



The Sheku Bayoh Public Inquiry

Witness Statement

Alan Forbes

Taken by [REDACTED]

At Capital House

on Thursday 10th November 2022

Witness details

1. My full name is Alan [REDACTED] Forbes. My date of birth is in 1966. My contact details are known to the Inquiry.
2. On 3 May 2015, I was a Detective Constable in the Criminal Investigation Department (CID) for the J Division, and I was in my fourteenth year of police service.

Previous Statement

3. I have had sight of the statement I prepared dated 15 May 2015 (PIRC-00130). This is an operational statement that I prepared once my involvement with the incident was complete. I was never interviewed by the PIRC regarding this incident. This is the only statement I prepared for this incident. An operational statement is a record of the actions that the officer took in an investigation. In preparing my operational statement, I have described my actions in chronological order, referring to my police notebook (PS18491, PS18492, PS18493) as and when required.

Signature of witness [REDACTED]

4. I believe my memory outlined in my operational statement was clearer at the time of giving this statement than it is now just with the passing of time. The operational statement I gave was given to the best of my memory at the time and I did my best to be truthful and accurate in what I said. I expect that the operational statement I gave will be more accurate than what I can recall now. If there is any discrepancy between what I have said in this statement and my operational statement, my operational statement should be preferred. I remember reading over my operational statement at the time.

Police Notebook

5. I have had sight of my notebook entries for the period 3-4 May 2015 (PS18491, PS18492, PS18493). I remember taking these notes. Any information of evidential value or significance to an incident would be kept in my notebook.

6. I did also keep a pocketbook at the time. A pocketbook would be used as a diary and a place for the officer to keep personal notes. For example, if I attended a briefing and I was asked to contact someone with a phone number I was given, I would take a note of the phone number in my pocketbook.

7. In certain circumstances, it is common for an officer to keep both a notebook and a pocketbook. As a Detective, you would have a pocketbook to make notes to remind yourself of things.

8. There is a police notebook register kept for notebooks. Each notebook has a serial number. The notebook would be issued to the officer, and when completed, the officer would hand it over to their Sergeant. The Sergeant would then check the notebook against the serial number and it would be placed into the store facility.

9. I've been asked whether I was asked to provide copies of my notebook entries for the incident on 3 May 2015 to Police Scotland. Not that I can recall. I think I just

Signature of witness 

completed the notebook and handed it over to my Sergeant in the typical way. The entries for 3-4 May are at the start of the notebook. I can tell this by looking at the page numbers for the entries which are pages 5-9.

Career

10. I joined Lothian and Borders Police on 30 October 2001. I then went through my 2 year probation period where you performed uniformed duties. I was then based down in Dunbar, near Haddington in East Lothian.

11. After about a year in Dunbar, I moved up to Midlothian working in Newbattle, Newtongrange area doing uniformed duties as a response officer. Response officers provided 24 hour cover response to calls received from the public.

12. I then spent a few years doing Community Policing. This is a slightly different role to a response officer. Whilst you still deal with uniformed enquiries, it was also doing crime prevention work such as school talks. You were a point of contact in the community for local issues.

13. In 2008/09, I took up my first Detective role in the Family Protection Unit which dealt with vulnerable persons cases. This involved dealing with a lot of child abuse enquiries, child assaults, historical sex crimes. I worked in the Family Protection Unit for 4.5 years.

14. I then received an attachment to the Reactive CID. I worked in this role for 6 months. I moved from there to the Offender Management Unit. This involves monitoring and managing registered sex offenders in the community. So there's legislation around that.

15. In 2013, after a couple of years in the Offender Management Unit, I moved permanently into the Reactive CID based at Dalkeith Police Station. I left the CID in 2016.

Signature of witness 

16. After leaving the CID, I moved back to community policing. I did a small secondment for a while to Safer Communities. This is a dedicated role looking at crime prevention.

17. After working in Safer Communities, I returned to community policing duties in Midlothian. In August 2021, I retired from Police Scotland and I now work at the [REDACTED].

