

WITNESS STATEMENT

Agency Ref : **S175 A**
PF Ref :

Surname : SHORT Other or previous surname :

Forenames : Nicole DoB : [REDACTED]/1986 Age : 29

Occupation : Police Officer Other Occupation : PC [REDACTED] (1014)

Police Station : Years Service :

Disclosable address :

Post Code:

This statement was taken :

Date and time : 4th of June 2015 13.45

By : INV JOHN FERGUSON & DSI MARGARET-ANN HEADRICK

Place : [REDACTED]

In the presence of :

I have/the witness signed/refused to sign this and all other pages

It was/not read over to the witness and was/not recorded on Audio tape and/or Video tape

States :

I am currently a Police Constable with the Police Service at Scotland and I have 6 years police service. I am based at Kirkcaldy Police Office. I have been there for 2 months, prior to then I was seconded to the traffic dept.

Today I have been interviewed by IO Ferguson and DSI Headrick. I understand this is in relation to my recollection of events surrounding the death of Sheku Bayoh on 3/5/15 in Kirkcaldy.

[REDACTED]
[REDACTED] I feel ok for now and I understand I can take a break at any time I wish. I have also had an opportunity today to speak to Amanda Given, a

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representative of the Scottish Police Federation who is providing me with support for now. I have provided a statement to John Sallens who works for Peter Watson Solicitors. This was on Wednesday 13/5/15. I have the statement in my mobile on an email and I have forwarded this to PIRC at the request of IO Ferguson. I am happy to do this. My memory has been bad since this incident. I am unsure of any discussions that took place in relation to the provision of statements after 3/5/15. I do have an email on Thursday 7/5/15 to the effect that we will be offered the opportunity to provide a statement to PIRC. Peter Watson's position was that we were not providing statements at this stage until our status had been clarified. The response we should provide meantime was "on legal advice I decline to provide a statement at this time until my status as a witness or suspect has been confirmed by my legal advisor Peter Watson."

I have today been shown

Label No (PIRC 389)
OST Scotland Record
of PL 1014 Nicole
Short P DIV, Police Service
of Scotland

I can see from this record that my OST officer safety requalification date was 25/02/2015. My OST First Aid SPELS requalification date was 25/03/2015. This was at headquarters. I have signed the attached label.

I have been asked to provide a personal description of myself.

I am 29 years of age. I am 5'1½". I am petite build. I have brown hair. It is long and curly but I wear it in a "bun" when I am working. I have not changed my appearance since then. I am 7½ or 8 stone.

I am a response police officer and I am attached to team 4 at Kirkcaldy. My shift supervisors are APS Scott Maxwell and Inspector Stephen Kay. Another Sgt Kim Stuart was not on duty on 3/5/15.

I was on duty on Sunday 3/5/15 at Kirkcaldy rostered from 0700hrs to 1600hrs.

I think I arrived at the office roughly 0655hrs. The muster usually starts around 0700hrs so I just made it.

I put on my body armour, yellow vest which is attached to my utility belt with my handcuffs, CS spray and baton, radio and notebook.

My belt was in my locker and the vest was on a vest rack in the room next to the living room upstairs on the top floor. My CS spray was in my airwave locker. I don't know what the number it is. I also got my airwave 6551014 which is my ISSI number.

When I entered the muster room APS Maxwell was there. Also present was the following officers:

PC Alan Paton

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PC Craig Walker
PC Danny Gibson
PC Ashley Tomlinson (AKA Ash)
PC Kayleigh Good
PC James McDonough
PC Alan Smith (AKA Smith)

There was another officer [REDACTED]. I have never seen him before. I believe he was there for manning levels He was 24-25 blonde hair.

Inspector Kay was not at the muster,

I was allocated PC Ashley Tomlinson in a police m/v called Papa Whisky "41C". I'm not sure of the Papa Whisky though.

I do not know what Ashley Tomlinson's call sign was. I had never worked alongside him as a neighbour but she had been on my shift. My call sign was 1014.

There was a normal daily briefing which lasted approx. 10-15 minutes and the rest of the teams were paired up.

Craig Walker and Allan Paton were just out together. I don't know what the other pairings were.

