

**RESPONSE TO RULE 8 REQUEST
BY NICOLE [REDACTED] SHORT**

Notwithstanding my answers to the questions raised in the Rule 8 requested dated 31 March 2022, I reserve the right to invoke my privilege against self-incrimination in the event of issues arising that have not previously been encountered or foreseen in either the preparation of further statements to the Inquiry or during the provision of evidence during the Inquiry hearings.

1. My name is Nicole [REDACTED] Short. My date of birth is [REDACTED] 1986. I am 36 years of age and my address is [REDACTED]
2. I have previously provided several statements in relation to the death of Sheku Bayoh. The statements that I have previously provided in connection with the death of Mr. Sheku Bayoh (PIRC00253, PIRC00254, PIRC00255 and PIRC00256), are complete and are an accurate description of what took place.
3. I have received a letter, via my solicitor, from the Deputy Solicitor to the Sheku Bayoh Public Inquiry, titled Rule 8 Request. In this letter I have been required to provide a written statement to the Inquiry by 5pm on Thursday 7 April 2022.
4. I have been asked what risk assessment, if any, did I carry out during my journey to and arrival at the scene on Hayfield Road. My OST training, which I had done in approximately February 2015 gave me tactics/options to deal with the situation I was about to face and combined with the information I was receiving on the police radio, I was risk assessing the possible action I would take upon arrival at the scene. These actions could obviously not be decided upon until I arrived and saw the threat for myself.
5. When I did arrive and looked at the scene from the vehicle I was in, I saw PC's Walker and Paton who were out of their van and had their CS spray out already. When I saw that and heard them shouting at Shehu Bayoh to stay back, telling him that they had their spray and would use it, I realised that this was two of the most experienced members of our team and they had assessed that Sheku Bayoh was a genuine and serious threat.
6. The fact that I couldn't see a knife, in my mind made the situation more serious as it could have been produced at any time from a place of concealment on his person.. From this I considered the lack of risk to be extremely high and I was prepared to take action appropriate to that risk. Additionally, once I saw Pc's Walker an Paton discharge their as spray into Sheku Bayoh's face, I could see it had no effect on him and he wiped it any as if it was water while at the same time laughing. This very much informed my ongoing risk assessment and what measures I was going to take to protect myself and my colleagues.
7. In terms of the training I received in carrying out risk assessments in advance of 3 May 2015, I attended at OST sessions from the beginning of my police service, I think about 5 in total. These training inputs give you guidance in the appropriate and reasonable response to various threat levels posed by individuals who are being arrested. I was taught to keep a safe distance, make clear verbal directions to the persons I was arresting and given options on using reasonable force to overcome resistance from reluctant prisoners. These measures were principally the use of various physical holds, the use of handcuffs, leg restraints, the use of batons & spray. All of this gave me knowledge as to risk assessing threat levels. Further, my daily work routine involved constant risk assessing and gave me more experience in appropriately dealing with risk.