Commencing Shift on 3 May 2015

18. On 3 May 2015, I commenced my shift at 07:00 hours at Dalkeith Police Station. My shift partner that day was Detective Constable (DC) Brian O'Neill. DC O'Neill was part of the team I was working with at the CID. Within the CID there are various teams of officers since we ensure that there is 24/7 cover with our shifts. I had worked with DC O'Neill before 3 May 2015.

19. At around 9:00 hours that morning, DC O'Neill and I were down near Galashiels on a separate enquiry. We were in the police car at the time that DC O'Neill received the call about the incident concerning Mr Bayoh. He received the call and the message had been immediately relayed to me. I can't remember who told DC O'Neill that morning about the incident. It would have been a Detective Sergeant or a Detective Inspector who delivered the message.

20. In terms of the message passed to DC O'Neill, there would have been very little information passed aside from the information contained in my operational statement, that it was a "*death following police contact*". The message was that we needed to go straight away to Kirkcaldy. There was no more information passed at that time.

21. I've been asked whether it is common practice for brief information to be passed in the initial message about attendance at an incident. This is correct. Officers will receive brief information which can be updated depending on the circumstances of the incident. Officers will typically receive more detailed information at the official

Signature of witness [REDACTED]

incident briefing. Officers are typically initially told where to attend for the incident to receive the briefing.

Attending Briefing at Kirkcaldy Police Station

22. I arrived at Kirkcaldy Police Station with DC O'Neill at 10:25 hours. I can see that I have noted an entry in my police notebook for my arrival at Kirkcaldy Police Station (PS18492).

23. I have been directed to my operational statement where I have written about my attendance at a formal briefing that morning. I have been pointed to the statement (PIRC-00136) of Detective Sergeant (DS) Graeme Dursley where he describes briefing me at about 11:20 hours that morning. I recognise DS Dursley's name, but I can't remember whether he did brief me that morning. I attended the briefing with DC O'Neill and there were other officers there from Fife Division who I didn't know. I have been shown the names of the other officers mentioned in DS Dursley's statement. I don't remember whether those officers did attend the briefing that morning, but there were several officers there.

24. I've been asked whether a recording of the briefing would have been noted. It would have been recorded somewhere, whether that be in someone's notes or if an official file was started.

25. It was an official briefing, so all of the officers required at the briefing would be brought together. The person leading the briefing would explain the circumstances of the incident and the attending officers would be given actions to complete. It was not a briefing where we would have a discussion. Officers would be told "This is the circumstances, this is what we know so far, this is what I would like you to do". So that's why I'm calling it an official briefing because it would be a formal process.

Signature of witness 

26. I can't remember exactly what was said at the briefing. I can remember that we were told that in the early hours of that morning, there had been calls into the police regarding a male who was acting in an agitated manner. There was a mention of that male being in possession of a knife. The male had then been found by the officers. I can't remember how it was phrased, but we were told basically that there's been a suspected death after police contact.

27. I can't remember whereabouts in Kirkcaldy Police Station that the briefing was held. I can see from DS Dursley's same statement that the briefing was held in the Major Investigation Team office. I do remember it taking place in an office room. I remember that DC O'Neill and I arrived nearly an hour before the briefing commenced and we waited within the station.

28. I can't remember how long the briefing would have lasted. I have looked in my police notebook (PS18492) and I can see that my next entry after arriving at Kirkcaldy Police Station was when I attended at an address as part of my briefing task at 11:55 hours. If the briefing started at around 11:20 hours - according to DS Dursley - about 35 minutes later I was already attending at a property as part of my task. The briefing couldn't have lasted that long.

29. DS Dursley would have introduced himself at the meeting. I would have been told at the time who was in charge of the Post-Incident Management of the incident, but I cannot remember now.

PIRC Involvement

30. At the briefing, I remember being told that the investigation was going to be taken over by the PIRC. My understanding of police officers' presence at the incident was to make initial enquiries and carry out initial actions, i.e. secure evidence, until it fully fell under the PIRC's jurisdiction.

