



The Sheku Bayoh Public Inquiry

Witness Statement

Steve Allen

**Taken by [REDACTED] via Microsoft Teams
on 29 January 2024**

Witness details

1. My full name is Stephen Allen. My date of birth is in 1963. My contact details are known to the Inquiry.
2. I left Police Scotland in December 2015 at the rank of Deputy Chief Constable (DCC).
3. Since leaving in December 2015 I have had no professional contact with Police Scotland or any other police organisation. Any observations I make or opinions I express are therefore not informed by subsequent developments in policing, other than information available to the public through news broadcasts etc.

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Professional background

- 4. I joined the police service in 1985 and served in Avon and Somerset Constabulary (ASC) (1985 – 2003), the Metropolitan Police Service(MPS) (2003 – 2010), Lothian and Borders Police(LBP) (2010 – 2013) and Police Scotland (2013 – 2015).

Avon and Somerset Constabulary ('ASC' 1985 – 2003)

- 5. I joined the force in 1985 as a probationary constable. I was a response patrol officer for four years in South Bristol. I was then a sergeant for two years and an Inspector for three or four years. I was then Chief Inspector staff officer to the Chief Constable. As a Superintendent, I was the Deputy Divisional Commander and Head of Operations at Central Bristol, which covered St Pauls and inner-city areas. I was a Chief Superintendent, divisional commander for Bath and Northeast Somerset, and then from there I went on the strategic command course. I did a brief spell as an Acting Assistant Chief Constable and then left to go to the Met.
- 6. During my time in ASC I was mostly in uniformed patrol/operational-type roles.

Metropolitan Police Service ('the Met') 2003-2010

- 7. My roles with the Met included the following: Commander Diversity Directorate, responsible for Racial and Violent Crime Task Force; hate crime; domestic violence; honour violence and forced marriage (national responsibility); policy on rape and sexual offences; recruitment and retention initiatives for minority communities; strategic independent advice; family liaison policy and training; strategic engagement with staff support associations.

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8. I am asked about my role as Commander of Diversity Directorate. When I first arrived at the Met, for the first four or five months, I sat as a misconduct panel member on a significant corruption case. My first substantive role there was as head of the Diversity Directorate. Then in August 2005, I left that role, and I went to the Staff College at Bramshill, and was a tutor on that year's strategic command course.

9. From there I came back to the Met and created the new Violent Crime Directorate. That had responsibility for quite a number of the areas that used to be in the Diversity Directorate. They were honour violence, domestic abuse, missing persons, public protection, and violent crime. I did that until 2007, which is when I went to Westminster as the Commander. From there I became the head of training, and I was basically in that role until I left the Met at the end of 2009.

10. During my last two years in the Met, I did a couple of spells as an Acting Deputy Assistant Commissioner, which was the next rank up from Commander. That would be a Deputy Chief Constable equivalent. These spells tended to be related to some sort of brewing issue in the race, equality and diversity world. I transferred, on promotion, to Lothian and Borders Police at the start of January 2010.

Deputy Chief Constable Lothian and Borders Police ("LBP") 2010 – 2013

11. I am asked to give an overview of the role of DCC in Lothian and Borders and Police Scotland. My view of it in LBP was that the deputy ran the organisation day to day, a role similar to a chief operating officer in a business.. In 2010 we were just coming to terms with the idea of austerity. I'm sure every other one of the forces did the same, but we established a program of work that was about trying to manage the transition to a less well-resourced organisation. That whole program of work sat with me as the chair; it

Signature of witness..... 

involved huge amounts of engagement with the staff. Once or twice a week I was running a morning session in person with groups of staff to try and communicate what we were doing and make sure people had their questions answered.

12. The entire time I worked with Lothian and Borders Police I was in the role of DCC. My work with Lothian and Borders Police included leading the response to issues raised by the family following the racist murder of Simon San. As a direct consequence of this work I commissioned a project to develop a critical incident training programme for police across Scotland. The work continued through to the formation of Police Scotland.
13. The statutory role for the deputy is running the discipline system. I was responsible for conduct of the force. The start of every day for me was a briefing from my professional standards team on current cases, new cases, and I was required to chair panels, particularly about poorly performing probationary officers, deciding whether they stayed with the service or whether they didn't. At that level, you have a high degree of discretionary time. I chose to invest a lot of mine into the equality and diversity work, into engaging with various groups and opinion formers out in the community.
14. While I was at Lothian and Borders I took on a role with the Association of Chief Police Officers (Scotland) (ACPOS). ACPOS had a portfolio structure. Various people had responsibility for various thematic areas that were supposed to try and establish some sort of commonality of approach across the country. When I arrived in Scotland, I joined the diversity and equality business area, which was, at the time, run by a Chief Constable. He left, and there didn't appear to be another chief that wanted to take the area on, so I said I would do it. Having taken that on, related activities took up a fair amount of my time.

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15. As one of the chief officer team, I took my turn on the on-call rota. That would mean that, on a regular basis, particularly out of hours, you were responsible for specific police firearms operations. Some of the more serious operational incidents/issues would come into your purview as the on-call officer.

Transition to Police Scotland

16. In my view, the process that managed the transition into Police Scotland (2012/13) was sub-optimal in a number of ways:
- The process was insufficiently strategic or inclusive;
 - The prioritisation of basic operational competence during transition to the exclusion of issues of culture, quality, equality and diversity.
 - Selection of key staff for the project team(s) lacked fairness and transparency – there was a real sense of either being “in the gang” or not.
17. That said, there were some significant organisational achievements in the creation of Police Scotland. However, it is my view that there were a number of detrimental aspects of the organisational culture in Police Scotland 2013 – 2015. These included:
- Cult of personality around the Chief Constable leading to culture of direction not consultation, enabling bullying.
 - A performance culture that valued numeric targets over quality of service – especially the bizarre obsession with stop/search;
 - A debilitating culture of upward briefing;
 - A failure to create proactively a new and distinct organisational identity;
 - A highly centralised, self-protecting and bureaucratic organisation – a lack of devolution and empowerment;
 - Protecting the reputation was more important than learning;
 - Criticism or differences of opinion were not welcomed;

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- People who did not “fit in” had their leadership undermined;
- A culture that undervalued leadership training in favour of experience and networks;
- Individual ambition and advancement was more important than team;
- Where community engagement was regarded as a box to be ticked;
- A culture of presenteeism;
- An obsessive use of “Keeping People Safe” – an ambition we failed to achieve at least 300,000 times each year;
- A failure to think strategically about the development of the organisation and policing in Scotland.

18. I note that the HMICS report on culture (December 2023)¹ suggests some of the features are still evident although it describes that significant progress has been made since these early days.

19. Alongside the formal reform programme I initiated and conducted a national engagement process resulting in a report which is referenced in the Chief Constable’s Opening Statement to this Inquiry². This led to the Code of Ethics and statement of values.

Deputy Chief Constable Police Scotland (2013-2015)

20. My service in Police Scotland was in the role, as DCC, of Security Director for the 2014 Commonwealth Games, following which I was seconded to the Scottish Government (SG).

21. I am asked if there was a difference in the role of DCC in Police Scotland, compared with Lothian and Borders Police. Certainly for me there was. In

¹ [SBPI-00484](#)

² SBPI-00091, para 23

Signature of witness..........

Police Scotland at the time there were four deputy chief constables rather than just one. Because there were four of us in a bigger organisation it became a little more like the Met in the sense that you had a very senior officer in charge of a strategic area of the business rather than having oversight across the whole thing. Mine was definitely the most narrow of the four roles.

- 22. The specific role I got given was to run the Commonwealth Games and major events. The games finished in August 2014. I then spent probably the rest of the year tidying up, debriefing around the country. I spent most of 2015 seconded into the Scottish Government doing a variety of projects and things there, mostly around public sector leadership. In December 2015 I left the police.
- 23. I am asked about my secondment with the Scottish Government. The idea was to take the leadership and partnership lessons we'd learned from the Commonwealth Games and see whether we could do something to embed them in the concept of public sector leadership in Scotland.
- 24. I am asked about my involvement in the higher management of Police Scotland while I worked on the Commonwealth Games. From the outset, I had the expectation that I would be involved in higher management of Police Scotland at the same time. This was not really the reality. I would say maybe in the very early days, 2012 into 2013, it felt to me like any contribution I had to make might be valued. That was the time when I was doing the work around the country, looking at issues of culture alongside the reform programme. But then there was quite a lot about the initial start-up of Police Scotland that I thought we could have done better, and I think I said so, and I would say my experience was of a gradual lessening of interest in what I had to say.

Signature of witness..... 

The Investigation into Mr Bayoh's death

- 25. I had no involvement whatsoever in events leading to Mr Bayoh's tragic death, or in subsequent management or investigative processes connected thereto.

- 26. I am asked if I was aware of Mr Bayoh's case in 2015. Yes, pretty much immediately. I've got a set of slides from a critical incident training exercise that was held 23/24 June 2015. There is a slide which is an open source picture of Mr Bayoh's family with Amer Anwar in the middle. I used that as part of my opening remarks to the course to make the point that any of them at any time from that day forwards could find themselves responsible for managing a critical incident. In my mind, I clearly had it identified as a critical incident at that stage, otherwise I wouldn't have used it as an example.

- 27. I am asked if I discussed the case with anyone in Police Scotland at the time. No, not in any meaningful way that I remember.

