

Transcript of the Sheku Bayoh Inquiry

Friday, 7 June 2024

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(10.09 am)

LORD BRACADALE: Good morning, Professor Meer.

A. Good morning.

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you. Good morning, Professor.

Evidence of Professor Nasar Meer (continued)

Examination-in-chief by MS GRAHAME KC

MS GRAHAME: Yesterday we were just about to explore your final slide and I wonder if we could have that put back on the screen and this is slide 22 and it's a table. If we see down the left-hand side there are three names listed, Christopher Alder, 1998; Sean Rigg, 2008 and Olaseni Lewis 2010. And then at the top you have different columns, use of excess force, ignoring signs of crisis, mistreatment of family, and public briefings/misinformation.

And I think is this a table where you're seeking to draw out some parallels between these three cases?

A. Yes.

Q. But these are real cases that occurred in those years that you've mentioned?

A. Yes.

Q. Can I ask you to begin with Christopher Alder?

A. Yes, of course.

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1 Q. And my understanding is that Mr Alder died in a police
2 station in Hull?

3 A. Hm-hmm.

4 Q. The IPCC investigated and looked at race in that case,
5 and concluded that a number of aspects of the behaviour
6 of the police officers suggested unwitting racism, but
7 the evidence that was considered by the IPCC in relation
8 to the death of Mr Alder included monkey noises had been
9 made as he was dying, although that may have been
10 directed towards another person in the vicinity. Can
11 I summarise it in that way? The Chair will have the
12 full details of this in front of me.

13 A. Yes, and the three cases that I've named and selected
14 here I drew from a longer list of 64, but I could have
15 carried on for at least half with common themes across
16 them and three new cases from last year from Wales
17 matched this criteria too, but we only had so much time
18 and so many space. It's just to say that the slide is
19 really a snapshot, I think, of a common series of themes
20 which feature in each case when you look at them
21 closely. They all vary in detail but the consistency
22 across them I think you can identify these themes.

23 Q. So the Chair should not assume that these are the only
24 three examples from --

25 A. No, absolutely not.

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1 Q. Thank you. Could we begin by looking at the
2 Christopher Alder themes that you have drawn out here?
3 A. Yes. So as you say, Christopher Alder died on the floor
4 of Hull's Queen Road police station. He received a head
5 injury in a nightclub and he was taken from Hull Royal
6 Infirmary where he had gone to receive treatment. The
7 hospital decided he was troublesome because he wouldn't
8 go home because she was still complaining of an injury
9 and that's when he was taken into custody. So he was
10 already taken into custody with a head injury and
11 there's not a dispute of that.

12 Between him being taken into custody at the hospital
13 and arriving at the police station in Hull, he was
14 unconscious and so there are obviously clear signs of
15 medical crisis. Despite that, he was still handcuffed,
16 he was pulled into the police station and became naked
17 from the waist downwards and we are not sure why.
18 Various reports suggest that this was a consequence of
19 him being pulled into the police station that his
20 trousers fell down and his underwear fell off too.
21 There's dispute over that, but the point is that he was
22 clearly in a sign of distress and he was still
23 handcuffed and restrained.

24 The signs of his medical crisis and distress were
25 apparent and there's a CCTV recording which is available

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1 and on which you can overhear the police officers
2 discuss and dismiss those signs as being fake and/or
3 that he is trying to -- he's faking, he's trying to
4 mislead the police officers. So that goes on for some
5 time. There's 11 minutes of recording on the CCTV, at
6 which point one of the police officers takes a closer
7 look and discovers he's not breathing and then initiates
8 a call an ambulance.

9 Q. And then the next column that you highlight here is
10 "mistreatment of the family of Mr Alder".

11 A. Yes, the family were not fully and properly informed as
12 to the circumstances of his death and faced a real
13 battle, a real struggle, to discover the details of what
14 occurred on the night, and subsequently what was
15 involved in the process of his death in police custody,
16 but that's the information that wasn't shared with them.

17 What transpired subsequently is that they were put
18 under police surveillance, including on matters which
19 were of legal privilege and so effectively they were
20 being monitored in terms of how they were raising
21 concerns about how Christopher died in police custody.

22 Q. Was it explained why they were being monitored?

23 A. No, there was no -- there was no legal reason for them
24 to be monitored.

25 Q. Who was monitoring them?

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1 A. Hull Police, including Janette Adler being followed by a
2 police officer in an unmarked car for a period of time.

3 Q. And then you say in your table in 2011 some further
4 information was revealed?

5 A. Yes, the family discovered that they had been given the
6 wrong body and that they had buried somebody else and
7 that the police had sent the wrong body to the funeral
8 services and there's again some dispute on behalf of the
9 family as to whether or not the police knew they had
10 done that.

11 Q. And that's 13 years after he died?

12 A. And that wasn't information that was forthcoming, that's
13 information that the family had to ascertain and raise
14 with the funeral service and from there take up through
15 legal means and challenge and, at which point, the
16 police confirmed that they were right.

17 Q. And then you have another column on the right-hand side,
18 "public briefings/misinformation"?

19 A. Yes. So the family from the very outset felt that the
20 narrative established about Christopher's life and death
21 was one which presented him as a problem, as a criminal,
22 as someone prone to engage in violence and one of the
23 means through which that was pursued was the
24 characterisation of him as coming from a troubled family
25 and a broken home, all the children were brought up in

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1 care.

2 Christopher, you know, was a paratrooper in the
3 British Army, he had had a very successful career, he
4 was training to be a computer programmer. The fact of
5 the release of this information, the family feel was
6 primarily as a means to discredit their inquiries and
7 their concerns.

8 Q. Was it ever discovered who was releasing this
9 information?

10 A. No, no.

11 Q. And you say here on the table confidential social
12 service records of all the Alder children who were
13 brought up in care were leaked also, but the source of
14 that leak was never discovered?

15 A. Not as far as I'm aware, no.

16 Q. And no doubt that caused great upset to the family?

17 A. It did. It did. In addition to the trauma and the
18 bereavement, they were faced with having to answer
19 questions on topics which were of no relevance to the
20 death in police custody.

21 Q. And looking at the next case that you have highlighted
22 here, Sean Rigg, my understanding is that he died in
23 Brixton police office and there was an IPCC
24 investigation. The terms of reference for that
25 specified whether the acts of police officers were

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1 motivated by ethnicity, but as I understand the position
2 the IPCC failed to address that issue and the issue of
3 race?

4 A. Hm-hmm.

5 Q. And subsequent to that an independent external review
6 was carried out which recognised that and identified
7 that there had been that failure to investigate race.

8 A. Yes.

9 Q. I wonder if you could talk us through your table where
10 you draw out these themes in relation to Mr Rigg?

11 A. Yes. So Sean Rigg was restrained for approximately
12 eight minutes in a prone position throughout. He died
13 following that restraint in the police station. He was
14 actually in the -- he was actually in -- prior to being
15 brought into the police station, he was left in the
16 police van outside for an extended period of time, which
17 wasn't revealed to the family in the first instance. So
18 he had been arrested outside a halfway home effectively,
19 somewhere that he was living and he had a key, but he
20 was clearly having a mental health crisis. And the
21 police arrested him for stealing his own passport and
22 indeed suggested that there was an attempted assault and
23 then took him into custody.

24 He was restrained and he was left in the police van
25 for an extended period of time outside the police

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1 station, and then when he was taken to the police
2 station, he was still restrained, he was still in the
3 prone position. Whilst he deteriorated, the signs of
4 medical distress again were seen to be those of one of
5 faking. The police officers failed to grasp that, you
6 know, he was a vulnerable person. He should have been
7 taken to A&E rather than into the police station and
8 locked in the cell.

9 The IPCC investigation found a litany of failures,
10 that the restraint lasted a wholly inappropriate period
11 of time, that the police had failed to uphold his basic
12 rights, and that there were grounds for gross misconduct
13 charges to be brought against a number of police
14 officers who attended the scene and took him into
15 custody.

16 Q. You mention in the first column there that during the
17 restraint in the prone position that an officer's body
18 weight was applied. Do you have any recollection of
19 that aspect?

20 A. Well, yes, he was restrained on the scene outside his
21 point of arrest and the police officer, whilst they
22 restrained him, used body weight to put him into the
23 prone position.

24 When he was taken into the van, he was restrained
25 with his arms in a stacked position behind his back, but

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1 also his legs were restrained with leg restraints and so
2 he was face down in the van for an extended period of
3 time. This is prior to arriving at the police station.
4 And when they arrived at the police station, there was
5 delay. I think they waited outside the police station
6 I think it's around 8 to 11 minutes and that wasn't
7 initially disclosed. Again, that was something which
8 the family learned of through inquiry and through
9 litigation and there was also a claim that a police
10 officer had gone and checked on his welfare during that
11 period of time, which turned out not to be true.

12 Q. And you speak there of mistreatment of the family. Now,
13 I should say that we are hopeful to hear from Marcia
14 Rigg as part of the evidence of this hearing, but I'm
15 interested in the items that you've drawn out here. So
16 if we could look at your entry regarding mistreatment of
17 the family, can you tell us about that?

18 A. Yes. So Marcia Rigg says that the press release was
19 issued before the family was notified, which seems
20 somewhat shocking. She also says that the autopsy was
21 conducted without notification or a chance to identify
22 Sean Rigg, that the family weren't able to see the body
23 in close proximity, it was behind a screen, and in the
24 context of a sudden bereavement all of those exacerbate
25 the trauma.

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- 1 Q. And you say in public briefings/misinformation?
- 2 A. Yes.
- 3 Q. There were some elements that were also drawn out
4 regarding that?
- 5 A. Yes. Well, the allegation that he had stolen the
6 passport, which was his own passport. Presumably he was
7 carrying it for self-identification. There was an
8 assertion that he had attempted to assault a police
9 officer and that he was arrested on the grounds of
10 public disorder.
- 11 Again, I think what is omitted is as important as
12 what is stated, that he was a vulnerable person in a
13 mental health crisis and he should have been the object
14 and subject of care, but he was presented as a criminal
15 presenting a clear and present threat to the public.
- 16 Q. And you have said those briefings were anonymous?
- 17 A. Yes.
- 18 Q. Was there ever any evidence available as to who was
19 making those briefings?
- 20 A. Not that I have seen.
- 21 Q. And again, although we'll hear in the future hopefully
22 from Marcia Rigg herself, was it acknowledged that this
23 caused great upset to the family?
- 24 A. Yes, immensely, yes.
- 25 Q. And then looking at Olaseni Lewis from 2010, my

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1 understanding is that Mr Lewis died in a psychiatric
2 hospital after police restraint and although the coroner
3 acknowledged race as -- and this is in quotations -- "as
4 the elephant in the room", he refused to allow the
5 police officers to be asked during the Inquest about the
6 role that race may have played in the death of Mr Lewis.

7 A. Hm-hmm.

8 Q. And, in fact, the jury at the Inquest were not asked to
9 consider any questions regarding race?

10 A. Yes.

11 Q. Can you explain the themes that you've brought out in
12 relation to Lewis?

13 A. So Mr Olaseni Lewis, he was 23, died following a
14 prolonged restraint by Metropolitan Police officers at
15 Bethlem Royal Hospital in 2010, which is a psychiatric
16 hospital.

17 A 2017 inquiry found that excessive force was used,
18 that it was disproportionate and that it contributed to
19 Mr Olaseni's death. He was restrained by 11 police
20 officers at two intervals, I believe, but for
21 significant periods of time and that he was restrained
22 with two sets each of leg restraints and handcuffs and
23 that during the restraint he was also struck by a baton
24 three times.

25 The Inquest, the jury unanimously condemned the

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1 actions of the police and healthcare staff who watched
2 on as Olaseni Lewis was restrained in this way and the
3 police officers in their statements to the Inquest
4 talked about how they heard his signs of medical
5 distress as feigning and indeed that they had left the
6 room so that, you know, they could test whether or not
7 he was feigning, but also the ways in which -- the
8 longer quote is:

9 "The sound and tone didn't suggest he had difficulty
10 breathing."

11 That was a police officer to the Inquest:

12 "More something on the inside of him, an aggression
13 and a ferociousness that couldn't be controlled. We
14 didn't immediately call a doctor when he became
15 unresponsive because we weren't 100 per cent sure if he
16 was definitely unconscious or breathing. We left the
17 room in case he was feigning passing out to escape as a
18 ploy."

19 And gross misconduct charges against six police
20 officers were dismissed and no officer was charged for
21 his death, but the family and family supporters were
22 successful in introducing a law, Seni's Law, The Mental
23 Health Units (Use of Force) Act, which received royal
24 assent in 2018.

25 Q. And under the column "mistreatment of the family", what

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1 do you highlight here?

2 A. Well, Mr Olaseni Lewis, he was voluntarily admitted.

3 Q. To the hospital?

4 A. To the hospital, seeking care with his family, and his
5 family were reassured -- excuse me -- and both he and
6 his family were reassured that if he deteriorated or if
7 he needed help, the parents will be contacted and they
8 would come and neither the hospital not the police
9 contacted his parents. The hospital called the police
10 in the first instance and then neither called his
11 parents. And his parents, you know, have had to live
12 and manage that, that a promise was undertaken that they
13 would be there to support and the hospital failed to
14 honour that.

15 Q. And then you also mention a theme regarding public
16 briefings and misinformation. What have you noted in
17 relation to Mr Lewis?

18 A. Yes, a statement from his mother that the full details
19 of the case and the nature of the restraint wasn't
20 revealed to her by the hospital or the police officers,
21 but a journalist who came looking for comments, which
22 she states as "the beginning of a ten-year nightmare
23 which we are still walking." So in the context of
24 bereavement, dealing with the trauma and the loss, to
25 discover that not from a trained professional but from a

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1 journalist exacerbates that.

2 Q. And the circumstances were known to the journalist
3 before the family?

4 A. Yes, I mean that's the key point, isn't it?

5 Q. And was it ever known who had briefed the journalist or
6 provided that information?

7 A. Not as far as I'm aware, not as far as I'm aware.

8 There's an asymmetry in all of these where the family --
9 the power of asymmetry where the family don't have
10 contacts with journalists, they don't know how to
11 communicate their story or their concerns, so from the
12 very outset they're both coping and dealing with the
13 trauma of the loss in the most harrowing of
14 circumstances and a narrative which is being established
15 in the media which they have no way of meaningfully
16 rebutting.

17 Q. So not only can you discern patterns emerging from those
18 three cases alone, but you have said there are other
19 cases where these patterns can be seen to emerge?

20 A. Yes.

21 Q. And these involve deaths of black men in police custody
22 or after police contact?

23 A. Very much so. I was looking at cases in Cardiff.

24 Mouayed Bashir, Mouayed Bashir, a 29-year-old man with
25 Sudanese heritage who died following contact with the

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1 Gwent police in 2021, very similar features to this.

2 Mohamud Hassan, a 24-year-old with Somali heritage,
3 who died following police restraint in Cardiff in 2021
4 and I had 60 others on a sheet that I was working
5 through.

6 Q. Right. And in relation to these particular cases and
7 the others, does it appear that these are themes which
8 are appearing again and again and again --

9 A. Yes.

10 Q. -- over a substantial period of a number years?

11 A. Yes.

12 Q. And that's even where there have been inquests and
13 reviews and IPCC investigations?

14 A. Yes.

15 Q. And at least on some occasions, from what you have been
16 saying, Professor, it has been recognised that there has
17 been a failure to address issues race?

18 A. Yes.

19 Q. That race has been "the elephant in the room" and may
20 not have been addressed?

21 A. Hm-hmm.

22 Q. And that there has been findings of mistreatment of
23 family members?

24 A. Hm-hmm.

25 Q. Would that also include mistreatment of friends and

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1 those associated with the deceased?

2 A. Yes.

3 Q. Not just restricted to family?

4 A. No, no.

5 Q. And that in relation to the involvement of media and

6 information being shared with the family that they may

7 be not given information?

8 A. Yes.

9 Q. Have to fight for information?

10 A. Yes.

11 Q. With litigation?

12 A. Yes.

13 Q. Or they're given incorrect --

14 A. Yes.

15 Q. -- information?

16 A. Yes, yes.

17 Q. And from your knowledge of those cases, are those

18 examples of evidence that's been available, which on

19 occasion has been found to have substantiated an

20 inference of racial bias?

21 A. Yes, very much so.

22 Q. Or discrimination?

23 A. Yes, very much so. Sometimes it's obvious. I mean the

24 case of Christopher Alder there was a language reference

25 to him as "coloured", of "Negroid appearance". You

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1 described the recording on the CCTV footage of monkey
2 chants being made which the officer claimed was not
3 towards Christopher Alder but in relation to another
4 person in the police station, so that's pretty
5 unambiguous, but in other cases the cues are different,
6 the cues are different more, they're more subtle and
7 then they go back to this language about
8 superhumanisation of size, of imminent threat, of
9 behaving not as somebody in medical distress or crisis
10 but as somebody who may be faking.

11 Q. Now, the Chair, in terms of the terms of reference, will
12 have to consider the evidence that he has heard during
13 the Inquiry and he will be required to consider
14 inferences, possible inferences that should or may not
15 be drawn from that evidence, but if the Chair is looking
16 for examples of other investigations or inquiries where
17 inferences of racial discrimination have been drawn and
18 if he wishes to see the type of evidence that those
19 coroners or judges or independent reviewers have relied
20 on, are these the types of cases where he could seek
21 though examples and consider those examples?

22 A. Yes, very much so. In addition to the actual cases,
23 there has been a great deal of work done by the families
24 and campaigns to establish more information that might
25 otherwise be available, so they're very good cases to

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1 pursue that.

2 Q. Thank you. And in addition to these three which you

3 have highlighted for us on this slide, I think yesterday

4 you also spoke about Lord Scarman.

5 A. Hm-hmm.

6 Q. And the Chhokar investigations.

7 A. Hm-hmm.

8 Q. And Simon San.

9 A. Yes.

10 Q. And certainly in relation to Chhokar and Simon San,

11 which occurred in Scotland, there were inferences drawn

12 and conclusions drawn that there was an absence and a

13 failure to investigate the racial motivation?

14 A. Yes.

15 Q. Thank you. And in relation to those were there also

16 these themes emerging of -- you've described it as

17 mistreatment of the family?

18 A. Yes.

19 Q. Poor treatment of the family?

20 A. Hm-hmm.

21 Q. And public briefings and misinformation?

22 A. Yes.

23 Q. Did they also exist in Chhokar and Simon San?

24 A. They very much did, they very much did. The

25 Jandoo Inquiry was leaked to the press several days

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1 before the Chhokar family had any sight of it and the
2 Chhokar family were doorstepped by national journalists
3 to be told of the outcome and to be asked for their
4 response.

5 Q. And are these themes that are also visible from the
6 McPherson Inquiry?

7 A. Oh, yes, very much so, and Lord McPherson does pick up
8 on that in the Inquiry report. When you look for
9 references to public briefings and misinformation, he
10 details several cases.

11 Q. Thank you. I would like to ask you about -- if we can
12 move on from this slide -- and if I ask you about this
13 issue of faking or feigning that you have raised, and it
14 may be that the Chair has some evidence available
15 regarding that perception or that attitude.

16 If the officer or officers denied that they thought
17 he was faking it because he was black and just simply
18 say "absolutely not, that was not the reason", does that
19 alter any of the comments that you have made today that
20 this is a theme that appears to emerge and reemerge in
21 these circumstances?