31. This is the first investigation I had assisted with where the PIRC had become involved.

Signature of witness 

Presence within Kirkcaldy Police Station

32. When DC O'Neill and I first entered Kirkcaldy Police Station that morning, I can't remember which entrance we used to enter the building. I remember that when we did enter, to the right of me was the staff canteen. There was a group of officers sitting within the canteen. I only saw the officers for a brief moment as I passed by the canteen and went off to the left to head upstairs. I can't remember seeing the officers any time after that during my presence within the station.

33. I think someone said to me that those were the officers who had been involved with Mr Bayoh at Hayfield Road. The officers certainly didn't look like a usual shift on a break. Usually officers on a break would have food in front of them and are usually talking to one another. The officers in the canteen were very quiet. Officers will usually be sitting with their Personal Protective Equipment (PPE) on or it will be sat at their side. I can't remember seeing the officers with PPE within the canteen.

34. I never spoke with any of the officers in the canteen.

Tracing Martyn Dick and Kirsty McLeod

35. At the briefing, I had been tasked alongside DC O'Neill and other officers to trace Martyn Dick and Kirsty McLeod. I can remember that Martyn Dick was a friend of Mr Bayoh's and Kirsty McLeod was Martyn Dick's partner.

36. Prior to this incident, I had experience with tracing individuals for investigations and enquiries.

37. I can't remember what information I was given about Martyn Dick before I began tracing him. I was just given that instruction. Looking to my police notebook (PS18492), I can see an entry I have written for 11:55 hours that morning where DC O'Neill and I have attended an address for Martyn Dick which appears to have been his parents' address. The entry says that I spoke with Martyn's parents and

Signature of witness 

he was not present at the address. Looking at the way I have drafted that entry in my notebook, that address would have been supplied or partly supplied to me beforehand.

38. Looking to the next entry in my notebook, at 12:15 hours, I have spoken with Martyn Dick. Martyn has provided me with his details and his address, which I have listed in my notebook.

39. I've been asked what Martyn Dick's status in the investigation was at the time I was tasked with tracing him. I remember that he was a witness. To my recollection, this did not change during my involvement in the investigation. This would have been explained to Mr Dick by DC O'Neill and I during our involvement with him.

Attending property of Martyn Dick

40. At around 13:10 hours, I attended the property of Martyn Dick and Kirsty McLeod with DC O'Neill. From looking at DC Dominic Cox's statement PS00589, I understand that officers DC Dominic Cox and DC Peter Stark assisted with escorting Kirsty McLeod and Martyn Dick to Kirkcaldy Police Station.

41. I can't remember whether we all attended the property together. From looking at the entry in DC Cox's statement, it appears they've attended the property slightly later than DC O'Neill and I. This is something that I would not have noted in my notebook, as I would have only recorded my actions and perhaps those of my partner, but not other officers who were working alongside me. If I needed to include names of other officers in my book, I would put them in. At that point I didn't deem it necessary to have their details because they would be recording their own actions.

42. I have no recollection of the conversation that took place between DC O'Neill and Martyn Dick when we first arrived at the property.

Signature of witness [REDACTED]

Seizure of Martyn Dick's Property

43. I have been asked why the property was to be seized as a potential crime scene. From my recollection, there was a possibility at that point that Mr Bayoh had been in the property before the incident occurred on Hayfield Road. There may have been evidence of interest to the investigation at Martyn Dick's property, so we'd be looking to seize that in case it was required.
44. The term 'crime scene', is a scene. It is not limited to scenes where a crime has been committed. The scene may relate to part of the investigation. The property was called a potential crime scene as there may have been evidence held there that related to the incident being investigated.
45. I've been asked who would have instructed DC O'Neill and I to seize Martyn Dick's property. I can't recall specifically whom, but my guess would be that it was discussed at the official briefing that morning.
46. In terms of seizing a property, all the people present within the scene would be first removed. We would then create a cordon around the scene, initiate locus protection and start a scene entry log. The scene entry log records anyone going in and out of the scene. There may be officers going in and out and potentially forensic specialists. The scene entry log becomes our control. It was not myself who initiated locus protection and started the scene entry log, that would have been other officers.
47. I can see from my police notebook on page 7 that I received permission to check the house. I remember performing this check. Checking the house would involve ensuring that no one else was still present in the property. There is a difference between performing a check of a property and performing a search. When a serious incident is being investigated, you would typically seek a warrant to search a property. I have no recollection of performing a search to the property.