8. I have been asked of Mr. Bayoh's race played any part in how I assessed the risk. His race played absolutely no factor whatsoever in how I assessed the risk. The information regarding the suspect being armed with a knife, attacking cars and chasing them, allied to his actions us I arrived at the scene. were the only factors in my mind. I thought he was going to kill someone potentially and to suggest that race played any part in my decision making is not only false but made without any foundation whatsoever. My actions and, I believe, those of my colleagues would have been the same regardless of the suspect's race.
9. On route to Hayfield Road, I was full of fear and dread and the more calls that came in stating that the suspect was armed with a knife, that feeling only increased. I was thinking about what I would have to deal with when I arrived and the more calls that came in, independent of each other, the more I thought that I was going to a very dangerous situation. As well as the danger to myself and my colleagues, I was thinking about the danger to members of the public, I could equate the danger the public were facing to scenarios where my family, my brothers, might get caught up in, something similar to this and coming to harm. In no way did Mr. Bayoh's race or perceived race impact upon my view.
10. I have been asked what I did when I arrived at the scene. I would refer to the statements that I have already given, but put shortly, I arrived and saw PC's Walker and Paton who were confronting Mr. Bayoh at the path at the bus stop with their spray in their hands and shouting verbal instructions to him. They said "*Stay where you are, CS spray, Pava spray, stay where you are*". They were both shouting at the same time. Mr. Bayoh was standing with his arms by his sides, fists clenched and then he moved towards them. That's when they both sprayed him. Mr. Bayoh then walked away to his right, up a path laughing and wiping the spray away from his eyes like it was water, like it had no effect on him at all. Bayoh was cold, almost blank, unresponsive, in a world of his own, disconnected, pumped up. He was on a mission whilst walking up the path. It's worth saying that the knife that was recovered. It was found on the grassy area to the side of the path, in the direction in which he was walking. He then turned violent, shouting at me when I drew my baton, he shouted "*Fucking come on then*", before boxing skipping towards me. That's when the real terror came across me.
11. I have been asked if I considered any of the actions I took when I first encountered Mr. Bayoh to have been at odds with my training. In my view, not at all. There was nothing I could have done differently.
12. None of my actions would have been any different had Mr. Bayoh been white. I can't believe that's a serious question and I don't know where such a perception arises from.
13. I have been asked if I felt I had adequate training for dealing with this incident. In my view, I think that I had adequate training, but we didn't have adequate support from specialist units e.g. Dog Unit of Firearms Unit.
14. Race played no part whatsoever in how I approached Mr. Bayoh or handled the incident. The only factors under consideration were that he was armed with a knife, was totally non-compliant and he posed a great danger to the public and to my colleagues and I.
15. I have been asked to provide details about what happened after I engaged with Mr. Bayoh. In the first instance, I would refer to my previous statements. I thought he was going to kill me that day and that it was all over for me. I am so grateful to my colleagues for saving me that day, they acted bravely and professionally, using reasonable force in the context of what they were faced with. Shehu Bayoh was out of control, beyond reasoning with and determined to fight himself out of the situations he was in. I will be clear about that and that the actions of my colleagues and I were proportionate to the terrible and violent situation we were confronted with. I have documented this previously in detail.

16. I have been asked how long I was on the ground for following my contact with Mr. Bayoh. As I was unconscious, I can't answer that. From what I've been told, perhaps 15 to 20 seconds but I can't be accurate about that.
17. I had to be lifted by PC Alan Paton. The only person I could see when I got back to my feet was PC Paton. When I got to the van I saw PC's Walker, Paton and Tomlinson struggling to control Mr. Bayoh. So much so that he was managing to push himself up from the ground despite the 3 officers trying to restrain him. He was off his feet, face towards the ground and pushing up with his arms like a press up and managing to lift the weight of the three officers who were trying to keep him down and bring him under control. When I got up, I staggered over to the first police van but when I saw how violently Mr. Bayoh was struggling, I moved further away to the next van. I was terrified he was going to get to me again.
18. The struggle with Mr. Bayoh and PC's Walker, Paton and Tomlinson that I've described above was witnessed from the first police van and I must have viewed the struggle for a few seconds only. Once I retreated to the second police van, I could no longer see the struggle with Mr. Bayoh.
19. With regard to the restraint, Mr. Bayoh's face was towards the ground, but he wasn't flat on the ground. It's best described as a press up position with the three officers trying to push him fully on to the ground. Sheku Bayoh was incredibly strong in resisting the attempts to put him fully on the ground, to the extent that he lifted all three officers. I can't describe the restraint in any more detail, I was in shock and concussed. I can vividly remember what I've described but I can't tell you what officer was where in terms of who was on the left or right of Sheku Bayoh.
20. From what I saw, their actions were totally proportionate to the threat posed by Mr. Bayoh. I can't comment on their techniques, I only saw them try to force Sheku Bayoh to the ground and him putting up a ferocious fight. They were trying to push him down onto the ground which was reasonable force in anybody's book. I can't express enough how strong he has and how violently he was trying to avoid being put to ground.
21. Following the incident, I was taken to Victoria Hospital. DI Colin Robson took me in his unmarked police car. I have no recollection of saying to DI Robson that I saw a male's foot coming towards my head. I am not saying he's lying, but I don't have any memory of a foot coming towards my head and at the point that he says I told him that, my head wasn't of this planet. I wasn't anywhere near thinking straight to make any fully competent statement.
22. On arrival at Victoria Hospital, I saw Nurse Leigh Ann McLaughlin. She states that I did not know if I had been knocked out. That is true, I didn't know, my hand was all over the place and I only learned later from my colleagues that I had been unconscious after being struck by Sheku Bayoh.
23. I was subsequently seen by Dr Mitchell. From the Chronology provided to me and Dr Mitchell's statement, I am aware of what Dr Mitchell has stated. In relation to Dr Mitchell discounting the possibility of my loss of consciousness because of my ability to recall events prior to and after the incident, I would state the following. In actual fact I couldn't remember many of the details of the incidents and because of my mental state I didn't realise it whilst in hospital. I told the doctor at the time that I knew I wasn't speaking normally but she discounted that for some reason.
24. I do remember telling Dr Mitchell that I felt that I wasn't speaking right and her replying that I sounded alright to her. I also told her that I was staying alone and not with [REDACTED] I lived in my own house at that time.

