

Detective Constable 691 Ashley Tomlinson

Born [REDACTED] 1991

C/O

Police Scotland

Fife Divisional HQ

Detroit Road

Glenrothes

Fife

Self Completed.

I am Detective Constable 691 Ashley Tomlinson of the Police Service of Scotland. I am a non-uniformed Police officer currently working within the divisional child abuse investigation team (CAIT).

In response to the rule 8 Request served upon me by the Sheku Bayoh public enquiry team, I have the following responses to make:

Issue 3 – Risk Assessment

1. On 3rd May 2015, I was on duty in full Police uniform. On that particular date, I was a uniformed response officer aligned to response team 4 at Kirkcaldy Police Station. My tour of duty on that date would have been dayshift. I was in the company of PC Nicole Short. I became involved with the incident at Hayfield Road following a dispatch message by the area control room. As such I was allocated to attend.
2. Due to the passage of time, I am unable to recall the vehicle registration mark (VRM) of the marked Police van I was driving. The Police van was a caged and marked Ford Transit Connect; locally known as the fish van due to its size and shape.
3. As a matter of course, when dispatched to calls I carry out a dynamic risk assessment. On the 3rd May 2015, I would have carried out a risk assessment with the assistance of the National Decision Model (NDM). The NDM is a way of making decisions and can be used in a number of different settings; including spontaneous and planned operations. The NDM is supported by the college of Policing.

I would have considered the information available to me at the time. This was in the form of the number of calls being made to Police. This would have allowed me to build an intelligence picture, from which I would have assessed there to be a significant threat due to the mention of a large male brandishing a knife. As such there would have been an inherent risk to officer safety, safety of the public and safety of the male with the knife. I would then have considered my police powers; and as such would have considered the need to safely make attempts to

control the male and use my powers of search. This option would only have been possible with the co-operation and control of the male. As a result, contingency options would also have been a consideration. Containment of the male, limited resources and the use of force would have all been a consideration. The use of containment would have been in my view very difficult with limited resources and a high risk strategy given the close proximity to residential houses. Due to the time of morning, foot fall was at a minimum, however given the number of calls made to the Police, it appeared on that particular morning in that area of Kirkcaldy it was busier than anticipated.

Specialist resources would have also been an option, however I was aware there were likely none available in the division due to the timing of the incident. Following on from this, I would as a first point of call considered the use of tactical communications with the male (TAC Comms). TAC comms would allow me to try to gain a level of control of the situation without putting my safety and the safety of others at risk because this option would allow me to create good use of distance and keep me away from the male's fighting ark. This would have also allowed me to again gather further information and identify options before taking action.

4. I received training through Scottish Police College in carrying out risk assessments. This would have taken the format of yearly officer safety training as well as training on the NDM during my initial training at the Scottish Police College. As at 3 May 2015 I only had 18 months service so my training would have consisted of the initial course and one annual refresher course.
5. See point 3. The NDM is a fluid model that can be used numerous times during the course of an engagement and at every point during the incident, the NDM was used.
6. I considered the risk factors at Hayfield Road to be under three broad categories: The risk to officers – A large male as described by a number of public callers. This risk was being overpowered and injuries being sustained; A knife which could be used as a deadly weapon causing serious injury to myself or other officers; A lack of resources for any effective or meaningful containment; A refusal for the male to engage with officers. On my arrival at locus (scene of the incident), based upon my initial observations, I had a belief the first two arriving officers had been incapacitated. PC Alan Paton was not visible to me, which having worked with him for a number of months, was highly unusual; and also my observation PC Craig Walker had raised his hands to his face as Mr Bayoh stood in front of him. My perception was he had likely been slashed to the face given the earlier mention of a knife by several members of the public. This also featured in the risk presented to me.

The risk to the public – A large male as described by numerous public callers; The mention of a knife; the inherent risk of serious injury without containment or control of the situation to a member of the public going about their daily business; a risk to the wider public that the incident could move into a residential area; a risk that a member of public had already sustained serious injury and may be in need of help.