22 A. No -- no. I'm not sure any of the police officers
23 would, in the three cases I discussed or any other
24 suggest, that they didn't take seriously signs of
25 medical crisis because the person being restrained was

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1 black. I'm sure all of them would deny that.

2 Q. So in these cases that you have given us examples of
3 there were denials, but those were perhaps not accepted
4 ultimately --

5 A. Yes.

6 Q. -- by the coroner or the person doing the review?

7 A. Yes, yes.

8 Q. Thank you. And I would like to return to some of the
9 evidence that you gave us yesterday about racial
10 stereotypes and perception?

11 A. Hm-hmm.

12 Q. And we spoke at some length about the perception of a
13 black man with a muscular frame and the greater
14 perception of harm, the greater harm that that person
15 could cause and the consequences in terms of the
16 response by police officers. I would like to go back to
17 that please today.

18 If we have a situation of a young black man, 31,
19 with muscles, physically weighing 12 stone 10, 5 foot
20 10 inches tall and a BMI of 25.6, from the evidence you
21 were giving yesterday, in relation to perception, if
22 the Chair has evidence about perception, is the type of
23 situation you were talking about yesterday where that
24 black man could be perceived as taller?

25 A. Hm-hmm.

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- 1 Q. And heavier --
- 2 A. Hm-hmm.
- 3 Q. -- than his actual hindsight or weight.
- 4 A. Hm-hmm.
- 5 Q. And overall perceived as bigger or larger than his
6 actual size and certainly bigger than a white man of
7 those dimensions?
- 8 A. Hm-hmm.
- 9 Q. And is that on the basis of the US study that you spoke
10 to yesterday?
- 11 A. Yes, but also in terms of the narrative which
12 accompanies many of these inquiries in terms of the
13 perceptions that police officers will say that they held
14 in encountering the person that they restrained and then
15 arrested, that they will often talk about the person
16 being big and bigger and appearing stronger.
- 17 Q. And as I understand your evidence yesterday, that's on
18 the basis that that person is black?
- 19 A. Yes.
- 20 Q. The colour of their skin --
- 21 A. Yes.
- 22 Q. -- is not white?
- 23 A. Yes.
- 24 Q. And as you said yesterday and you explained the
25 consequences of that that that would be, and I summarise

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1 here, it is a racial stereotype as a big threatening
2 black man?

3 A. Hm-hmm.

4 Q. And that informed the methods of policing adopted and I
5 think that is part of your report at paragraph 134,
6 which I won't go to at this stage, but obviously you
7 have a hard copy.

8 Now, you talked yesterday about that stereotype,
9 that perception, of the big black threatening man?

10 A. Hm-hmm.

11 Q. That would expedite judgments being made. You I think
12 used the phrase "shorthand". I think we spoke about a
13 shortcut to reaching judgment, and it was reaching
14 judgment to use force against that black man?

15 A. Yes.

16 Q. And you explained yesterday that that was to also
17 greater force than perhaps was absolutely necessary?

18 A. Hm-hmm.

19 Q. And can I be clear that that -- when you describe that
20 use of force and expedited judgment or shorthand, would
21 that also include a situation where the election to use
22 force against a black man is made much more quickly,
23 faster, at greater speed than otherwise may have been
24 made if it had been a white man?

25 A. I think we can make that inference from the research.

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1 Q. Right.

2 A. And statements of police officers as the motive for the
3 type and the nature of the restraint that they have
4 used, yes.

5 Q. Thank you. And you also talked about that perception,
6 that racial stereotype, then causing that force to be
7 used for a longer period than was absolutely necessary?

8 A. Hm-hmm.

9 Q. Potentially?

10 A. Yes.

11 Q. And you have talked today about a failure to recognise a
12 medical emergency or a medical situation?

13 A. Hm-hmm.

14 Q. Where someone is in need of actual treatment?

15 A. Hm-hmm.

16 Q. I would like to ask you about someone who has that
17 perception and their hastening to judgment on the
18 grounds of a racial stereotype and reacting in this way.
19 Now, could that be unwitting due to unconscious bias as
20 opposed to a conscious awareness of that?

21 A. Hm-hmm.

22 Q. It could?

23 A. Hm-hmm.

24 Q. And would it be possible for that person at a subsequent
25 date to simply deny that they had acted on the basis of

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1 unconscious bias and to genuinely believe that they did
2 not act in that way? Would that be possible?

3 A. Yes, I think -- yes -- well, yes, I suppose what work
4 they have done to reflect on the motive for their
5 actions in retrospect would be good to know if they feel
6 very strongly that they didn't act in that way, in that
7 impulse way, on the basis of unconscious bias, but the
8 concept and the research which looks at the way in which
9 unconscious bias unfolds in interactions suggests that's
10 entirely plausible, yes.

11 Q. Thank you. And I think you touched on this yesterday
12 that even if a white person was present who was say
13 taller than that black man and heavier than that black
14 man, even if we're talking about the black man being
15 5'10" and the other white person being 6'4", so a
16 difference of around six inches, and even if the black
17 man was 12 stone 10 and the white man was 25 stone, so
18 not quite but almost double the weight, could that
19 perception be so strong about the black man being bigger
20 and capable of more harm, that perception would override
21 the realities that existed at the scene?

22 A. Yes, it could and it has on a number of occasions in the
23 cases that we've discussed where police officers are
24 greater in number and also bigger in size, yet they
25 still perceive a threat from the person that they're

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- 1 restraining.
- 2 Q. So it's not just the individuals perhaps being taller or
3 heavier with equipment and training, but it's also the
4 numbers of the officers?
- 5 A. Yes, very much so. I mean the idea of the threat and
6 the power of the stereotype continues, yes.
- 7 Q. So one individual black man against numerous --
- 8 A. Yes.
- 9 Q. -- white police officers?
- 10 A. Yes.
- 11 Q. Some of whom are bigger, taller, heavier?
- 12 A. Yes.
- 13 Q. The perception remains?
- 14 A. Yes.
- 15 Q. That the black man is still a threat?
- 16 A. Still a potential threat, absolutely, and that's the
17 case in the ones that I have discussed and the others
18 too, yes.
- 19 Q. Thank you. Can I ask you some questions about
20 terrorism?
- 21 A. Please.
- 22 Q. Yesterday in relation to slide 9 you talked about threat
23 levels in the UK and you explained the context in about
24 2014, 2015?
- 25 A. Hm-hmm.

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1 Q. Where threat levels in the UK had been raised from
2 "substantial" to "severe"?

3 A. Hm-hmm.

4 Q. And you talked about the new legislation, the
5 counterterrorism legislation?

6 A. Hm-hmm.

7 Q. The impact that had on travel in and out of the UK?

8 A. Hm-hmm.

9 Q. And you talked about the 2015 YouGov poll?

10 A. Hm-hmm.

11 Q. And I think you discuss this in more detail in
12 paragraph 341 of your report.

13 A. Hm-hmm.

14 Q. If a police officer in 2015, during this period, gave a
15 statement and said:

16 "I was also thinking at that point of the Lee Rigby
17 incident in London mainly due to the fact of the
18 coloured male and the potential terrorist connotations".

19 If that statement was to be interpreted by the Chair
20 as potentially making a direct connection, a direct
21 link, between the colour of the man's skin, ie black,
22 and potential terrorist connotations, could that
23 situation, if you take that from me, could that be a
24 description that's indicative of the type of example you
25 were talking about yesterday regarding terrorism?

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1 A. Yes, and that's a clear case of racial profiling of a
2 potential, quote, unquote "terrorist". They're using
3 signs of colour and they're using the prevailing anxiety
4 about the increased threat level.

5 Q. Thank you. And if other comments were available for the
6 Chair's consideration which do not make perhaps
7 potentially such a direct link or a direct connection,
8 but talk of considering terrorism, talking about the UK
9 threat level, talking about Lee Rigby, considering
10 something called "suicide by cop", are these -- would
11 that make any difference to your view of racial
12 profiling, that they were not making that direct link,
13 would that alter your evidence on that in any way?

14 A. No.

15 Q. No?

16 A. No.

17 Q. And if an officer in 2015 had made a comment such as
18 "ISIS staying in the station", ISIS being a reference to
19 a terrorist organisation, potentially, in relation to
20 custody who was not white?

21 A. Yes.

22 Q. Would that type of comment be indicative of a racial
23 profiling or racial stereotype of some sort?

24 A. Racial stereotype, Islamophobia, racial profiling, yes,
25 all of those, very much so.

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1 Q. And if a black man was seen or perceived as a Muslim and
2 believed perhaps to be in possession of a knife, none of
3 that information, can I take from your evidence, would
4 make him appear or the perception of him to be less of a
5 harm or less of a threat or less of a risk?

6 A. No.

7 Q. No. And where the person was viewed perhaps both as
8 black and a Muslim, is that what you were talking about
9 yesterday about intersectionality?

10 A. Yes, it can be in the context of a heightened
11 generalised anxiety about Islam and Muslims and the
12 perception of a prevailing threat interacting with the
13 established stereotype of black criminality, yes, very
14 much so. You can see the intersection of those two
15 grounds.

16 Q. And that is partly what you were talking about yesterday
17 with the YouGov poll from 2015?

18 A. Yes.

19 Q. Can I ask you about something else you've mentioned in
20 your report, "superhumanisation bias", and I think
21 that's in paragraphs 1.3.4 and 1.3.5 of your report and
22 I think in relation to this you also mention in text box
23 five Olaseni Lewis again.

24 A. Hm-hmm.

25 Q. And where there are examples of super humanisation and

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- 1 that can be identified, can this be indicative of the
2 existence of racial bias or potential racial bias?
- 3 A. Yes, absolutely.
- 4 Q. So if there was evidence that during a telephone call
5 that an officer described a black man as "he's basically
6 the size of a house", now, would that be
7 superhumanisation or would that be racial stereotyping?
- 8 A. Well, I think --
- 9 Q. Or does it matter?
- 10 A. I don't think it matters. I think we are getting into
11 semantics now. I think that's clearly a highly
12 racialised statement about the size and therefore the
13 threat of a black man.
- 14 Q. All right. Thank you. And if a person subsequently was
15 asked about this comment --
- 16 A. Hm-hmm.
- 17 Q. -- and explained that he had not been aware of a
18 stereotype that black men were bigger or stronger or
19 more aggressive, but, equally, then describe the black
20 man as "well built", described him as "a unit", in
21 sports terms, that he was muscly, powerful or athletic,
22 would that diminish any of the comments you've made
23 about racial comments?
- 24 A. No. No, not at all, and it's consistent with the study
25 that we talked about yesterday in terms of muscularity

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- 1 and the harm bias, the interaction between those two
2 perceptions.
- 3 Q. And I think yesterday you talked about people looking at
4 black athletes and that reinforcing the beliefs that
5 they had?
- 6 A. Yes.
- 7 Q. Can I ask you about the use of the word "coloured".
8 Now, if there was evidence that officers had used that
9 word, either "coloured" or "black coloured male"?
- 10 A. Hm-hmm.
- 11 Q. I would be -- could you assist the Chair in helping him
12 see that in the context of 2015?
- 13 A. Hm-hmm.
- 14 Q. Now, I know that yesterday you spoke about how words can
15 change, the meanings and the connotations of words can
16 change. You said in the civil rights movement there was
17 a reclamation of the word "black".
- 18 A. Hm-hmm.
- 19 Q. Which may at one time have been offensive or potentially
20 offensive, but became a word that they owned and
21 retrieved?
- 22 A. Yes.
- 23 Q. Could you help the Chair understand 2015 the use of that
24 word "coloured", whether that would be considered
25 potentially in a negative or an offensive way?

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1 A. Yes, so "coloured" has always been an offensive term in
2 this country, it's never been a term which black or
3 ethnic minorities have adopted as a legitimate
4 self-categorisation. I mean the provenance of
5 "coloured" is very much apartheid context and the US, so
6 the term has a US provenance used in the context of
7 segregation, segregation of space, but also segregation
8 obviously of resources and services and so on, but it
9 was also used in South Africa in terms of, you know,
10 gradations of colour so, you know, Europeans and then
11 there were gradations of black and then brown, but it
12 has always carried with it a hierarchy of status.

13 I can see how it could also be reclaimed in terms of
14 the use of categories, but in this country it's always
15 been a derogatory term, it's never been an appropriate
16 term, it's not been a term that minorities have used to
17 self-define and it's not been a term that the state or
18 public administration has used and adopted to understand
19 population profiles.

20 Q. And so in 2015 that would not have been an acceptable
21 term to use even in that period?

22 A. No.

23 Q. And if subsequently a person had been asked about that
24 and said that they had been trying to be polite, they
25 had made a mistake and used the incorrect term, would

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1 that assertion of "they were trying to be polite" alter
2 your evidence in relation to the word?

3 A. If people have made a mistake and they have recognised
4 the mistake and tried to correct, I mean -- but I mean
5 what concerns me is people in public life and people
6 serving the public shouldn't be making these mistakes.
7 There should be an elementary basis of training. How
8 you engage and how you refer to the public would seem
9 like a --

10 Q. And would you be surprised if that person simply
11 couldn't remember any particular police training which
12 specifically covered offensive terms to educate them
13 about that?

14 A. Yes.

15 Q. You would?

16 A. I would be, yes, because it's a requirement, it's an
17 elementary requirement.

18 Q. Thank you. Can I ask you about another word, and you
19 have not mentioned this word in your report, it's
20 "zombie."?

21 A. Yes.

22 Q. And I wonder if you could assist the Chair by providing
23 some context to the use of that word in connection with
24 a black man?

25 A. Yes, I mean "zombie", when we talk about zombie, we

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1 might think of movies and zombie movies and so on. The
2 provenance of "zombie" comes from the Haitian revolution
3 and the -- Haiti being a former French colony, which
4 overthrew its colonial and slave overseers, the French
5 state, as it was then, but the narrative of blackness
6 became associated with voodoo, that black people had
7 become obsessed, they were neither living nor dead,
8 they were in a zombie state and so that is the
9 provenance of the term and it reappears at various
10 points.

11 It reappears in the American south. It has been an
12 important part of white supremacy in the US. The
13 language gets picked up in other contexts too. It can
14 be uncoupled from that when you're talking about, you
15 know, zombie movies and popular culture, but to use it
16 to describe a black man, yes, I mean obviously it
17 carries that insinuation, it carries that history,
18 whether or not the intention is to offend, but the
19 provenance of the term, and it's been used historically,
20 has been a means to dehumanise a black man.

21 Q. So when used in relation to a black man that is rooted
22 in a discriminatory racial --

23 A. Oh, yes, very much so.

24 Q. And again, I would like to ask you about a reference to
25 gangsters or a gangster and, not necessarily in relation

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1 to a black man himself, but to suggest that he was
2 "heavy for a local gangster-type chap" and reference to
3 perhaps to having been involved -- the gangster type
4 chap having been involved in a shooting of some
5 description, so gangster-type behaviour.

6 When that word is used in relation to a black man or
7 it's suggested he was associated with someone of that
8 sort, can you help the Chair put that into context?

9 A. Yes, it's consistent with a long history tropes about
10 black criminality that there's an inherent relationship
11 between blackness, black men and different types of
12 crime. This takes us back to Scarman and his
13 description of stereotypes and the association between
14 young black men and black criminality, in his terms. He
15 calls them "black boys and criminality". But there's a
16 popular culture narration of black men as gangsters,
17 which comes from, you know, an American tradition of
18 thinking about drug and crimes too and the portrayal of
19 young black men. So the association is saturated with
20 multiple layers and histories of racism, simply put.

21 Q. Can I move away to something different, away from that
22 language, and ask you about data collection and this is
23 something that you do raise in your report and you talk
24 about in some detail and we -- you also mention from
25 Lady Angiolini's report on deaths in police custody, and

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1 that's at paragraph 135, you've commented on the use of
2 force by officers and instances where the use of force
3 is disproportionate to the risks posed by black men?

4 A. Hm-hmm.

5 Q. And I would like to ask you about where that use of
6 force is recognised as being disproportionate to the
7 risks or effectively, in a shorthand, that's excessive
8 force, do you know how this is monitored or audited by
9 Police Scotland, for example?

10 A. I have looked at that, and I can't find it. Well,
11 certainly I can't find enough of a dataset to be able to
12 do anything meaningful with. I don't know whether or
13 not it exists or if it is publicly available, but it's
14 not something I have been able to engage on the
15 internet.

16 Q. I don't wish to go down that route with you and there
17 may be issues about that, but in terms of you, as a
18 specialist in this field, have you found sufficient
19 datasets and information available to you publicly, or
20 from any other source, in relation to use of force and
21 assessments of disproportionality?

22 A. Not complete datasets, no. I've found things at one
23 point which give me -- tell me something about one year,
24 but a complete dataset would have a full demographic
25 profile which would give me the race and ethnicity of

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1 the person, the age, gender, the year, the nature and
2 content of the use of force. I haven't found that. I
3 haven't found anything which will tell me longitudinal
4 story.

5 Q. Now, I have been asked advised that Police Scotland now
6 have something called "a stop and search dashboard"?

7 A. Hm-hmm.

8 Q. Which is an interactive tool designed to provide a
9 breakdown of stop and search figures allowing police
10 officers and the public to view and understand any
11 trends on specific age groups, gender and ethnicity at a
12 local and national level. Is that something that you're
13 familiar with, have you used that?

14 A. I use the SPA data, so I didn't use that, no.

15 Q. Right, all right. Thank you.

16 A. The data in that, I suspect, is no more up to date than
17 the SPA data, because there's normally a year's lag
18 before the data is reported and the SPA data is from
19 2023.

20 Q. So insofar as there is data on that, you have used the
21 SPA, Scottish Police Authority's data, to rely on?

22 A. Yes.

23 Q. Thank you. Now, if there was evidence available to
24 the Chair from officers about how often members of
25 response teams would attend a knife incident, about

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1 whether officers in attending those knife incidents had
2 used force at all --

3 A. Hm-hmm.

4 Q. -- when they responded, whether they had used batons,
5 whether they had used sprays, and there may be evidence
6 available to the Chair, it will be a matter for him,
7 that rarely on those occasions when officers attended
8 knife incidents was equipment used, so batons, sprays,
9 anything of that sort, in terms of that evidence that's
10 available to the Chair, it doesn't form part of a formal
11 dataset as you've been describing and you've relied on,
12 but would you see any difficulty with that sort of
13 information being considered by the Chair or do you
14 think that would be -- would you leave that up to the
15 Chair?

16 A. Well, I would like to see it and I think many other
17 people would like to see it too. My understanding is
18 that it's a statutory requirement to have use of force
19 recorded and made available not partially but in whole
20 and I can't find it.

21 Q. Right.

22 A. So if there's a compilation of evidence which is -- I'm
23 sure it will be accurate and put to good use by the
24 Chair, but the bigger question is that this should be
25 recorded and made publicly available, as is required.

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1 Q. And I think in your report you mentioned even an FY
2 request has been unable to obtain this sort of data that
3 you would like to see?

4 A. Yes.

5 Q. Is that correct?

6 A. Very much so. So a number of researchers working with
7 bereaved families have really struggled to get the
8 information that they would like and researchers who
9 have been working with bereaved families trying to
10 understand the rates of death in custody or following
11 police contact or in control, so it's beyond Police
12 Services Scotland, to include mental health services,
13 have pieced this together with -- and I refer to this.
14 It's paragraph 234 where I have give details to this
15 but, you know:

16 "No breakdown, categorisation, explanation of the
17 circumstances is routinely provided, making it difficult
18 to distinguish deaths where the police may have played a
19 direct contributing role to those where they did not,
20 for example, a police pursuit in a car or on foot can
21 result in death; police may be called to a report of a
22 person experiencing a crisis who then dies with literal
23 or no interaction, both count as deaths following
24 contact."