I have been provided with my

Production 362
by Nicole Short

Notebook number 019158 as completed

as completed page 1/24 (Sunday 25th April 2015 to
Sunday 3rd May 2015) PIRC

and made reference to this. There is little information within the notebook other than 3/5/15 on duty 0700-1600 APS Scott Maxwell, car no. 41C PC Tomlinson piece at - (Blank) name and address in relation to a call allocated for me to deal with that morning.

Also whilst I was still in the muster, the ACR was trying to pass a call to me regarding an incident that occurred on 27/4/15,

The incident referred to in my police notebook is the one APS Maxwell allocated to me.

Directly after the briefing around 0715 to 0720 I walked with Ashley Tomlinson and Sgt Maxwell into the sgts room next door.

I was getting the car keys for our "van". This is a marked Ford Connect Van. It is a 13 plate and this was written on the whiteboard. Its commonly known as the "fish van".

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As I was doing this Ash said to me over the radio "41C I am going to have to divert you" meaning divert me from our call allocated. He said there's a report of a black Afro-Caribbean male chasing people with a knife, he said Hayfield Rd and Victoria Rd. I think there was confusion on this. Ashley immediately said due to the nature of the call "Can we have an ARV or dog van." I'm not sure. I did not know where I was going so I gave Ashley the car keys the reason being she knows the area better than me and would get there quicker.

We decided to go to the car and van into the van at the rear yard door as we left the police office. I was conscious of PC Walker and Paton acknowledging that they two were attending the call. I can recall further calls coming out clarifying the location on Hayfield over and above this location being clarified as Hayfield Road. I also recall that there was a further clarification by 3 or 4 calls that were past over the air advising us that the male had possession of a knife.

PC Walker and Paton drove out of the yard in a marked Ford Transit van, Ashley put on blue lights all the way and sirens intermittently as we did. I think Ashley Tomlinson followed Craig and Alan and stuck with them all the way to Hayfield Road.

The road we took was left from the rear yard on St. Brycedale Road. Then onto Bennochy Road then to Hendry Road at the end of the road that leads onto a mini roundabout and right onto Hayfield Road. We remained "seconds" behind the car in front. I am sure that our blue lights and the car in front's blue lights were on when he arrived at Hayfield Road. I am 100% sure that the sirens were operated on and including a number of traffic lights and roundabouts between the police office and Hayfield road. I can be confident that anybody on Hayfield Road would have been able to hear the sirens from certainly our vehicle.

Note: a break was provided to Nicole Short at this juncture between 1520 to 1545 during this period Fed Rep Amanda Givens spoke with PC Short and she had been advised by PC Short that she was relaxed and was happy to allow her to leave. PC Short told Amanda Givens she would call her later: 4pm appointment to Nurse until approx. 4.25pm.

I have been asked if I can recall any discussion within the police vehicle on route to the call or any updates either given to officers attending or provided by them officers.

I remember whilst we were en route to the call that I received updates I referred to earlier in my statement from ACR re it being Hayfield Rd and the fear that the male had a knife. I believe there may have been three or so updates as we reached Bennochy Road, Hendry Road. I also remember an update that an update has provided by ACR to the effect that a dog van was attending from Edinburgh. My "heart sank" at this time as I realised this van would be at least 20 minutes away although we were not told this. I know the car crew in front were talking as well but I don't know what this was. "My adrenaline was pumping." I was scared. I anticipated that I was going to meet someone eventually in possession of a knife. My PPE remained in my harness. I simply wanted to address the situation when I arrived. Ashley was quiet concentrating on driving. I actually commented to Ashley "I hate knife calls", he said "I know."

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When Ashley drove up Hendry Road at the mini roundabout and we were turning right into Hendry Road the police car in front was 2 car lengths in front of us. We were both driving fast. I did not see anyone fitting the description of Sheku at this point. I recall releasing my seat belt about this time a few lamp-posts later on the left hand side of the road. The vehicle in front turned the vehicle into the bus stop on the left hand side and they were diagonal across the road. Simultaneously to this, Ashley drove the car and stopped behind the vehicle in front's rear nearside. It was approx. 8 or 9 feet. I know our vehicle "screeched to a halt." I don't know if the car in front "screeched to a halt".