- 28. I have been asked if I was aware of any attitudes about it amongst Police Scotland colleagues at the time. No I wasn't.

- 29. I am asked if I was aware of any 'lessons learned' processes or training held following the case. No I am not.

- 30. I am asked If I have any experience of working in Fife or with officers from Fife or Kirkaldy. Nothing other than being in meetings with their chief officers from time to time. No operational experience.

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Experience working with the public

- 31. I am asked if I had any experience of working a response team or a community team with members of the public. In ASC it was mostly response work, but once you take on supervisory roles – sergeant and above – then the work becomes more and more about engagement with communities and families and other stakeholders.

- 32. I am asked if I worked with the public in Scotland. I would say that was a very significant part of my role. The further up the rank structure you go, the more your role is about reaching outside the organisation, so the more you would engage with other organisations, other community groups, other forums. I am asked if I was responding to calls in my role with Police Scotland. No.

- 33. I am asked about my experience handling knife incidents. As a patrol officer it's not uncommon to be called to incidents where knives have been reported or there's a high possibility that knives will be present and used. I am asked if my experience of knife incidents would have mostly been in England. That would all be my experience. I never performed a response-type role in my time in Scotland. I did, as a matter of routine from time to time, go out with patrol officers for a couple of hours. I used to travel on a marked police motorcycle in uniform between meetings, so there was always the possibility that you would come across things, but I can't recall a single incident that I attended in Scotland where a knife had either been intimidated or used.

I was a response officer (from 1985) primarily in the south of Bristol, which was then predominantly white working class, lots of poverty, lots of child neglect, so much of my day-to-day work was, to put it bluntly, policing poor white people. The next door division, of which I ended up as the deputy commander, was where lots of Bristol's visible minority ethnic communities lived. I can say, on reflection, with a degree of certainty that we would deploy probably more resource to incidents involving people from the black

Signature of witness..... 

community where there was a sense there might be violence than we probably did in areas where we were policing white communities. This may be my personal perspective but I think in general terms there was a higher sense of risk among officers in the context of policing the black community than there probably was in the white community context. As I say, that's a bit impressionistic and it goes back three decades.

34. I am asked if I saw any parallels with that approach in any of my other roles. It takes you all the way back into the discussion in the Macpherson Report³ that said that black communities were, "Overpoliced and under-protected". I think that probably sums it up better than anything I can say in terms of the sense I've taken away from a lot of those experiences.
35. People will recall the early 1980's inner city disturbances in Brixton, Broadwater Farm, Toxteth and others. St Pauls had experienced similar violence and it flared again in 1986 as a consequence of Operation Delivery. I was a Constable during this operation during which we executed a number of search warrants in St Paul's. It is a long time ago but my recollection is that the warrants related to drugs offences and would have required forced entry into a number of houses and commercial premises. We arrived in St Paul's in what felt like our hundreds. We went into St Paul's in the back of an unmarked furniture van. The side of the van was pulled open, and we all jumped out and charged in. Large numbers of us stood lining the road while the warrants were executed. Then later on that evening, unsurprisingly, missiles and petrol bombs started getting thrown. We were all deployed back into the area wearing public order equipment - helmets, body armour, fireproof overalls and long shields. I can't think of an occasion where we executed warrants with those kind of numbers and those kind of tactics in, for example, Knowle West and Hartcliffe, the predominantly white community I

³ SBPI-00480

Signature of witness..........

was working in. So I think it's fair to say that we policed different communities slightly differently because of our sense of risk.

36. Those kind of experiences as a young constable are still very visceral to me, as is, a few years later, the feeling of being petrol bombed. PC Keith Blakelock was killed - I think that was 1985 - at Broadwater Farm. During the course of that night in 1986 in Bristol, reports came over the radio that one of our colleagues was being attacked by a group with machetes in his vehicle, around 500/800 yards from where we were deployed. There was a sense that, "Here we go. Here's Bristol's Broadwater Farm." As I recall, the officer was quite badly injured but survived it.
37. My view is that that kind of visceral experience must stay with an officer and, to some extent at least, shape their mindset. Inevitably your personal approach to policing must be affected by those kind of experiences. For example, if subsequently you are responding to a call into that area, those experiences shape your attitude, forming part of your big picture of what you anticipate upon arrival at the incident. In other communities, where you hadn't been through that kind of experience, you would see them as much more benign places and much less risk-laden.
38. I am asked if I have many experiences of incidents involving black people and people from other ethnic minorities as victims or suspects. Yes I have.
39. In relation to England and Wales, for a few years I was the England and Wales lead on honour violence and forced marriage. The majority of victims and perpetrators we dealt with were from visible minority communities.


Signature of witness..... 

40. Because it was an ACPO England and Wales role, strictly speaking my responsibility lay for England and Wales policing, but in reality policing in Scotland joined up and were regarded as partners in the work that we were doing. We had a national working group meeting in Edinburgh, which was quite unusual, for ACPO England and Wales to hold such meetings in Scotland. I would say that was a positive area where England, Wales and Scotland sought as best they could to take the same approach and learn from each other.
41. I am asked if I had any experience of incidents that involved mental health or drug-related crises. Yes. Again, I would say it was a significant proportion of the work of a uniform response officer. We were the service of first and last resort in terms of mental health 30/40 years ago, the same as the service appears to be now. I would say in England, because I don't know what was happening in Scotland at the time, they sent us out woefully ill-equipped in terms of training to deal with mental health. I sometimes look back with a degree of shame about some of the people that I dealt with who were clearly suffering from some sort of mental health distress, and my response was to arrest them and put them in a cell overnight. I think we could've done better than that.
42. Drug-related crises were a big part of our work. It was a factor in many of the incidents we attended. If you add domestic violence, mental health and drugs together, that sums up about 90 per cent of the work for a patrol officer at that time. We knew what burglaries were and what robberies were and trained how to fill the forms and complete the administration, but I think so much else of the work was kind of left to your natural wit and skill.
43. I am asked if terms like excited delirium or acute behavioural disorder were something that I was aware of in England or Scotland. By the time I got to

Signature of witness..... 

Scotland I would've been aware of them, and probably in the Met. Some of my early experience in the Met was in the Diversity Directorate. I recall that at that point this included two murder teams (Racial and Violent Crime Task Force) whose responsibility was racist or hate-motivated murders and serious assaults. One of the important things they did was to review cold cases, but most significantly they re-investigated a number of high profile hate crimes.

44. One case immediately came to mind when I was asked about those terms. There was a man called Michael Menson, who was a black musician who was found at the side of the road. He had burns all over his body and was taken to hospital. If I remember rightly, while he was in hospital, in and out of consciousness, he told the nurse that he'd been attacked. The Met decided he was a mad, bad schizophrenic who'd set fire to himself and that was how the case was finalised. The Racial and Violent Crime Task Force reinvestigated the case and managed to find a telephone box which Michael had been held against, sprayed with some sort of accelerant, and set on fire. Clearly he'd been murdered. They reinvestigated it. They traced the perpetrators back, I think, to Cyprus, got them extradited back to the UK and prosecuted.
45. That was a massively impressive piece of detective work. A massively important case, like the racist murder of Stephen Lawrence, in terms of challenging the perception of the first officers on the scene, and challenging the perception about an investigative hypothesis or investigative strategy that decides within the first 20 minutes what's happened, and then you go around looking for the evidence to prove your case. The reason that triggered in my mind was I think it was my reading around that case, and also reading about a number of deaths in custody, that were ascribed to positional asphyxia, that raised my awareness of police attitudes to mental health issues. I think that would have been when I started to become aware of terms like that and to

Signature of witness..... 

read a bit more into some of the mental health issues and the behaviours that can be mistaken for being drunk or on drugs. The Michael Menson case, I believe, is really important in this context.

46. I am asked if I have any experience working on or with oversight over cases involving deaths in custody or following police contact. Not, that I can remember, in a specific investigative or formal role. I can't think of a situation in Lothian and Borders where we had a death in custody or a death following contact.
47. I am asked if I have any experience with terrorist incidents or potential terrorist incidents as a response officer. We used to go to bomb calls all the time. That was a fairly common thing. In 1987, Michael Ryan carried out a mass shooting in Hungerford, in which he killed 16 people. It was a complete and total shock across the whole country because we hadn't seen anything like that before. It was definitely before Dunblane. This had happened in Hungerford, which was covered by Thames Valley Police.
48. I remember it was either the following morning or the morning after that a call came across the radio wanting a unit to respond to the sound of gunshots. I wouldn't say it happened every week, but it wasn't uncommon. Most often, there was a perfectly benign explanation. Quite often, it was people shooting shotguns in fields and the sound carried causing people to think it was in the house next door. Firearms didn't have the context of terrorism in the way that we have now. I think we were probably a bit blasé about how we responded to these things and expected that things would generally work out okay. But on this occasion, because of Hungerford, there was a distinct silence on the radio for probably 30 seconds before a unit came up and responded to it. Normally, if there were three or four units free, they would be competing to get there but on this occasion there was radio silence for about 30 seconds.

Signature of witness..... 

It was on the neighbouring subdivision, so it wasn't our responsibility to respond, but we could hear their radio channel. One unit responded and took the call. The unit I was in called up and said that we would back the other unit up. It turned out to be a sad man who'd committed suicide in his home, using a shotgun. Not a highly threatening situation to police, but something felt different. It fundamentally changed my mindset going into that kind of incident. Something about the broader context does actually shape the way you're thinking when you go into individual incidents.