The risk to Sheku Bayoh – A risk of self-harm or injury through his own actions or actions of officers in the attempts to safely gain control; a risk to the lives of officers and public; a risk of mental health problems.

The role of race or perceived race did not play any part in my decision making process. A person's race or perceived race does not increase or reduce the risk to those involved in the incident. Race or perceived race did not feature as a thought in my mind and would never impact my decisions.

Issue 4 – Response by Police Scotland and/ or Individual officers:

(i)-Initial contact:

7. Due to the passage of time, I cannot accurately recall any conversations that took part on route to the incident at Hayfield Road.
8. In my original statement I made reference to a belief that the call was a hoax, however due to the passage of time, I cannot recall accurately my thoughts whilst on route to the incident at Hayfield Road.
9. Mr Bayoh's race or perceived race did not impact my views in any way. A person's race does not form part of my decision making process and would never impact the way in which I engage with members of the public.
10. Due to the passage of time, my recollection of details has been affected. These matters were covered in my statement to the PIRC investigating officers.

From my current recollections, I arrived at the scene with PC Nicole Short. I was the driver of the Ford Transit Connect van. I brought the vehicle to a halt with the nose pointed in a generally Northern direction. The larger marked Police van known locally as the 'one nine van' after its call sign 'Alpha 19' was already parked. On the day of the incident this vehicle was

being used by PC's Craig Walker and Alan Paton. I do not know who the driver of the vehicle was. I exited my vehicle on arrival as did PC Nicole Short.

11. On my arrival at locus, I do not recall paying particular attention to PC Nicole Short but had a general awareness she was close by, on either my left or right side. She was not in front of me as my view was unobstructed. I was also able to observe PC Craig Walker. On my arrival, I saw PC Walker was on foot and stood on a footpath which was set back from the public bus stop on Hayfield Road. Directly in front of PC Walker, also on the footpath was a male who I now know as Mr Bayoh. They were facing each other. I observed that PC Walker was using both of his hands to cover his face as Mr Bayoh was stood in front of him. Based on the information I had received via my airwave terminal, I formed a view that PC Walker had likely been injured or slashed to his face given the unusual course of action to use his hands to cover his face during the ongoing incident with Mr Bayoh. I was not able to see PC Alan Paton at any stage and my concern was that he had been injured or incapacitated. I do not recall how long PC's Walker and Paton arrived at locus before me but I judged it could have been enough time for PC Paton to have been seriously injured. A short time after I had arrived and made my initial observations, Mr Bayoh began to walk away from PC Walker in the general direction towards the Gallachers public house.
12. Due to the passage of time, my recollection of details has been affected. These matters were covered in my statement to the PIRC Investigating officers.

From my current recollections, I recall Mr Bayoh as having been facing PC Walker but that a short time after I arrived at locus, he began to walk with some sense of purpose towards the direction of Gallachers public house. Mr Bayoh was wearing a t-shirt despite the wet conditions. I do not recall Mr Bayoh ever making any verbal comments. I made attempts to verbally engage with Mr Bayoh by shouting as loud as I could for him to stop. I do not recall the exact wording I used, however I shouted as loud as I could so to avoid not being heard. Due to having recently refreshed in my Officer Safety Training I recall using the word 'DESIST' in an effort for him to stop what he was doing. Mr Bayoh ignored this request and carried on walking with purpose. I began to walk in parallel direction to Mr Bayoh along the roadway/public footpath. I would stress that Mr Bayoh was still a risk at this stage as regards possession and use of a knife and his failure to comply with commands.

Mr Bayoh's race or perceived race did not at any point impact my views on either him as an individual or on the situation as a whole.

