



The Sheku Bayoh Public Inquiry

Witness Statement

Alex McGuire

**Taken by [REDACTED] by MS Teams
on 12 December 2023**

Witness details

1. My full name is Alexander McGuire. My date of birth is [REDACTED] 1959. My contact details are known to the Inquiry.

Professional background and experience

2. I have been asked what my professional background was prior to PIRC. In 1981 I joined the British Transport Police. I served in all ranks, uniform and CID, retiring in 2011 as a DCI.
3. I joined PIRC in September 2013 as an investigator. That was my role throughout my time with PIRC.

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4. I have been asked if I was recruited to work at PIRC. I was advised of a vacancy for a short-term contract with PIRC in Sept 2013. I applied for and was successful at interview.

Role at PIRC

5. I have been asked what my duties and responsibilities were as an investigator. I worked as part of a team. The team leader - the Deputy Senior Investigator - would allocate inquiries and actions. I would work as and when directed by the DSI obtaining statements, interviewing witnesses, obtaining and dealing with productions, etc., and then latterly, carrying out my own allocated investigations.
6. I have been asked who I reported to at PIRC. Initially, it was DSI Keith Harrower, and then I had a number of changes of DSI as a result of restructuring within the organisation.
7. I have been asked if any staff reported to me. No.

The Police Investigations and Review Commissioner

8. I have been asked how being a police officer is different to being an investigator. From a police investigator aspect of things, you're looking towards evidence to either gain evidence for a prosecution, or to exculpate the individual concerned, so it's working it from both sides. More often than not, it's to gain evidence for a prosecution. From the PIRC side, you're trying to establish what actually happened, and then formally report on the actual circumstances.

I have been asked if I feel my background as a police officer had any particular advantage or disadvantage for my work at PIRC. In my opinion I think it was

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an advantage to me having the knowledge and experience of almost 30 years' in in the policing. In both CID and Uniform.

9. I have been asked if I feel PIRC having a number of employees who were former police officers had any particular advantage or disadvantage for PIRC. I think there was an advantage in having experienced and specialist ex-police officers available and within the organisation. As I've just explained, these individuals bring with them a wide range of specialisms and experience to the organisation. These individuals would have a wide operational experience and knowledge in how to carry out investigations, and they would know what was requirements for any kind of prosecution in the future, and they would know what was required in terms of the formulation and submission of a report to Crown Office or Police Scotland.

10. I have been asked if, prior to 3 May 2015, I had any experience of PIRC investigations of deaths in police custody, or deaths following police contact. I was involved in the investigation of a death in police custody in Annan. It was a person who died in police custody there. My role was assisting the PIRC scene manager. I can only recall this one incident at that time.

11. I have been asked about, when working in a PIRC investigation, I may have been required to liaise with and direct police officers of a rank senior to the rank I held in the police, I have been asked if this had any impact on my ability to participate in a PIRC investigation and provide direction to officers from Police Scotland. It did not present any difficulties to me; I don't think it presented any difficulties to others either. PIRC was a completely different organisation, so no. There was no issue as far as I could see because we were doing basically what Police Scotland would do going into another organisation, whether it be the Fire Service or whatever, directing or requesting senior officers to do certain things there. So, as far as I was concerned, there was no difficulty in doing that.

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12. I have been asked if, between May 2015 - August 2016, I felt PIRC had adequate resourcing for PIRC to comply with its statutory obligations in terms of funding, staffing numbers, training opportunities and expertise of staff. At the time, no, I don't think we were understaffed.

Training

13. I have been asked if, when I joined PIRC, reliance was placed on the training that I had previously received as a police officer. Yes.

14. I have been shown a document containing a list of the training PIRC hold me as having received while working there. (PIRC-04577) I have been asked if I think I would have benefited from any kind of specific investigatory training. No, I think the training that I had had with BTP in house and through the Scottish police college was adequate.

15. I have been asked about the defibrillator/CPR training that I requested. I think I had requested that training. I think PIRC put a note out saying they were going to do it, and I said I would like to do it. I volunteered for it, so it wasn't a specific request by me. It was responding to an organisational email.

16. I have been asked if I completed yearly online iHasco online training while at PIRC. Yes. I think there was three or four compulsory modules that had to be completed annually.

17. I have been asked if I recall receiving any training about equality issues or unconscious bias while at PIRC. Yes, but that was in about 2017/18.

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18. I have been asked if this training in 2017/2018 was online training. Yes, it was. I think we had been given access to the Scottish Executive Training website, and I completed that training.

19. I have been asked how it was identified that staff required, or would benefit from training. The training needs, I think was two fold. Firstly, it was from the organisation. I seem to remember at least three times, maybe even four times during my period there, the organisation explored the requirement(s) for various skillsets within the organisation. These skillsets included for example, family liaison officers, crime scene managers, traffic investigator etc., PIRC would then address the shortfall at the next intake of PIRC investigators. Secondly, there was also an opportunity during our annual performance development reviews for the interviewee to request additional training courses they would like. There was also the opportunity at this time for the line manager to identify any training needs that either the manager felt you needed or that you had requested.

20. I have been asked if I felt adequately trained and experienced to carry out my role at PIRC. Yes. I felt that I had enough training and experience to fulfil my duties as an Investigator.

21. I have been asked if there was any process within PIRC to assess “lessons learned” from PIRC investigations. In its infancy, in roughly 2014, I think there were debriefs from some of the investigations which had been done recently. However, I cannot recall if there were any kind of formal notes of those debriefs.

22. I have been asked if there was any lessons learned exercise following the end of the investigation into the death of Sheku Bayoh. I’m going to say no, not to my recollection because unlike a lot of my colleagues, I had a limited involvement in the Sheku Bayoh Inquiry. I was there for the first couple of days,

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and carried out various inquiries, but after maybe August/September of that year, I don't really think I had very much involvement in the Bayoh inquiry at all.

Conflicts

- 23. I have been asked if, prior to 3 May 2015, I had any contact with or knowledge of the following Police Scotland officers: Craig Walker, Alan Paton, Nicole Short, Ashley Tomlinson, Alan Smith, Kayleigh Good, Daniel Gibson, James McDonough and Scott Maxwell. No. I had no dealings with them at all, no.

- 24. I have been asked if, prior to 3 May 2015, I had any contact with or knowledge of the Police Scotland officers that I encountered in the course of the PIRC investigation. [REDACTED] Ruairaidh Nicolson and I had lunch with the rest of my team after the Safer Scotland campaign. It was just a kind of thank you from him, but I never really had much dealings with him throughout the campaign or thereafter. Pat Campbell, I spoke to him looking for some guidance/advice regarding the wording of an Osman warning. I asked his advice on the wording of it, and he emailed me through. That's the only contact I had with Pat Campbell.

- 25. I have been asked if a colleague put me in touch with Pat Campbell. Yes. I think it was one of my Detective Sergeants at the time whilst I was with BTP. Don't ask me which one - it's that long ago. I think at that time Pat Campbell was working at London Road Police Office in Strathclyde Police.

- 26. I have been asked if the National Safer Scotland campaign was the secondment I undertook. Yes, it was around 2006/2007, and it was for 13/14 months.

- 27. I have been asked if I was aware of any PIRC policy or guidance for PIRC staff who were acquainted with a Police Scotland officer that I encountered in their

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role, or an officer who was the subject of a PIRC investigation. Yes. There's a procedure there where you can disclose your previous knowledge or dealings. I believe there's a PIRC form for it, where you disclose a previous knowledge or working relationship, or a supervisory role, or being supervised by that particular individual.

28. I have been asked if I have ever had cause to use this form and follow this guidance on coming across a police officer with whom I was acquainted. No.

Involvement with the PIRC investigation

Sunday 3 May 2015

Call from DS Harrower

29. I have been shown my PIRC statement which notes that on 3 May 2015 I was re-called by DSI Keith Harrower. (PIRC-00036) I have been asked if I was on call on this day. I don't remember. If Keith was the on-call, then generally it would be his team. So being part of his team, I think it would be fair for me to say I may have been on call, but I don't remember being specifically on call on that particular weekend.
30. I was contacted by Deputy Senior Investigator Keith Harrower and made aware of the incident involving Mr Bayoh. I have been asked if I remember anything further about this call. No other than, I recall that I was asked if I was available to come in and that there's been a death in Kirkcaldy." I agreed to go to the office at that point. I think it was a fairly short brief call just saying, "Are you available to come in?", or, "Can you come in?"
31. I have been asked if, during that call, Keith Harrower mentioned Sheku Bayoh's race. I cannot recall this being mentioned.

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On call system

- 32. I have been asked what being “on call” as a PIRC investigator involved. Being on call involved you making sure that you were fully available for any call out, for any incident, so that would include the likes of making yourself readily available, not being too far away from the office that you can’t get there within a reasonable time. Obviously, not drinking alcohol being fit for duty etc and basically making yourself available for any phone calls during that period.

- 33. I have been asked how often I would be on-call. I’m trying to think. So, there were six teams, so it would be every six weeks. Now I’m thinking back, I don’t know whether it was six weeks because we added additional DSIs, so it might have been every four weeks. I cannot recall exactly how often.

- 34. I have been asked if it was usual or unusual to be deployed to an incident while on call. It would be, unusual as not all incidents required an actual physical response.

- 35. I have been asked if it was ever the case that if somebody wasn’t on call, they could still be asked if they were available to report for duty and if this occurred how common it was. Yes, I’m going to say it would probably have been unusual. Because generally there would be the DSI plus his team on call, so there would have had enough there to deal with the initial call, and then subsequently the senior investigator would authorise additional resources to be called out. I think it would be unusual for individuals who weren’t on call to be called out. There have been instances where specialist officer was called out to provide a specialist service due to the nature of the call, for example a family liaison officer or a scene manager.

- 36. I have been asked if, when the on-call rota was drawn up, if consideration was given to people’s experience and expertise and who may be available. Yes.

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37. I have been asked when the teams were reshaped. I think that was done three or four times over the years that I was there to try and rationalise because people moved on, and suddenly you had two crime scene managers on one team and none on another. So, PIRC were trying to rationalise and make sure there was some sort of consistency. What I would say was, if that was the situation and there was no crime scene manager on that particular team, then there would be no hesitation in calling a crime scene manager out who was available. It wasn't as if they were short of resources. They would always get one or two to bring them in, yes.
38. I have been asked if it was standard practice for the team to convene in Hamilton before moving to wherever an incident had occurred. Yes. I have been asked what the benefits or disadvantages of that were. It meant we were all getting briefed. We all had exactly the same briefing. We were able to take whatever resources, physical or otherwise, that were required from the office.

Resources

39. I have been asked if I consider PIRC had sufficient resources to respond to the incident on 3 May. I think the resources we had on that particular day were sufficient. What I did become aware of later on, though, was an issue with the family liaison officers. Police Scotland were supposed to deploy family liaison officers and didn't, which caused a bit of concern. I have been asked how this related to resourcing. If DSI Harrower had known that there was no FLOs being deployed by Police Scotland on the actual day, then DSI Harrower could have arranged to call out our (PIRC) Family Liaison Officers. I think in past experiences the family liaison officers would have initially been deployed by Police Scotland, and then PIRC would have come in afterwards. There would subsequently have been a handover between the Police Scotland FLO to the PIRC FLO, and they would explain our role, function, etc to the family involved.

