

Transcript of the Sheku Bayoh Inquiry

Wednesday, 3 July 2024

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(10.00 am)

LORD BRACADALE: Good morning, Ms Deslandes-Clark, would you take the oath, please.

SANDRA DESLANDES-CLARK (sworn)

Examination-in-chief by MS BARRETT

MS BARRETT: Good morning. You are Sandra Deslandes-Clark.

A. Yes.

Q. You have provided a Rule 8 response to the Inquiry regarding the work that you have done as general secretary of SEMPER Scotland.

A. Yes.

Q. But I understand that this week you commenced a new role as Fair Play Adviser for Police Scotland; is that right?

A. Yes, that's correct.

Q. Will you remain involved in SEMPER?

A. For the moment, yes, I will be.

Q. And in what capacity will you remain involved in SEMPER?

A. Well, I am until the new general secretary comes along, I will fulfill that role.

Q. So you'll be acting general secretary for the time being?

A. Yes, only on paper but --

Q. And do you know when the new general secretary is expected to start?

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- 1 A. Yes, I think within the next two weeks.
- 2 Q. I see. Before you worked at SEMPER and now in your
3 current role you were a senior marketing and
4 communications professional; is that right?
- 5 A. Yes.
- 6 Q. So how did the change in roles from marketing to SEMPER
7 come about?
- 8 A. Well, it was very, very different because it's a private
9 sector and now it's a public sector, but marketing is
10 selling a concept, an idea, so they were familiar bits
11 so, yes.
- 12 Q. And I understand you have been general secretary of
13 SEMPER from January 2005 until this week; is that right?
- 14 A. Yes, that's correct.
- 15 Q. And you are also a vice chair of CRER?
- 16 A. Yes, I am.
- 17 Q. And an executive member of the National Association of
18 Black Police Officers?
- 19 A. That's correct.
- 20 Q. I know you have been following the Inquiry so you're
21 probably aware that there's a blue folder of documents
22 next to you. In a moment I will ask for your Rule 8
23 response to be put up on the screen in front of your,
24 but if you prefer to look at the hard copies they'll be
25 shown to you as well so you'll have both. If you want

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1 us to look at a document, just ask and we'll put up on
2 the screen. If it's something we don't have ready just
3 now, we can arrange over a break for anything you would
4 like to be obtained and put up on screen as well, so if
5 there's anything you want to refer to just let me know.

6 A. Sure.

7 Q. Rule 8 response, please, SBPI 00626 and this is dated
8 10 June 2024 and you'll see that there are questions in
9 black text, which is the Inquiry's questions to you, and
10 your responses are underneath it in blue text; is that
11 right?

12 A. Sure.

13 Q. Just for convenience, I'm going to refer to this as your
14 statement, but we know that the Inquiry is asking you
15 questions and the responses in blue is your wording?

16 A. Okay.

17 Q. So it's a 22-page document, could we scroll, please, to
18 the penultimate page and have a look at the last
19 paragraph which is numbered 55 and you can see there
20 that it says:

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

25 And the signature is redacted on the version on

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1 screen, but is it right that you signed this document?

2 A. Yes, I did.

3 Q. And when you signed it, did you understand that it would
4 form part of your evidence going to the Chair and
5 the Inquiry and also go on to your website?

6 A. Yes, I did.

7 Q. And when you were filling out your responses to the
8 Inquiry's questions, did you do your best to give full
9 and accurate truthful responses?

10 A. Yes, I did.

11 Q. Thank you very much.

12 Ms Deslandes-Clark, I'm going to start my questions
13 to you this morning by asking you about some meanings of
14 terms that you've referred to in your statement. So can
15 we look, please, at page 1 of your statement and your
16 answers to question 2. So you were asked to introduce
17 the terms you prefer to use in the statement to refer to
18 race and ethnicity and you said:

19 "We as SEMPER Scotland use the term 'black' as in
20 political blackness from the antiracist movements across
21 the world. It's traditionally used in politics in the
22 UK to refer to people of African, Asian, Arab and
23 Caribbean descent and generally nonwhites."

24 So could you explain a little bit about the concept
25 of political blackness for us?

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1 A. Yes, we decided to use the term because of all the
2 recent shadings that people come up with to distinguish
3 themselves and we're also very, very aware of the
4 background that people are coming from, that in some
5 countries, some third world countries, you have people
6 likened more because of their lightness or whatever and
7 we don't want to put people through that trauma.

8 Most importantly, we're too small as a minority
9 group within Scotland for us to be broken up by
10 calorism, racism is racism anyway you put it, and we
11 just thought that was more divisive than coming together
12 with a strength and unity.

13 Q. So political blackness is a way of avoiding the
14 divisiveness of colourism in your view?

15 A. Yes, it's the shared experience of racism, you know, of
16 not being one of us.

17 Q. We've heard evidence earlier in this hearing from
18 Professor Meer at Glasgow University and he was asked to
19 define the word "black" and he said, if he were to
20 distill it, he would say that:

21 "Black can be an identity category that people
22 self-define with and they self-define as being
23 potentially people of black African descent, but it can
24 also be a political identity. It can be a vehicle of
25 self-empowerment in the context of historic racism."

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1 And I wondered if that latter part of his definition
2 of the political identity aspect, a vehicle of
3 self-empowerment in the context of historic racism, was
4 akin to the concept of political blackness that you're
5 describing here in your statement?

6 A. Definitely. It's less about the country you came from
7 and more about you being disadvantaged because you do
8 not look like the dominant group, so it's this thing
9 about assigning us to a continent we just think it's
10 wrong, because people come from everywhere. What do we
11 call people who come from South America? You know what
12 I mean. It's unhelpful.

13 Q. You go on to say in your next paragraph:

14 "Most importantly, 'black' and the phrase 'black and
15 minority ethnic (BME)' is used as a unifying term, an
16 articulation of solidarity and the building of allies in
17 relation to shared and common experiences of racism.
18 Political black is not about colourism and shades of
19 skin."

20 And does that really just reinforce what you're
21 saying that black and minority ethnic is not about
22 saying people from African, people from Asian, people
23 from this continent, that continent?

24 A. Yes, definitely. What does someone from African look
25 like? You know what I mean. It's definitely not

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1 helpful when we're trying to unify the black voice as
2 one, especially in -- even like in places like policing,
3 you know, where you have all different shades of people
4 and we need them to come together because they do have
5 shared experiences and we just think it's unhelpful.

6 Q. You have also said in your statement that you use the
7 word "employees" as an umbrella term to describe both
8 officers and support staff; is that right?

9 A. Yes, and we know that police officers are not employees
10 or servants of the crown, but it's just a term to use
11 everybody to come together as one so we just say
12 "employees".

13 Q. And is it right that SEMPER works with both groups?

14 A. Yes.

15 Q. You are not just for officers. You also work with
16 Police Scotland staff?

17 A. Yes, definitely.

18 Q. So I am going to go on now to ask you some questions
19 about SEMPER the organisation?

20 A. Yes.

21 Q. And I'm going to start with the role of general
22 secretary. So can we look, please, as page 3 of your
23 statement and your answers to question 6. So you were
24 asked to provide a summary of your role with SEMPER.
25 You explain that you started the role in January 2005

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1 after assisting SEMPER Scotland (as a volunteer)
2 initially with their 2003 public launch and a business
3 case for funding from the Scottish Government and from
4 the Association of Chief Police Officers in Scotland.

5 And you go on to say:

6 "The role of general secretary in SEMPER Scotland is
7 a wide-ranging one and involves working across all
8 spheres of policing from recruitment to training to
9 conduct and discipline. It entails working closely with
10 members, divisional teams, corporate units, the
11 executive team, other police staff networks and external
12 agencies."

13 And then you go on to set out a list of bulletpoints
14 with the key responsibilities of the general secretary
15 role. Would it be fair to say that broadly the
16 activities of SEMPER and the activities of the general
17 secretary of SEMPER can be divided into two categories,
18 there are activities you perform supporting individual
19 members?

20 A. Yes.

21 Q. And there are activities you perform as part of more
22 strategic work?

23 A. Yes.

24 Q. Could you summarise just briefly for me the type of work
25 you do supporting individual members of SEMPER?

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1 A. Yes. Well, in addition to signposting, just giving
2 general advice, I also represent members of staff,
3 employees for that matter, in cases of -- in
4 discrimination cases and cases of unfair treatment. So
5 it's -- like I said, it's broad, because we also do
6 things like consultations, reviews of policies. It's
7 almost every aspect of policing.

8 Q. It's a diverse portfolio of work that you have been
9 doing?

10 A. Yes.

11 Q. Then can I come on to the membership of SEMPER?

12 A. Yes.

13 Q. And that's at page 5 of your statement you set out some
14 details in response to question 8. You have said that
15 at the time you completed the Rule 8 response there was
16 approximately 250 members --

17 A. Yes.

18 Q. -- on the books. Is that still about?

19 A. Yes. Well, just like regular police numbers, they
20 fluctuate, people retire, people join, so it would not
21 have changed a lot.

22 Q. You also say that as at 2015, you had 159 members?

23 A. Yes, that's what our records show.

24 Q. Your organisation has grown?

25 A. Yes.

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- 1 Q. And I wondered what would you attribute that growth in
2 member to in the period from 2015 to date?
- 3 A. I think it has a lot to do with people now becoming more
4 aware that we're there. The -- I think we've now
5 started giving an input to new probationers, which is
6 very, very helpful, so they join at the start, like they
7 would join the Federation, but also word of mouth that
8 people now know there's an organisation here that
9 actively looks out to make sure -- that's there to make
10 sure that you are treated with dignity and respect and,
11 most importantly, is about equality of opportunities and
12 a lot of people have now become aware of that, so yes,
13 it's grown.
- 14 Q. You've also provided a list of the ethnic origins of
15 current members --
- 16 A. Yes.
- 17 Q. -- where that's been provided and I have counted up
18 that's 21 different ethnic origins?
- 19 A. Yes.
- 20 Q. I understand that's not an exhaustive list; is that
21 right?
- 22 A. Not at all, because some of them who are visible
23 minorities have not said what their background is so,
24 yes, it's -- we call it the rainbow organisation,
25 because if you look at us, you know, the shades as

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1 people would say and also it has a lot to do with the
2 mixture of people that are in Scotland as well, you know
3 find a broad mixture, and even the recent census will
4 show that that is the fastest growing group so it's,
5 yes.

6 Q. We've heard from Professor Meer that the minority
7 population of Scotland, the nonwhite ethnic minority
8 population of Scotland, had grown from approximately
9 4 per cent in the 2011 census to approximately 7 per
10 cent in the 2022 census?

11 A. Yes.

12 Q. And have you seen an increase in the diversity and
13 numbers of police officers joining SEMPER reflective of
14 that increase?

15 A. Definitely, especially younger ones, and in the census
16 same thing about the age group, it's the younger ones
17 that are --

18 Q. You say that membership is open to all officers and
19 staff from ethnic minority backgrounds?

20 A. Yes.

21 Q. And is it right that others outside that self-definition
22 can join as an associate member?

23 A. Yes, they -- just as long as they support our aims and
24 ambitions and we have a lot of them, a lot of members
25 from the dominant groups, who joined SEMPER because they

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- 1 believe in the work that we do and the concept of
2 belonging and they want to do their best to support us.
- 3 Q. Is it open for members over the senior leadership team
4 to join SEMPER --
- 5 A. Yes.
- 6 Q. -- as an associate member?
- 7 A. Yes. In fact, Steve Allen that was here was a member
8 and the retired chief Iain Livingstone was a member.
- 9 Q. So some of the witnesses we've heard from already in
10 this hearing are former members?
- 11 A. Yes, associate members.
- 12 Q. I'm going to ask you next about funding for SEMPER and
13 it's at page 7 of your statement, if you want to look,
14 but I'll just run through some of the details that
15 you've given us. Is it right that SEMPER is funded by a
16 grant in aid from the Police Division of the Justice
17 Department?
- 18 A. Yes.
- 19 Q. And that I understand has not been increased since 2009?
- 20 A. Despite every year asking for an increase it's -- so
21 it's just the way it is, sadly.
- 22 Q. You've also mentioned that until 2013 you received a
23 yearly grant from ACPOS, the Association of Chief Police
24 Officers of Scotland?
- 25 A. Yes, prior to police -- the merger and Police Scotland

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1 forming, we got a fund that was from every single force.

2 Q. So each of the eight Scottish police forces prior to the

3 creation of Police Scotland contributed to the funding

4 of SEMPER?

5 A. Yes.

6 Q. But that was discontinued on the establishment of

7 Police Scotland?

8 A. Sadly, yes.

9 Q. Is it right that currently no part of your funding comes

10 from Police Scotland?

11 A. No.

12 Q. And --

13 A. Yes, that's right. No.

14 Q. We understood. You have described SEMPER as woefully

15 underfunded. So if we look at page 8 of your statement

16 and your answer to question 13, you were asked:

17 "In your view is SEMPER adequately funded to fulfill

18 its functions?"

19 And you have replied that:

20 "As an organisation that has brought about

21 significant positive organisational change and budgetary

22 savings, I feel SEMPER Scotland is woefully underfunded.

23 Since 2013 the organisation has been surviving mainly on

24 the goodwill of others. We're now unable to do basic

25 things like provide specialist training with external

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1 contributors, reimburse members for travel expenses,
2 afford ICT software and applications, attend community
3 events, host extensive conferences and offer promotional
4 merchandise at most activities."

5 So you've set out there some of the practical
6 limitations that your funding settlement creates for
7 you?

8 A. Yes, that's correct. It is -- despite our best efforts,
9 everybody has no money, you know, so we have become a
10 bit cynical in that sense to say if it's a priority you
11 should find money and we have saved -- we have saved on
12 Police Scotland and Scottish Government in terms of ETs,
13 recruitment, retention. You know what I mean? It's a
14 biggy. And it's very disappointing, but it is what it
15 is.

16 Q. So you've said that in your view if it's a priority the
17 money will be found. We've heard some evidence
18 yesterday from Steve Allen, who you've mentioned, former
19 associate member of SEMPER, former DCC at
20 Police Scotland, and he talked about SEMPER and the
21 types of activities that SEMPER was expected to provide,
22 the level of engagement, and he said about funding:

23 "You don't want to set up a relationship where
24 they're dependent on your patronage for all their
25 resources and all their training and support, so it's a

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1 way of finding resourcing that independently you give
2 them the best possible chance of engaging at the level
3 you want them to engage at and I think the failure to do
4 that derives from unwitting ignorance or
5 thoughtlessness."

6 And he was talking about SEMPER in the -- SEMPER
7 funding in the context that in 2015 he thought this was
8 an indicator of institutional racism. And I just
9 wondered whether you would take the view or whether have
10 any comment on the potential view that the level of
11 funding is to a degree reflective of the level of value
12 and priority accorded to a staff association such as
13 SEMPER?

14 A. Well, I would actually, might be controversial, but
15 I would, and this not only goes to Police Scotland, but
16 to the Policing Division of the Justice Department. If
17 you think that it's important as a government to see
18 that we -- that was -- we were set up in there as their
19 response to the Stephen Lawrence -- the Lord
20 Macpherson Inquiry. If that's a priority, you should be
21 aware that you've not increased the funding for a long
22 time and so they can't operate in this landscape that's
23 continuously changing, and especially based on some of
24 the cases, some of the, you know, cases all over the
25 media, what people have been saying about racism and

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1 policing, and nothing has changed.

2 Even since the George Floyd thing, I thought they
3 would have upped their funding, but, sadly, that's not
4 true. And to be fair, I must mention that
5 Police Scotland has said they would give us things in --
6 how can I put it now -- they would try their best to
7 give us things in kind.

8 Q. So nonfinancial support?

9 A. Yes, nonfinancial, but I think there's perhaps a case
10 again to say that perhaps they should give some
11 financial thing at the moment. The big thing again that
12 SEMPER Scotland wanted to highlight was about
13 independence, so for us it was more about the
14 Scottish Government, because we sat within the
15 Police Division because we didn't want to be controlled
16 by a force and that was -- that -- that's relevant
17 because we've seen it happen down south where if you
18 challenge chief constables, they would shut them down
19 and that's not the case in Police Scotland, but we
20 didn't want to get to that stage.

21 So it was terribly important that our funding came
22 from the same fund that Police Scotland gets, which is
23 from the Police Division, but it sits within the
24 Police Division. So I must admit that I am particularly
25 disappointed with the Police Division that they did not

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1 realise -- that they still haven't realised how
2 important it is that we are seen as a valuable part of
3 the police family.