25 So that I find fine-grained information which should

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1 be recorded and made publicly available is not at the
2 moment.

3 Q. And so from someone in your position you have found it
4 very difficult to get that data and to be in a position
5 to analyse these questions and then, from your final
6 slide, I think at a different level of the families
7 concerned --

8 A. Yes.

9 Q. -- directly concerned I think you said that one of the
10 themes during that they have had to litigate or they
11 have had to struggle or take a long time --

12 A. Yes.

13 Q. -- a number of years?

14 A. Yes.

15 Q. Before they could get information?

16 A. Yes, absolutely, absolutely, yes.

17 Q. Can I ask you about some evidence we've heard
18 regarding -- well, first of all, you talked yesterday
19 about, and we've talked again today about, Chhokar and
20 Simon San and that ten-year period between the
21 investigation and the death of Mr San and I think you
22 speak about this at paragraph 156, page 11, of your
23 report and you make reference to slides 2 and 3 covered
24 these topics.

25 And you talked about at that period the

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1 Scottish Government had not endorsed the McPherson
2 definition of institutional racism. The police had
3 adopted the definition of a racist incident as any
4 incident which is perceived to be racist by the victim
5 or any other person.

6 A. Hm-hmm.

7 Q. But in neither of those cases, and San was some years
8 after the Government and the police adopted the
9 McPherson definition, that in neither death was racial
10 motivation investigated by the police.

11 A. Hm-hmm.

12 Q. I think you said that yesterday.

13 A. Yes.

14 Q. Now we've heard that in Scotland in 2013 that a body
15 known as PIRC were set up which allowed, where there
16 were complaints against the police or there were deaths
17 in custody or deaths after the police had come into
18 contact that rather than allowing legacy forces, as they
19 are known, or police officers to investigate there was a
20 separate body called PIRC who were able to be appointed
21 to investigate those deaths.

22 Are you aware of the organisation?

23 A. Yes.

24 Q. Now, we've also -- there may be evidence available to
25 the Chair that in relation to this particular death of

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1 Mr Bayoh that positive lines of investigation into
2 racial motivation were not embarked upon in May 2015
3 after his death. At that stage up until late August,
4 early September, so for a number of months in 2015, the
5 PIRC were -- had been described by witnesses as "taking
6 cognisance" if race issues emerged and another witness
7 has described that as "a very passive approach" and
8 another said that no positive lines of inquiry or
9 investigation were adopted at that stage. They were
10 "taking cognisance".

11 And without expressing any view about that evidence,
12 I wonder if you could help the Chair understand the
13 context or see matters where there is that failure to
14 adopt positive lines of investigation into racial
15 motivation?

16 A. That's a very odd set of words, "taking cognisance".

17 I mean I didn't realise it was optional, because the
18 requirement is to pursue the line of investigation from
19 the point of it commenting, not --

20 Q. The point of death?

21 A. Yes. Well, the point of the investigation into the
22 death commenting, not to commence potentially the
23 investigation as to the racial motivation sometime later
24 based upon what else emerges. I don't understand the
25 rationale for staggering it and/or pivoting back to it

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1 later. I suppose I say it's consistent with my view
2 that there is a -- I mean not a reticence, I called it a
3 recalcitrance a refusal, you know, to take seriously
4 racial motivations from the outset.

5 Q. When you talk about a reticence or recalcitrance, on
6 whose part are you referring?

7 A. On the part of the -- on the investigating party, be it
8 the police officers, be it Police Scotland, be it PIRC
9 in this case.

10 Q. Have you seen that in other -- are there other examples
11 of that in other cases?

12 A. Yes, I mean we discussed it yesterday in relation to
13 Chhokar.

14 Q. Simon San?

15 A. And Simon San, and the investigations into Chhokar and
16 the Inquiry into Simon San, yes, in both those
17 instances, a deep and often inarticulated resistance to
18 pursuing race as a motivating factor, yes, very much so.

19 Q. And if investigators consider that investigating racial
20 motivation, what was in the mind of a person, is a
21 difficult thing to do, are you aware of any examples
22 where that explanation has been considered acceptable
23 or --

24 A. Difficult thing to do in terms of not having the skill
25 set or having the competence or having the knowledge?

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- 1 Q. I couldn't answer that question, I'm sorry.
- 2 A. Well, presumably it might be any number of those things,
3 so the solution is to gain the skill set, generate the
4 competence, acquire the knowledge.
- 5 Q. And get on with the job?
- 6 A. I would think so.
- 7 Q. Thank you. It's interesting the word you used there,
8 "staggered". We have also heard some evidence that in
9 relation to when matters proceeded to the Crown Office,
10 who ultimately went on to consider matters, that there
11 was a -- and it's been variously described not as
12 "staggered", but as an incremental, sequential or linear
13 approach where there was a focus initially on
14 criminality, potential criminality of the officers, but
15 the issue of race, racial motivation would be considered
16 at a later stage and perhaps when another step was
17 taken. I'll be corrected if I'm wrong, but there may
18 not be any evidence available to this Chair that it was
19 in fact embarked upon at a later stage.
- 20 But in relation to your evidence about recalcitrance
21 or reluctance, if I can put it that way, in terms of
22 that linear approach, would you see this as -- can you
23 help us, the Chair understand?
- 24 A. I can't really. I mean I suppose if there's a
25 convention that inquiries take the form of a staggered

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1 approach, presumably then the practice follows a
2 convention, but I don't understand how you can embark on
3 an inquiry into the racial motivation into a death or
4 into an incident without it being there at the outset,
5 because anything else -- if you commence that later,
6 then everything else that you've generated relationally
7 may not make sense or indeed they're out of kilter with
8 one another. Presumably when you commence an inquiry,
9 you're already considering a number of different
10 variables at the same time and so why would you uncouple
11 race from those.

12 Q. Thank you. Can I ask you to explain another phrase, the
13 phrase "race card".

14 A. Yes.

15 Q. Have you heard that phrase before?

16 A. Oh, yes "race card" is a wholly derogatory term used to
17 describe the view that black and ethnic minorities get a
18 free pass or indeed that they either get a free pass, "a
19 race card", or they overstate their problem of racism to
20 get away with something else and/or needlessly raise a
21 complaint. You know, it's --

22 Q. Does it have any meaning other than a negative
23 connotation that you're aware of?

24 A. No, I mean it's a derogatory term.

25 Q. Are you aware of any examples of someone in public

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1 service using that phrase?

2 A. I hope not.

3 Q. And why do you say "I hope not"?

4 A. It's self-evidently a means of delegitimising concerns
5 about racism.

6 Q. And would that fall -- what category would that fall
7 into?

8 A. Institutional racism.

9 Q. And if it's used by an individual, could it be
10 interpersonal racism also?

11 A. It could be. I mean it depends on what context it's
12 expressed. If it's said from one person to another, but
13 if it's part of the process of the institution, if the
14 person who is saying it plays a role in the institution
15 that determines courses cause of action, you know,
16 establishes or contributes to prevailing culture, then,
17 yes, it's institutional racism too.

18 Q. Thank you. Now, there was something I asked you
19 yesterday, I forgot, which we were talking about
20 institutional racism, if I may go back to it.

21 You referred yesterday in your evidence to the
22 statement by the former Chief Constable Iain Livingstone
23 about Police Scotland being institutionally racist and
24 the Chair has the benefit of a witness statement from
25 former Chief Constable Livingstone. I'm interested in

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- 1 whether you can have institutional racism within an
2 organisation without having interpersonal racism or
3 without interpersonal racism being tolerated?
- 4 A. So, no, I mean they interact I think. Given that
5 interpersonal racism can also be covert, things said
6 which aren't documented, it's quite easy to have
7 interpersonal racism within an organisation, but,
8 typically, all of these different forms of racism, you
9 know, necessarily interact so the -- even the language
10 of "race card", you know, is a form of structural
11 racism, that stereotype, that term, the concept how it's
12 been used comes from somewhere and if it's being
13 reproduced today within an organisation, that speaks to
14 the role and the function of structural racism within an
15 institution. Presumably if that's said between
16 individuals, then you get to forms of interpersonal
17 racism.
- 18 Q. Thank you. You touched upon, when we were looking at
19 your final slide, about engagement with the media,
20 journalists?
- 21 A. Yes.
- 22 Q. And I would like to ask you -- you've talked about that
23 pattern emerges emerging. If the Chair has evidence
24 regarding an article in the -- in a newspaper --
- 25 A. Hm-hmm.

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1 Q. -- which was described by a witness as promoting a
2 version with Mr Bayoh obviously being described as a
3 large man who had attacked a petite female officer and
4 the response was "it was reinforcing a stereotypical
5 view" and when the witness was asked "when you say
6 'stereotypical', what do you mean?" and the answer was
7 "of a black man who was the aggressor" and, again,
8 without expressing any comment on the actual evidence,
9 is that narrative of an aggressive black man attacking a
10 petite female officer, could that potentially fall
11 within the descriptions you've described as racially
12 stereotypical?

13 A. Yes, very much so.

14 Q. And even if it is accurate that the black man was taller
15 or heavier and the female was smaller and more petite,
16 does that alter your evidence in any way?

17 A. No, because that black man will be more than a black
18 man. I mean he will be a father or he'll be a resident
19 or he'll be other things, but to use that designation
20 of -- to distill him to that designation for the
21 purposes of promoting a story about a context in which
22 there was threat and danger, yes, it's a deeply racially
23 stereotypical use of the term.

24 Q. And I would like to turn now to a separate question and
25 we did touch on this yesterday, because obviously you'll

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1 with aware the terms of reference that the Chair must
2 consider. He is required to consider how to prevent
3 other deaths in the future.

4 A. Hm-hmm.

5 Q. And you have given evidence about the number of deaths.
6 Today you have talked about 60 examples that you looked
7 at, deaths of black men. You have highlighted three on
8 your final slide. And we've heard over the course of
9 yesterday and today that these deaths have occurred over
10 decades and continue to occur and I think this morning
11 you spoke about incidences in Wales which occurred last
12 year. So they are continuing to occur.

13 And if we hear evidence from Lady Angiolini, we're
14 hoping that she will give some information about her
15 deaths in custody report which, and I quote:

16 "A disproportionate number of people from black and
17 ethnic minority communities have died following police
18 use of force and a disproportionately high number of
19 deaths of black men in restraint-related deaths."

20 A. Hm-hmm.

21 Q. So more black men are dying than white and they are
22 continuing to die, despite these recommendations and
23 these inquiries and these inquests and if the Chair, as
24 he must in terms of reference, considers how that could
25 be prevented in the future, and if in line with what you

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1 have explained to us that recommendations have been made
2 by Scarman, McPherson, in relation to many other things,
3 I wondered if you had any assistance you could provide
4 the Chair about -- he will obviously require to come up
5 with recommendations -- and I wondered if you wanted to
6 raise anything, any suggestions, that from your
7 perspective, as a professor in this field, may assist
8 him in contemplating these issues?

9 A. Yes, my suggestions and my recommendations would all
10 fall around accountability and corporate accountability,
11 ensuring that senior police officers are deeming the
12 necessity of taking an antiracist approach as being
13 integral to the performance of the service as a whole,
14 rather than an after-the-event concern, but that's
15 mandated in terms of, you know, their role in terms of
16 vicarious liability, we've talked about, which is one of
17 the things which the McPherson Inquiry insisted on or
18 suggested or recommended and actually was adopted by the
19 Scottish Executive. I'm not sure how it panned out in
20 terms of the adoption of that recommendation by
21 Police Scotland.

22 But in addition to accountability within police
23 services and the police force also having an adjacent
24 accountability oversight commission, which is
25 specifically focusing upon race and policing. Race gets

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1 mixed in with a whole series of other concerns and I
2 think that given the nature of the problem, it needs to
3 have a specific oversight role, some kind of a
4 commission or a body with oversight role, which is
5 independent of PIRC and that has teeth, you know, that
6 can sanction, and isn't populated by personnel who carry
7 across the culture of policing, because this is one of
8 the criticisms of independent oversight bodies,
9 investigatory bodies, be it IPCC, or IOPC and PIRC, that
10 there's a cultural transaction in terms of knowledge of
11 policing, which is obviously a benefit in terms of
12 understanding the process, but it also carries with it
13 many of the stereotypes we might call structural racism,
14 those cues, that informal knowledge from one body to
15 another. I think we need an independent oversight
16 commission which is independent of policing culture and
17 policing practice, but that has teeth to enforce and
18 monitor policing activity on the question of race.

19 LORD BRACADALE: And in relation to that, when you use the
20 word "sanction", what sort of sanctions do you have in
21 mind?

22 A. I don't know. I would like to think about that.

23 I would like to think about that. By "sanction", I mean
24 having power which is beyond advisory.

25 LORD BRACADALE: Thank you.

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1 MS GRAHAME: I'm conscious that it's nearly half past 11 and
2 I wonder if I could have a few moments.

3 LORD BRACADALE: We'll take the break now. We'll take a
4 20-minute break now.

5 (11.27 am)

6 (A short break)

7 (11.59 am)

8 LORD BRACADALE: Professor Meer, you talked about
9 accountability, as I understood it, in terms of internal
10 accountability within the police force and corporate
11 external accountability. Did I understand you correctly
12 in that regard?

13 Q. Could you just explain to me in a little more detail
14 what you mean by the "internal accountability".

15 A. One of the recommendations which came from the
16 Stephen Lawrence Inquiry was that senior police officers
17 would be held accountable. What was it? It was
18 corporate liability. It was tied to their role as --
19 effectively, as team leader, as senior police officer
20 and what was it? "Vicarious liability" is the term that
21 Lord Macpherson used. And I'm struck that I've never
22 seen how that has been operationalised in Scotland,
23 whether or no that recommendation was taken on board in
24 the way in which it has been taken on board with police
25 forces in England.

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1 LORD BRACADALE: Can you explain what you mean by "vicarious
2 liability" in this context?

3 A. Well, in this context that senior police officers would
4 be held responsible for failing to not just adopt
5 recommendations, but to see their implementation, their
6 monitoring, and their assessment of impact.

7 LORD BRACADALE: And responsible to whom?

8 A. Oh, well, responsible I guess to the crown.

9 LORD BRACADALE: If you're talking about holding senior
10 police officers responsible, then somebody would have to
11 be responsible for judging that.

12 A. Yes.

13 LORD BRACADALE: And who would you suggest that might be?

14 A. Well, I mean the Macpherson Inquiry doesn't stipulate
15 that so tightly. I think it allows latitude to be
16 attentive to the governing structures within the context
17 in which your recommendations is adopted and I could
18 speculate, but I would prefer to maybe think a little
19 bit more about that.

20 LORD BRACADALE: Perhaps we could revisit that in due
21 course.

22 In terms of the external body that you mentioned,
23 there already exists of course the HM Inspectorate of
24 Constabulary, which covers a wide range of policing, but
25 does not have the power of a regulator body to impose

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1 sanctions.

2 A. Yes.

3 LORD BRACADALE: Now, when you're talking about a body

4 focusing on race --

5 A. Yes.

6 LORD BRACADALE: -- are you referring to a body that might

7 be focusing on race purely in relation to the police?

8 A. Yes, I am, yes.

9 LORD BRACADALE: And how would you envisage that working in

10 terms of the corporate accountability to such a body?

11 A. I haven't elaborated that in this report and so they're

12 additional questions that I would be happy to go away

13 and give consideration to. They are questions that I

14 have answered today on the basis of the material that I

15 have generated, but the focus of the report wasn't those

16 areas, but I would be happy to elaborate further.

17 LORD BRACADALE: So you would be willing to provide a

18 supplementary report if I was interested in exploring

19 these matters.

20 A. Very much so, but that was beyond the purview of what I

21 was asked to prepare.

22 LORD BRACADALE: I appreciate that and I don't want to do

23 this on the hoof with you.

24 A. Thank you.

25 LORD BRACADALE: Thank you. Ms Grahame.

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1 MS GRAHAME: Thank you. I have only one last issue to raise
2 with you, and we may hear evidence from other witnesses
3 that are due to attend the Inquiry, but I understand
4 that since 2018 there has been what is known as an
5 "ethnicity field" which can be populated in use of force
6 forms and that ethnicity field was not present in the
7 forms prior to 2018 and I don't need to concern you with
8 the reasons for that. And since 2021, so three years
9 after that ethnicity field was created in the forms,
10 Police Scotland have been publishing that data and
11 that's since September 2021 and produced public
12 quarterly reports which include data on the ethnicity of
13 the subject and the use of force as appears recorded in
14 the use of force forms.

15 A. Hm-hmm.

16 Q. And I simply wanted to ask you: Were you aware of this
17 data available?

18 A. No, I wasn't.

19 Q. Right.

20 A. And that's publicly available on the Police Scotland
21 website?

22 Q. That's what I'm advised, yes.

23 A. Okay. I'll go and check that.

24 Q. Thank you very much.

25 A. Thank you very much. And that has the full

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1 demographic -- because lots of these things on paper
2 have category boxes which you can populate with
3 information, but just with a great deal of data they're
4 not populated, so you can't do anything with them, but
5 that will have -- if I go to it, that will have a full
6 record of the use of force according to ethnicity for a
7 period of time; that's what I'm being told?

8 Q. I personally do not want to provide you with that
9 assurance, but my understanding is that we will hear
10 further evidence from another witness, Mr Coventry, in
11 relation to this aspect, so it may be that the position
12 becomes clearer to the Chair after his evidence has been
13 taken.

14 A. That would be very helpful. Thank you.

15 Q. Thank you very much. I have no further questions, thank
16 you.

17 LORD BRACADALE: Are there any Rule 9 applications?

18 Professor Meer, would you withdraw to the witness
19 room, please.

20 (Witness withdrew)

21 LORD BRACADALE: I'll start with Ms Mitchell.

22 Submissions by MS MITCHELL KC

23 MS MITCHELL: I'm obliged to my learned friend. There's
24 only one issue following on her examination that I would
25 like to raise and it's in relation to a word that I

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1 would like the view of this expert on.

2 The witness said:

3 "What concerns me is people in public life and
4 people serving the public shouldn't be making these
5 mistakes. There should be an element of basic training
6 in how you engage."

7 And against that background, my question is simply
8 would I be appropriate in ordinary course to call to or
9 refer to an adult black man as "boy" and if not, why
10 not?

11 LORD BRACADALE: Thank you, if you can withdraw and, Dean of
12 Faculty, if you could come forward.

13 Submissions by MR DUNLOP KC

14 MR DUNLOP: My Lord, likewise there's only one issue that I
15 seek to raise. There is no advance Rule 9 for those
16 that I represent, but it arises solely from an answer
17 given right at the end of what the witness was saying in
18 response to my learned friend's questions about the
19 newspaper article and the question of stereotyping and
20 I would welcome the opportunity to explore what
21 "stereotyping" means independent context of that
22 newspaper article, given that it has some impact on
23 those for whom I act.

24 LORD BRACADALE: Thank you. Mr Byrne.

25

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1 Submissions by MR BYRNE KC

2 MR BYRNE: Good afternoon, my Lord. The issue I wish to
3 explore with the witness is in accordance with the Rule
4 9 that was produced in advance of today and it bears on
5 a talk that Professor Meer delivered in March 2017 in
6 which it's recorded in the transcript he said a number
7 of things which may demonstrate he has allied himself
8 with a particular view of the surrounding circumstances
9 of the events on Hayfield Road.

