had to use

20 a baton or spray?

21 A. Yeah.

22 Q. And you had used communication?

23 A. Yeah.

24 Q. I'm wondering if you perhaps used a similar

25 approach: calm tone, reassuring voice, building

## Transcript of the Sheku Bayoh Inquiry

1           rapport --

2           A. Yeah.

3           Q. -- in other cases too, and whether that might have been  
4           effective on other occasions too?

5           A. Yeah.

6           Q. We can take that down from the screen now, thank you,  
7           Ms Drury.

8                    I want to move on to ask you some questions,  
9           constable, about 3 May 2015, and we'll begin with your  
10          journey to Hayfield Road. I understand that you  
11          travelled in a van with Constable Smith?

12          A. I did, yeah.

13          Q. That you approached from the hospital side of  
14          Hayfield Road?

15          A. Yeah.

16          Q. Which is the opposite end from the roundabout with  
17          Gallaghers pub?

18          A. Yeah, that's correct.

19          Q. Your van can be seen, I think, on the CCTV footage, on  
20          the evidence video timeline. I don't know whether  
21          you've seen any of this, if you've been following  
22          the evidence --

23          A. Yeah, I've seen some.

24          Q. -- already.

25                    But what I would like to do is play a section of



## Transcript of the Sheku Bayoh Inquiry

- 1           the roundabout?
- 2       A.   Yeah, that's correct.
- 3       Q.   So do we see and have we heard that by the time that you
- 4           and Constable Smith arrived at the scene, there were two
- 5           other vans already there?
- 6       A.   Yes.
- 7       Q.   And do you see them on the reconstruction --
- 8       A.   I do, yeah.
- 9       Q.   -- tile? And we've heard that Constables Walker and
- 10           Paton arrived first driving the big transit van, that's
- 11           the one that's parked closest to you, followed by
- 12           Constables Short and Tomlinson in what I gather was
- 13           called the "fish van"?
- 14       A.   Yeah.
- 15       Q.   Which is the smaller white van closer to the roundabout.
- 16           So we heard a number of transmissions during that
- 17           five-minute period and I don't intend to go through them
- 18           again, but did you hear in particular the transmission
- 19           to the effect that an officer was injured, PC Short?
- 20       A.   Yes.
- 21       Q.   And did you see that Constable Paton's emergency button
- 22           was activated, that flashed up on the screen in front of
- 23           us?
- 24       A.   Yes.
- 25       Q.   So all of these things had happened before you arrived



## Transcript of the Sheku Bayoh Inquiry

1 on the scene.

2 We'll come back to this, but for now, can we please  
3 go to your Inquiry statement and look at paragraph 8.  
4 You were asked by the Inquiry team to describe what you  
5 were thinking and how you were feeling on your way to  
6 Hayfield Road, and you said:

7 "My adrenaline was running en route to the incident  
8 and I was trying to process all the information being  
9 passed. After the first emergency button was pressed  
10 and I heard PC Short saying her name I thought something  
11 bad had happened due to someone pressing their emergency  
12 button. I then heard someone else shout over the radio  
13 something similar to 'officer injured'. I am not sure  
14 at which point I thought this, either after I heard  
15 PC Short on the radio or after I heard 'officer injured'  
16 but a thought went through my head that PC Short had  
17 been stabbed. This was due to a knife being mentioned.  
18 I felt extremely panicked at the thought of this and  
19 various thoughts and emotions were going through my  
20 head."

21 Now, we've just listened to the Airwaves, and  
22 does it appear that it was in fact a male officer who  
23 said "officer injured, PC Short, male"?

24 A. Yeah, so this has been the first time I've had  
25 the chance to listen to the radio transmissions, but at

## Transcript of the Sheku Bayoh Inquiry

1           the time, I think I've just got confused by  
2           hearing "PC Short", and I've just had it in my head that  
3           it's been Nicole -- sorry, PC Short that has said that.

4       Q. All right.

5           Did you recognise the voice of the male officer  
6           making the transmission?

7       A. Yes, I think that would be PC Alan Paton.

8       Q. You say in your statement that a thought went through  
9           your head that PC Short had been stabbed and that was  
10          because a knife had been mentioned --

11      A. Yes.

12      Q. -- is that right?

13           Can we turn to paragraph 10 of your statement,  
14           please. You were asked:

15           "What was it about the nature of the call that  
16           concerned you?"

17           You said:

18           "My main concern was that there was a man with  
19           a large knife and that one of my colleagues had  
20           potentially been seriously injured. I had very little  
21           police experience of dealing with knife-related calls  
22           and at this time I knew very little details about  
23           the call and the extent of injuries received to any  
24           officer. As mentioned above, I had assumed that  
25           PC Short was seriously injured. I assume this thought

## Transcript of the Sheku Bayoh Inquiry

1 entered my mind momentarily due to the UK terror level  
2 at the time suggesting that an attack was highly likely  
3 and a briefing from the beginning of the year regarding  
4 intelligence regarding a female being attacked and  
5 watching events on the news. As previously stated, my  
6 experience in dealing with incidents such as these was  
7 minimal."

8 I want to ask you a few questions about that.

9 You mention a terror level which suggested that an  
10 attack was highly likely. Can you help me to understand  
11 why the terror level crossed your mind on the way to  
12 Hayfield Road?

13 A. I think because during that time we were getting memos  
14 saying that an attack was likely. I had just left  
15 the police college, so I had no experience of dealing  
16 with calls like this, so I think various things were  
17 running through my head, and at that time, there was  
18 a big focus on the terror level, for instance, we were  
19 to arrive at work in our own clothes, we weren't allowed  
20 to wear our police uniform, we weren't to be identified  
21 as a police officer outside work, I think we were to be  
22 double-crewed at all times, we weren't allowed to be  
23 single-crewed and that was because of the terror level.

24 Q. Would the terror level have crossed your mind if  
25 the male with the knife had been white?

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

2 Q. Can we turn to your PIRC statement, please, page 7,  
3 second last paragraph.

4 I'm going to read out a paragraph from your PIRC  
5 statement now, constable:

6 "At that point my immediate thought was that PC  
7 Nicole Short had potentially been stabbed. It is rare  
8 that an emergency button is pressed, so when they are  
9 pressed, you take it seriously, and because of  
10 the nature of this call, I made the conclusion that she  
11 may have been stabbed. I was also thinking at that  
12 point of the Lee Rigby incident in London, mainly due to  
13 the fact of the coloured male and the potential  
14 terrorist connotations. In addition, I recall that  
15 there were many emotions going through my mind and  
16 I reminded myself of the briefing of when I first  
17 started at the turn of the year, where intelligence had  
18 been received by the police that there would be  
19 a potential attack on a female police officer. I was  
20 actually shaking physically, it was uncontrollable. You  
21 don't really get training to deal with this sort of  
22 incident. It was fair to say that I was panicking at  
23 that point and was fearful for my own safety."

24 You mention thinking of the Lee Rigby incident in  
25 London. Can you explain how the murder of Lee Rigby

## Transcript of the Sheku Bayoh Inquiry

1           influenced your thinking on the morning of 3 May?

2           A. I think I've mentioned that's because it's been -- it's  
3           part of the memos that was mentioned.

4           Q. The terrorist memos?

5           A. Yeah, if I remember correctly. So I think that's  
6           the only reason I've mentioned that in my statement.

7           Q. Okay.

8                     You mention a "coloured male" and "potential  
9           terrorist connotations". Can you explain what you were  
10          thinking?

11          A. Yeah. First of all, I want to say that when I've  
12          said "coloured", I've said that in error. I never meant  
13          to, like, cause offence, or ... I've just said the wrong  
14          word. I was obviously very young in service. Yeah,  
15          I've not meant to cause offence by that, I've just been  
16          describing the male, and I know that's not an acceptable  
17          word to use.

18                    Yeah, but I was just -- I mean, I've said "potential  
19          terrorist connotations". I've been trying to explain  
20          the memos about, like, the UK terror level that we had  
21          received. It's maybe not worded how I would have liked  
22          to have in my statement.

23          Q. Right.

24                    And was there an association in your mind between  
25          the colour of the man's skin and the potential terror

## Transcript of the Sheku Bayoh Inquiry

1 connotations?