4 Q. And could you tell us what you think SEMPER could
5 achieve, which it perhaps cannot currently achieve, if
6 funding were increased to a level that you considered
7 was appropriate?

8 A. Well, for a start, we would have very, very trained
9 members of our executive. Because they support people,
10 because they need to do research, because they need to
11 work on their personal development, we would be able to
12 train people and that is terribly important, because we
13 need to give them the confidence that it requires to be
14 a representative or an advocate of someone who is
15 broken. You need to know your stuff. So that alone is
16 a biggy.

17 The other one was about interaction with the
18 communities out there, the BME communities. It's, and I
19 know this might seem glib to some people, but for us to
20 interact with people out there, there is a monetary
21 amount put on it, you know, for you to participate in
22 events and stuff there needs to be -- we used to have
23 cricket competitions with young men or young people,
24 football. We used to let them to go in and engage with
25 that so they see police officers as humans rather than

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1 rock up to have a recruitment event. We want them to
2 see the police as the people in their communities so
3 that is challenging as well, you know what I mean?

4 Officers driving or taking trains to go to their --
5 to meetings to represent SEMPER, that has limited again.
6 You know, so it's -- there are loads of things that we
7 could have done.

8 Q. There's a lot more that SEMPER would want to do --

9 A. Yes, definitely.

10 Q. -- if it had the funding to do it?

11 A. Yes, just even workshops, network events where minority
12 ethnic people see each other, because we're all over the
13 country. It's -- for someone to come down from Aberdeen
14 for an event in Glasgow, there is a cost connected to
15 it, you know, and these are the little things that seem
16 small to someone, but they add up. But they're
17 important that they see each other. You know, they're
18 officers who will tell you they didn't even know that
19 there are other minority ethnic officers, because they
20 just don't see them because they are either in satellite
21 offices up north or in Dumfries and Galloway or
22 something like that. They are important.

23 Q. Accessing that community within SEMPER is important?

24 A. Exactly, yes, so.

25 Q. Another aspect of resourcing that you have mentioned

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1 separately from financial funding is time off for
2 officers involved in SEMPER to carry out SEMPER
3 activities?

4 A. Yes.

5 Q. We've heard evidence from Paul Castledine at the
6 beginning of the race hearing, who was a former chair of
7 SEMPER, and his evidence was that he was given a
8 full-time secondment for that role, but after his
9 secondment came to an end there was no equivalent
10 arrangement after that for future officers involved in
11 SEMPER and is that your understanding as well that that
12 protected secondment time hasn't been replicated?

13 A. That's right. But to be fair to Police Scotland and
14 it's a real -- it's a real imperative is that there just
15 aren't enough officers going around and that is real so
16 it's a bother, but it's less of a bother because we
17 understand we don't even have enough response cops out
18 there. So for me having a full-time general secretary
19 and a full-time chair, even though it would be in an
20 ideal world great, we understand now in 2024 that that
21 could be a stretch, but it would be nice if they look at
22 that but I understand that in policing terms it would be
23 a stretch and we're alive to what is happening on the
24 ground in policing.

25 Q. If a full-time protected secondment for the Chair is a

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- 1 stretch --
- 2 A. Yes.
- 3 Q. -- is there something less than that that would make a
4 difference to SEMPER in terms of protected time for
5 SEMPER activities for members?
- 6 A. Well, we do have a protective hours agreement with the
7 chief constable, a signed protective agreement.
- 8 Q. And how does that work in practice?
- 9 A. Yes, that is kind of difficult to work in practice, I'm
10 afraid. Again, it's a resources issue and one of the
11 big things is about most of our members are cops and
12 that is just a matter of fact so they're not in control
13 of their diaries and it's a needs must. So we do have
14 issues with that, big issues with fulfilling the
15 protected hours agreement.
- 16 Q. Does the same challenge in relation to time off for
17 SEMPER activities apply to members who are
18 Police Scotland staff, rather than officers?
- 19 A. Oh, yes.
- 20 Q. So it's both sides?
- 21 A. Definitely, sometimes it's even worse.
- 22 Q. Why would it be worse for staff than officers?
- 23 A. Because there's a staffing issue as well. While I think
24 police officers can, you know, roster things
25 differently, they can use it as a day off because of

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1 shift patterns and stuff, while a 9 to 5 for you to be
2 absent for a whole day to come to a SEMPER Scotland
3 executive committee meeting, which covers everything
4 that happens during the month and the projects that
5 you're working on, that's very challenging.

6 Q. Presumably there would be a practical benefit for SEMPER
7 if its members could take the time afforded under the
8 protected hours agreement to do the activities you want
9 to encourage them to do?

10 A. Definitely, and it's also about educating yourself, it
11 takes time, and you need to take hours to focus on being
12 an advocate, focus and learning about laws and best
13 practice and those kinds of things. So it's not just
14 coming and being there for the moment, it's much bigger
15 than that.

16 Q. And as well as the practical benefit that you've
17 outlined, would observation of the protected hours
18 agreement on the ground signal that the work of SEMPER
19 was seen as valued and prioritised by Police Scotland?

20 A. Well, I think the senior management team actually did
21 put that in place for it to show that it's valued.
22 However, on the ground that's where the difference comes
23 in. You know, invariably, I have had to go to the
24 deputy and say we need that and a call is put through,
25 but it's always challenging.

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- 1 Q. The Inquiry heard some evidence from former Chief
2 Constable Iain Livingstone?
- 3 A. Yes.
- 4 Q. And he described -- he used an analogy to a sandwich,
5 that you have the senior staff who are supportive of
6 equality initiatives and you have the very junior staff,
7 perhaps younger members of staff, who have similar
8 priorities or want to prioritise it and there's a
9 difficulty in the middle layers of ranks or management
10 and I wondered if you had any comment or observation on
11 that?
- 12 A. That's spot on actually. He was so right. Sometimes
13 when I am having great difficulty I would describe it as
14 ice at the heart, is that it is not filtering down a lot
15 of times and I don't know if they're not just not
16 thinking strategically or it is just not alive to the
17 needs of these various groups. I'm not quite sure what
18 it is. But he is spot on and I like that analogy.
- 19 Q. You've addressed in your statement SEMPER's working
20 relationship with other bodies, you've got positive
21 words for Police Scotland and HMICS and positive words
22 for the SPF, but I just wanted to ask you a little bit
23 more about the latter, so it's at page 19 of your
24 statement in paragraph 47.
- 25 You say:

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1 "In relation to the question what is SEMPER's
2 working relationship with the Scottish Police
3 Federation, we have a strong working relationship with
4 the executive team of the Scottish Police Federation.
5 The general secretaries from both organisations liaise
6 regularly to discuss conduct cases and mutual assistance
7 and to exchange ideas. Dissonance can occur with
8 individual Federation reps and our members at the local
9 level, particularly in instances involving racial
10 discrimination and incivility."

11 A. Yes.

12 Q. Are members of SEMPER often or usually also members of
13 SPF?

14 A. Yes, that's correct.

15 Q. They pay membership dues to SPF and are members of SPF?

16 A. Yes.

17 Q. Is there a role for SPF in supporting officers who are
18 experiencing issues of discrimination?

19 A. Definitely. That's one of the reasons I always object
20 to being called a diversity staff association, because
21 we're not absolving the Federation of looking at
22 diversity issues so we prefer the term "nonstatutory".
23 However, as a working relationship I get on with
24 everybody in the executive team of the Federation, it's
25 not an issue at all, we attend stuff. In fact, when

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1 SEMPER Scotland was being created.

2 It was -- we got assistance from the Federation and
3 that's why we have the same set up as in chair and
4 general secretary, it's the same kind of ideas and they
5 actually helped.

6 The real problem comes on the local level when the
7 Federation rep within the divisions don't see racism,
8 don't see discrimination and then we have that battle
9 going on, which is again my usual term, totally
10 unhelpful because minority ethnic officers -- officers
11 in particular with the Federation, they don't need
12 validation, that's their story, that's their lived
13 experience, and if you're paid to support my case,
14 I think you should do it with the rigour that you do
15 everything else, but, again, in my opinion, I actually
16 do think that they need training, the Federation reps.
17 It's terribly important if you are going to have this --
18 all these different groups within policing and you don't
19 have the necessary empathy, the necessary understanding
20 and knowledge to go out and advocate for particular
21 groups, I think that's a big challenge that the
22 Federation has.

23 Q. Does the Federation or do the Federation reps also
24 support officers who are being investigated for conduct
25 suspected of being discriminatory?

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- 1 A. Yes, yes.
- 2 Q. And is there ever a tension between the functions of
3 supporting the Federation's members who are making
4 allegations of discrimination and need support in that
5 regard, maybe for grievances, and the support provided
6 to officers who are on the other side of the coin?
- 7 A. Yes, a lot of our members find that and that's why they
8 come to SEMPER, because they're like you're supporting
9 both sides and what's the probability of you taking one
10 side over the other? So they come -- they come to
11 SEMPER, because we have the necessary knowledge and
12 understanding about racial discrimination that the
13 Federation rep perhaps doesn't have and the impartiality
14 that they perhaps don't have.
- 15 Q. So if I can summarise, is it fair to say SPF must
16 support both sides, they have got duties to all of their
17 members, but your members are telling you there's a
18 perception that they do supporting --
- 19 A. Yes.
- 20 Q. -- BME or black and minority ethnic officers cases less
21 well than they do the other side? Is that a perception,
22 is that fair or unfair?
- 23 A. That is a perception. I don't know how they're going to
24 handle that, but it is a perception and I think they're
25 very aware of it. Having said that, the Federation have

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1 often brought cases to me to say, do you know there's a
2 racial element to this, you could have input and stuff.
3 So we do discuss conduct in particular conduct cases,
4 so, yes, we do have -- there are some reps who will seek
5 us out because they don't think they have the necessary
6 knowledge.

7 Q. So there's a channel whereby the Federation can come to
8 SEMPER for support?

9 A. Yes.

10 Q. Providing that input?

11 A. Definitely.

12 Q. Sir Iain Livingstone gave some evidence about the
13 Scottish Police Federation and he said that:

14 "It can entirely be part of that movement for
15 change. The potential they have is enormous, their
16 support to identify officers who conduct themselves
17 contrary to our values and who act in a racist manner,
18 I would expect that, I think that's right."

19 He also went on to say that:

20 "They need to look at themselves, they need to look
21 at how representative they are, they need to look at how
22 they are mobilising and, again, I would encourage them
23 to do what I think they were doing, they're beginning to
24 move forward."

25 And I just wondered in relation to that just latter

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1 part, are you seeing a change in Federation reps? Is
2 there a progress or is there a change or is it static
3 from your experience?

4 A. It's very, very slow, but it is getting better. I know
5 that the executive team want to work closer with us.
6 They want to hear our experiences, because they too want
7 to learn and so I think the will is there. They are
8 willing to come on board. It will take time and, again,
9 they change personnel within divisions and, you know,
10 it's just about training and choosing your reps very
11 carefully, because a lot of them are out of touch and if
12 you are from the dominant group, you know, there is this
13 understanding that you would never experience racism and
14 a lot of them don't get it, you know. "I don't see
15 race, or I have known Johnny for years and he's a nice
16 guy", and I'm like "Why would he be racist to you?" You
17 know, that's the kind of thing I think it's missing that
18 necessary empathy that, yes, he would not be racist to
19 me. So let me hear this story.

20 So there's a lot of that going around and I am
21 willing to work with the Federation, where they're made
22 arrangements to come through to your executive committee
23 meetings, to hear from everybody just some of the things
24 they experience. So the willingness is there. I am
25 hopeful.

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1 Q. I am going to -- you mentioned training.

2 A. Yes.

3 Q. I'm going to go on to ask you about one particular
4 project --

5 A. Good.

6 Q. -- in relation to training that SEMPER has been involved
7 in. So could we go to page 6 of the statement, please,
8 and look at the answer to question 10. So at question
9 10, we've just scrolled through on the screen, you see
10 that's a very long list of activities and projects that
11 SEMPER has achieved on your current budget and the Chair
12 has the statement and the whole list to take into
13 account.

14 For reasons of timing, I'm not going to be able to
15 cover all of them today, but I did want to ask you about
16 the project which is at subparagraph H where you talk
17 about:

18 "The creation of the effective Truth to Power
19 Sessions that involve members of historically
20 marginalised groups speaking their truth/lived
21 experience to officials who have the power to change
22 their working environment. Those sessions led to the
23 introduction of Police Scotland's action plans for
24 individual EDI categories and helped to inform some of
25 the bold moves implemented by the executive team."

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1 A. Yes.

2 Q. And I have got a few questions I want to ask you about
3 the Truth to Power sessions. So, first of all, how did
4 the Truth to Power sessions come about? What was the
5 inception of this project?

6 A. Yes. Well, I worked very closely with DCC Fiona Taylor,
7 and she was a EDI lead and at the point of
8 George Floyd's murder, we -- I sent a list of
9 recommendations to Police Scotland about how we can
10 bring that scrutiny to police policies and procedures to
11 bring about public trust and confidence and in that we
12 spoke about things like hearing what minority ethnic
13 people within the service have to say. And I am very,
14 very aware that the chief sits eight ranks above the
15 officers that are mainly BME and by the time things
16 reach them, they're sanitised within an inch of their
17 lives, that's just what it is, totally varnished, so
18 they never get a chance to hear all the policies that
19 they have approved, supported and agreed on, how they
20 are implemented on the ground. So I came up with this
21 thing about why don't we have people speak their truth
22 so the powerful people who can actually make a
23 difference to their working careers.

24 Q. The idea at its inception was people can speak their
25 truth to the people with power to make a difference. So

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1 how does that work? What does a Speak Truth to Power
2 session involve?

3 A. Yes. So it's -- it's kind of intimate, because not a
4 lot of people want to open up that file and go over it
5 in a room of others and it involved the Deputy Chief
6 Constable sitting down with someone who take notes and
7 if officers do not want to -- her to take it any
8 further, she wouldn't, but they just want to talk about
9 their experience of policing so she did that.

10 There are maximum five people there, because we do
11 want to give them time. So she had like two-hour
12 windows out of her day where she just focuses on those
13 officers and they told her about how they felt the
14 system was in terms of procedural justice, in terms of
15 the subcultures, in terms of retention, promotion and
16 would they have their families come in and just their
17 general feel of policing.

18 And Fiona Taylor was genuinely shocked, you know,
19 because she thought she had policies that protect these
20 people and based on that, all these sessions, she
21 actually had an action plan to say how I need to address
22 these. And the good thing that she did was that she
23 called them back months later to say what she has done
24 with that and it was so successful that she did it
25 for -- they did it for the LGBTI and stuff for others,

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1 because it was important that those people upstairs know
2 what the rank and file are thinking, their experiences.
3 And it's terribly emotional and I know it affected the
4 people who were listening and, yes. And we've had one
5 with the new chief already and even she has been
6 affected by some of the things she has heard so, yes,
7 it's terribly powerful.

8 Q. We've heard evidence from former DCC Fiona Taylor about
9 how impactful she found listening to officers from black
10 and minority ethnic backgrounds talk about their
11 experiences. The inquiry has also in a previous hearing
12 heard evidence from a Chief Superintendent
13 Conrad Trickett, who also said he personally found the
14 sessions very powerful.

15 And I just wanted to ask, moving from the impact on
16 the people listening to the effect, you said there was
17 an action plan. Can you tell us a little bit more about
18 what the effect of the Speak Truth to Power sessions has
19 been in terms of translating to changes?

20 A. Yes. Well, for the first time -- I'm just telling you
21 this from the officer's point of view -- was for the
22 first time someone from the strategic team actually
23 cared about how they felt, that was their view, and
24 actually thought it was important to come back and say,
25 I heard you, I listened, and I'm be doing this and I'm

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1 doing that.

2 And for me we can't have enough of that, because one
3 of the things, you know, that I have always struggled
4 with was about not treating people as individuals,
5 making blanket statement, making blanket policies
6 without thinking about the effect it has and, most
7 importantly, was is your policy working? Can it be
8 manipulated to fit someone's narrative or someone's
9 outcome? Do you need to have more robust policies to
10 look after the most vulnerable? And that for me was one
11 of the successes of the Truth to Power is that the
12 people upstairs are like, let's check with and see if
13 this is happening on the ground.