10 Now, he was asked about this in evidence and he
11 disassociated himself with those views and what I would
12 like to ask him is what did he say about Sheku Bayoh in
13 2017 and also to probe his explanation, which was that
14 the transcriber had taken down material from slides and
15 attributed it to him, whereas superficially that seems
16 inconsistent, because the material put in the statement
17 is material that seems to be comparing his physique with
18 that of Sheku Bayoh and, superficially, that doesn't
19 seem plausible.

20 LORD BRACADALE: Thank you. Mr Moir.

21 Submissions by MR MOIR KC

22 MR MOIR: Sir, I have one question or one area, which does
23 follow on the Rule 9 request, but also follows upon what
24 was asked about stop recording of race and, latterly,
25 the last question I think the counsel to the Inquiry

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1 asked was the use of police forms and then the recording
2 of race.

3 If I can refer your Lordship to the report at 3.25
4 by Professor Meer, you will see that there is concern
5 raised in that that following a freedom of information
6 request by academics in respect of the report, which is
7 WIT0083, nothing to see here, and this is a report
8 published in February of 2024 produced in 2023, so it's
9 not a historical report, the police indicated there that
10 in response to the freedom of information, they are not
11 required to collect or report ethnicity data and the
12 report "nothing to see here" indicates this strikes us
13 as a significant lapse, especially in light of the
14 current inquiry charged to consider whether race played
15 a role in the death of Sheku Bayoh during police
16 restraint.

17 Professor Meer also spoke about the disconnect
18 between what organisations say they will do and what
19 they actually do and the loss of institutional
20 knowledge. And assuming that the freedom of information
21 request was correctly answered, that the police are not
22 required to collect the ethnicity data and did not
23 produce it, does he consider the failure to collect such
24 data as a fundamental failing by Police Scotland to
25 enable independent scrutiny or accountability?

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1 LORD BRACADALE: Thank you. I shall allow all of these
2 lines of questioning to be pursued, so we'll do it in
3 the same order, starting with Ms Mitchell.

4 If we could have Professor Meer back, please.

5 (Witness returned)

6 LORD BRACADALE: Professor Meer, Ms Mitchell KC who
7 represents the families of Sheku Bayoh has some
8 questions for you.

9 A. Thank you.

10 Cross-examination by MS MITCHELL KC

11 MS MITCHELL: Reflecting on what you said earlier in
12 relation to some words that you were being asked about
13 by my learned friend you said:

14 "What concerns me is people in public life and
15 people serving the public shouldn't be making these
16 mistakes. There should be an elementary basis of
17 training in how you engage."

18 Yes.

19 Q. What I want to ask you against that background was,
20 would it be appropriate in ordinary course to call or to
21 refer to an adult black man as "boy" and if not, why
22 not?

23 A. So my immediate reply is, no. This comes back to this
24 discussion of dehumanisation. So there's a long
25 tradition of referring to black men as "boy" which comes

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1 from North America, but through popular culture too, not
2 to treat them as an equivalent equal human adult, you
3 know, "boy".

4 I don't know if there's parlance where in some
5 contexts people refer to people who are friends and so
6 on in affectionate language which may be, you know, but
7 I don't understand how you can get to that stage in your
8 professional life where it hasn't been drawn to your
9 attention to use that language is offensive and --

10 Q. And what is the offence about it, can you explain?

11 A. Yes, it's to do historically with -- to do historically
12 with -- well, it comes from slavery and then the
13 aftermath of that and segregation and the treatment of
14 black men not as equal citizens, especially in the
15 American South, but more broadly, and not to give equal
16 worth.

17 Just like "zombie" dehumanises, there's another
18 repertoire of terms which treat black men as not as
19 equal worth and "boy" is that, you know, to infantilise
20 them, child like, denigrate in them and so on. I'm sure
21 presumably that was not the intention of the use of this
22 term, but the fact that it's used without awareness of
23 its provenance or of its impact is concerning.

24 Q. And what is that concern?

25 A. Concern that shows -- firstly, it signals a lack of

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1 awareness on the part of the impact that words can have
2 in professional use, but it may reflect a deeper sense
3 that young black men aren't of equal worth.

4 LORD BRACADALE: Professor Meer, there is a usage in
5 Scotland of the word "boy" referring to an adult male.
6 For example, if you listen to a football commentary, you
7 would often hear a football pundit referring to a good
8 move by "the boy", so I don't think that usage would
9 have any -- certainly any overt racist aspect.

10 Now, I recognise what you're saying about the
11 history of the word in relation to black men. And I'm
12 just wondering, if I'm confronted with that kind of --

13 A. Yes.

14 LORD BRACADALE: -- dichotomy, how can I judge?

15 A. So both can be true at the same time. So the point here
16 is about being aware of the context in which you use it.
17 If you use the term "boy" in the context of a football
18 game, you're being appreciative how somebody passed the
19 ball or "that's my boy". That's different I think to
20 using it to describe a black man, you know, somebody who
21 you're perhaps serving as a public official or whatever
22 else.

23 I think that the -- there needs to be an
24 understanding and a reflection on the use and the impact
25 of language and if that's not there, it suggests that

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1 there's a gap in training that would make you aware
2 and/or that it speaks to something deeper in terms of
3 your approach to some parts of the population. Yes,
4 that's all I have to say on that.

5 LORD BRACADALE: Thank you. Is that you completed,
6 Ms Mitchell?

7 MS MITCHELL: It is.

8 LORD BRACADALE: Very well. If the Dean of Faculty came
9 over.

10 Professor Meer, the Dean of Faculty represents the
11 Scottish Police Federation and certain of the attending
12 police officers. He has some questions for you

13 Cross-examination to MR DUNLOP KC

14 MR DUNLOP: Professor, can I just ask you about
15 stereotyping, please. I think a decent definition of
16 the notion of stereotyping is found in the
17 Cambridge English Dictionary as:

18 "A set idea that people have about what someone is
19 like, especially an idea which is wrong."

20 Do you agree with that?

21 A. That could be one definition. I mean a general
22 definition in the Cambridge English Dictionary isn't
23 sufficient to give me a definition that I can use in a
24 thematic fashion. The Cambridge Dictionary isn't going
25 to give me a definition of society I can use in the

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- 1 study of society.
- 2 Q. No, but do you agree with time with me that this really
3 embodies the problem with stereotyping, because
4 stereotyping tends to cause false perceptions and embeds
5 prejudices?
- 6 A. Yes.
- 7 Q. Whether or not a particular description, in any given
8 context, involves stereotyping depends on the precise
9 facts; do you agree with that?
- 10 A. No, I don't actually, because stereotyping can be used
11 independent of the facts. It routinely is.
- 12 Q. Well, if a description is accurate, it doesn't involve
13 stereotyping, does it?
- 14 A. No, it can do.
- 15 Q. Well, for example, you describe the word "unit", you
16 said that would be -- that would involve stereotyping.
17 Now, perhaps somewhat unfairly, I have been referred to
18 as "a unit". That's not stereotyping, is it, it is
19 because of body size?
- 20 A. In addition to other criteria, it could be.
- 21 Q. Yes.
- 22 A. Yes.
- 23 Q. And if in the given facts of a particular case an
24 individual is acting aggressively, it's not stereotyping
25 to describe him as "acting aggressively"?

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1 A. I think that the language that you're trying to suggest
2 can be uncoupled from the context in which it's used
3 can't. I mean language functions to describe, but
4 language also has meaning which registers and resonates
5 with historical contexts, with the communities that it's
6 directed to, with the perceptions of those who hear it
7 in the aftermath.

8 So I think that if you're trying to say that there's
9 a one-to-one relationship between words and reality, yes
10 there is, but there's also a wider reception of those
11 words which echo beyond that particular context is what
12 I would say. So I would be cautious about saying that
13 because in one case a term is used to describe somebody
14 and they have properties or characteristics which maybe
15 resonate with that term, then it's not stereotyping, no,
16 I wouldn't take that view. I think you need to be
17 attentive to the wider context in which language is
18 used.

19 Q. Acknowledging the need to be careful to avoid
20 stereotyping, you can't be advocating language which is
21 not consistent with fact?

22 A. No, I'm not saying that.

23 Q. And you can't be suggesting that the need to avoid
24 stereotyping means that people cannot use language which
25 is consistent with fact?

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- 1 A. No, I'm not saying that either.
- 2 Q. No. So if one had a situation in which an individual
3 had taken illicit drugs, got into a fight, armed himself
4 with a knife, attacked several cars, when confronted
5 with the police failed to obey lawful commands, pursued
6 and struck a female officer at the back of the head
7 knocking her to the ground, to describe that as
8 "aggressive" doesn't involve stereotyping, does it?
- 9 A. That requires a great many clauses to be agreed upon,
10 but if all of the things that you say are true and
11 undisputed, then, yes.
- 12 Q. It doesn't involve stereotyping, you agree?
- 13 A. Well, if all the things that you said are true and
14 undisputed.
- 15 Q. Yes. If that were established --
- 16 A. Yes?
- 17 Q. -- in any given scenario?
- 18 A. Yes.
- 19 Q. Thank, you professor.
- 20 LORD BRACADALE: Thank you. Now Mr Byrne.
- 21 Professor Meer, Mr Byrne KC represents three of the
22 attending officers and he has a question for you.
- 23 Cross-examination by MR BYRNE KC
- 24 MR BYRNE: Good afternoon, Professor Meer.
- 25 A. Good afternoon.

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1 Q. I want to ask you a little bit more about a topic that
2 you addressed yesterday morning and it concerns a talk
3 that you delivered in Winchester in March 2017. And if
4 I recall your evidence correctly yesterday, a passage
5 was read out from an extract and that passage started
6 with the words "and these kind of findings occur at a
7 time in Scotland where there is a salience of race", so
8 on and so forth, and ended with "so race does matter in
9 Scotland so it is misleading to suggest that everything
10 is okay on that issue."

11 A. Yes.

12 Q. And you're given the opportunity to comment on that
13 extract and if I recall your evidence correctly, you
14 said that you hadn't used those words and that rather an
15 error had occurred because the person who had made up
16 the transcript had in actual fact attributed the words
17 of a BBC article and a Guardian article taken from a
18 slide you had produced and attributed that to you; is
19 that correct?

20 A. Yes, that's my recollection, yes.

21 Q. So the question really is: Why was the BBC and why were
22 The Guardian drawing a comparison between the size and
23 build of Sheku Bayoh, drawing a comparison between his
24 size and build and your size and build?

25 A. They weren't doing that. No, they weren't doing that.

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1 So we were talking through the race and salience of
2 race. I was just looking through the printed copy of my
3 corrected proof to see if there's any other reference
4 actually in here.

5 Q. Would it be helpful to have that on screen, because it's
6 been produced I think in the last hour. So I have just
7 had an opportunity to review it very briefly and I think
8 it has a reference WIT-00102.

9 A. That's correct.

10 Q. And I think if we drop down perhaps two pages, we'll get
11 to the particular passage which we're addressing. So I
12 think it's just there. We have just gone past it. If
13 we can pause.

14 A. Yes, so this is the corrected -- so this is what I was
15 sent and then I made my corrections and sent it back.
16 Yes, so this is what we're looking at.

17 Q. Yes. So what we have here is:

18 "This young man about my size and build was
19 suffocated at a bus stop."

20 A. Yes.

21 Q. So my question again is if this derives in truth from a
22 BBC article a Guardian article --

23 A. No, it doesn't.

24 Q. -- why does it refer to your size and build?

25 A. No, no, it doesn't. It doesn't refer to a BBC article

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1 or The Guardian. The BBC article and The Guardian
2 article behind me had a picture of Mr Bayoh and a
3 discussion, I think, of positional asphyxiation and this
4 transcript is made up of partly my slides which I sent
5 down and also the panel discussion and conversation on
6 the day and the notetaker clearly has tried to
7 narrativise that in a way which is more engaging than an
8 academic with slides and data points and so they've
9 presented something for me to sign off and I have
10 checked it, seen that that's in it amongst other things,
11 so if you go to the top there's a whole joke about --

12 Q. We can come to the top in a moment, but if we can just
13 stick with this for the moment, please. So I suppose if
14 that's your explanation, is your position to the Inquiry
15 that you did not say "This young man about my size and
16 build was suffocated at a bus stop"?

17 A. No, I didn't say those words. I could well say, you
18 know -- I don't know actually. It's a long time ago,
19 it's 2017. There could have been discussion about --
20 there could have been discussion about the case, but
21 clearly I didn't say those words, because I didn't --
22 when I saw them, I didn't recognise them and I thought
23 that's not accurate.

24 Q. Can we perhaps just try and get some clarity. What did
25 you say about Sheku Bayoh and did you say anything about

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- 1 comparing your size and build with his size and build?
- 2 A. No, no, I don't recall saying that. I don't recall
3 saying any of this actually.
- 4 Q. Okay. So if we do go back to the top of the document?
- 5 A. Hm-hmm.
- 6 Q. It perhaps reads rather than you deleting things that
7 you didn't say, rather it would appear that you're
8 simply editing it for public consumption?
- 9 A. No, because it was a public event, so it's not as though
10 these things were said in private. It was a public talk
11 and I certainly was editing it, because other things in
12 this wasn't true. I mean I didn't wake up to --
13 I didn't recognise that first section at all. I think
14 that's been attributed to me from the other speaker.
- 15 Q. So why would there be a discussion about your size and
16 build at this talk?
- 17 A. It must have been a feature of the conversation.
18 Somebody must have mentioned it and it may have been
19 included by the notetaker appropriately.
- 20 Q. But you didn't say anything about comparing your size
21 and build, notwithstanding what we see here, with the
22 size and build of Sheku Bayoh?
- 23 A. Yes, I mean I can say that again if it's helpful.
- 24 Q. So one final opportunity, what did you say about
25 Sheku Bayoh in 2017?

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- 1 A. I -- that's quite tricky, because I mean it's 2017.
2 I didn't know that this was written up and available.
3 Had I done so, I would have tried to reflect a little
4 bit more before the question was raised. I can well
5 image a conversation was had about the case, but beyond
6 that I think it's quite hard to go back and populate it
7 with --
- 8 Q. Well, your explanation is that you put a slide up on the
9 board and the slide had an article from the BBC and
10 The Guardian.
- 11 A. Yes.
- 12 Q. Is that correct?
- 13 A. And I have shared the slides.
- 14 Q. Right. So are we to understand that you --
15 notwithstanding you put the slide up, you didn't say
16 anything about the incidents with Sheku Bayoh?
- 17 A. No, I can imagine there was a conversation about the
18 event and there was possibly a conversation about
19 Stephen Lawrence too, but it wasn't in those terms and
20 distilled into those sentences.
- 21 Q. And you can't recall what it was?
- 22 A. Beyond what I have said, no.
- 23 Q. But you are absolutely sure it wasn't what was recorded
24 to be what you said?
- 25 A. Well, I have corrected it at the time, so I don't think

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1 so, no.

2 Q. Okay, thank you very much.

3 A. Thank you.

4 LORD BRACADALE: Mr Moir.

5 Professor Meer, Mr Moir KC acts for the Coalition
6 for Racial Equality and Rights. Mr Moir.

7 Cross-examination by MR MOIR KC

8 MR MOIR: Professor Meer, I want to ask you about
9 paragraph 3.2.5 of your report.

10 A. Hm-hmm.

11 Q. Now, you touched on paragraph 3.2.4 with counsel to
12 the Inquiry, and I specifically want to deal with
13 something you raised at 3.2.5. Do you have that?

14 A. Yes, I do, yes.

15 Q. Now, during your evidence yesterday you spoke about
16 there being sometimes disconnects about between what
17 organisations say they will do and what they actually do
18 and a loss of institutional knowledge --

19 A. Hm-hmm.

20 Q. -- et cetera. You also today -- you didn't speak about
21 it, but you were asked about forms being filled in which
22 now record the ethnic data and stop recording. We
23 understand that now also records ethnic data.

24 A. Hm-hmm.

25 Q. But from your paragraph 3.2.5 you'll see you refer to a

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1 document, which we have as WIT0083, and that's "Nothing
2 to see here. Deaths in custody" and FAIs in Scotland
3 and that's a recent publication from -- it's published
4 in February of 2024, I think the data was from 2023, and
5 under the heading which is at page 4 initially, "Police
6 custody and contact," if we could then go on to a page 5
7 of that. I'll just read out what is said there:

8 "Police Scotland noted in its FOI response that it
9 is not required to collect or report ethnicity data.
10 This strikes one as a significant lapse, especially in
11 light of the current inquiry charged to consider whether
12 race played a role in the death of Sheku Bayoh during
13 police restraint."

14 A. Hm-hmm.

15 Q. Now, Police Scotland have said that they are an
16 antiracist and a proactively antiracist organisation.
17 If this is collect that they don't keep any data and
18 they're not required to keep data, do you consider the
19 failure to collect such data as a fundamental failing by
20 Police Scotland to enable independent scrutiny and
21 accountability?

22 A. I do, and I don't understand the reason for it.

23 Q. Thank you.

24 LORD BRACADALE: Professor Meer, thank you very much for
25 coming to give evidence to the Inquiry. I'm very

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1 grateful for the work you have put into this report and
2 your evidence.

3 I'm going to rise in order that the room may be
4 prepared for the next witness and you will then be free
5 to go.

6 A. Thank you.

7 LORD BRACADALE: So we'll adjourn briefly.

8 (12.31 pm)

9 (A short break)

10 (12.44 pm)

11 LORD BRACADALE: Good morning, Mr Castledine, would you
12 raise your hand and say the words of the oath after me,
13 please.

14 Evidence of PAUL CASTLEDINE (sworn)

15 LORD BRACADALE: Ms Thomson.

16 Examination-in-chief MS THOMSON

17 MS THOMSON: You are Paul Castledine?

18 A. That's correct.

19 Q. How old are you Mr Castledine?

20 A. I'm 59.

21 Q. And I understand that you are a retired police officer?

22 A. That's correct.

23 Q. Before I ask you any questions, can I invite you to open
24 up the blue folder that's just to your left and in it
25 you should find a copy of a statement that you gave to

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1 the Inquiry. You'll see that there's also a screen in
2 front of you, Mr Castledine, so we'll bring it up on the
3 screen. The reference is SBPI 00594. The system seems
4 to be having some difficulty loading the statement, but
5 you should have a hard copy in the folder in front of
6 you; is that right?

7 A. Correct.

8 Q. Perhaps we can rely on the hard copy in the absence of
9 the technology and can I invite you to perhaps go to the
10 end of that statement and confirm for me that you signed
11 it on 16 May of 2024?

12 A. Yes, that's right, yes.

13 Q. Lovely. And can I ask you, please, to look at the --
14 what I think is the final paragraph of that report, that
15 statement sorry, I think it should be paragraph 31.
16 I think it will begin with the words "I believe".

17 A. Yes.

18 Q. And although I don't have the copy in front of me -- I
19 do now. If we can scroll down to the final paragraph so
20 we all have it on the screen in front of us, please.
21 That's not going to work. I'm going to have to ask you
22 to read out that paragraph rather than me, please. It's
23 paragraph 31.

24 A. "I believe the facts stated in this witness statement
25 are true. I understand that this statement may form

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1 part of the evidence before the Inquiry and be published
2 on the Inquiry's website."

