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WITNESS STATEMENT

Agency Ref : **S190**
PF Ref :

Surname : SMITH Other or previous surname :

Forenames : Alan David DoB : [REDACTED]/1976 Age : 38

Occupation : Police Officer Other Occupation : Constable Sh No.
1035 Reg. No. 041035

Police Station : Kirkcaldy Years Service : 10

Disclosable address :

Post Code:

This statement was taken :

Date and time : 11th of June 2015 07.20

By : INV JAMES BONNER
Place : Kirkcaldy Police Office

In the presence of : INV JOHN FERGUSON

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 presently employed by Police Scotland as a Constable based at Kirkcaldy Police Office. For the last 9 years I have been attached to Team 4 at Kirkcaldy Police Office, I have had secondments during this time however have always returned to Team 4.

I am aware of the role of PIRC and their role in this investigation. I am aware that I am being interviewed today (Thursday 11 June 2015) by Investigators James Bonner and John Ferguson as a witness in relation to my involvement in the incident on Sunday 3 May 2015.

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I am a qualified Officer Safety Trainer, I qualified as a trainer in November 2013, as I am a trainer I am not required to complete the annual OST and SPELS refresher on an annual basis. I am required to undertake refresher training as an OST trainer every 2 years.

I am not a full-time OST trainer but do conduct training for officers 2-3 times per month. I am made aware of any updates to OST training and issues affecting OST training delivery on a regular basis. I can provide statements of opinion in relation to OST matters however have never been asked to do this since becoming an OST trainer. I am fully aware of the theory in relation to the use of force as contained in the Instructor Training Manual and Use of Force Standard Operating Procedure. The majority of the SPELS first aid is done by E-learning package, at OST training as an instructor I would teach the practical aspect, which is confined to primary survey, carrying out CPR, secondary survey and placing the casualty in recovery position.

The primary survey is to check and clear the airway if required, establish if a casualty is breathing and if not carry out CPR. The secondary survey is for a casualty who is unconscious, unresponsive but breathing to carry out a check to see if there are any other obvious injuries. I consider that I am competent in both the theory and practical aspects of SPELS.

I have been shown

Prod No OST SCOPE records of PC 1035 Alan Smith P Division, Police Service of Scotland

this shows as recorded on the record that I attended OST - Officer Safety Training Instructor - initial course at the Scottish Police College between 2 December and 13 December 2013. I am satisfied that these dates would be accurate. The record also shows that I attended H&S First Aid At Work - Initial at Glenrothes between 12 and 14 March 2014, this is the 3 day First Aid Course and I can confirm the dates are accurate.

The entry on the record 14 March 2014 (FC) SPELS (Scottish Police Emergency Life Support) I do not know why that is on my record as I did not undertake that training on this date. I was on the H&S first aid at work course on that date.

My current role is that of response officer attached to team 4.

DESC: 5'10", 38yrs, stocky build, brown short hair receding shaved on top, brown goatee type beard, no visible marks or tattoos.

I have not changed my appearance since 3 May 2015.

On Sunday 3 May 2015 I was rostered to perform a dayshift tour of duty (0700-1600) at Kirkcaldy Police Office. On that day (Sunday 3 May 2015) I attended at Kirkcaldy Police Office about 0640 hrs. I travelled to work in civilian clothing. On arrival I got changed into my uniform which consisted of black t-shirt, black police issue trousers,

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pair boots, stab-proof vest with reflective cover. I then got my PPE (Personal Protective Equipment), I got my airwave radio from my airwave locker, my ISSI no is [REDACTED]. My baton and handcuffs were attached to my vest cover. I do not know the serial numbers of either my baton or handcuffs.

The baton is not my original baton. I had to get it changed a few years ago. I cannot recall when as it was faulty. The new baton was issued from Fife Constabulary stores at Glenrothes. The handcuffs might be my original ones issued. I am not sure if they have ever been swapped round. I do not have any personal markings on my baton or handcuffs that would identify them to me.