Signature of witness 

48. I have been asked if any forensic precautions were taken when checking the property. Since we were just looking around rooms to ensure everyone had left the property, we wouldn't typically take any precautions.

Escorting Martyn Dick to Kirkcaldy Police Station

49. DC O'Neill and I thereafter conveyed Martyn Dick to Kirkcaldy Police Station. This was a voluntary arrangement and Martyn Dick was allowed to make his own way to the station. Since DC O'Neill and I were tasked with interviewing Martyn, it made the process easier for us to convey him there ourselves.

50. I can't recall what time DC O'Neill and I left the property for Kirkcaldy Police Station with Martyn Dick. From looking at both my operational statement and police notebook, it would have been any time between 13:10 and 13:40 hours.

51. We arrived at Kirkcaldy Police Station at 13:40 hours. DC O'Neill and I escorted Martyn Dick to one of the interview rooms. I can't remember which interview room and whereabouts in the building it was located.

Taking DNA Mouth Swabs from Martyn Dick

52. At 13:45 hours, DC O'Neill took DNA mouth swabs from Martyn Dick. There would have been 2 swabs taken, 1 from each side of the mouth. I was present whilst the mouth swabs were being obtained. It is standard procedure for two officers to be present to corroborate the evidence that is being gathered.

53. There is a dedicated kit for taking mouth swabs. It contains gloves, 2 swabs, 2 tubes, barcode labels and an evidence bag. Before taking the swabs, the officer would explain to the individual the process for taking the swab. The officer would then open the kit and put on the gloves. The barcode labels would be checked to ensure the number on the barcodes is all the same. A barcode label would be applied to each of the tubes as well as to the evidence bag. The tubes are similar to those used for the COVID-19 testing kits. The barcode allows for the tubes to be

Signature of witness 

identified once they are submitted to the laboratory for testing. The swabs would be removed from their packaging and the officer would use each swab to swipe 10 times inside each cheek. The swabs would then be placed into each of the tubes, the swab handles would be snapped off and the top of the tubes closed. The tubes would be placed in the evidence bag for sealing.

54. I have been asked why DNA mouth swabs were taken from Martyn Dick as a witness to the investigation. They would be taken for elimination purposes. Since a search of Mr Dick's house would be performed as part of the investigation, this would allow for Mr Dick's DNA to be eliminated in consideration of any evidence at the scene. This is a standard procedure in investigations. I was not asked to carry out any other forensic procedures to Mr Dick, such as fingerprinting.

55. The mouth swabbing process would have taken a couple of minutes to complete. It's not a lengthy process and the actual obtaining of the samples only takes a few seconds. I can't remember who the samples were handed to.

Noting Martyn Dick's Statement

56. I can see from my operational statement that I thereafter noted Martyn Dick's statement. I did so in the presence of DC O'Neill. It is standard practice for two officers to be involved in the statement taking for corroboration of the evidence. Since DC O'Neill had taken the lead at Mr Dick's property and had taken the mouth swabs, I had likely then taken over the lead to take the statement. It would have been an informal arrangement between us for division of the work. Both DC O'Neill and I were equally qualified to take the mouth swabs and to obtain the statement.

57. With Mr Dick's status as a witness, the process of taking mouth swabs and noting the statement was a voluntary process. Mr Dick would have been allowed to have a support person present during the taking of the statement if he felt like he needed one. This would have been made clear to Mr Dick by DC O'Neill and I several times.

Signature of witness 

58. I have been shown a statement (PIRC-00030) taken from Martyn Dick dated 3 May 2015. This is the typed statement which would have been typed using my handwritten statement from that day. I can see collar number [REDACTED] recorded as the statement taker. I can confirm this is my collar number and this is the statement I took from Mr Dick that afternoon.