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Unfortunately, I recall that there were no FLO's deployed by Police Scotland on that particular day. I have been asked if it would be standard that, in a situation like this, PIRC would expect Police Scotland will deploy some FLOs, and then we will have a handover and PIRC will take over. Yes.

40. I have been asked if I had any discussions with DSI Harrower - or anyone else at PIRC - in relation to PIRC's level of resources on 3 May 2015.. No. Sorry, I don't remember.

41. I have been shown the evidence of Detective Superintendent Patrick Campbell to the Inquiry who stated, with reference to the level of PIRC's resourcing on 3 May 2015 (day 47, page 128, line 23):

A. ... I had slight concerns round about their awareness of capability and also the capacity round about the number of resources that turn up at that time to take on an investigation such as this, which was gathering pace, there was significant media attention around it. So it wasn't just investigative side, there were other areas that were playing out at that time.

Q. When you say you had concerns about their capacity, what do you mean by that?

A. Resources-wise. I think we had about – I recall at one time we had probably about 20, 22 resources on it at one time from Police Scotland, detective officers involved in the investigation. I think at that day, I think they turned up with four or five PIRC.

DS Campbell also stated in this regard (day 49, page 174, line 5):

A. ... it's clear it was insufficient for the job on 3 May, and that's why from a Police Scotland perspective we'd significant resources pulled from all over the

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country, as well as from the Major Investigation Teams, to support the PIRC in respect of the investigation.

I have been asked what my views are in relation to DS Campbell's comments regarding the level of resources available to PIRC on 3 May 2015. I disagree with the comments of DS Campbell that PIRC was under resourced. I think our resourcing of the incident was actually good. Bearing in mind this is was the infancy of the incident. Under the legislation and the agreements in place between Police Scotland and ourselves, we can ask that, if PIRC don't have the resources there, we can instruct/ request Police Scotland to do certain things on our behalf. I don't think resourcing of this incident as far as PIRC was concerned was an issue.

Attended Hamilton

42. I have been shown my notebook entry at 11.50 (PIRC-04184). I have been asked to provide a transcript of what this entry says. It reads:
"Attended at office. Briefed by DSI Harrower. Reference death in police custody at Kirkcaldy. Crown-directed investigation. At 9.30 this morning, he received..." that would be Keith Harrower "... received a call from SFIU West..." Scottish Fatalities Investigation Unit West "Report of a black man running about Hayfield Road, Kirkcaldy with a knife. He was running between cars causing mayhem. No. of calls of a similar nature/similar circumstances. 4x Pol Scot..." that's Police Scotland "... motor vehicles attended (3 marked: 1 CID) attended at Hayfield Road (K)" I think that's Kirkcaldy "Upon arrival at the locus, encountered the suspect who runs at the police officer (F)" female "Attacked her wielding the knife CS was discharged with no effect. Suspect struck several times with police batons. There was no blood at the locus. There was a rumpus on the ground where the suspect was eventually handcuffed to the rear and leg restraints were applied. The suspect then

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became unconscious. An ambo” ambulance “was summoned and CPR started.”

- 43. “07.30, not breathing. Ambulance arrives 07.38. Placed into ambulance to hospital. 09.04 PLE’d.” That’s pronounced life extinct “Removed to side room at the hospital. The deceased was Sheku” I think I got the name wrong there, B-A-Y-O-H, but I think I’ve put B-A-Y-O-N, “... age 31, 30/9/1983. [REDACTED] Kirkcaldy. Resides with partner (Collette Bell). Ante...” for antecedents “...he was at a party to watch the fight/disturbance. He assaulted a friend. Bell reported him missing to the police. Body at hospital. Batons: knife seized including footwear. The plan was JF” John Ferguson “and ST” Stuart Taylor “will do the hospital. Garry Sinclair and Maurice Rhodes will do the scenes. RC” Ricky Casey – that’s who that was. “Crown instructs attend at Kirkcaldy Police Office” and then, 14.10 there was a meeting.
- 44. I have been shown notes I completed concerning 3 May (PIRC-01467). I have been asked if these notes were completed contemporaneously on 3 May. They were completed by me that day, yes.
- 45. I have been asked to read certain notes from 3 May. (PIRC-01467) It begins on page two, “09.30 SFIU West, Kirkcaldy. Death in custody 07.15 Sunday” “Black man running about Hayfield Road, knife, cars, mayhem, number of calls of similar nature/similar circumstances. Four Police Scotland motor vehicles attended. 3m 1” I think that might be “1 CID, Hayfield Road. Arrival, suspect ran at policewoman with knife (not used assaulted), attacked with the knife. CS discharged (?) No effect. Officers pulled batons, struck several times/no blood at locus. Rumpus on ground. Handcuffed to rear. Leg restraints applied. Suspect went into unconscious. Ambo. CPR at locus. Ambo 07.30. Not breathing. 07.30 ambo arrives. 07.38 into Ambo. 09.04 PLE’d, and then moved to side room of A&E.” And then Sheku Bayoh’s date of birth and his address. Underneath that, it’s: “Collette Bell. Police officers MDA possible

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possession/supply and others. [REDACTED] Friends have party/disturbance. Assaulted friend. GF [girlfriend] reported to police boyfriend missing.”

46. Then onto page three, “PCs at the room in the hospital. Locus was cordoned off. Home address, girlfriend to [something] police office for statement. Secured. Party scene: secure.” And then, “Where assaulted. Hospital - body as is!! Batons/knife seized. Home address secure. 7 police officers involved – status?” and then “All safety.” And I’ve ticked that, so I think at that point I’ve assumed that all safety list is seized, that was their footwear and so on. “Mr Pathologist. Handcuffs, [something] strap, knife. No officer injured?” Which I thought was strange because PC Short had gone to the hospital. And then the “Plan” was John Ferguson and Stuart Taylor would go to the hospital, deal with the scene there. Garry Sinclair and Maurice Rhodes were scene managers, and then there’s a note, “Crown instructs” Ricky Casey “31-year-old man in the Kirkcaldy area after he had been taken into police custody.” I don’t know what that bit is, “8720”. I don’t know what that is.
47. I have been asked about the words “hospital – body as is!!” and what this related to. I think it was John Ferguson, who was a very experienced scene manager, or Stuart Taylor, had to go to the hospital and start dealing with the scene there. Now, whether they were doing it themselves or whether they were directing Police Scotland scene managers to do the work that was required. Subsequently I became aware that there was all sorts of things being asked from the forensic strategy in terms of body tapings and the nose and the mouth being swabbed and the fingers and so on, all being done because of the contamination of the CS spray. So, it’s just, “body as is.” Honestly, I don’t know why I put the two question marks.
48. I have been asked about the words “seven police officers involved – status?” and what this related to. No, the status of the police officers at that point was always witnesses. I’m sure that was confirmed. I’m sure that was confirmed

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because I'm sure Keith advised Pat Campbell that their status was as witnesses to an incident.

49. I have been asked if I was asked to take notes on 3 May. Yes, I was working with Keith that day, my DSI, and we agreed I would drive to Kirkcaldy which meant he was available to take any phone calls and so on. I know we have hands-free in the car, but maybe times he didn't want me to hear what was being discussed with Crown Office and so on. So I drove to Kirkcaldy. Keith made and fielded a number of phone calls enroute. When we into the meeting, I started taking notes. Obviously, trying to take notes in a meeting and trying to accurately note down what everyone was saying can be very difficult at times, so I think I tried to catch the most important points.

50. I have been shown my PIRC statement which summarises the briefing and includes the detail "Police Officers had attended and upon their arrival at the locus encountered the suspect who ran at a female police officer and attacked her wielding the knife." (PIRC-00036) This is reflected in my notes also (PIRC-04184). I have been asked if I recall when I learned that this was not correct. I think, subsequent to that particular day and having seen some of the statements, that couldn't have happened because he had discarded the knife prior to the police arrival. I think it was after 3 May. You know, as I had sat and done my statement, I thought, "That's not right," and then I thought, "Well, there's no point in me putting something different in my statement that doesn't correspond with what's on my contemporaneous notes," so that's why I base that part of the statement on – the notes that I had actually taken.

51. I have been shown Keith Harrower's Inquiry statement (SBPI-00259). He states at paragraph 20:

"I am asked about Alex McGuire's statement (PIRC-00036) which includes a synopsis of my briefing on 3 May at page 2: "there had been an incident in

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Kirkcaldy where there were reports of a black man running about Hayfield Road with a knife. He was running between cars causing mayhem. A number of calls had been received of a similar nature/ circumstances. Police Officers had attended and upon their arrival at the locus encountered the suspect who ran at a female police officer and attacked her wielding the knife.” Similarly, I have been asked about Mr McGuire’s contemporaneous notes. Page 1 notes the briefing from me to PIRC staff on 3 May 2015. It notes Maurice Rhodes, Stuart Taylor, Garry Sinclair, John Ferguson, Alex McGuire and Richard Casey as being present. The writing is difficult to read; however, it appears to say “Suspect ran at PW [policewoman] with knife,” with what looks like “attacked with the knife” underneath.

I’m asked specifically whether I have any recollection of saying that the police officer was attacked with a knife. No. I would never say that because that was not part of the initial information that I got. Clearly, in the briefing, I would talk about the individual reported to be brandishing a knife and the subsequent arrest and any information regarding the actions of the officers, but definitely not that. Whether he’s misinterpreted the information he was given, I don’t know.”

52. I have been asked if I recall Keith Harrower saying that a police officer was attacked with a knife. I do, and I believe I’ve put it down in my notes (PIRC-01467). What I’ve got there, just after “Hayfield Road” it reads “... arrival. Suspect ran at PW with a knife (not used assaulted)” and then I’ve put “attacked with the knife.” I think that was more of a question in my mind at that time. I was looking at it from the point of, “Did he actually?” So, he’s ran at her with a knife, but he’s not actually used the knife to assault her. I think that may be a confusion or error on my behalf trying to get as much information down, but I do seem to remember, he ran with the knife, which I thought was strange afterwards because of the later discovery, he didn’t have the knife. The knife was discarded before he actually ran at the female police officer. I cannot be absolutely sure if DSI Harrower did in fact say that Mr Bayoh had

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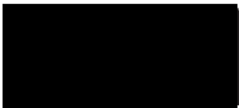
run at the policewoman with a knife. This may have been an assumption on my behalf which I questioned myself at the time. I think my notes reflect my own personal thoughts and a question and earlier references to him in possession of a knife.

53. I have been asked if, at this stage, I had an understanding of the legislative basis upon which PIRC were instructed to investigate the incident by the Crown Office and Procurator Fiscal Service (COPFS). No, because it was a death following police contact, that's an automatic referral to PIRC. And it was advised to PIRC by David Green Procurator Fiscal, and our instruction would be to carry out an independent and fair investigation into the circumstances surrounding the death of Sheku Bayoh.