2 A. No, I think I've just thought of that because  
3 I genuinely had a belief that PC Short had been stabbed  
4 and I was trying to think that -- it was a Sunday  
5 morning, 7 o'clock in the morning, I had -- staying in  
6 Kirkcaldy, I'd never heard of anything like this  
7 happening before, so yeah, it did go through my mind  
8 momentarily.

9 Q. You say that you didn't mean to cause any offence in  
10 using the word "coloured". Do you understand now that  
11 that's --

12 A. Yeah, of course.

13 Q. -- a term that's considered to be offensive?

14 A. Yeah.

15 Q. Is that something you appreciated back in 2015?

16 A. I think, back then, I was trying to be polite, I didn't  
17 want to say the wrong thing, and I've obviously made  
18 a mistake and used the incorrect term.

19 Q. You've mention a briefing concerning intelligence about  
20 an attack on a female officer. Do you recall anything  
21 about that briefing? How you were briefed, for example?  
22 Was it an email, on the internet, in person?

23 A. I can't remember. I think it's been when I've been at  
24 Tulliallan, but I'm struggling to remember any details  
25 about it.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Are you clear in your recollection that did you receive  
2 a briefing?

3 A. I think so, yeah.

4 Q. Is there a possibility you could be mistaken about that?

5 A. I don't know.

6 Q. How did you feel on your way to the incident?

7 A. I'd say before I heard the emergency button I felt okay,  
8 I felt reassured that there was more experienced  
9 officers going, but after the emergency buttons were  
10 activated and I heard that an officer was injured, I was  
11 -- I was feeling scared.

12 Q. I think if we scroll down -- oh, sorry, we have scrolled  
13 down. At the very bottom of page 7 of your PIRC  
14 statement, the second last line, you say that it was  
15 literally terrifying?

16 A. Yeah.

17 Q. Now, you had, by this point, left the police college and  
18 you'd had officer safety training at the police college.  
19 Did that make any difference to how you were feeling,  
20 knowing that you'd had that training?

21 A. Yes and no. Obviously when you do your training, it's  
22 in a controlled environment, and I didn't really know  
23 what I was going to, so I didn't have much experience in  
24 actually applying what I'd learned in my officer safety  
25 training, if that makes sense.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Is it perhaps a little bit like having passed your  
2 driver's test: you know the theory --

3 A. Yeah.

4 Q. -- you've made the grade, but you don't have any actual  
5 practical experience?

6 A. Yeah.

7 Q. All units were attending this call, including some very  
8 experienced officers; did that make any difference to  
9 the way that you were feeling, knowing that they were  
10 going too?

11 A. Yeah, as I said, I did feel some reassurance that  
12 the whole team was going and there was a great deal of  
13 experience on that team at the time, yeah.

14 Q. Including your tutor constable, PC Smith --

15 A. Yes.

16 Q. -- who had at that time ten years' service and was an  
17 OST trainer?

18 A. Yes.

19 Q. Did it make a difference to how you felt knowing that he  
20 was with you?

21 A. Yeah.

22 Q. Can we go back to the Airwaves for a moment.

23 A. Yes.

24 Q. If you could perhaps look at the spreadsheet, page 3.  
25 7.20.13, there was a message from Inspector Stewart in



## Transcript of the Sheku Bayoh Inquiry

1           the control room; do you see that?

2       A.   Yes.

3       Q.   Inspector Stewart, Area Control Room, to the set

4           attending:

5                 "I'm monitoring this obviously from an ARV

6           perspective.  If you get sightings of the male you need

7           to make an initial assessment yourself and feed back

8           through straight away and I'll listen out on

9           the channel."

10                Do you see that?

11       A.   Yeah.

12       Q.   Do you recall hearing that message on your way to

13           Hayfield Road?

14       A.   No.

15       Q.   You don't.

16                But you would have in fact been in the car -- in

17           the van --

18       A.   Yes.

19       Q.   -- at that time?

20                Looking at that transmission now, what do you

21           understand to be the purpose of the message?

22       A.   He was going to assess if an ARV would be deployed,

23           I think.

24       Q.   And what was he expecting from the officers at

25           the scene?

## Transcript of the Sheku Bayoh Inquiry

1 A. Probably it would be feedback, what they saw on  
2 the ground.

3 Q. Was that to assist him with his assessment?

4 A. Yes.

5 Q. Did you yourself provide any feedback after you arrived  
6 at the scene?

7 A. I don't think so.

8 Q. Why would that be?

9 A. At that time, I only had three weeks' actual police  
10 service, I was still learning how to use a radio at that  
11 time. I don't think I would have been confident enough  
12 in passing transmissions.

13 Q. I'm going to move on now to ask you some questions about  
14 what happened at Hayfield Road after you arrived. What  
15 did you do when you arrived at Hayfield Road?

16 A. I immediately went to PC Nicole Short.

17 Q. Where was she?

18 A. So when we've arrived on Hayfield Road, we've saw her --  
19 or, sorry, I've saw her kind of like staggering on  
20 the pavement holding on to her side.

21 Q. Let's get a picture up, that might help you to explain  
22 what was going on.

23 Can we look at image number 4 from the ALI second  
24 brochure, please, Ms Drury.

25 Okay, so do you recognise that as being a bird's eye

## Transcript of the Sheku Bayoh Inquiry

1 view of Hayfield Road?

2 A. I do, yes.

3 Q. It's similar to the reconstruction tile that we were  
4 looking at earlier. We see the transit van, the fish  
5 van and the van that you and Constable Smith arrived in.

6 Now, we have technology that will allow you to touch  
7 the screen and leave a circle mark, so I should ask you  
8 before we do that, are you happy with the position of  
9 your van and indeed the other vehicles on this  
10 reconstruction? Do they look to be approximately  
11 correct?

12 A. I feel like we were closer to the bus stop with  
13 the yellow markings.

14 Q. Yes, all right, so you think perhaps your van was closer  
15 to the yellow markings?

16 A. Yeah.

17 Q. So up a bit as you look at the page. All right.

18 Other than that, do you think this looks to be --

19 A. Yeah, I think so --

20 Q. -- broadly accurate?

21 A. -- yeah.

22 Q. So you were a passenger in the van?

23 A. I was, yeah.

24 Q. And can you firstly explain, please, where  
25 Constable Short was when you first saw her. You

## Transcript of the Sheku Bayoh Inquiry

1           described her staggering, but where was she when you  
2           first saw her? If you just touch the screen.

3       A. I can't remember exactly, but I think she was on  
4           the pavement. I think it would have been about there  
5           (indicates).

6       Q. You describe her as staggering across the road. If we  
7           change the technology, we can now give you an arrow, and  
8           if you could use your finger to draw an arrow in  
9           the direction that she was staggering.

10      A. (indicates).

11      Q. All right, I think the number 2 --

12      A. I'm sorry.

13      Q. -- perhaps hides the arrow. That's all right. Can we  
14           make it a little bit bigger and it might be easier to  
15           see.

16           I think Ms Drury is just going to take that one  
17           away --

18      A. Okay.

19      Q. -- and we can do it again.

20           So that was the direction that she was going. Now,  
21           that arrow is pointing towards the bus stop. Was that  
22           the direction that she was moving?

23      A. I think so, yeah.

24      Q. Okay. So she was on the pavement, close to the bus  
25           stop, moving closer to the bus shelter; is that correct?

## Transcript of the Sheku Bayoh Inquiry

1       A. As we've approached, I've just seen her kind of on --  
2       walking on the pavement. I can't remember if she was  
3       walking towards the bus stop or if she was going to go  
4       past it, or ...

5       Q. She was in any event on the pavement to the far side of  
6       the bus stop --

7       A. Yes.

8       Q. -- when you first arrived?

9                You described her as staggering. Can you describe  
10       her demeanour when you first saw her?

11       A. Yeah, she looked petrified.

12       Q. You said that on arrival you went straight to her. Was  
13       that on the pavement?

14       A. Yeah, so I've got out of the passenger's side and  
15       I think I've went round the front of the bonnet of our  
16       van and went to her.