59. As well as noting the statement by hand on an official police manuscript statement form, the statement would have also been recorded. I can't recall whether this was done by video or audio. I can see from my operational statement that a label 'DVD KY/089/15' was produced which suggests that a combined video and audio recording was collected for the interview.

60. During the taking of the statement, I remember that DC O'Neill was instructed to assist elsewhere in the investigation due to his crime scene management experience. DC O'Neill was initially replaced by DC McAulay, and thereafter by DC Clayton.

61. The statement interview would have started a couple of minutes past 13:45 hours, after the mouth swabs were taken, and I can see that it finished at 17:22 hours. From 17:22 hours, I have read back the statement I have noted to Mr Dick in the presence of DC Clayton to see if there is anything that needed to be changed or corrected.

62. During my dealings with Mr Dick, I do remember that he asked questions about what had happened to his friend, Sheku Bayoh. I remember that I was advised to keep my answers very general and not to give away any specific information. I told Mr Dick that we were still making enquiries into the incident.

Seizing Martyn Dick's Mobile Phone

63. At 17:55 hours, I had taken possession of Martyn Dick's phone in the presence of DC Clayton. I don't remember doing that specifically, but that is something that we would do in a major investigation.

Signature of witness [REDACTED]

64. I have been asked why the mobile phone was seized. It may have been seized as a production, as it may have information on it relating to the case. After seizing the phone, it would have likely been handed off to the productions officer. There is an officer that is designated as the productions officer, and they are responsible for collating and preserving all the productions that are seized during an investigation. I cannot remember seizing the phone, and therefore cannot remember what happened to the phone after it was seized.

Attendance at Hayfield Road

65. I have been asked about the gap in time from 17:55 until 21:15 hours which is evident from my statement. I did not receive any more tasks after dealing with Martyn Dick, whilst DC O'Neill was engaged as a crime scene manager for one of the loci. We travelled together to Kirkcaldy, and I would have been waiting in the Kirkcaldy Police Station for DC O'Neill to finish his duties or waiting to see if I was required to do anything else. If there was anything that I had to do that was relevant to the investigation, it would be in my police notebook. I can't remember speaking to anyone about the case during this time.

66. At 21:15 hours, I have attended at Hayfield Road where I have met with DC O'Neill. I was there in an official capacity, but I can't remember who asked me to attend the scene. It may have been the officer who was in charge of the investigation at that time. It may have been DC O'Neill himself who asked that I come up.

67. Before arriving at Hayfield Road, I would have been told simply to go and assist DC O'Neill at the scene. I made my way to Hayfield Road in our divisional unmarked police car. I remember going up and the locus was marked off with police tape. I met with DC O'Neill outside the cordon. I can't remember at which end of Hayfield Road I met DC O'Neill. I remember that I met him at the bottom of a hill and we walked up.



Signature of witness

68. DC O'Neill briefed me on what I was there to do. I haven't noted any discussions between DC O'Neill and I in my notebook. If there was anything that I felt that I had to record that was noteworthy at the time of the briefing, then I would have. He would have informed me that there were several items mapped out for seizure. It would have been a conversation about where we were going and what items we would be looking to seize. I can't remember how long the briefing from DC O'Neill lasted, but it wouldn't have been long at all.

69. I have been shown the scene entry log (PS17853) for Hayfield Road which I had signed at 21:50 hours. I can confirm the entry I added on page 10. I have also signed the productions label at number 6. The scene entry log is signed as a record of those entering and exiting the scene. The usual procedure is that there is an officer standing at the entrance to the crime scene. There's an officer standing with the book, and they don't let anybody in until they've signed it and they'll sign people coming back out.

70. I've been asked about the 35 minute time period between arriving at the scene at 21:15 hours until I signed the scene entry log at 21:50 hours. I think DC O'Neill might have gone away for a period of time, I can't remember why. I wouldn't have entered the cordon without him, so I have likely waited outside of the cordon until he has returned.

Seizing Recovered Items at Hayfield Road

71. At 21:50 hours, DC O'Neill and I then forensically seized various items that had been identified by numbered markers at the scene.