At this point I saw a black male, very muscular, his arms were very muscular as was his shoulders. He was wearing a white t-shirt exposing his muscular arms. He had dark trousers. He was 6 feet tall. He was standing side on to my police vehicle. It was roughly 10 feet away from us. He was standing with his hands clenched in front of him purposely. He looked to me as if he "wanted to fight". He was an intimidating figure. I was scared of him. I did not see a knife in his hands. I feel if he had a knife at that point in his right hand I would have seen it but not in his left hand due to his position.

Both me and Ashley immediately got out of the car. Ashley I think walked to the front of the car, neither of us took out CS spray or batons. We simply stood "fixed eyes on him." I saw Craig Walker standing at the near nearside of their vehicle. Alan Paton was standing at the passengers door of the vehicle. Neither officer has PAVA/ CS or batons drawn. Both officers had their hands raised on their CS canister holders on their belts with the other hand raised and facing Sheku Bayoh. Both of them said "stay where you are". This was a firm command which was repeated to him. Very quickly to this command within seconds, Sheku Bayoh moved towards both Craig Walker and Alan Paton aggressively hands clenched in front of him to the sides. He said nothing to them. Both Craig and Alan drew CS from their utility belts. One of them discharged it into his face and upper body. I can remember both officers warned him prior to this by saying "Spray", "Get back" and "CS spray". This is happening all very quickly from our arrival. It is fair to say it has been seconds. I did not hear any officer shout a warning of a knife. I did not see a knife at this point either.

Sheku wiped his eye with his left hand. There was still no evidence of a knife at this time. "He laughed" and turned around and walked into the path leading from the bus stop on Hayfield Road to Hendry Road. He only walked 7 or 8 steps into the path. As Sheku Bayoh walked away both Craig Walker and Alan Paton were clearly affected by the CS discharge. Both hand hands to their faces. They were "taken out" by this. They could not see at this point. I remember thinking that it was only me and Ashley left to deal with this guy. No other units arrived at this point. At this point Ashley shouted "stop where you are" directed at Bayoh. Bayoh ignored him and continued to walk on the path. By this time both Ashley and myself had moved forward to Bayoh left walking alongside her "mirroring him". We were trying to contain him. I was terrified. I felt nothing was working. I said to Sheku Bayoh "stop where you are" and when he ignored me and knew he could hear me. He clearly made facial expressions "dismissing us". Ashley sprayed Bayoh on the body somewhere but I don't know where. Bayoh wiped his face again. He did not respond to the CS or

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PAVA. I shouted for him to stop. I had drawn my CS from my holster but I did not use it. I just let it fall down to my side on its elasticated string.

(1800hrs) A break was given to Nicole Short for her dinner. She was starting to complain of a sore head. We explained that she should have dinner and see how she is. At 1845 she returned to room and said she wished to continue for a while "to her hospital admittance for treatment."

(1845) I felt there was no point in spraying him as all attempts to use CS or PAVA had failed. Likewise I did not want to be affected by the CS either as this would have reduced the officers to deal with him.

Bayoh started to walk away again. I noticed Craig Walker was on my left side at this time having come up behind me. Ashley was to my left now as well. We were about 10-12 feet from him. Alan Paton was not in my line of sight. I think he was still to my right somewhere.

Craig Walker shouted "somebody give me a baton" I'm sure that Craig did not have a baton of his own as his baton holder had broken some days before. I don't know when hence the reason he did not have it. This prompted me to draw my baton which I did. I drew my baton in my right hand and presented my open left hand to him.

I rested the baton on my right shoulder. I wish to make it clear although his back was not me at this point, just wanted him to stop. I told him to "stop where you are", "go down to your knees", "put your hands behind your back or I will strike." When I presented the police baton, I did shout I have a police baton before this. He stopped and turned to the 3 of us and said "WHAT ?" as he turned his head to the left. This was aggressive. He looked at Ashley quickly then Craig Walker and then me and turned his full body to me and said: "FUCKING COME ON THEN!" He started to assume a boxers pose or stance and had both hands up in front of him.

He was skipping towards me whilst doing this like a boxer. I think roughly 1 minute hand now passed from our arrival to this stage. I was not aware of any airwave emergency activation.