17       Q. You described her as petrified?

18       A. Mm-hm.

19       Q. When you approached her, what did you see?

20       A. First of all, she was, like, hyperventilating,  
21       struggling to get her words out. I've said, I think, in  
22       my statement, I thought she'd been winded. She was  
23       really struggling to get her words out. I've asked her,  
24       like, over and over again, like, "What's happened? Are  
25       you okay? Are you okay"? Initially she struggled to

## Transcript of the Sheku Bayoh Inquiry

- 1           get any words out, and then she's managed to say --
- 2           I think she'd been hit. And then she was just in tears,
- 3           crying and upset.
- 4       Q.    What did you do?
- 5       A.    I just kind of put my arms round her and tried to
- 6           reassure her, tried to ask her if she was injured, kind
- 7           of tried to check her over. I didn't see any injuries
- 8           at that time.
- 9       Q.    You didn't see any injuries. Was she complaining of
- 10          pain?
- 11       A.    I can't remember if she was complaining of pain.
- 12       Q.    Where was Constable Smith?
- 13       A.    So I think when he got out the driver's side, he's
- 14          initially went to Nicole also, and he's told me to look
- 15          after Nicole, and then I think he's left us and went
- 16          across the pavement to the other side of the road.
- 17       Q.    When you were with Nicole Short, could you see where
- 18          Constable Smith had gone?
- 19       A.    No. I can kind of see he ran diagonally across
- 20          the road, but I couldn't see where he was going.
- 21       Q.    And you couldn't see where he had ended up?
- 22       A.    No.
- 23       Q.    So after you had reassured Constable Short, what did you
- 24          do next?
- 25       A.    I think I started to walk up the pavement, and that's

## Transcript of the Sheku Bayoh Inquiry

1           when I've looked across the road and I've saw where all  
2           the other officers are and the male being restrained.

3       Q. Did you make your way over to the scene of  
4       the restraint?

5       A. I did, yeah.

6       Q. What I'd like to do now is look at the descriptions of  
7       the restraint that you've given in your statements and  
8       then ask you some further questions. If we can go to  
9       your Inquiry statement first, please, paragraph 19. So  
10      you were asked to provide as much detail as you could,  
11      and your statement reads as follows:

12                "As I walked on the pavement with PC Short,  
13      I observed several officers diagonally across from me on  
14      Hayfield Road on the pavement (south). I could see  
15      a black male lying on the pavement and he appeared to me  
16      to be lying chest down with his head raised, facing  
17      towards the direction of Gallaghers pub. At this point,  
18      I observed his arms and legs flaying around and he  
19      appeared to be attempting to force himself up using his  
20      arms. I recall seeing PC Paton at his head with his  
21      baton extended attempting to force the male's arm behind  
22      his back. PC Walker had the top part of his body over  
23      the top of the male's back. PC Smith was at the male's  
24      feet and PC McDonough was kneeling next to his left-hand  
25      side and removing his leg restraints. I could see

## Transcript of the Sheku Bayoh Inquiry

1           the male still struggling so I left PC Short on the side  
2           of the pavement and ran over to offer assistance to my  
3           colleagues."

4           Now, if we can look -- before I ask you any  
5           questions, we'll also look at your PIRC statement,  
6           page 9, please, Ms Drury, and let's look at the first  
7           two paragraphs there:

8           "As we walked on the pavement I became aware of  
9           several officers diagonally across Hayfield Road on  
10          the South pavement. I clearly see a black male lying on  
11          the pavement, face down. His chest was on the grounds  
12          but his head was up off the ground and turned to  
13          the right towards Gallaghers Pub. His feet were closest  
14          to me and his head was furthest away, facing south. At  
15          that point, his arms and legs were still flying (kicking  
16          out, arms flaying) and he was trying to force himself up  
17          using his arms like a 'press up' type movement."

18          We seem to have lost the screen. It was page 9.

19          Thank you:

20          "At that time I saw several officers trying to  
21          restrain him, by pushing him to the ground. Alan Paton  
22          was at the male's head and I think he was trying to  
23          restrain the male with a baton. There is a technique  
24          where you place the baton through between a person's  
25          arms and his body, which takes the person's arm behind



## Transcript of the Sheku Bayoh Inquiry

1           their back with the baton extended. I don't remember  
2           what arm PC Paton was using for this technique but I do  
3           remember that the male, who I now know as Sheku Bayoh,  
4           but I refer to as Shek, was so muscular that this  
5           technique was not working properly and he, Shek, was  
6           preventing its correct application by forcing his arm  
7           against it. I saw Craig Walker lying across the top of  
8           Sheku's back, towards [his] upper half, in an effort to  
9           stop him forcing himself to his feet. This was  
10          effectively to assist in pushing him to the ground.  
11          Craig only had the top half of his own body over Shek.  
12          I could see Alan Smith was at Shek's feet and he was  
13          trying to stop Shek kicking out. I don't recall if Alan  
14          was using his knees or his hand/arms to achieve this.  
15          James McDonough was kneeling next to Shek's left side  
16          and was again getting his leg restraints out of  
17          the holder on his utility belt. At this time I left  
18          Nicole standing on the north footpath and I immediately  
19          ran across the road to assist my colleagues. I went to  
20          Shek's left-hand side first and then I went round his  
21          head to his right-hand side where Ashley Tomlinson was  
22          kneeling down next to Shek. I actually think he had one  
23          knee on Shek's leg, again attempting to pin it down."

24                 So there was a lot of information in both of those  
25          statements. Again, if there are differences between

## Transcript of the Sheku Bayoh Inquiry

1           what you said in your Inquiry statement and what you  
2           said in your PIRC statement, should we prefer your PIRC  
3           statement?

4           A. Yes.

5           Q. And that's because your memory was fresher in 2015 --

6           A. Yeah.

7           Q. -- than it is today?

8                     Similarly, if there's more detail in your PIRC  
9           statement, would that simply be because your memory was  
10          better than --

11          A. Yeah.

12          Q. -- than it is now?

13                    So I want to ask questions about what each person  
14          was doing and where they were. Let's begin with  
15          the male who you now know as Sheku Bayoh. In your  
16          Inquiry statement you described him as lying chest down,  
17          head raised, arms up and legs flaying around, attempting  
18          to force himself up using his arms, and in your PIRC  
19          statement you described him as lying on the pavement,  
20          face down, chest on the ground but head up off  
21          the ground, arms and legs flying, trying to force  
22          himself up using his arms like a press up.

23                    Does that accord with your memory today --

24          A. Yes.

25          Q. -- the position that he was in and what he was doing?

## Transcript of the Sheku Bayoh Inquiry

1           Constable, can I ask you to demonstrate the position  
2           that Mr Bayoh was in, please, if you wouldn't mind  
3           coming into the centre of the room and taking up that  
4           position.

5           A. I think he's been like that (indicates).

6           Q. So the audio might not pick you up, so I'll perhaps  
7           repeat what you're saying.

8           A. Yeah, so I think his chest's been down, but his head's  
9           been turned to the side (indicates).

10          Q. Right, so you're lying chest-down, prone, with your  
11          arms, as you've described in your statement, in a press  
12          up position, chest and your head, and your head is  
13          turned?

14          A. Yeah.

15          Q. And that's the position that Mr Bayoh was in. Thank  
16          you. Please come back to the witness chair.

17                 I want to ask you now about the officers, about what  
18                 they were doing, and let's begin with Constable Paton.  
19                 You said in your Inquiry statement that he was at  
20                 Mr Bayoh's head with the baton extended, attempting to  
21                 force his arm behind his back, and in your PIRC  
22                 statement you describe that technique in quite a lot of  
23                 detail.

24                 Now, I think we should have a baton. Do we have  
25                 a baton, Ms Drury?

## Transcript of the Sheku Bayoh Inquiry

1           I wonder if you can assist us in understanding what  
2           Constable Paton was doing with the baton, either  
3           standing where you are or coming into the centre of  
4           the room, if that would be safer.

5           A. I'm trying to think how to explain it.

6           Q. It might be difficult to do on yourself, I suppose --

7           A. Yeah.

8           Q. -- but as best you can, if you could demonstrate and  
9           explain the technique.

10          A. So, he's kind of had the baton, like, under, trying to  
11          rotate the arm round.

12          Q. Okay, so you're demonstrating a technique whereby you  
13          put the baton under the arm?

14          A. Yeah, so it's kind of like indicates -- it's hard to do  
15          on myself, but if my arm's down, it's like, going under  
16          to try and rotate the arm round.

