

Episode five: The Golden Hours

INTRO:

Karin: Early on Sunday, 3 May 2015 Police Scotland's control room starts to receive calls.

CLIP 1: Hello, there's a black man, a black man with a knife on Hayfield Road in Kirkcaldy

<https://www.shekubayohinquiry.scot/node/170>

Time code [5-9seconds]

Police arrive at the scene and within minutes Sheku Bayoh is down on the ground.

After being restrained by up to six officers, he stops breathing.

Many details of what happened that morning are in dispute. His devastated family are still searching for answers.

They want to know what role race played in Sheku's death. They claim he is Scotland's George Floyd.

CLIP 3: Sheku died here in Scotland, and I am fighting, we as a family are fighting, for changes to happen here in Scotland. No family should suffer the way we are suffering. [Kadi Johnson]

Police refute this.

Now a public inquiry - launched in May 2022– is trying to find out what really happened.

CLIP 3:

Timecode: 13:33

Its purpose is to seek to ascertain the truth. And to that purpose I am fully committed.

<https://www.shekubayohinquiry.scot/hearings/preliminary-hearing-1>

Timecode: 13:33

Welcome to Sheku Bayoh: the Inquiry – a podcast series from The Ferret.

MUSIC -

Episode five: The golden hours

EXTEND MUSIC

Karin: I'm Karin Goodwin, co-editor and journalist for The Ferret.

Tomiwa: And I'm Tomiwa Folorunso, a freelance writer and editor.

Karin: As the sun rises in the early hours of the morning, or as it sets at the end of the day, the light appears warmer and softer. These are known as the golden hours.

There are golden hours in police-speak too. Those are the first 24 hours or so that give detectives the best opportunity to gather evidence that may be of significance.

In this episode of Sheku Bayoh The Inquiry, we'll hear about the progress of the police investigation in those so-called golden hours.

Karin: What's striking in this hearing is how many different parts of the force were involved in the initial police response. So there's going to be a lot of names in this episode.

We've mentioned some of them in the last episode. If you've not heard that, we suggest you go back and listen at theferret.scot or wherever you get your podcasts.

Tomiwa: There's also quite a bit of contradictory evidence from police who, almost eight years later, say they struggle to remember when

meetings were held, what was discussed or who made decisions.

And because this podcast aims to give you a rounded view, sometimes you'll hear several sides of the same story. So first up, here's a rundown of some of the key police officers involved.

Karin: First there were the P-division police officers of team four - who responded to 999 call handlers on the morning of 3 May. P division is the Police Scotland name for its local force in Fife.

We heard from those officers - PCs Alan Paton, Craig Walker, Ashley Tomlison, Nicole Short, Kayleigh Good, Alan Smith, Daniel Gibson and James McDonough - in the first three episodes.

All of them returned to Kirkcaldy police station at 7.40am, were stood down from duty and ordered to wait in the canteen.

Tomiwa: Also in Kirkcaldy Police Station that morning was Detective Inspector Colin Robson, who was the on-call Senior Investigating Officer (SIO) that day. He says he initially led the investigation.

He arrived at Hayfield Road that morning after Sheku had been restrained and then took Nicole Short to hospital, which - he told the inquiry - he did before he realised how serious the situation was.

Karin: Meanwhile at 8.30am, Detective Chief Superintendent Lesley Boal called Detective Superintendent Pat Campbell – based in Lothian and Borders.

He was the on-call Detective Superintendent for the whole of the East of Scotland that Sunday.

And he says he, not Colin Robson, was appointed SIO from the start.

Tomiwa: It was about 9.15am when he arrived at Kirkcaldy and Sheku was already dead.

A critical incident had been declared and a structure called Gold Command was set-up in response.

Karin: Gold Command is a policing structure that aims to ensure accountability and oversight. It deals with the investigation, and issues like the impact on the community and how it will be communicated to the public.

Chairing the Gold group that day was Assistant Chief Constable Ruairaidh Nicolson, who led on crime and counter-terrorism across Police Scotland. He was the Gold Command lead so led on strategic decisions.

Chief Superintendent Garry McEwan - Fife's Local Policing Commander - was the Silver command lead. That role involves tactical decision making.