3 Q. Lovely, thank you. So you prepared that statement in
4 the knowledge that it would become evidence before
5 the Inquiry?

6 A. Yes.

7 Q. When you answered the questions that were put to you,
8 did you do your best to be truthful and accurate in the
9 responses that you gave?

10 A. I did, yes.

11 Q. You explain in your statement at paragraph 2 that you
12 joined the police in 1993 having served with the
13 Royal Marines for eight years before that?

14 A. That's correct, yes.

15 Q. And that as a probationer you spent your time in
16 Cowdenheath and three years post probation that time was
17 also spent in Cowdenheath?

18 A. Yes.

19 Q. You've explained too that thereafter you worked in
20 Dunfermline, Dalgety Bay and Glenrothes?

21 A. Yes.¹

22 Q. So these are all towns within what was historically
23 Fife Constabulary. Did you spend all of your police
24 career within the Fife area, even after it became
25 Police Scotland?

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1 A. No, I spent a year in working in Glasgow at
2 Bishopbriggs.

3 Q. With the exception of that one year, did you spend all
4 of your time in Fife?

5 A. I did. I was still attached to Fife, yes.

6 Q. I understand that you retired from the police in 2017
7 after 24 years.

8 A. Yes.

9 Q. Having spent 23 of those years within the Fife policing
10 area?

11 A. Yes.

12 Q. What was your rank at the point that you retired?

13 A. Police Constable.

14 Q. You also explain in your statement that you were public
15 order trained and firearms trained.

16 A. That's correct.

17 Q. And latterly and prior to your retirement, you were a
18 productions officer.

19 A. Yes.

20 Q. I want to begin about asking you about your involvement
21 with SEMPER. If the system will permit us, I wonder if
22 we can bring up your statement. You have a hard copy in
23 front of you, Mr Castledine, so do I, we're going to
24 have to work with hard copy, but what I would like to do
25 is look at paragraph 3 of your statement. I should have

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1 said the purpose of the hard copy is not just in case of
2 there being a tech crisis, but also so that you have it
3 available to you. If there's anything you want to refer
4 to in your statement at any point, please do that and,
5 technology permission, if there's anything you would
6 like us to bring up on the screen, we can do that for
7 you too.

8 A. Okay.

9 Q. So I'm just to read out paragraph 3 and we will take it
10 from there. You say:

11 "In my last 15 years I became involved in
12 SEMPER Scotland which is basically the equivalent of the
13 English Black Police Association. Our remit was to
14 address issues minority ethnic police officers and staff
15 face and try to overcome them and also advise different
16 police forces and authorities of any wrongdoings, just
17 try to help them do their job so we can do our job."

18 And you explain elsewhere in your statement that you
19 were involved with SEMPER from 2002 all the way through
20 until your retirement in 2017, so that's a period of
21 15 years, and that laterally you were chairman of the
22 association.

23 A. That's correct, yes.

24 Q. So you explain in paragraph 3 that the remit of SEMPER
25 is to address issues minority ethnic police officers and

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1 staff face and try to overcome them.

2 Now, the SEMPER website explains that the acronym
3 stands for "supporting ethnic minority police for
4 equality in race" and it goes on to say that:

5 "SEMPER Scotland is the primary staff association
6 that exists to support and represent all minority ethnic
7 employees on issues of equality in race and to ensure
8 that the Scottish Police Authority and the Police
9 Service of Scotland uphold the principles and practices
10 of racial equality."

11 That's your understanding of the remit of the
12 organisation?

13 A. It is, yes. When it says "police officers", it includes
14 police staff as well.

15 Q. Officers and staff?

16 A. Yes.

17 Q. Okay. I think in due course we may hear evidence from
18 the current chair of SEMPER, but you're the first
19 witness from whom we've taken evidence who has an
20 association with SEMPER, so it might be helpful just to
21 set the scene as it were.

22 A. Okay.

23 Q. The website also explains that there are five key
24 functions of the organisation and the first is
25 "support", that you:

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1 "Provide confidential information, advice and
2 support to minority ethnic police officers and police
3 staff on issues affecting them."

4 Would you agree with that?

5 A. Yes.

6 Q. And was that part of the remit of SEMPER during the
7 period of time that you were involved with the
8 association?

9 A. It was, yes. The aims and objectives haven't changed
10 much.

11 Q. They haven't changed.

12 The second objective is to be an "advisory body" to
13 the SPA, Police Scotland and the Scottish Government on
14 issues of race equality. Again, was that part of the
15 remit when you were involved with SEMPER?

16 A. Yes.

17 Q. The third aim or objective is "Policy Development":

18 "Recommend, review and support the development of
19 policies and procedures to enhance recruitment,
20 retention and development of minority ethnic employees."

21 Again, is that familiar to you as being one of the
22 aims and objectives from your time within the
23 organisation?

24 A. It is, yes.

25 Q. Fourthly, recruitment:

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1 "Assist in recruitment initiatives to promote
2 policing as a career of first choice and the police
3 service as employers who are committed to diversity and
4 social justice."

5 A. Yes.

6 Q. Again, is that familiar to you?

7 A. It is, yes.

8 Q. And finally:

9 "Community relation. Work with young men and women
10 from minority ethnic communities to strengthen relations
11 between them and the police service."

12 Again, was that one of the aims and objectives
13 during the time that you worked with SEMPER?

14 A. Yes, it was.

15 Q. Returning to your statement, paragraph 4 it's, a short
16 paragraph, again, I'll just read it out:

17 "There was always a problem of numbers. The
18 government and the police were looking to raise the
19 profile of police officers from minority background to
20 recruit them and retain them."

21 So you allude there to there being a problem. What
22 steps were taken by SEMPER during the time that you were
23 involved with that organisation to improve recruitment
24 and retention of officers from minority backgrounds?

25 A. Yes, I mean we had been approached by various

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1 organisations say within the police and that with the
2 police looking for help and the idea was to set up an
3 organisation which we named back then SEMPER Scotland
4 and our sort of job, as I say, was to help recruit and
5 retain police officers and staff and so we looked at
6 ways we could do this by encouraging people to make the
7 police service a job of choice and often for, whatever
8 reasons, it was looked upon as not a career of choice
9 for people from minority backgrounds and we were just
10 there to sort of encourage them and show that there are
11 people of colour within the police service and that
12 nothing to be afraid of, and, yes, we were just looking
13 to hopefully recruit more people and just give them more
14 opportunities.

15 So we held open days to invite people along from
16 different communities to attend the open days. We
17 visited various schools, various communities, to show
18 face and speak to them and reach out to them, and it was
19 reasonably successful in my time. I'm not sure what's
20 happened since, but certainly in my time we were able to
21 encourage people to apply and the people who were in who
22 were struggling, for whatever reason, we would offer
23 them support with the hope that they would stay in.

24 Q. Thank you. You explain in your statement that you were
25 laterally the Chair of SEMPER. During what period of

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1 time are you the Chair, do you recall?

2 A. Good question, no.

3 Q. Or was it up to the point of your retirement?

4 A. No, no, no, so I stepped back. So I don't recall

5 exactly so I would probably be making it up to be honest

6 but, yes, there was a period -- 2003, 2004, possibly,

7 something like that, where I was heavily involved.

8 I was the vice chair for some time and then I became the

9 Chair and then I had to take a step back really just to

10 sort of allow some new ideas to come in, somebody else

11 to take over and, yes, I just came back to the force,

12 but I was still involved.

13 Q. Do you recall how long you held the position of chair to
14 SEMPER?

15 A. It was under two years so certainly -- I was seconded

16 for a year, so it might have been about sort of just

17 about two years.

18 Q. How long were you vice chair before that?

19 A. I would have been maybe a year as well before that, yes.

20 Q. Thank you. Can we look at paragraph 12 of your

21 statement, please. And again, I'm simply going to read

22 this out and then ask you in questions about it:

23 "I've been asked what else I worked on during my

24 time as chairperson of SEMPER. It was recruitment and

25 retention and addressing any issues that came up. The

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1 police would come to us as a body and say, look, we have
2 got this, can you help us? And we were able to
3 intervene and to assist. I think that the statistic
4 came out some years before I started was that a minority
5 ethnic police officer was three times more likely to be
6 interviewed by their colleagues than a white officer in
7 connection with professional standards. That was
8 sometimes just purely because they looked at it as it's
9 really important that we do this right, because this
10 person is from a minority background and it was quite
11 shocking to me."

12 So can I perhaps begin by clarifying what you're
13 talking about here. In what circumstances might an
14 officer find themselves being interviewed by colleagues
15 in connection with personal -- professional standards?

16 A. So it's is interviewed or investigated really, but if
17 something was reported, for instance, by a member of the
18 public of some wrongdoing, we certainly found that if --
19 back then, if somebody from a minority background was
20 reported, they would tend to be more likely to be
21 interviewed or investigated by professional standards
22 purely because of the fact that they thought they need
23 to do it properly, rather than just taking them into the
24 office and saying, look, you have done wrong here, we'll
25 forget about it this time and nothing was put on paper.

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1 I certainly found that once it goes on paper and the
2 paper trail starts, it would then have no way back. So
3 I found certainly in my time that we would be
4 investigated more.

5 Q. I'm going to ask you some more detailed questions about
6 your experience of being investigated, probably after
7 lunch, but in the few moments that remain, just so I'm
8 absolutely clear in my mind, you're describing here
9 processes and procedures, interviews, investigations,
10 that would follow on the making of a complaint to
11 professional standards; is that right?

12 A. Nine times out of ten, yes, not always.

13 Q. And the other one time out of ten?

14 A. It would be sort of kept within the police station and
15 there would be something would happen within the police
16 station where -- or the force where it could be dealt
17 with within force, as opposed to going out and having
18 outsiders coming in and have a look at it.

19 Q. Okay. These processes of interview and/or investigation
20 would be in response to a complaint having been made
21 about the conduct of an officer; is that correct?

22 A. Yes, or it could be something that the officer has done
23 possibly as a procedural thing within the police and so
24 it's not necessarily a member of the public, so
25 paperwork done incorrectly, something being mislaid or

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- 1 something like that.
- 2 Q. It could be a complaint from a member of the public?
- 3 A. Yes.
- 4 Q. Or equally, it could be, for example, an error in
5 recordkeeping that has been identified perhaps by a
6 superior officer?
- 7 A. Yes.
- 8 Q. Okay. Something that is then required to be addressed
9 in some way.
- 10 A. Yes.
- 11 Q. And as a result of these things, these issues being
12 brought to the attention of professional standards, the
13 complaints process could result in an interview; is that
14 correct?
- 15 A. Yes, normally when it gets to that stage, or used to
16 certainly, you would then have a visit from them and be
17 interviewed regarding the incident and they would then
18 decide whether or not it was worthy of taking it
19 further.
- 20 Q. Okay. And you also made reference to the possibility of
21 an investigation; would that be in terms of the 2014
22 conduct regulations?
- 23 A. Yes.
- 24 Q. Okay.
- 25 I'm conscious of the time. I wonder if this might

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1 be --

2 LORD BRACADALE: We'll stop for lunch now and sit at

3 2 o'clock.

4 (1.00 pm)

5 (Luncheon adjournment)

6 (2.05 pm)

7 LORD BRACADALE: Ms Thomson.

8 MS THOMSON: Thank you.

9 Before lunch, Mr Castledine, we were looking at your
10 statement and paragraph 12. I believe the system is
11 working again so let's bring your statement up and can
12 we move to paragraph 12, please.

13 Now, I read this out before lunchtime, I'm not going
14 to repeat it, but it might be helpful just to have it on
15 the screen in front of us and you refer in the course of
16 that paragraph to a statistic. You say:

17 "I think the statistic came out some years before I
18 started was that a minority ethnic police officer was
19 three times more likely to be interviewed by their
20 colleagues than a white officer in connection with
21 professional standards."

22 Before lunch we explored the circumstances in which
23 an officer might find themselves being subject to an
24 interview. You explained it was part of the complaints
25 process or potentially if they were under investigation

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1 in terms of the conduct regulations.

2 But before we go any further, I would like to ask
3 you a couple of questions about the statistic that you
4 refer to here. Can you tell me anything more about the
5 statistic, where did it come from, who did it come from,
6 who published the statistic?

7 A. Yes, it was -- we had a meeting with our colleagues of
8 the Black Police Association down from London and whilst
9 on a conference with them it was a statistic that they
10 managed to give us, something they had looked into,
11 whether it was more towards England than Scotland, but
12 it was a statistic that certainly rang a lot of alarm
13 bells and we certainly found that looking into
14 statistics within our force itself, it was pretty much
15 spot on.

16 Q. That's helpful because to the best of my knowledge, and
17 I will be corrected if I'm wrong, Police Scotland don't
18 keep those statistics. And what I would like to do is
19 read you a paragraph from Lady Angiolini's report on the
20 complaints procedure that was published in 2020.

21 For those sitting behind me the reference is
22 paragraphs 9.64, 9.65. We don't need to bring this up.
23 What she said in her report was that:

24 "Police Scotland have confirmed that neither the
25 ethnicity of the member of the public making the

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1 complaint nor the ethnicity of the police officer
2 involved is recorded on the Centurion Complaints and
3 Contact Database within Professional Standards.
4 Police Scotland have advised the review that they do
5 recognise the need for meaningful data on complaints and
6 misconduct in order that they can better understand any
7 disproportionality in disciplinary and misconduct
8 outcomes for black, Asian and minority ethnic officers
9 and staff and they're liaising with the IOPC and the
10 NPCC in an effort to understand the position in England
11 and Wales and build on any learning from there."

12 The Chair also has before him a statement from
13 DCC Alan Spears, which I understand was signed if not
14 this week perhaps last week, in the course of which he
15 advises:

16 "With regards to the discipline of black and
17 minority ethnic officers, PSD systems do not currently
18 have the functionality to record this personal data.
19 Therefore, I'm unable to provide accurate information."

20 So it would appear that there's information before
21 the Chair that both historically and contemporaneously
22 that that information isn't recorded by Police Scotland,
23 which is why I was curious to understand where the
24 statistic had come from, but you've explained that it
25 came from the SEMPER counterpart, as I understand it,

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- 1 south of the border.
- 2 A. Yes, I mean going back to that, statistics may not have
3 been held. However, before it got to that stage where
4 they could be held, it was too late, so what I was
5 suggesting was that it was more likely to go that far
6 and once it's got that far, regardless of race, creed,
7 colour, whatever, it wouldn't be recorded necessarily.
8 So what I'm saying is you're more likely to or you were
9 more likely to be disciplined at the lower level and
10 then once it got to that level, it was just out of our
11 hands, if that makes any sense at all.
- 12 Q. I think so, but certainly without statistics --
- 13 A. Yes, okay.
- 14 Q. It's difficult to get a clear picture of any disparity
15 or disproportionality in terms of the disciplinary and
16 complaints process and it would appear to be the case,
17 based on the evidence that you've given today, read with
18 Lady Angiolini's report and DCC Spears' statements that
19 the data are not collected in Scotland, but perhaps they
20 are in England and Wales.
- 21 A. Okay, yes.
- 22 Q. Can we move on to paragraph 13 of your statement,
23 please. So we'll turn to consider your experience, both
24 your personal experience and your experience through
25 SEMPER, in relation to this issue that you have

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1 identified. You say here:

2 "Having been on that side and having been
3 investigated myself, I know what it's like. I can see
4 why that was done, but we need to address that and point
5 that out to the police authority that sometimes where a
6 white police officer would talk, look, don't do that
7 again, that would be the comment from the police. If it
8 was the minority officer, it becomes, right, we need to
9 do this by the book and we can't just slap his wrist and
10 tell him to get on with it. We need to address this
11 properly. Once it was put on paper, there was nothing
12 else that could be done. Often we were certainly
13 wrongly investigated. I'm not saying that every person
14 really should be investigated, but when it could be
15 dealt with without an investigation, we weren't given
16 that happen option so we had to address that."

17 So I want to ask you a number of questions based on
18 this paragraph. I understand that what you're saying
19 here is that you're experience is that in a situation
20 where a white officer might get a slap on the wrist and
21 told don't do that again, that would be the end of the
22 matter with no paper trail, but if the officer was from
23 a minority background, in the same set sort of
24 circumstances, it would be dealt with by the book?

25 A. In a large number of cases, yes.

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- 1 Q. Okay. What do you mean when you say "by the book"?
- 2 A. So I guess if a complaint comes in or there's need for
3 some disciplinary matter to be addressed, if a person
4 was to then go by the book, it would be exactly as
5 should be done. You weren't given the benefit of the
6 doubt, which I think often we lose sight of and I really
7 think that, you know, often it's -- you'll have somebody
8 just say for instance doing a night shift, working very
9 late, they have had no food, they have had nothing to
10 eat and they come across an incident and they deal with
11 it the way that they deal with it and then next morning
12 people come in fresh faced, will look at it, and go,
13 ooh, that's wrong. Fair enough it might have been
14 wrong, but the circumstances, so what can -- has
15 happened in the past is that look at this and this guy
16 has done this and blah, blah, blah et cetera.
- 17 So they'll look at all the circumstances and often I
18 found in my time that if it was a white officer, they
19 would tend to be more likely to not be gone by the book,
20 possibly a telling off, don't do that again; whereas I
21 found minority ethnic officers were more likely, in my
22 experience, to get done and we compared some cases of
23 white officers and minority ethnic officers and we found
24 some wrongdoing, shall we say.
- 25 Q. Okay. It's quite a lot in your answer, so I'll just go

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1 through some of that with you again. I hear you
2 describing when you say "by the book", so the
3 instigation of the formal processes, whether it be an
4 audit trial, potentially a complaint, potentially a
5 disciplinary process and a paper trail around all of
6 that. Have I understood that correctly? That's what
7 you mean by "by the book"? It's the initiation of those
8 procedures rather than perhaps just a quiet word?

9 A. Yes.

10 Q. Okay. From what you have said should we understand that
11 when a complaint is made or when -- using the example
12 that you have just described -- someone comes on after
13 the night shift and identifies what that what an officer
14 did overnight, albeit when tired and hungry, was perhaps
15 less than exemplary, the person to whose attention that
16 is brought has a measure of discretion. They could take
17 a sympathetic approach and recognise that this person
18 was potentially tired and hungry and what was needed was
19 corrective advice or they could exercise their
20 discretion the other way and instigate these more formal
21 processes. Have I understood that correctly that
22 there's a degree of discretion built into the system,
23 certainly at an early stage?

24 A. Yes, I mean there's I would say recommendations to say,
25 look, can you have a look at this and find out exactly

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- 1 what went on and then things will get, if you like,
2 sorted out within the shift or the station.
- 3 Q. And I think what you have described is when it came to
4 the exercise of that discretion, that discretion being
5 exercised less sympathetically when a person was from a
6 minority background and things being done by the book
7 and the formal procedures being instigated from the
8 get-go, rather than someone having a quiet word and
9 perhaps exploring why performance had been suboptimal,
10 looking at support or corrective advice or taking a more
11 formal approach to handling want issue?
- 12 A. Yes. I'm not sure about the sympathy side of it.
13 Certainly that if a senior officer thought that somebody
14 from a minority was -- had done something wrong, rather
15 than not do it by the book, they would do it by the
16 book, if that makes sense. So in as much as we had
17 better get this right, we can't afford just to you know.
18 So yes and no, but it wasn't really any -- there wasn't
19 much sympathy I don't think.
- 20 Q. Perhaps you misheard me. I don't have the transcript in
21 front of me or perhaps the sentence was perhaps poorly
22 put, but what I was suggesting that you had seen was
23 evidence of a less sympathetic approach towards people
24 from an ethnic minority background, whereby due process
25 would be followed, rather than a quiet word, a slap on

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1 the wrist don't, do it again?