72. I did receive training on seizing productions during my initial probationer training at the Scottish Police College, [REDACTED]. I do remember receiving further training at times during my police service, however I cannot put dates on this. I did have experience with seizing items at a scene before 3 May 2015. In terms of the seizure process, you'd be gloved up. If you were required to, you'd be wearing a mask or a white suit so there's no cross-contamination, depending on the circumstances.

Signature of witness [REDACTED]

Then the items would be separately placed in a productions bag, this is to avoid cross-contamination. There are different types of productions bags (i.e. made of different materials) that can be used depending on the item being seized. Where the seized item is wet, you would use a paper bag because it lets it dry. Whatever bag it is, it's sealed at the top. So these items would be marked out where they were situated. I'd fully expect that there's been photographs taken of those items *in situ* beforehand at the markers and then the items are taken, placed in the bags and sealed up.

73. It is standard practice for two officers to seize items recovered at a scene together for corroboration of the evidence. Only one of us would have collected the items, but the other person is witnessing the item being lifted. I think that DC O'Neill lifted the items, and I witnessed him doing so.

Drains Search of Hayfield Road

74. The road drains were required to be drained so that a search could be performed by a search trained officer. I remember an employee from Scottish Water attending to perform the drainage of the eight road drains.

75. As the officer in charge of the scene, it would have been DC O'Neill who would have made the request for the drains to be drained. That may have happened as the result of a direction from a senior investigating officer. I've not done the crime scene management course, so it may be something that is standard practice. I don't think that DC O'Neill would have contacted Scottish Water directly, I think this would have been organised through the Operations room.

76. It would have been DC O'Neill who briefed the Scottish Water employee and the search trained officer. I had no involvement in this. I had never been involved in a case prior to 3 May 2015 where the drains have been drained as part of a scene search.

Signature of witness 

Completion of Shift

77. I can see from my statement that at about 23:30 hours, I left the cordoned area at Hayfield Road and signed out of the scene entry logbook. I have thereafter returned to Kirkcaldy Police Station with DC O'Neill and handed over the seized items to DC Gilzean.

78. DC Gilzean was the appointed productions officer. I can't remember the specific procedure on 3 May 2015, but typically the seized items would be handed over to the productions officer who would check that they were sealed and that the label was filled out correctly before receiving them. If there was anything that needed to be done, that officer would provide instructions, so as to make sure that everything was in order with the productions. The officer in charge at that point would have told us that after we had seized the items at the scene and handed them over to the productions officer, we would be free to finish our shifts.

79. I terminated duty at 01:00 hours on Monday 4 May 2015. After I terminated my duties that morning, I took no further involvement in the investigation.

Police Notebook entries

80. I have been asked to confirm what is written at some of the entries in my police notebook.

81. I have been directed to page 6 of my notebook (PS18492). I am asked what is written on the first two lines for the entry timed 11:55. The answer is "*Attend* [Martyn Dick's address] *with DC* [redacted] *O'Neill*". [redacted] is DC O'Neill's collar number. I am asked what lines three and four of the same timed entry say. The answer is "*Address of Martyn Dick*". This is referring to the address written on line 1 of that timed entry. As I have mentioned elsewhere in this statement, that address for Martyn Dick would have been previously supplied or partly supplied to me which I can tell by the way I have noted the address in my notebook. I am asked what lines

Signature of witness [redacted]

five and six of the same timed entry say. The answer is *“Not present spoke with parents”*. As I have mentioned elsewhere in this statement, it was discovered that the property belonged to Martyn’s parents, and he resided elsewhere.

82. I have been directed to page 6 of my notebook. I am asked what is written on the first line for the entry timed 12:15. The answer is *“Attend address below”*. I am asked what the lines next to the circled number 1 under the same timed entry say. I have listed Martyn Dick’s name, date of birth, addresses and occupation. I have listed two address for Martyn Dick. The second address is likely the address I’ve traced him to. The information for Martyn Dick is listed next to a circled number 1 as this is how I would draft my notebook entries when speaking to multiple people as part of an enquiry. I would list people in the order that I’ve spoken to them. I have therefore likely spoken to Martyn Dick first. I am asked what the lines next to the circled number 2 under the same timed entry say. I have listed Kirsty McLeod’s name, date of birth, address, occupation and place of work. This information would have assisted in my tracing efforts of Martyn and Kirsty.