Comparisons between working for the police in England and Scotland

49. My observations about policing in Scotland following my first year or two in LBP were:

- A strong sense of its own competence;
- an attitude to “performance” that across most of the separate forces gave proper place to community confidence, partnership, prevention and effectiveness;
- Peel's oft quoted “the police are the people, the people are the police” - never better exemplified than by parts of Scottish policing.
- an anachronistic attitude to police staff as opposed to police officers;
- compared to England and Wales, a lack of impact from the office of HMICS;
- a lack of leadership training, replaced with a reliance on experiential learning and networks;
- Limited understanding of the role of staff support associations or independent advisors;
- Lack of diversity in leadership teams;
- Whilst the definition of a critical incident had been accepted by HMICS and ACPOS in the early 2000's, there appears to have been no consequent policy, training or operational developments as a consequence;

Signature of witness..... 

- That the capacity to train every recruit to Scottish policing at the same site (Tulliallan) was a strategic opportunity to develop and embed a set of values and a philosophy of policing that could outlast individual leadership styles;
- That the case for the creation of a single, national police service for Scotland was compelling, given the increasing resource constraints that were being brought to bear and the unsustainability of specialist functions in the smaller forces.

50. I am asked if I have any other views on how things were done in England compared within Scotland. I think it's fair to say, because of the Met's particular experience, and because of people who were around at the time and shaped the response to the Macpherson report, issues about race, about difference and policing minority communities probably had a higher profile in the mindset of police officers in London.

51. My understanding was that black people comprised something less than 1 per cent of the total population of Scotland. Somewhere like the Borough of Newham provides a comparison where in the region of 60% of the population is minority ethnic people. Therefore I believe the experience base of officers in Scotland, was vastly different, and officers in Scotland have been much less exposed to those kind of policing experiences.

52. I would say the dynamics of communities in Scotland, and the history of communities and their relationships with the police in Scotland are different from those places I have worked in England. However, it is obvious to say that not all Scotland's communities are the same. As an illustration of the differences between communities that can be very close geographically, I did all my policing as a constable in Bristol, and it was daily experience to deal with a whole variety of different ethnic backgrounds as victims and suspects.

Signature of witness..........

I then got promoted to sergeant, and I was posted to Weston-Super-Mare. Weston-Super-Mare at the time had very few black people living there or indeed other minorities. Whenever we came in on an early shift and read the intelligence updates from overnight detailing, for example, a burglary, if that intelligence update included the description of a suspect as being black, we always went to visit the same man because he was one of very few black people living in the town known to commit offences. Police officers can serve within 25 miles of each other and still have very different experiences.

53. It's one of the great positives of Scottish policing in places like Dumfries and Galloway, which I had the pleasure of visiting a few times, where the police really were from the community. They were part of the community. They were policing one minute and then standing in the queue in Sainsbury's the next minute, chatting about the kids at school. Low on numbers, high on accountability. Their experience of policing communities that were different though, is incredibly limited.
54. Police Scotland did run, somewhere between 2010 and 2012, at least a module as part, I think, of Inspector's training held at Tulliallan. I attended and contributed at least a couple of times. However, on reflection, there wasn't the level of training or raising awareness (at Chief Inspector/Superintendent level) around the leadership issues involved in policing different communities (for example the introduction of the General Duty under the Equality Act in 2011) that I believe existed in London or ASC. I think the whole experience with Simon San crystallised for me that there wasn't a real sensitivity to and understanding of the implications and the imperative to name something as a racist incident if the victim or any other person believed it to be.
55. One of my observations about policing in Scotland after my first year or two in LBP was that it had a strong sense of its own competence. In some ways

Signature of witness..... 

that's a real positive. The downside of that was, I think, less of a sense of the need to engage with and listen to what minority communities were telling you about what kind of policing they wanted. This is why we want officers from every community in the police. It's because when you understand the community you are policing, you don't have to engage in conflictual conversations all the time. So in places like Dumfries and Galloway (Northern was another example) people from the communities police the communities. That's the model that I think works best. It worked really well in those places, but they were fairly non-diverse. So I think the border between England and Scotland is not necessarily the dividing line. I think it's the difference between the type of communities that you actually police.

56. Lothian and Borders felt organisationally quite like Avon and Somerset. It had a similar sort of profile as a force, similar sort of size geographically, a big city, quite a lot of rural areas down in the Borders. And what I always felt was a good attitude to performance management and culture. It felt very different to the Met, but it felt quite similar to Avon and Somerset. Then we moved into Police Scotland, which made it feel more like the Met again because of the size of the organisation, and also the leadership. The chief was ex-Met, I was ex-Met and one of the other of the four deputies was ex-Met, so there was inevitably a Metropolitan Police influence.

57. Another observation I had about policing in Scotland after my first one or two years in LBP was there was an attitude to "performance" that across most of the separate forces gave proper place to community confidence, partnership, prevention and effectiveness. I welcomed this. This was apparent in Lothian and Borders, Dumfries and Galloway, and it was certainly my impression that it was the case in Fife, Northern, and Grampian. I wouldn't necessarily have said the same about Strathclyde. My sense of the approach to performance was that it didn't shape and distort the organisation in quite the same way that I'd experienced, particularly in the Met, and that I think we

Signature of witness..... 


subsequently experienced at Police Scotland. Of course it mattered if the number of assaults were going up or if the number of house break-ins were going up. If appropriate, resources would be moved towards those issues to try and resolve them. But there was more of a sense that we wanted to understand what community priorities were and try to meet them. The performance numbers were about trying to illuminate the extent to which we were doing that. I'm asked if this changed after the transition to Police Scotland, yes.

- 58. Another approach is for the police to decide what the priorities are. For example, you decide that you want lots of speeding tickets, so you set officers a target for speeding tickets, and they all go and get the speeding tickets, or, as another example, you set targets for the number of stop searches. Performance pressure changes the way that people behave and it can push them towards acting in ways that lack integrity. Performance regimes can utterly distort the activity of officers at the front end and completely distort the kind of service that the public get, and at the same time make those at the top of the organisation think things are going well because the numbers are going in the "right" direction.
- 59. My view was that Scotland prior to transition didn't suffer from that in the same way as the Met and I think that was a good thing.
- 60. Other differences between Scotland and England I observed included a lack of diversity in leadership teams. I think that was more pronounced in Scotland, but again, there were fewer people to choose from.
- 61. It didn't feel to me that Her Majesty's Inspector of Constabulary Scotland (HMICS) had quite the influence and penetration into everyday policing that it had in England and Wales in terms of the impact of its reports. In England and Wales, there was a constant process of basic command unit inspections

Signature of witness..... 

by the HMIC, so if you were a divisional commander you could expect at some point the HMIC's team to turn up and take your division apart and produce a report. Those were very influential processes and that was absent in Scotland.

62. In terms of other positive aspects of policing in Scotland, the capacity to train every recruit to Scottish policing at the same site (Tulliallan) was a strategic opportunity to develop and embed a set of values and a philosophy of policing that could outlast individual leadership styles. In England, forces trained in different locations and whilst there was a national curriculum, that didn't really ensure a common set of values across the service in a way that Scotland had the opportunity to with Tulliallan.
63. I think I felt less accountable to the Police Authority in Lothian and Borders than I had in England. As a senior officer running a force, I think the Police Authority were less intrusive and less rigorous with us than I had experienced in England. I felt slightly less uncomfortable being held to account by them. I think the public generally in Scotland had more trust and confidence in policing in Scotland than communities did, and certainly were developing in the later years, in England. There hadn't been the same high profile failures in Scotland, I don't think.
64. I am asked whether there were notable differences or similarities in the context of policing in Scotland and England that were outside of the police's control. The demographic issues I've mentioned are obvious and important. The sense of everything being sucked into the central belt mirrored a sense that the Met had all the resources. The eight-force structure provided a bit of resilience to that because the packaging of resources went to the individual forces and weren't entirely decided from the centre. I was never a street cop in Scotland but I would be very surprised if 90 per cent of their work wasn't domestic abuse, drugs-related, mental health-related and then fights on a

Signature of witness..... 

Friday night. So, the profile of work pretty much wherever you are – I'm guessing across the United Kingdom – for cops is pretty much the same. I did some work with the Dutch, with Americans, so I have some international context, and actually, they're dealing with domestic abuse and drugs and mental health issues and fights on a Friday. It's a pretty universal type of job.

65. I am asked if I noticed any differences in the canteen culture coming from England to Scotland. When you're a deputy chief constable, you're not included in the banter and everyday conversations of front line staff. I understand canteen culture to mean the attitudes and values of staff in the organisation that are not necessarily those espoused and supported by the organisation. I would say I've seen canteen culture change over the years during the time I could claim to be part of it. I would say once you're beyond an inspector and even as an inspector, you don't get included in the same way. In my view, maybe sergeants and PCs are where canteen culture is kind of raw. So, by the time you're a deputy, people are just careful around you, they want you to hear what they want you to hear. So I can't really offer you an observation on canteen culture in Scotland.