17          Q. Okay, so should the baton end up between the arm and the  
18          body?

19          A. So it would end up between the shoulder blade and the  
20          body, I think.

21          Q. Sorry, could you do that for me again?

22          A. Sorry.

23          Q. So you're putting the baton --

24          A. It's so hard to try and explain, but I think it was like  
25          that (indicates).

## Transcript of the Sheku Bayoh Inquiry

1 Q. I'll try to describe what you're doing if it helps you  
2 to focus on what you're doing.

3 A. Yeah, so I think it was under (indicates).

4 Q. Okay, so the baton's behind your shoulder?

5 A. Yeah.

6 Q. And it's being --

7 A. And rotate your arm round, I think.

8 Q. Okay. How does it do that, how does the baton catch on  
9 your arm to rotate it around?

10 A. I think it goes under your -- under your shoulder, so  
11 it's (indicates). I don't know, it forces your arm  
12 round.

13 Q. Right, so it's a technique that involves placing  
14 the baton between the upper arm and the body?

15 A. Yeah. Sorry, I'm just trying to picture it on someone  
16 else. I've never done it on myself before. Yeah,  
17 that's ...

18 Q. Grand. All right, we'll put that to one side. Thank  
19 you for explaining that.

20 Let's consider Constable Walker. You said in your  
21 Inquiry statement:

22 "He had the top part of his body over the top of  
23 the male's back."

24 And in your PIRC statement you said:

25 "Constable Walker was lying across the top of

## Transcript of the Sheku Bayoh Inquiry

1           Mr Bayoh's back in an effort to stop him forcing himself  
2           to his feet. This was effectively to assist in pushing  
3           him to the ground. He only had the top half of his body  
4           over Sheku Bayoh."

5           Can you help me to understand precisely what  
6           position Constable Walker was in. I wonder again if it  
7           might be easier for you simply to demonstrate  
8           the position he was in.

9           A. So if the male's been lying there, I think he was kind  
10          of lying like this (indicates) across his back.

11          Q. Sorry, where was the male in relation to the --

12          A. So the male would be here, and he would have had this  
13          part over his back so kind of like that, I think.

14          Q. So you're indicating the side of his torso --

15          A. Yeah.

16          Q. -- across Mr Bayoh's back. And an arm. Can you say if  
17          it was his right arm?

18          A. I can't remember.

19          Q. An arm outstretched going to the other side of his body?

20          A. Yeah.

21          Q. All right, thank you.

22                 You said in your PIRC statement:

23                 "This was an effort to stop him forcing himself to  
24                 his feet. This was effectively to assist in pushing him  
25                 to the ground."

## Transcript of the Sheku Bayoh Inquiry

- 1           How did that position that you demonstrated for us  
2           assist in pushing Mr Bayoh to the ground?
- 3       A. I think, because when I looked across, Mr Bayoh's been  
4           trying to use his arms to push himself up, so I think  
5           when PC Walker doing that it's to push him back down.
- 6       Q. Okay. Could you say how much force PC Walker was using?
- 7       A. No, just the top half of his body.
- 8       Q. Where were his legs?
- 9       A. I can't remember exactly, but I think they would have  
10          been out to the side.
- 11      Q. So not on Mr Bayoh?
- 12      A. I don't think he was flat on him, no.
- 13      Q. Turning to Constable Smith. You said in your Inquiry  
14          statement he was at Mr Bayoh's feet, and in your PIRC  
15          statement he was at his feet trying to stop Mr Bayoh  
16          kicking out and you didn't recall whether he was using  
17          his knees or his hands or arms to do that.
- 18      A. Yeah.
- 19      Q. Can you add anything to that description today?
- 20      A. No, I'm sorry.
- 21      Q. Constable McDonough. You explain in both statements, he  
22          was kneeling to Mr Bayoh's left side and removing leg  
23          restraints?
- 24      A. Yeah, I think so.
- 25      Q. And Constable Tomlinson you don't mention in your

## Transcript of the Sheku Bayoh Inquiry

1 Inquiry statement, but in your PIRC statement you said  
2 he was kneeling next to Mr Bayoh and you think he had  
3 one knee on his leg attempting to pin it down.

4 A. Yeah, I can't remember.

5 Q. You don't remember that now, but if it was what you said  
6 to the PIRC --

7 A. Yeah.

8 Q. -- would that have been your best recollection --

9 A. Yeah.

10 Q. -- in June of 2015.

11 Turning to the part that you played, constable, you  
12 explain in both your statements how you helped  
13 Constables Tomlinson and McDonough apply the Fast  
14 Straps. Now, I think we have a set of Fast Straps, and  
15 we've already had a demonstration as to how these work,  
16 but I wonder if you might be able to explain exactly  
17 what it was that you did to help secure the Fast Strap?

18 A. Yeah, so I just remember I think it was PC McDonough and  
19 PC Tomlinson were trying to feed the -- the Fast Strap  
20 under -- just underneath the knees, but I think they  
21 were struggling to get -- to get through the other side.  
22 So I think I just pulled it through under his -- his  
23 knees, and then PC Smith's taken it and fastened it.

24 Q. So you helped to sort of feed the strap through --

25 A. Yeah.



## Transcript of the Sheku Bayoh Inquiry

1 Q. -- Mr Bayoh's knees and that was the extent of your  
2 involvement in the restraint --

3 A. Yeah.

4 Q. -- is that correct?

5 You said that the strap was fed underneath his  
6 knees; where on his legs did Constable Smith secure  
7 the Fast Straps?

8 A. It was either above the knee cap or just below. I can't  
9 remember exactly.

10 Q. But the area of the knees --

11 A. Yeah.

12 Q. -- either above or below.

13 And what position was Mr Bayoh when the straps were  
14 secured?

15 A. I think he was still face-down.

16 Q. And I think if I were to say that in your PIRC statement  
17 you said that he was still chest-down --

18 A. Yeah, yes.

19 Q. -- at that time, would that help jog your memory at all?

20 A. Yeah.

21 Q. What happened after the straps were secured?

22 A. I think one of the officers has said, "Roll him onto his  
23 side", so I think everyone's rolled Mr Bayoh onto his  
24 left-hand side, I think.

25 Q. Can we go back to your Inquiry statement, please,

## Transcript of the Sheku Bayoh Inquiry

1 paragraph 33 where you say:

2 "After the leg restraints had been applied and he  
3 had been rolled on to his side, I recall the male had  
4 stopped struggling. I could see his face at this point  
5 and observed his eyes to be closed."

6 What happened after Mr Bayoh stopped struggling?

7 A. I think it was PC Paton, or, sorry, someone had said,  
8 "Check his breathing", and I'm sure PC Paton's tapped  
9 him on the cheek, and then someone said, "He is  
10 breathing". I can't -- I can't remember after that.

11 Q. How long did you stay at the scene of the restraint?

12 A. Not long. Pretty quickly I was told to take up a point  
13 at the junction with Hayfield Road and Hendry Road to  
14 prevent any vehicles from coming down.

15 Q. I think you explain in your statements it was when  
16 the CID arrived --

17 A. Yeah.

18 Q. -- that they asked you to take up a traffic point?

19 A. Yeah.

20 Q. And do you recall how much time passed between Mr Bayoh  
21 becoming unresponsive, being rolled onto his side and  
22 you going to take up the traffic point?

23 A. That was pretty quick, I think.

24 Q. Let's look again at the spreadsheet. If you can look at  
25 7.25.17, which is on page 7, do you see an entry at

## Transcript of the Sheku Bayoh Inquiry

1           7.25.17 on the Airwaves:

2           "Roger, this male now certainly appears to be  
3           unconscious, breathing not responsive, get an ambulance  
4           for him."

5           Do you see that?

6           A. Yeah, I do, yeah.

7           Q. And if you move forward to 7.29.30, which is on page 11,  
8           it's the entry second from the top:

9           "Control can we move on with the ambulance, this  
10          accused is now not breathing. CPR is commencing.  
11          Over."