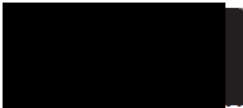
54. I have been asked if the legislative basis on which PIRC are instructed to investigate by COPFS makes any difference to a PIRC investigation? To be honest I've got absolutely no idea. I'm just aware from past experience that we get telephone calls from COPFS followed up by a letter outlining the part of the legislation on which they're referring it to us, and what we are instructed to carry out and who we report back to.

Arrival at Kirkcaldy Police Office

55. I have been shown my PIRC statement which notes DSI Harrower tasked Investigators Ferguson and Taylor to manage the Hospital scene and for Investigators Rhodes and Sinclair to deal with the scene at Hayfield/Hendry Road. (PIRC-00036) I have been asked what my role was on 3 May. I was there as a driver/ assistant to DSI Harrower. Anything that he needed done or instructed, then I was there to do that, but I was also asked to take any notes that may have been useful, that we could use for briefings and so on.

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56. I have been shown my PIRC statement which I have been asked if I know why I was given that role. No, I can only assume since I am not a crime scene manager. I would have been of limited use at either of the crime scenes.
57. I have been shown my PIRC statement which records I attended a meeting at 14.05 meeting with Police Scotland. (PIRC-00036) I have been asked if this was the Police Gold Group meeting. I think it was, actually. Chaired by an ACC, it's generally a Gold Group.
58. I have been asked if this is the meeting reflected in my notes at page 6 of PIRC-01467. Yes, that's the same meeting. I have been asked what I remember of this meeting. I do not recall seeing any copy of an agenda or how it was going to be followed or anything like that. I think it was set up as a result of our arrival / attendance at Kirkcaldy Police Office. The individuals who were at this meeting from Police Scotland were of the position and rank that I would have expected to be in attendance at the Gold Group meeting for that particular incident.
59. My PIRC statements notes that DI Robson provided an update of the incident and what had happened so far in the inquiry. (PIRC-00036)
60. I have been asked to read out my notes for this meeting on page 3 of PIRC-04184. "ACC Nicolson, Detective Superintendent Campbell, Colin Robson, CI Nicky Shepherd, Paula" didn't get her surname "PS Kate Finley(?), Chief Superintendent Garry McEwan (post-incident manager), PIRC: Alex McGuire, Stuart Taylor, Garry Sinclair, Keith Harrower, Maurice Rhodes, John Ferguson, DCS Lesley Boal." And then they started talking strategies: house-to-house crime, interviews, FLO. It had been declared a critical incident earlier at 09.10. There were nine officers concerned; all clothing and footwear forensically recovered. Nicola, she spoke about the community impact assessment, the updated house-to-house being done by Police Scotland to be run past PIRC

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before commencing. Keith Harrower spoke about the status of officers, again to be confirmed. "No operational statements being given." So, he's been told already that there's no operational statements being given. "No operational statements being given. Interview plans to be"- Something "PIRC first." Something O-T. Sorry, I don't know what that word is.

61. "No CCTV from police motor vehicles and not working for some months. CS coordinate something on the day. Ruaraidh Nicolson, Gold at 6pm today. MIT from tomorrow". "Keith Harrower, appointment of FLOs early." Then after that it's a meeting with Stuart Houston.

62. I have been asked about the comment "No operational statements being given" and if I recall what was said in relation to this in the Gold Group meeting. No, I cannot remember exactly what was said. I do recall DSI Harrower emphasising that at that particular point they were witnesses to the incident. I wasn't privy to conversations that DSI Harrower was having with DS Pat Campbell, so I don't know what had been fed back by Pat Campbell, but my recollection of it was Keith had asked for operational statements. Whether I'm remembering this from afterwards or at the time I don't remember exactly, Pat Campbell said that no operational statements were being given at this point because of Federation advice.

63. I have been asked if I was privy to Keith Harrower's dialogue with Pat Campbell about statements on 3 May. I don't remember. I don't remember Keith leaving the office we were in to have a conversation with him. I think it was phone calls which I wouldn't have been listening to. I was driving, I think, at the time, but I seem to remember DSI Harrower saying, when they were in Kirkcaldy Police Office, that their status was as witnesses.

64. I have been asked to read my notes for the meeting at approximately 14.10 beginning on page 6 (PIRC-01467). There is a list of attendees, then it states

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“All statements. Colin: Henri Kilvig reported, 126 King Street, Kirkcaldy” a description of the events. “Units dispatched, further update: Linda Lambert reporter at 7.20 there’s an anonymous phone call, a male reports.” Then I don’t know what that it, 7.17? “Joyce Joyce [REDACTED]” then there was a “‘stay safe’ message” put out to officers/carry out a risk assessment. “Left as a team,” that would be the officers left Kirkcaldy Police Office as a team from MUSTER and “a DC/DS” were also attending.

- 65. Then at 7.20, “Arriving,” that’s the arrival of the police resources. The red button was depressed, that’s the button on their personal radios. “Red button depressed: officer injured. DS Davidson cam update - injured officer. PAVA, use of batons, leg restraints, injured person on the ground, handcuffed, breathing, in the recovery position. IP made his way immediately to the police vehicle.” And that would’ve been arrival.
- 66. “PAVA, no effect. Made for female officer, attempted to escape/made after and struck her. Baton to most areas of the body, including the head. CPR by officers. Scene protected IP” injured person “lost control of the knife. Photo recovered. Police batons recovered. Injured person to hospital. DC D Connell. Officer’s welfare. PC Shaw to hospital. Cross-contamination of PAVA; all treated, no effects. Mobile phone recovered. Next of kin. CPR at hospital. PLE’D 09.04. No obvious marks or overt injury, ID marks. No obvious overt injuries or identification marks.”
- 67. Then there are details of Collette Bell, and then details of Sheku and his date of birth and he was from Sierra Leone. Following that, Martin Dick - that was his friend, he was at his friend’s house watching a boxing match, there was a phone call reference, some friction or some disrespectful comments. I’ve put race in there. I don’t know why I’ve put race in there. It may well be that we’ve got Sheku and we’ve got Zahid and both were in an ethnic minority group..

Signature of Witness [REDACTED]

68. It says "Incident at home, she called the police, returned home, some disarray, Collette went to the police office; he was identified from open-source information." There was no formal ID at that particular point, and there was a list of priority actions. So, there was five loci, so there was Hatfield/Henley and then the details of who was dealing with that in the brackets, Collette's address, the hospital, the home address of Martin Dick, the home address of Saeed are all cordoned off on standby.
69. He was ID'd by Facebook. The next of kin was his sister, and Collette advised, and I'm taking at that point she already had been advised. "Update, there was a hand injury, head, hands, swab," so this must have been a discussion about what was needed to get done. "Identification of deceased. The post-mortem is five o'clock tonight," and then a question mark there because that were some issues on that one and then I've marked in, "tomorrow." "CCTV in the area. From the motor vehicles TSU recovered, and then from the Procurator Fiscal, Dave Green, he wasn't attending the locus."
70. Then onto page 10, I've numbered it "4. Timeline movement" - "23.40, under the influence with Martin Dick in his house to see the boxing, and altercation at sometime. Saeed and injured party leave the house, five o'clock, a white Audi motor vehicle returned left at the house at that time. Left in possession" Left in possession is left in possession of a knife from that house. I've mapped in where from, so I know that it was from there. I put in there myself just for my note what was intent at that time, the MIT for the Inquiry at this time. That's Police Scotland doing their parts up there and then we went into the various strategies; the crime, house to house interview, and FLO strategies.
71. So, there's nine officers concerned. We were advised the clothing/footwear; there was no issues. "Federation advice for statements." I think someone mentioned, they'd asked the Federation for advice. "young in service" That's

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the only thing I can think of from there. Then Chief Super Lesley Boal, had declared it a critical incident at 9.10. That was documented. "Advice to sister and community tensions." These are things that would ordinarily be done from a Gold Group meeting, where a community impact assessment would be completed . Nicola said that the community impact assessment had been populated. I think that's "low ethnic/advisory group, good links, she will make them aware." There's a Migrant Forum, it's marked there "TBA," so I presume that Nicola would be advising the Migrant Forum. "She advised that there was good relationships with the community of Templehall."

72. I have been asked about the comment on page 10 of these notes which appears to read "9. Officers (illegible) – advised clothing/footwear – no issues. Fed advice for statements. Young & service" I have been asked to explain what this means. The only thing that is running through my mind at that time was that at having written statement down, someone came back. Now, who it was, I have no idea. I'm just saying these officers are young in service and that was a concern not a consideration at that point. To my knowledge, there was nothing saying, "We're not doing them" or "They're getting done" or, you know, what the position is with them at that point. I don't think it's until later where Pat Campbell actually says, "They are not doing operational statements on the advice of the Federation."
73. Then page 12, the Chief Superintendent spoke about staff welfare, "CI Conrad Trickett was dealing with the officers still here. Federation no statements. Early shift resources." I think this was as they'd been on duty from this time and it's now this time and we need to think of what's happening with them. "Additional resources were available."
74. There was a media release; there was some interest in the media, and there was a request for a media comms interest and officer's details, which would never have been given anyway. "LB [Lesley Boal] stated FLOs were en route. They were experienced in diversity issues. The DI was in charge of them.

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There was an initial notification. The independent advisory group. There was cultural” I put a question mark, “Any culture issues?” but there were none, I think, disclosed at that particular point. She’s also mentioned the MIT. They had more experienced advisors, but I don’t think there was any response in terms of who would be taking the lead on that other than the DI that they had mentioned earlier would be the lead. Keith Harrower, again, indicated our brief and what we would deal with, not the two loci at the lead-up to the incident.

75. “John Ferguson and Stuart Taylor were at the hospital for the process, transfers, monitoring to PM, and the locus, Garry Sinclair, Maurice Rhodes to lead there and were linked to house-to-house. Our FEs will lead them [our forensic examiners, Garry and Maurice would be dealing with the locus.] Ruaraidh Nicolson said statements from the witnesses house-to-house, run past us, then get on with it and then there’ll be a witness strategy and then clothing was discussed again. Keith Harrower spoke about the officers’ status as witnesses, operational statements at this time.”

76. Then page 14, it states “JC”. I’m trying to remember who JC is. Again, it was re-emphasised officers were witnesses. LB spoke about CCTV work, interview plans to go past PIRC before being done. Keith spoke about CCTV issue. CR [Colin Robson], there was no CCTV from the police vehicles. LB made a comment, but I didn’t quite get what it was, and then we’re straight into the next one. I think John Ferguson spoke about a hospital; still has the medical instructions on him, no issue with the hospital. Keith Harrower spoke about civilian witnesses. “Secure their statements, and we will revisit and then we will look at anything else that comes to light.” Pat Campbell spoke about the hospital/street crime strategy. “Listen, we’ll deal with the crime strategy,” John Ferguson spoke about the crime scene coordinators, Campbell - must be Pat Campbell. Well, it must be a coordinator, but not until later in the day. Then my next entry is Ruaraidh Nicolson, Gold meeting, at 6 o’clock or 6 p.m.