Pat Campbell was a Bronze command lead, responsible for operational policing.

Tomwa: By the time the Gold group first met at 11.30am there was a hive of activity.

Pat Campbell had reported the incident to the police professional standards team, which had in turn, alerted the Crown Office. That's standard police protocol when someone has died following police contact.

The Crown Office instructed the Police Investigations and Review Commissioner (PIRC) to lead the investigation, with Police Scotland assisting its team.

Karin: In terms of the investigation Campbell had already developed some working theories about what had happened. Here's what he told the inquiry:

CLIP 1: *At the start of any investigation you keep an open mind at*

all times around the potential reasons why someone may have died. it's crucial for that transparency and accountability that you have that open mind around it.

obviously I was aware that there had been restraint by the police officers, so again one of the aspects is: did Mr Bayoh die as a result of restraint? Did Mr Bayoh die as a result of an earlier assault which subsequently led him to Hayfield Road? Did Mr Bayoh die as a result of some sort of medical condition that we hadn't identified at that time? Did Mr Bayoh die as a result of drink, drugs, intoxication, overdose? And thereafter probably the fifth one, which at that time was round about was there some aspect of counterterrorism, ideology aspect to what we were looking at, at that particular time?

Timecode: 02:20:51-20:22:30

<https://www.shekubayohinquiry.scot/hearings/evidence-det-supt-pa-trick-campbell-09032023-am>

Terrorism, he said, was ruled out quickly by background checks. But hypotheses - such as intoxication and assault - were being considered as senior officers made their way to that first Gold Group meeting.

At the meeting Campbell gave an update on investigative priorities. Meeting minutes show 12 bullet points on this, the second of which details the need to get witness statements from Zahid Saed and Martyn Dick, Sheku's friends.

Tomiwa: Collette, Sheku's partner, who at that time was giving a statement in an interview room at the station, had told the police these were friends who were with Sheku in the early hours of the morning.

Third on the list of bullet points is the need to secure Sheku's home and that of Martyn Dick.

It's not until the 11th and 12th points on the list that the need to get statements – and seize clothing – from officers who restrained Sheku are mentioned.

Karin: At that time officers from team four were sitting together in the canteen. Most of them were still in their uniforms, and would be for many hours to come.

DI Robson came down to see his colleagues and claims he told them not to discuss the events, maybe watch TV to take their mind off things, in order to protect the integrity of their evidence.

He claimed he was asked to separate them. But he had questions about how he could carry out that instruction.

CLIP 2: I think the first one would be how, in terms of logistics because the number of officers -- and I have already explained the kind of resource available and that logistics of how we were going -- how we would do this. But probably more importantly is I would have contemplated that is why, why are we separating them, why would we isolate them after this? it was my decision in the end not to separate them, it is trying to give that kind of justification rationale to the detective superintendent is that: why are we doing it? Protect integrity. I said "I could achieve the same integrity by putting them in one place, cover welfare, but the control measures of someone independent", and then the attendance of a Federation rep from the welfare perspective.

Timecode: 1:18:42 - 1:19:45

<https://www.shekubayohinquiry.scot/hearings/evidence-di-colin-robson-02032023-am>

Tomiwa: But while officers waited, detectives had already spoken to Zahid on the phone. They went to his house to try and bring him in for questioning.

Zahid's twin sister, Saadia was staying at the family home recovering from a caesarean. Her two-month-old baby girl and 18-month old son were with her.

Also in the house were her mum, who spoke no English, and her disabled brother, who had been paralysed from the neck down, and used

a wheelchair since being injured in the Iraq war as a British soldier.

Karin: Saadia says two uniformed police officers knocked on the door that morning.

They asked if her brother Zahid was home and when she told them he wasn't, they left. But about an hour later, they returned. This time, there were more officers.

A plain clothed officer told Saadia they were looking for evidence for an investigation, and said the family needed to leave their home.

Though scared and intimidated, she asked for a warrant. They told her they didn't have one and came in anyway. She told the inquiry she felt she was given no option.