12          Do you see that?

13          A. Yeah, I do, yeah.

14          Q. So it looks as though Mr Bayoh was unresponsive for more  
15          than four minutes before it became apparent that he  
16          wasn't breathing and CPR was commenced. The first  
17          Airwave call that we looked at was 7.25.17, that was to  
18          the effect that he wasn't responsive and an ambulance  
19          was requested, and the second Airwave transmission was  
20          7.29.30 to the effect that he wasn't now breathing and  
21          CPR was commencing, so that is just over 4 minutes.

22          And I wonder if we can look really quickly at  
23          the evidence video timeline and at 7.27.31. Now, you're  
24          going to see some Snapchat footage, constable, that will  
25          pop up at the far right of the screen, and it's very

## Transcript of the Sheku Bayoh Inquiry

1           quick, but the timestamp is 7.27.31.

2                                           (Video played)

3           There we are. Now, do you see yourself in that  
4           footage?

5           A. I do, yeah.

6           Q. You do.

7           We can take that from the screen, thank you,  
8           Ms Drury.

9           So the timing there you'll see is 7.27.31, so it's  
10          about halfway through that 4-minute period. So unless  
11          you'd gone away and come back again, it looks as though  
12          you were at the scene of the restraint for about  
13          2 minutes after Mr Bayoh became unresponsive. Would  
14          that fit with your recollection?

15          A. Yeah, I'm not sure of the exact timings, it all went  
16          really quickly, but ...

17          Q. In any event, we know that the CID came along and you  
18          were instructed to take up a traffic point. When you  
19          moved away from the scene of the restraint, what  
20          position was Mr Bayoh in?

21          A. I can't remember.

22          Q. Was he still breathing?

23          A. Yeah, I don't remember a point that again passed that he  
24          wasn't breathing, so I think he must have been breathing  
25          when I've been told to go on the traffic point.

## Transcript of the Sheku Bayoh Inquiry

1 Q. The traffic point was at the roundabout at Hayfield Road  
2 --  
3 A. Yeah, it was, yeah.  
4 Q. -- you said? And from that traffic point were you able  
5 to see what was happening on the ground?  
6 A. No, so I was facing out towards Hendry Road.  
7 Q. I see. Were you stopping any cars that were trying to  
8 turn --  
9 A. Yes.  
10 Q. -- on the roundabout into Hayfield Road?  
11 A. Yeah.  
12 Q. So you would have had your back to the scene of  
13 the restraint?  
14 A. Yeah.  
15 Q. By the time that you were stood down from your traffic  
16 point duties, had Mr Bayoh been taken to the hospital?  
17 A. Yes.  
18 Q. Do you recall a conversation that you had at the traffic  
19 point with an Inspector Kay?  
20 A. Yeah, I do, yeah.  
21 Q. Tell me about that conversation?  
22 A. So if I remember correctly, he's came up to me, I think  
23 when everyone else has left, all the other officers and  
24 the ambulance, and he's just told me to stay on that  
25 point until other officers come and relieve me. And

## Transcript of the Sheku Bayoh Inquiry

1 I think maybe he's asked me if I'm okay and if I was  
2 injured and that's all.

3 Q. Can we go to your PIRC statement, please, page 12.  
4 Paragraph 4. The third paragraph makes clear that  
5 you're talking about your discussion with Inspector Kay,  
6 and paragraph 4 reads:

7 "He told me to put on a hat and my yellow jacket,  
8 even though I had my [hi-vis] Vest on. I think it may  
9 have been because it was then raining and windy and  
10 I was shivering. He asked me if I was okay, but did not  
11 ask me anything about what had happened."

12 Do you see that?

13 A. Yeah.

14 Q. Did you go on and put on a hat and a yellow jacket?

15 A. I think I did, yeah.

16 Q. Where did they come from?

17 A. It would have been our van, I assume.

18 Q. So would you have had a jacket in the van?

19 A. Yeah.

20 Q. Do all officers have a jacket that they carry with them  
21 in their vehicle?

22 A. Yeah. So, normally you would take that with you in  
23 the morning. Sorry, I'm just trying to remember if  
24 I did have my hat and jacket. Sorry, I can't remember.  
25 I think I would have had my hat.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. And did you have a jacket?
- 2 A. I can't remember.
- 3 Q. Okay.
- 4 But you've said it's something that might have been  
5 in the van.
- 6 A. Yes.
- 7 Q. And would all officers have access to a jacket that they  
8 might take with them when they're out the vehicle?
- 9 A. So I would have had, like, a kit bag, and inside that  
10 would have had my yellow jacket, my hat and, like,  
11 waterproof trousers, etc.
- 12 Q. And do all officers have a kit bag?
- 13 A. No, all officers are issued with them when they first  
14 join, so, yeah.
- 15 Q. Would there be an expectation that it would be something  
16 you would take out with you when you went out in  
17 the vehicle?
- 18 A. Yes, I think so. I think more importantly your police  
19 hat and then your jacket, if you were doing like a point  
20 duty or -- you probably would be expected to have your  
21 jacket on.
- 22 Q. So a kit bag contains items including a jacket, things  
23 that you might need --
- 24 A. Yeah.
- 25 Q. -- when you're out and about performing your duties as

## Transcript of the Sheku Bayoh Inquiry

1 an officer?

2 A. Yeah.

3 Q. Okay.

4 Now, we've heard that Mr Bayoh was wearing a T-shirt  
5 and that the weather wasn't very nice. You said that it  
6 was raining and windy and you were shivering?

7 A. Yeah, I can't remember now but if that's what I've said,  
8 yes.

9 Q. I wondered whether anyone had fetched a jacket to put  
10 over Mr Bayoh?

11 A. Not that I saw.

12 Q. I'm shortly going to ask you questions about your return  
13 to Kirkcaldy Police Office, but before I do that, can we  
14 go back to the Snapchat footage, please, 7.27.31. Now,  
15 I asked you if you could see yourself and you said you  
16 could, and I ought to have asked you if you could point  
17 out where you are. I don't think we have the circle  
18 technology. We do? We do have the circle technology.  
19 If you could circle yourself, please.

20 A. Sorry, I've kind of covered someone else's head, where  
21 the number 1 was.

22 Q. You're hiding behind the number 1. You can move it  
23 around if you like?

24 A. Okay.

25 Q. Do you want to try to move it a bit so that we can maybe



## Transcript of the Sheku Bayoh Inquiry

- 1           see your face.
- 2       A. Oh, sorry.
- 3       Q. That's all right, we can make that go away.
- 4           So you've circled the officer in the middle of three
- 5           officers who are standing all in hi-vis?
- 6       A. Yeah, I think that's myself.
- 7       Q. That's yourself. And there's an officer to your right,
- 8           an officer to your left and an officer crouching down
- 9           immediately in front of you?
- 10      A. Yeah.
- 11      Q. Thank you, Ms Drury.
- 12           What time were you stood down from your traffic
- 13      point?
- 14      A. I can't remember.
- 15      Q. I understand that you returned to
- 16      Kirkcaldy Police Office with Constable McDonough?
- 17      A. I did, yeah.
- 18      Q. And you went to the canteen?
- 19      A. Yeah.
- 20      Q. At the time that you arrived there, were all of
- 21      the officers who had attended other than Nicole Short
- 22      already there?
- 23      A. Yeah, I think so.
- 24      Q. We've heard that she went to the hospital. Did she
- 25      arrive later on?

## Transcript of the Sheku Bayoh Inquiry

1 A. She did, yeah.

2 Q. Can we look at paragraph 56 of your Inquiry statement,  
3 please. You were asked about a conversation with  
4 Nicole Short, and halfway down that paragraph you say:

5 "I remember seeing bruises to both her knees and  
6 reddening to her neck. I am unsure if she mentioned any  
7 other injuries she had. It was an exhausting day, I was  
8 struggling to retain information by this point."

9 Let's also look at your PIRC statement, please, page  
10 14, paragraph 5. Again, the last sentence, you're  
11 describing Nicole Short coming back from the hospital:

12 "She showed me bruises to her knees, both knees and  
13 pointed to her neck on her right side which I could see  
14 was red."