14 And that's been happening more now than ever, you
15 know, when people upstairs are actually thinking, yes,
16 I want to -- let me hear this is affecting LGBT officers
17 or whatever, so that led to increased meetings with
18 minority ethnic officers and staff about how they feel.
19 So for instance it led to what we call open forums with
20 minority ethnic officers and staff with the deputy and
21 the chief in a room of everybody comes from all over,
22 from Aberdeen, picking on Aberdeen, Inverness, and talk
23 to senior leaders about training, about development,
24 mainly about promotions, but you know what I mean, that
25 kind of thing and they hear it out in public. We have

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1 had officers cry in these BME forums outwith Truth to
2 Power, because they're so overcome by their own stories
3 and opening those files that they have totally shut off
4 and put to the back of their heads so they can get up
5 the next day and go to work.

6 Q. We will touch on the issues of promotions that you have
7 raised. I hear that's a priority. I just wanted to ask
8 a little bit about the impact then on the officers,
9 because you said it's things that people have tucked
10 away in the back of their heads --

11 A. Yes.

12 Q. -- so they can get up in the morning and go to work. Is
13 there a burden on individual officers coming and
14 recounting things that could be traumatic to senior
15 officers and I wondered whether that's acknowledged or
16 how it might be handled?

17 A. Yes. Well, that's the premise of the Truth to Power is
18 that they would do something about it, so people don't
19 mind opening file 13 and taking these horror stories out
20 if it will make life better for someone coming after
21 them and they have said that out in public to say I am
22 doing this because. I have locked it away, because it
23 is not healthy for me to keep dragging it up. And so we
24 don't have the same officers going through Truth to
25 Power to talk about it a lot. There are some people who

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1 are very happy to speak about it, because they have
2 dealt with the trauma and there are others who have not.

3 We have occasionally brought in people who left the
4 service because they couldn't handle it. They need to
5 know why. They need to know the impact you had on this
6 family. So the trauma is mitigated by the fact that
7 something is going to be done about it.

8 Q. And in terms of something being done, in your paragraph
9 H, you have said that:

10 "The sessions helped to inform some of the bold
11 moves implemented by the executive team."

12 A. Yes.

13 Q. We've heard a lot of evidence over the course of this
14 hearing about things that have been done, but I wondered
15 what you were referring to when you say they were "bold
16 moves" implemented by the executive team?

17 A. Yes. Well, one of them is realising that we do have
18 issues in certain elite bits of policing and "elite"
19 meaning that they're probably specialists and it's a
20 policing culture that you think you're in a specialist
21 team you have -- it's just a kind of clique thing. So
22 Police Scotland wants to get to that, so they're
23 actually doing things about the bullying and the
24 harassment and those things that are involved there.

25 In particular, we're talking about now PSD, which

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1 is, for the people who don't know,
2 Professional Standards who actually look into cases so
3 we're doing -- Police Scotland has acknowledged that
4 people do need more training in those particular units
5 that are -- that look at discrimination. So they have
6 kind of opened themselves up for scrutiny and that's a
7 big thing.

8 So they've taken on things like communication,
9 communicating with officers. It's a big thing because
10 those departments were always seen as closed and --

11 Q. And when you say --

12 A. -- scary.

13 Q. -- these are bold moves is this because this hasn't been
14 done before?

15 A. Oh, no, definitely. They were always closed, so they
16 have opened those up. Those are big things. They have
17 listened to our recommendations about things like
18 anonymous applications for internal positions.

19 Q. And that's now in place, anonymising applications for
20 internal positions?

21 A. Yes, because people used to look at people's names,
22 don't want him here, you know what I mean. Those big
23 things. Things about normalisation of spaces. We have
24 had big things like secondment roles where minority
25 ethnic people would not normally be seen in those roles,

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1 about normalising those spaces for regular officers.

2 Q. Could you just explaining for everyone what you mean by
3 "normalisation of spaces"?

4 A. Okay. They are roles that traditionally minority ethnic
5 officers, staff, are not in.

6 Q. Such as?

7 A. Such as probational training. I'm not picking on
8 probation, but I'm just giving one. Professional
9 Standards, you don't normally see minority ethnic people
10 there. They have welcome secondment to that of minority
11 ethnic officers to not only let their colleagues within
12 that department see minority ethnic people in there, but
13 also to kind of reverse mentor, to talk to them about
14 some things that are -- things that are cultural, just
15 educating them by being there.

16 It's something that for me, as someone who
17 introduced that, it came to me from affirmative action
18 in America. Even though I disagree with affirmative
19 action, it's the big thing about affirmative action was
20 that people who would never have worked beside someone
21 from a minority group now have them in their regular
22 space all the time and they have the benefit of
23 recognising that we're more alike than unlike, and that
24 for me is a biggy, is that the things that divide us are
25 so few that it's not worthy of you going around

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1 stereotyping people. And a lot of people will tell you
2 that they recognise that based on just having these
3 people in their spaces and being allowed to treat them
4 as their equal.

5 Q. We've spoken about the project work that SEMPER does --

6 A. Yes.

7 Q. -- with a focus on the speak Truth to Power project
8 I would like to come on now and ask you a little bit
9 about the other side of SEMPER's work --

10 A. Yes.

11 Q. -- in supporting individual officers. So is it right
12 that SEMPER supports members who have concerns that they
13 may have experienced discrimination?

14 A. Yes, that's right.

15 Q. Or have experienced discrimination. Can you explain how
16 SEMPER would come to be involved in such a case of
17 alleged discrimination, what would happen?

18 A. Yes. Well, officers come to us -- officers and staff
19 come to us sometimes from the beginning, from the
20 outset. Sometimes it's because they think they're not
21 being adequately represented by the trade union or the
22 Federation, and sometimes it's their boss that comes
23 through us and say there is an issue here. So they
24 would come to us and we get their --

25 Q. And when they come to you is that via a SEMPER member

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1 that they know in the force or do they call you or
2 what's the avenue?

3 A. They generally email or call to say I have an issue and
4 I would like to come and speak to you. And a lot of
5 them would like to do it outwith the environs of the
6 police, of their station or whatever, because it's --
7 it's a big thing to challenge bad behaviour. So a lot
8 of them will ask to meet you outwith the service.

9 And we have them give us authorisation to represent
10 them, that's the first thing, and invariably, I would
11 ask them for a timeline, but I would let them tell us
12 their stories. In particular, I support most minority
13 ethnic officers who come to me. There are times when
14 they have -- what they have done is wrong and I'm very
15 alive to that and I would tell them that it's not
16 necessarily your race, just in case somebody is thinking
17 every minority ethnic officer who comes in front of us,
18 you know, has not done anything wrong. Sometimes I will
19 tell them it's not a race issue, but I will support them
20 because on a welfare basis and I will be there to make
21 sure that the punishment fits the crime, so to speak,
22 that they are not unjustly punished for what they have
23 done.

24 So it's not just we will blindly support you, but --
25 and that doesn't happen very often, but it does. So I

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1 just need to put that on record that we do have, you
2 know, minority ethnic officers who have fall foul of the
3 system. They're allowed to just like everybody else,
4 but it's to make sure that they're not unjustly treated
5 because of who they are or their identity.

6 Q. I'm interested -- you just said in "they're allowed to
7 like anybody else", do you feel like there's a higher
8 standard that your members are being held to in some
9 way?

10 A. Well, some of them feel that way. Yes, some of them
11 feel that their counterparts from the dominant groups do
12 not get the same scrutiny or do not get the same level
13 of conduct or discipline procedures that they do.
14 Sometimes they're taken one side and said "don't do it
15 again" while a lot of minority ethnic officers think
16 they're put through the grind for whatever reason.

17 Q. I might come back to that topic, but before I do, I just
18 want to ask you to look at page 7 of your statement and
19 your answer to question 11. Question 11 you were asked:

20 "Has SEMPER developed institutional knowledge
21 regarding the experiences of black and minority ethnic
22 officers, special constables and police staff in
23 Police Scotland? If so, how has that knowledge base
24 developed over time."

25 And you reply:

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1 "Yes, we have in terms of analysis of case
2 histories. This demonstrates continued patterns of
3 behaviour in relation to perpetrator behaviour,
4 investigative processes and attitudes and organisational
5 outcomes."

6 And you have explained how case histories occur, the
7 process by which people come to you, you take a
8 timeline, you represent people. What I'm interested in
9 is then how is that institutional knowledge that you
10 have built up of case histories held by SEMPER?

11 A. We do have them filed and we do have a thing about
12 trends and this has happened to X amount of officers and
13 it forms a part of my discussions with senior management
14 team about this happening, in particular in terms of
15 grievances because you -- I'm not sure if you are aware
16 that we have two different systems, conduct and
17 grievance.

18 Q. Could you just outline briefly what they are so that we
19 can follow?

20 A. Yes. Well, grievance is held by HR, human resources,
21 and it's not about punishment. Conduct and discipline
22 is held with Professional Standards, which can lead to
23 misconduct or gross misconduct, which is a very
24 different thing. So in terms of what you think you're
25 wronged might just be a grievance and it's a different

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1 process than conduct and discipline.

2 So in organisational outcomes in terms of grievances
3 that would -- that would be an HR issue and we would be
4 discussing the trend with HR and the outcomes of the
5 discipline would be like mainly with like the deputy
6 chief constable, that kind of thing, to talk about these
7 are the trends that's going on now, what is happening.

8 In particular, I am guilty of going to the deputy
9 for a lot of cases where I think are not giving the
10 gravitas they deserve.

11 Q. And is that the DCC with responsibility for
12 professionalism?

13 A. Yes, yes. Because invariably I can see where an officer
14 is not going to drop it, it will result in an ET and
15 there's something called early intervention and I'm very
16 passionate about early interventions, because I think it
17 serves both parties. It serves the service and, most
18 importantly, it ends the trauma for the individuals and
19 sometimes it doesn't happen.

20 Q. My next question was going to be whether there were
21 structures in place to protect SEMPER's institutional
22 knowledge of case histories as you move into your new
23 role, but you have told me these are kept in files, you
24 analyse trends.

25 Is there anything else you might want to say about

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1 how institutional knowledge will be protected?

2 A. Well, it's a joke, that I'm corporate history. However,

3 I am hoping that SEMPER Scotland doesn't lose all the

4 case histories when I go. I am genuinely aware that

5 that could be lost, but I don't -- I have some faith

6 that that will continue. You know, all the cases are

7 written down, and I've personally represented so many

8 people and their cases are there etched in stone, and

9 I am hoping that it's not lost when I -- now, that I'm

10 gone actually.

11 Q. In question 11 you talk about continued patterns of

12 behaviour --

13 A. Yes.

14 Q. -- in relation to perpetrator behaviour. What would you

15 say are the most common concerns or frustrations about

16 perpetrator behaviour that your members come to you

17 with?

18 A. Invariably the people who perpetrate incivility.

19 Bullying and harassment are normally the ones who

20 everybody else is afraid of in the shift, and the ones

21 with the most influence and the most power and nobody

22 wants to speak up against them.

23 It's a biggy for me in policing, but what do we do

24 with the perpetrators? How do we send that message? Do

25 we move them? Sometimes it's best that we move the

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1 victim, because the bad behaviour is entrenched, so
2 moving the perpetrator isn't going to happen -- isn't
3 going to change when the perpetrator leaves, because
4 we're still in small areas. You know, I know it sounds
5 20-odd thousand people that it sounds particularly big,
6 but because you stay in policing for 30-odd years,
7 sometimes it's difficult to get away from the influence
8 of particular people.

9 The behaviours of perpetrators that for me is
10 troubling in policing is do we actually just take the
11 perpetrator's word for it, "I didn't say that, I didn't
12 do that," or do we go and dig into their patterns of
13 behaviour? Do we dig into how they treat other people
14 in grievances over the years? I am not sure that those
15 things are taken into consideration when we look at
16 perpetrator behaviours.

17 It's always this case stands on its own and because
18 of how racism is and how subtle racism is at times, we
19 can't rely on, let's just look at this case in silo(?).
20 It's something that I'm thinking Police Scotland is
21 ready to explore and that is our -- that's -- that's
22 what they have related to me that they are willing to
23 look at the broader behaviours of people, because
24 perpetrators -- when we put things in isolation, it just
25 never works. We're missing a trick.

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1 Q. I do want to come back and ask you some more about the
2 themes of patterns of behaviour.

3 A. Yes.

4 Q. So I will ask you something else about that, but before
5 I do, you've talked about the types of concerns or
6 frustrations members bring you being incivility,
7 bullying, harassment by a perhaps more powerful or
8 dominant person on a shift or in a group?

9 A. Yes.

10 Q. Would that have been a similar picture in 2015 or has
11 there been a change over time in relation to the types
12 of conduct and concerns that are being brought to
13 SEMPER?

14 A. No, I think they remain largely the same actually.
15 I think racism is racism and it hasn't changed. It has
16 gone a bit covert, but people who have issues with
17 people's identity, they never change, and when the
18 spotlight is taken away, when this Inquiry is gone, and
19 the spotlight on race has changed, those people who have
20 issued will revert to their default position, so I don't
21 think it has changed. I'm sorry.

22 Q. Is there a range? So you say racism is racism, gone
23 covert perhaps, but is there a range of conduct from
24 less serious to more serious that's being brought to
25 SEMPER?

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1 A. Yes, I think a lot of young officers are now more
2 willing to come forward. It's amazing. In particular,
3 since the chief constable said they're institutional
4 racist, is it's that feeling of they have acknowledged
5 it so I will be less pressed to validate my story. So
6 that for me was awesome that the retired chief constable
7 said, because it is as if you're acknowledging that it's
8 not in the person's head, it's real.

9 And Sir Iain has no idea how -- the relief that he
10 brought to so many officers. At least to me, it was a
11 very emotional day for me when he said that because it's
12 as if, finally, we can begin to heel the wound, you know
13 we have lanced the boil and now the wound can heal,
14 because we are not sitting down saying you're making it
15 up or you're exaggerating or anything of the sort. It
16 is acknowledged that the system is not geared up for --
17 to look at your issues.

18 Q. So in terms of that range, you said young officers are
19 now more willing to come forward?

20 A. Yes.

21 Q. Could you give me perhaps one example of less serious or
22 towards the bottom of the range conduct and one example
23 of something that might be more at the top of the range,
24 so we can get a sense of the types of behaviour that
25 SEMPER is encountering?

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1 A. We deal with issues of putting probationers in a corner
2 with dunce cap and those kinds of really demeaning
3 behaviour.

4 Q. Let me stop you there, putting probationers in a corner
5 wearing a dunce cap?

6 A. A dunce cap, you know what I mean.

7 Q. A black or minority ethnic officer?

8 A. Yes. Well, the officers I deal with are minority
9 ethnic.

10 Q. Where a white officer would not be treated that way?

11 A. Not that I know of, but it's sad that anybody would in
12 2023 as it happened would do that.

13 Q. So that's the more serious end of the range?

14 A. No, I am talking about just on the spectrum.

15 Q. Yes.

16 A. You know, so some people might think that's just a one
17 off.

18 Q. You're talking this is the less serious end of the
19 range?

20 A. You know what. I mean it's just banter.

21 Q. Okay.

22 A. And those nonsense, rather than demeaning employees at
23 work. To people lying about officers, lying about their
24 performance at work, woefully lying on paper about why
25 they shouldn't be supported for promotion, lying to

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- 1 senior officers about instances, you know, incidences,
2 those are serious, very, very serious.
- 3 Q. Lying about black and minority officers in order to get
4 them into trouble?
- 5 A. Yes.
- 6 Q. Or to deny them a promotion?
- 7 A. Very, very serious. Denying them opportunities that
8 others in the same situation are afforded. There are
9 loads of instances where they damage the careers of
10 minority ethnic officers.
- 11 Q. So that's something that will have a long-term impact on
12 their careers?
- 13 A. Yes, definitely. And that has a lot to do with the
14 retention of minority ethnic officers as well. There's
15 some people who would just get up and go, and there are
16 others who will say, you know, I want to clear my name,
17 this didn't happen, and I just -- I just want to see
18 justice.
- 19 Q. So some people will stay and fight but others --
- 20 A. Yes.
- 21 Q. -- will think I need to protect myself and leave?
- 22 A. Yes, definitely.
- 23 Q. We have heard some evidence earlier in the hearing about
24 the term "micro-aggressions"?
- 25 A. Yes.