25. In the final paragraph of Dr Mitchell's statement, she says she was able to discount the loss of consciousness due to my ability to recall events pre and post event. Her theory is completely discounted as I definitely did lose consciousness, as confirmed by my colleagues who witnessed it. I would otherwise rely on Mr. Anderson to explain differences on medical opinion.
26. I did not receive any treatment on the day nor was I given any medication. I was told to but paracetamol and Ibuprofen combined with being given a head injury leaflet.
27. I have been asked about what happened when I returned to Kirkcaldy Police Station. I went upstairs to the Sergeants room and was told that everybody was in the canteen and that I was to go there. Everybody on team 4 was in the canteen, I think the whole shift had attended the incident. Additionally, the Federation representative Amanda Given was there and Austin Barratt, also a Federation representative.
28. Initially I sat at the table in the canteen. Then I sat on a two-seater couch where I was for the rest of the day. At one point PC Ash Tomlinson was sitting on the couch opposite me. I was in the canteen for about 8 hours, until approximately 6pm.
29. I have been asked about what advice or instruction that was given to me about not speaking to anyone about the events at Hayfield Road. I can't remember anyone saying anything of this nature to me or in my hearing.
30. At some point, I had asked PC Ash Tomlinson what happened back there, and he told me, "*Nicole, he was stamping on you*". He told me that he thought I was dead after being hit by Mr. Bayoh and he described the sound I made when he punched my head a "*like the sound a dog would make if it was kicked*". I'm not sure if he told me that in the canteen or if it was at a later date. I can't remember when he said that to me.
31. Mr. Bayoh's race wasn't mentioned in any discussion, nor did it play any part in the approach taken. In my view, nothing would have been different had Mr. Bayoh been white.
32. I have been asked about the recovery of my equipment on 3 May 2015. That day I was wearing police issue uniform trousers, black zip up top, black lace up Karrimor boots, stab vest with high visibility cover on, I think I had my fleece on underneath the stab vest, utility belt with baton, handcuffs, CS spray, pouch with assorted items.
33. When I returned to Kirkcaldy Police Office, I kept my equipment on for quite a while and after a few hours I took off my belt and stab vest and placed them besides a wall in the canteen. All of the items noted above were recovered. This equipment was handed to Inspector Jane Combe who in turn handed it to DC Jennifer McCauley to place in production bags and complete the labels.
34. When handing the equipment over, I highlighted the foot impression that was on the back of my stab vest to Inspector Coombe who acknowledged that to me. The footprint impression on my stab rest had been noticed by me when I took stab vest off. That mark was not present when I started my shift that day. This mark was a clear footprint, not a muddy mark as later described following examination.
35. I am adamant that I did tell Inspector Combe about the footprint. I've only seen the Chronology and not their statements. My recollection of this part of the evidence is clear. I knew that as soon as I saw the footprint that it was important for evidential value and I am adamant that I did show this footprint to Inspector Combe and that she clearly acknowledged its presence when she saw it, stating, "Put that somewhere safe". To me that signifies that she realised that my yellow stab vest was an important piece of evidence.