I am issued with CS spray, I got this from my radio locker there is no separate CS Spray lockers at Kirkcaldy. I do not know the serial no of my CS spray, I have had this CS canister since early 2014 as it was replaced after a deployment in early 2014.

I am the Tutor Constable to PC Kayleigh Good who came to the team at the start of April 2015. She has not been allocated an airwave locker and therefore because of this she was storing her CS spray canister, notebook and airwave radio in my airwave locker.

Our CS spray canisters are identified. I am positive that there is a sticker on the canisters with our shoulder numbers. I also always stored my CS canister in the black plastic holder that clips onto my vest.

I also had faststraps attached to my vest as well, I had these in my possession on 3 May 2015

My notebook is also stored in my airwave locker, there were two notebooks in my locker that day, my previous notebook that was completed the day before and the new notebook that had been issued to me on the Saturday (2May 2015).

On getting my equipment I then attended the briefing room. My recollection of who was on duty as at the morning briefing that day is PS Scott Maxwell, myself, PC Kayleigh Good, PC Alan Paton, PC Nicole Short, PC Daniel Gibson, PC James McDonagh, PC Craig Walker, there was an officer [REDACTED] who's name I do not know, he was there to do a prisoner observation, PC Ashley Tomlinson.

I cannot recall if the Inspector was in attendance at the briefing, in fact he was it was Inspector Steven Kay.

I was allocated call sign PR41B (Papa Romeo 41 Bravo) along with PC Good, that is a response call sign however myself and PC Good were told to remain in the station as we had writing to do.

We would normally use the same vehicle for the call sign but they are not formally allocated. At the end of the briefing I picked up the keys to the newer of the two Ford Transit vans we have, I do not know the registration.

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I went to the writing room after the briefing, my recollection is that someone was sent to an alarm call but I do not recall which unit that was, they had left straight from the briefing. I had my radio with me, the earpiece was attached however I may not have had it in my ear or I may just not have heard the call about the male, the first I was aware of the call that led to the incident was PC Good telling me about it. I was in the cleaners cupboard cleaning a cup. She told me we had a call to go to. She told me I think her exact words were "we've got a call to go to". I asked her what it was and she said there was a man with a knife, I can't recall if it was at that time or if it was when we were heading down to the van she said it was Hayfield Road.

I had earlier given PC Good the airwave radio, CS spray canister and notebook that were in my locker, she was in her full uniform when we left the office and I assume she had her PPE with her.

We were in the van within seconds of PC Good telling me where the call was, I was driving the van.

When getting into the van I was aware of the police car (Astra marked, estate, reg no unknown) parked next to it, PC Daniel Gibson and PC James McDonagh were in that car. I left the yard directly ahead of PC Gibson and PC McDonagh. When I left the yard I turned right into St Brycedale Avenue and headed along to the junction with Dunnikier Road, turned left into Dunnikier Road along Dunnikier Road all the way up to its junction with Hayfield Road.

I was aware that PC Gibson and PC McDonagh had turned left on coming out of the yard.

I had the blue lights on throughout the journey, I did not use the siren as I wanted to listen to the radio broadcasts and the traffic conditions did not necessitate the sirens being used.

I recall I may have asked by radio for the details of the call to be repeated, but I'm not 100% sure. As I was driving out the gates of the police station I recall PS Maxwell was on the radio asking if ARVs and a dog unit were going to be deployed to the call, the reply was that ARVs were not being deployed and the nearest dog unit was in Edinburgh. The next message I remember from control was that there were now numerous calls from the public about a male with a knife on Hayfield Road.

As I travelled up Dunnikier Road I passed a message asking for a description of the male to be passed, control replied and passed the description, black male, I think wearing light coloured top in possession of a large knife. Towards the end of that broadcast or directly after it finished I was aware of an emergency activation on airwave, the radio makes a beeping noise and causes the radio to vibrate. I was not aware of who had made the activation, I could not make out what was being said any voices or specific noises, I could not look at the screen of my radio as I was driving.