Signature of Witness 

77. I have been asked about a comment on page 14 where I have noted Lesley Boal stating the interview plan was to be run by PIRC. I have been asked what interview plan she would have been referring to. I assume that This would have been the Police Scotland interview plans, I think, for all witnesses.”
78. Further down page 14, I think that was Ruairaidh Nicolson saying that the Gold meeting would be at 6 o'clock. Keith Harrower agreed post-mortem tomorrow afternoon. I think that was after he had spoken to Dave Green. At which point he said that we would have the PIRC letter and a copy of that would go to Police Scotland to show that we are taking the inquiry and that it would be managed via our system on CLUE. CLUE is the internal system for the management of incidents. LB, the major investigation team would run from tomorrow. Keith Harrower, application or appearance, one or two other, of FLOs early. He was looking for the FLOs to be in there early. It was a grade Gold at 6 o'clock. Post the meeting, crime scene manager was Stuart Houston to organise a walkthrough.
79. Then on page 16, I think that was a further meeting, to be fair. It states at 15.15, so there was PIRC and myself, Stuart Houston, the crime scene coordinator, house and motor vehicles.
80. I have been shown my PIRC statement which notes I was made aware that CI Conrad Trickett was dealing with the officers welfare and that the FLO's were identified as DS Houlison and Constable Bell. (PIRC-00036) I have been asked if I was told this at this Gold group meeting. I don't remember. I think it was following the meeting, because I think that was the first time that I was aware that Conrad Trickett was doing the post incident management of this, which was something a little bit new to me as far as PIM was concerned, post incident management, but I think that was after we found the DS and the DC.

Signature of Witness 

81. I have been asked, when I say PIM was a bit new, if that was in relation to PIRC running an incident such as this or having its own PIM procedures. I think Police Scotland were following their own PIM procedures, and we would have been in a position to direct, I suppose, because it was our investigation at that point. Having received the instructions from Crown Office, from Dave Green, it was our investigation. There's a lot of things that they would be doing, they would be doing under our direction.

82. I have been asked if it was PIRC's understanding that DS Houlison and Constable Bell were being deployed as FLO on 3 May. Absolutely.

83. I have been asked how I understood DSI Harrower's request for statements from the officers would be actioned, if this was being conveyed to the officers via Pat Campbell. I'm not sure. The instruction, I think, was made to Pat Campbell to facilitate the operational statements. So we were relying on him making the approaches or speaking to Conrad Trickett and saying, "Right, okay, we need operational statements from you." Now, how that was put to the officers or how that was put to the Federation, I've got no idea. PIRC wasn't present or party to that request being made.

84. I have been asked if Keith Harrower would have conceivably have gone to introduce himself to the officers and explain PIRC's role. I have in my mind that Keith made that offer to Pat Campbell after Pat Campbell said, "I'm not doing statements." I distinctly remember Keith speaking to Pat Campbell and saying, "Look, if it helps, I will go and explain to them who we are, what our remit is, what we're looking for, and the timescales involved."

85. I have been asked if Keith had the power to request to be taken to meet the officers in Kirkcaldy Police Office, rather than just offering to meet them. Yes. There's nothing in the legislation to stop him from going in and speaking to them. Obviously, emotions are going to be running very high at that particular

Signature of Witness 

point, and the last thing we want to be seen is kind of pressuring them into submission. My understanding would have been - Police Scotland have their own facilities, their own rules, regulations, guidelines to say, "We require an operational statement from you for any situation," I think that's what should've been done DSI Harrower made it quite clear on a number of occasions up to that point that their (the officers) status was that as witnesses.

86. I have been asked if there was any discussion about the risk of the officers conferring with one another. I think there's always going to be a risk of that particularly when they're all in the same room. They weren't separated. I understand that they had been given an instruction not to confer I cannot recall any discussion.

87. I have been asked how I learned that instruction not to confer had been given. I think it was just part of the conversation, saying they'll be instructed not to confer as part of a kind of post-incident management aspect of things for firearms.

88. I have been shown in my statement where I note I was present when DSI Harrower spoke to DS Houlison, DSI Harrower advised DS Houlison that he would contact the family to advise them of PIRC's role and responsibilities and to inform them that PIRC Family Liaison Officers would take over responsibility for family contact at a later stage. I have been asked if I recall anything else that was said. No, nothing at all.

89. I have been asked about Lesley Boal's statement in which she says:

"At about 1330 hours Mr Harrower and other PIRC investigators attended. A briefing, which provided the same information as provided at the Gold Meeting was provided. It was confirmed at this time that Sheku Ahmed Tejan Bayoh's sister was his next of kin and that she lived [redacted]. I highlighted to Detective

Signature of Witness 

Superintendent Campbell that, given the information and chronology established along with identification by photograph, there was an urgent need to notify her of the death. In the absence of any strategy being discussed, I suggested that, in the interim, each police lead would draw up a strategy, for example, a forensic strategy, house-to-house strategy etc., and obtain Mr Harrower's agreement and sign off prior to implementation. This didn't receive clear endorsement. The only real information provided was that there would be PIRC investigators deployed to the hospital to undertake body transfer to the mortuary; a couple of PIRC investigators would be deployed at the main scene at Hayfield Road, Kirkaldy, and Family Liaison would be handed over to PIRC at an early juncture." (PS00669)

- 90. I have been asked if I agree with her assessment that there was an absence of strategy at the meeting. No, that's a difficult question. I'm not quite sure, to be honest. There wasn't any agreed strategy to my recollection. I think there was a kind of general discussion, but I think following that meeting, there was various meetings setting it up and so on.

- 91. I have been asked if anything was said on 3 May to me by any person from Police Scotland about PIRC's management of the investigation that expressed any concern. None at all.

- 92. I have been asked if it was my understanding on 3 May that the officers had been categorised as witnesses. Yes, absolutely. It was always my understanding that the officers would be treated as witnesses until something transpired during the course of the investigation which would change their status from a witness to an interested person or suspect.

- 93. I have been asked if something had occurred which led to a person's status changing from that of witness whose responsibility it would be to make that decision. That would be the DSI or the PIRC investigating officer.

Signature of Witness 

94. I have been asked to provide a transcript of my notebook entry at page 4, under the heading "1515 CSM Meeting". (PIRC-04184)

"CSM meeting, Stuart Houston, Garry/John in charge. Hayfield/Hendry Road. 360 video and stills. Collision investigation/POLSA search drains. Agreed body: John Ferguson and Stuart Taylor. Locus: [REDACTED] Maurice Rhodes, Keith Harrower asked PAVA to be weighted before being lodged. The photo of knife to be recovered. Photos of injury sustained by the PW [Police Woman]. Quasar before post-mortem at twelve o'clock. PM at 13:00. Next of kind details: Kadi Johnston, [REDACTED] 77. Born: [REDACTED] [Then telephone number there]."

95. Then on page 5, "Forensic strategy Meeting. Priorities: There's the deceased. Hayfield Road/Hendry Road. Polsa search, injured officers' injuries to be photographed; officers clothing forensically recovered; CS sealed; welfare okay, and then white SEAT". That is the vehicle - White SEAT vehicle. religious considerations.
96. I have been asked what was meant by the note "Religious considerations." I think it was a comment about - is there anything we (PIRC) need to consider I was asking myself was there anything that we had to be aware of or consider at that particular point?
97. I have been asked if anyone raised any such points about a particular religious consideration. No. I don't think anything was raised on that particular point.
98. I have been asked to provide a transcript of the entry in my contemporaneous notes at page 16 (PIRC-01467). "1515 PIRC meeting Stuart Houston Crime Scene Coordinator; House and Motor Vehicles, lower priority; (1) Hayfield/Hendry Road, large area; video, photographed collision investigators

Signature of Witness [REDACTED]

for street etc.; POLSA searched. (2) body (CSM [crime scene manager] appointed. DS plus one locus [the person there would have been a DC Brian O'Neill], John Ferguson plus one, the body, the CSM Pete [something,] and Gordon Young (FR manager, SPA rep)."

99. That would have been individuals coming from Scottish Police Authority to do some of that work. It then states "No biologist" I think at that point, a biologist wasn't considered or it was considered and it was discounted.

100. Then Garry Sinclair, I think it was spoke about taking crystalised PAVA spray for recovery. Stuart Houston swabbed the mouth and nostrils to recover what was there. Keith Harrower spoke about the capture of possible evidence. John Ferguson spoke about Sheku's (IP's) clothing in hospital. Clothing, etc. productions to remain at Kirkcaldy. That was agreed that rather than us taking all that stuff back with us it would go to the production store in Kirkcaldy, and PIRC can recover them there.

101. Then Garry Sinclair (GS) spoke about batons, knife and phone, photo and situation. "Recover photo in situ. Recover as soon as possible." I think at that point, we knew that not only had the knife had been recovered, it had been removed and photographed on one of the officers' phones, as opposed to forensically.

102. "Keith directed that PAVA needed to be weighed before being lodged. Stuart Houston said they will box them first, then weigh them later, and for damage they were in sealed units. Maurice Rhodes spoke about a photo of the knife to be recovered." I think we found out that knife had been photographed on one of the officer's phones.

Signature of Witness 

103. Then onto page 18, "Injuries by the police woman." I put "staged". I think in my mind at that point - at what point has this come in, which is the only reason I've highlighted that "staged."

104. I have been asked if I can provide any further explanation as to what I mean by this. I think in my mind I was aware that he had attacked her, struck her on the back of the head, and had kicked her on her back. What was getting done first was in what stages the photographs or the bag, the forensic recovery of that photographs of it, etc.- so staged in my mind, I think at that time, to be honest, was how are we going to do that, and it was just a question to myself.

105. John Ferguson speaks about the IP fingerprints and DNA for drugs investigation, clothing at a hospital, photo of his footwear - on the back of the PPE vest of Nicole Short. Stuart Huston spoke "Wet and dry swabs, mouth and nose, the whole face."

106. John Ferguson spoke about Quasar: "That would be done first thing tomorrow, prior to the post-mortem." UV light reflected bruising Then it was the details: "Details of Quasar are at 12 o'clock on Monday. The identification of the injured person at 1 o'clock, and then the post-mortem straight after."

107. Then the FLO is DS Kevin Houliston and PC Sarah Jane Bell. I think that is just purely for identification purposes, that their names were given there, which is why I've marked them in. Then Stuart Houston to Pat Campbell for officer's consent for photos of injuries, and then Stuart Houston agreed to the taping, etc. Then was the next of kin, and the details of Kadi Johnston.

108. I have been shown my PIRC statement which notes a Forensic Strategy Meeting with Police Scotland at 16.40. (PIRC-00036) I have been shown my contemporaneous notes which have an entry for this meeting at page 20-22 (PIRC-01467). I have been asked to provide a transcript for these notes.

Signature of Witness 

109. 16.45 Forensic strategy meeting. Then there's a list of attendees: Pat Campbell, Detective Super; K Houlston, FLO; Stuart Houston, DCI; K Hardie, DCI; and then there's myself; Stuart Taylor; Garry Sinclair; Keith Harrower; Maurice Rhodes; [REDACTED], CSU from the Scottish Police Authority; Lesley Boal, Detective Super; and then PC Pat Campbell gave an update for those who are not previously present. Stuart Houston then listed the priorities. Number one was the deceased. There was r injuries; recovery of trace evidence; one-to-one tapings; head, face, neck, hands; PAVA recovered; wet and dry swabs."