Training

83. I have been asked about the training I received as a Detective Constable. I completed the four week Detective Training course, dealing with all aspects and techniques of investigations into serious crimes and incidents. This consisted of classroom training, practical exercises and training for the interviewing of witnesses and suspects. There were examinations and assessments throughout this course. Then for each department I worked for, I completed specialist courses relevant to the work I was doing within the department. In the Family Protection Unit I completed a two week Child Protection course dealing with all aspects of child protection enquiries. I was assessed by examinations throughout this course. I completed a one week Offender Management course dealing with all legislative and practical aspects of managing offenders in the community. There were examinations and assessments throughout this course.

Signature of witness 

84. My training was predominantly looked after by the training department at [REDACTED] Police College. There are prescribed courses that you have to complete and there are examinations and assessments during the courses to say that you've met the standard. Training is overseen by management who ensure that officers are keeping up to date with their training. I think the training for mandatory courses and specialist courses relevant to your department is also monitored locally. This is to ensure that you are attending the courses and that this is reflected on your SCOPE record. There were also courses that I attended because I had an interest in the course content. For those courses, officers could attend when they wanted.

85. I have been asked if I can recall any training received for Equality and Diversity. I did various courses in Equality and Diversity throughout my career. I can't remember any specific dates that I received training, but I did receive it more than once and pre-May 2015. The training that I received varied, as the awareness and training on Equality and Diversity evolved over the years. I might have been refreshed on certain topics, but there was always other new topics that were explored. I have been asked how the Equality and Diversity training was delivered. It was in a classroom setting and there would be discussions around topics. We would also participate in scenario exercises and some of it was there to explain about challenging preconceptions and things like that. Not long before I finished, I completed Hate Crime Champion training. This was classroom based and consisted of training on legislation and procedures. There was discussion around various scenarios. The purpose of the training was to have officers who were a point of contact to offer support, help and guidance to divisional staff dealing with reports of hate incidents and crimes. As best as I can remember I undertook this training around 2018.

86. I am asked if I ever had training on learning from the experiences of other police forces. I can't really remember. If something had changed legislation-wise, or if there was maybe a learning point from another force, it's maybe been incorporated into training. I can't honestly remember anything in particular around that.

Signature of witness [REDACTED]

87. I am asked about the training that I received on use of PPE and Use of Force. There was annual re-certification on the Use of Force and use of PPE. It fell under the mandatory Officer Safety Training (OST). I received initial training on use of incapacitant sprays during my initial probationer training and annually at Operational Safety Training courses. This involved class-type instruction and practical exercises. I have received training on de-escalation of situations. I cannot remember exactly when but I would say during my probationer training and not specifically as a subject, but as part of the OST training.

88. I am asked if I received training on positional asphyxiation. I do remember that this was incorporated into the OST. Before 3 May 2015, I do remember that positional asphyxiation was taught as part of the OST.

89. I am asked if I received training on excited delirium, acute behavioural disturbance and drug-induced psychosis. I do remember these concepts being taught, but I can't quite remember when we did the training for those. I think they were taught latterly in my career. I was aware of it for a good few years before I finished, but I couldn't put a date on it. I couldn't say pre or post-May 2015. I'm hazarding a guess at post-May 2015. I'm not entirely sure, but I know that we did. I remember going through the training several times.

90. I am asked if I received training on how to identify a medical emergency when assisting at an incident. We received first aid training at [REDACTED], so that we could recognise medical emergencies. You could be going to see someone who's making a report, and they might have an injury, or you might happen upon someone in the street. We were taught basic first aid and were taught to phone an ambulance for assistance. The first aid training used to be a separate course, but it was amalgamated with the OST so you were re-certified annually for both your first aid training and your OST at the same time.