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I recall that the Inspector (Inspector Kay) came on the radio saying there had been an emergency broadcast and I think telling people to stay off the radio unless it was necessary.

I continued driving towards Hayfield Road and I became aware of another emergency activation, this time I recognised it as being PC Paton's voice, he was shouting but I could not make out what was being said. I asked PC Good what was being said and she replied "He said there's an officer injured", I was just turning onto Hayfield Road at that time, that's the last message on the radio that I can really recall.

I turned into Hayfield Road from Dunnikier Road and drove along Hayfield Road in the direction of Hendry Road.

I saw a police vehicle a Transit van parked in Hayfield Road near the bus stop, it was facing down towards the direction I had come from. I drove towards the vehicle and that's when I saw PC Nicole Short, she was staggering about the roadway in front of the vehicle, her right hand was clutching the rear of her right side, she was in uniform possibly didn't have a hat on, there was nobody else with her. The impression I got was that she was injured due to the fact that she was staggering and clutching her side.

I got out my van that I had stopped in the middle of the road in front of the other Transit van. PC Good also got out the vehicle and we both ran straight up to Nicole (PC Short). I was totally focused on PC Short at that time. I asked her along the lines of what was wrong with her and was she hurt, she seemed dazed, confused, terrified and said "He's hit me on the back of the head". I had a quick look and there did not appear to be any obvious injuries. I asked her "where is he" and she said "down there" indicating further up towards Hendry Road.

When I say PC Short was terrified she was totally confused, breathing heavily almost hyperventilating, her eyes were very wide staring about her, she gave me the impression of her being very nervous and frightened.

I told PC Good to stay with Nicole (PC Short) and I started making my way up Hayfield Road towards Hendry Road. I saw another marked police vehicle parked on Hayfield Road. I do not know the make of this vehicle but it was a car, it was parked on the opposite side of the road to the houses facing down Hayfield Road towards where my van was parked.

I ran up the road and that's when I saw a number of officers and a male lying on the ground. As I got closer I saw that it was PC Walker, PC Paton and PC Tomlinson who were struggling with the male on the ground.

(09.10 - break) (09.30 - interview resumed)

I recall that on my arrival and on speaking to PC Short and making my way to the other officers I made a short radio broadcast. I cannot recall exactly what I said but it was to the effect that PC Short wasn't seriously injured or did not appear to be seriously injured and the subject was being restrained. I don't think I passed any

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radio message about what PC Short had said happened. When I got to the officers and the male I saw that it was a black male, he had dark shoes, jeans and I think a grey t-shirt. I'm not 100% sure about that. He was very large build. He was on the pavement/roadway I'm not sure exactly if it was the roadway or the pavement but definitely on some sort of hard standing.

He was lying on his left hand side facing towards Hendry Road. PCs Walker, Paton and PC Tomlinson were all were in kneeling type position to the back of the male.

I would describe the struggle as the male struggling, moving his arms about, pulling his arms away from the officers, pulling himself up. I was aware that PC Tomlinson was struggling to control the legs but I wasn't aware what he was doing.

I cannot recall what was being said.

PC Paton was closest to the man's head, he was trying to control his arms leaning across the top of the man's shoulders and trying to get control of his arms. I do not know how much pressure he was using but he was over the shoulder of the male and the point of contact was at the top of the torso, male's right shoulder. He was not lying on the man's head or neck area.

Pc Walker was in the middle of the three officers at the back of the male, he was leaning across the male but further down his torso trying to get control of his arms. He was leaning over him face down. I do not know what level of pressure he was putting on the male, he was going from a kneeling position to lying flat.

PC Tomlinson was further down the male's body at the top of the thighs/hips, trying to control the male's legs. I know PC Tomlinson was having to move about a lot at the bottom of the body but I do not know what exactly he was doing. I was more forward on the top of the male's body at his hands because of the knife threat, I had no idea what had happened to the alleged knife and I was coming round to the front of him.