Experience of the transition to Police Scotland

66. I am asked if I noticed any particular similarities or differences in relation to race and the attitudes towards race in Scotland compared to England. Yes. I was surprised at how it virtually wasn't a consideration in the whole lead-in to the transition process.
67. When the transition to Police Scotland started they appointed a Deputy Chief Constable to lead the process. Quite early on there was a meeting and part of the approach was to assign to the chief officers around Scotland a piece of the transition work. For example, I was given Traffic and Operations. Around that table, it was all middle-aged white men. There weren't many options at

Signature of witness..... 

that point in Scotland to choose someone who wasn't a white middle-aged man, but there was a woman assistant chief constable, at least one, and she wasn't in the room. I offered to not take forward Traffic and Operations and suggested that it should be taken forward by our female colleague. That was accepted and that would leave me with capacity. I suggested that I would take forward a bit of work on culture and the diversity and equality implications of the whole process. I was surprised that those issues hadn't been identified as pertinent to the process at that point.

68. I completed that bit of work, which led to the code of ethics and the oath. My sense is, without being cynical, that they're more pleased with it now than they were at the time. At the time I think they agreed the code of ethics and the oath and the values because that was easy. That was good stuff to be able to say they'd done. If you go back into the things that report was asking for, the kind of characteristics it was describing as being desirable for the new organisation, it all just disappeared into the ether, but that's where that piece of work came from. It wasn't just me making the argument that these issues were important to the process. There were some wonderful people, police officers and police staff, around in Scottish policing who were passionate and were trying their best to do some great work around engagement and equality and diversity.

69. It's the same with the Staff Support Associations, SEMPER, the Muslim Police Association, and others. There was no sense that the organisation believed that they had a strategic contribution to make to this transition process. There was no sense that communities had a strategic contribution to make to this process. Dare I say, no real sense even that the workforce had much of a contribution to make to the process. It felt like if you were in the gang, then you would be in the room, shaping things. You would be designing it. It appeared as though the reform team would bat away any

Signature of witness..... 

criticism or any contribution that differed from the decisions that had already been made.

70. I am asked what the piece of work I did following the meeting involved . It had a couple of elements to it. There was someone in Lothian and Borders, I think he was a chief inspector at the time, maybe a superintendent, who was doing a PhD on ethics in policing. It was an independent piece of academic research but provided the academic underpinning for developing the values and code of conduct parts of the work. As the main activity, I put a small team together and we travelled the country over a number of weeks. In every one of the legacy forces and the Crime and Drug Enforcement Agency, we ran a session which probably lasted two or three hours in each force. There were probably up to 100 staff in the room, police officers and staff from that force at all ranks. I did a bit of a presentation, but basically, we were facilitating a discussion. Using Fife as an example, we asked staff “what is it about Fife that you think is so good that we should retain it in Police Scotland? What is it about Fife that you would like to see changed when we move into Police Scotland?”. We facilitated broad discussions arising from those questions.. The whole point of these sessions was (a) to create a sense among staff that they were being genuinely engaged with and (b) to present this as a massive opportunity for everyone involved. We hoped to create a sense of positivity about the transition to Police Scotland, a sense that together, we had the opportunity to create the police service of our aspirations.

71. We ran these sessions with all eight forces and the SCDEA. They were all recorded and ended up informing the paper that was written. Then I did the same exercise, only with a variety of community groups in each force area. That differed because some of the forces had versions of formal independent advisory groups or consultative forums, so I met with them. Some I remember – Grampian in particular – we met in the council chamber and I got

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a feeling that was more heavily weighted towards members of the Police Authority and local councillors. In Glasgow, it was just a big room full of people from right across the community. We basically facilitated the same conversation. "Here we've got the opportunity to create the best police service in the world. What is it you want to see that look like? What is it you want us to leave behind?". Then, I amalgamated all that data into a seven-or-eight-page document containing a list of characteristics that people wanted to see the new service have which, on reflection, is quite interesting because Police Scotland became pretty much the opposite of all of that. The paper attempted, in broad terms, to synthesise all that work and to incorporate the work the equality and diversity project from pre-transition was doing. A lot of that was around developing the critical incident work following on from the Simon San case.

- 72. We ended up with 35 recommendations. That was October 2012. They included issues such as the governance of the programme of cultural and organisational development, equality, diversity and human rights; the purpose, vision, and values of the new organisation; communication within the new organisation; leadership; operational culture; and people. It was an attempt to pull together some of those strands to say, "Here is a statement in a single place about culture, vision, values." As I have said, the report provided a vehicle for the agreement of values and the Code of Ethics but, in terms of the broader thrust of what it was trying to achieve and the debate it was trying to provoke, it was all just a bit disappointing. I don't think it was wasted work, but we did raise quite a lot of expectations among staff that were subsequently not met.


- 73. I would say that had I not driven it, this piece of work wouldn't have happened and, certainly, there was no other plan to go out and engage with the staff, no plan to engage community groups that I saw at that stage. We were already doing the work on critical incident management, which I've always seen as a

Signature of witness..... 

bit of a Trojan horse for equality and diversity work. The chief inspector was doing his PhD, so we knew there was a body of work coming on vision and values. I and the equalities team in ACPOS were thinking about the implications of the General Equality Duty and what that meant for organisational activity. There was a lot of thinking about recruitment, retention and progression, which was always where diversity and equality seemed to collapse back to in organisational terms.

74. I am asked whether, when I was still working for Police Scotland, I was aware that the recommendations in my report weren't being followed through, and whether I did anything to chase it up. Yes. One of the first recommendations was that a Deputy Chief Constable should be given specific responsibility for implementing the report. I don't suppose it was particularly hidden, my hope was that the Chief might give it to me, but he didn't. It was given to an Assistant Chief Constable who believed in it and who had been part of the discussions putting the document together. He was given the responsibility and it was him that took the values, code of ethics proposals through the organisational process and got it agreed. He then moved on to a new job outwith Police Scotland. I don't remember exactly when this happened – probably during the first year of Police Scotland. The best of my recollection would be that's the point at which the workstream disappeared. I'm not sure that anyone else got responsibility for the rest of it.

75. I did what I could to take forward some of the recommendations. There was work like the Critical Incident Management which I took forward. There was some work in there about engagement with young people which we managed to take forward separately. There was a recommendation in there about setting up a national police cadet organisation which I was able to pick up a bit later under cover of the Commonwealth Games, because one of the big themes of the Games was volunteering. Out of that came Police Scotland

Signature of witness..... 

Young Volunteers (PSYV) which is a fantastic thing and appears still to be thriving.

76. I am asked why I think that equality and diversity was deprioritised during the transition to Police Scotland. People will have very different views on this, but there was a narrative that took hold really early that, because this was so massive and so complex, the only thing that really mattered was on 1 April 2013 that when people rang the police, the police still attended. That there were still police officers at work doing police work. The narrative developed around, "We haven't got the capacity. We haven't got the time to do any of this softy stuff or think culture or equality. Let's just get this thing on the road, and then we'll come back to all those things once we've got time,". I think that was evident at the time. I think the diversity/equality issues, the culture issues were all seen as nice to do but "we haven't got the capacity". They didn't have the capacity because it was such a tight team, such an exclusive team of people that were doing the transition. There were 17,500 people – that was just the police officers in Police Scotland, plus the thousands of police support staff - so I believe there was the human capacity to take on a stream of work around culture and equalities. But it just wasn't prioritised.
77. Remembering the work engaging staff and community groups. An issue that seemed to me of real significance was the way in which the legislation articulated the "The Purpose of Policing". It was about improving the safety and wellbeing of people, communities and locales in Scotland, which seemed to me to be quite a profound statement of what policing was about; where it wasn't just about the safety of people. It was about the police being part of improving the wellbeing of communities, and it seemed to me that that offered something important in terms of thinking about how Police Scotland might visualise itself and organise itself.

Signature of witness..........

78. We talked about that with frontline staff as we went around the country. All the Chief Constables of the existing forces at the time met on a fairly regular basis to be updated and to talk about reform issues, and it seemed to me that this was an opportunity to have the senior-most eight people in Scottish policing actually doing a bit of thinking and philosophising about what this new purpose meant. What does that mean for policing? So, on one of their day-long meetings, the Chair agreed that they would spend the afternoon in a facilitated discussion about what that meant and what the implications might be for Police Scotland. I remember getting a facilitator up from England to lead this afternoon's discussion and spent a considerable amount of time briefing him. We did all this, and then whilst sitting outside the room at Stirling waiting for them to break, someone kept coming out and saying, "Well, I'm sorry, you know, they're too busy at the moment". I responded by saying, "Well, we've got our visitor here. He's waiting, and they need some time on this." So, eventually, he was allowed into the room, and they gave him half an hour, and that was it.

79. On its own, the story doesn't mean anything, but it is an indicator of the mental model behind the whole process of reform. It wasn't philosophical. It wasn't visionary. It was simply about the nuts and bolts of making the machine work on the first day, and I still to this day do not believe that it had to be like that. I still to this day believe that we had the people, we had the resources, we certainly had the willingness. We had senior people like me who were prepared to and wanted to lead that sort of work, but just somehow because of the way the project was put together, there wasn't room for it and minds weren't open wide enough. There wasn't that real sense of vision for what Police Scotland could become.