13. In respect of my training in assessing if person is suffering from a mental health crisis or was under the influence of drink or drugs, this would have been something taught at the Scottish Police College in both classroom based training and during Officer Safety Training.
14. With regards to mental health training, I have no medical background and often attempts to diagnose people as having a mental health crisis is very difficult. In terms of diagnosing people to be drunk or under the influence of substances, that can be easier in certain cases to identify due to obvious symptoms such as the slurring of words or the way a person is physically incapable of normal bodily functions; in other cases it can be difficult to diagnose. I have had previous experiences both before and after this incident where persons under the influence of drugs have been extremely strong and required numerous officers to try and safely restrain and control the person so they do not present danger to themselves or others.
15. On my arrival at the locus the situation was dynamic. Without engagement from Mr Bayoh I was unable to make an assessment of his mental health or if he was under the influence of drink or drugs. I was in his company for a short period of time and as such would not have been able to carry out any accurate assessment. My general observations was that without having any prior knowledge of Mr Bayoh, I was unable to comment on if his behaviour was out of character.

Mr Bayoh was not engaging in any way with officers and his purposeful movements made him a risk to himself, members of the public and Police officers until such time when I was able to assess if he was the person described in the calls to Police. The mention of the knife and his lack of engagement with myself or my colleagues made the situation very high risk due to the unknown elements that could not be controlled. The obvious unknown element was the knife. I was never close enough to make any more detailed observations and I judged given the information I had to hand that it was not immediately safe for me to get any closer to Mr Bayoh as the risks presented to myself at that time were very high.

16. I received training from the Scottish Police College. This would have been in the form of classroom based lessons and also in practical Officer Safety Training teachings. Scenario based training was at that time limited and my recollection was that scenarios were based on active resistance with minimal risk to the officers. Training was limited as it involved the use of probationary officers as the actors. To make training realistic carries a risk to the officers

involved in the scenarios. Classroom based training at the Scottish Police College is largely safe due to this and as such it is far removed from the reality of certain situations. Nothing can prepare officers for the violence and assaultive resistance faced in the real world.

17. As an operational Police officer, knife calls are a regular occurrence. Thankfully the number of incidents I have attended whereby an individual is still in possession of a knife is low. This does not lead me to take a lax or complacent attitude towards these calls and every incident will be treated the same until it can be established the knife is secure or that no knife exists.
18. As part of my Officer Safety Training, I would have received training in the use of TAC Comms and verbal commands. The use of verbal commands requires the subject to respond in order to de-escalate situations.
19. Attempts to de-escalate the situation at Hayfield Road on the 3rd May 2015 were ineffective. I attempted to gain verbal communication with Mr Bayoh however he did not engage or follow commands.
20. I consider my actions at first encounter to be in line with my training. Verbal commands followed by the use of CS Spray and thereafter Baton.
21. With regards to the level of my training prior to the incident at Hayfield Road on the 3rd May 2015, I do not think I had enough training to adequately prepare me for the situation that I faced. Training can never fully prepare officers for the extremes of real life situations. Training is an attempt to allow the officer to work under simulated situations, however none of my training involved a scenario where the use of all available verbal commands and police equipment failed to take effect. None of my training prepared me to deal with someone who was likely suffering from a combination of mental health crisis/ acute behavioural disorder and drug intoxication. None of my training dealt with officers becoming incapacitated or being injured to such an extent they were unable to function and none of my training exposed us how to deal with such a strong and violent custody. Training on diagnosing individuals with a mental health crisis was limited, if not almost none existent and did not prepare me for this situation.

22. The equipment I used included:

Voice – I issued tactical verbal commands. This was in line with my training.
CS Spray – I attempted to spray Mr Bayoh using a short burst but this had no effect. I re-adjusted my aim and again sprayed Mr Bayoh to no effect. My second attempt at spraying Mr Bayoh used an extended spray due to the prevailing wind conditions and the need for me to try and continually re-adjust my aim to guide the jet of incapacitating spray towards the intended target (his face and eyes). I used the CS Spray in accordance to my training.
Baton – I used my baton to issue a number of strikes towards Mr Bayoh. In the first instance, I issued more than one strike at Mr Bayoh's head area, I did so after I observed Mr Bayoh to be making an attempt to kill/ murder PC Short by stamping on her back whilst she was motionless on the ground. The objective was to stop Mr Bayoh's killing PC Short. As soon as I achieved this objective and Mr Bayoh stopped his actions towards PC Short, I did not strike this body area again.