91. I am asked if I have received any training on post-incident management processes that would be followed in relation to a death in custody or investigations of deaths in custody. This was the first death in custody case that I was involved with. I don't

Signature of witness [REDACTED]

remember any procedural training. I was aware that there were procedures, but I never had to manage those procedures, because I was never in a supervisory role.

92. I am asked if I ever received training for liaising with the next of kin and family when dealing with an incident. I did receive training generally in terms of how to speak to people. The Family Liaison Officer (FLO) is a specialised role, which I never did. As part of my role in the CID, I spoke to a lot of family members for incidents where serious crimes occurred. It's a technique that I developed, how to speak to people and how to relate to people in a respectful manner.

93. I am asked if I ever received training on obtaining witness statements. I was first given training on obtaining witness statements during my initial probationer training at the Scottish Police College, [REDACTED]. I do remember receiving further training at times during my police service, however I cannot put dates on this.

94. I am asked if I ever received any training on the delivery of a death message. It was part of our probationary training, and we were taught how to pass the message. We were taught to be quite sensitive but direct. You don't elaborate on it, and there's a lot of welfare involved. Once you've passed a death message then just making sure that the person's not left alone and do whatever you can to support them until other family members can. You can get someone there to help them and support them if you can phone people. It becomes a support function.

95. I am asked if I ever received any media training. I did as part of my Detective training which occurred pre-May 2015. As part of the training we had to do a press interview in relation to an incident. The training focused on how to speak, how to project and how to say the things you want to say. I don't know if media training was available to other officers. I don't know if there was any guidance material readily available to officers.

Signature of witness [REDACTED]

Experience of Critical Incidents and Deaths in Custody

96. I had been involved in two major enquiries into serious incidents, which merited the formulation of dedicated teams of officers to investigate. One of those investigations took place before 3 May 2015. It spanned over several months and it occurred whilst I was on my attachment to the Reactive CID. The other investigation which took place post-May 2015, and happened whilst I was working in the Divisional CID, which would have occurred before I left in 2016. I am unsure whether either of those incidents were declared as a 'critical incident'.

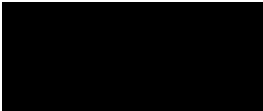
97. As mentioned elsewhere in this statement, this was the first investigation I had been involved in which concerned a death in police custody.

Race

98. I am asked whether I have ever in my career with the police witnessed any examples of racial discrimination, racist comment or racist jokes by police officers or staff. My answer is no. I've not heard anybody voice a racist view in my company, or anything like that. I haven't seen anybody showing they were treating a person differently when they're dealing with them officially or anything like that. I've certainly not been aware of that in any people I've dealt with, any former colleagues.

99. I am asked how I would respond if I were to observe racist behaviour in the workplace. I would take action by speaking to the person involved and explaining my concerns.

100. I am asked whether there is a formal process for reporting and recording racist incidents at work. I am aware there was a process for reporting people whose standards fell below that expected of officers in Police Scotland. As far as I know this was not specifically for racist behaviour but any form of conduct.

Signature of witness 

101. I am asked what my understanding is of the role of a senior officer in the process for reporting a racist incident once it has been escalated to them. My understanding is that a senior officer would carry out an investigation and report the findings to the relevant departments as the circumstances dictated.

Miscellaneous

102. As with all investigations I have been involved in, I take my involvement very seriously and approach it with professionalism.

103. I have been asked if I discussed the incident with any of my colleagues. DC O'Neill and I may have spoken about it coming down in the car – we probably did – just in sort of general terms. It's not one of these things that we really talk about.

104. I've been asked if I knew any of the other witnesses involved. Because the incident happened in P Division, I don't know any of the officers from there.

105. After my involvement with the investigation during 3-4 May 2015, I did not follow the progress of the investigation. I see that the incident was reported in the news on TV and in the newspapers. I've watched and read things that I have seen, but I haven't been actively following the investigation. Since the Inquiry hearings began in May 2022, I have watched the odd news story, but I have not followed the Inquiry hearings otherwise.

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

January 12, 2023 | 8:33 PM GMT

Date

Signature of witness 