I cannot remember at what stage but a set of handcuffs were drawn by someone. It was not me but I do not know which officer. They were eventually applied to the male, he was handcuffed to the front. As I was approaching, I was aware that there was a baton lying on the roadway in the gutter but I didn't see any officer in possession of this baton or utilising a baton.

I did not see any officer with CS Spray drawn. I do recall at some stage a can of PAVA Spray lying on the ground which I picked up and retained.

There was nothing on my arrival that indicated to me that CS Spray or PAVA had been deployed.

My initial assessment of the situation was that the officers had a level of restraint but were having very serious difficulties getting him restrained to the extent that I thought there was the possibility that he may manage to break free from the officers' control, as well as that the last information I had was that someone fitting the man's

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description had been in possession of a large knife and I had been told the male had already assaulted a police officer.

In view of that I considered that one tactical option would be to disengage from the male and use incapacitant spray on the male (at this time I was not aware that it had previously been deployed). I said "Who has PAVA?" as I thought that would be the most appropriate to use due to the cross contamination risks, to which PC Walker said "PAVA's been used, it doesn't work".

At that point I had then drawn my CS Spray and PC Walker said "He's been CS'd, that doesn't work". As I was going to place my CS Spray in my holder PC Walker had also raised his hand and pushed the CS canister away, this knocked the plastic cap off the top of my canister.

At that time the profiled offender behaviour was active resistance as he was struggling with the officers with the additional impact factors: he may be in possession of a knife, he appeared so physically strong that three other officers were having difficulty controlling him, and incapacitant sprays were ineffective, and he had already shown a clear intent to assault police officers. If he did manage to break free it was likely the profiled offender behaviour would become assaultive or seriously aggravated resistance meaning that his actions could cause serious injury or death.

The officers were at that stage attempting to use control skills to move his hands into a position where handcuffs could be applied, at that point the officers' actions were proportionate to the offender's behaviour.

I decided to preclude the tactical option of disengagement and further use of incapacitant spray.

The only other realistic option for myself then was to assist the other officers in gaining control of the male's hands in order handcuffs could be applied.

I moved to the front of the male's body (he was still on his side facing me) and I knelt down on the ground at chest level to the male. I could clearly see his hands, there was no knife in his hands or lying on the ground near the male.

Between myself, PC Walker, PC Paton we managed to apply the handcuffs however as previously stated I do not know who's handcuffs were applied or who actually got them applied. I did not use my handcuffs at that stage, or my baton.

The handcuffs were applied palm to palm to the front.

The male continued to struggle after the handcuffs were applied. We had control of his upper body although he was still resisting. I turned my attention to the male's legs as Pc Paton had said he needs leg restraints.

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I moved down to the male's lower body (legs), that's when I became aware PC McDonagh was there, he had his leg restraints in his hands, I think he was standing up at that point. PC Tomlinson was attempting to control the legs, he was lying across the male's legs, the male's legs were lying in the prone position flat to the ground, knees to the ground by this time. I wasn't aware of any other officer being present at that point.

I then attempted to get the male's legs straightened out to apply the fast straps, in the confusion I took a hold of PC Tomlinson's boot and started to pull his leg to straighten it out, I immediately realised it was not the male and let his boot go. I then took a hold of the subject's ankles and pulled his legs toward me to straighten the legs and get them together, all the while the subject resisted this, and tried to curl his legs up and move them to prevent me straightening them. I succeeded in keeping both his ankles together and turning his feet sideways, so they were facing down towards Hendry Road, preventing him from bending his legs at the knees and getting more control.

Myself and PC McDonagh then succeeded in applying fast straps round the ankles, subject was still attempting to move his legs about, causing my hands to be trapped underneath his feet causing cuts to my fingers on my right hand. I got examined by a Dr (police doctor at Kirkcaldy Police Office - not photographed).