The second time I used my Baton was when Mr Bayoh stopped stamping on PC Short and turned towards me with his fists raised. I was of the belief Mr Bayoh was going to cause me significant injury or harm / make attempts to kill me. I issued more than one strike to Mr Bayoh's arms whilst giving him verbal commands. The objective was to stop Mr Bayoh causing me injury and create distance between us as I was in fear for my life.

The third time I used my Baton was to strike Mr Bayoh in the Achilles area in an effort to stop him using his legs to resist restraint. The strikes were of no effect and I disposed of my Baton. I used my Baton in accordance with the training I received but due to the passage of time, I cannot accurately recall the number of times I struck Mr Bayoh.

Handcuffs – I attempted to use my handcuffs to place on the right wrist of Mr Bayoh when efforts were being made to safely restrain him. The objective was to place a single cuff onto his wrist and use pain compliance to gain control. I was unable to do this as I was overcome by Mr Bayoh's strength. I lost possession of my handcuffs as they dropped to roadway and bounced out of my reach. I used my handcuffs in accordance with my training.

23. Mr Bayoh's race or perceived race did not in any way contribute to the way he was approached. His race/ perceived race did not affect the way I handled the incident. Risk management is not affected by an individual's race or perceived race.

(II) - PC Short Incident:

Please provide as much detail as you can about the incident involving Mr Bayoh and PC Short. How far away from the incident were you at the time? Where were you at the time? what did you see? Was there anything which could have interfered with your view of the incident?

24. On 3rd May 2015, I am of the belief from what I could see that Mr Bayoh specifically targeted PC Short. After failing to obey or respond to my Tac Comms after initial contact and further failing to be controlled after CS spray had been deployed, Mr Bayoh ran towards me from his position (on the footpath to the North side of Hayfield Road). I was stood on either the pavement or the roadway at this time and cannot recall which after this length of time.

I formed the belief I was about to be the subject of a serious assault due to the way in which Mr Bayoh ran with purpose. As a result of this, I drew my Police baton into the high carry position in order to prepare myself to issue verbal commands and a possible strike.

On turning I then saw that he was running around me and was chasing PC Short. Mr Bayoh delivered a powerful blow to the rear of PC Short's head area causing her to fall to the ground. After this, Mr Bayoh took up a position over her body and began to raise his leg and stamp on her back using his foot with a great deal of force.

Due to the passage of time, I cannot accurately recall the number of blows Mr Bayoh delivered to PC Short's head or back other than to say it was more than once. I recall being of the honest held belief I was witnessing Mr Bayoh attempting to kill/ Murder PC Short. Due to her lack of movement, I feared Mr Bayoh may have succeeded in doing so.

My view of this assault was unobstructed. Due to the passage of time, I cannot recall the distance I was away from PC Short and Mr Bayoh but I did produce a diagram for the PIRC investigators at the time.

25. I was of the honest belief that Mr Bayoh had killed or was about to kill PC Short having already injured or killed PC's Walker and Paton.

26. As PC Short lay on the ground she was motionless. I cannot recall her exact body position in relation to the roadway, however recall her being stomped on more than once by Mr Bayoh.

27. I am unable to answer this question. My attention was taken away from PC Short as I made continued efforts to safely restrain Mr Bayoh.

28. See point 24.

29. I did not have an opportunity to assist PC Short as I was involved in the active restraint of Mr Bayoh. I do not know who assisted PC Short and did not witness this. I recall glancing up during the restraint of Mr Bayoh and being extremely worried when I was unable to see PC Short lying in the roadway.

(iii) Restraint of Sheku Bayoh:

30. In respect of the restraint of Mr Bayoh, I was present from the start. PC Walker was able to wrestle Mr Bayoh from a standing position to the ground, an action I believe saved my life or serious injury as this was the point at which Mr Bayoh had turned to me with his fists raised. The movement of bringing Mr Bayoh to the ground was dynamic and this resulted in PC Walker and Mr Bayoh travelling some distance from their original position to the position in which Mr Bayoh came to be on the ground. This position was towards the south side of Hayfield road near to the kerb line and in front of hedges which lead onto residential houses.
31. Due to the passage of time, I am unable to recall in great detail the body positions of Mr Bayoh. During the initial restraint, my recollection is that he was in the prone position. I do not know how long Mr Bayoh was in this position and to state a time would be guesswork and this is both unprofessional and unhelpful to the terms of the public enquiry. I do recall that due to the level of resistance being issued by Mr Bayoh his body position changed several times. Mr Bayoh was able to take a bench press type position and lift himself from the ground whilst attempts were being made to restrain him by PC Walker and I.
32. During the restraint of Mr Bayoh, I was positioned on his legs. Due to the passage of time I am unable to recall the exact details of my body position in relation to that of Mr Bayoh. I do recall having taken a position on Mr Bayoh's legs. This position did change from straddling Mr Bayoh's legs - whereby I was kneeling both sides of Mr Bayoh on the roadway with his legs under me. This was in an effort to control his legs and make attempts to gain control of his right wrist using a single cuff application. Due to the way in which I was straddling Mr Bayoh's legs, I was being dragged upwards when trying to hold onto his wrist which caused me to drop my handcuffs. The handcuffs bounced on the roadway and out of my reach. I changed my body position at this stage so that I was lying diagonally across his legs in an effort to immobilise the movement being made. My feet along with my lower and a portion of my upper legs would have been touching the roadway and my waist line and a portion of my upper body would have been connected to Mr Bayoh's legs (exactly where on his legs I am unable to recall due to the passage of time). I would have been using my forearms to stabilise

my upper body and they would have been resting also on the roadway so that I did not become unbalanced and fall off Mr Bayoh thus making the restraint technique ineffective.

33. I am unable to say without guessing exactly how much weight I applied to Mr Bayoh. My body position was on Mr Bayoh's legs and as such the weight and force I applied would have been focused in this area. It would have been physically impossible for me to apply all my body weight to Mr Bayoh given the positions I have described in point 32. Due to the passage of time I am unable to state how long I applied restraint to Mr Bayoh.
34. I am aware from my recollection that Mr Bayoh had handcuffs applied. I do not recall who applied the handcuffs or to whom the handcuffs belonged. Due to the passage of time, I am unable to recall with detail the way in which Mr Bayoh's handcuffs were applied.
35. Mr Bayoh was making continued efforts to break free from the restraint and using his strength to lift myself and PC Walker upwards. Due to the passage of time, I am unable to add further detail.
36. Due to the passage of time, I cannot recall if I said anything to Mr Bayoh during the restraint.
37. I can confirm that regardless of the passage of time and my inability to recall exact conversations, thoughts or feelings as well as I may have been able to do so in the proceeding weeks and days, I can state with absolute certainty Mr Bayoh's race/ perceived race in no way affected the way in which I restrained him. Race/ perceived race would never affect the way in which I handle or restrain individuals.
38. Due to the passage of time, I am able to recall exactly which other officers were involved in the restraint other than PC Walker and I.
39. During the restraint, I recall that PC Alan Smith attempted to apply a fast strap (leg restraint) to Mr Bayoh. I am aware of this because I recall my leg being pulled backwards and felt pressure being applied as if it was being gripped or wrapped. I recall being confused about what was going on and shouting in the direction of PC Smith someone had grabbed my leg having mistaken it for that of Mr Bayoh's. I was aware other officers had arrived during the restraint but my focus was on trying to maintain control of Mr Bayoh's legs. Due to the passage of time, I am unable to recall in any further detail what individual officers were doing. I was aware PC Walker was also carrying out restraint of Mr Bayoh.

40. Due to the passage of time I can no longer recall what individual officers did to restrain Mr Bayoh. I do not recall seeing anything that was excessive or disproportionate to the circumstances.
41. I received training in restraint technique at the Scottish Police College. I also received refresher training as part of my annual Officer Safety Training course. Part of the training I received involved the technique I used; which was to position my body across Mr Bayoh's legs in an effort to control his legs.
42. The restraints used on Mr Bayoh were as follows: An attempt to use a single handcuff on his right wrist in order to gain compliance through the application of pain. This failed and I was not able to apply the handcuff. I then used my body as a way of trying to control Mr Bayoh's legs. This was in an attempt to apply leg restraints and control his legs. Due to the arrival of other officers, I did not apply leg restraints to Mr Bayoh myself. My actions were in line with my training. They were proportionate and not excessive.
43. I cannot comment on the techniques used by other officers in relation to the use of equipment due to not physically seeing any of its use take place. Due to the way in which I was positioned and where my focus was at the time of the restraint of Mr Bayoh I am also unable to comment on PC Walker's use of restraint.