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1 Q. Professor Meer was asked about the term, he said:

2 "Micro-aggressions come from trying to grasp how
3 people in particular settings, they could be
4 institutions, express racialised hostility without using
5 racist terms."

6 And he was asked by senior counsel:

7 "So the addition of 'micro' to aggressions should
8 not diminish the significance and the harm that these
9 can cause to the person who is on the receiving end."

10 And his reply was:

11 "No, they're part of what you might characterise as
12 bullying."

13 We also heard evidence from former DCC Fiona Taylor
14 and she said that micro-aggressions can span anything
15 from not sitting beside someone in the canteen to
16 colleagues saying "Where are you from? Well, I'm from
17 Scotland. Yeah, but where are you really from because
18 you're black".

19 And she said anything more significant than those
20 examples, racially abusive language, you would be in the
21 disciplinary space, but she gave those examples of
22 micro-aggressions.

23 Do you have any observations on the concept of a
24 micro-aggression?

25 A. Oh, we get that all the time. You know, these little

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1 things like tropes, like, you know, angry black woman,
2 she's aggressive and scary. You know, it's happened to
3 me all the time. Dehumanising the black woman in
4 particular.

5 It's sad because people think it's banter and funny,
6 but it affects people all the time when someone from the
7 dominant group would behave the same way when they're
8 frustrated or say the same things, but don't get called
9 out for being scary or aggressive. Something that you
10 just have to live with, but those micro-aggressions,
11 nothing micro about them. I keep joking and think they
12 worked be called macro-aggressions, but little things
13 like, you know, you'll have officers that they -- their
14 supervisor would never, say, come in and say hello, they
15 would address -- they would go via someone to address
16 them. You know, these little things. It happens on a
17 daily basis.

18 Assuming that an accent means -- that your accent
19 means that you are less competent than the person who's
20 speaking broad Scots. It's even often time seen as a
21 level of intelligence. Ah, you -- we -- "we don't
22 understand. Do you have that word in your... ?" You
23 know what I mean. Things that are designed to belittle
24 you, and there are a lot of micro-aggressions that even
25 go unchecked by minority ethnic people as well. You

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1 know, things that are designed to put you back in your
2 box, you know, like you're all excited "Oh, but tell me
3 Jamaicans do ... " Just to remember you're not one of
4 us, just go back, just put yourself back in your box
5 where you are. It's something that is -- that you have
6 to deal with and you have to psych yourself up.

7 Q. We've heard quite a lot evidence about racial
8 stereotyping?

9 A. Yes.

10 Q. And you have referred to racial tropes and the trope of
11 an angry black woman. I wondered if there was anything
12 specific about the policing space and how racial
13 stereotyping of black and minority ethnic police
14 officers might arise within the policing context? Is it
15 the same tropes or do they present differently in the
16 police?

17 A. I think they're the same actually, but we even -- we
18 even have minority ethnic officers who are considered
19 bigger and stronger than somebody who is bigger, taller
20 in stature and everything else than themselves. It's
21 amazing. You would have -- even female officers saying,
22 of, intimidated by him. He's just a wee thing that even
23 the person she's talking to is more intimating than him,
24 but the bring -- sometimes they bring their stereotypes
25 to work. It's sad but it is -- it's true.

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1 Q. It's the same stereotypes and you have talked about
2 being perceived as bigger, stronger. You were
3 previously talking about being seen as less competent or
4 less intelligent?

5 A. Yes.

6 Q. Those are things that you see outside of policing, but
7 they also present within the policing context between
8 colleagues that you've heard?

9 A. Yes, they do, sadly, they do. And the police recruit
10 from society so why should we think the minute they put
11 on a black uniform their mindset is changed. Sadly,
12 that isn't real. They sometimes need to be trained to
13 not bring their stereotypes into their professional
14 lives.

15 Q. Just give me a moment. Sir, I'm about to go into a new
16 line of questioning, so I wondered if that might be
17 appropriate moment.

18 LORD BRACADALE: We'll take a 20-minute break at this point.

19 (11.28 am)

20 (A short break)

21 (11.54 am)

22 LORD BRACADALE: Ms Barrett.

23 MS BARRETT: Thank you. Before the break, we were
24 discussing some examples of experiences that your
25 members had had and before we move on, I wondered if,

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1 having had time to reflect, there was anything else you
2 wanted to share.

3 A. Yes. One of the things when you said micro-aggression,
4 something just as I walked out I remember something like
5 your name, pronunciation of your name. You have this
6 thing about not being able to pronounce your name, even
7 when your name is phonetically spelt exactly as how it's
8 pronounced, so you just come up with "Let's call you
9 that instead", you know.

10 Q. Let's call you a nickname --

11 A. Yes.

12 Q. -- instead of your actual name?

13 A. Yes, rather than trying to pronounce my name. And I for
14 one find that kind of disrespectful and I always wonder
15 how people who can't pronounce your name can pronounce
16 Tchaikovsky and Chopin, because they don't want to, you
17 know what I mean. If you can pronounce "Tchaikovsky",
18 you can pronounce my name. It is something to
19 constantly make you know your place. "We will just call
20 you Ben", you know, that kind of thing and it's seen as
21 banter. But if you can't take the time out to find out
22 my name, how to pronounce my name, it's just another
23 form of the disrespect, the level of respect you want to
24 show me.

25 Q. You said it's seen as banter and you have referred to

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1 that in your statement as mockery and canteen culture of
2 name calling being viewed as banter because the intent
3 was not to harm?

4 A. Yes.

5 Q. And just as a follow up I wondered what you thought
6 about the distinction where the intention in calling
7 someone by a nickname might not be to dehumanise them
8 and put them in their place, but that might be the
9 effect; do you think that has an impact on the severity
10 of the behaviour?

11 A. Well, for instance with the name calling if you could
12 be -- if you're nice enough to ask me how to pronounce
13 my name and to call me by my name occasionally until we
14 know each other and then you have a nickname for me,
15 maybe that might be taken a different way from you are
16 just looking at my name and like, "ah."

17 I have probationers -- I'll never forget this
18 probationer who came to me and told me her story and the
19 first day they all come in and you have all these people
20 sharing and you look at your name and the person in
21 front of her says, "oh, no, I'm with one of them, look
22 at the person's name", and she's right behind and say
23 "of one of..." you know.

24 Q. So this was a probationer who was --

25 A. Yes, when you're coming into the college.

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1 Q. -- looking at name on a group list and someone else in
2 her group?

3 A. Yes, someone she's going to share with say.

4 Q. Looked at her name and said "Oh, no, I'm with one of
5 them."

6 A. Say quite loudly and she's right behind her "oh, one of
7 them is in my... " You know it's that your name is a
8 signal that you are so different and you must always
9 remember that so we're going to call you something else,
10 because I can't call you "Sandra", it's too difficult to
11 pronounce or whatever, you know.

12 So it might seem to some people as we are now pals,
13 but if I don't call myself that and it's you who come up
14 with that name because you can't be bothered to learn my
15 name, it's the intent is -- does not mitigate the fact
16 that you've done that so. And the whole concept of
17 intent is for me something that I think Police Scotland
18 perhaps should look into to research the whole thing
19 about intentions, because whether it's witting or
20 unwitting, the hurt, the damage is still done.

21 And so we have this thing in relation to
22 Professional Standards in cases of discrimination that
23 we are obsessed with the motivation of why this person
24 did that to this other person and I know we want to put
25 a name to it, but it's inappropriate behaviour, whatever

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1 it is, it's inappropriate behaviour that should not be
2 allowed in the office or in the working environment.

3 And so you will have somebody does something that is
4 inappropriate or bullying or harassing and I can't see
5 the racial motivation. I don't care frankly. I think
6 that person should go through -- that person should be
7 admonished whatever the motivation, so the intent for me
8 is by the way.

9 Q. We've heard evidence from Steve Allen yesterday about
10 the word "unwitting", which you just used in your answer
11 and he said you can only be unwitting once and once
12 someone has told you you're witting. And I wonder what
13 you thought about that whether there's a role for once
14 somebody is trained and told the intent is perhaps less
15 relevant; I don't know, what do you think?

16 A. Yes, I agree with him. You can only do it once. The
17 minute you're told, you can't say, oh, I didn't know,
18 you know, and that's one of the big things about
19 probationer training and those kind of things, about
20 letting probationers take time out to focus on what is
21 witting and what is unwitting. Because invariably when
22 you're doing your job as response officers out there,
23 you will respond to the situation and if you're not in
24 that mindset that I must act professional at all times,
25 I must not do my job based on my stereotype, you lose

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1 that. So every now and then we should take time out to
2 let people focus on the things that are important
3 professionally that you will need to make decisions on
4 in no time and that for me goes a long way about witting
5 and unwitting.

6 If you have been told about reacting to your
7 stereotypes and that you sometimes have this thing in
8 the back of your head that says, hey, let's not assume
9 that this person walking through the Airport is a drug
10 dealer or a terrorist. Just for a second, she might
11 just be a regular black person walking and going on
12 holidays, you know what I mean. So those things lead to
13 racial profiling and all those dreadful things that
14 minority ethnic people go through.

15 Q. The next area of questioning that I want to move on to
16 is about potential barriers to raising complaints of
17 discrimination and what happens when a complaint is
18 raised. You spoke before the break in one of your
19 answers about the difficulty some members of SEMPER had
20 speaking up where the perpetrator was powerful or a
21 dominant person on their shift or in a group.

22 And I wanted just to look at a document, it's
23 document PS 18903, and it will appear in front of you.
24 So you'll see here that what we have is a slide pack and
25 it's a presentation and we can see on the first slide

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1 that it's dated November 2023 entitled:

2 "Attitudes towards and perceptions of institutional
3 discrimination within Police Scotland among
4 Police Scotland colleagues."

5 And the context of this presentation is that
6 following the Chief Constable's statement on
7 institutional racism last year, an internal survey was
8 undertaken into colleague's views and responses.

9 I don't know if you're aware of the survey.

10 A. Yes, I am.

11 Q. And this is a summary presentation giving headlines of
12 some of the results and observations based on those
13 results.

14 Could we turn, please, to page 5 of the document.
15 If we look at the second box on the page, second from
16 the left, it says:

17 "Those occupying a minoritised status or statuses
18 often perceive institutional discrimination as an issue
19 for the service. This perception is not seen across all
20 colleagues."

21 So bearing that in mind, can we also now look at
22 slide 9, page 9 of the document, and we have here some
23 further bulletpoints with observations and I'm going to
24 read the second bulletpoint on the slide. It says:

25 "Agreement that institutional discrimination is an

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1 issue for Police Scotland is reported highest among
2 minority ethnic, excluding white minority respondents."

3 So the figures aren't provided in the document, but
4 we are told that the overarching impression to the
5 person who drafted this presentation given from the data
6 was that there was a difference in view between black
7 and minority ethnic officers and staff and other
8 respondents to the survey. And I wondered would that be
9 consistent with your experience that there's a
10 difference of view about whether there is a problem
11 where the conduct is wrong but others don't see it as
12 such a problem?

13 A. Definitely. It's widespread. If you are not -- there
14 are some people who find it very difficult to put
15 themselves in somebody else's shoe and I often use this
16 in relation to misogyny. How many senior members of the
17 service would acknowledge misogyny, female would
18 acknowledge misogyny, but find it incredulous that there
19 is racism, maybe because it doesn't happen to them.

20 This is my view and it doesn't have to happen to you
21 for it to be real and sometimes I am like how much
22 training have they got to know that if it doesn't happen
23 to you, it doesn't mean that it's not -- it's not real.
24 And sometimes it's beyond training even. It's that you
25 just lack the necessary empathy and understanding and

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1 knowledge of other people's issues.

2 Q. And when you say it's beyond training --

3 A. Yes.

4 Q. -- do you mean it can't be fixed by training or it's --

5 A. Sometimes -- I am going to be honest and I am giving you
6 Sandra's perspective is that.

7 Q. We're interested in your perspective. That's why we're
8 asking you to give evidence so please do.

9 A. Yes, sometimes you just lack that empathy and there are
10 some roles that perhaps you should not be in, because
11 they require empathy. For you to excel at it, it
12 requires empathy and, whether we like it or not, we do
13 live in a touchy-feely world and a lot people think this
14 does not make you -- you lacking empathy doesn't exclude
15 you from being in that service role. I think it does,
16 me, Sandra, think you have to be able to put yourself in
17 that person's shoe.

18 Often times the role of a police officer, you -- it
19 dehumanises you sometimes, because you see the excesses
20 of human nature, so you have to put your emotions to one
21 side to get the job done.

22 Q. And that's right and proper and you have to do that?

23 A. Right and proper. However, there are times when you
24 calling on that human side is going to get the job done
25 and they're not mutually exclusive at all and some

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1 people just don't get that. So things like EDI are seen
2 to some people as soft, the softer side of policing, and
3 I call that 21st century policing. You know, that's how
4 you gather intelligence, that's how you deescalate
5 situations. You need to tap into that emotive side of
6 your personality.

7 And I remember Dame Elish, or Lady Angiolini as
8 she's now called, talking about, you know, people being
9 fit for a role, and they're doing that in other
10 countries where they have people with particular lived
11 experiences being suited for particular jobs, because
12 being alive to emotions make you do that job better.

13 Q. Can we look at your witness statement, please, page 14,
14 which will be question 30 towards the bottom of the page
15 when we get there. So at question 30 you were asked if
16 there were any aspects of the practice or culture of
17 Police Scotland that had a directly or indirectly
18 discriminatory impact on black and minority ethnic
19 officers.

20 And if we go down to your responses, you talk first
21 about banter, name calling and we've discussed those
22 things before the break and just after the break, but
23 you go on and this is what I'm looking at now, at
24 subparagraph (b):

25 "Challenging inappropriate behaviour.

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1 "The fear of isolation, reprisals and career
2 stagnation is so deep-seated that very few people
3 will challenge their peers or line managers when they've
4 been victims/witnesses of racism."

5 We've heard evidence from Professor Meer in relation
6 to a dataset from Survation that he included in his
7 report that about 60 per cent of the people who reported
8 having experienced discrimination said that they hadn't
9 done anything about it and here I'm quoting from what
10 Professor Meer said in evidence. He said:

11 "So if it happened in the workplace, they didn't
12 report it to a line manager. If it happened in an
13 educational setting, they didn't report it to a tutor.
14 If it happened in the street, they didn't report it to
15 the police."

16 And he was asked by senior counsel whether that was
17 equivalent to doing nothing about it and
18 Professor Meer's evidence was that:

19 "It was making sure it didn't intrude on their life
20 in a way which it becomes everything. I don't think
21 people are laying down and not speaking about these
22 things, but I think they're also choosing their battles,
23 if I'm honest."

24 That passage of evidence was put to Paul Castledine
25 and he said:

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1 "I think, you know, looking back when you're doing a
2 job that you love, you have a family to support, you
3 will do anything not to ruin that so it's easier
4 certainly to do nothing about it."

5 And I wondered if there was any resonance between
6 those excerpts from evidence and the experience of
7 SEMPER members to your knowledge?

8 A. Yes, they are. It's about having a quiet life, it's
9 about not being seen as a troublemaker, "ah, playing the
10 race card"; "ah, chip on your shoulders." It's always
11 turned on the victim as if you are going out looking for
12 racism.

13 You know, people come and said "I don't want to
14 sound like I'm looking for it" and I'm like "Who gets up
15 in the morning looking for racism?" you know. It's also
16 the biggest part of it is about exclusion, because the
17 minute you report bad behaviour or inappropriate
18 behaviour directed at you, you are immediately isolated.
19 Nobody wants what's happening to you to happen to them,
20 nobody wants to be seen as your friend, so you somehow
21 agree with that person. And especially if the person is
22 a higher rank than yourself, it is just not seen as the
23 thing to do, because there will be reprisals.

24 Nobody wants -- and even just witnesses, they'll
25 know, but they have seen what speaking up has done to

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1 you, so they're reluctant to have the same treatment.
2 So, you know, I have officers who will talk about nobody
3 speaking to them the whole shift, the whole ten hours or
4 whatever, not a single person speaks to them and how
5 they feel, the stress that has on you, because you have
6 reported bad behaviour. It's a decision that people --
7 a lot of BME officers are very reluctant to take.

8 Q. And you mentioned witnesses, so would that be people who
9 weren't direct recipients of racist behaviour but who
10 could corroborate that it had occurred? Just tell us a
11 little bit more about their position.