110. I think that might be, "Wet and dry swabs mouth and nose" Then "photo of them; one-to-one tapings; zonal tapings would be at ID; clothing in hospital bag; [R is for recovery] bag the head and hands, and then monitoring from tomorrow." Then as we move down, it's, "(2) Hayfield/Hendry Road, B O'Neill; Cordens ok at the time; items still there: pens etc. Collision Investigations from the West [so it's from Glasgow area] for a scale map of the location and for a 360 degree/still photographs and video of the location."

111. Then on page 21, "Swabs." I've put, "Intimate sample issue." I've put a question mark there, but I've got no idea why I put the question mark there because it would have been part of the practice/process anyway. Then I've taken a note of next of kin advice. I think this was a statement that was going to the next of kin and, basically, it said: "Following an incident this AM [so it would be this morning] in the Hayfield Road area of Kirkcaldy, officers from Police Scotland had been attempting to arrest Sheku Bayoh, during which time, he has become unconscious. He was conveyed to hospital by SAS [Scottish Ambulance Service]; however, despite best efforts of medical staff, he died this morning."

Signature of Witness. [REDACTED]

112. Then below "Media" it says "PIRC released to media" - I think would've been the same as that in the infancy. Then John Ferguson "JF. Sister and girlfriend were now both aware."

113. The meeting continues on page 22, "Items recovered and photographed in situ. POLSA search. After the scenes of crime examination, photo of the knife in situ to be sorted." At that point, we knew that knife had been removed by, I think it was the CID but I'm not quite sure. The knife had been removed. "The injured officer has agreed to have injuries photographed and later 24 hours to show bruising, etc. Officer's clothing forensically recovered. CS (sealed) recovered and will be weighed close of play. Welfare okay. Witnesses, Kirsty MacLeod, Martyn Dick; clothes/DNA tbc"

114. "Saed - altercation. Doctor/photograph of any injuries. Clothing/DNA in his house? Clothing in the laundry basket covered in [something, I am not sure what that word is]. Issue inhabitants of house medical requirements. White SEAT recovered at the address and photo, [and then] forensically recover anything that was there." Then is that Dick/Macleod home address , Colette Bell's home address; second phase examinations;" and then religion. There was nothing raised on the religion aspect that I was aware of.

115. On page 23, 19.34, I believe that Keith requested the officer's details from Pat Campbell, and then I've put there, "AD and sister partner for PM, and there was an issue about a child's needs at the sister's house. Police Scotland [I am not sure what that says in my written notes]."

116. I have been asked, in relation to the notes at the end of this entry, if PIRC knew the names of the officers that had attended Hayfield Road. No.

117. I have been shown my PIRC statement which notes a meeting at 19.50 with Police Scotland, chaired by ACC Nicholson. CS McEwan indicated that he had

Signature of Witness

recently returned from visiting the family where they articulated significant concerns over information disclosed to them by representatives of Police Scotland, resulting in a perceived mistrust of local police. (PIRC-00036) I have been asked what, if anything, happened between the meeting at 16.45 and 19.50 – apart from the note made at 19.34. No, I don't remember anything else. I think there was a period of kind of sitting about waiting for confirmation that things had been carried out and updates of what was happening but, no, there was nothing that came in that I've taken a note of, or I remember.

118. I have been shown notes of the conversation at 19.34 on page 5, I have been asked to provide a transcript of these notes. (PIRC-04184). It states "Requested Officer's details from Pat Campbell." Then "19.50 Gold Group". The note of these meeting contains the comment "NO FLO Deployment at this time despite earlier agreement if them being deployed and PIRC FLO calling late tomorrow". I have been asked what my reaction was when I learned that FLO hadn't been deployed by Police Scotland. My reaction was I was disappointed that it hadn't been done because I know how important it is to get someone in there, and not necessarily get the family on side but someone to provide a focus for the family for questions and so on. I've actually put an asterisk at the side of that, and I'm going back, but my memory at that point, I think DS Harrower was really quite angry that this hadn't been done, and that we were only finding out about it now at that point, would that have been an opportunity all day to let us know, and I couldn't quite understand why Garry McEwan had gone back to the family to speak to the family. I don't quite know what that was all about.

119. I have been asked if any reasoning was provided by Garry McEwan for his visit. It wasn't provided to me, no.

120. I have been shown notes of the meeting at 19.50 on page 24, I have been asked to provide a transcript of these notes. (PIRC-01467) "The priority was

Signature of Witness 

(a) Hospital. Blood had been discovered in the nostrils. It looks like “Temporary sheet below the body.” I’m not quite sure what that says. “(2) Locus. It was estimated within the hour they would be stood down. (3) House – Saed with the police. Attempting to leave. He refused to sign his statement at that time. The house-to-house arrived. There would be, deploy teams tomorrow morning. Female has captured aftermath of incident on a mobile phone. Not 100 per cent. Man in restraints. Police Scotland has her iPhone. One video not forwarded. Submitted for exam tomorrow morning.” I think that was the witness Ashley Wyse.

121. On page 26, “Statements confirming. Collette Bell 07.30, injured person calls her. Dick and partner corroborate each other. No assault but, coming together. Did something. Dick gets call from Saeed and takes him to Saeed. Motor vehicle at home address. CCTV deployed for the area. House-to-house urgency this evening. Disrespectful comments at children’s party. Investigative process. Strategies being worked up. Link at work to each other, What has been captured.”

122. Garry McEwan speaks about IAG [Independent Advisory Group] member [REDACTED] [REDACTED] Partner of his sister: meeting with Ade, brother-in-law- advised met with Garry and Ade. Collette, mother and child: extended family. Contact has been vague; no disclosure until late in the afternoon. ambulance contact with police and public.”

123. Then page 28 “Martin involved in death.”. “Garry gave his understanding to Ade appreciated this. - Family view: the police planted the knife and murdered the IP [Sheku]. - Family not going public if kept updated with developments. - Early contact with PIRC needed by the family. Family view: police brutality and lots of questions. - Family distrust of local officers. - Early contact with PIRC FLOs. - Ade contacts in London. Garry and Nicola, community tensions.”

Signature of Witness [REDACTED]

124. I've emphasised there on my notes there are no FLOs contact with the family at this time. Noted that there was an early agreement for Police Scotland to deploy and that PIRC would call later. Then, "Access to the house"- this was Collette Bell: "Access to the house for baby's milk, etc. The family are not aware of time for the p.m.," and then I have marked, "which FLOs tonight," to emphasise, "Is there anyone going tonight?" and I don't think there was a response to that.
125. Then page 30, it's reemphasised that the officers position was not to provide statements at that time. "Federation advice not provide statements at this time." The officers are significant witnesses. They're crucial witnesses. "Result of all baton strikes' effects!!" Then "DCS. A further approach to the officers from PIRC regarding operational statements?"
126. "Community issues. Independent advisor from Edinburgh for guidance/advice. Reassurance messages being passed. Jill will do a strategy for this evening. Community impact assessment tomorrow. PIRC feedback to Nikki??" [Do we need to give her anything in terms of what we're doing or whatever] Then a community impact assessment via locally elected members.
127. The page 32, it reads, "Officer status, equipment, uniform replacement, footwear replacement etc." so there's an issue about if we take all their clothing and so on there's nothing for them to wear. Then there was, "Family concerns about the officers being operational." Some of them say they don't want to be operational, to be seen as targets and so on. I don't know who's mentioned that about they would have reconsidered their position tomorrow. There would be an independent MIT team for the investigation,

"Media - referring to PIRC from now on," so any releases about the incident would be made by the PIRC media Office. I am not sure what that was about. "Brother-in-law," not sure of what that was about, "not aware of ethnicity

Signature of Witness 

problems,” I think. I don’t think there was anything at that particular point, and then, “The release of the family statement by PIRC?” I don’t think we got to the end of that, which is why I’ve marked under it, “Raise with the family the release of the family statement.”

128. Then page 33, at 9.20 that evening, Keith calls Sheku’s sister. Ade wasn’t available, and I think he was advised to call back in ten minutes, which I think he did do.

Meeting with the family on 3 May

129. I have been asked who made the decision to visit the family on 3 May. The decision to go and visit them was quite clearly DSI Harrower’s. I think there was an element of frustration that Police Scotland hadn’t deployed an FLO at that particular point. He believed, and I agreed, that it was important we made contact given the fact that the FLOs hadn’t been there and explained who we were and how the process would work or anything else, that it was better for him and I to go along and meet the family, and he could articulate to the family what the situation was, who we were, what we were empowered to do, what we would be doing, that our FLOs would be in contact with them probably the following day, and they would be their point of contact in terms of our investigation. I think there was also an element of Keith being extremely frustrated that Police Scotland had not deployed FLOs. I think it was absolutely right that we went that night and didn’t leave it until the following day.

130. I have been asked if it was unusual to visit a family so late in a day. Bearing in mind this happened at ten past seven in the morning and we’re getting it at nine o’clock *21:00), yes, I think leaving it until 22.10 for PIRC to have someone there - having previously been advised by Police Scotland’s FLOs, that PIRC FLOs would see them the following day and take over, I think it was very, very important that we actually went that particular night.

Signature of Witness 

131. I have been shown my notes on page 34, I have been asked to provide a transcript of these notes. (PIRC-01467) This is Garry McEwan. I have been asked if this note is from a separate conversation with Garry McEwan. No, I think that was a note I took at the meeting. I think. I'm not 100 per cent sure, but I think that was a note of Garry McEwan sort of briefing the meeting. So: "7 o'clock call. Black male brandishing a knife. 6/more police. Apprehension. CS and baton drawn whilst arresting. Falls unconscious. CPR administered. Ambo called. Hospital. PLE'd 0904. Door-to-door. Other witnesses will come forward. PIRC told first the attached crime team's independent investigation report to COPFS. Officers' clothing and footwear – Nil absent their status. Collette [I am not sure] 2 people who called Ambo. Why did they not tell them 1st thing this morning. Ade taking notes. PIRC will move in with this."

132. I have been shown my PIRC statement which notes that at about 22.10 I attended at [REDACTED] Kirkcaldy with DSI Harrower. DSI Harrower spoke to the witness, Ade Johnson, requesting to speak to him in private. (PIRC-00036) I have been asked if I know why Keith wanted to speak to him privately. It's not the sort of thing that you want to discuss/ announce to a large group of people. I mean, I think it's appropriate that you speak to the direct next of kin and, if Ade Johnson is acting as that on behalf of his sister, then that's the person to do it to, and also Collette, who was his partner.

133. I have been shown my PIRC statement which describes a number of the people present appearing agitated and angry and Ade Johnson outlined his displeasure in the way that Police Scotland personnel had communicated information to him which differed and conflicted significantly. (PIRC-00036) Yes.

134. I have been shown the notes within my notebook on page 6 which appear to state:

Signature of Witness [REDACTED]

Met with family

Hostile environment

Being told conflicting stories by police

1. Looking for two murderers

2. Died on way to ambulance

3. Died on the street

4. Resisting arrest

5. Advised hit with batons / CS spray – attacked a female officer

Issue with press release (PIRC-04184) Yes.