CLIP 3

He was just forceful. Q. In what way? A. In a way that we didn't -- he didn't give me a chance to think about anything. He wasn't very pleasant. I just felt scared and intimidated by him. Q. What was his tone of voice like? A. Aggressive, quite loud, a bit frightening.

Timecode: 1:12:56

<https://www.shekubayohinquiry.scot/hearings/evidence-saadia-ras-hid-08022023-am>

Tomiwa: Saadia, visibly distressed, explained she could not move her brother's wheelchair alone.

Her mother and brother were also frightened. The experience was bringing back horrific memories of a previous incident the family had gone through which had involved the police, Saadia told the inquiry.

We told you in a previous episode that in 2014 Zahid's toddler son was tragically killed by the child's mother.

Karin: Though Saadia had been told by officers not to contact anyone, she used the downstairs house phone to call her dad – who was working

at the shop he owned. He said he would return home. Meanwhile she tried to negotiate with police

CLIP 4:

<https://www.shekubayohinquiry.scot/hearings/evidence-saadia-ras-hid-08022023-am>

Timecode: 2:20:08 - 2:20:52

I was worried about the safety of my brother and --

Q. Is that Abid?

A. Abid, and where he was going to go. Everything that we needed was in that house, it's catered for him. He can't cope going anywhere else

Q. What was the response to that? A.They didn't care.

Karin: Saadia, who wears a hijab, had been in her pyjamas when the police arrived. She had to request privacy as she got herself and her children ready. A male officer stood outside the room as she changed.

The family were now in panic mode, as they collected their belongings. They were worried about Abid – everything he needed was in the house and couldn't be moved, including the machine that lifted him in and out of his specially made bed.

Her father finally arrived and after arguing his case, was able to enter his home. With the help of Saadi's older brother, Sajid - who had also arrived, he assisted Abid into his chair so he could leave.

Tomiwa: In the confusion Saadia, who was nursing her two-month old baby, left behind her breast pump, expressed milk, cream for her kids - who had chickenpox - and her own medication.

The family asked officers if they could return for these essentials. But this is what Saadia told Angela Graham KC about how the officers responded.

CLIP 5

Timecode 1:36:16 - 1:36:20

<https://www.shekubayohinquiry.scot/hearings/evidence-saadia-ras-hid-08022023-am>

"We weren't allowed to go back inside."

AND

CLIP 6 Timecode 1:36:46 - 1:36:55 / 1:37:00 - 1:37:04

They didn't care, they just said we weren't allowed back in the house and we weren't allowed to touch anything. Q. Did you tell them that you needed -- A. Yes. Q. Did they offer to go and get things for you? A. Nothing.

Tomiwa: The family spent the whole day at her older brother Sajid's house and found out about Sheku's death while they were there.

But the family couldn't understand why their home was a crime scene and why they were treated like criminals. Here's Saadia again:

CLIP 7:

<https://www.shekubayohinquiry.scot/hearings/evidence-saadia-ras-hid-08022023-am>

Timecode: 2:36:22 - 2:36:44

A. What did Shek's death have to do with our house? Why were we being thrown out of our house? What were they looking for in our house? What were they searching for that could possibly have to do with Shek's death?

Karin: Officers attending that day have yet to give evidence. But in an inquiry statement one officer said they did try to help, phoning relatives and social workers back at the station.

They claim it was necessary to seize the house. They wanted clothing that Zahid was wearing when he was out with Sheku, to rule out lines of inquiry.

The family was offered overnight accommodation. But at 8pm, desperate to get home, they arrived back at their house. It took an hour for her father to persuade officers to let them in.

In his evidence Pat Campbell says that releasing their home back to them was prioritised, due to the circumstances.

Tomwa: Saadia also said in her evidence she remembers seeing Zahid sitting in a police car, though she's unsure of the time. Her father and brother approached, but he was not allowed to speak to his family.

Other evidence suggests he was picked up by police before 1pm. It was then that he texted their friend, Martyn Dick to let him know police were on their way.

Martyn and Shek had been really close friends for about five years - they spoke most days. All he knew is that Shek wasn't himself last night but now he was worried.

Karin: Within about 15 minutes, he told the inquiry, multiple police cars arrived at the home he shared with his now-wife Kirsty. There were nine or ten officers, he claimed, and they all came into the house.