36. At this time, nobody that I can remember informed me of my status, I didn't think any of us had done anything wrong, so I had no reason to believe I was a suspect. I considered myself to be a witness to tragic events. I do not recall receiving any advice regarding my status at the time.
37. I do not recall receiving any advice or instruction on my return to Kirkcaldy Police Office from any senior officers or anyone from the Scottish Police Federation.
38. I have been asked about my understanding was of my obligations to complete paperwork, including my notebook, a use of force form; a use of spray form insofar as these related to the events at Hayfield Road. I didn't even consider these things at that time; I couldn't even speak properly never mind fill out a form. I was tired, very sore and I could only think about being allowed to go home. The longer the day went on, I became logged out mentally and just wanted to sleep.
39. I have been asked about the training I received and the rules I am required to follow in relation to the completion of the paperwork referred to above. I haven't been at work for 7 years and have been retired for 3 years. I can't remember what training I had or what the rules in relation to these items are.
40. I never went back to work after 3 May 2015 and was therefore unable to complete the paperwork referred to. I don't recall any other officers, including PC Amanda Given, saying anything about the completion of such paperwork or the completion of a statement. As far as I am aware, Mr. Bayoh's race or his perceived race was not a factor with regard to the completion of paperwork.
41. I have been asked about what I told Dr Gillian Norrie on 3 May 2015. I don't have any dispute with what Dr Norrie states I told her in my report which is an accurate account. All I would repeat here is that I was obviously in shock when examined by Dr Norrie, but she failed to pick up and recognise this. It's worth noting that because of my state of shock, when Mr Norrie examined me about 6 hours after the event, I was not fully aware of the pain and bruising that became clear once the shock began to wear off. It's also worth noting that I was photographed on the Sunday (day in question) by a Scenes of Crime Officer and then by the same SOCO (Jade Harley) on the Wednesday. I remember her clearly remarking that the bruising and visible injuries on my person were much more visible than they had been on the Sunday.
42. I do not recall if I informed Dr Norrie about my height and weight, but they would be correct.
43. I have been asked to comment on the FM report that notes that I told Dr Norrie that my back had been stamped on and why this had not been mentioned to Dr Mitchell. The explanation I would give to this is that when I saw Dr Mitchell in the morning, I was not at that time aware of the footprint on the rear of my stab rest. By the time I was seen by Dr Norrie I was aware of that footprint and also, I had spoken to PC Tomlinson who had told me I had been stamped on.
44. I have been asked to comment on what I told Dr Smeed on 4 May 2015 under reference to PIRC 01160, PIRC 01163 and PIRC 00259. From what I have seen in the 3 statements referenced and from the Chronology, I want to state that the reason I attended at the Accident and Emergency on Monday 4th May 2015 was that I had felt almost constantly drunk, [REDACTED] and was in a lot of pain. I told this to [REDACTED] who is a general nurse at the Victoria hospital, and [REDACTED] advised me to call NHS 24 who in turn advised me to attend at the A&E.
45. In relation to Dr Smeed stating that she formed the impression that I had a mild head injury and post-concussion syndrome, I struggle to reconcile concussion with mild head injury. Surely any

concussion is regarded as a serious head injury. I am not medically trained and would have to take what she says at face value.