I have been asked if I recall what the specifics were of what the family had been told by the police and how the accounts contradicted one another. I think there was a number of officers had attended and spoken with the family and told them different stories/ accounts of what had happened, and quite obviously the family were concerned. Phrases like “Well, hold on a minute. You told us that he died in the street. You told us that there was two men seen running away from him. You told us that he’d gotten involved with the police and that he’d been struck by batons and so on. You told us he’d been CS sprayed.” Police Scotland had not given them the facts and circumstances of the incident.

135. I have been asked what the “issue with press release” was that I have recorded in my notes. No. I cannot recall at this time what this was.

136. I have been asked if, at this meeting with the family, any dissatisfaction was expressed by the family in relation to PIRC and PIRC’s conduct so far. No, I don’t think there was. I don’t think they knew what to expect. No, I don’t think they had any issue with PIRC at that particular point because we hadn’t had any contact with them. They did not to my recollection express any concerns or complaints to DSI Harrower or myself.

Signature of Witness



137. I have been shown Ade Johnson's Inquiry statement which at paragraph 23, Mr Johnson describes this meeting:

One of them was tall. He did not want to be there. He was a bit arrogant with his approach. He came in with the attitude of, "Do as I say." We were not happy, and we told him that we were not happy with his approach. (SBPI-00248)

I have also been shown Kadi Johnson's evidence to the Inquiry (day 34, page 18, line 18), with reference to the demeanour of PIRC's investigators at this meeting, Ms Johnson states:

I think they were a bit firm on, you know, what they – they were a bit firm, I would say.

I have been asked if I have any comments about their characterisation of the meeting. I can understand Kadi making those comments. Keith Harrower is a tall, imposing individual with a deep voice and it could be perceived as firm. Our objective was to explain to them who we (PIRC) were, what we were doing, what we were trying to achieve, and that we would be having FLOs contacting the following day and they would be family's point of contact. Yes, she did start asking questions about Collette's house and I was aware Collette's house was still being dealt with by Police Scotland. We advised Kadi Johnston that PIRC weren't dealing with Collette's house. That was Police Scotland dealing with Collette's house. So, we were in charge, but only of two crime scenes. That wasn't one of them.

138. I don't think I actually spoke at that meeting. Keith actually explained who we were and the differences between PIRC and the police. It was business like. It was matter of fact. It wasn't nasty. It was empathetic. We were very cognisant of the position and what had happened before, so we were trying to say, "Look, this is who we are. This is what we're going to do. We will be in

Signature of Witness 

contact. We will appoint FLOs. We will be in regular contact with you, and we will keep you apprised with what's happening all the way through our investigation." But to not - I'm trying to think of the right word – not allow us to break that news to Kadi and to Ade in the hallway or somewhere private but to be marched into a living room surrounded by all these relatives and friends and so on - and in a charged state of emotions. Some of them were really quite charged and quite angry. There's a lot of bits and pieces in there were I can empathise with Ade Johnson saying, "This is what we were told. We were told four different things, or five different things," none of which really, in my view, at that time of night, resembles to the truth.

139. I have been shown my PIRC statement which notes that DSI Harrower informed the family that COPFS had arranged for a post-mortem examination to take place in the afternoon of Monday 4 May and he requested that two family attend the City Mortuary to formally identify the body. Mr Johnson stated that the family had discussed matters and no members of the family were willing to do the identification until family members, including the now deceased's mother, came to Kirkcaldy. He further stated that she was travelling from England with a group and would possibly arrive sometime the following day. (PIRC-00036) I have been asked how this matter was left with the family. I think that's how it was left with the family, to be honest. I don't remember whether Keith contacted Dave Green. He may well have. I just don't remember.

140. I have been asked if I know why SI Ricky Casey remained in Hamilton on 3 May. It's not unusual for SIs to remain in the office. I didn't think anything unusual in it. I think if there was anything that was causing a problem, then Ricky was in the office and had access to files or whatever else that may or may not have been needed, but I didn't see any issue with that at all. I have been asked if Keith Harrower was in contact with Ricky Casey on 3 May. Yes, I think Keith would do as he normally does, which is give him regular updates

Signature of Witness 

advise of any issues at that point, with what's actually happening, at the end of the day, he's the Senior Investigator.

141. I have been asked if I had any contact with COPFS on 3 May. None at all.

142. I have been asked if I had any contact with SPF on 3 May. None at all.

143. I have been asked if I saw any media coverage on 3 May about the incident. No, I don't recall I did, because we were in Kirkcaldy Police Office. We had an office as such, so there was no TV or radio or anything. No, I don't think we had any knowledge of media coverage or otherwise.

144. I have been asked if the police officers that I encountered on 3 May had sufficient awareness of PIRC as an organisation and what PIRC's role was. The officers that we actually dealt with on that particular day I think they had been briefed that this was a PIRC investigation and that we were in the primacy. It wasn't Police Scotland. We were in the primacy of the investigation and that they would work to our direction. I'd never encountered any problems with any of the operational police officers that were there on that day.

145. I have been asked if, on 3 May, I gave any consideration to whether race was a factor in the incident. I didn't see it as a racial incident.

146. I have been asked if on 3 May, PIRC had the powers it needed to commence the investigation. Yes, I think we had all the powers that we actually required at that point. I think, subsequent to that, there has been discussion between PIRC, Crown Office, Police Scotland in terms of the submission of police officers statements.

May 2015

Signature of Witness 

147. I have been shown my notes that reflect on Monday 4 May I attended a briefing at 08.00 by Keith Harrower (PIRC-04184). I have been asked if I recall anything further about this briefing. No. There's nothing really that I recall. Did DSI Harrower have a briefing note done? He's normally very meticulous. I think he had a briefing note done for that.

148. I have been asked if this briefing was a handover briefing to Billy Little. I think that the purpose of that was to brief the staff who were on duty, but also to hand over to DSI Little.

149. I have been asked who at PIRC would have taken the decision to move the investigation from Keith Harrower to Billy Little. The senior Investigations management Team and Commissioner would have made the decision as to whom the investigation would be allocated.

150. I have been asked if I had any role in the briefing of Billy Little. None at all.

151. I have been shown the evidence of Detective Superintendent Patrick Campbell to the Inquiry who stated, (day 49, page 73, line 5):

A. I think -- sorry, I think the problem with the PIRC deployment at that stage, other than the resources, is that over the course of 24, 36 hours they changed the lead investigator. So Keith had --

Q. What issues did that cause?

A. Just obvious challenges, the fact is you're bringing someone on fresh into the investigation when you've been there for 12, 13 hours at that stage, you know what I mean, before that ... before Billy Little's appointed around that. So again, there was challenges with the fact that

Signature of Witness 

the change of a senior investigator from PIRC at such an early stage of a critical investigation would undoubtedly cause challenges.

I have been asked if I agree with DS Campbell that the handover of responsibility for the investigation to DSI Little and SI McSporrان caused “challenges”. No. I don’t agree with him. The briefing itself the following morning, done by Keith, and then the briefing note produced by DSI Harrower would not have caused any issues for Billy Little. Any questions that DSI Little could have been asked and answered at that point.

152. I have been asked about the house to house enquiries around Hayfield Road I carried out on 4 May with Investigator Pattenden. In the course of enquiries I obtained a statement from a Ms Hena Mathew at Hena Mathew's address at Hayfield Road [REDACTED]
[REDACTED] Yes.

153. On Tuesday 5 May I also attended Kirkcaldy Police Office and took possession of a Samsung S5 Mobile Phone which belonged to Ashley Wyse. That’s correct.

154. At about 18.45 I obtained a statement from Ashley Wyse in the presence of DSI Headrick. I have been shown my PIRC notebook entry for this at page 6 (PIRC-04184). I have been asked to confirm the wording below the words “Spoke with Ashley Wyse”. It says reference her phone. Below that it says, “Advise we will need to look at phone to see what was on it prior to decision of it being returned.” Basically, we need to download the information, examine it, view it, before it would be returned. I think I then did say, “May have to be retained for examination”. I then got the details of her service provider and the passcode to facilitate access into it, and she told me it was a front-page gallery. It was a Samsung Galaxy S5.

Signature of Witness [REDACTED]

155. I have been asked who would type up a statement like this after I had spoken to the witness and made handwritten notes. Yes. I don't think I made any handwritten notes in relation to that. I think I took the statement onto PIRC statement forms, it was written straight down. It would then be typed up by one of the typists with the PIRC office, and I'm not sure whether she would have typed it from my written notes or whether at that point we were voice recording, if she was typing it from a recording. After that, I would then get the statement back, and I would then proof read the typed statement against what I had actually written, to make sure the two corresponded, and that would be checked.

156. I have been told that COPFS identified an issue with a statement from Ashley Wyse. At page 60 of Volume 1 of the PIRC Report Ashley Wyse was attributed as stating *"The deceased was lying on his back and that it looked like one of the police officers was using a baton on the deceased's upper chest, towards his throat, to hold him down"*. Ashley Wyse provided PIRC with two statements (PIRC-00043, PIRC-00045). You took statement on 5 May – this statement contains this information quote above It transpired neither statement that had been provided to COPFS contained the information which was included in PIRC report. I have been asked what I can recall of this. I am aware of this situation. I think it was where a senior investigator or deputy senior investigator had cut and pasted this particular paragraph from the Ashley Wyse statement as opposed to copy and paste. The statement was proof read by me after it had been typed and then placed onto the PIRC Clue system, and that time paragraph was definitely in it. it must've been in it because it had been cut and pasted by another senior investigator into letters of request for some of the professional witnesses, for example the doctors.

157. The issue with the statement came to light as a result of an inquiry by Crown Office the previous week. I was advised by John McSporran, the senior investigator who said, "There's a paragraph missing from your Ashley Wise

Signature of Witness 

statement,”. I says, “No, the paragraph was definitely there,” and I showed him exactly where in my statement that it was there because I had a copy. I’d taken a copy of it for my own reference just in case. A PDF copy? I showed the missing paragraph showing it was definitely there., So in the course of someone going through the statement and copying/ cutting and pasting information for the doctors it was removed.

158. I have been asked what the process was for checking a final statement at PIRC. The typed statement would be electronically entered onto the clue system under the operational name and in the relevant statements folder. The Investigator who took the statement would be advised that the statement had been typed. Each investigator was responsible for proof checking the typed copy to the original handwritten copy and verifying the document as correct and complete. What I done for effectiveness and efficiency was actually to read my written statement out as it was on the sheets, and have my colleague make sure that that’s what was actually typed on the screen, and then I would endorse that it had been checked. Then after the check I would sign off the statement as correct.

159. I have been asked if this process changed at any point while I worked at PIRC. I think that was fairly consistent. I think there was a couple of minor changes, but nothing that really jumps out at me.