12 A. Yes, that's a big problem, corroborating the evidence,
13 massive, because nobody wants to say it's written down
14 to say it was you, your statement was that you saw that,
15 and nobody wants to be that person, you are a snitch,
16 you are a this, you know, it's rife. And everybody just
17 wants to belong at the end of the day.

18 You know we have been talking about how we go about
19 addressing -- protecting people who speak up and it's
20 something we're working on with Police Scotland and, in
21 particular, I was working with DCC Taylor on that about
22 how we go about making sure that there are no reprisals
23 and everybody knows that we'll be watching the treatment
24 of people who come forward to challenge inappropriate
25 behaviour.

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- 1 Q. On that theme there was one more document I wanted to
2 show to you. Could we please have SBPI 00643 on screen.
3 You'll see here a report to the Scottish Police
4 Authority and it's a report by the Equality, Diversity,
5 Inclusion and Human Rights Independent Review Group that
6 we have heard during the hearing is often referred to as
7 the "IRG"; and are you aware of the IRG?
- 8 A. Yes, they have been to our meetings to talk to our
9 members.
- 10 Q. If we go to the next page -- and sorry, before we do, we
11 can see the date of the report is 25 May 2023. And
12 we'll see on the next page that this is the first
13 imprisonment report and it is a group established by
14 Police Scotland in 2021 whose work is ongoing?
- 15 A. Yes.
- 16 Q. You said that the IRG spoke to SEMPER members?
- 17 A. Yes.
- 18 Q. Did SEMPER have some input into this report? Were you
19 consulted on it?
- 20 A. No, it's an independent report, but they have come and
21 listened to our members and ask me a number of things
22 about training and cases of discrimination and stuff so,
23 yes, they have.
- 24 Q. You're consulted in the sense that they asked your
25 input, but not on what the report should say?

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1 A. Yes.

2 Q. It was my clumsy.

3 A. No, I'm not aware of the bits they have taken for their
4 full report, but they have spoken to us.

5 Q. Can we go within the report then, please, to page 9 and
6 I want to look at paragraphs 5.8 and 5.9. So this is in
7 a section about complaints and grievances and the report
8 authors say:

9 "We encountered a degree of scepticism and even
10 outright fear about raising concerns at all, either
11 informally or formally, because it can just lead to the
12 person being moved and the issue being avoided. We've
13 heard of people being punished for raising issues or
14 concerns, for example being sidelined within teams or
15 moved to a less convenient location. We also heard of
16 poor behavior being known and seen in plain sight with
17 no action being taken; a viscous circle of the personnel
18 affected not having the confidence to report concerns,
19 peers not speaking up and managers not taking action,
20 exacerbated where the concern relates to a manager."

21 And is that consistent with the evidence that you've
22 just been giving to the Chair and the Inquiry?

23 A. Definitely, it's spot on. It's something that is
24 endemic and we need to sit down and we need to do some
25 bold moves to protect people, to let people think that

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1 speaking up is not the wrong thing to do.

2 And it's amazing because, you know, I find this
3 very, very weird and the role as somebody who's an
4 officer, an officer of the law, somebody who challenges
5 bad behaviour every day of the week out in the public,
6 that they will turn a blind eye to something happening
7 right beside them and I often say to them, you've taken
8 an oath to serve -- to serve your communities. There is
9 an internal community and the person beside you is a
10 member of your community. Why would you -- you would
11 arrest somebody for behaving like that, but you wouldn't
12 say anything to that. That is how deep-rooted that fear
13 of reprisal is.

14 So you have people who are -- who some would say are
15 good people, but I'm one of them who say maybe you're
16 not so good, because your role is to challenge bad
17 behaviour in all communities, to all publics that you
18 serve, the internal public, the external public, and you
19 would have somebody being harassed and abused everyday
20 and you say nothing. So I'm a bit straight on that one.

21 Q. So you've mentioned that you serve or the officers serve
22 the internal public, the external public?

23 A. Yes.

24 Q. You've talked about people being afraid of reprisals and
25 witnessing harassment and abuse and not speaking up?

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- 1 A. Yes.
- 2 Q. And you've given examples in relation to where you might
3 have witnessed a colleague having a bad experience but
4 not coming forward to corroborate. I'm just interested
5 in the last part of your last answer in relation to
6 external as well. In your view is there an issue with
7 witnessing behaviour towards members of the public and
8 being afraid to complain about that or report it?
- 9 A. Is that for police officers you are saying?
- 10 Q. Yes. So I wondered what you were talking about when you
11 talked about external communities, are you talking about
12 police officers who see their colleagues treating
13 members of the public badly and being afraid to speak up
14 or report it?
- 15 A. Well, that is a part of it as well, but I was talking
16 about witnessing it outside, meaning one member of the
17 public doing it to the next. So breach of the peace,
18 swearing and abusing somebody because of their identity
19 or their difference, they would be arrested, but they
20 don't do that internally and I am like you're not
21 fulfilling your role, you're not going according to the
22 oath that you have taken, because that person is -- is a
23 member of your community, of a community.
- 24 Q. My apologies. I had misconstrued your earlier answer.
25 So you were comparing the way that police officers will

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1 maintain safety and standards when they're policing the
2 public --

3 A. Externally, yes.

4 Q. -- externally and they ought to do the same internally
5 in your view; is that correct?

6 A. Definitely, and that has always been something that I
7 have put out there very, very often. Everybody in
8 policing know that's how I feel about people challenging
9 bad behaviour is that that is your job, you are to
10 protect people, that's why you joined the service and
11 invariably they always say that when you ask them why
12 have you decided to join the service, it's to keep
13 communities safe and protect people from harm.

14 In fact, it used to be a joke amongst us about hate
15 crime that we often say sometimes you should just leave
16 the office, go through the front bar, ring the bell and
17 say I would like to report a hate crime, because it is
18 not taken as seriously internally as it is externally.
19 And that is something that I'm hoping to work on with
20 Police Scotland and I know that they are, you know,
21 willing to work with me on this one.

22 Q. In terms of avenues for reporting, you have spoken about
23 how SEMPER itself provides an avenue and people come to
24 you?

25 A. Yes.

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- 1 Q. And you talk in your statement about third party
2 reporting meaning is it SEMPER is the third party in
3 that sort of triangular relationship?
- 4 A. Yes.
- 5 Q. We understand from the evidence of Sir Iain Livingstone,
6 amongst others, that Police Scotland also has an online
7 whistleblowing mechanism called "Your Integrity
8 Matters"; is that something you're aware of?
- 9 A. Yes, I'm aware of it. However, we haven't got any
10 figures around that and how many of them are based on
11 racial discrimination. I have asked for it and I was
12 told that I would be getting something, but we're not --
13 I don't know anyone personally who has done that.
- 14 Q. So anecdotally from the experience of your members who
15 are speaking to you, and I suppose they're members of
16 SEMPER so they know they can come to SEMPER --
- 17 A. Yes.
- 18 Q. -- so it's not an unbiased sample, but you haven't had
19 people telling you that Your Integrity Matters is the
20 way they would raise discrimination?
- 21 A. Well, I've not had a single officer come to me and told
22 me they have raised it via that and I suspect it would
23 go straight to Professional Standards and it would be
24 dealt with via that method, but I am not -- I wouldn't
25 know of the outcomes or anything of the sort, but I have

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1 raised that -- that we should perhaps be -- be given
2 data around that, so we're seeing the big picture rather
3 than just the other ones so ...

4 Q. We've heard evidence from former DCC Fiona Taylor, as
5 you know, and she talked about reporting mechanisms.

6 A. Yes.

7 Q. She talked about the whistleblowing process and
8 procedures, which we have just touched on, and she also
9 talked about staff associations such as SEMPER and had
10 words of praise for the staff associations.

11 A. Good.

12 Q. And she said:

13 "Those lines of reporting [meaning third-party
14 reporting via a staff association] have been firmed up
15 over the last couple of years to ensure that nobody has
16 to suffer in silence."

17 A. Yes.

18 Q. And I just wondered how we reconcile that you've told us
19 about the great difficulty people have coming forward,
20 are things now at the point where nobody has to suffer
21 in silence or is there still a problem?

22 A. Well, that -- the subcultures have not changed. I mean
23 Police Scotland, we talk about bold moves, they have
24 taken that bold move about looking at culture, big
25 review of culture, and I am going to be involved in a

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1 lot of that work. We talk about the subcultures, the
2 canteen culture, that hasn't changed on the ground
3 really, sadly. That will take time. It's something
4 that will not happen overnight and we need to be alive
5 to that, but it's -- it's less about talking about the
6 subculture and what do we do when people are victims of
7 that subculture. That is -- that is where I sit.

8 What happens to the perpetrators all the time? Do
9 we just give them a tongue lashing? Do we just or do we
10 do something bold? That is where I sit at the moment.
11 If we want culture change, we have to do bold things.

12 Q. That leads me quite nicely to the next set of questions
13 that I want to ask you, which are about once somebody
14 has overcome the barriers and made a complaint, whether
15 via SEMPER or to their line manager direct to the
16 organisation, what happens next, so I'm going to ask you
17 some questions about that.

18 A. Yes, okay.

19 Q. And I would like to look at your witness statement
20 again, please. It's page 10 of your statement, and
21 we'll look at your answers to question 19. So what
22 you're talking about here is barriers to retention of
23 police officers and reasons why police officers from
24 black and minority ethnic backgrounds might be leaving
25 the service earlier than they otherwise would. And I'm

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1 particularly interested in subparagraphs B and C, which
2 I'll read, so B is:

3 "Perceived lack of procedural justice.

4 "The response for reprisals and distress associated
5 with challenging discrimination and unfair treatment has
6 negatively impacted the career outlook for many BME
7 officers and staff, resulting in them resigning. The
8 failure to effectively address discrimination when
9 flagged is a common cause."

10 And then you go on at C to say in relation to
11 canteen subculture:

12 "The frequency of discriminatory acts being
13 dismissed as banter has broken the spirit, confidence
14 and expectations of some of our members."

15 And before I ask you a question, I would also just
16 like to pick up on page 12 of your statement, your
17 answer to question 22. At question 22 you were asked if
18 there were common themes or trends in the experiences of
19 black and minority ethnic officers and staff interacting
20 with the Professional Standards Department and I'm
21 interested in your -- you give a list of common themes,
22 but at subparagraph E you say that:

23 "The proof of burden in cases of racial
24 discrimination is far greater than that for other
25 conduct issues."

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1 A. Yes.

2 Q. Starting there, in what way is the burden of proof held
3 out as higher in cases of race discrimination than in
4 other conduct issues in your experience?

5 A. Because it's more difficult to prove. It's always more
6 difficult to prove, and especially now that it's -- it's
7 so subtle, overt, and it's totally gone underground.
8 Everybody knows that, you know, to say something, you
9 know regular name calling, and I have put that in my
10 statement as well, you are going to be disciplined for
11 racism or racial discrimination so it's underground.

12 We -- they use -- a lot of people who have issues
13 with people from a different identity, race, or
14 otherwise, they use -- they manipulate systems to get
15 the outcomes they want.

16 So for instance, burden of proof, the thing for me
17 and PSD and I often talk to them about it is it's so
18 insidious, racism or discrimination for that matter,
19 that you have to be clever, you need to box clever as
20 well, so you need to have the skills to box clever. I
21 used to find people who are discriminated against they
22 would ask -- this is the investigation would be asking
23 the victim what happened, asking the perpetrator what
24 happened, and that's it, and -- and I'm like we need to
25 dig a little deeper.

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1 My thing right now is we need to box clever. We
2 need to look at past behaviours, we need to look at
3 communication systems, we need to look at your -- your
4 attitudes. Do you ever speak to that person? If you
5 don't -- you don't even say good morning to that person.
6 Chances are, you don't value them, you don't see them as
7 belonging in that shift, you don't see them. You need
8 to go wider in my thing and, sadly, sometimes it's just
9 a "he said, she said" and I'm like, we can't do that in
10 issues relating to identity, so not just for race but
11 for LGBTI or anything else. We have to put some
12 resources behind it, we have to do proper in -- proper
13 investigative process to actually find out what we're
14 dealing with. And that will not only get the facts of
15 the case, but it will -- it will give confidence to more
16 people to come up and challenge that kind of behaviour,
17 and also increase the sense of procedural justice. You
18 can't just ask the perpetrator and, you know.

19 So it's a thing that we're working on and I know
20 that there are -- there are regulations about some of
21 the things that can be done in conduct and discipline,
22 but I think there's scope for us to do a wee bit more
23 and in that new role we are going to explore those
24 things and I now have regular meetings with Professional
25 Standards about how can we firm up these processes that

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- 1 we miss nothing.
- 2 Q. When you say "regulations" do you mean the 2014 Conduct
3 Regulations?
- 4 A. Yes.
- 5 Q. And in what way are they a barrier to making
6 improvements you want to make or in what way do you feel
7 you need to work around them to make the improvements
8 you want to make?
- 9 A. Because there are a lot of things that they can't do
10 that the police won't do unless it's criminal and
11 sometimes I think we perhaps need to look at how close
12 we could come to doing those things that are -- just
13 even WhatsApp things. You know, they don't do that
14 unless it's criminal, but I think there are some cases
15 that should be judged on its merits and it would go a
16 lot to improving the confidence that minority ethnic
17 officers have in the -- in the discipline and conduct
18 arena.
- 19 Q. I'm going to ask for another document to be put on
20 screen, please. It's SBPI 00501. You have referred to
21 Lady Angiolini already.
- 22 A. Yes.
- 23 Q. And I know that SEMPER contributed to her 2020
24 Independent Review of Complaints Handling Investigations
25 and Misconduct Issues in Relation to Policing, which has

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1 just come up on screen for us now.

2 Could we please look at page 145 of the PDF, it's
3 page 144 of the report, and paragraph 9.49. So
4 Lady Elish, as I understand it, had spoken to minority
5 ethnic officers, including some from SEMPER; is that
6 right?

7 A. Yes.

8 Q. She said:

9 "It was felt by minority ethnic officers that they
10 could face complaints from the public or internally, but
11 those complaints would be investigated by people who had
12 little understanding of racial matters and that when
13 they complain of internal racism, the finding is not
14 found. Worryingly, the review was told by officers that
15 a bit of name calling was expected. In the more serious
16 misconduct cases, often the racial element was dropped
17 by PSD on the basis that it's just part of how we talk
18 and because people don't want the extra work involved.
19 The review was also told that frequently the
20 organisational response was to move people rather than
21 deal with the issuing. The review was subsequently
22 given a categorical assurance by Police Scotland that
23 pursuing an allegation of racist behaviour was
24 nonnegotiable and would only be dropped where there was
25 no evidence."

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1 So this is a snapshot from 2020. First of all, do
2 you recognise that snapshot of the PSD and the approach
3 taken by the PSD at that time?

4 A. At that time, that might well be true. I know now that
5 if I have a case of racism, it will not be dropped and
6 it's --

7 Q. So there has been an improvement in?

8 A. Definitely, and I think Police Scotland or the people
9 within the senior leaders in Police Scotland would be
10 very reluctant to drop something about racism right now.
11 Back then, that was the norm, and this -- this happened
12 from supervisor level, you know, what I mean, and "ah,
13 can you two not just go in a corner and work it out" or
14 something like that, rather than we will bring that to
15 the powers or the people who have the power to do
16 something about that. That was the case. It's getting
17 much, much better.

18 Q. And if I was to ask you to look further back in time?

19 A. Yes.

20 Q. As at 2015, would it have been more like the description
21 that Lady Angiolini has given here?

22 A. Yes, I definitely think so, yes.

23 Q. Thinking about things now, given the improvement that
24 you've described, if someone were to report the more
25 serious type of racist behaviour you've described to the

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1 Inquiry, so if someone was to complain that a colleague
2 or senior officer had lied about them in order to get
3 them into trouble or deny them a promotion because of
4 their race, if that were to be reported now, would that
5 be taken seriously?

6 A. Definitely.

7 Q. And what would happen?

8 A. There would be an investigation for sure and, you know,
9 the outcome would depend on the facts that were
10 garnered, so the outcome is never assured, but it would
11 be taken seriously, I am very sure of that.

12 There are instances and I look in this where people
13 talk about moving the victim rather than the
14 perpetrator, it's not as black and white as that sound;
15 no pun intended. It is sometimes you have to move the
16 victim, because it's -- the behaviours are so insidious
17 in that little group, but also for that person's peace
18 of mind and mental health. I would never say we should
19 sacrifice an officer's mental health to prove a point.
20 We will leave him there and I would never do that. If
21 it is causing that much stress, my responsibility to
22 that officer is about his mental wellbeing as versus
23 proving a point. So I would never sacrifice an officer
24 for that.