Why did so many officers attend, Angela Graham KC, asked DC David Bellingham, who was one of those who attended that day

CLIP 8: Because of the nature of the incident with Mr Bayoh and, you know, it was a precaution to have more officers in case we were going to something that could be dangerous.

Timecode: 2:34:52- 2:35:03

<https://www.shekubayohinquiry.scot/hearings/evidence-martyn-dick-and-dc-david-bellingham-03022023-am>

Karin: All Kirsty and Martyn was told was something had happened and that police needed their help with information – at this point, Martyn did not know Sheku was dead, or what had happened that morning. Here's how he said that felt:

CLIP 9: Like, looking back now I think they could have maybe given us a little bit more understanding of what was going on rather than just having all these people in our house at once which was

intimidating, as you could imagine.

Timecode: 31:13-31:36

<https://www.shekubayohinquiry.scot/hearings/evidence-martyn-dick-and-dc-david-bellingham-03022023-am>

Tomiwa: The couple agreed to go with them to the police station. As Martyn said, they wanted to help Shek and they didn't have anything to hide. Crucially, it didn't feel like they had the option to refuse.

He and Kirsty took it in turns to go upstairs and change while an officer stood outside the door.

Then they were separated, put into two different police cars and taken to the police station to be interviewed individually.

Martyn told the inquiry he thought it was a strange way to treat them, given they had not committed a crime.

CLIP 10: you know, it was a scary situation because they had all come in and it was as if we had done something wrong and with the officer coming up and standing with us, it seemed as if we might be in some kind of trouble or something like that. I don't know. It seems like they were trying to -- I don't know -- control the information that was going to be coming out next...

Timecode: 42:36-43:16

<https://www.shekubayohinquiry.scot/hearings/evidence-martyn-dick-and-dc-david-bellingham-03022023-am>

Karin: The majority of police officers questioned later claim that Martyn and Kirsty's house was seized with their consent. But Martyn said he doesn't remember ever being asked.

Here's DC Finch, a major investigations team officer who attended Martyn and Kirsty's home after it had been secured, explaining how he would go about getting consent in the absence of a warrant.

CLIP 11: I would build that to within the witness statement to make it clear that we've explained, you know, that they're under no obligation to do so, it had been explained why, you know, the purpose of doing that and what we're looking to achieve and the fact that if they become uncomfortable at any point, they can withdraw that permission.

Timecode: 2:00:26-2:00:44

<https://www.shekubayohinquiry.scot/hearings/evidence-dev-kapadia-and-dc-robert-finch-07022023-am>

Tomiwa: Martyn told the inquiry there was no such explanation. The inquiry team found no record.

DC Finch was instructed to do a walk through of Martyn and Kirsty's home on 4 May.

He found less than a gram of cannabis and two grinders – used to break it into fine pieces so it can be smoked – in a drawer Martyn said was closed when he left his home.

Finch says it was open when he arrived. It was only when he found the cannabis that he was instructed to apply for a warrant. He admits that this is the only time in his career he has asked for a warrant for such a small amount of cannabis.

Karin: Dev Kapadia, was the on-call Procurator Fiscal Depute on the day the “minute” amount of cannabis was found.

He might have approved a warrant application if it was clear the drugs were connected to the death and had to be seized to protect the public.

But on 4 May, he was taken aback by this “disproportionate” request to search Martyn Dick's home. The request to make an application was refused.

Kirsty and Martyn were allowed home on Monday evening.

Tomiwa: But on Sunday 3 May police were still investigating the possible relevance of Martyn and Kirsty's home.

Both were interviewed for hours. Their clothes were seized as evidence.

Martyn handed over his mobile, which was never returned.

Karin: During questioning police did not tell him Sheku was dead. It was Kirsty who broke the news.

At 2.40 that afternoon the second Gold Group meeting was held at Kirkcaldy Police station.

By this time officers were joined by PIRC's lead officer - Keith Harrower.

From this point on, witnesses told the inquiry, PIRC was officially in-charge.