Myself and PC McDonagh did manage to get a second fast strap applied to just above the subject's knees. I assume the second set were also PC McDonagh's, they come in pairs.

The fast straps were applied to the knees and ankles as they should be applied.

At that point we effectively had the male subject under control, the risk of his becoming free had effectively gone. The handcuffs position to the front were not applied in the best possible way to eliminate risks to the officers as there was still some possibility of movement. In an ideal situation they would have been applied to the rear but due to the behaviour of the male subject this was impossible.

I was satisfied that since my arrival and what I had observed that all the actions of the officers involved in the restraint of the male was necessary and appropriate and carried out in line with training,. I cannot say I observed everything that every officer present was doing, but what I observed was justified.

Once the restraints were applied I stood up and checked the injuries to my hand, and was satisfied that they were superficial. I had a look at the male from where I was standing, he was tilted over to his front, I'm not sure that he was completely prone. PC Walker said that we would have to get the male onto his side and I think PC Paton, PC Tomlinson and PC Walker moved him onto his side. I didn't hear the male say anything throughout this but he was moaning. I would say that from arriving in Hayfield Road, speaking to PC Short to the point that the male was effectively under control in handcuffs and fast straps that a period of 3-4 minutes had elapsed, it was not a long period of time.

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There was nothing that gave me any concerns for the male when he was under control.

At that point I was aware that other officers and vehicles had arrived. I was aware that PS Maxwell and PC Daniel Gibson were there but I do not know at what point they arrived.

I'm positive PS Maxwell did not have any physical contact with the male. I'm not sure if PC Gibson had any contact with the male or not. I don't remember him having any contact.

At that stage I went down to check the male as I was aware he had been sprayed with CS/PAVA that had not worked, he was in leg restraints and due to these factors it is normal to carry out close observations of anyone this has happened to. I was also considering that as the male had not responded to CS/PAVA it is an indication that, along with the very aggressive behaviour that I had witnessed, it is an indicator of possible "excited delirium". This is this is taught as part of the OST training syllabus, this is usually associated with possible drug use/mental health problems and can lead to deterioration in medical condition and sudden death of a subject.

Although I was considering this there was nothing that was giving me any immediate concerns about the male's condition.

I was running through an aftercare procedure that was second nature to me.

When I went down to the male I saw that his eyes were closed. I've initially tried to get a response to verbal stimulus, saying "Are you all right, can you hear me?" I think PC Paton also tried to speak to him. That produced no response. I then tried physical stimulus, putting my knuckles in the bone in the top of his chest to see if I got a response but I didn't get a response. At that point the male appeared to be unconscious. I checked his breathing by putting my face towards his mouth and heard and felt breath and could see his chest move consistent with normal breathing.

At that point I said "he is breathing" and PC Paton has concurred.

I immediately passed a radio message stating that the male is controlled highlighting the fact that the male appeared to be unconscious but breathing, and an ambulance was requested.

At that point PC Tomlinson said to me "I've hit him on the head with my baton". He appeared worried.

I cannot recall if I asked PC Tomlinson anything about that. I had a quick check of the male's head and there appeared to be no obvious head injuries to me. Because of the potential for a head injury I did not move the male to carry out any further secondary survey.

I kept the male in the position he was in, which was almost the recovery position which is the correct position for an unconscious person to be placed in.

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I did not pass any update re the possible head injury via radio. I was aware PS Maxwell was standing there. I was aware that CID officers (DS Davidson and DC Connell) were in attendance. Ds Davidson I recall was crouched down beside me, I do not know what DC Connell was doing.

I was fully concentrated on the male at this point. I continued to observe him for about 3 minutes, at which point I became concerned that he wasn't breathing normally and his chest was not moving. I remember asking someone (I do not recall who) to take control of the male's head so I could go down and listen for breathing again. I went down to listen for breathing again and there was nothing obvious. Due to my concern I moved the male onto his back so I could check more thoroughly. I put my ear over his mouth, looking down the line of his chest, and within a few seconds determined that I couldn't feel, hear or see breathing. I immediately said we need to start CPR and PC Walker immediately started carrying out chest compressions.