25 So to put it in the -- you know some people think

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1 you're always moving me, it's not my -- but it is
2 something that we must be alive to and be aware of that
3 there's no within one size fits all. They're officer
4 who are deeply, deeply bothered. I have officers who
5 are afraid to put their uniform on, who have said I
6 can't put that uniform back on. Do you know what I
7 mean?

8 Q. Because they associate it with being in a stressful
9 situation?

10 A. Yes, there are officers who can't drive by stations. I
11 have two officers right now who can't drive by the
12 station, because they get anxious, the anxiety, because
13 of what happened to them in that station, so --

14 Q. And without going into details of people's personal
15 cases, is that people who are traumatised by instances
16 of racist conduct towards them?

17 A. Yes, and their treatments at that particular locus so
18 it's -- it's sacrificing people because we don't want to
19 move the victim is not -- is not for me. It's a case by
20 case.

21 Q. That's helpful to understand, thank you. So you've
22 explained that the more serious example you gave earlier
23 would now be taken seriously.

24 To take another example you gave, if someone made a
25 complaint that colleague in their -- on their shift had

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1 said they couldn't pronounce their name and decided to
2 give them a nickname instead and they were unhappy about
3 this, and complained to Professional Standards, would
4 that be taken seriously?

5 A. I don't know if they would go as far as take it to
6 Professional Standards.

7 Q. Okay. So what would happen?

8 A. They would probably take it to their line manager or
9 something.

10 Q. Okay. So they would take it to their line manager and
11 then what would happen?

12 A. And they would probably treat it as a grievance, rather
13 than a conduct issue. I don't know if that would be
14 tolerated frankly. I can't see it in 2024 being
15 tolerated that somebody is calling you a name. I had an
16 incident where probationers were calling each other
17 names at the college, which is shocking.

18 Q. At Tulliallan where they're training is this?

19 A. Yes, within their three weeks -- three months, sorry,
20 12-week stay and, you know -- well, I know I for one
21 would have fired them, but hey ho.

22 Q. What did happen to them?

23 A. I think they were eventually disciplined, because the
24 probationer came to us, and I brought it to the highest
25 level, because I thought that at the very least they

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1 were too immature to be police officers, and I wouldn't
2 want to put them out on the streets with members of the
3 public for them to call them names based on their
4 identities, but I'm almost sure they were subject to the
5 conduct regs. I haven't checked in to see how far they
6 are at the moment, but these things happen.

7 Q. Again, I don't want to go too far into the details of
8 people's personal cases, but I just want to check that
9 we're all understanding the level of severity that's
10 being discussed. There's an example where I can't
11 pronounce your name "Sandra", so I'll call you "Sam" or
12 something like that, just to give an example, which
13 you've explained very clearly why that is an othering
14 thing to do to something?

15 A. Yes, it is.

16 Q. Is this example you're talking about that where I can't
17 pronounce your name so I'm calling another name or is it
18 calling someone by an offensive name?

19 A. By an offensive name, oh, God, yes.

20 Q. The example you're giving where there was in the end a
21 disciplinary outcome is for calling someone an offensive
22 name related to their identity rather than just
23 mispronouncing a name?

24 A. Oh, no. I'm not talking -- that's just an aside.

25 That's just a bit of a micro-aggression, but this -- the

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1 one I'm talking about, I'll give you the example
2 earlier, is a racial name. It's a name because of who
3 you are that relates to his colour and his visible
4 minority ethnic and just totally inappropriate for no
5 reason.

6 And that was a sad thing is that they didn't even
7 know the officer and it's a laugh, it's a joke and you
8 would do that for 12 weeks and you want to talk about
9 treating people with dignity and respect, so they were
10 put through the conduct system.

11 Q. And was that a recent example?

12 A. Yes, recent enough. I know now for a fact that people
13 have been disciplined in the service as probationers
14 right now for name calling outwith that one case that I
15 was talking about. I know that just based on the case
16 that I brought to senior management is they have another
17 one has happened and they have taken that person out, so
18 I know it's taken seriously.

19 Q. And in your view are the disciplinary sanctions applied
20 in these sorts of cases sufficient to, first, stop the
21 perpetrator doing it again and, second, send a message
22 that it wouldn't be accepted?

23 A. Yes, it's definitely sent a message or the other one
24 wouldn't have come about. People would just laugh about
25 it without reporting it and so I think, yes, we need to

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- 1 send the right message, but we need to also
2 appropriately admonish that kind of behaviour so
3 everybody gets the message.
- 4 Q. So somebody making a very serious allegation about
5 career limiting lies, that will be taken seriously?
- 6 A. Well, I would hope so.
- 7 Q. In your experience or in your view?
- 8 A. Not all the time, I'm afraid.
- 9 Q. Not all the time. Okay. Tell me about that?
- 10 A. No, but I do have cases of people lying, openly lying,
11 about people who they have wittingly discriminated
12 against that nothing has been done about them because --
- 13 Q. And I why is nothing done in that sort of case?
- 14 A. I have no idea to be fair. I am still wrestling with
15 some of it, but we do have cases like that where there
16 perhaps isn't sufficient proof, but there is enough
17 proof in my eyes for them to take some action. So those
18 cases are never closed.
- 19 Q. And does that come down to the difficulty you alluded to
20 earlier in cases of racism of proving motivation or is
21 it some other issue of proof?
- 22 A. Yes, yes, yes. So, yes. I, you know, there -- there
23 are a lot of variables, so it's about who is
24 investigating the case, how serious they think it is at
25 the time, and that's why this role about this thing

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1 about looking at cases and the fairness and do you know
2 the message it is sending to everybody, all the other
3 employees were sitting watching it. That's why that --
4 this role is so important. That somebody who has looked
5 at with different perspective can say to
6 Police Scotland, I actually don't think this was managed
7 properly or this sent the message about the values of
8 policing and stuff, so I'm quite excited about doing
9 that.

10 Q. Is that something you can do in your new role that you
11 couldn't have done as general secretary of SEMPER?

12 A. Yes.

13 Q. I just want to go back for a moment to the example where
14 someone is mispronouncing someone's name and sort of
15 deliberately giving them an easier name to say and that
16 is causing hurt and upset to the recipient. You said
17 that would be dealt with through the grievance process.

18 Say the grievance is upheld and the HR officer or HR
19 Department managing the grievance person says, yes, you
20 have hurt their feelings, you shouldn't continuously
21 mispronounce this person's name, you should treat them
22 with respect. Would that result in any disciplinary
23 sanction against the perpetrator?

24 A. First, let me just tell you, micro-aggressions don't
25 normal lead to there, so I have never known about

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1 somebody calling somebody a name that would take. I was
2 just giving that as an example of a micro-aggression
3 that would say, "ah, I can't be bothered to pronounce
4 your name."

5 Q. It's a hypothetical example?

6 A. Yes, but in terms of calling you a name that is -- that
7 has a link racially, that would go straight to PSD, but
8 we're talking about you undermining the person then or
9 harassing the person all the time or doing, you know,
10 discriminating against them for whatever reason and the
11 person is thinking I have an issue with Richard
12 constantly undermining me, constantly saying things to
13 put me down or racial stereotypes or whatever, that
14 would go to grievance and the outcome of the grievance
15 might have issues in there that the investigating
16 officer would think would lead to conduct, would be a
17 breach of conduct, and then that would go up to PSD. So
18 a grievance is not just sits with HR all the time.
19 There are instances during that grievance that has come
20 out it would go on to Professional Standards.

21 Q. I'm just interested in the line where that would happen.
22 So I mentioned earlier former DCC Fiona Taylor's
23 evidence that you might have -- she was discussing what
24 might classify as a micro-aggression. You might have
25 not sitting next to someone in the canteen, you might

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1 have asking them where they're really from, because
2 they're black and not seen as Scottish and she then
3 said:

4 "Above that, where you get to explicit racial
5 language, that would go to the discipline space."

6 A. Definitely.

7 Q. How about the kind of top of her micro-aggression
8 category, asking someone "But where are you really
9 from?" is that something that you see as part of the
10 discipline space or not?

11 A. I wouldn't necessarily think that is, unless it comes
12 with a lot of other things.

13 Q. Because it's about the context?

14 A. If you know what I mean. There are naturally people who
15 are just curious about you and there's a big difference
16 between levels of curiosity about you and this kind of
17 making you feel like you're not one of them. It's
18 something you can't explain. I often say to people, you
19 know, I would go into a room and I could immediately
20 look at the people who are glaring at me as versus the
21 people who are staring at me and it's something that
22 people from a minority group know. You know when people
23 are curious and when they are unwelcoming.

24 Q. When you have that kind of conduct, which could be more
25 or less troubling depending on the context and the

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- 1 circumstances, that's not looked at by PSD?
- 2 A. Yes.
- 3 Q. And sounds like probably not even the subject of a
- 4 grievance?
- 5 A. No, it's -- it's the officer's prerogative to take out a
- 6 grievance. There are some instances where you would --
- 7 it's just a discussion with line managers and both
- 8 parties, to say, you know, "blah, doesn't appreciate
- 9 that" or whatever and some people all they want is for
- 10 that to happen.
- 11 Remember, going into get a grievance it's always
- 12 dependent on the victim. Do you want to make it formal?
- 13 However, there are some instances where if it -- there
- 14 are things that during a discussion that they'll find
- 15 out that the supervisor will take the action that this
- 16 is too important to let go and then the supervisor
- 17 escalates it into Professional Standards.
- 18 Q. So you have spoken about the importance of pattern
- 19 recognition?
- 20 A. Yes.
- 21 Q. And digging a bit deeper and not taking cases in
- 22 isolation. So what I am interested in is is there a
- 23 means or mechanism by which persistent low-level type of
- 24 behaviour that wouldn't find its way into the contact
- 25 space can be monitored so that you know when you have an

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1 instance of potential misconduct that this is someone
2 who has been continuously harassing or misnaming or
3 upsetting ethnic minority officers in the past; is there
4 a way of knowing?

5 A. That's one of the things we have spoken to
6 Professional Standards about now and just about even a
7 month ago that we spoke about that gap, because it might
8 start off as this is not -- this is just a one off and
9 I don't necessarily want to make a big thing out of it
10 and so nothing is formalised. So the next person
11 coming, the next supervisor would not have known that it
12 had happened, so it's about capturing those.

13 We spoke to head of PSD about that gap and I have
14 done it in the past, speaking about we need to have a
15 system there. And I know that the Federation we perhaps
16 have different views on that, because it is -- it's
17 about do you hold information about things that are
18 resolved or by the way, or things -- is that fair to the
19 officer?

20 Q. You can see how it might be prejudicial if these things
21 haven't been formally investigated.

22 A. Precisely.

23 Q. That you're holding information that might be adverse to
24 them.

25 A. Yes, but there is a way -- there should be way that we

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1 can capture that and so that's one of the things we have
2 put to Professional Standards is about working with the
3 staff association about putting a mechanism that would
4 be fair to both parties, because we need to capture
5 persistent perpetrators, we need to.

6 Q. On the topic of disciplinary systems,
7 Sir Iain Livingstone gave evidence that he said and I
8 quote:

9 "On the issue around micro-aggressions, the
10 assessment that was made what the Professional Standards
11 would also do clearly would be to look to see a pattern
12 so it might not just be one. If there was more than one
13 instance perhaps of reporting, even if those were in
14 relative terms -- and I use it simply as shorthand -- a
15 low-level issue, but actually if there was a series of
16 apparently low level other issues, well, that would
17 cause a level of further inquiry."

18 And I just wondered if that approach that he's
19 describing of aggregating lower level issues is
20 something -- this is the piece of work that you're
21 working on with Professional Standards at the moment?

22 A. Yes, these are the kinds of things that we have been
23 calling for for a long time and we are now getting to
24 look at that kind of behaviour and putting something in
25 place to capture that.

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1 Q. And just to be clear, this is something that you're
2 working on for the future that's not quite in place at
3 the present time?

4 A. Yes, it's not quite in place just yet. So there is
5 something that say, yes, they should be dealt with,
6 instances should be dealt with in their own right, but
7 there are also this space, especially around people's
8 identity, and how you treat people who you think are
9 different according to your stereotypes and your issues
10 that you have dealing with especially minority groups
11 that we should investigate.

12 And for me that takes an -- it's not just
13 Police Scotland internally, that takes things like
14 racial profiling in service delivery and those things.
15 You know, we need to -- somebody says "this officer
16 racially profiled me", that needs to be taken seriously
17 and look at everything that that officer has done in the
18 past. That's the only way you'll find out if that's a
19 pattern of behaviour and if he's fit to be representing
20 the service.

21 Q. If you could just give me a moment. I note the time.

22 LORD BRACADALE: We'll stop for lunch now and sit again at
23 2 o'clock.

24 (12.59 pm)

25 (Luncheon adjournment)

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1 (2.04 pm)

2 LORD BRACADALE: Ms Barrett.

3 MS BARRETT: Thank you. Before the break we were discussing
4 the disciplinary system in Police Scotland. I have got
5 just two more questions on that topic before I move on
6 to another topic. So the first is in relation to an
7 example you gave in your evidence this morning to do
8 with stereotyping and you talked about a person walking
9 through an airport being judged as a possible drug
10 dealer or a terrorist, when in fact it's just a black
11 woman walking through the airport.

12 My question is, where stereotypical assumptions like
13 that translate into conduct, so for example a police
14 officer stops that black woman walking through the
15 airport based on a stereotypical assumption rather than
16 real events or suspicion, is there scope for using the
17 2014 Conduct Regulations to address that conduct based
18 on stereotyping?

19 A. I don't know if it has ever been used and had ever
20 been -- would be considered, because the assumption now
21 is that it's not random, it's intelligence led. I don't
22 know how many people have been forced to say what
23 intelligence you have on this person. There are no
24 figures to say that and unless a member of the public
25 comes along and says that, you will -- I wouldn't be

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1 made aware of that.

2 Q. And the second question is do you think there would be
3 merit in moving responsibility for the disciplinary
4 processes as a whole away from Police Scotland and to an
5 independent body sitting outside Police Scotland?

6 A. I think there is a place for that for sure. There will
7 be the worry that an independent person might not have
8 the technical knowledge to know what to look for about
9 police systems and stuff, but I actually do think there
10 should be an independent oversight of some of the cases
11 involving people from different races. I think it's
12 terribly important that some of it look outwith
13 Police Scotland, terribly important.

14 Q. Thank you. So I'm going to move on to the topic of
15 recruitment, retention and promotion. And can we look
16 back at your witness statement, please, which is SBPI --
17 you have it.

18 Can we go to page 9 and look at question 18. So at
19 question 18 you were asked:

20 "How does race impact recruitment of officers and
21 staff to Police Scotland?"

22 And just over the top of page 10 you gave a
23 bulletpoint list of the factors affecting members of the
24 public from BME communities when they're thinking about
25 joining the service. And you list:

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1 "Historical perceptions.

2 "Lived experiences of negative interactions where
3 the police.

4 "Local, national and international media reports on
5 police injustice.

6 "The experiences of family and friends from other
7 countries where police misconduct, corruption and
8 brutality are widespread.

9 "A perception of bullying and harassment of black
10 and minority ethnic communities by the police and fear
11 of being ostracised by family and friends."

12 And what I wanted to ask you about is is there a
13 link between the perception that black and minority
14 ethnic communities in Scotland have about the way they
15 are policed and Police Scotland's ability to recruit
16 from those communities?

17 A. Yes, they're directly linked. And it's not -- it's not
18 a surprise and especially as a social media, everything
19 else, we're now being filmed and they see how people
20 respond to innocent black people. It is -- it is
21 something that has affected recruitment and one of the
22 major things about recruitment that I have been trying
23 to explain for many a year is the people that are in the
24 service are your ambassadors, you treat them right and
25 it will organically grow. You don't need to have teams

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1 going out to look at minority ethnic -- to get minority
2 ethnic recruits. Their kids will join, their cousins
3 and aunties and uncles will join.

4 So it's about treating the people right, the people
5 who are there, because it's well-documented that,
6 particularly in policing, there is a direct link between
7 people having people in their families who are from the
8 service and that have inspired them to join the service
9 and stuff so if you have -- if the people who are
10 currently there are not -- don't think that they have
11 the same experiences or that their careers are awesome,
12 they will not inspire anybody in their communities to
13 join.