Issue 5 after the restraint and calling the ambulance:

44. Due to the passage of time my recollection as to the exact point Mr Bayoh lost consciousness is no longer clear. From my recollection, Mr Bayoh was handcuffed to the front in a palm to palm position wearing leg restraints. I recall Mr Bayoh was on his side having been searched for possession of a knife. At this time I would have been somewhere near Mr Bayoh's legs. As soon as it was recognised Mr Bayoh had lost consciousness, CPR was carried out immediately. I did not continue to restrain Mr Bayoh at this time, however I remained vigilant to the fact he could regain consciousness and may need to be restrained again if he continued resisting his arrest.
45. Due to the passage of time, I cannot state with any degree of certainty what other officers were doing. I had a general awareness that PC's Walker and Smith were carrying out CPR.
46. I had no involvement in the CPR of Mr Bayoh.

47. As soon as it was identified he was no longer conscious efforts began immediately to save his life.
48. During my time at the Scottish Police College, I received training on how to carry out CPR as part of the SPELS Course.
49. Due to the passage of time, I do not recall my exact thoughts or feelings.
50. Due to the passage of time I cannot recall the exact details of Mr Bayoh's presentation other than to describe him as unresponsive.
51. I am unaware of which officer requested the ambulance. I was aware two ambulances had been requested by an officer at locus and that only one ambulance arrived. I also recall the requested ambulance was initially dispatched to the wrong location. Instead of being dispatched to Hayfield Road, I recall the ambulance had been dispatched to Seafield (an area on the opposite side of the town and a substantial distance away).
52. Due to the passage of time, I do not recall how long it took the ambulance to arrive.
53. Due to the passage of time, I cannot now recall any details about the arrival of the ambulance to locus. I am aware I made comment of this in my original statement and will need to reply on this as an aide to my memory.
54. With regards to your asking of me to 'please look at photograph PIRC 03374' I have been afforded an opportunity to look at two images which have been provided to my legal representative. The image which is sharp and unblurred, I can easily identify myself as being the officer with glasses on near to Mr Bayoh's legs. I am unable to identify myself with any degree of certainty in the blurred image that has been supplied. I suspect the officer labelled as being PC Gibson is in fact myself however given the poor quality of the image I cannot say this with certainty.

Issue 8 – Return to Kirkcaldy Police Station (KPO)

55. Due to the passage of time, I do not recall who told me to leave locus. I cannot recall which senior officers (if any) were at the locus other than acting Police Sergeant Maxwell. I do not recall being given any instruction 'not to discuss the incident with other officers'.
56. I recall being in possession of a set of keys to a marked police vehicle. Due to the passage of time, I cannot recall what vehicle the keys were for but I am able to state it was not the same

vehicle that I had travelled to locus in. I do not recall if I was the driver of the vehicle and would have to rely upon my original Police statement provided to PIRC Investigating officers. I recall being in the company of PC Daniel Gibson. I do not recall what conversations took place within the vehicle.

57. Due to the passage of time I am unable to state exactly how I was feeling other than to say I was in a state of shock and total disbelief about the events at Hayfield Road. I was worried about the safety and welfare of PC Short given I had witnessed an event in which I believed she had been killed/ murdered.

58. Due to the passage of time, I do not recall exactly when I arrived back at Kirkcaldy Police Station, or where I exited the vehicle. I do not recall exact conversations on my return to the Police station.