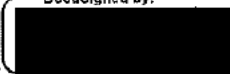
46. Additionally, I don't think she describes what I told her entirely accurately. I did tell her that I'd been knocked unconscious but that I only knew that through what I had been told by my colleagues. She gave me some painkillers a head injury leaflet.
47. I have been asked about what I told my GP, Dr Erica Ellison, on 5 May 2015. From her statement and the Chronology, I don't think Dr Ellison's statement reflects what her thoughts on my condition actually were as stated by her to me. She was very concerned about the long pauses in my speech, losing my train of thought and said I was definitely concussed. She also commented that she had seen me a few months previously and that put her in a good position to judge the differences in my behaviour and demeanour.
48. She made a referral to the maxillofacial department at the Queen Margaret Hospital due to drooping and swelling to the right side of my face. My memory of what Dr Ellison said is that she was sure that I was badly concussed which would explain my feelings of being drunk. This differs from her statement which states she thought I had likely concussion. Dr Ellison told me to stop taking Ibuprofen and instead to take [REDACTED]
49. I have been asked to refer to the relevant entry within my GP records from 5 May 2015. These have not been provided to me, so I cannot comment.
50. I have been asked about what I told NHS 24 on 10 May 2015 under reference to document PIRC 01456 and PIRC 01457. These documents have not been provided to me. I recall that I told NHS 24 that I had an unusually weak right arm after holding [REDACTED] and I had a facial droop. I told them that my family were concerned and had persuaded me to phone.
51. I saw Dr Christopher Speakman the same day. I don't remember exactly what I said to him, he woke me up and for the first part of the conversation I was still half sleeping.
52. From his statement that Dr Christopher Speakman states that when he saw me at the Victoria Hospital on 10th of May 2015 that I told him that the suspect, "stamped on her head". I am adamant that I've never claimed that at any point, I may have said that I curled up in a ball and grabbed the bun at the back of my head with both hands to protect it and that I was fully expecting further blows to come to my head. It's worth stating that Dr Speakman woke me up at about 2 am to ask me that and I was pretty disorientated as a result. I was kept in overnight and given a CT scan but they scanned the wrong part of my head which I was later told by the maxillofacial consultant. I was not given any medication at this time.
53. In relation to the evidence of Dr Ali Siddiqui who examined me on 11th May 2015, the Chronology States that I told him that I had been, "kicked and punched to the right side of her head". I didn't tell him that, I've been consistent all along that I was punched to the back of the head and then stamped on to my back. It's worth saying that my knowledge of having been stamped on to my back came from my colleagues and that's what I've consistently stated any time I have been asked. Dr Siddiqui also states that there was, "no evidence of facial droop". In fact, it was Dr Siddiqui who told me that the likely cause of the facial droop would be a damaged now caused by the punch. Obviously, that is not consistent with him saying there was no facial droop.
54. I have been asked about what I told Dr Katherine Pollock on 11 May 2015. I should say that I have no recollection of any dealings with Dr Pollock. I have no recollection of being given any medication by Dr. Pollock.

55. On 21 May 2015, I was seen by Mr. Ian Anderson. I told him that I was assaulted by Sheku Bayoh who punched me on my head, knocked me to the ground and stamped on my back as I lay unconscious. I told him that my legs weren't working and that I had bad bruising to my knees. I told him about my facial droop, the nerve pain to my head where I had been punched and general pain I was suffering.

56. I have been asked about the description of my injuries given to Mr. Anderson under reference to PIRC 01405. I told him that I was assaulted by Mr. Bayoh who punched me on my head, knocked me to the ground and stamped on my back as I lay unconscious. I told him that my legs weren't working and that I had bad bruising to my knees. I told him about my facial droop, the nerve pain to my head where I had been punched and general pain I was suffering. I did not receive any treatment or medication from Mr Anderson. I have no disagreement with what Mr Anderson has said. I'm content that what he has put in his report is an accurate reflection of our conversation.

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

Notwithstanding my answers to the questions raised in the Rule 8 requested dated 31 March 2022, I reserve the right to invoke my privilege against self-incrimination in the event of issues arising that have not previously been encountered or foreseen in either the preparation of further statements to the Inquiry or during the provision of evidence during the Inquiry hearings.

DocuSigned by:

Signature
Date 4/7/2022
Date.....