There was another new face at this meeting. Detective Chief Inspector Keith Hardie from major investigations had been called in from Edinburgh by Detective Chief Superintendent Leslie Boal, with the aim of helping facilitate the transfer of the investigation from Police Scotland to PIRC.

Tomiwa: It was the first time he had known PIRC to take over an investigation like this. The atmosphere, according to Keith Hardie, was "stand-offish".

It's also in this meeting that it's first noted the officers from team four have been advised by the Police Federation not to provide any statements, until they have taken legal advice.

Karin: In evidence there were conflicting reports about the reasons for this.

Police Federation rep PC Amanda Givan claimed officers were unclear

about their status as either witnesses or suspects, which is why they were advised not to give statements.

But Pat Campbell completely disputes this:

CLIP 12: So, 27 years of being in the police, this is the first time that a police officer has refused to provide an operational statement to me, up until 2015 and from 2015 onwards, the only occasion. The normal activity or course of events for any SIO is that you look for operational statements prior to the officers going off duty. the drive that day, which is documented in all the Gold Groups, was the requirement for operational statements. I mean, there was still that drive to basically obtain some sort of direction from the officers round about the use of force, who did what, who utilised PAVA, CS, who was involved in baton strikes, who was involved in the restraint.

Timecode: 2:03:15-2:04:32

<https://www.shekubayohinquiry.scot/hearings/evidence-det-supt-patrick-campbell-10032023-pm>

Karin: Keith Hardie had never experienced this either in his 31 years of service.

For Hardie the officers were the key witnesses who needed to be interviewed, ideally each questioned by two detectives, before he says, they are “influenced by other people”.

CLIP 13: When I attended Kirkcaldy, my number one priority would be to get the statements from the officers who attended the scene, because they are -- never mind house-to-house or anything, they are 100% witnesses to what has happened.

Timecode 1:34:18-1:34:35

<https://www.shekubayohinquiry.scot/hearings/evidence-retired-det-chief-insp-keith-hardie-15032023-am>

Karin: In his view clothing and equipment should also have been seized from officers as soon as possible, ideally straight away.

Tomiwa: In fact, clothing wasn't taken from officers until late afternoon.

Keith Hardie had different views about the way the potential crime scenes should be prioritised too. Here's what he told the inquiry:

CLIP 14: Sheku Bayoh was walking along the road unharmed, right. After police contact he's dead. So your number one priority has to be around the scene of where he was apprehended. The four other scenes I would describe as secondary scenes where I accept you might get witness evidence as to, for example, what Sheku had been doing or how he'd been acting, et cetera, et cetera, but because we had evidence of Sheku being fit and well, you know, not injured walking along the road, then the number one scene where I would be looking to put all my resources would be Hayfield Road where he was apprehended by the police.

Timecode: 1:06:10-1:06:58

<https://www.shekubayohinquiry.scot/hearings/evidence-retired-det-chief-insp-keith-hardie-15032023-am>

Karin: Both Hardie and Campbell told the inquiry about the crucial nature of those golden hours - the best chance of capturing critical evidence. Here's what Hardie said:

CLIP 15: It's a sort of recognised terminology when you're dealing with an incident, that your first 24 hours are the golden hours. They talk about the first hour, but your first 24 hours are where your best opportunities are to gather evidence that may be of significance to investigate what you're dealing with.

Timecode: 57:23 - 57:43

<https://www.shekubayohinquiry.scot/hearings/evidence-retired-det-chief-insp-keith-hardie-15032023-am>

So what was done at Hayfield Road? Evidence gathering at the scene actually started just minutes after Sheku was apprehended.

While officers waited for the ambulance to arrive, the knife was located on a grassy area nearby.

At the time DI Colin Robson instructed officers to photograph the knife, as well as batons lying on the road, on their mobiles, and bag them.

He claims he did this thinking the situation was now under control.

Tomiwa: With the benefit of hindsight though, Keith Hardie claims things should have been done differently.

CLIP 16: I would get the forensic officers, the scenes of crime officers, they were called, to come out and recover that knife, photograph it in situ and recover it forensically. It's just how I would do it.