80. I am asked if anyone else was pushing for equality and diversity to be part of the transition, and for institutional racism to be discussed at the time. Yes,

Signature of witness..... 

there were many people across Scotland. Immediately, I can think of two superintendents, one from Glasgow, one from Edinburgh. I can think of chief inspectors. I can think of people like SEMPER, because I used to talk to them regularly, and the Gay Police Association. I would say that the feedback from staff generally was that these were the kind of issues that were concerning them: the issues around the culture of the new service. So, there were lots of people for whom this was an important agenda. I imagine, among that group, most of them probably looked to me to lead that work because I will have been the most senior among them.

81. My recollections have focussed on my criticisms. I do not intend disrespect to, or to minimise the achievements of DCC Neil Richardson in his role leading on equality and diversity issues after he took on that responsibility in 2013. There were areas of the work that advanced under his leadership that were really good and important. Whilst I was still ACPOS lead, during the police reform process, we put in place a team to take on the task of equality impact assessing all the new policies and standing operating procedures. I don't think that would have been done if we hadn't propelled that, but Neil certainly, when he took on the portfolio, he took that forward, added human rights considerations into the process and supported and resourced that team to do that important work.

82. I am asked whether I have anything to add about the de-prioritisation of equality and diversity during the transition. Somewhere in there I do think it's relevant that the predominant response tended to regard equality and diversity as a set of HR issues. Equality and diversity always sat in the HR plan rather than the operational plan. This was historically the case more generally across the police service. If you look at Police Scotland's strategy documents now that is not the case, but I think still in those days there was a sense that it was about recruitment, retention and progression.

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83. I am asked if I think the de-prioritisation of equality and diversity, impacted on response and community teams. Yes, it was absolutely fundamental to the experience of front line officers. That impact can be seen in the feedback that we were getting at the time about feeling pressured, feeling not valued, feeling bullied by managers, feeling like you were not trusted, responsibility wasn't devolved to people, that it was all about getting in the community's face. Their entire work environment, the culture of the organisation they came to work in every day was fundamentally shaped by our attitude at a strategic level to those issues.

Racism and the Police

84. During my service I have seen overtly racist behaviour from police officers and staff and have never been in doubt that the service generally is institutionally racist. I have spoken often at events inside and outside the service to express that view. At the point I left Police Scotland it too was an institutionally racist organisation. The evidence included recruitment outcomes, representation in the misconduct system, the lack of representation in senior ranks, attitudes to the staff support associations, the failure to recognise the importance of the issues during the transition in 2013 and a performance regime that drove increases in activity that were well-documented as impacting disproportionately on minority communities.

85. I am asked to explain what I mean when I say the police service is institutionally racist. I am led by Macpherson's definition⁴. I would say that the **police service collectively** has "failed to provide appropriate and professional service to people over the years because of their colour, culture or ethnic origin." You see it detected in "processes, attitudes and behaviour which

⁴ SBPI-00480 para 6.34

Signature of witness... 

amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and ways of stereotyping.”

86. In Scotland at that time there was a lack of representation in senior ranks. I would say the attitudes that I saw to SEMPER and the other staff support associations would be evidence of attitudes that amount unwittingly to discrimination because I don't think they had been given their proper place. I don't think the service had invested in helping them develop strategically. They represent a great resource, and they just weren't valued or used properly.
87. When I say there was a failure to recognise the importance of issues during the transition, I have stop and search in mind as an example. Since it began, stop search has disproportionately negatively impacted on minority communities across the UK. We know that it causes massive damage to trust and confidence. I believe that stop search is a really important tactic, but I believe if you're going to meet the standard of providing an appropriate and professional service to people, where you know that a tactic you decide to use at a strategic level is going to impact differently on different communities, then you're under a duty to understand why that differential impact happens. I think you're under a duty under the Equality Act to explain how you're going to mitigate those disproportionate impacts.
88. When I say there was a 'performance regime that drove increases in activity that were well documented as impacting disproportionately on minority communities' I am specifically talking about Stop and Search. But also at the same time in Police Scotland, one of the other areas where performance pressure was applied to staff was stopping lots of people for speeding and seatbelt offences. When you carry out this kind of mass activity in communities that already don't trust the police, then all you do is heighten this sense of being picked on, of being targeted, and breaking down trust and

Signature of witness..... 

confidence again. It's about not thinking about the consequences of the actions that you're driving through your organisational processes.

89. I am asked to clarify which I mean when I refer to communities that historically don't trust the police. Black, other minority ethnic, gay, bisexual, transgender, and disabled people. This is undoubtedly an incomplete list because there will be other characteristics, for example some ex-mining communities.
90. It's an old analogy now, but I've always talked about institutional racism as being like whack-a-mole. You pool your resources into trying to sort out, for example, your recruitment profiles and while you're busy doing that, it pops up somewhere else in the misconduct system. The important thing for me is maintaining a constant level of awareness and a constant level of proactivity to identify where it's arising from, and being proactive about trying to mitigate the impacts and remove it from the organisation.
91. The first step in addressing institutional racism is to recognise and acknowledge its existence. At some point in 2015 I sent an email to my colleague who had responsibility for these issues, asking what the Police Scotland position was on Institutional Racism. I was asking because we were regularly discussing it at CIM training and I was expressing my personal view but had no real idea what the official position was. I never got a reply.
92. In the Chief Constable's interim closing submissions to this inquiry⁵ there is some discussion about why Chief Officers may be reluctant to publicly acknowledge the existence of institutional racism. These mainly relate to the potentially negative impact inside the organisation and the perception of staff that they are being accused of racism as individuals. This has always been a feature of this debate. I had been part of the discussion around 2008/2009

⁵ SBPI-00345

Signature of witness..........

that led to then Commissioner Paul Stephenson making a speech to an Independent Advisors conference in London where he wanted to be first to move the MPS on from the discussion about IR. His point was that the term was “no longer useful” because of the baggage that came with it. This is a position that has been repeated by others, even in the aftermath of unequivocal reports such as that delivered by Dame Louise Casey. It has always seemed to me to be a position that simply moves the focus onto what we call it, rather than what we do about it. Leaders that maintain this position continue to develop strategies and action plans to deal with the failure to deliver an appropriate service to minority communities so presumably accept institutional racism as an idea without wanting to say so out loud. This position seems to me an avoidance of leadership responsibility.

93. The recent public acknowledgement by the ex-Chief Constable was, in my view, a belated statement of the obvious. The way the statement appeared to have been orchestrated suggested to me a level of anxiety about the impact of the statement that, of itself, created an atmosphere in which it seemed something massively controversial had happened. Statements of support from government and others, the use of the word “courageous” etc seemed to me more likely to raise the temperature than lower it.
94. I am also interested in what had tipped the balance in the strategic environment that meant it was now in Police Scotland’s interest to own the definition. If it was simply a “moral imperative”, why had it not been so ten or five or three years ago? Why was there no acknowledgement, or even mention of the term, in the Opening Statement of the Chief Constable? If the government and Police Authority were so pleased with the Chief’s statement, how many times previously had either raised the issue with him or his predecessors as part of the formal holding to account? Dr Martin Luther King Jr talked about “the fierce urgency of now” – what was the provenance of Police Scotland’s sense of urgency?

Signature of witness..... 

- 95. In my view we missed an opportunity during the creation of Police Scotland, to have accepted that policing had been institutionally racist and here was an opportunity to create a new organisation alive to the dynamics and risks and determined to mark a profound break with the past. In other words, to use the opportunity of acknowledging institutional racism as a positive driver of change at the moment of greatest flux.

- 96. As already referenced, the change process de-prioritised all such issues as a consequence of the simplistic view that the only priority was continuing to deliver operational policing. There was no evidence that the two sets of issues were understood to be intimately connected.

Witnessing racism within the Police

- 97. I am asked about witnessing or experiencing racism within the police. I do not claim to have seen direct racism in Scotland. Definitely, without question, I saw it in England, especially in the Metropolitan Police. The manifestations of racism I saw in Scotland were manifestations of institutional racism not direct individual racism including, as stated previously, disproportionality in recruitment, retention and progression. That may have been a consequence of my rank and the fact that I would not be exposed to it in the same way. If issues of racism had come through the disciplinary process in Lothian and Borders, I would have seen it as the discipline authority, so I'd have been aware of it. I can't remember any specific case.

- 98. This isn't evidential or scientific, but I think there was more of an atmosphere, particularly in the Met, where you could easily conceive of overt racism happening, and I would not describe Scotland in that way. It always felt that where it occurred in Scotland it was systemic. But in the Met some of it was very overt and quite disgusting.

Signature of witness... 

99. I am asked if I have any further comments to make about the institutional racism I saw in Scotland and England, and the direct discrimination I saw in England. One high profile set of circumstances were raised with me as Commander of Westminster in 2007. The situation had allegedly been ongoing since about 2003, brought to my attention by the Black Police Association because I had a relationship with them. The situation involved the community support officers at a London police station. I was told that the black officers were being transported around the sub-division in one van, and all the white officers were being transported around in another. The black officers were being given duties outside on nights that involved, for example, standing next to tape in the pouring rain, while the white officers were all in the police station playing cards. This situation was eventually reported in the media. There were a number of allegations of that nature that had to be addressed.

100. Another situation involved a black officer in the CID, again, raised with me by the Black Police Association. The officer's supervisor/colleagues said to him on a regular basis, "You're only that colour because you're so far up the commissioners arse," and then tried all sorts of little ways to make his life a misery, including through the misconduct system. These were the kind of issues and behaviours that I was required to deal with during my time with the Met. In my early days in the police, the culture that I was a PC in, you would regularly hear what would now be regarded as racist jokes and names that were used for members of the community. Such things would quite rightly get an officer sacked now.