May 2015

160. I have been shown the notes of PIRC’s morning briefing on 6 May it is noted that DSI Headrick and I were working on the phone interrogation and this would be prioritised. (PIRC-04156) Accompanied by DSI Headrick, I obtained a statement from the witness Connie Barick. I have been asked if there was specific reason that Investigator Headrick and I took this statement, or if it was just in terms of availability. No. I think that may have been an action which was

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managed on CLUE, and we were allocated the action to go and take the statement.

161. My notebook contains an entry on page 8 connected to taking Connie Barick's statement. This is headed Connie CRAFT. (PIRC-04184) It says, "Connie Crafts, mother of Sheku's first child, "creating a shitstorm on social media." I have been asked if I recall what this referred to. I don't, actually. I think it was maybe just somebody saying, "Look, somebody go and take a statement from her and see if she's got anything of value." That information came from DI Andrew Wilson. That was from Police Scotland, so they're saying they're having issues about it. They're letting us know, and I went and took a statement with Maggie from Connie.

162. I have been asked if my use of quotation marks indicates that's the precise information you've been given by DI Andrew Wilson. I'm thinking it probably is, that it's been referred to as "creating a shitstorm." It's not a phrase that I would use myself, so I can only assume that it's been a quote from Andrew Wilson, or a quote from Billy saying that this is what Andrew Wilson had said.

163. I have been asked about being appointed the document reader for the operation and what this entailed. My role was basically to go through all of the documents that we were receiving from Police Scotland, etc., and see if there was anything else that required actioning on, or if they refer to a document and we don't have the document. Then, I would raise it in the document action sheet and arrange for that to be produced, retained, recovered.

164. I have been asked who was responsible for deciding who a statement was needed from and for generally identifying potential witnesses. We had an incident room running for this incident. If memory serves me correct, there was two individuals in there. One was an Investigator: Laura White and the other one was DSI Ian MacIntyre. As they were receiving statements, they would

Signature of Witness 

raise actions and manage CLUE. Upon their allocating actions, you would get an email basically saying, "You've got an action and this is the action. This is what we want," and you were left to go and arrange to take the statement or recover productions and complete the action.

165. I have been asked who's responsibility it was to check off that all the areas had been covered. I think Billy Little went through every single statement. He was the DSI, the investigative officer, so I think he went through it, but I think, to be fair, probably Ian MacIntyre was going through and checking statements as well.

166. I have been asked on statements generally, who was responsible for cross-checking statements to look for any inconsistencies or points of interest. I think again that was Billy Little and Ian MacIntyre again. I think, to be fair, John McSporrان, the SI, was going through an awful lot of this as well, albeit Billy Little was in charge of the investigation, but John was overseeing it.

167. I have been asked if, as an investigator, when a statement was typed up and had been signed off as accurate then it would go to the incident room, and then you may hear if more steps were required. Yes. Basically. I think myself and the rest of the investigators, once we'd done the statement, signed it off and put it on the system, so the hard copy would be filed. The serial number would be filed, and the electronic copy would be put onto CLUE, and someone was going through and just making sure that all the actions were completed. That's one of the facilities on CLUE. You allocate an action and it's marked off when it was done and who done it and any issues regarding it. I think that between John McSporrان, Billy Little and Ian MacIntyre, the kind of management of it, they were going through the statements to see if there was anything else.

168. I have been shown the note for the PIRC morning briefing on 20 May, at which it was noted "SI McSporrان re-emphasised documents received to be copied

Signature of Witness 

and passed to IO McGuire to be marked-up.” (PIRC-04156) I have been asked if this relates to the role I had as document reader. Yes.

169. I have been shown morning briefing meetings for 21 May, these notes reflect I was “continuing to mark up documents” and on 26 May I was still working on this. This was noted as completed on 27 May (PIRC-04156) Basically, what I was empowered to do was to go through the document to see if it led us anywhere else.

170. I have been asked if this means I was looking for any underlying documents. Yes, I think so.

June 2015

171. I have been shown my notebook entry for 1 June at page 14 where I noted I was working on CCTV (PIRC-04184). I have been asked to read out this entry: “Agree with SIO Little not to trace MVs [that’s motor vehicles] passing through [is it] north, south, west on Hendry Road, no stops, except these which stop or interact with police. Build into timeline in bold. Witnesses/MVs ID’d. Create separate spreadsheet for MVs to be identified. Build into Moe’s timeline [Moe is Maurice Rhodes’ timeline] which MVs, etc.”

172. So basically, Maurice had done some work on the CCTV, and I was going through that, checking that we had a list of all the ones that were there and putting it into the times, and that’s the times exhibited on the CCTV timeline.

173. I have also been asked to read out the entry on page 14 also on 1 June at 14.30 which appears to say “John McSporrان priority to Gold meeting minutes review.” (PIRC-04184) All I remember about that is John coming in and saying, “You know, there’s Gold meeting minutes. Can you review the Gold meeting minutes and the minutes of the 11.30 on 3 May.” I done that and I completed a document instruction form. I have been asked what I would have been

Signature of Witness 

reviewing those minutes for. I probably spoke to John at the time in terms of what he was looking for or what had caused his attention. He wouldn't have come in and given me that for no reason, and I don't honestly remember what I put on the document instruction form, or specifically if there was anything specific that I was looking for.

174. On 2 June (page 15, PIRC-04184) I noted reviewing documents that appear to be Gold Group Meetings. Yes.

175. On 4 June, SI Casey and I took a statement from Constable Alan Paton. (PIRC-00262). I have been asked if I had any involvement with PIRC's Witness Interview Strategy document (PIRC-04182). No. I have been asked who prepared it. Garry Sinclair.

176. I have been asked if the Witness Interview Strategy document (PIRC-04182) was the basis of my preparation for taking PC Paton's statement. Yes. I believe I tried to get all the information that was contained within that request.

177. I have been asked if, prior to PC Paton's statement being taken, I undertook any reading of documentation in preparation or had any discussions with other PIRC staff in relation to the lines of questioning to be explored with PC Paton. I don't recall. The only thing that I would say there is just leading up to 4 June, I was scheduled to be away from work from 5 June onward, so I was kind of surprised to get the short notice. I think I found out the day before that I was taking the statement with Ricky Casey

178. I have been asked if anyone told me why it was me and not SI Ricky Casey that would take the statement. No. I just worked on the assumption that he's the senior investigator and I'm the investigator, so I do the work.

179. I have been asked if I had ever encountered a situation where a month had passed following an incident and there had been no statements received from an officer who was now about to give a statement to PIRC. No. Never. There

Signature of Witness 

are situations where there's an investigation and yes, you can take a statement from an officer and it can be some time afterwards, but that's only as a result of finding further information and you require clarification or need to ask additional questions.

180. I have been asked if, in the process of the statement being taken from PC Paton, I had any contact with my colleagues from PIRC who were taking statements from other officers on 4 June 2015 to allow the accounts received from the officers who attended Hayfield Road to be compared. On 4 June, no because we were all taking statements at the same time. I was t in Kirkcaldy with Ricky. Others were at Tulliallan, in separate rooms, so no, I do not recall or not to my knowledge, there was any interaction between the teams in terms of who was saying what.

181. I have been asked about PC Paton's PIRC statement where, on page 2, he makes reference to a statement previously submitted to "*John Sallens from Peter Watson*". PC Paton agrees to provide an electronic copy of this statement to me by email. (PIRC-00262) I have been asked if this statement was obtained by PIRC. I do not know if this was received by PIRC. It certainly was not sent to me direct, I do not recall ever getting that statement from the PC Alan Paton.

182. I have been asked about PC Paton's PIRC statement where, on page 4, he states:

"Straight away I remembered that there had been the rumour going about Kirkcaldy Police Station that somebody intended to cause harm to a female cop. Numerous officers had asked managers to confirm if there was any known truth in the rumour. But this had never been confirmed to my knowledge. The rumour still remains strong and it is believed by the officers that this had contributed to all officers in Kirkcaldy being double crewed whilst on patrol."
(PIRC-00262)

Signature of Witness 

I have been asked if any steps were taken by PIRC to investigate the rumours referred to in relation to a potential threat to a female police officer. I believe that PIRC went through Police Scotland's intelligence system to establish if there was anything there. I'm not sure of whether they actually spoke to senior officers to confirm or deny that particular comment.

183. I have been asked about PC Paton's PIRC statement where, on page 4, he states:

"For a number of months checks have also been getting carried out by officers at a number of identified locations in Kirkcaldy due to increased terrorist risk. It also ran through my mind that this male could be part of a terrorist plot."

Later on page 5, he states:

"I kept thinking about the Lee Rigby boy, the soldier who was killed." (PIRC-00262)

I have been asked, after this statement was obtained from PC Paton, if any steps were taken by PIRC to confirm the risk of a terrorist attack as at 3 May 2015. I'm sure this was followed up, but I do not know by whom or when it was done.

184. I have been asked about PC Paton's PIRC statement where, on page 8, he states:

"I remember Craig saying to Scott Maxwell "That's a couple of ribs away"." (PIRC-00262)

I have been asked if PIRC carried out any kind of investigation in relation to those references about Mr Bayoh's ribs breaking during CPR. I cannot recall if

Signature of Witness 

this was done. I do not know, but if someone's has been doing CPR at a good level, then yes, I would expect some ribs to be broken in the process of doing that.

185. I have been asked about PC Paton's PIRC statement where, on page 9, he states:

"In the canteen we were all talking between ourselves. It was about the incident. I cannot really be specific about what we were talking about. I was in shock. I remember talking about Nicole and asking how she was." (PIRC-00262)

I have been asked if any more consideration was given to asking for more detail about what the officers had spoken about in relation to the incident. I do not have any knowledge on that. No.

186. I have been asked, if I had not been away from work, if I had been at work, if I would have been responsible for getting this typed statement back and checking it. Yes. I have been asked how this was handled in my absence. The thing is, that when my handwritten statement is typed up, it immediately goes onto the CLUE system. So, all of the investigators, the DSIs etc., the investigation team, they would all have had access to that statement. The only difference is that I hadn't actually at that point had an opportunity to verify the statement as 100 per cent, so yes, all the information that was taken in the statement would have been on that and it would have been on the CLUE system for PIRC employees to look at. I signed the statement of as complete on my return to work. The corroborating Investigator senior Investigator Casey also has access to the statement.

187. I have been asked, following a death in custody or following police contact, if it was common for officers to be re-interviewed by PIRC after they had been interviewed and given the statement. Quite common. Yes. It's not unusual for

Signature of Witness 

us to go back and take an additional statement for clarification or to ask additional questions.

188. I have been asked if anyone in this case considered or discussed directing that the officers be re-interviewed. I have no knowledge of that.

189. I have been asked if any consideration was given to asking PC Paton why he took certain actions, or why he was choosing certain options in the incident. I cannot recall.

190. I have been asked if anyone at PIRC compared all the officers' statements and contrasted them to look for any further areas that needed to be explored. I am sure that this would have been done as it is the usual practise.

191. After PC Paton provided his statement, PIRC's terms of reference were expanded by COPFS to look at whether there was inappropriate conferring between police officers and to investigate issues of race and conduct. I have been asked what consideration, if any, was given to obtaining further statements from the officers that attended Hayfield Road to explore these areas with the officers. For the month after the statement, I took from Alan Paton I was off work, so I was not fully aware of what was happening with the investigation. When I came back, I was not aware of any of these things.