14 Q. You have described a positive cycle where police
15 officers from black and minority ethnic communities have
16 a good experience at work, talk to their family and
17 friends about that and their family and friends from the
18 same community are more likely to sign up to be police
19 officers?

20 A. Definitely, just like in the dominant groups.

21 Q. Is that then the reverse is that true?

22 A. Definitely.

23 Q. So if you have police officers from black and minority
24 ethnic communities who have a poor or discriminatory
25 experience at work go home tell their family and

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1 friends, does that make it less likely that
2 Police Scotland will be able to recruit from those
3 communities?

4 A. Sadly, that is true and we have officers amongst us who
5 have openly said that they would not, because it is --
6 because of the racism they have suffered. They don't
7 think they want to put their kids through that. So
8 it's, you know, it's directly linked and that's why it's
9 imperative that we treat the officers that we have with
10 the respect and give them the sense of belonging that --
11 that they would want to go out there and be ambassadors
12 for the service.

13 Q. At page 5 of your statement, looking at question 9, you
14 give some details about statistics in Police Scotland.
15 You say:

16 "Unfortunately, Police Scotland has changed the
17 classification of race/ethnic groups, so a real
18 comparison is problematic. However, in 2015 the total
19 number of BME officers, support staff and special
20 constables was 1 per cent of the total workforce. Up
21 until 2018, we were only provided with percentages or
22 ratios and not actual numbers. The latest published
23 percentages show the number of black and minority ethnic
24 personnel is 1.57 per cent of the total workforce and
25 white minority ethnic personnel is 2.38 per cent."

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1 So we talked this lunchtime about the latest census
2 figures that Professor Meer had given evidence about,
3 which was that the black and minority population of
4 Scotland, so not including white and minority ethnic
5 population of Scotland, is around about 7 per cent. It
6 follows really, but do you agree, that there is some --
7 still some underrepresentation of minority ethnic
8 personnel in Police Scotland?

9 A. Oh, definitely, yes. I am not necessarily one for
10 numbers. So, you know, to me, I might have a different
11 view from a lot of the people. So what happens when you
12 reach 7 per cent, you stop recruiting. You know what I
13 mean. It's about -- it's bigger than numbers, and so
14 I'm not hung up on it's 1.57 instead of 7. For me it's
15 about valuing people and everybody having the same
16 experience of policing, so, yes, there is an
17 underrepresentation and it's -- I know I go against the
18 grain when I talk about representation at different
19 levels, because I am never sure that representation has
20 ever solved anything.

21 I think we need to go and treat everybody as
22 individuals rather than putting up one person to stand
23 there. That's too much pressure on that one person for
24 a start and we as a minority group have too much to lose
25 to have the wrong people represent us, so I don't -- I'm

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1 not as hung up as many people, and I know it's a bit
2 controversial, that we get hung up on representation.
3 It's never about numbers.

4 Q. In your view it doesn't solve the problem --

5 A. It doesn't.

6 Q. -- to have ethnic minority people in the higher ranks?
7 Nonetheless, can I ask the question is the
8 underrepresentation of black and minority ethnic people
9 different at different levels of the organisation?

10 A. Definitely, definitely. I -- I also want to say that
11 we've never joined policing -- in Scotland we've never
12 joined policing. We've never had a critical mass of
13 ethnic minority people joining policing, so if it takes
14 a white officer, what, 15 years to become a sergeant and
15 we have minority ethnic officers as chief
16 superintendent, I don't think that's such a bad state of
17 affairs at the moment.

18 It's -- the big thing is are we giving everybody the
19 same opportunity to become a chief superintendent, if
20 you get what I mean? So that's -- that for me is -- is
21 a big thing is that we've never had this critical mass
22 of people joining and people never started joining the
23 service in any great numbers until around in the 1990,
24 if you know what I mean so.

25 Q. I promised you I would come back to the topic of

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1 development opportunities and promotion, so now is that
2 time. Can we look, please, at page 9 of the statement
3 and your answer to question 14 at the top of the page.

4 So question 14 is:

5 "What, if any, challenges does SEMPER face?"

6 And then if we could look at the top of page 9, you
7 say:

8 "The lack of data on the development of BME officers
9 and staff is a particularly concerning area for us. The
10 monitoring and dissemination of data on the training and
11 developmental opportunities of minority groups should be
12 a performance indicator for the service. In addition,
13 priority ought to be given to the full adoption,
14 analysis and reporting of exit interviews to better
15 inform management of the service of the predominant
16 issues that are persuading BME officers and police staff
17 to leave."

18 So is it correct to say you're flagging an issue
19 here with unequal access to development opportunities?

20 A. Well, I can only -- because there's no data around that,
21 I have to rely on the anecdotal evidence that I have
22 got.

23 Q. And what does that anecdotal evidence tell you?

24 A. It is saying that they don't think they're getting the
25 same level of exposure to development as their white

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1 counterparts. I am particularly worried about no data
2 surrounding that. We should be able to get how many
3 minority ethnic people were supported to go for
4 promotion, because you have to be supported, you can't
5 just see -- you can't just say I'm ready.

6 Q. But I support you mean you need a line manager to sign
7 off your application?

8 A. A line manager to say you are ready, so it's something
9 that is unique to policing and -- so how many people
10 were rejected, how many were supported, how many people
11 do get trained in specialisms, at what stage of the
12 promotion process do they fail, the ones that are
13 supported? You know, we don't have that -- that data
14 that is -- that would identify the problem so we could
15 deal with it. So I know I'm not a big fan of the lack
16 of data that were published so that's another bit of
17 concern for me.

18 Q. If we look on that issue in your statement at page 16,
19 please, and your answer to question 36. You're asked:

20 "What are the metrics you consider relevant to data
21 monitoring of race and policing?"

22 And you have just explained that you have a concern
23 about data gathering in general and you say here:

24 "The useful metrics we would recommend be
25 disaggregated by race or ethnicity include:

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1 "(a) subjects/victims of complaints and conduct and
2 discipline procedures;

3 "(b) subjects/victims of grievance;

4 "(c) training received;

5 "(d) hate crime and incidents against BME officers
6 and staff, contextual data versus graphs, raw data
7 showing locus, frequency and outcomes;

8 "(e) employees off work due to stress and mental
9 health issues;

10 "(f) officers supported to apply for promotion; and

11 "(g) grievances involving discrimination."

12 So all these things that SEMPER currently is not
13 able to access statistics or data relating to?

14 A. Yes, and if we do want to talk about equality of
15 opportunities we do need to have that kind of
16 information on hand. For instance, if we're talking
17 about promotion and development, if you have -- I'm
18 going to give you an instance, if you have courses that
19 you haven't been put on, it affects the positions you
20 can go for.

21 So for instance, we would sit around our table at
22 the executive meetings and you would have, how many
23 people have had a driving course? You would hear "oh,
24 my driving course was taken away three times from me."
25 Now, that might seem to someone as, ah, it's just a --

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1 However, if you don't have your driving course, you
2 can't go for specialist positions, so you can't into
3 firearms, you can't be -- you know what I mean? So it's
4 those little things that makes people say they're not
5 developed and it makes sense, because you need to get
6 those competencies before you can apply for certain
7 positions within the service.

8 So if we -- if we had monitored training and
9 development, we would notice, um, you have a high number
10 of BME officers who haven't got their driving course.
11 You see what I mean so ...

12 Q. If you were to say that there was an underrepresentation
13 of officers from black and minority ethnic backgrounds
14 at this particular rank, but you look at the
15 applications and you say, well, the reason why the white
16 officer got that job and the black officer didn't was
17 because the white officer had the driving qualification
18 and the black officer did not, you could look at that
19 and say, well, there's a concrete reason that has
20 nothing to do with race. Is what you're saying you have
21 to look a step earlier in order to identify the
22 patterns?

23 A. Yes, you need to talk about the equality of
24 opportunities. Does everybody get a chance to go for
25 that course knowing full well that it would bar you from

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1 applying for other things? So these are the little
2 things that you don't get if the data isn't
3 disaggregated correctly. You know what I mean?

4 So you see, oh, this month we had 200 officers
5 getting their driving course, you know. From this
6 region we have X amount, and then no one in there was
7 BME officers. Then you know that you were going to have
8 a problem when it comes to specialist units and so those
9 specialist units will not get the diversity they
10 deserve, if you know what I mean. It's those little
11 things that if you don't have specific data, you cannot
12 analyse where -- why people -- why we're losing them,
13 why they don't feel developed, why they don't feel that
14 they're treated the same as everybody else.

15 Q. And why at (f) is the metric you want officers supported
16 to apply for promotion, rather than officers succeeding
17 in getting a promotion; explain that distinction?

18 A. It has to be, because many officers will tell you that,
19 oh, my supervisor hasn't supported me for whatever
20 reason they can't come up with, some of them will even
21 go as far as to say it's because of their race, and
22 about the affinity bias. I have spoken about that as
23 well is that we're all programmed to align with people
24 who look like us, who are -- who have the same -- come
25 from the same background and everything else, unless you

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1 are trained not to. So a lot of people think the
2 support system, the system of you need support from your
3 line manager to progress it's real.

4 Q. We heard evidence from a former police officer who went
5 into psychology, Dr Pete Jones, and he talked about
6 affinity bias. He said:

7 "It's an underpinning bias and it is that if you
8 look like me, sound lie like me, share my background,
9 share my skin colour, I'm more likely to see you as one
10 of those groups positively, which conversely means that
11 people who are not like you tend to be seen less
12 positively and it underpins a lot of other biases, so
13 other biases which then come in are driven by affinity
14 bias and the fact that we like people who look like us."

15 And is that what you're referring to when you say
16 affinity bias?

17 A. Yes, that is real and a lot of people aren't even aware
18 of it, if you know what I mean. And it's the same
19 thing -- it's that very same thing that comes into
20 representation is that when you pick a female, we need
21 to put her there because we need to have representation,
22 and I'm using female, because it's normally the case.
23 She mirrors the men who are there because she needs to
24 become one of them to get on, so you see why the whole
25 concept of representation sometimes doesn't work. So

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1 there are females who will tell you that. Some of the
2 worst bosses they have had are females because they need
3 to mirror the behaviours of the men so they fit in and
4 they can get on. So you know, it's a fine balance
5 about -- in dealing with affinity bias and a lot of
6 these things are not conscious.

7 Q. I want to move on to recommendations so I make sure I
8 have time to cover with you recommendations for future
9 progress. We have already touched on data and that's up
10 on the screen at the moment. We've spoken about
11 Lady Angiolini's review in 2020. Lady Angiolini gave
12 evidence to this Inquiry as well, touching on her
13 recommendation in relation to data collection in
14 Police Scotland. She told us that:

15 "Proper data collection allows hotspots to be
16 identified, patterns to be spotted and allows analysis
17 to take place and then that analysis can lead into
18 learning which can result in fewer people dying."

19 And I wondered if you would agree with that as a
20 statement of the importance of good data collection?

21 A. Definitely, and especially when you are in an
22 organisation as big as the police. You need to rely on
23 that because you have no personal knowledge of
24 everything that happens, so you need to talk about some
25 of the trends and look out for the people who are

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1 marginalised.

2 And that was one of my recommendations to
3 Police Scotland in 2020 about if we are so concerned
4 about the effects of racism on policing, maybe it's time
5 we talk about -- we look at race in every aspect of
6 policing, not forever, but for a short time to say, do
7 we have a problem? We can't -- for instance, I know we
8 have spoken about Professional Standards Department for
9 instance, that we don't -- they don't have -- they don't
10 collect data on ethnicity. If we want to see that
11 police officers from a different minority background is
12 not disproportionately disciplined or they're not in the
13 system more than the white counterparts proportionately,
14 we need to track that.

15 I was very disappointed that we haven't -- still --
16 we still are not able to do that and I am just like, if
17 this is important, we will do that. So I think every
18 part of policing should have that for a while to see
19 where we should put our efforts and our energies, the
20 things that are important. I think it's time that we
21 started using our data to improve services for the most
22 marginalised people in policing.

23 Q. You mentioned you made the recommendations in 2020 and I
24 just want to put the document on screen, so it's
25 WIT 0089. And it's a document entitled:

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1 "A fairer, more inclusive police service."

2 And it's written -- it says at the top:

3 "In response to the tragic events of May 25, 2020
4 and the death of the George Floyd."

5 And it is a set of proposals for Police Scotland and
6 could you just explain the circumstances in which this
7 document was put together?

8 A. Yes. Well, it came about because of the scrutiny of
9 policing around the world. So it was not just in the
10 United Kingdom or in America, it was all over the world
11 about how we police our minority ethnic communities and
12 about people having less confidence and trust in their
13 police service and so we thought it was important that
14 we bring Police Scotland their processes under review
15 and think this is a time for us to show Police Scotland
16 how they could respond to that challenge, the challenge
17 of letting their communities, their minority ethnic
18 communities, believe that they're being policed fairly.
19 So I sent this to Police Scotland and we did sit down
20 with the deputy chief and the chief.

21 Q. So is that both Fiona Taylor and Iain Livingstone?

22 A. Yes, Fiona Taylor and Iain Livingstone.

23 Q. And can we, please, take a look at page 3 of the
24 document and look at paragraph 6 and this was really to
25 check -- you mentioned that you made a recommendation in

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1 2020 and it says at paragraph 6:

2 "In order to address the apparent lack of equal
3 opportunity and disproportionate development of minority
4 ethnic employees, all functions within
5 SPA/Police Scotland to record ethnicity. This will
6 enable the service to monitor, assess and take steps to
7 resolve instances of inequity when they occur."

8 And was this the recommendation that you were
9 referring to?

10 A. Yes, and this is even within the promotion system, the
11 assessment system, you know, assessing you for
12 promotion, within everything, if you're going to say
13 we're not biased, where's the proof, you know? So for
14 me it was a no-brainer.

15 Q. And we've heard that Lady Angiolini also made a
16 recommendation about data collection in her 2020 report?

17 A. Yes.

18 Q. And so you have expressed, is it fair to say, some
19 disappointment that data collection is not where you
20 want it to be at this point?

21 A. Yes, but also in terms of collecting data and analysing
22 it and disseminating it, this is a big thing, it's if we
23 are a part of the police family, for instance, SEMPER
24 Scotland, and we are a part of the police family and
25 we're working in partnership to be fairer, you need to

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1 give me those data. That is number 1 to say how can we
2 best collaborate and resolve these -- this
3 disproportionality all the time.

4 And that's something that I have been talking about
5 for a while and I think the time is coming and that
6 Police Scotland has recognised that it's important,
7 because we're partners, and we need to sit around the
8 table to have things like a retention strategy for
9 minority ethnic officers, because the latest data shows
10 that the attrition amongst BME officers is the highest,
11 you know what I mean. So why are they coming in through
12 one door and leaving through the next? Let's all sit
13 down and talk about that. So you see what I mean, it's
14 talking to the people we do not might be able to give
15 you a clue.

16 Q. And is that something you will be pushing for in your
17 new role as well?

18 A. Yes, I think for this one I'm pushing on an open door.
19 I think they have recognised that -- the management
20 there at the moment have recognised that this is
21 important and it will be done. We are also aware of the
22 limitations of the systems, of the ICT systems. But for
23 me they're not that many minority ethnic people in the
24 service, so we could all fit in in the lecture theater,
25 frankly. It's not that -- it's not big an issue to

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1 overcome.

2 Q. I want to pick up on a --

3 A. Barrier sorry.

4 Q. Sorry, I didn't mean to speak across you. I would like

5 to ask you about a couple of other recommendations in

6 this document.

7 A. Sure.

8 Q. Could we scroll back to page 2, please, and have a look

9 at paragraph 1. So paragraph 1 is an internal -- what

10 does "VT" stand for?

11 A. That's just a video.

12 Q. I see.

13 A. I was -- it was about reaching out, engaging with the

14 population of the police service.

15 Q. I particularly wanted to ask you about -- so you're

16 talking about communicating various things?

17 A. Yes.

18 Q. And I wanted to particularly focus on the third

19 bulletpoint on the page, which is "communicating to all

20 employees at Police Scotland the consequences for

21 offenders and bystanders who breach the values of fair

22 and equal practices" that you have been referring to.