15 So there's no mention in either of your statements  
16 of her having any other injuries?

17 A. No.

18 Q. Do you have any recollection today of her having any  
19 other injuries?

20 A. No, I can't remember.

21 Q. Did she complain of any other pain?

22 A. Sorry, I don't know.

23 Q. Did you discuss what had happened at Hayfield Road with  
24 anybody?

25 A. Yeah, so when we went back, I can't remember who it was,

## Transcript of the Sheku Bayoh Inquiry

1           but someone had mentioned that Nicole had been punched  
2           and stamped on, I think.

3           Q.   So was that a discussion that you were having or was  
4           that a discussion that you overheard?

5           A.   I think I was just present when it was being discussed,  
6           and I remember someone -- I think I maybe said, "What  
7           happens now", and someone in the group said, "There will  
8           probably be an investigation".

9           Q.   Beyond that, do you recall there being any more  
10          discussion about what had happened --

11          A.   No.

12          Q.   -- in Hayfield Road?

13                 Were you given any advice about whether or not to  
14          discuss what had happened?

15          A.   Yeah, I think when one of the senior officers came to  
16          the canteen, they've said that we shouldn't discuss  
17          the incident.

18          Q.   Do you remember who that was?

19          A.   No, sorry.

20          Q.   Do you remember an Amanda Givan coming into the canteen?

21          A.   I do, yeah.

22          Q.   If we can look at paragraph 50 of your Inquiry  
23          statement, please. Sorry, 50, 5-0. Sorry. You say:

24                 "I recall Amanda Givan attending at the canteen and  
25          stating that we should not discuss the circumstances of

## Transcript of the Sheku Bayoh Inquiry

1           the incident."

2           Do you recall that?

3       A. Yeah.

4       Q. Was it Amanda Givan who you referred to as a senior

5           officer, or was it somebody other than her?

6       A. I think it was someone else.

7       Q. Okay. Do you remember if it was a male officer or

8           a female officer?

9       A. No, to be honest, I saw so many different officers that

10          day that I didn't really know who they were.

11       Q. Okay. We've heard that a number of officers were in

12          the canteen that day --

13       A. Yeah.

14       Q. -- including a constable -- or, sorry, I think he was an

15          Inspector Trickett, Conrad Trickett?

16       A. Yeah.

17       Q. Do you remember receiving any advice from

18          Inspector Trickett?

19       A. I remember him reading from, like, a -- it was like

20          a post-incident -- it was basically like a briefing

21          document. I think he just read it from the document,

22          but I can't remember what exactly he said.

23       Q. And returning to Amanda Givan, could we look briefly at

24          your PIRC statement, please, page 14. Third paragraph

25          down, you say:

## Transcript of the Sheku Bayoh Inquiry

1            "I seem to remember Amanda Givan giving us advice,  
2            but I do not wish to discuss what was advised. I have  
3            not been instructed or advised to say this, it is purely  
4            what I wish to say."

5            So certainly at the time that you gave your  
6            statement to PIRC, you seemed to recall her giving you  
7            some advice.

8            A. Yeah, now I genuinely can't remember what that advice  
9            was. I think I'd been under the impression that  
10           the advice was essentially legal advice, and I think  
11           that's why I've said I didn't want to discuss it.  
12           I didn't know what obligation I had to discuss it, if  
13           that makes sense.

14           Q. Okay, yes, I'll come on to ask you some questions about  
15           that in a moment.

16           Did you fill out your notebook?

17           A. I didn't, no.

18           Q. And why not?

19           A. I think that at that time, because I was so young in  
20           service, usually PC Smith and I would sit down together  
21           and complete my notebook at other incidents and he would  
22           go through exactly, like, how to lay my notebook out,  
23           what -- what information I had to put in, and we just  
24           didn't discuss about even completing our notebooks,  
25           I think probably we were both in that much shock that

## Transcript of the Sheku Bayoh Inquiry

1           we've just not got round to it.

2           Q. Were you given any advice about filling out your  
3           notebook?

4           A. No, not that I can remember.

5           Q. Were you given any advice about giving a statement?

6           A. Not that I can remember.

7           Q. Were you told whether you were being treated as  
8           a witness or as a suspect?

9           A. I can't remember.

10          Q. Do you recall what your understanding was of your status  
11          on 3 May?

12          A. No, I didn't know.

13          Q. Were you asked to provide an operational statement at  
14          any time?

15          A. I think I was, a few days after the incident, but  
16          I can't recall a specific date.

17          Q. Was it possible that you were seen by a DCI Hardy and  
18          a DI Wilson round about 7 May?

19          A. Yeah, possibly.

20          Q. And do you recall whether your status was confirmed at  
21          that time?

22          A. I think there was mention that we were being treated as  
23          a witness, but I don't think my solicitor was happy, and  
24          we were told that we wouldn't give a witness statement  
25          at the time on the basis of our legal advice.

## Transcript of the Sheku Bayoh Inquiry

- 1 Q. Do you know what it was that was the source of  
2 the unhappiness? What was it that you needed to hear  
3 from --
- 4 A. I'm not sure.
- 5 Q. -- the police? Okay. I want to conclude by asking you  
6 some questions about race and firstly about the training  
7 you had at Tulliallan. What training did you get when  
8 you were a police recruit on equality and diversity?
- 9 A. So I think we undertook a week's training on diversity  
10 during week 1 at college.
- 11 Q. What did it cover?
- 12 A. I can't remember exactly.
- 13 Q. What did it cover in relation to race in particular?
- 14 A. I can't remember exactly that it covered. I think it  
15 was just about treating everyone fairly and with  
16 respect.
- 17 Q. How did you put what you'd learned into practice in your  
18 day-to-day policing?
- 19 A. Just treating everyone with respect and with fairness.
- 20 Q. Were you taught in the course about unconscious bias?
- 21 A. I can't remember.
- 22 Q. Have you yourself ever made assumptions about a person  
23 based on the colour of their skin?
- 24 A. No.
- 25 Q. Do you recall how many officers there were in Kirkcaldy

## Transcript of the Sheku Bayoh Inquiry

1 back in 2015?

2 A. How many officers worked in Kirkcaldy?

3 Q. Yes.

4 A. No.

5 Q. Roughly?

6 A. So I think there was five teams, and a team is maybe

7 10/12 people.

8 Q. Okay, so 50/60 officers?

9 A. Yeah, but then there's all different departments, like

10 CID, Community.

11 Q. Okay.

12 A. So I don't know, maybe --

13 Q. How many of your colleagues were black?

14 A. None, I don't think.

15 Q. How many of your colleagues were from other ethnic

16 minority groups?

17 A. None.

18 Q. Prior to May 2015, did you ever encounter racist jokes

19 or comments at work?

20 A. No.

21 Q. Comments that might be perceived as racist?

22 A. No.

23 Q. Did you ever encounter jokes or comments about Islam

24 that might have been offensive or perceived as

25 offensive?



## Transcript of the Sheku Bayoh Inquiry

- 1 A. No.
- 2 Q. Have any of your colleagues ever displayed that sort of  
3 behaviour in front of you?
- 4 A. No.
- 5 Q. If they did, how would you react?
- 6 A. I would challenge it, I would speak to them. If  
7 I thought it was necessary, I'd raise it to management.
- 8 Q. How would you expect senior officers to respond if they  
9 witnessed that type of behaviour?
- 10 A. They'd take it seriously.
- 11 Q. Earlier in your evidence we looked at a description that  
12 you had given of Mr Bayoh back in 2015 and you described  
13 him as "coloured", and I have no doubt that you accept  
14 that that use of language was offensive. It's a term  
15 that you used in a formal statement to the PIRC. Is it  
16 a word that you've ever used around  
17 Kirkcaldy Police Office?
- 18 A. No.
- 19 Q. At the time of Mr Bayoh's death, what awareness did you  
20 have about public concern around the use of force by  
21 the police, particularly against black men?
- 22 A. I don't think I had any.
- 23 Q. From your own experience, to what extent was the use of  
24 force a matter of concern for police officers policing  
25 in Scotland?