What I am able to remember is removing my Police issue stab vest and utility belt and attending at the vest room within Kirkcaldy Police Station (for the avoidance of doubt this is simply a room in which officer's store their body armour whilst not on duty. This room no longer exists in the same format). Whilst within this room, I attempted to contact my partner who was a Police officer on duty in a different area at the time and make her aware I was safe and physically uninjured. I was unable to speak to her due to being overcome with emotion, due to the realisation of how close my colleagues and I had come to being killed. Instead I had acting Police Sergeant Maxwell inform her I was safe. I do not know who was present when I was overcome by emotion. At that time I was stood in the writing room at Kirkcaldy Police Station. This room is adjacent to the vest room.

59. After leaving the writing room I attended at the canteen area. I do not know who was initially present but became aware that over the course of the next few hours all the officers on duty at Kirkcaldy response team 4 that day were present. Once within we were told not to leave.

60. Due to the passage of time, I do not recall who I was near or with. I recall being seated in three areas, namely, at a large dining table on a wooden seat, on a leather sofa in front of a TV and on the windowsill area of a sash and case window facing a pool table and dart board.

61. I do not recall the exact length of time I was required to sit in the canteen. I recall leaving the canteen once to retrieve a sleeve of polystyrene cups but do not recall when I made this journey or how long this took me. I was aware I retrieved a set of cups for the purpose of making tea and coffee. I also left the canteen area a second time to change my uniform t-shirt

and place it within a plastic bag and also to retrieve my body armour and utility belt. I do not recall receiving any instructions on how long I would be required to remain in the canteen other than I was not allowed to leave. In effect, I was detained within the canteen without clear timelines or explanations or instructions as to what was expected from me.

62. Due to the passage of time, I do not recall any person of any rank making a comment not to speak about the events at Hayfield Road. If this command had been made I would likely have seated myself in silence.

63. In the first instance, I was unaware that Mr Bayoh had later died. I was informed of this development by an officer of rank who attended at the canteen in person. I do not recall who this officer was. Due to the passage of time, I cannot recall the exact detail of general conversations other than we each enquired about the welfare of one another and also the welfare of PC Short.

64. See point 63.

65. Due to the passage of time, I am unable to recall if anyone present had any particular discussions about the incident between Mr Bayoh and PC Short.

66. See point 64.

67. Due to the passage of time I cannot accurately recall the conversations between myself and PC Short. I recall being relieved to see she had returned to the Police Station and that she also appeared confused. To recount the exact words using in the conversation would be guesswork and this is both unprofessional and unhelpful to the terms of the enquiry. I recall explain that Mr Bayoh had stamped on her back and that I had tried to protect her by striking him with my Police Issue baton.

68. Whilst I cannot accurately recall the exact details of the conversations that took place on the 3rd May 2015 at Kirkcaldy Police Station, I can state with certainty that Mr Bayoh's race/perceived race did not play any part in the approach taken to the incident. I can also further state with certainty that Mr Bayoh's race/perceived race did not in any way form part of my discussions at the Police station. Mr Bayoh's race/perceived race is in my view irrelevant to the way in which he acted at locus and further irrelevant to the way in which Police attended the incident.

69. No.

(II) Recovery of equipment

70. Full Police uniform, including black trousers, black Alberg Peacekeeper boots; black Police wicking t-shirt; black Police micro fleece; body armour and reflective body armour cover along with a utility belt containing Police handcuffs, Baton and CS Spray.

71. On my return to Kirkcaldy Police Station, I removed my Police body armour and utility belt and placed in on the carpeted floor near to a locker room located at Kirkcaldy Police Station. This would have been an area I always used as a way of de-kitting whilst within the Police Station. The body armour and belt would have been propped against the wall to avoid other officers falling over my equipment.

I was not in possession of my handcuffs or baton on my return to the Police Station. I had lost both at locus.