2 A. Yes, to a certain extent, yes.

3 Q. A less sympathetic approach.

4 You mentioned too that you, and I think you mean
5 SEMPER, looked at some case studies and you noticed
6 disparities. Can you tell us more about that? Was that
7 a formal piece of research? How did you arrive at the
8 conclusion that the statistic that you had heard of from
9 your counterpart in England and Wales held true in
10 Scotland?

11 A. It was just sort of comparisons. If somebody had been
12 investigated for a certain misdemeanour and then you
13 look at other people possibly in the same station and
14 other stations and nothing happened to them, it's
15 difficult not to draw a sort of comparison and say,
16 well, you know, you know, for instance he forgot to do
17 this and the next thing he forgot to do it, but why did
18 he or she or they get this punishment.

19 Q. Can you explain how you went about that study or piece
20 of research, because if it was only in the case of
21 minority officers that there was a paper trail at all
22 and if white officers, who have perhaps had committed
23 the same misdemeanour, for want of a better word,
24 weren't being disciplined in any way, shape or form and
25 there was no a paper trail, how were you in a position

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1 to compare? What was your dataset, if you like, if not
2 all of this information from recorded in the first
3 place, because the white officers were simply getting a
4 slap on the wrist?

5 A. Yes. I guess it is impossible for us or it was for us
6 to get any proper information from the system, so it was
7 a case of speaking to people, finding out what had
8 actually happened and then the people who we were
9 helping representing would then say to us, there's
10 somebody blah, blah, blah has done this and we would --
11 not necessarily take their word for it, we would have to
12 do some sort of investigation into it, but our hands
13 were tied. There's only so much we could do to get any
14 information at all.

15 Q. So was this a formal investigation or piece of research
16 that you carried out with a view to identifying whether
17 or not there were disparities in the way that white and
18 minority ethnic officers were treated or is this just
19 your overall impression as a result of you having been
20 made aware anecdotally perhaps of these instances over
21 the time that you were with the police?

22 A. Yes, I think it happened certainly more than once and
23 when it sort of keeps happening, you start saying, well,
24 should we compare and find out whether or not something
25 similar happened and what happened to those officers and

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- 1 a number of times we found that it was disproportionate.
- 2 Q. I'm just wondering how it was that you were able to
3 carry out that comparison at all if there was an audit
4 trail for the minority ethnic officer, but no paper
5 trail for the white officer, because the white officer
6 got a slap on the wrist?
- 7 A. Yes.
- 8 Q. Can you help me to understand what was the basis of this
9 comparison? How did you go about this task?
- 10 A. Okay. So for instance if you're working on a shift in a
11 police station and something happens, people tend to get
12 to know about it. If nothing happens about it then so
13 and so did this and nothing happened and then you'll
14 hear another story, someone will come to us and this
15 person did this from a minority background, well, it's
16 happened before, why is it suddenly. So I guess there
17 won't be a paper trail for the people who didn't get put
18 by the book, but certainly on ground level, which we
19 tend to work with or on, we would certainly hear the
20 murmurs that things weren't equal.
- 21 Q. Okay. So it's a question of you hearing murmurs. Were
22 you making a record somewhere of the murmurs that you
23 heard? Were you keeping your own audit trail when these
24 instances of disparity or discrimination were brought to
25 your attention? Were you keeping a record?

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1 A. Well, there were some records kept I'm sure but, you
2 know, we would then approach the correct authority,
3 whoever it might be, and say, you know, we believe this
4 might be discriminatory and we would like to compare it
5 to something else and we're just trying to help the
6 people who we are representing.

7 Q. So within your role in SEMPER individuals might come to
8 you and say, I'm now subject the complaint's process or
9 there's disciplinary action being taken against me and
10 they might perhaps advise you or you might otherwise
11 know perhaps of a white officer who wasn't formally
12 disciplined in similar circumstances and you would do
13 your best to represent the minority officer. Am
14 I understanding correctly the sort of thing you're doing
15 and how these situations came to your attention?

16 A. Yes, I mean, you know, we advertised in every single
17 police station what we were all about, what we were
18 trying to achieve, and the bigger picture was just
19 trying to make sure we could help recruit and retain
20 police officers, so by giving them support it was often,
21 you know.

22 And on the other side of it if what they had done
23 and other people had been investigated for it, you know,
24 we can explain to them, well, you know, it's not one off
25 and if you're guilty, you're guilty.

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1 Q. Okay. So just to be clear, when you say that if a white
2 officer and an officer from a minority background were
3 both accused of the same misdemeanour, the white officer
4 would be more likely to get a slap on the wrist, whereas
5 the minority officer would likely be the subject of due
6 process. You say that on the basis of your experience
7 of working with SEMPER and your own experience of being
8 a police officer, rather than on the basis of you
9 carrying carried out a research study or an
10 investigation or something of that sort?

11 A. Yes, we're unable to do anything like that. We're just
12 there on the ground level.

13 Q. Okay. You say in this paragraph -- I wonder if we can
14 scroll up a little bit, please -- at the very top:

15 "Having been on that side and having been
16 investigated myself, I know what it's like. I can see
17 why that was done, but we need to address that and point
18 that out to the police authority."

19 Why do you say "I can see why that was done"? What
20 do you mean by that?

21 A. So by saying "I can see why it's done", they're suddenly
22 looking and saying we've got a possibly hot potato here,
23 somebody who is from a minority background and we need
24 to deal with this properly, so I can see why they're
25 doing it. I don't agree with it or didn't agree with

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1 it. So that's my seeing how it's done, and then, yes,
2 and then I go on to say:

3 "We need to address that and point out to the police
4 authorities."

5 So we can explain to them, say, look, we know why
6 you're doing it, but, you know, we need to address this.

7 Q. Okay. And how did you address it?

8 A. By pointing out to the different authorities that these
9 things were going on, given examples, and just trying to
10 help the officers and the support staff with our
11 support.

12 Q. Okay. You say a little further on in your statement at
13 paragraph 14 that you don't really think it's got any
14 better. Do you have any insight as to why things
15 haven't improved?

16 A. That's just my thoughts. I don't think -- I've been
17 outside for seven years now.

18 Q. Okay.

19 A. I have certainly not seen an increase recruiting or
20 retention so, but there again that's just my thoughts.

21 Q. So I think this is in relation to the disparity and
22 investigation, rather than recruitment and retention.

23 A. Okay.

24 Q. I think I may have misread your statement, but paragraph
25 14 follows on from paragraph 13 and in paragraph 13

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1 you've addressed the issue that we discussed at some
2 length about the complaints and disciplinary process and
3 then at paragraph 14 you're asked if you feel the issue
4 has improved at all and you say:

5 "I don't really think it got any better to be
6 honest."

7 Maybe that we're at cross-purposes and that you were
8 speaking about another issue, but I certainly read that
9 as following on from the discussion in the paragraph
10 above about the complaints process.

11 A. No, that's -- that's correct. That means, or was not to
12 mean, that I don't think it got any better to be honest
13 in my time in the police.

14 Q. Okay.

15 A. Not to date.

16 Q. And do you have any insight as to why things didn't
17 improve, in spite of the work that SEMPER were doing and
18 going to the police authority and going to different
19 constabularies to point out the disparities in
20 treatment?

21 A. I don't know why. You know it's -- It might have got
22 better in some avenues, it might have been highlighted
23 more, but I certainly wasn't aware of things improving,
24 hence the reason why we've still got SEMPER Scotland in
25 place at the moment.

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1 Q. You say elsewhere in your statement that when you were
2 the Chair of SEMPER it was a full-time position, but
3 that may no longer be the case and that you don't think
4 there was another full-time officer after yourself and I
5 wondered if you felt there was a benefit to the Chair of
6 SEMPER having a full-time role?

7 A. I think at the beginning certainly there needed people
8 in place just to make sure that they could attend
9 meetings. You know, we had somebody who worked in the
10 office and they were full-time and they were taking on
11 emails, police related, and would then often have to
12 contact the Chair to discuss things. So by having
13 somebody full-time, certainly it was a benefit to the
14 organisation and it meant we could then, you know, reach
15 out to more organisations, without having to do it in
16 our own time or leave a shift short of people.

17 Q. Okay. Thank you. Can we look at paragraph 20, please.
18 Here you were asked:

19 "Did I experience racism within the police?"

20 "Yes, I'm pretty sure I did. I've got pretty thick
21 skin, so a lot of it was just like water off a duck's
22 back and really didn't affect me. I can't sit here and
23 say that I wasn't discriminated against, you know. Some
24 people thought that I got certain jobs because of my
25 colour, so it was never a case for me getting a job and

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1 being accepted like most white officers. I got it
2 because I passed all the tests. It would be thought by
3 some that I got it just because I was black."

4 And I wanted to ask you some questions about this.
5 Can you give the Inquiry an example of you getting a job
6 and people thinking that you got the job because of the
7 colour of your skin?

8 A. I'll give you a number, but I guess there was a small
9 inquiry team was set up in Dunfermline and I got the job
10 through my investigation skills and then once I got it,
11 it was a very sought off job, there were maybe six or
12 eight in the Inquiry team, and it was a good job
13 compared to doing normal shift work and everybody wanted
14 to get that job and it was, yes, mooted that he only got
15 that because of his colour.

16 Q. Okay. Is that something that people said to your face
17 or behind your back?

18 A. Yes, both.

19 Q. Both?

20 A. Yes.

21 Q. How did that make you feel?

22 A. It didn't bother me at all to be honest. I have had a
23 lot worse.

24 Q. We have heard evidence over the course of yesterday and
25 today from Professor Meer, who's a professor in

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1 sociology at Glasgow University, and in the course of a
2 PowerPoint presentation yesterday, he gave the Inquiry a
3 quotation from an HMICS training and development study
4 in which a respondent to the study or sorry this was a
5 summary of what was said by a number of respondents to
6 the study:

7 "Many white officers tell stories of how black
8 minority ethnic candidates get through recruitment
9 easier and are of a poorer quality and this leads to
10 widespread bullying and people making you feel
11 unwelcome."

12 Does that chime with your own experience?

13 A. It doesn't, no. And, you know, I can point to a lot of
14 really good officers from the BME background, but, you
15 know, there was talk, as you're more than likely aware
16 of, changing the entrance criteria to help minority
17 ethnics get in. That never materialised as far as I'm
18 aware in Scotland, but if it had, then there would have
19 been, you know, some difficulty. However, the fact that
20 that was ever mentioned certainly stuck with a lot of
21 people from the white community, if you like, and then
22 they obviously were thinking that something has happened
23 and it was just one of these rumour control things, but
24 no, I've never been aware of that.

25 Q. Okay. Because I think what Professor Meer was telling

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1 us was that the perception of many white officers was
2 that black and minority ethnic officers got through
3 recruitment more easily and were therefore of a poorer
4 quality. It would seem to me at least that that was
5 much the same thing as suggesting that a person got the
6 job only because of the colour of their skin, rather
7 than their credentials.

8 So I wondered if that perhaps chimed with you, but
9 you say the quotation that I read doesn't chime with
10 you?

11 A. No, not particularly. You know, as I say, if they have
12 taken that on the fact that officers from minority were
13 getting disciplined, were getting in trouble, then
14 possibly they may be looking at those statistics or --
15 but, no, it doesn't really sort of chime with me.

16 Q. Okay. On the occasion or occasions when you got a job
17 and people suggested to you that it was because of the
18 colour of your skin, did you report that?

19 A. No.

20 Q. Why not?

21 A. Well, I guess it was my shout whether or not I reported
22 it or not. It didn't bother me. Could it have made
23 things worse? Possibly, and I didn't want to make any
24 waves or anything, so I'm not the sort of person who
25 would run around doing that.

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1 Q. When you gave the example of getting the job within
2 the Inquiry team and people suggesting to you that you
3 only got the job because of the colour of your skin, I
4 asked how you made that feel and you said it didn't
5 bother you and that you had an awful lot worse. Can you
6 tell us about what experiences you had that were worse?

7 A. Yes, I once had a resignation letter put into my
8 pigeonhole and it was just somebody and that was quite
9 horrible to have that. So basically it was just telling
10 me that I should be resigning and then as I say it's --
11 yes, I mean there's a number of incidents, but something
12 like that is just I think people may be slightly
13 ignorant where they come outwith something like "you
14 only got it because you're black".

15 Q. Let me ask questions about the resignation letter. You
16 said it was a resignation letter in your pigeonhole,
17 someone telling you to resign, was it written in the
18 first person "I, Paul Castledine, hereby tender my
19 resignation" or was it a letter from someone to you
20 suggesting that you should resign?

21 A. So there are letters of resignation or there were back
22 in the nineties amongst all the different drawers of
23 paperwork that you could a form out of and that was one
24 of them. It was taken out and put it into my --

25 Q. And had it been completed?

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- 1 A. No.
- 2 Q. It was a blank, if you like, proforma resignation
3 letter?
- 4 A. Yes.
- 5 Q. And that was put in your pigeonhole?
- 6 A. Yes.
- 7 Q. But there was no writing on it?
- 8 A. No.
- 9 Q. Are there other examples that you might wish to share?
- 10 A. I guess on the whole my experience was good but
11 there's -- there was stuff that did happen and, yes,
12 there was stuff that did happen.
- 13 Q. What sort of stuff?
- 14 A. There was incidents where I would be asking for possibly
15 back-up and it didn't arrive and whether or not I was
16 just taking that as a personal thing but -- and I guess
17 this was in the early days, more like the early
18 nineties, but, yes, and I took that personally.
- 19 Q. Okay. Why did you take that personally?
- 20 A. Just because I would have expected everyone to be
21 working together. I came from a military background
22 where if somebody was in trouble, you wouldn't question
23 anybody asking you for help and the police was a
24 different job.
- 25 Q. Did that happen once or more than once?

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- 1 A. It would it happened a few times for me.
- 2 Q. Did you ever query why you hadn't been provided with
3 back-up?
- 4 A. No.
- 5 Q. And to your mind did it have anything to do with the
6 colour of your skin or was it unrelated?
- 7 A. I don't know. I'm just surmising that's all.
- 8 Q. And returning to the resignation letter that you found
9 in your pigeonhole, did you know who sent it or who put
10 it there?
- 11 A. I've got quite a good idea, yes.
- 12 Q. Were you able to confirm who it was or is it simply the
13 case that you have got a good idea who it was?
- 14 A. Well, there was only about six or eight of us on the
15 shift and I could have ruled out quite a few of them.
- 16 Q. Sorry. I didn't catch what you said there.
- 17 A. I could rule out a few of them.
- 18 Q. Okay. And did you in your mind make an association
19 between that letter and the colour of your skin?
- 20 A. There was nothing obvious about it but, you know, for me
21 it was quite personal.
- 22 Q. Why do you say that?
- 23 A. I think it's just because having experienced what I have
24 experienced in the past and getting something like that
25 and feeling the way I did was sort of quite hurtful, so

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1 they knew what they were doing and how it would affect
2 me.

3 Q. Okay. You said there were six or eight I think of you
4 on the shift?

5 A. Probably about eight or so.

6 Q. Were you the only person who was black or ethnic
7 minority?

8 A. I was the only one in the station.

9 Q. Okay. So everyone else in the shift was white?

10 A. Yes.

11 Q. Did anyone else in your shift get one of these letters
12 in their pigeonhole?

13 A. No.

14 Q. Can we move on to paragraph 21 of your statement,
15 please. Here you say:

16 "There was that sort of side of it and some
17 resentment as well, but I do believe that the
18 Fife Police, and laterally Police Scotland, did try to
19 do their best to eradicate any racism within the police
20 force. When I mentioned earlier about being complained
21 about and then being investigated, they did think or
22 feel it was really important that somebody from a
23 minority would have to go done down on paper and once it
24 was reported, as opposed to the slap on the wrist, that
25 was a problem. I found myself on the other side of that

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1 quite often unfortunately, but looking back that's the
2 way it went. Yes, I do think that there were problems,
3 but that was something we were trying to address."

4 So are you saying here that you yourself were
5 investigated by professional standards in circumstances
6 where you think a white person wouldn't have been
7 investigated?

8 A. So when I say "investigated" it's just going that stage
9 to get to the investigation.

10 Q. Hm-hmm.

11 A. So, yes.

12 Q. Okay. Can you give us an example of that?

13 A. Yes. So I was working on a back shift and we got a call
14 to a domestic and this particular person was a serious
15 domestic, he was brought into custody and he was
16 searched and locked up and if towards the end of our
17 shift, rather than us staying on, we would then hand it
18 on to the night shift and this particular -- this was
19 before CCTV was brought in.

20 Anyway, this individual suggested that he had been
21 struck by the black officer and it wasn't difficult to
22 find out who that person was and the time was given as a
23 quarter to ten and I had left the station well before
24 then. My defence was that I wasn't in the station at
25 the time and that could have been verified. I think it

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1 was about a year -- it was a year later that I
2 eventually got told we are taking no action and that was
3 investigated thoroughly. They even went down south to
4 speak to the person who had moved to get some
5 information, but that was a year of not knowing what was
6 going on and I hadn't done it. I wasn't even on duty at
7 the time, and that's -- yes, that's one example.

8 Q. Okay. So that's an allegation of assault?

9 A. Yes.

10 Q. Which is a more serious allegation. Were there other
11 perhaps allegations that might fall into the category of
12 misdemeanours, the sort of things where you say there
13 might be a disparity between whether due process would
14 be followed or whether someone might simply get a slap
15 on the wrists and told not to do it again?

16 I assume, and you'll correct me if I'm wrong, that
17 if a person makes an allegation of assault against an
18 officer, whether that complaint is well founded or not,
19 it's the sort of thing that would be investigated rather
20 than the officer simply being given a slap on the wrists
21 and told not to do it again.

22 A. If it could be proven that there was no substance at
23 all, then it's a complete waste of time, for instance
24 that officer wasn't on duty then, so he didn't do it.
25 Nobody else was investigated. So that particular one it

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1 could have been got rid of easily.

2 But, sorry, what was the question again?

3 Q. I just wondered if there were other examples that you
4 could give us of cases where you were investigated where
5 your belief is that a white person wouldn't have been
6 investigated had they found themselves in the same
7 situation as you?

8 A. Yes, so there's quite a number of -- I think often it's
9 easy to pick out somebody who stands out and certainly
10 minority ethnic we do stand out. I do understand that
11 they have to investigate and another example is moving
12 children on who were drinking near to come houses and
13 causing a disturbance. I turned up in a police car, I
14 spoke to them. I'm quite sort of level headed and I'm
15 sensible enough to realise that once you tell them to go
16 away, they are going to go somewhere else so my advice
17 was, look, if you are going to do it, just keep away
18 from the houses and don't disturb the people.

19 I was in the car, single crewed, I went back to the
20 station. I was then having my meal. I was doing
21 overtime from a back shift from ten o'clock until 3 and
22 then I got called in by the inspector and told that
23 there had been a complaint that I had turned up in a
24 van, I had thrown somebody in the back of a van, I had
25 assaulted them and they had almost dislocated their

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1 shoulder. Firstly, I was in a car, I was on my own and
2 the person had said that it was myself that had done it.