## Transcript of the Sheku Bayoh Inquiry

- 1 A. I don't think it was a concern.
- 2 Q. You may be aware that there have been a number of high  
3 profile deaths in police custody in the UK, including  
4 a number that have followed from restraint. At the time  
5 of Mr Bayoh's death, were you aware of high profile  
6 cases in the UK where a person has died in police  
7 custody and restraint has been a matter of public  
8 concern?
- 9 A. No, I wasn't aware.
- 10 Q. At the time of Mr Bayoh's death, were any measures in  
11 place to share information and learning about deaths in  
12 custody?
- 13 A. I don't know.
- 14 Q. Was information and learning from other police forces  
15 across the UK shared with Police Scotland?
- 16 A. I don't know.
- 17 Q. How confident do you feel in the training that you've  
18 received about race-related issues and deaths in  
19 custody?
- 20 A. I don't recall having any specific training relating to  
21 race and deaths in custodies.
- 22 Q. What was your awareness of the black community in  
23 Kirkcaldy in 2015?
- 24 A. None.
- 25 Q. Had you been involved in community relation work with

## Transcript of the Sheku Bayoh Inquiry

- 1           the black community?
- 2       A. No.
- 3       Q. Were you aware of colleagues taking part in such work?
- 4       A. No.
- 5       Q. What experience did you have of dealing with members of
- 6           the black community, whether as witnesses or suspects or
- 7           victims of crime?
- 8       A. Not very much, I don't think, other than maybe taking
- 9           a witness statement, or ... yeah.
- 10      Q. Had you taken witness statements from black people?
- 11      A. Yeah, I think I would have. I can't remember
- 12           specifically.
- 13      Q. What was the relationship like between the police and
- 14           the black community in Kirkcaldy in 2015?
- 15      A. I don't know.
- 16      Q. What sort of stereotypes are you aware of about black
- 17           people generally, or black men specifically in
- 18           the context of criminal justice?
- 19      A. I'm not aware of any stereotypes.
- 20      Q. Are you aware that black men may be perceived as more
- 21           likely to resist, or more likely to be violent, or to
- 22           have superhuman strength?
- 23      A. No.
- 24      Q. You're not aware of that?
- 25      A. No.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Do you have any views along those lines?

2 A. No.

3 Q. Can we turn to your PIRC statement, please, page 10.

4 Paragraph 1 of page 10. Perhaps just scroll up a little  
5 bit so we can see at the bottom of the previous page.

6 This is a description of Mr Bayoh at the point in time  
7 that he stopped struggling. You say:

8 "I could see that the T-shirt was a tight fit as  
9 I could see the definition of his muscle through it,  
10 particularly at the back, and in particular his shoulder  
11 muscles, he was massive and is the biggest male that  
12 I have seen."

13 Do you see that --

14 A. Yeah.

15 Q. -- and that's in your PIRC statement?

16 Mr Bayoh was 5 foot 10 inches tall and he was  
17 12 stone 10lbs. Is that massive?

18 A. No, but if I can just clarify, when I've said that, I've  
19 not meant that he's the biggest male I've ever seen in  
20 my life, I've meant that he's the biggest male I've ever  
21 seen at, like, an incident that I've been at, in terms  
22 of, like, a police incident. So I've not -- that's  
23 maybe not been described the best in that statement due  
24 to my lack of experience, but, yeah, he wasn't  
25 the biggest male I've ever seen, because there was

## Transcript of the Sheku Bayoh Inquiry

1 bigger guys on my team.

2 Q. Yes, well, he was half PC Walker's body weight --

3 A. Yeah.

4 Q. -- PC Walker is 25 stone.

5 A. When I've said he's massive, I've been talking about his  
6 muscles.

7 Q. Is it possible that you made assumptions about Mr Bayoh  
8 that influenced your interpretation or perception of  
9 the events on 3 May?

10 A. No, that was just my perception of how I've -- I've seen  
11 him.

12 Q. Bear with me just a second.

13 A. Yeah.

14 (Pause).

15 MS THOMSON: Sir, subject to my further matters that you or  
16 the Assessors might wish me to explore, that concludes  
17 my examination.

18 LORD BRACADALE: Thank you.

19 Are there any Rule 9 applications? Ms Mitchell and  
20 Mr Moir.

21 Now, constable, I wonder if you would withdraw to  
22 the witness room while I hear some submissions.

23 (The witness withdrew)

24 Now, there are seats for the two of you, so you can  
25 perhaps both come to the table.

## Transcript of the Sheku Bayoh Inquiry

1 Ms Mitchell.

2 Application by MS MITCHELL

3 MS MITCHELL: Thank you.

4 The first issue that I would like to explore is  
5 based on the use of the word "coloured" and it's split  
6 into two parts. First of all, questions on appraisal,  
7 and secondly, questions on training.

8 The first in relation to appraisal. The Inquiry has  
9 heard that appraisals are carried out to provide, for  
10 example, feedback of things that you do well and might  
11 perhaps do better and work on in the future, and we saw  
12 an example of that and the witness being taken to that.  
13 What I would like to ask the witness is whether or not,  
14 since the time of her statement and the use of  
15 the word "coloured", whether or not anybody has asked  
16 either for an explanation of the term "coloured", that  
17 being from the PIRC officer who asked the statement to  
18 Police Scotland, to anyone with Police Scotland, to  
19 anyone that she had spoken to in the Federation;  
20 essentially did anybody or has anybody challenged her on  
21 the use of the term, any of those institutions.

22 The second part is in relation to training, and  
23 I heard my learned friend cover a number of  
24 the questions that she was given, but on the issue of  
25 race training, I wonder whether or not anyone had spoken

## Transcript of the Sheku Bayoh Inquiry

1           to them about using the word "coloured" as being an  
2           offensive term.

3           My learned friend did cover many of the questions in  
4           relation to race training, but I would like to ask  
5           whether or not it covered the use of offensive terms,  
6           did it cover the use of racial stereotypes, and my  
7           learned friend asked whether or not it covered  
8           unconscious bias, but the witness wasn't asked -- really  
9           asked how to guard against unconscious bias. Now,  
10          I appreciate the witness says that she can't remember,  
11          but any of these questions might trigger a memory that  
12          she's able to help the Inquiry with.

13          I make these enquiries in relation to this  
14          particular matter because as early back as the Lawrence  
15          Inquiry in February 1999, over 22 years ago, the use of  
16          the term "coloured" was explored as a term which  
17          suggested it might not be a term of overt racism or  
18          discrimination, but the use of such words -- and I'm  
19          quoting now from paragraph 60 of that inquiry:

20                 "The use of such words which are now well known to  
21                 be offensive, display at least insensitivity and a lack  
22                 of training."

23          And it goes on to explore the issues of the lack of  
24          challenging such terminology in terms of institutional  
25          racism.

## Transcript of the Sheku Bayoh Inquiry

1           The next issue I would like to explore with this  
2 witness is when she said that Mr Bayoh stopped  
3 struggling, and her evidence -- this is at  
4 paragraph 159.4, what happened after Mr Bayoh stopped  
5 struggling.

6           "I think it was PC Paton or sorry, someone had  
7 said 'check his breathing' and I'm sure PC Paton tapped  
8 him on the cheek and then somebody said 'he's  
9 breathing'."

10          Well, I would like to explore with her the question  
11 of why or how someone would tap someone on the cheek to  
12 test whether or not they were breathing, whether or not  
13 that would happen, and indeed, ask her in terms whether  
14 or not PC Paton slapped Sheku Bayoh. I think she said  
15 in another statement that PC Paton patted Mr Bayoh on  
16 the cheek, so I would like to clarify that matter.

17          The final issue that I would like to raise is  
18 the issue of "faking it", and that's to be found at her  
19 statement, PIRC 274, page 10 of 17. The reason for that  
20 is it appears that she considers that Sheku Bayoh might  
21 have been faking it, ie faking unconsciousness, and she  
22 mentions the slap in respect of that and I would want to  
23 explore with the witness did she think that what was  
24 being tested there was to see if Mr Bayoh was faking it,  
25 and I would respectfully consider that to be important



## Transcript of the Sheku Bayoh Inquiry

1           because there may be questions about whether or not it  
2           is more likely that black people might be seen as trying  
3           to "fake it" in terms of injury or, as in this case,  
4           being unconscious, and I would like to follow that up  
5           with one of the questions that my learned friend already  
6           asked: is it possible that you've made any assumptions  
7           about him "faking it" based on the fact that he is  
8           black.