101. I am asked, in terms of the racism I witnessed, did I do anything at the time when I witnessed it, and was it something people spoke out about. In my first couple of years I don't think that I actively challenged jokes and inappropriate language. I don't think I did. I wish I had. Later on I had a much greater awareness, understanding of issues and self confidence but also had a duty

Signature of witness..... 

to deal with those things because I was a supervisory officer. It was my responsibility to confront and deal with such issues as best I could.

102. I am asked whether, if I complained about racist jokes or comments, I felt like something would be done. I think by the time you're a deputy chief constable, you have to take it on yourself. I don't think you can expect to look elsewhere for someone to do something about it. You should rightly expect support from colleagues and, as a deputy, you'd want the chief to be supportive of you, but I wouldn't regard the support of others as a prerequisite for a DCC taking action.

103. I am asked if I ever experienced anyone complaining about discrimination or institutional racism and it being acted on. In Scotland I had quite a number of conversations about the fact of its existence with individual black/minority officers who felt that their careers weren't progressing in the way that they would have hoped. I am asked if anything was done about that. People sometimes acted on career advice they were given, people sought help and advice with application processes, some people were mentored, there were a number of support mechanisms available.

104. I am asked whether I have anything to say about the treatment of black men or other minority ethnic communities by the police. In one of the CRER submissions they discuss the mindsets that can exist and the exaggerated fear of the "big strong black man". I would say in retrospect, reading that, it instinctively feels that there's some truth in that from my own experience. I am asked if that was my experience in England and in Scotland. I would say only in England, only as a responding officer. I honestly don't think that kind of mindset plays any part in more strategic, or slow time, engagement, but from my experience there can be a complex mix of visceral, emotional responses stimulated by putting blue lights and sirens on, responding to a call, and trying to predict what you will be confronted with on arrival.

Signature of witness..... 

Police Scotland’s position on Institutional Racism

105. Discussion around Institutional Racism was a key part of the discussion at critical incident training. I expressed my view in straight terms every time, and by the time we got to the second year of that training I tried to establish the Police Scotland view on institutional racism so that I could be corporately consistent when we were discussing it at critical incident training. As I mentioned above I did that with a straightforward email to a colleague and never got a reply. I know emails get missed.

106. It felt to me like the organisation didn’t want to get involved in a discussion about institutional racism, and certainly not to make any proactive public statements on the subject. I think there was a view of policing that saw it as something that we did to people, rather than something we did with people. Policing was something to be delivered. I think that’s why we landed on “Keeping people safe,” as our strapline, because the view of policing was paternalistic.

107. I am asked, as DCC why I didn’t know Police Scotland’s position on institutional racism. I think it is because we didn’t have one or want to have one. I believed that to be the case. I think we should have had a position and we should have been talking about it. If you are the strategic leaders of an organisation how can you develop a strategic plan for an organisation or an HR plan if you haven’t got a position on institutional racism and discrimination more widely?

108. I asked the question because there was a practical need for an answer. We were discussing it with the senior staff in critical incident training, because we would be expecting a senior investigating officer or a gold commander to maybe reference institutional racism in any decision log where they were

Signature of witness..... 

setting the strategy for dealing with a critical incident. It wasn't simply an academic issue. When I didn't get a response to the email, I carried on sharing my personal views at critical incident training.

109. I am asked who it was I emailed about this approach to institutional racism. It was the Deputy Chief Constable with responsibility for these and lots of other issues, Neil Richardson. He was the designated deputy, so from the inception of Police Scotland he took the strategic responsibility for diversity, equality, inclusion.

110. I am asked why I think I didn't get a reply to that email. I think he probably thought I was just being irritating and deliberately provocative by asking. What I don't know is whether he ever discussed it with the chief or any of the other DCCs, and he or his staff might not have seen it. I am asked if I did anything to follow up on it after I sent the email originally. No.

111. I am asked in relation to my email about institutional racism to DCC Richardson, whether it would have been an option for me to bring it up directly with the chief constable. No. By that point, I think my relationship with him was not in that sort of place.

112. I am asked to confirm if I carried on talking about institutional racism in the Critical Incident Management training. Yes. I carried on making presentations to various groups when I was invited, where I would publicly say that I believed institutional racism existed in the police in Scotland, but it never got picked up by the press.

113. I am asked if there was any other response to my public comments about institutional racism within Police Scotland at the time. Not that I was aware of. Thinking about what kind of feedback we got in the discussions in the critical incident training, I would say there was rarely any pushback on my position

Signature of witness..... 

from people there. They included Chief Superintendents and Superintendents, so some senior people. I would not interpret that as necessarily meaning that they agreed with my position. I suspect that anyone who disagreed with me was most likely to think “We’re not going to argue with the DCC”.

114. I am asked what I think the impact of the absence of a position on institutional racism had on response teams and community policing. The acknowledgement of institutional racism at the senior levels of the organisation should drive change in the organisation. It should be one of one of the key intellectual planks that allows you to describe what you want the organisation to look like, and then, as a leader, to take the organisation down that path. I don’t think it matters much at the front end whether they’re engaged in the intellectual academic debate about institutional racism. In as much as I’ve had a role in training or presenting these issues, my pitch to the frontline was “Diversity is about locking up robbers.” It helps us in a number of ways if communities trust us and have confidence in us, because they tell us what they know about what’s going on. We call that intelligence. That helps us identify who’s committing crimes. They’re prepared to give us statements and report crimes in the first place, our options for action are severely limited if they don’t. There may be occasions when a member of the public will come to the help of an officer in trouble if they have trust and confidence in you. It will certainly lead to more people wanting to join the police from different backgrounds, which brings different knowledge and different expertise and different perspectives to you as a frontline cop.

115. If there is someone on your team who can bring a different perspective, set of experiences or cultural knowledge into discussions about work, that is going to make you a much more effective and professional officer. My view was always that the vast majority of police officers want to be the best police

Signature of witness..... 

officers they can be – embracing and valuing difference is a key means to this end.

116. This was my premise, that all these benefits flow from having communities that trust us and have confidence in us. Trust and confidence are built from the organisation recognising the relationship it needs to have and the service it needs to provide, and understanding the service that communities want to receive. It is crucial to acknowledge how the ability to achieve those aspirations is undermined by institutional racism.

117. I don't think the front end needs to be able to quote the definition of institutional racism. I think they need to have a broad understanding of the concept because leaders need to be able to frame the actions they take in response eg positive action programmes.

118. One issue I have felt strongly about was the tendency to compartmentalise diversity/equality as a HR issue. My belief is that the issue is not about persuading people to join the organization; it's about creating an organisation that people aspire to join. It's not about going out and having a special day to recruit black people, although I accept, in the short term, sometimes such initiatives have a role as part of a wider strategy. The solution, in my view, is creating an organisation that people aspire to join regardless of identity, ethnicity or characteristics, because it's so fantastic and why wouldn't you want to join it? When we get to that point we will have made genuine progress.

119. I am asked if the recent public acknowledgement by the ex-chief constable about institutional racism could have been made at any other time. Other forces accepted the definition publicly in 2002. Police Scotland, of course, didn't exist then. I don't know whether there was any acknowledgement at the time of the Macpherson report, whether any of the chiefs in Scotland did own

Signature of witness..... 

it. I suppose my point is Police Scotland has been institutionally racist since institutional racism existed, so at any point the leader could have acknowledged it.

Discussion of Institutional Racism in Critical Management Training

120. I am asked what sort of things were being raised during the discussion of institutional racism at the critical incident management training. The training event started with an introduction about organisational cultures, structures and decision making, with a number of different models being presented. The exercise then began. The exercise was based on a scenario of a young Asian woman going missing. The participants, in teams, develop their plans and approaches to the information they've got in front of them. They write that information into decision logs along with the rationales for their decisions. We then come back into plenary and all those decisions and the decision logs are looked at in plenary and discussed.

121. Institutional racism was raised as part of the initial introductory presentation and then in discussion on the second day. There's a natural point in one of the discussions on the second morning where I and the facilitator of the exercise knew that if no one else had, we would raise the issue of institutional racism. The facilitator would ask a question like "Does anyone think, that institutional racism as a concept has any bearing now?" and sometimes you would get responses to that and that would start a discussion. If we got not very much coming back, I would talk about my time in the Met when I used to have to answer the question of whether the Met was still institutionally racist to the media. In summary the view I expressed about Police Scotland was "How can we say anything other than, 'Yes, we are,' when you look at, just as an example, our recruitment and when you look at our retention?". There were one or two times when someone asked, "Is that Police Scotland's position on it?". I would make it clear that I had given my position and that

Signature of witness..... 

they needed to arrive at their own view on the issue. That discussion could be 10 minutes or it could be 20/25 minutes. The purpose was to ensure the concept and its implications were considerations in the decision-making process.

122. In the introductory presentation to the exercise, the definition of institutional racism from the Macpherson report was put on the screen. It was somewhat deconstructed to remind people about it and to put it in their minds as they participated in the exercise. The importance of the word “unwitting” was highlighted as was the way people defend themselves by saying, “Well, we were unwitting.” You can only be unwitting once, and, once you know, then presumably you are witting and all the responsibilities that flow sit with the leader.