Q. Why would you do it that way?

A. Because I was aware of the importance of the knife in 4 the whole scenario. It was, you know, it was massively important. Because if Sheku hadn't have been in possession of a knife or the male hadn't been in possession of a knife then he presents less of a threat to the officers who had attended.

Timecode: 1:25:36-1:26:00

<https://www.shekubayohinquiry.scot/hearings/evidence-retired-det-chief-insp-keith-hardie-15032023-am>

Tomiwa: Another thing Hardie would have prioritised, he told the inquiry, is door-to-door inquiries at Hayfield Road.

But it is not until that evening that a door-to-door coordinator is even appointed. Notes from a Gold Group meeting held at 8.15pm state: "Urgent: will commence immediately".

Karin: Neighbour Kelvin Nelson, who saw police apprehending Sheku Bayoh from his window, was not interviewed until the evening of Tuesday 5 May. We heard from him in hearing one.

He also revealed it was not just PIRC investigators who visited him

either. About a week later a relative of Sheku's came to the door, asking if he had seen anything. Kevin Nelson could tell he was upset, he said. The man's eyes were red and his voice quivering.

He told the inquiry he regretted now that he said he hadn't seen anything.

And later that summer there was another man who chapped his door, he said - John Sallens, a former detective who left the police in 2013.

Sallens, now a private investigator, was doing work for lawyer Peter Watson, according to Nicole Short's statement to PIRC on 4 June 2015.

Watson had been hired at the time by the Scottish Police Federation - the same organisation advising the officers not to give statements.

This is what Kevin Nelson told the inquiry about John Sallen's visit:

CLIP 17: What I'm not sure about, if he'd introduced himself as working on behalf of or working for the police or the solicitors representing the police. Q. Right. A. In my naivety at the time, you hear police, solicitors, "come in".

Timecode 3:00:55-3:01:15

<https://www.shekubayohinquiry.scot/hearings/evidence-kevin-nelson-am-31052022>

Karin: And while there, Kevin Nelson claimed John Sallens had some comments to make about Sheku's character.

CLIP 18: He was telling me he wasn't how he was perceived to be in some of the newspapers or online articles as being a good guy, in fact he -- he said he wasn't necessarily a good guy, he had been involved in -- he pretty much described him as like a heavy for a local gangster-type chap that was -- had been in the news round about that time.

Timecode: 3:01:48-d3:02:25

<https://www.shekubayohinquiry.scot/hearings/evidence-kevin-nelson-am-31052022>

Karin: Peter Watson is now representing PC Craig Walker and Nicole Short in the inquiry.

The Ferret contacted, Watson, Sallens and the Scottish Police Federation. Watson declined to comment while the inquiry was ongoing. The others did not respond.

Tomiwa: Back on 4 May, it was agreed that the initial results of the post-mortem should be shared with both the family and the officers involved in Sheku's arrest.

A form of words was agreed by senior officers. It read:

"Sheku Bayoh cause of death has been detailed as unascertained pending toxicology. There is no evidence of any blunt force trauma injury which would have been a contributory factor to Mr Bayoh's death."

Karin: It was agreed that Garry McEwan would inform the officers. PIRC was tasked with informing the Bayoh family. But the family claimed the message was not passed on.

And the attempt to get statements from officers continued. On the 5 May, on the instruction of PIRC Keith Hardie met all of the team four PCs, except for Nicole Short and Alan Paton.

Tomiwa: The briefing was to ensure that they knew, he said, they were witnesses not suspects.

But when he attempted to gather statements two days later, they continued to refuse, quoting legal advice. PCs Paton and Short, who he met with on 13 and 18 May also refused.

None of these officers provided any statements until the 4th of June.

Karin: The Ferret contacted PIRC and lawyers for the officers but they also declined the opportunity to comment while the inquiry was ongoing.

Keith Hardie said he had “reservations” about the fact officers were given information from the post mortem.

He also said the decision of officers not to provide statements fuelled public concern that there had been “a cover-up”.