PC Paton handed me a CPR face shield and myself and PC Paton tried to fit it to the man's mouth. I had initial difficulties in fitting the shield as the teeth appeared to be clenched shut. This required me to put my fingers in his mouth to try and open his jaw up. By this time I had also tilted his head back to ensure his airway was clear. As soon as I said we need to start CPR I recall PS Maxwell went on the radio to give an update to the Control Room.

I don't recall DS Davidson having any physical involvement in the CPR.

Between myself and PC Paton we managed to get the face mask fitted. It seemed to be fitted correctly. PC Walker indicated he had completed chest compressions and then I attempted to give two breaths. As I was giving the breaths they didn't appear to be going in properly and I was aware of air escaping underneath the mask seal. I told PC Walker to resume chest compressions. I removed the mask and moved the male's head back again, opened his mouth up by putting my fingers in, checked the airway was clear which it appeared to be, and re-fitted the mask.

I was aware that the user side of the mask was starting to become contaminated with saliva and mucus and that there was mucus coming out the male's nose. Pc Walker again indicated that he had concluded chest compressions and I again tried to administer two breaths and again with the same result, the breaths did not appear to be going in. I repeated the procedure twice more and each time the breath did not appear to be going in and the mask was becoming more contaminated. I also felt a burning sensation in my mouth which I assumed may be from CS Spray.

At that point it didn't appear the breaths were being successful and the attempts were interrupting the chest compressions as well as the fact I was getting more and more contaminated from the mask and male's mouth. I view of this I said to PC Walker just to continue CPR. I removed the mask from the male's mouth and the valve became detached from the plastic and it was left on the ground beside the male.

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I stood up and said to PC Paton that I would have to sort myself out, I then stepped away leaving PC Paton and PC Walker and a number of other officers, I do not recall who all was there. I took a few steps so I was outwith the immediate area, towards the Hendry Road junction, spat on the ground a few times then took a container of alcohol hand gel and rubbed a small amount about my lips, then put a small amount in my mouth and swirled it round before spitting it out.

I was then made aware there was a male member of the public out in a garden a few doors up. I made my way up to him and asked if he could provide me with a glass of water to wash my mouth out, he went into his house and came out with a glass of water. I rinsed my mouth out and then spat into the street. I returned the glass, thanked him and then started to make my way down towards where the other officers were.

The period of time that elapsed between my starting the aftercare of the male and realising that he was not breathing was again only about 3-4 minutes.

As I was walking back I was aware there was an ambulance there and an unmarked police car. I am not sure exactly where the unmarked car was.

When I got back the ambulance staff began to treat the male (two male ambulance crew). I was aware of the ambulance staff asking PC Walker to continue chest compressions. After about 2-3 minutes I asked PC Walker if he needed to swap as he was becoming fatigued doing chest compressions and I swapped with him and started carrying out chest compressions. I did 40 compressions exactly as I remember counting for about 30 seconds or so. At this point the ambulance crew came out with a stretcher and myself and other officers assisted with getting the male on the stretcher. He was taken into the ambulance.

DC Connell went into the back of the ambulance with the two ambulance staff and the male. I was catching my breath near the ambulance and one of the ambulance staff stated "Can someone drive the ambulance to the hospital?" I made my way to the front of the ambulance.

I've just remembered that when I picked up the PAVA Spray earlier I also picked up an airwave radio and a set of vehicle keys that were lying near the male on the ground. The vehicle keys were for the Astra, the airwave radio was PC Walker's, I don't know who the PAVA Spray belonged to.

Prior to leaving I gave the keys for my own vehicle and the Astra keys to DS Davidson.

I then drove the ambulance to the hospital.