I put my hand up again and said "get back". I was desperate for him not to hurt me. I was shuffling back myself. I drew a "double strike" with my baton towards his torso. I did not hit him, he only continued towards me. I did not want to hit him. I just wanted him to stop. He was completely "silent" at this point but he was determined to hurt me as far as I was concerned and there was nothing I could do. I was "terrified, sick to my stomach", I have always in the past in my police experience been able to deal with violent situations. On this occasion I knew he was out to hurt me and nothing was going to stop him. My whole body was shaking, I felt complete terror as he kept coming towards me. I decided to turn around and run away. I was "screaming" 'NO'.

(Witness visibly upset, crying) She was asked if she was okay to continue. She agreed to carry on.

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I was not aware of what my colleagues were doing at this point. I knew he was right behind me, chasing me, I could "feel him" behind me, he still said nothing. I had only got 2 strides away when I felt an "almighty blow" to the back of my head to the side of my right ear. This was a full close up punch. This caused me to fall forward, it knocked me flying towards the ground. I don't know where my baton went, I have no conscious idea where it was as I knew I put both hands up to stop me hurting him face as I fell forward. My face did not strike the ground but I only have a memory of "curling up into a ball" with my hands gripping my head. I was in the foetal position. I remember him standing to my left. I thought "this is it" "he is going to kill me" I think I was on the opposite side of the road closer to the two corner houses facing the roundabout. I was waiting on more blows. I was aware of another person there trying to help me. "I was still screaming" Bayoh said nothing to me. I had my back to him, I tried to get on my feet. I could not get my legs to work. I went down on my knees. Then I got to my feet. I think the injury to my knees were caused by falling to my knees the first time I fell after Bayoh punched me on the head.

It was PC Paton that pulled me up onto my feet by holding onto my vest and getting me onto my feet. I think we was "grey" and in shock, he looked horrified. He shouted at me "get to the van". I felt my right side was painful. I don't know what caused this. I staggered towards the van holding my side, it was my van, I turned around and saw Sheku Bayoh lying on the ground head towards the houses. I saw three officers Craig Walker, Alan Paton and Ashley Tomlinson on the ground at his both sides and one at his feet. They were being thrown off by Sheku as a result of him kicking them with his legs and "thrashing out with his arms." My opinion Bayoh was on drugs due to CS not working on him, his determination, he was very "cold" towards us really violent. There was no emotion in his face. He was not reasoning with us. I noticed his eyes were black, his pupils that is. His eyes were intense, an intense stare.

I could not smell alcohol from him, he was just out of control.

I only had one glance at the officers and Sheku. I was convinced he would "come and finish me off."

I did notice an older couple, late 50s, looking out of an upstairs window opposite the bus stop. They looked horrified. The guy had grey hair and was horrified. He had glasses on, she had brown hair.

I decided to go to the transit van, I wanted to get from him as far as I could. At this point I was in front of the transit van.

I could not see what was happening because of the connect van obstructing my view. PC Smith and PC Good appeared in a Vauxhall Astra Estate marked car. They stopped at me near the transit van and Smith said are you ok?. Kayleigh Good came straight to me and put me in the passenger side of the van. I saw PC Smith run towards where I had last been. Sheku was on the ground.

Interview suspended 1955hrs to give witness rest. This will be continued later Tuesday 9/6/15.

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1210 Addendum 9/6/15

I have today met IO Ferguson and DSI Headrick at Livingston Scottish Police federation Offices. This statement was read to me by IO Ferguson. I have signed this statement and would like to add the following.

On Page 9 I would like to make it clear that our vehicles blue lights and horns were on while en-route to the call. However I would confidently say that Craig Walker and Alan Paton's vehicle had blue lights on but I can't say I remember that they had activated their sirens. Also in relation to P16 I wish to add as Sheku Bayoh was walking away from me he was "out of control" "too aggressive". He was not the type of person who you like to allow to walk the streets. I felt he was hell bent on hurting somebody. I mean by this anybody who was coming along and came into contact with him.

I can confirm this statement is a true and accurate record.

Signed :

(Witness)

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CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : SHORT Forenames: Nicole
Alias/known as :

Place of birth : Age : over 18

Home address : Telephone :
[REDACTED]

Post code : [REDACTED]

Business address : Telephone :
Police Scotland
Kirkcaldy Police Station

Post Code :

Mobile : [REDACTED]
Email : [REDACTED]
Fax/Pager :
Other :

Dates when unavailable in next 12 months :

Other Confidential Material :