3 Q. Okay. And again, that's quite a serious allegation that
4 was made against you?

5 A. Yes.

6 Q. And perhaps the sort of allegation that the police would
7 require to investigate and the fact that it was an
8 unfounded allegation might only become apparent after
9 some form of investigation had taken place. Would that
10 be fair or do you feel this should have been dismissed
11 from the get-go?

12 A. I guess it just sort of depends, you know, but, yes,
13 I mean it could have quite easily been pointed out,
14 well, that person wasn't in the van, he was driving a
15 car and he was having his peace break at the time so,
16 you know.

17 Q. Okay. So you have given two examples of cases where you
18 feel you were treated differently from how a white
19 person might have been treated in the same situation.
20 On either occasion, did you report that you thought that
21 this was an example of discrimination, that you were
22 being discriminated against?

23 A. No.

24 Q. Why not?

25 A. As I said before, you know, you really have to sort of

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1 go along with the flow and I didn't fancy any sort of
2 consequences, but I'm saying my experience, 98 per cent
3 of it has been really good with the police, so there's
4 just this small per cent which, you know, you're asking
5 me about and fair enough. I'm talking about three calls
6 out of about 3 million calls, so generally it's been a
7 really good experience.

8 Q. Okay. Let's look at paragraph 23, please:

9 "I have been asked if senior officers dealt
10 appropriately with any racist behaviour or culture that
11 they were aware of. Yes, I think there were two sides
12 of it. I think even in my probation, about 1995, where
13 I knew there was some sort of plot afoot to get me out
14 of the force, it was the then Assistant Chief Constable,
15 Mr Matheson, he called me into the office and he said,
16 look, I know what's been going on here and he didn't
17 actually spell it out, but he knew that I had been
18 picked on and it was just due to race just by a few
19 officers. In your probation you do two years and you
20 become confirmed as an officer. I was confirmed six
21 weeks earlier than everybody else just to make sure I
22 got through and that was from him realising and being
23 informed that there were people trying to get me out of
24 the job and it wasn't for the right reasons."

25 Tell us more about this plot to get you out of the

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1 police?

2 A. So the resignation letter was part of that and there
3 were certain jobs that would get an officer into or
4 could get an officer into trouble if it was tricky. We
5 had timelines to get reports done. I -- having left
6 school at 16 and gained very few qualifications,
7 I wasn't the best on paper, so I tended to be a bit
8 behind with the paperwork, getting paperwork in and that
9 was before the computers came out and if you had a
10 number of reports to do, you would get time to do the
11 reports or you should get time to do the reports.

12 Certainly I found, even when I flagged it up, that I
13 had loads of reports and I wasn't doing very well with
14 getting reports in. I would be told, no, you need to go
15 out, you need to go out and it just piled up to the
16 point where I think they got enough evidence to say
17 "this person can't cope" and I do feel that was part of
18 that.

19 Q. Okay. And why did you think that people wanted to get
20 you out of the police?

21 A. I don't really know hundred per cent. I can't put my --
22 if I said they were being racist, then, you know, it's a
23 possibility, but, you know, there's an element of racism
24 in every sort of organisation anyway, but it was maybe a
25 coincidence that was the colour I am and that I was

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- 1 getting picked on at that time.
- 2 Q. Okay. Certainly you suggest in this paragraph that
3 Mr Matheson knew about it and knew that it was to do
4 with race?
- 5 A. Correct.
- 6 Q. What did Mr Matheson do about it?
- 7 A. He asked me into his office and, at that time, I thought
8 that was my getting told that I was being removed from
9 the force, so obviously I was quite anxious and he said
10 "In you come, Paul, shut the door", which I did, and
11 then he came out with this statement "I know what's been
12 going on". And he then pulled out the confirmation form
13 and just wrote it out, confirmed it straight in front of
14 me and then said you're now confirmed.
- 15 Q. What did he do with respect to the behaviour of those
16 who were trying to get you out of the force, the people
17 who you describe as picking on you?
- 18 A. I don't know directly. I mean these are people who were
19 more senior to me, not just in years but in -- or
20 service, but also in rank as well. There were a few
21 people moved.
- 22 Q. Were there subject to disciplinary proceedings?
- 23 A. No.
- 24 Q. Did you report them?
- 25 A. No.

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1 Q. Did you make a complaint about this at all?

2 A. No.

3 Q. And to your knowledge, did Mr Matheson do anything about
4 it to address their behaviour?

5 A. I don't know.

6 Q. I mentioned a little while ago that we have heard
7 evidence this week from Professor Meer and in the course
8 of his PowerPoint presentation he took us to the results
9 of a survey that he himself had carried out where people
10 from a black or ethnic minority background were asked
11 whether they had experienced discrimination in Scotland
12 in the last two years. And in the context of discussing
13 the results of that survey, Professor Meer said to us:

14 "The other thing that's noticeable in this dataset
15 is that about 60 per cent of the people who reported it
16 said they had done nothing about it. So if it happened
17 in a workplace they didn't report it to a line manager,
18 if it happened in an educational setting they didn't
19 report it to a tutor, if it happened in the street they
20 didn't report it to the police, which tends to suggest
21 that there's normalisation of relatively low levels of
22 reporting of experiences or perceptions of racial
23 discrimination in Scotland which is quite striking."

24 And he was asked by senior counsel to the Inquiry:

25 "When you say 'normalisation' what do you mean?"

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1 He said:
2 "I mean managing it, coping with it."
3 He was asked:
4 "Accepting it?"
5 And he replied:
6 "Navigating it."
7 He was asked:
8 "Doing nothing about it?"
9 And he replied:
10 "Making sure it doesn't intrude on their life in a
11 way in which it becomes everything. I don't think
12 people are laying down and not speaking up about these
13 things, but I think that they're also choosing their
14 battles, if I'm honest."
15 Is this the sort of thing that you have been
16 describing when you said in your evidence earlier that
17 it's your shout whether or not to report what you
18 perceive to be an instance of racism, racial
19 discrimination, that sometimes it didn't bother you,
20 could make things worse if you reported it, that you
21 didn't want to -- you didn't want to make waves? Is
22 that much the same thing as saying that you were
23 choosing your battles?
24 A. I think, you know, looking back when you are doing a job
25 that you love, you have a family to support, you'll do

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1 anything not to ruin that, so it is easier certainly to
2 do nothing about it.

3 Q. Okay. We've already discussed Lady Angiolini's review
4 of complaints handling in 2020 and in her report she
5 recorded that:

6 "Some officers and staff experienced discriminatory
7 conduct, attitudes and behaviours and micro-aggressions,
8 both internally and externally, in the course of their
9 duties. We heard that many of these incidents go
10 unreported, even though some of these behaviours
11 constitute misconduct and that there was a reluctance in
12 those black, Asian and minority ethnic officers to
13 report for a fear of being characterised as playing the
14 race card."

15 Is that something that you can relate to?

16 A. I have to say that it's certainly my experience that it
17 wouldn't necessarily be the victim or the alleged victim
18 who would make the complaint. It was often the
19 colleagues would say that's out of order and it would be
20 reported. So, you know, I guess if people were to make
21 a comment, it would need to be out of earshot of other
22 people, because often, certainly police officers who
23 maybe wanted to go places, it sometimes looks better if
24 they're then sticking up for -- and rightly so -- for
25 officers who are being bullied so it's something -- as

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1 you say there, I don't think it's the individual
2 necessarily always reports. It sometimes encouragement
3 from others to make -- to report it, certainly in this
4 day and age anyway.

5 Q. Okay. Can we look at paragraph 26, please. Before we
6 do that, you've described the colleagues of a person who
7 was perhaps on the receiving end of racism or race
8 discrimination being encouraged by colleagues to report
9 the matter or perhaps their colleagues even reporting
10 the matter on their behalf?

11 A. Yes.

12 Q. Did you yourself ever receive that encouragement from
13 colleagues or did they ever report an instance of racism
14 in which you were the victim, you made no complaint but
15 they did on your behalf?

16 A. Yes.

17 Q. Can you tell us about that, perhaps provide an example?

18 A. As I say it's -- to pin down an actual example would be
19 I think difficult, because often when I was then
20 approached and asked about the situation it was almost
21 like myself reporting it and then putting my head above
22 the parapet and saying, you know, I want to make
23 something about this, you know, so I don't really have
24 examples I think I could give you off the top of my head
25 exactly. But certainly there were people who would take

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1 umbrage to something that happened certainly in --
2 outwith the police station. That would be a bigger
3 issue where they did certainly make sure that it was
4 reported that something had happened.

5 Within the police station, they would maybe mention
6 it and I would be pulled in and spoken to about it, and
7 asked if I wanted to make anything off it, which was
8 almost the same as me reporting it myself so it was
9 difficult.

10 Q. Okay. Let's look at paragraphs 26 and 27:

11 "I have been asked how I would describe the culture
12 within Fife Police around 2015 and if the 'phrase
13 canteen' culture has any meaning for me. It certainly
14 changed a lot by 2015. I used to shy away from any of
15 that stuff. I do like a laugh and a joke, but when it's
16 at the expense of somebody else, then it's not really
17 funny. People have got different tolerances to these
18 sorts of things. The canteen was a place where
19 basically you were able to relax and you'd be able to
20 let off steam a little bit and if comments were made, we
21 were actively encouraged to report it. There was lot of
22 reporting going on.

23 "If somebody was making comments and it offended
24 anybody, they were chancing their luck, because there
25 was always a chance, certainly back then, that somebody

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1 would report you and that would be the end of it. There
2 might have been a small culture of it, but I don't
3 really think that it was wise for anybody to be involved
4 in that. I don't think it really happened and if it did
5 happen, then there was people who were looking to
6 further their careers who would happily go and tell one
7 of the senior officers 'This is what I heard'."

8 So you say that the canteen was a place to relax and
9 let off steam and that if anybody said anything
10 offensive, they were chancing their luck. When you
11 refer to "offensive comments" would they include things
12 like racist comments, racist jokes, tropes, things of
13 that sort?

14 A. Yes, racist, sexist, whatever, yes. I mean it was --
15 yes.

16 Q. And was that type of language in the canteen was it
17 tolerated, was it condemned?

18 A. Condemned towards the end of my time. Right at the
19 beginning, you know, when I -- in the 80s, when I was in
20 His Majesty's Royal Marines and then when I first joined
21 the police it was -- well, everyone smoked, people, you
22 know, used interesting language and that sort of faded
23 out towards the end of my time. Certainly the language
24 wasn't -- they didn't smoke. The language wasn't used
25 and certainly the canteen culture was out the window as

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- 1 far as I'm aware.
- 2 Q. Was out the window?
- 3 A. Yes.
- 4 Q. You say the offensive comments would be condemned. You
5 describe a culture of reporting. Beyond reporting, how
6 was the language condemned? Would people call it out?
- 7 A. Oh, yes, yes.
- 8 Q. You said that there was encouragement to report and a
9 lot of reporting going on and that people who were
10 looking to further their careers would there a senior
11 officer "This is what I heard."
- 12 Are you suggesting that people who reported what
13 they heard in the canteen did so in order to further
14 their careers?
- 15 A. I think it made them think they were gaining favour for
16 doing these things and they were certainly in my
17 experience ambitious to climb the ladder and certainly
18 that sort of thing, being made out to be not tolerant of
19 any bad jokes that offended people, that certainly was a
20 tick in the box for them.
- 21 Q. Are you suggesting that their motive was self-interest,
22 if you like, rather than because they were offended by
23 what they heard and they wanted to see this offensive
24 behaviour addressed by senior management?
- 25 A. A bit of both, but often it was just to further their

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1 careers.

2 Q. Okay. You say in paragraph 27:

3 "There might have been a small culture of it.

4 I don't think it really happened."

5 And you also said in your evidence that the canteen

6 culture was out of the window as far as you were

7 concerned. What do you understand to mean by "canteen

8 culture"?

9 A. When I first joined, there was a culture of just if you

10 were newest recruit, for instance, you would come in and

11 you would make the tea, you would make the coffee, and

12 you would wash the cars, and it was almost like an

13 induction, but also you would then get all the bad jobs,

14 and you would often get bullied. That's certainly out

15 the window. There's no such thing and it doesn't happen

16 anymore, because people are more likely to react to it

17 and say, well, you're picking on me, et cetera, whereas

18 that didn't happen before.

19 Calling people names for instance was a thing that

20 happened back then, nicknames, names, and that doesn't

21 happen.

22 Q. Okay. Bear with me just a moment, please. Sir, I'm

23 mindful that it's now 3 o'clock.

24 LORD BRACADALE: We'll take a 15-minute break.

25 (3.01 pm)

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1 (A short break)

2 (3.25 pm)

3 LORD BRACADALE: You'll see that the assessors are not
4 present. Because of expected traffic congestion on the
5 way to have the airport, they have left early to catch
6 their flight to London, but they will be able to catch
7 up by watching a video recording, so please don't take
8 any offence, Mr Castledine, that they're not here.

9 Ms Thomson.

10 MS THOMSON: Thank you.

11 Mr Castledine, can we now look at paragraph 28 of
12 your statement, please. In this statement, in this
13 paragraph, you were asked about the former Chief
14 Constable's statement on institutional racism:

15 "I have been asked about the statement made by the
16 then Chief Constable, Sir Iain Livingstone, who talked
17 about institutional racism within Police Scotland. I
18 thought it was a stupid comment to make, to be honest
19 with you. I don't know whether he made it under duress
20 or whether he thought it was a good idea or it would get
21 him out of some sort of trouble. I really don't think
22 that's something that anybody should have said and
23 I don't think it's a true fact. It's a massive
24 statement to make, and I think he was just on his way
25 out. He left shortly after that and why he made it,

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1 I've got no idea. It was maybe his opinion and he was
2 told to say it. That's only my thoughts. We need to
3 build things and I think Police Scotland have built.
4 Certainly over the years it's got better, but
5 institutional, I don't know. I don't agree with that
6 particularly."

7 Now, Mr Castledine, you have given evidence today
8 before the Inquiry of your lived experience as an
9 officer within Fife Constabulary and more recently
10 Police Scotland and you have told the Inquiry that even
11 as a probationer there was a plot to oust you from the
12 service, that a resignation letter was put in your
13 pigeonhole, nobody else received a copy of that proforma
14 resignation form. Your boss dealt with the issue
15 insofar as he signed you off six weeks prematurely, but
16 to your knowledge the actual behaviour wasn't addressed.

17 You have given evidence that on a number of
18 occasions, and you gave us two examples, you have been
19 subject to the complaints or disciplinary process in
20 circumstances where you feel a white officer wouldn't
21 have been and on one occasion the matter wasn't resolved
22 for a year. And you have also given evidence before
23 the Inquiry that on a number of occasions you found
24 yourself in a single patrol vehicle without back-up and
25 you contrasted that experience with your experience in

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1 the Marines. In fact, I understand that the motto of
2 the Marines is "no man left behind" and you expressed
3 surprise at being treated that way as a police officer.

4 So that is your lived experience condensed into an
5 hour or so of evidence this afternoon.

6 Members of the public who have been following your
7 evidence and have heard your lived experience might find
8 it difficult to understand why you take the position
9 that you do in relation to the Chief Constable's
10 statement on institutional racism. Can you help me to
11 understand, in light of your lived experience, why you
12 have taken the position that you have taken paragraph in
13 28?

14 A. Certainly, I think from the beginning, in the nineties
15 when I joined, things weren't great for females, for BME
16 officers, and now certainly when that statement was
17 made, in my opinion, I think that was maybe a statement
18 that could have been made in the nineties and certainly
19 shouldn't have been made in this 2000 and whatever it
20 was, 2020 whatever.

21 Q. Okay. So do you feel that the statement that was made
22 about a year ago, last spring, as I remember well, could
23 perhaps have been made back in the nineties?

24 A. I think it was possibly or probably true back then.
25 I don't have any evidence to say it was, but certainly

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1 I would say now that in my opinion I don't think there's
2 serious issues within the police and certainly
3 Police Scotland.

4 Q. Okay. So do you feel that this statement perhaps would
5 have had more validity 30 years ago than it does now?

6 A. Yes, but I don't believe anybody would have said that.

7 Q. Okay. No one would have said it back then?

8 A. I don't think so, no.

9 Q. Okay.

10 Mr Castledine, the issues that we have been
11 discussing today, your lived experience of race
12 discrimination with the police, are these issues that
13 you have ever spoken to your family about?

14 A. Yes.

15 Q. To your friends about?

16 A. Yes.

17 Q. Are there issues that you never easy or difficult to
18 discuss?

19 A. Very difficult.

20 Q. Have you found giving evidence an easy process?

21 A. No.

22 Q. I am going to move on to something else. I want to ask
23 you questions about Alan Paton. Let's start by your
24 statement again and then I will ask you some follow-up
25 questions. Can we look at paragraph 16, please:

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1 "I have been asked how long I have known PC Paton
2 for and how we met. I would say from 2002, 2003 at
3 a guess. Around that time, I moved to Glenrothes and we
4 were on the same shift just about straightaway and we
5 worked together for a good few years in Glenrothes. I
6 then went off to do other stuff, he went off to do other
7 stuff, we worked together again later on. I think he
8 diversified, CID or something like that. I think we
9 were about four or five on and off working together."

10 If we can scroll down now to paragraph 17 now,
11 please:

12 "I have been asked what I would want to tell
13 the Inquiry about PC Paton. He is a very likable chap
14 and we worked together as a team. Alan is the same sort
15 of stature as myself, over 6 feet, and we made quite a
16 team. We would find certainly on a night shift that we
17 were partnered off together. We'd smile at each other
18 and say, right, okay, that's a van team, we're the A
19 team, and we look forward to going out and working
20 together. Alan and I worked together as a really good
21 team. He was very knowledgeable with the police methods
22 and all the law and stuff like that, I was more
23 streetwise. He dealt with everybody fairly and there
24 was never any sort of suggestion that he was
25 discriminating against anybody. Everybody was treated

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1 exactly the same. We became really good friends. I
2 haven't seen him recently. I can't really remember the
3 last time I saw him. Maybe it was about six or seven
4 years ago or may be slightly less. I haven't got a bad
5 word to say about him to be honest."

6 So I want to ask you some questions based on these
7 paragraphs.

8 You explain that you worked together on and off for
9 a period of four or five years and that you were on the
10 same shift at Glenrothes just about straightaway and
11 that was back in 2002, 2003?

12 A. Yes.

13 Q. You say that you were often partnered together. You
14 each then went off and did other things, but you worked
15 again later on. Do you recall when it was that you
16 worked together later on?

17 A. When I went to SEMPER Scotland for the year, I then came
18 back and was put straight back into Glenrothes, so years
19 wise I don't know, but we certainly were -- I think he
20 was on a different shift. Our shifts would overlap, so
21 either I would work with him on overtime or he would
22 work with me on overtime.

23 Q. Okay. So in any event, you had four or five years on
24 and off working together in total. When did you last
25 work together do you recall?

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1 A. I left in 2017, so 2012, '13, something like that,
2 something like that. I really don't remember hundred
3 per cent.

4 Q. It may not be important. I'm just trying to get a
5 picture of how often you worked together and when you
6 last worked together.