23 A. Yes.

24 Q. Now, we have spoken a great deal about offenders in

25 terms of perpetrators of discriminatory behaviour today

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1 and we have touched on bystanders, the difficulties that
2 witnesses have in speaking out about what they observe.
3 But I wondered if you could just speak a little bit more
4 about the word "bystander", because is there some
5 implications to the term bystander? Why have you chosen
6 that word?

7 A. Because they're not -- it's just as in any incident that
8 you're not involved but you have seen it or you
9 overheard it and for me, that you are complicit in my
10 eyes if you do nothing about it. And I mentioned that
11 before about not challenging the perpetrator.

12 And I remember years ago, you know, Stephen House
13 used to be the Chief Constable, used to say that to new
14 recruits is that you will be in trouble if you stand
15 there and not say anything. And I just thought this is
16 the time to remind people that it's your duty to step in
17 and protect that person.

18 Q. And what should the consequences be? Are you talking
19 about disciplinary consequences for standing back and
20 not protecting the person, the victim of discrimination?

21 A. I have always said it's not about putting someone
22 through the disciplinary and conduct procedures. It's
23 about admonishing that behaviour. So if it means just
24 calling them and saying you did that and it's not
25 appropriate. It's just admonishing it, so it is not

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1 about putting people through the system, because that's
2 not always appropriate. Sometimes it's not the normal
3 behaviour of the person, so to say that we have zero
4 tolerance, that would mean every single incident is put
5 through the conduct procedures. That's -- that is
6 unhelpful.

7 Q. So you think zero tolerance is a misnomer?

8 A. I think so. Every case must be judged on its own merit.
9 But people must be alive to the consequences of
10 breaching the values and Police Scotland has it all
11 over, these are our values, and for me it's terribly
12 important there must be some comeback for breaching
13 that.

14 Q. And does that include comeback for breaching the values
15 when you're out and about policing as well as colleague
16 to colleague?

17 A. Yes.

18 Q. If you have officer A and officer B and officer A sees
19 officer B committing a discriminatory act towards a
20 member of the public --

21 A. Yes.

22 Q. -- what should officer A do about that?

23 A. Well, I would expect officer A to report it, definitely,
24 because that's his role as a police officer. So you
25 should -- I know it's seen -- it's frowned upon that

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1 people don't corroborate with what they call them
2 neighbors, what your neighbors -- your neighbours say
3 happen, but there are a number of officers who are,
4 like, "I'm not going to let that go without pointing it
5 out."

6 Q. And if officer A reports officer B's discriminatory
7 conduct towards the member of the public, what would you
8 expect Police Scotland to do about that?

9 A. Well, I would expect them to investigate it and apply
10 the necessary admonishment in my eyes, so be it going
11 down the disciplinary route, having more training, do
12 you know what I mean? I expect that, because the role
13 of constable is too important, it's just too important
14 for people to go below the standards that's expect and
15 it just disappear, it's just too important.

16 Q. Explain why you say that. Why is the role of constable
17 too important to allow a police officer to fall blow the
18 expected standard?

19 A. Because a police officer -- the powers that a police
20 officer has they're wide ranging. A police officer can
21 take away my human right of liberty and so it sets you
22 aside from a social worker, you know, someone in
23 education. The police service sets the tone for
24 society.

25 Every time you are rebuilding a country, the first

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1 thing they do is rebuild law and order. You don't see
2 them saying, okay, let's gather up social services, and
3 I'm not being glib about it. It's because you set the
4 tone for society and what you permit is what you
5 promote. So if we're going to see everybody is policed
6 with dignity and respect and by consent and that we give
7 the same service to everybody, when you have rogue cops
8 go out there and don't live your values, what you're
9 saying is they're not really values, they're things that
10 we call upon when we feel like. You see what I mean.

11 So it's a message that sends that the office of
12 constable is special. You are the person who we rely on
13 in our worst moments. I have nobody to call but you, so
14 I need you to serve me. So it's, you know, sometimes we
15 miss the whole thing about serving and why we're there
16 and so for me being involved in policing, I thought it
17 was a privilege about we are setting the tone for
18 society about morals and ethics and we should never
19 forget that.

20 Q. You've spoken about the risks for people who report
21 discrimination either as witnesses or as victims of
22 discrimination that they might be isolated or have other
23 negative consequences.

24 Now we're talking about recommendations, I wondered
25 if you had any suggestions as to what Police Scotland

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1 could do as an organisation who protect those who speak
2 up about discrimination?

3 A. Well, I fully intend to send my recommendations across,
4 as we mentioned, new recommendations, a new set of
5 recommendations. But there are little things that we
6 need to -- Police Scotland need to sit down and review.

7 One of them is the use of the control and command
8 approach to leadership. It is right for operational
9 reasons, but in a human resource, HR setting, in an
10 employment setting, that should be relaxed, because it
11 stifles challenges, it stifles freedom of thought, and
12 it makes people not challenge bad behaviour because this
13 person is a higher rank and from you step into policing,
14 you are told that this person is, you know, it's "yes,
15 sir", "no, ma'am", that kind of thing and this person is
16 who you look up to, you obey, without -- without dissent
17 and it is something that I think is necessary
18 operationally, but it does have something to do with the
19 fear of challenging someone who is in a higher rank than
20 yourself.

21 Q. And then just staying in the same document if we could
22 and looking at page 4, your recommendation at paragraph
23 13 is:

24 "The introduction of psychometric testing for
25 potential recruits to better evaluate the predominant

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1 attitudes and behaviours."

2 And I wondered if you could set out for us how
3 psychometric testing for applicant to the police service
4 might work and what the advantages would be in your
5 view?

6 A. Yes, this is how serious I think the office of constable
7 is and the powers that go with a warrant card is that
8 you must have the necessary moral and ethical thoughts
9 and actions, because the minute you take that oath
10 you're an exemplar of standards and I know that there
11 are private sector organisations, and even some public
12 organisations, that do psychometric tests, because you
13 need the right people in in terms of working in a team,
14 you know what I mean.

15 And Police Scotland, before it became
16 Police Scotland, I know we -- I was a part of it --
17 ACPOS, the chief police officers, they've teamed up with
18 psychiatrists and psychologist from the universities and
19 they did a psychometric test for new recruits called the
20 Critical Thinking Tool. That was -- it was piloted by
21 the east forces, that was Lothian and Borders, Fife,
22 Central, and Dundee, Tayside. And it was about giving
23 people tests that would flag up behaviours that might
24 not be conducive to being a police officer, so
25 behaviours like giving you more information and see if

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1 you change your mind about a situation, which is
2 terribly important when we talk about police officers,
3 because you must be able to change your mind with more
4 information, and they would just give a little flag to
5 that recruit.

6 It's not to say that that person can't be a good
7 police officer, but it's just the usual term "red flag"
8 that perhaps this person might need a little more
9 training and that kind of thing. And I thought that was
10 absolutely fabulous, because of the interaction and at
11 the times of interaction, because nobody calls the
12 police when they're having a good time, is about the
13 necessary attributes and decision-making scenarios that
14 make you a good officer. So I think that should be
15 brought back and I, you know, I think it's too
16 important.

17 And most importantly -- again, I'm using the word
18 "important", because everything about this whole -- the
19 role of the police is important -- is the premise that
20 you are different, the premise that we rely on you, and
21 you're one failure could be detrimental to a lot of
22 people. So I actually do think it's important that we
23 look at introducing that.

24 And also with culture change and the people coming
25 into a setting like shifts and groups, which is a big

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1 part of response policing, is are you team players, are
2 you -- you know what I mean, is your mindset, and the
3 only way we'll have widespread culture change is with
4 new recruits coming along that are suited for the
5 service and what we want the vision of policing.

6 Q. And is psychometric testing apt to select out candidates
7 who hold racially discriminatory views or is that not
8 what it's looking for?

9 A. It's not necessarily looking at that, because people are
10 way too clever to do that in an interview, but it's --
11 are the markers that you are -- that you are hard and
12 fast about your views on things.

13 Q. People who are kind of closed minded and entrenched in
14 their views might be identified in a psychometric test?

15 A. So the test that they had called the Critical Thinking
16 Tool was very clever in bringing that out and I would
17 hope that they would revive that and look at possibly
18 trialing it again.

19 Q. So I would like to ask you some questions -- my last
20 line of questions is about your new role. So you're
21 fair play adviser?

22 A. Yes.

23 Q. What does "fair play" mean?

24 A. It's about fairness and impartiality in the processes
25 within policing. Because of where we are right now and

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1 the landscape right now, we're going to look at
2 discrimination in terms of your identity, your race, so
3 it's about do you think that you were fairly treated
4 when you brought a -- inappropriate behaviour to the
5 service? Do you think the promotion system, do you
6 think want development system is fair? Where does it
7 let down minority groups. So it's wide-ranging.

8 And I know we are not going to go in the initial two
9 years we might be so caught up with cases, with
10 discrimination cases, that we are not looking
11 externally, but my vision is about things like racial
12 profiling, because I am particularly passionate about
13 that, and I can see where I'm not sure it is -- it is
14 giving the gravitas it deserves, because with racial
15 profiling in service delivery it sets the tone of how
16 you see policing. You know what I mean?

17 Q. So you envisage the new role as allowing you to
18 interrogate fairness in policing as well as fairness for
19 the police officers who you would have represented in
20 SEMPER?

21 A. Yes, so I will not be sitting down doing the cases, as
22 that's a thing for SEMPER and the Federation. I'll be
23 looking at the outcomes of cases and of the current
24 procedures.

25 Q. Is it a full-time role?

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1 A. Yes, it is.

2 Q. You have sent the Inquiry a list of your key functions
3 and key responsibilities, effectively your job
4 description, and are you happy for those to be
5 disclosed?

6 A. Yes, there's no secret.

7 Q. Thank you. So looking at the remit of the role that you
8 have sent us, you'll be:

9 "Leading on ensuring that Police Scotland
10 demonstrates a full commitment to upholding the
11 principles of fair play and the broader theme of
12 equalities."

13 Now, is this role just about race or is it about all
14 protected characteristics?

15 A. Well, the role itself is about all protected
16 characteristics, because I keep saying the landscape
17 right now there is a -- the house of race is on fire, so
18 to speak. We might be concentrating on that as it needs
19 attention right this very minute. However, everybody
20 will be encouraged to put forward their cases, and I
21 have always been someone who looks out for social
22 justice, so I have gone in for disability and LGBTI and
23 those kinds things. However, for the moment I think for
24 the first year or so we'll be concentrating a lot on
25 issues of race that are considered unfair or by the

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- 1 people who have brought them.
- 2 Q. Do you have any concerns that your ability to focus on
3 the issues of race that are considered unfair that are
4 brought to you might be diluted or you might be pulled
5 in different directions as your remit has expanded to
6 cover other protected characteristics as well?
- 7 A. Well, I'm hoping we'll get the resources so it is not --
8 it's not -- I'm not being pulled in all directions. So
9 it's just time will tell, frankly. But for the moment
10 I am excited about it, because I think it's something
11 that policing has needed for a long time, a person who
12 will come and look at -- look at some of these practices
13 and procedures from a different perspective.
- 14 Q. You say you're excited about the role. Tell us a little
15 bit about what you're hoping to achieve, what are your
16 aims and ambitions for your new position?
- 17 A. Well, I'm hoping that we could redress some of the
18 balance that was not there in my eyes and in the eyes of
19 the minority ethnic officers who think perhaps their
20 case wasn't given the gravitas it deserves or was not
21 scrutinised in the way it should be so I'm hoping that I
22 would bring something to it. And because of the
23 reporting procedures, and for instance my reports go to
24 the deputy chief constable --
- 25 Q. Is that the equivalent to your level of access through

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- 1 SEMPER or above or below?
- 2 A. It will be available for the senior management team to
3 consider. I -- I think it will give a lot of confidence
4 to the minority ethnic officers and staff to see that
5 these reports are recorded and are viewed, read and
6 actioned by the Deputy Chief Constable who is the
7 arbiter of everything that is in the complaints,
8 discipline, grievance portfolio.
- 9 Q. And do you think there's any risk of you being less able
10 to provide constructive challenge from within the
11 organisation compared to what you're able to do from
12 outside in SEMPER?
- 13 A. I am hoping there are no risk, but I actually think --
14 I think right now I am getting the support that I think
15 is necessary to make this a success, but, as you know,
16 policing is transient. The minute this person moves,
17 it's -- you know what I mean. So I'm hoping it doesn't
18 affect it, but it's just a wait and see.
- 19 Q. Just give me a moment, please. Thank you, I have no
20 further questions thank you?
- 21 LORD BRACADALE: Could I pick up with you about conduct
22 driven by stereotypes and you give the example of a
23 black woman at the airport who might come under
24 suspicion and then you explain that such activity at the
25 airport might be driven by intelligence and so forth.

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1 Can I leave aside that kind of example and look at the
2 matter as a generality.

3 If it can be demonstrated that conduct is driven by
4 a stereotype, I'm wondering what Police Scotland could
5 do to deal with that and prevent it from happening again
6 and whether the Conduct Regulations, for example, would
7 have an input into that or are there more general
8 issues?

9 A. Well, I think if it's not acknowledged that people act
10 on their stereotypes, we all do, every last one of us,
11 that's what keeps us safe at night. However, in our
12 professional lives we need to have that voice that
13 reminds us it's just your stereotype, some people
14 possess it, some people don't. However, if
15 Police Scotland gives officers, in particular response
16 officers and leaders who make policies and decisions, if
17 we give them that training, we give them those skills
18 and that knowledge to understand that their reactions
19 might be based on their stereotypes, we'll never ever
20 get there and that's why I keep talking about
21 unconscious bias training or as some people call it
22 unchallenged or implicit bias.

23 If we're not aware of it, we go on doing what we've
24 always done before. And so I think the role of
25 Police Scotland can play in making people aware of these

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1 biases that we have, that we're born with, and most
2 importantly if you live in a developed first world
3 country where you're always -- you've only known
4 minority ethnic people through television or people
5 begging or whatever or -- you know what I mean -- those
6 little stereotypes in your head will never go away.

7 You'll have things like, you know, minority ethnic
8 people are always unfairly treated in the justice system
9 or play a big role in the justice system, most of them
10 are disproportionately incarcerated and those things.
11 There is an unconscious thing about that, so you don't
12 know what you don't know.

13 And I think it's a responsibility of the service to
14 educate people about that, to give them time to sit down
15 and process those thoughts and to give them the tools to
16 identify when they're doing it, give them the tools to
17 address it, and that's the role that they can play,
18 because it's involved in almost every interaction that
19 you have with the public.

20 LORD BRACADALE: If having done that the conduct persists
21 based in stereotypes, how do you deal with that?

22 A. Well, they call me affectionately "Sack them Sandra",
23 I am thinking that maybe this -- the police service
24 isn't for you. There are some people who are too
25 focused, too -- there are some people who are

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1 untrainable in other words and lack the necessary
2 understanding of why the police is so important, the
3 office of constable is so important. So there are some
4 people who I think are just not fit for certain roles
5 and I know that might sound harsh, but in reality it's
6 for every job.

7 Every job there are some people who are not best
8 suited for it and I think in 21st century policing there
9 are a set of values, there are a set of -- there are a
10 set of characteristics that are necessary to be -- to do
11 your job. And if you cannot distinguish behaviours
12 based on individuals, rather than your interpretation of
13 a group of people, maybe this isn't the role for you and
14 Police Scotland should look at that.

15 And I know one of the things that I often talk about
16 is the attraction of policing to some people and I often
17 tell senior leaders that we need to be alive to the fact
18 that some people join policing because of the access to
19 power that it gives them. Just like, you know, there
20 are some people who want to hang around kids for less
21 than virtuous reasons, it's the same thing with
22 policing. So you'll find some people who like the power
23 and the access that police gives them to power and we
24 must be aware of that. And I just think that it's time
25 that people recognise that there are some people who are

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1 not fit for that role.

2 LORD BRACADALE: Thank you. Are there any rule 9
3 applications? No.

4 Well, that brings your evidence to an end,
5 Ms Deslandes-Clark. And I'm very grateful to you for
6 coming to give evidence to the Inquiry, thank you very
7 much, and for all the preparation that you've put in
8 order to give evidence.

9 We're about to adjourn for the day and you'll then
10 be free to go. Adjourn until tomorrow at 10 o'clock.

11 (The hearing was adjourned to 10.00 am on Thursday, 4 July
12 2024)

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1 SANDRA DESLANDES-CLARK (sworn)

1 Examination-in-chief by MS BARRETT

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