192. I have been asked if I was off work from 5 June to 6 July. Yes.

July 2015

193. On 21 July 2015 I was present when DSI Harrower noted at statement from Zahid Saeed. This statement was temporarily suspended at Saeed's request at 1700hrs. (PIRC-04184). This statement completed on 29 July. This 21 July meeting with Mr Saeed is the last entry in my notebook. We always have a notebook. So, if that notebook had been withdrawn purely because of the

Signature of Witness 

inquiry, there would be another notebook starting from that day. There must be something, because I was with Keith where we took the second part of his statement.

August 2015

194. On 31 August I attended Stirling Police Office with Investigator Rhodes. I was present when he took a statement from Lucy Adams and received copies of press articles. (PIRC-00038) I have been asked what this task related to. I think it was media briefings from Police Scotland and possibly newspaper clippings and stuff.

October 2015

195. On 15 October 2015 I was briefed by Senior Investigator McSporran regarding a statement to be obtained from Barry Swan who had appeared on the previous evenings local and national news and on the BBC2 Newsnight programme. (PIRC-00037) I have been asked what SI McSporran said to me by way of briefing. No. I think it was just that Barry Swan had appeared on Newsnight the previous evening making allegations against Alan Paton of a racial nature. [REDACTED]

[REDACTED]

196. Later that day I was advised by DSI MacIntyre that arrangements had been made to interview Barry Swan. Investigator Maurice Rhodes and I attended and Investigator Rhodes obtained a witness statement from Mr Barry Swan. I have been asked if the statement taking going on until 2:30 am was Mr Swan's preference. That was his preference. We did offer to come back and take it at

Signature of Witness [REDACTED]

a more convenient time, not necessarily office hours, was quite obvious that Barry Swan had a lot that he wanted to get off his chest.

197. I have been shown my notes made during this statement taking from Barry Swan. (PIRC-01499) Whilst Maurice was asking the questions and so on, I was noting down bits and pieces just purely for my reference, stuff that, come the end of the interview, you'll turn to your colleague and go, "Is there anything missed? Is there anything you want to ask?" and we would finish that off. That was just my notes of things that I wanted to just clarify as far as the statement was concerned. I think, to be fair, most of the stuff that is there is probably written by Maurice in the statement.

198. I have been asked to provide any clarification where I can, where a section of handwriting is not clear. At the top of page three, at the second tick from the top, I think it says MOF (that's "Mother of Friend") who appeared the Bayoh family was Karen. That's something that we need to know, who Karen is, to see if we can get a statement from there, and then I've put under it, "Relative, Karen." And then, "raised three years ago, Divisional Commander, who, when, where, why, Karen. Family members, previous" Something and then "history of racism." So, these were things that were followed up as the result of family comments in Barry Swan's statement there.

199. [REDACTED]

200. [REDACTED]

Signature of Witness [REDACTED]

[REDACTED]

- 201. On page eighteen at the top, there's an entry in a square bracket that looks like "23.10 Karen frustrated at the time it was taking." Karen's actually – she's come into the room in a kind of jovial way and said, "This is taking forever," and we said, "Well, we've still got a fair bit to go," and I think at that point we suggested, "Look, we can come back and do this tomorrow or the day after at a more reasonable time," and he insisted, "No, no, no, we're getting this done tonight."
- 202. On page twenty, there's an entry headed "Sheku Bayoh death 3 May." It says, "News: driving instructor." I am not quite sure. "Private driving lessons" I think this is something about she got the news from a driving instructor about the death, and she knew that Alan was on shift at that particular time.
- 203. On page twenty-two, an entry which begins "12.05 still okay". At 12.05, that was us looking at the time and going "Look, it's after midnight now. Are you still happy to carry on with this, or can we come back?" I put that in there just so that we were aware, or I had a recollection or a note, that he was willing, more than willing, to carry on, even into the small hours of the morning.
- 204. Also on page twenty-two an entry that begins "Fundraiser". "Fundraiser in Leven on a Saturday. Car wash thing for Sheku Bayoh. Spoke to a member of the family: 'I've got information re Sheku's death.' They took her phone number, next day contacted and met the family, Sheku's sister. Met with the family two months ago."

Signature of Witness [REDACTED]

205. On page twenty-four, I have been asked if this is the end of the meeting. Yes. At 01.24 the full statement was read over to Barry Swan. At 02.06 we made some amendments. and then at 02.15 he signed the statement.

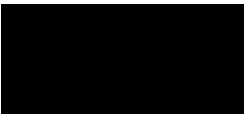
206. I have been asked what the notes on page twenty-six relate to. I'm not quite sure what that is. I think it was just something that was mentioned and I've taken some notes and then I've circled it there, William Paton's statement, in relation to does it back up or contradict anything that Barry Swan had said. As it says there, there's no contact number in for him. We didn't know his address or anything like that. I think it's just a record of what I think had happened that Aamer Anwar was present, in Barry Swan's house and various bits.

Responsibility within PIRC

207. I have been asked if I had any involvement working on the PIRC report submitted to COPFS on 10 August 2016. No.

208. I have been asked what role more senior figures such as Irene Scullion and John Mitchell and Kate Frame had in the investigation. They were the senior management team I'm not sure what they would have done, or what they would have directed. I would not be privy to their decisions or actions.

209. I have been asked, at this point, who at PIRC was ultimately in charge of the investigation. William Little, was the investigating officer. He was a deputy senior investigator, but he was being overseen by John McSporran. John would have been the senior investigator at that point, he would have been directing what was getting done, and I'm sure that between John Mitchell, Irene Scullion, and John McSporran, the directions and so on would have been there with Billy.

Signature of Witness 

210. I have been asked if I had much contact with John McSporran across the investigation. No. Other than a couple of bits where he's spoken to me and asked for things to be done, no, not really.

211. I have been asked if I was content with the amount of support and instruction that I received from colleagues at PIRC. Yes. No issues with that at all.

Record keeping

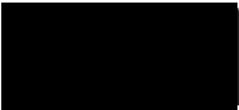
212. I have been asked if kept other notes across the investigation. No.

213. I have been asked if I think I would have had a further notebook with entries about any other actions I took in the investigation. I would imagine so. That was the last page in the notebook there, so I'm going to venture and say there's probably another notebook with additional information in it which PIRC will have.

214. I have been asked what the requirements were from PIRC about the notes that investigators took. Everybody is issued with a notebook. A notebook is signed out to you. You sign for it, then when it's handed back in, you're issued with another one. There should be no discrepancies in between. Contemporaneous notes follow exactly the same rules in terms of evidence as anywhere else. So, if we take notes, then they will be submitted as I have done.

End of involvement

215. I have been asked when the end of my involvement in the investigation was. Other than what's written in my notebooks there, not sure. For my own personal part, after taking Alan Paton's statement, I think my involvement in it was more of a, kind of, assistant role. I think Maurice took the next statement.

Signature of Witness 

I think I picked up some productions, but I didn't really have very much more to do.

Diversity of PIRC

216. I have been asked how diverse PIRC was as an organisation in 2015. I think, it was as diverse as it could be. To my knowledge, we didn't have any ethnic minorities in PIRC that I'm aware of, but did I see it as a problem? No.

217. I have been asked if PIRC's level of diversity changed between 2015 to me leaving in 2022. I don't think it did. It's certainly not something that I was aware of.

218. I have been asked, who at PIRC would I say is responsible for the diversity and inclusion matters. That would be the HR manager.

Race

219. I have been asked if anything in the investigation was done or not done because of Mr Bayoh's race. No. I didn't actually see this as a racist incident as such. The man was black, undeniably, but it wasn't racist. The officers were attending the report of a black man in the street. It could quite easily have been a white man in the street. It just happened to be that that was the description that was passed over to police Scotland contact centre by the witnesses who phoned in. "There's a black man in the street," that's the easiest way that they would describe him. There was nothing racist in that that I was aware of.

220. I have been asked when I became aware that PIRC had been asked to also investigate issues of race. It was much later on when that was expanded by Crown Office for us to have a look at the racial aspect of things, but up until

Signature of Witness 

that point, no, I don't think it was I cannot recall when PIRC received the additional letter of instruction.

221. I have been asked if, before this investigation, I had any experience of investigations of either a death in custody or a death following police contact where the deceased was someone from an ethnic minority. No.

222. I have been asked if, before this investigation, I had any experience of an investigation where race was explicitly something that PIRC had been asked to investigate following a death. No. I'm not aware of any, no.

223. I have been asked if PIRC had ever had an instruction previously that had race as a factor for PIRC to look into. Not to my knowledge.

224. I have been asked if when the terms of reference were expanded by Crown to include race as something for PIRC to investigate, if I had any involvement in that aspect of the investigation. I think the one that jumps to mind is the statement from Barry Swan where allegations were being made that Alan Paton had made racist comments and had joined the BNP or tried to join the BNP, and all this sort of stuff. I think it was the Barry Swan statement. I don't remember anything like that racial-wise.

225. I have been asked if, before PIRC's terms of reference were expanded by Crown to include race as something for PIRC to investigate, if any person at PIRC considered race as a factor. Not to my recollection. No.

226. I have been asked if I received any training while I was at PIRC about investigating the issue of race. No. There's nothing to my recollection. There were a couple of online inputs about equality and diversity, but nothing, around investigation of racial crimes or otherwise.

227. I have been asked if I think PIRC was equipped to investigate race following a death in custody or police contact as at May 2015. Yes. I think we're equipped to deal with any sort of investigation and, like Police Scotland, if we need

Signature of Witness 

professional guidance/expertise/statements, then we can call them in. In our case, we would be able to ask Police Scotland for assistance with the likes of independent advisory groups, diversity action groups, racial forums etc. If we needed that, then we could ask for it

228. I have been asked if anyone at PIRC made such a request of Police Scotland. Not to my recollection

229. I have been asked if, with specific reference to matters of race, there is anything I would do differently in hindsight. No. No. I don't think so.

Previous statements

230. I have been shown my PIRC statements (PIRC-00036 [REDACTED] PIRC-00037 and PIRC-00038). I have been asked if the content of those statements is true and accurate. To the best of my knowledge. Yes.

231. I have been asked if, when completing my self-statements my recollection of events was better than it would be now. I'm probably going to say my recollections at that time would be better than it is now.

Miscellaneous


232. I have been asked if I have been following the Inquiry and if I think my recollection has been affected at all by anything I may have seen via the Inquiry. No. I've not really watched a great deal or listened to a great deal about it because I had an idea that, you know, this sort of Inquiry would come up, and I wanted the stuff in my mind to remain the stuff in my mind, in my recollection. So no, I don't think so.

233. I have been asked, with regard to the whole investigation, is there anything that, knowing what I know now, I would do differently. No because, in my role,

Signature of Witness [REDACTED]

I wouldn't be able to affect anything that would need to be changed. So no, in terms of my role as an investigator, no. I wouldn't change anything that was there.

234. I have been asked if there is anything else I would like to include in my evidence to the Inquiry. No.

Signature of Witness 

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