7 You say that you were often partnered together and
8 that would be as response officers; is that right?

9 A. That's correct, yes.

10 Q. In Fife and you say in paragraph 18 that you made a
11 really good team. What made you a really good team?

12 A. I think it was just the combination of -- he was a very
13 knowledgeable, as I say, and I think just the
14 combination just worked together. If you got two people
15 who both think they know everything about the law, then
16 you have a problem, whereas I would -- you know, I would
17 be the one that would sort of take the lead from him and
18 I would be able to do -- I was more streetwise I guess
19 and so, you know, he would tell me what I could and
20 couldn't do I guess, but we just gelled well together
21 and there were certain people you did like to work with
22 or you could and some people you couldn't.

23 Q. Okay. And what sort of calls were you sent to go to
24 together as response officers?

25 A. So response and certainly in the van it was normally --

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1 if the van was called up, it was something reasonably
2 serious. The van's job used to be as back-up, so if a
3 car was sent to a call, we would then follow up and say
4 we're just as back-up in case things got a bit --
5 because if there's, for instance, somebody requiring
6 transport back to the police station, it was always
7 safer to be in a van than it was a car, so we would
8 provide that transport.

9 Q. So more serious allegations of crime?

10 A. Yes, and also some of the more violent crime would be
11 easier for us to deal with.

12 Q. Okay. Did you ever have to go to knife calls together?

13 A. Did you say "knife calls"?

14 Q. By which I mean a report say from a member of the public
15 that someone is in possession of a knife, potentially in
16 a public place, did you ever have to go to that sort of
17 call?

18 A. Yes, I can't remember whether Alan was with me. I think
19 he was on the shift at the time, but, yes, there was
20 knife calls and I attended one. He was on the same
21 shift, but I can't remember him actually being at that
22 particular call, but that sort of call, yes, yes.

23 Q. We have certainly heard evidence from other officers
24 from Fife that such calls were not unusual and you
25 perhaps got one on every shift in fact?

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1 A. Maybe more recently. Certainly in my time, a knife
2 incident would maybe occur once a week or something like
3 that, you know, but I wouldn't say every day. I wouldn't
4 say every day.

5 Q. Do you remember ever going to a knife call with
6 Mr Paton?

7 A. I do remember the incident. I wasn't on with him, but
8 it was -- yes, there was somebody was going to -- was
9 sat at the top of the stairs basically in a chair and he
10 held a knife to his neck and he said "if you come any
11 closer, I'm going to" so I think Alan had arrived and
12 I -- we had to go and deal with it before he got there,
13 but I'm pretty sure he was there for that.

14 Q. Sorry. Was that a call that you went to together?

15 A. No, not together, no. I can't really recall a knife
16 incident off the top of my head.

17 Q. So I'm interested in the example that you have just
18 given. That was a call that you went to?

19 A. Yes.

20 Q. Did you go alone or with another officer?

21 A. I went with another officer who I remember was actually
22 on the same shift as Alan, so that's why I know and
23 we -- we were in a car, Alan was I think on the van with
24 somebody else, and they were away dealing with something
25 else so we had to deal with it initially, then he turned

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1 up.

2 Q. So he turned up?

3 A. Yes.

4 Q. Tell me how that situation played out? Were you and
5 your colleague first to arrive and there was a man top
6 of a night of stairs with a knife to his neck.

7 A. Yes.

8 Q. Okay. What did you do?

9 A. We just crept up the stairs and keep talking to him and
10 eventually managed to disarm him and then he needed help
11 and so he was initially taken back to the police station
12 and then we got the medical doctor out to come and
13 assess him, but nobody was hurt.

14 Q. You said you crept up the stairs and keep talking to
15 him.

16 A. Yes.

17 Q. How did you establish a dialogue with him?

18 A. You are normally trying to find something a little bit
19 in common. So, for instance, if you see a football flag
20 or scarf or something and you realise that's their team,
21 you will maybe make some mention of a team or if there
22 is a picture of maybe a family member or something, you
23 will just try and get some sort of bond with them or if
24 something happened that day in the news or whatever, you
25 just sort of just keep chatting while you're creeping up

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1 and often they don't realise you're getting closer and
2 it's just a case of -- you know, if you don't do
3 anything, then it's very difficult to know what's going
4 to happen at the end of it.

5 Q. And do you remember on this particular occasion how you
6 established that bond, was it a football flag, was it a
7 family photograph?

8 A. I think that particular one there had been an Old Firm
9 game and I was aware that his team hadn't won and it was
10 just trying to have a bit of banter, a bit of rapport
11 with him, you know, because he was upset and this had
12 just tipped him over the edge I think.

13 Q. So this was about establishing you called it a bond and
14 you also used the word "rapport", you kept him talking,
15 and you said you crept up the stairs. Why did you creep
16 you want stairs?

17 A. When I say "crept", it was just sort of like one step at
18 a time, so it didn't look like -- if you run at them --
19 anybody then it's going to -- you could end up them
20 doing something quite rapidly, so it was just trying to
21 get as close as you can so you can actually get hands
22 on.

23 Q. Can you describe the way that you were talking to this
24 man? What sort of tone of voice you were using?

25 A. It has to be pretty calm. I'm not easily flustered so,

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1 you know, it was just getting that just nice easy tone,
2 going with them and just trying to find out exactly
3 what's going on and try and get more and more in. The
4 more you talk, the closer you get and then eventually
5 we're able to get the knife off him.

6 Q. What do you mean when you say try to find out exactly
7 what's going on?

8 A. There's always a reason for somebody doing that,
9 obviously, and, you know, there's always a -- they're
10 always or tend to think of the worst sort of case
11 scenario, whereas, you know, you can always water it
12 down a little bit, you know. For instance, it's only a
13 game of football, don't be silly sort of thing or
14 whatever has, you know, happened and try to reassure
15 them that things can be sorted out.

16 Q. And you said you managed to disarm this man. How did you
17 achieve that?

18 A. Just we got to the stop of the stairs and said, "look,
19 we're here now" and I said "we need to get the knife off
20 you" and then it was a case of just grabbing hold of his
21 arm where the knife was and then just disarmed him.

22 Q. Okay. And then you said that you did get him help. Was
23 he taken back to the police station or did you call
24 an ambulance? How did the help fit into the picture?

25 A. Things changed in the police where as before we would

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1 tend to not give them a chance and arrest them for a
2 breach of the peace, which wasn't a good idea for
3 anybody, didn't help anybody, didn't help them, so we
4 would take them back and detain them and then speak to
5 the duty sergeant and explain what's happened. And the
6 first thing they would need is some medical attention
7 and then the medical side can decide whether or not this
8 person needs medical help.

9 So he was taken back to the police station and
10 I don't know what happened right at the end, but I think
11 it came out where you cannot lock somebody up for that
12 because it's obviously ridiculous.

13 Q. Okay. You said this man needed medical attention, was
14 that obvious to you?

15 A. His mental health wasn't right no, so whether it had
16 been a drink or drugs I'm not sure or -- but certainly
17 he needed some help, yes.

18 Q. And what were the red flags that you were picking up on
19 that were telling you that there was an issue with his
20 mental health?

21 A. Well, obviously the fact that he had this knife to his
22 neck and then his speech was quite slurred. He became
23 aggressive and then would then stop being aggressive and
24 would calm down and so he was just fluctuating his
25 demeanour. That gave us a bit of time to sort of

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1 approach him and then, so it was obviously something was
2 wrong.

3 Q. Okay. Now you mentioned you got this first, but that
4 Alan Paton also attended this call. Do you remember at
5 what point he arrived?

6 A. Just to take the person away so --

7 Q. Okay.

8 A. -- we got him down the bottom of the stairs and
9 everything was actually quite calm after that. It would
10 seem just sort of as if, you know, and then he was
11 placed in the back of the van and taken back.

12 Q. Okay. So Mr Paton arrived at the point that you had
13 disarmed this man and had you already got him down the
14 stairs?

15 A. Yes.

16 Q. Okay. So very much at the tail-end of the incident, so
17 what part did Alan Paton play in this incident? What
18 involvement did he have after he arrived?

19 A. Just taken him back to the station and depending on
20 whether we had to get statements, I don't think we did,
21 I think we went straight back and we dealt with them, so
22 the van would drop the person off in the backyard. Once
23 the reporting officer turned up, we would then get out
24 of the car and escort them into the and then the van
25 would go off and do --

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1 Q. So did this man -- was he taken back to the station in
2 Mr Paton's car or in your van?

3 A. So I think -- I can't remember who was in the van,
4 whether Alan was in the van or not, sometime ago, but
5 I'm pretty sure Alan was in the van with somebody else
6 and I was in the car. I'm not hundred per cent sure
7 but, yes.

8 Q. And where was the man who had had the knife at his neck,
9 was he in the car or in the van?

10 A. He was taken back -- so the van is used for transport,
11 so I can't remember, I'm pretty sure Alan was going to
12 be the vanman with somebody else and he had arrived for
13 the transport and then took the person back and then we
14 arrived back in the backyard with our car and then dealt
15 with the custody.

16 Q. Okay. Do you remember who got this man into the van?

17 A. He was really, really compliant and so he basically got
18 himself. We just had one arm each just to make sure he
19 didn't, you know, and we got him and sat him down.

20 Q. You say "one arm each" was that yourself and your
21 colleague or yourself and Alan Paton?

22 A. Myself and my colleague.

23 Q. Okay. So did Mr Paton play any part in this beyond
24 maybe driving or being a passenger in the van?

25 A. Just driving, just the transport.

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- 1 Q. Okay. Was the man white or --
- 2 A. Yes.
- 3 Q. Okay. Did you ever go to a call with Mr Paton where the
4 subject was black?
- 5 A. Yes.
- 6 Q. Tell us about that.
- 7 A. There had been some shoplifting in an area called
8 Newcastle of Glenrothes and it was a shop owned by some
9 Asian -- an Asian family and we arrived and, you know,
10 it was just basically dealing with the shoplifting and
11 we had realised that they were getting hammered by
12 people going in all the time and this has come to the
13 end of their tether and they were reporting eventually
14 and we couldn't believe they had put up with so much,
15 but they had been.
- 16 Q. Okay. So the person who had made the complaint on that
17 occasion was Asian?
- 18 A. Yes.
- 19 Q. The people who were doing the shoplifting, what was
20 their race or ethnicity?
- 21 A. They were white, yes, white Scottish, yes.
- 22 Q. All right. I'm wondering if you have ever been called
23 out to an incident where the subject, if you like, the
24 person who's potentially committed a crime, rather than
25 the complainer, was black or ethnic minority?

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- 1 A. I don't recall it, no.
- 2 Q. Okay. You said that you and Mr Paton would often go out
3 in the van. Because you had the van, you were typically
4 sent to the most serious calls.
- 5 A. Yes.
- 6 Q. Can you help us to understand what you mean by the more
7 sort of serious calls, would that include, for example,
8 assaults, domestics, things of that type?
- 9 A. Yes.
- 10 Q. Okay.
- 11 A. Anything where there could possibly be a custody
12 somebody required to be taken back to the police station
13 and it was a treble nine or a grade one call, the van
14 would arrive and it would save other people getting
15 involved in the incident if there didn't need to be.
- 16 Q. And that's because the preference would be to take a
17 custody in the van, rather than the back of a police
18 car?
- 19 A. It's safer for in the custody and also the police
20 officers as well.
- 21 Q. Okay. So you were called to the grade one calls.
- 22 A. Yes.
- 23 Q. The more serious incidents. Did you go to many violent
24 incidents together?
- 25 A. Yes.

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- 1 Q. Okay. Going to these incidents together, did you ever
2 know Mr Paton to be concerned that he was going to an
3 incident that was related to terrorism?
- 4 A. No.
- 5 Q. No. Okay. Did you ever go to a call with Mr Paton
6 where the subject was armed with a knife or potentially
7 armed with a knife where that was a known risk?
- 8 A. I don't recall. I don't, no.
- 9 Q. Did you ever go to a call with Mr Paton where the
10 subject appeared to be in a mental health crisis?
- 11 A. That was quite common, yes.
- 12 Q. Certainly Mr Paton said that he came across such cases
13 every other day of his working life?
- 14 A. Yes.
- 15 Q. Can you bring to mind a particular occasion when you and
16 he attended a call together and the subject of the call
17 was in a mental health crisis?
- 18 A. I don't think I could really sort of pinpoint, unless
19 something really major happened. If it's an everyday
20 call which tended to be, I don't recall anything, an
21 individual case, no.
- 22 Q. Okay. Do you recall ever seeing Mr Paton use his baton?
- 23 A. No.
- 24 Q. Using his spray?
- 25 A. No.

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1 Q. Did you ever see him use the sort of techniques that you
2 were describing a few moments ago when you talked about
3 the man at the top of the stairs with the knife to his
4 throat?

5 A. Yes.

6 Q. We've heard some evidence in course of this Inquiry of
7 what might be called "deescalation skills", calm voice,
8 talking softly, establishing a rapport and so on; did
9 you ever see Mr Paton use that skill set?

10 A. Yes, I mean he's quietly spoken and he's got the patter
11 to speak to people, he's got a way, you know, so and he
12 didn't really need to raise his voice at all. I'm
13 generally loud, but he was certainly quite sort of calm
14 and collective and he knew, you know, what the procedure
15 was and he was capable of talking to people.

16 Q. Okay. You say he didn't need to raise his voice, did
17 you ever hear him raise his voice?

18 A. No, I don't recall him at all. He is very softly spoken
19 so, no, didn't really need to, but I think because of
20 his size as well and his appearance, certainly people
21 would think twice about, you know, but sometimes a calm
22 voice and a bit of direction is better than shouting at
23 somebody.

24 Q. So you didn't hear him ever raise his voice. Did you
25 ever hear him shout strong verbal commands to a subject,

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1 "Get down on the ground" in a loud voice, anything of
2 that sort, no?

3 A. No.

4 Q. Did you ever hear him swear at a subject?

5 A. No.

6 Q. Okay. Did you ever attend a call with Mr Paton where
7 you elected to make observations and feedback to control
8 rather than going straight into the subject?

9 A. I mean that was the idea of a lot of the calls. You
10 couldn't make a -- you know, needed guidance certainly
11 from the office so they make the judgment of what we're
12 to do and so I would have, but I don't as a particular
13 incidence I couldn't tell you about.

14 Q. What about going to a rendezvous point? Do you recall
15 ever being on a call with Mr Paton where you perhaps
16 went to a rendezvous point, stood back, you mustered and
17 perhaps waited for specialist resources to arrive? Is
18 that something you ever did?

19 A. Yes, we used to do it often if there was a major
20 incident, a lot of people fighting, if you think about
21 maybe just ten of us on a shift and you go to an
22 incident where there's 20, 30 people fueled with drink,
23 et cetera, and they're fighting, then we would then we
24 would get held outwith until all the units were there
25 and then we would then go in to make sure that people

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1 weren't left alone, so there wasn't just one unit went
2 in and then, you know, so we would stay on the
3 periphery, yes.

4 Q. Do you know that Mr Paton has a sister, Karen Swan?

5 A. Yes.

6 Q. Okay. She has provided a statement to the Inquiry and
7 in that statement she says that when Mr Paton was a
8 teenager he wanted to join the BNP. Do you know
9 anything about that?

10 A. No.

11 Q. She also says that he used to make racist remarks to the
12 family who lived around the corner when they were
13 growing up. Do you know anything about that?

14 A. No.

15 Q. And she also says that Mr Paton has used racist
16 language. Do you know anything about that?

17 A. No.

18 Q. Okay, bear with me a moment, please. Thank you,
19 Mr Castledine. I have no more questions.

20 LORD BRACADALE: Are there any Rule 9 applications.

21 Ms Mitchell.

22 Mr Castledine, I wonder if you withdraw to the
23 witness room while I hear a submission.

24

25

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1 Submission by MS MITCHELL

2 My Lord, one brief issue arising from what my
3 learned friend elicited in conversation with the
4 witness, the Inquiry might recall that earlier in
5 evidence there were questions asked about Mr Paton and
6 Mr Walker being paired up together before being put on
7 the van and there were questions asked about that,
8 including their stature, the fact that they were both
9 tall and their size. This witness said that "Alan is
10 the same sort of stature as myself, over 6 foot, and we
11 made quite a good van team". He then went on to explain
12 that they were called to more serious events and the van
13 was safer to transport people back in. And the only
14 thing I would like to ask this witness is, what is the
15 issue about their stature and their height in relation
16 to them being the "people in the van" team? Why does he
17 draw that out as a reason for being good to be paired up
18 together in the van team? There's nothing else.

19 LORD BRACADALE: I'll allow it. Bring the witness back,
20 please.

21 (Witness returns)

22 LORD BRACADALE: Mr Castledine, Ms Mitchell KC who
23 represents the families of Sheku Bayoh has a matter for
24 you.

25

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1 Cross-examination by MS MITCHELL KC

2 MS MITCHELL: Just one issue that I want to ask you about
3 and it's about the van that you've made some comments
4 about in your evidence. You explain to us that the van
5 was called for more serious events and that it was a
6 safer mode of transport to transport people back to the
7 station --

8 A. Yes.

9 Q. -- if you had arrested them. What you said in your
10 evidence and what you said in your statement was that
11 "Alan is the same sort of stature as myself, over
12 6 foot, and we made quite a good van team."

13 What I would like to explore with you is why is it
14 that you're referencing your hindsight and your stature
15 in relation to the van, what is it that you've made that
16 connection?

17 A. Certainly when I first joined the job, the van crew was
18 given to the two biggest people on the shift.

19 Q. And why was that?

20 A. Because we were to deal with major incidents so if there
21 had been a fight in a pub, the van crew would have to go
22 and deal with the fight in the pub, and I guess it was
23 more of a deterrent -- things have changed, moved on
24 since then -- and I was of the old school opinion that
25 if they had a big van crew and they turned up at an

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1 incident and they stepped out of the van, people are
2 going to think twice about doing anything so it was more
3 of a deterrent than anything else and generally we were
4 more able to deal with the incident just through sort of
5 size.

6 Q. Okay and --

7 A. Stature.

8 Q. -- that might be obvious why that is but can you explain
9 to us why if there might be an incident which is of a
10 serious nature your stature would assist you in that
11 regard, your size and your shape, other than a
12 deterrent?

13 A. Yes, I think really we were able to, as I say, be a
14 deterrent and tended to be stronger than the smaller
15 people in the shift and they had their strengths and
16 weaknesses and I think the strength of the van crew was
17 just having the size and the physical ability.

18 Q. And you say that that was you paired up, you were
19 usually paired up, did that pairing continue as a van
20 team throughout your career?

21 A. No.

22 Q. What changed in that regard?

23 A. Just society changed, just why should the two biggest
24 people be on the van and it actually transpired that it
25 wasn't necessarily the right thing, I think it was just

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1 old school in the nineties where it was and then I think
2 there was a time where females weren't allowed in the
3 van and I think they realised over the years that
4 actually females can be a good calming influence in an
5 incident so then they decided that it was just old
6 school and it wasn't worth doing so. It was just one of
7 those things as I say every single van crew in every
8 village in every station in Fife had the two of the
9 biggest people in there.

10 MS MITCHELL: Whilst I would like to make follow-up
11 questions, I don't think they're relevant, my Lord.

12 LORD BRACADALE: Very well, that's you finished?

13 MS MITCHELL: Yes.

14 LORD BRACADALE: Thank you. Well, Mr Castledine, thank you
15 very much for coming to give evidence to the Inquiry.
16 I'm very grateful for your time. I'm going to adjourn
17 now and then you'll be free to go.

18 A. Thank you.

19 LORD BRACADALE: The Inquiry will now adjourn.

20 (The hearing was adjourned to Wednesday, 19 June 2024)

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