On arrival at the hospital I heard someone asking for the handcuffs to be removed. I'm not sure if it was DC Connell or the ambulance staff. By the time I got round to the rear of the ambulance the male had been taken into the A&E Dept, he was put either onto a bed or he may still have been on the stretcher that was raised up. I then

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removed the handcuffs and I kept them. When I removed them I got the impression they were double locked. I do not know whose handcuffs they were.

A lot of medical staff arrived and I stepped back to allow them to deal with the situation. I recall someone, a female, I assume she was a doctor, asked for the leg restraints to be removed. I'm not sure if I actually removed them but I did end up with them in my hands. I kept them.

The handcuffs were removed as soon as the male was in the A&E Dept, the leg restraints a couple of minutes after that.

I'm not sure of the exact order of events after that. I recall DC Connell asked me to note the details of the paramedics. I did this in my notebook as he didn't have his with him. I offered him my brand new notebook but he told me just to do that.

I have been shown by Investigator James Bonner

Prod No. Notebook no. 019179

On page 1 of the notebook I have recorded the names of the Paramedics as David Taylor and Alan Finlayson.

(Break 11.45) (Resumed interview 12.05)

I have also shown Investigator James Bonner my previous notebook no. 019118 that covers the period 5 April 2015 to 2 May 2015.

Whilst I was at the hospital there was a point to point call came through on the airwave radio I had picked up. I answered it and it was PC Austin Barrett (Federation Rep) for PC Walker, that's why I assumed the radio belonged to PC Walker.

It was a brief conversation. He did not tell me why he was looking for PC Walker. PC Walker was not at the hospital.

I moved out the bay and could not see what was going on with the male being treated. I put a point to point call via my airwave radio to PS Maxwell, it may have just been a call on the open radio channel. I asked to be picked up at the hospital. A few minutes later PC Danny Gibson arrived at the same time as DCs Andy Brown and Balsillie. Myself and PC Gibson then returned to the station and went straight into the canteen.

I was only at the hospital for no more than 20 minutes. When I left the hospital I was in possession of the same uniform clothing and my PPE equipment (airwave, CS, handcuffs and baton).

I also took back to the station the handcuffs (that were removed from the male), leg restraints (fast straps removed from the male), PAVA Spray and the airwave radio that were also in my possession.

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I do not know the time I arrived back at the office, it would be between 8.30 and 9am but I cannot be definite.

I went into the canteen and there were other officers present. I recall PC Austin Barrett, PC Walker, PC Paton, PC Gibson (came in with me), PC Tomlinson, I think PS Maxwell was there.

When myself and PC Gibson came back to the station from the hospital we did not discuss the incident. We were both sort of silent trying to take in what had happened.

There was no discussion at the station between the officers in the canteen about the incident. There were various supervisors came and went (DI Colin Robson, PI Kay). they were providing support. I remember being told there would be some sort of investigation. I was not specifically told at that point not to discuss the incident.

A short time later PC McDonagh and PC Good came back to the station, I think they were on guarding the locus duties. I recall there was some discussion about PC McDonagh and PC Good being put back out on patrol. I didn't think that was appropriate and I went and spoke to PS Maxwell along with PC Gibson and he agreed not to send them back out.

A short time later PC Short came back to the station. When I was up at the hospital I had not seen her.

Eventually we were all in the canteen, I'm not sure but possibly about 9.30am (PS Maxwell, PC Paton, PC Walker, PC Tomlinson, PC Good, PC McDonagh, PC Short, myself, PC Gibson) along with PC Barrett. We were instructed to wait where we were and a short time later Amanda Givens (Federation) arrived.

She introduced herself and made us aware of the Federation's role. She said that we would be provided with legal advice, who would give us advice on providing information. I don't recall any other advice she may have given .

Around that time PC Mark Hay, Glenrothes, had also ended up in the canteen area. I'm not sure what his involvement had been. He left after about half an hour. A CI Trickett came into the canteen. I'm not sure when he arrived. He introduced himself, he explained the procedure about investigation and the procedure we would be going through, a sort of firearms type post-incident procedure. He stayed with us. Around that time PI Coombe arrived, she had been assisting CI Trickett.