123. I am asked if the discussions were recorded anywhere, and whether they would have been fed back around Police Scotland at all. It was all Chatham House, so you can say what you learned, but you can’t attribute it to anyone. I know that the team did produce, on occasion, a synopsis of the feedback that we were getting from the course. It’s too long ago for me to remember what the detail of any of those were and if they specifically mentioned institutional racism.

Equality and Diversity Training

124. I am asked about training on equality and diversity issues. Such training seemed to be an almost permanent thing in my time in England. Every time a new report emerged or a new strategy was written, it was accompanied by a new round of training. That felt less the case in Scotland although around 2010/11 there was a programme of training relating to unconscious bias taking place in Lothian and Borders Police. As I recall, the training was led by external consultants and lasted two days. I attended one of the courses.

Signature of witness..... 

125. During my time at Lothian and Borders, I remember organising a discussion session at Fettes headquarters, which was aimed at senior staff. I did a presentation about diversity and the operational case for it.

126. One of the issues arising out of the Simon San report was about people not being trained for the roles they were asked to undertake. My impression was that training was given a lower priority generally than it was in England, and that persisted into the early days of Police Scotland. I fully accept the context of reform and the pressures that put on the system. In particular I think there was a lack of leadership training and the associated discussion of culture, and diversity that is an integral part of leadership training.

127. Particularly during my time in the Met, there was a growing reliance on online training, or e learning. My confidence in that as a method for delivering training was dented following a programme we introduced at Westminster. Each officer had to sign in, do the training and then certify that they had completed it. I discovered that one team of 24 officers had persuaded their front counter clerk to do the whole team's training over two night shifts. As far as the organisation were concerned they were all trained, but not one of them had actually looked at the materials.

Previous reports and inquiries

128. I am asked if I was aware of previous reports and inquiries into deaths in custody when working for the police. Not in terms of cases I was personally involved in. Clearly there would be a professional interest so, while I cannot remember a specific case I would have read reports that came out dealing with such deaths. Obviously, you're aware because you have a professional interest and it seemed to play into the same agenda. There was a period of time when the issue came very much to the fore, with a number of such deaths of black men around the country. This would have been in the 1990's

Signature of witness..........

and early 2000's. As I recall, this was when I became more aware of the issue of positional asphyxia.

129. I am asked if I think that the issues raised in these cases and reports of deaths in custody in England would or would not translate to Scotland. Although the legal frameworks around custody are different, I am sure the basic lessons about care and supervision would be equally applicable.

130. On the more general point about reports into the police handling of cases and/or culture (for example the McPherson Report, the Chhokar Report, Louise Casey's report, the Morris Inquiry report, various Metropolitan Police Authority reports) there are broad similarities in the recommendations that arise from them. They deal with leadership, training, accountability, professional competence, and effective engagement with communities and families. The real challenge is not coming up with the recommendations, it is about how you implement recommendations in a way that leads to a real and sustained change in the experience of those we police. The recommendations arising from the murder of Simon San cover similar issues. They cover the need for awareness among our staff about the needs of families and communities; the need for an organisational culture that enables people to speak out; the need for adequate and appropriate training. As I've said, the legislative frameworks are different in Scotland and England but the recommendations from all these reports will have relevance and meaning in both countries.

131. I am asked to what extent I think Police Scotland, as an organisation, was aware of and taking on board those reports and recommendations when I was working there. I wouldn't have expected to go to Inverness and find a sergeant in the canteen who had read the Stephen Lawrence Report, but you would expect people in senior leadership positions to be aware of these

Signature of witness..... 

reports and the recommendations arising from them. For Chief Officers, such issues would have been covered on the Strategic Command Course.

132. Following the Simon San inquiry we sent the executive summary report to all the other forces in Scotland. It may be that the issues were seen as local failings by Lothian and Borders rather than more broadly applicable but I had no sense that it generated any national discussion or would lead to an action plan beyond LBP. I can't speak to the specific position on these issues as they relate to any force other than LBP.

133. In general terms, I would expect all officers at Superintendent rank and above to have at least some level of awareness and knowledge about such reports, particularly those produced in Scotland.

134. I am asked if there was an organisational responsibility to pay attention to the recommendations and implement them. In general terms, someone would always be given responsibility for leading on the implementation of recommendations from reports, where they were accepted by the organisation. The challenge is maintaining the momentum and ensuring that oversight mechanisms continue to be effective in ensuring change occurs.

Working with black and other minority ethnic police officers

135. I am asked if I have an awareness of what proportion of Police Scotland officers were from minority ethnic backgrounds when I was working in Police Scotland. My recollection was it was around one per cent across the force. It was disproportionately small compared to the proportion in wider society. I also recall that it went down to something like 0.3 per cent of sergeants. When looking at ranks above Sergeant the numbers got vanishingly small.

136. I am asked whether, as a senior officer I got feedback from black officers and officers from other minority ethnic backgrounds about their experiences, and

Signature of witness..... 

whether people came to me or whether I sought it out. Yes, both, is the answer. The seminal experience for me was in the Met. I was given the task by the Commissioner of resolving around 23 long-standing grievances and employment tribunals that involved minority ethnic staff. I was asked to be creative and non-bureaucratic. My approach involved sitting down with people, listening to their story and trying to find a resolution that gave people what they wanted. In the main, what these colleagues wanted was to be treated with dignity, professional respect, the sense that they were welcome in the organisation and that their career meant as much to the organisation as everyone else's. A few of the resolutions involved money, but I would say that in just about every single one of the cases, we had something to apologise for. For me, this experience offered me some insight into the experiences of black and minority ethnic officers, particularly in the Metropolitan Police, that was personally paradigm-shifting.

137. The accounts from these colleagues described a pretty consistent set of experiences. Common themes were about having to work harder, about not being listened to, about being passed over by people who were less qualified, about having to justify themselves, about being performance managed more closely and more rigorously than their colleagues who work next to them, about approaching the organisation and saying, "I just want to be treated fairly," and the organisation failing to respond appropriately. The organisation saw such challenges as a threat from the beginning and became defensive. There was a lack of willingness to intervene early and collaboratively in a way that would have resolved many of these cases at their outset.

138. For me there was a seismic shift in my understanding of the experience of others. In common with other leaders I knew, it was important to me to speak to officers and staff and learn as much as I could about their experiences. There were officers in Scotland who would regularly come and sit down and

Signature of witness..... 

just talk about where they were going in their careers. My view is that the failures I saw of the organisation sometimes to treat its people with fairness, respect and dignity were much worse in the Met in the 2000's than in Scotland in the early 2010's. I don't mean by that to diminish the anguish and the frustration that flowed from the experience of some officers in Scotland.

139. I am asked if I was aware of how complaints about discrimination were handled, and whether I had a process to follow if someone came to me. Yes. I can't think of any that came to me because they would, by and large, have come through the grievance process or would, having failed at that, probably have ended up at employment tribunals. But yes there were processes in place. Whether they were good processes or not is not the same question.

140. I am asked if I considered those processes to be effective. Talking specifically about grievance processes, it was always my view that it was the people that were operating the process that made the difference as to whether or not it worked. Process was a vehicle that helped people understand where they were going but it was the individuals who decided the 'how' and it was the 'how' that often decided whether it would achieve its purpose. In the Met I discussed some of the cases I have referenced with the Met's lawyers. The Met's most frequent defence was that, "Yes, we treated them badly but it wasn't racist because we treated everyone that badly,".

Threat levels

141. I am asked what my awareness of the threat from terrorism in Scotland was in 2015. I can't remember what my awareness was, mainly because I was out of the operational environment. In 2012, 2013 and 2014, the threat level is something I would think about every day, because it was so relevant to the security of the Commonwealth Games.

Signature of witness..... 

142. I am asked if I was aware of the Lee Rigby incident in 2013. Yes. That incident would have had a direct effect on the sense of risk around Games planning. I can only speak for myself but that murder had a particular significance because it was the first of its kind in the UK. The fact that you could watch events unfold on television would have had an effect, I would imagine, on the consciousness of police officers going about their daily business. Prior to that senior officers were all trained to some degree in the response to active shooters and suicide bombers. The London bombings of 2005 made the suicide bomber threat very real and the possibility of an active shooter scenario was also very real .

143. I am asked whether, if I had heard around that time of a scenario where there were multiple calls from the public about a lone man with a knife on the street behaving erratically, I would think that terrorism was a potential hypothesis? **It's not an unreasonable** scenario to consider. In my experience, in the process of attending a call like this is you will be trying to make sense of as much data as you have available. I think you would take account of things like location, "What is this near? Is it near anything that makes sense as a potential target or has symbolic value". Some of this is subconscious but the location and time of day would be factors in your thinking before arrival at the scene. If indeed there was time to do that thinking. I think it is entirely reasonable to have a terror-related incident as one of your range of scenarios.

144. I am asked would I expect a gold group to consider terrorism as a possible hypothesis following an incident where there's a man on the street with a knife who has had a violent interaction with the police. Yes, I would expect that. Because the principle is to include everything and exclude nothing at that stage. Until you can positively exclude a hypothesis then, of course, you should keep an open mind on it. A common reason for getting the response

Signature of witness..... 

to racist incidents wrong was that we failed to consider racist motive as a hypothesis from the outset. **I think it's entirely reasonable.**

Statistics on race

145. I am asked if I noticed a difference in the way that statistics were collected around race and policing in England compared to in Scotland. Yes. It probably comes back to the issue of general levels of awareness of race as an issue.