Here’s what he told the inquiry about the importance of transparency:

CLIP 19: At the end of the day, the police have arrested a black male and he has died after police contact, so it's massive, you know, it's significant, there's all sorts of concerns around about that and rightly so. Is there a racial element to it? You know. And there would be concern -- at the end of the day, we are -- the police are meant to be here to protect, you know, protect communities, protect individuals. Now, something's gone wrong during that apprehension of Sheku which has led to his death, so the police are going to be scrutinised for it, and rightly so. So transparency is massive, we have to be seen to be transparent and not hide anything, or being as open and honest as we possibly can.

Timecode:2:46:55-2:48:03

<https://www.shekubayohinquiry.scot/hearings/evidence-retired-det-chief-insp-keith-hardie-15032023-am>

Karin: For many of those involved, that lack of transparency has had long-term consequences. For Saadia Rashid, she said it means as a Muslim woman she now no longer feels safe either on the street or in her own home.

Tomiwa: And here’s Martyn Dick on the impact it’s had on him.

CLIP 20: I feel like it's important to have trust in the police, obviously, for everyone. Obviously we need them. You know, if someone breaks into my house, I need to get in touch with them, I need to speak to them, I want to teach my children that they should

trust them and that they can trust them but it's difficult because I now have clear evidence that they can't always be trusted because of what's happened after the fact, all the ridiculous stories that came out, all the lies that they told to Shek's family, it's quite hard to get your head round actually, that that's the police that are putting out these stories I would expect better, as everyone should, from the police.

Timecode 1:06.12-1:07:10

<https://www.shekubayohinquiry.scot/hearings/evidence-martyn-dick-and-dc-david-bellingham-03022023-am>

Karin: On the 6th of May Pat Campbell handed over his inquiry to PIRC. He had been unable to rule out several of his hypotheses, including that Sheku had died as a result of the restraint.

He was asked by the inquiry if he also considered the role race might have played in that ?

Questions were put to him about a statement provided by Detective Chief Superintendent Leslie Boal, who said that one hypothesis would have to be that Sheku had been treated differently because he was black.

Campbell initially told the inquiry he had not had any evidence that the restraint was racially motivated. But he admitted that could not be ruled out.

Tomiwa: Many of those who have given evidence have insisted that Sheku's race made no difference in the way he, his family or witnesses were treated.

His sister Kadi Johnson does not agree.

CLIP 21: I feel if Sheku was white, he would have been treated in a different way. And I'm saying this now with a lot of fear, because I know I will get people coming for me for saying this, but that's just how I feel. I feel if Sheku was white, the police had met him, they

would have approached him in a different way. I feel they would have approached us as a family as well in a different way. So, for me, because he was black, that's why he was treated the way he was treated from the very first instant the police met him.

Timecode: 3:14:011-3:14:58

Tomwa: After Sheku's death, Kadi said in her statement her brother's face was all over the papers. While some coverage was accurate, in others, she felt he was being vilified and written about as if his death was his own fault.

Karin: When she went shopping in the nearby Asda she felt people staring. Kirkcaldy was her home - the place where her children were born and where she had made friends. But in the end it was too stressful to stay, she said. The family has since moved from the town.

It was via the media that the Bayoh family found out that no officers would face criminal charges. Lord Advocate James Wolffe had promised the family they would be the first to know whether or not the Crown had decided to prosecute.

But Kadi never found out why they weren't contacted before the press.

Along with the loss of her brother, she was asked, how has life changed?

CLIP 22: Now I need to sit here, I need to, you know, fight for justice for my brother. I need to do what I have to do for justice to prevail, for the public to know exactly how Sheku died. So, my life and my family's life have changed a great deal.

Timecode: 3:11:11-3:11:35

<https://www.shekubayohinquiry.scot/hearings/evidence-kadijartu-johnson-31012023>

Tomwa: Now the inquiry will turn its attention to the cause of Sheku's death and hear from the experts. You can listen to all the evidence at shekubayohinquiry.com

Karin: Find all five episodes of Sheku Bayoh: The Inquiry presented by me, Karin Goodwin

Tomiwa: And me, Tomiwa Folorunso at theferret.scot or wherever you get your podcasts.

MUSIC

Karin: The Ferret is an investigative coop run by and for its members. We believe good journalism changes things.

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Tomiwa: This podcast was written and produced by Karin Goodwin
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END [35.23]