That's when PIRC were mentioned.

I recall before CI Trickett arrived I had been told by PS Maxwell that the male had died. I cannot recall if he told us as a group or individually to me.

During the course of the day CI Shepard appeared. It was not any sort of specific advice, it was just support. C/Supt McEwen also spoke to us but again it was not any

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WITNESS STATEMENT

specific advice, just support. A bit later on in the afternoon we were told that our uniforms and equipment was going to be taken from us.

Prior to the clothing being taken I saw the police doctor, a female. She said she had to take a note of any injuries I had, which she did. She also carried out a general medical examination: heart, blood pressure etc.

I was directed to go upstairs to an office about 1900hrs and I saw two male officers, they had forensic suits on when they seized my clothing and equipment. I recall they seized from me airwave radio, CS Spray, vest cover containing all the rest of my PPE (baton, handcuffs, leg restraints) black t-shirt, trousers, 2 x boots, belt from trousers.

I went back downstairs and I was told by the CI Trickett that I could go home. He asked some welfare questions to ensure someone was in the house and that I was fit to drive.

I was not asked at any stage to provide an operational statement on the day of the incident. CI Trickett had told us that we would be approached to give a statement and that it would normally be after two rest periods had past.

When I came back to the office the airwave radio, handcuffs, leg restraints, PAVA Spray that I had possession of at the locus and the hospital were put by me on a table in the canteen. When I was told that our equipment was going to be taken I approached CI Trickett and asked if I should take the items with me and hand them over when I was getting my clothing and PPE equipment seized. He said that the officers who they were issued to could hand them in. I don't know what happened to the items after that.

I was not given any advice that I should not make any entries in my notebook about the incident by anyone, I was just numb for the rest of the day and did not consider making notes.

On the following Thursday afternoon at Kirkcaldy Police Station I was on duty when I was spoken to a by a CID officer and I think someone from the PIRC. I was asked if I was willing to provide a statement at that time about the incident. By that time I had received legal advice arranged by the Police Federation. Prof Peter Watson had met with us and the advice was not to provide a statement until receiving further instructions from him. I do recall that when I was formally asked to provide a statement that I was told I was to provide a statement as a witness but I cannot recall the exact wording used, but as I say I had been told not to provide a statement.

I did provide an account of what happened to an Investigator acting on behalf of Prof Watson. That was provided the week following the incident but I do not know the exact date. It was noted down from me. I have seen a copy of that electronically. I still have a copy of that account. I have been asked to provide a copy of that account but wish to seek advice before providing that to PIRC.

I do not know Sheku Bayoh, I have never seen him or had any dealings with him prior to this incident.

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WITNESS STATEMENT

I have been asked during the course of this interview to plot on a map the positions of officers/vehicles/ deceased on my arrival, and the positions of the items referred to in this statement that I took possession of. I have done this on:

Prod No. Map 11/6/15 PC Alan Smith

I have also signed the documentary backing sheets attached to the documents referred to in this statement.

I have had this statement read over to me by Investigator James Bonner.

The only thing I would like to add is when carrying out CPR on each occasion that I attempted to administer breaths I ensured that the male's nose had been pinched shut.

I can confirm that at no time did I see a knife in possession of the male or see any knife at the locus.

Statement concluded 13.45hrs

I confirm this is a true and accurate account.

Signed :

(Witness)

.....

WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : SMITH Forenames: Alan David
Alias/known as :

Place of birth : [REDACTED] Age : over 18

Home address : Telephone : [REDACTED]

Post code :

Business address : Telephone : [REDACTED]
Police Scotland
Kirkcaldy Police Office
St Brycedale Avenue
Kirkcaldy

Post Code : KY11EU

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

Dates when unavailable in next 12 months :

Other Confidential Material :