9           LORD BRACADALE: Thank you.

10                  Mr Moir.

11                                 Application by MR MOIR

12           MR MOIR: Sir, the three questions which are all  
13           interrelated that I would wish to raise all relate to  
14           the aftermath in the canteen area. So you will have  
15           heard some questions by learned counsel regarding  
16           the canteen, but not going into these areas, and  
17           the three questions I would wish to deal with all relate  
18           to the canteen and the aftermath of the incident:

19                         Were you or any you have your colleagues concerned  
20           about whether allegations of racism may come up due to  
21           Mr Bayoh's ethnicity?

22                         During the time spent in the canteen at  
23           Kirkcaldy Police Office, did you or any of your  
24           colleagues raise the issue of Mr Bayoh's ethnicity? If  
25           so, what was the context?



## Transcript of the Sheku Bayoh Inquiry

1           you might do better in the future, and that's  
2           the purpose of appraisals; is that correct?

3           A. Yeah.

4           Q. When you gave your statement and used  
5           the word "coloured", did the representative from PIRC,  
6           Maurice Rhodes, did he ask you for any explanation of  
7           your use of the term "coloured"?

8           A. I can't remember.

9           Q. Did anyone from Police Scotland, subsequent to  
10          the giving of the statement, challenge you about the use  
11          of the term in your police statement?

12          A. I don't think so.

13          Q. Would you remember if they had done something like that?

14          A. Yeah, I think so.

15          Q. And do you remember if they have?

16          A. I don't think they have.

17          LORD BRACADALE: Ms Mitchell, in fairness, would Police  
18          Scotland have the PIRC statement? I don't think they  
19          would.

20          MS MITCHELL: I suppose, my Lord, it's only been  
21          subsequently disclosed to Police Scotland.

22          LORD BRACADALE: Yes. I have the point.

23          MS MITCHELL: Yes, I'm obliged.

24                 Has anyone -- well, I'll leave that point.

25                 In relation to training, on the training that you

## Transcript of the Sheku Bayoh Inquiry

1 received, did anyone speak to you about the use of  
2 the word "coloured" as being an offensive term?

3 A. I can't remember.

4 Q. Do you remember if your training covered the use of  
5 offensive terms at all?

6 A. I can't remember.

7 Q. Do you remember whether it covered the use of racial  
8 stereotypes?

9 A. I can't remember.

10 Q. Do you remember -- you've told the Inquiry that you  
11 can't remember whether or not it covered unconscious  
12 bias.

13 A. Mm-hm.

14 Q. But do you remember any training in relation to how to  
15 guard against unconscious bias?

16 A. No.

17 Q. I'd like to move on and enclosure another issue with you  
18 now. Earlier in your evidence to the Inquiry, you've  
19 said -- you were asked, "What happened after Mr Bayoh  
20 stopped struggling?" and you said:

21 "I think it was PC Paton, or, sorry, someone had  
22 said, 'Check his breathing', and I'm sure PC Paton  
23 tapped him on the cheek, and then someone said, 'He's  
24 breathing'. I can't -- I can't remember after that."

25 Would you tap someone on the face to check if they

## Transcript of the Sheku Bayoh Inquiry

1           were breathing?

2           A. So, I think he's been trying to get, like, a pain  
3           response, was my understanding of what he was doing.

4           Q. So he wouldn't be checking if he was breathing at that  
5           point, he was trying to get a pain response from him?

6           A. I'm not sure. I -- I assume that's what he was doing,  
7           but I don't know.

8           Q. I wonder if I can take you to -- Ms Drury -- the PIRC  
9           statement, 274, at page 10 of 17, and we'll look at  
10          the second paragraph. Do you see the second paragraph  
11          here that reads:

12                        "At that point I saw Alan Paton pat him on the cheek  
13                        with his hand. I thought that Shek was faking it, as if  
14                        he was faking that he was unconscious, as it is not  
15                        unusual for people to do that when they are being  
16                        arrested."

17                        Now, can I ask you, when you saw Alan Paton pat him  
18                        on the cheek looking for a pain response, was it because  
19                        -- did you link that with the idea that Sheku Bayoh  
20                        might be faking it?

21          A. I -- I don't know. I can't remember why I've -- why  
22          I've said that.

23          Q. Well, you say that you saw Alan Paton pat him on  
24          the cheek with his hand?

25          A. Yeah.

## Transcript of the Sheku Bayoh Inquiry

1 Q. Was that a gentle pat?

2 A. I think it's just been like a tap.

3 Q. The Inquiry has heard evidence from another witness  
4 who's given evidence that PC Paton slapped Sheku Bayoh.  
5 Did he slap him?

6 A. Not that I can remember. I can only go on what I've  
7 said in my statement, and I think it was a pat.

8 Q. So he patted him, is your evidence, and he tapped him?

9 A. Yeah.

10 Q. And you're suggesting that that would be enough to  
11 exhibit a pain response?

12 A. Yeah, I think so.

13 Q. Is that the way that you would check someone for a pain  
14 response?

15 A. I think I would do the way I've been taught to: rub  
16 the collar bone.

17 Q. And have you been taught any other ways other than  
18 rubbing the collar bone?

19 A. No, I think that's the only way I've been taught.

20 Q. So you haven't been taught to pat or tap or slap  
21 someone's face to check for a pain response?

22 A. No.

23 Q. When you said that he was faking it, or you thought that  
24 Sheku was faking it, as in he was faking it that he was  
25 unconscious, is it possible you've made any assumptions

## Transcript of the Sheku Bayoh Inquiry

1           about him based on the fact that he was black --

2           A. No.

3           Q. -- as doing that?

4           A. No. I think I've said that because he'd been so  
5           animated before and then all of a sudden he just -- he  
6           stopped. I've never -- in my experience, I've never  
7           seen a person go unconscious before. As I said, I was  
8           only three weeks in the job, so it was all new to me,  
9           yeah.

10          LORD BRACADALE: Yes, thank you, Ms Mitchell.

11                     You return to your seat and Mr Moir comes up, I  
12          think.

13                     Mr Moir.

14                                     Questions from MR MOIR

15          MR MOIR: PC Good, I want to ask you some questions about  
16          what happened in the canteen afterwards, okay, and  
17          that's all I want to ask you about?

18                     When you all went back to the canteen afterwards and  
19          your colleagues were all sitting about, was there any  
20          concern about allegations potentially being made against  
21          you of racism due to Mr Bayoh's ethnicity?

22          A. No.

23          Q. Nothing at all?

24          A. No, I don't think so.

25          Q. During your time in the canteen, did anybody raise any

## Transcript of the Sheku Bayoh Inquiry

1           concern, any comments about the fact that Mr Bayoh was  
2           black?

3           A. No.

4           Q. No mention of that at all?

5           A. No.

6           Q. Did anyone, or yourself perhaps, during all the time you  
7           were in the canteen, raise any concerns that there might  
8           be potential allegations made against you as police  
9           officers of racism because Mr Bayoh was black?

10          A. No.

11          Q. Nothing at all?

12          A. Not that I can remember.

13          Q. In the whole time you were sitting in the canteen,  
14          nobody raised the issue that he was a black man?

15          A. No.

16          MR MOIR: Okay, thank you.

17                        Thank you, sir.

18          LORD BRACADALE: Mr Jackson, as counsel for Constable Good,  
19          do you have any questions?

20          MR JACKSON: No, thank you.

21          LORD BRACADALE: Thank you.

22                        Well, constable, thank you very much for coming and  
23          giving evidence to the Inquiry. The Inquiry is about to  
24          rise and you will then be free to go.

25          A. Thank you.



## Transcript of the Sheku Bayoh Inquiry

1 (4.00 pm)

2 (The hearing adjourned until 10.00 am on Wednesday,

3 1 June 2022)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

# Transcript of the Sheku Bayoh Inquiry

## INDEX

1	
2	
3	MR KEVIN NELSON (affirmed) .....1
4	Questions from MS GRAHAME .....1
5	Application by MS MITCHELL .....107
6	Ruling .....112
7	Questions from MS MITCHELL .....113
8	PC KAYLEIGH GOOD (sworn) .....118
9	Questions from MS THOMSON .....118
10	Application by MS MITCHELL .....182
11	Application by MR MOIR .....185
12	Ruling .....186
13	Questions from MS MITCHELL .....186
14	Questions from MR MOIR .....191
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	