146. My experience in England was of an emphasis on the collection and publication of race-related data. This would have been driven by the continuing focus on disproportionality in stop and search and particularly by the legislative requirements of Section 95 of the Criminal Justice Act 1991. I wasn't aware of the same level of activity or requirement for data in Scotland. Of course, it might have been happening without my knowledge.

I am asked if I was aware of any protocols or practices relating to monitoring and addressing discrimination around 2015. Records would obviously have been maintained in relation to formal complaints and in relation to grievance procedures. The complaints and the grievance processes would have been the two principle means by which discrimination could be formally addressed in 2015.

"Colour blind" attitudes

147. I have been asked whether I have come across an attitude of colour-blindness or 'treating everyone the same' regardless of race in the police. Yes. Certainly in the past. I would like to think that had been long debunked as a professional approach, but I imagine there will be people who still see that as the moral approach to take.

Signature of witness..... 

Critical Incidents

- 148. I was involved in delivering CIM training in the MPS between 2003 and 2008. The training was a direct outcome of the Stephen Lawrence Inquiry and the MPS had defined a critical incident as “any incident where the effectiveness of the police response is likely to have a significant impact on the victim, their family and/or the community”.

- 149. The definition was adopted across England and Wales following an HMI report into the Soham murders that had occurred in 2002. Whilst ACPOS had adopted the definition sometime early in the 2000’s, when I transferred to Lothian and Borders in 2010 I could find no evidence of training or any real awareness or knowledge of the concept across Scotland.

- 150. This became especially clear through the Simon San Inquiry and, as a consequence, I used my position as national lead on Equality and Diversity to commission work to develop a policy and a training package to raise awareness and improve practice across Scotland. The Superintendent’s Association, SEMPER Scotland and the Gay Police Association were partners in the work as it developed. We organised and held a national conference on the subject.

- 151. The training package was piloted in the autumn of 2012. Upon the formation of Police Scotland I led a short presentation/debate with the executive team (I still have the agenda) and received consent to take the training forward into Police Scotland. The issue of institutional racism was raised during this discussion.

- 152. Between April 2013 and the summer/autumn 2015 we ran (to the best of my memory) around 16 events involving just short of 300 police officers and staff (from Inspector to Chief Superintendent and senior police staff) and around 40 junior staff who had the opportunity to participate as decision-recorders.

Signature of witness..... 

153. Critical incident management is as much about a state of mind as it is about a procedural guide. There are interesting questions about what is a critical incident, is there such a thing as a potential critical incident and is for example a murder or a hate crime always a critical incident? We discuss these issues on the course.

154. A critical incident is certainly not the same as a Major Incident. A Major Incident is clearly defined and is usually declared as a consequence of scale, significant community disruption, requirement for a multi-service approach and activation of contingency plans for high number of casualties etc. Racist abuse directed at children in a playground could easily be a critical incident but would never be a Major Incident.

155. My experience dealing with employment tribunals and grievances during 2003/4 led to the idea of "Internal Critical Incidents". This recognised that police organisations were themselves communities, teams shared some characteristics with families and that the principles of CIM could be equally applied to situations arising from within the organisation. This too was discussed during the Police Scotland CIM training.

156. I do not know whether Police Scotland took forward the substance or principles of CIM training following my departure. I do know that the thinking remains current, evidenced by the reissue of the Police Scotland CIM SOP and the reissue of College of Police Guidance in the last couple of years.

157. I am asked in my experience of critical incident management how race should be considered as a factor, particularly when dealing with a death following police contact. It should be considered as a factor which could impact significantly on your inquiry and, in particular, the service you provide, and the way you provide that service to the victim, family, and the community.

Signature of witness..... 

The identity of the victim is an integral part of the context and the picture that you are dealing with.

158. I am asked where race fits into the decision that something is a critical incident. If I was asked "If it involves a black person, is that a critical incident, and if it's a white person it isn't?" The answer to that question is no. Does it make it more likely to be a critical incident? It's possible. It is a critical incident where the effectiveness of the police response is likely to have a significant impact on the victim, their family and or the community. Some of the factors that you might consider when applying that definition are, who is the victim? Who is the family? Who is the community? What is their relationship with the police? What are their levels of trust and confidence? What is likely to be the level of engagement with them and have we got relationships in this community already? All those questions would be considerations in the discussion about, "Is it a critical incident?".

159. It is not the declaration of a critical incident that is the most important decision. More important are the thought processes and decisions that are made about how to approach and deal with an incident. Decisions about who is in charge of what and what is the chain of command? How do we ensure that there is sufficient challenge to our decision-making and that we have access to different perspectives and information about the community we are working with? Are we recording our decisions and the reasons for them accurately and comprehensively? Are we keeping an open mind? Have we considered the definition of a racist incident or any other relevant consideration?

160. The critical incident definition is really about shaping the mindset of police officers dealing with complexity. Race, of course, is an issue because the identity of the victim is central to any investigation. So is the victim's family, and the communities affected by an incident. What are their needs in this?

Signature of witness..... 

My job as a senior police officer is to do all in my power to meet those needs. Where police have gone wrong in the past, is to tell the community what they need and what we're going to give them.

161. I am asked what I understand by the word "community" in the definition of Critical Incident. It can be a community of interest, geographic community, economic community. It's whatever the word community means in any given context but the approach is to build from the victim out in your understanding of impact. You have to think about the wider context in terms of the community and the impact on the trust and confidence in the community. In an internal critical incident the community is Police Scotland, or it's Fife division, or it's the team that are most affected by the incident. So community in its broadest sense.

162. I am asked if I have an awareness the proportion of cases identified as a critical incident would involve someone from a minority ethnic background. No, I have no idea. I would say black and minority ethnic victims, families, communities are probably over-represented. I wouldn't go further than that, but I would think that was true. I am asked if that is something that is recorded anywhere. No, certainly not in Police Scotland. We tried to keep a register in the Met and I just think it was unmanageable. Often, if you get critical incident management right, then probably no one ever knows you did it.

163. I am referred back to my comment on the fact that there was no real evidence of training or awareness of Critical Incidents in Scotland when I joined Lothian and Borders. I am asked if I have any thoughts about why that was when it had been adopted in England. No, I don't, other than issues normally get addressed if people think there's an issue that needs to be addressed. The Chokar case was unfolding around the same time as

Signature of witness..... 

McPherson was carrying out his inquiry so there was a potential catalyst for developing this kind of thinking.

164. The Simon San case demonstrated to me that we didn't have an effective understanding in Scotland. I commissioned a small team from Lothian and Borders, but working with the Superintendents' Associations, SEMPER and others to fill the gap and develop a piece of doctrine or policy which we could adopt nationally and, probably most importantly, to develop a training product from which we could build a common set of approaches across Scotland. So that work was underway before Police Scotland was going to happen and it just naturally fitted well into the process of transition.

165. I am asked if I think the absence of any Critical Incident Management process before this training programme came into force had an impact on policing in Scotland. If there had been a programme and if that programme had been effective and had had sufficient reach in terms of the numbers that it got across Scotland, then I think it would have made a difference. It's possible if there had been a structured response and structured training that it would have made a difference to some of the thinking in policing in Scotland. As an example, I would probably cite the use of independent advisors. There were independent advisors in Scotland. My view was and my experience was that they were used more as experts on the communities that they came from. They were also rightly regarded as channels of information back into communities. I think the difference critical incident management processes made was trying to establish independent advisors as a resource that were brought in early into decision-making to challenge the police mindset, rather than simply to give you information about a given community.

166. I am asked if there was there anything done to assess the impact the training was having more broadly. Sometime in 2014/2015 we were starting to

Signature of witness..... 

develop ideas for the next phase and so as part of the data set to support moving to a second phase, the team themselves did an evaluation of all the feedback and the numbers that had attended and the various organisations that had helped us with it. Other than that, I don't think there was ever an independent assessment of outcomes that it was delivering.

167. I am asked what I consider to be the definition of a racist incident. A racist incident is any incident which is perceived to be racist by the victim or any other person. That is the formal definition which comes from the Macpherson report. That was the big shift, it's not down to the SIO to decide.

168. I am asked why I think that the understanding of the definition of 'racist incident' is important and what impact it has on the critical incident management process. So that when the victim, the family the community (or one of our staff) tell us they believe it is a racist incident, that we record it straight away, that we investigate it as a racist incident amongst our other investigative hypotheses.

169. The understanding of the definition of 'institutional racism' is important because leaders need to be proactive in ensuring that prejudice, ignorance, thoughtlessness and stereotyping do not impact on their operational decisions. Such understanding is an aid to self-awareness, and, in the current language of Police Scotland, a precursor to becoming an 'anti-racist' organisation.

Miscellaneous

170. I have been following the Inquiry in passing, what's been on the news. I've taken a bit more interest since being contacted by the Inquiry. I haven't deep read my way into the evidence about what happened at the scene, about the incident itself. I've restricted my reading to things like the statements by the core parties.

Signature of witness..... 

171. I have followed the case in the media as much as anyone with an interest in policing and what's happening in Scotland.

172. I don't think my recollection of anything I've spoken about has been affected by anything I've seen and read in the media.

173. I have not had any contact with former colleagues or other individuals who have been called as witnesses to the Inquiry.

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

April 15, 2024 | 11:05 AM BST
Date..... Signature of witness..... 