72. I do not recall any person seeking to seize any of my equipment for a number of hours after my return to the Police Station. Due to being asked to sit within the canteen at Kirkcaldy Police Station, I moved my kit with me and again followed the same procedure of placing my kit on the ground and out of the way. I did this so I still had control and possession of my kit. Later in the evening two detective officers from Northern Division arrived at the Police Station to seize my uniform. I provided them with everything I had been wearing at the time of the incident. My uniformed black t-shirt and micro fleece was provided to them already bagged. I had changed out of these items of clothing due to the continued re-activation of CS as I sat within the canteen area. I also provided the officers with my second Police t shirt. For the avoidance of doubt, I believe I provided the detective officers with the following:

- Police boots
- Police trousers
- Police micro fleece
- Police t-shirt x 2
- Body armour
- Body armour cover
- Utility belt

- Empty CS spray
- Police notebook

The detective officers also attempted to take my prescription glasses which would have left me unable to see at distance or drive home. They were unable to provide me with an alternative and so left them in my possession.

73. Due to the passage of time, I do not recall the names of the officers. I was of the belief they were detective officers from the Aberdeen area. There were two male officers who met me in a room and made me strip to my underwear on a sheet of brown paper with very little (if any conversation) other than commands to remove items of clothing.

74. In reference to extract from my PIRC statement 00263, I do not recall how I became aware of the mark to the rear of PC Nicole Short's body armour other than it was a dirty mark that was clearly out of place and foreign to the normal appearance of the item of clothing. I do not recall the exact conversation that took place nor do I recall the time at which this occurred. I do not recall what happened as a result of my observations and do not know who (if anyone) made note or took possession of this item. I do not recall what comments were made by PC Nicole Short.

From my recollection, the mark appeared to be positioned in the centre of PC Nicole Short's back and was of a size and shape similar to a footprint hence my belief it was a footprint. I was aware that PC Nicole Short had attended at the hospital a short time before her arrival at the Police Station.

From my knowledge of hospital staff, they do not make habit of wearing dirty footwear around the building due to infection control. Based on this I found the presence of this mark of significance and raised it in order for it to be documented in the correct and most appropriate manner.

(iii) Status of officers:

75. I do not recall the exact conversations that took place with regards to being considered as a witness or a suspect due to the passage of time. I do recall being advised to seek advice from a solicitor due to the nature of the incident.

76. I did not receive any advice regarding my status at the time of the incident. I only received advice when I was allocated a legal representative in the following days.

77. N/A

(iv) Advice given to officers:

78. I do not recall what advice or instructions I received on my return to the Police station other than being told not to leave the canteen. I do recall other senior officers being around but do not recall whom other than Conrad Tricket and Amanda Given. I was aware of being spoken to but due to my state of mind at the time I did not retain these conversations.

79. No.

(v) Completion of Paperwork; use of spray form; use of force forms; notebooks; statements

80. My understanding of the obligations to complete paperwork were such that my position as either a witness or that of a suspect was to be clarified and in line with guidance from the Scottish Police Federation I was allowed to seek legal advice prior to carrying out these actions.

81. As a Police officer I do not recall any training being given by the Scottish Police College on the completion of use of force forms and for that fact any training in division. The only training I received on use of force forms was when I first required to fill one in. To avoid any confusion the term 'form' may generate upon reading my statement, I would like to make clear that the forms are electronic and as such I would also require access to a computer to fill in and complete these forms. There was no computer in the canteen.

Training at the Scottish Police College focused on how to fill in Police notebooks to the desired layout and standard. There was an emphasis on filling in notebooks as soon as reasonably practicable as it would be impossible to fill in a notebook at the time of each incident.

Training at the Scottish Police College was focused on the noting of witness statements rather than Police operational statements. Operational statement writing was in effect on the job learning.

82. As I recall, my status as a witness or suspect was not officially clarified until some days later. I acted on the advice of the Scottish Police Federation representative, Amanda Given, that I had the right to delay in the providing of a statement until such time as it was received in writing.

83. I followed the advice provided by the Scottish Police Federation and sought legal advice; as it my right to do so. In any event, I was not in a fit state of mind to complete relevant paperwork having just been involved in the incident. I was emotional and unable to clearly focus. This was not just the case for the hours immediately following the incident but also the days that followed.

My Police issue notebook was also seized from my possession after the incident by detective officers who also seized my Police uniform thus preventing me from making any retrospective entry into my notebook when I was in the correct frame of mind.

Further to this, I was under clear instructions from the Scottish Police Federation and senior management within Kirkcaldy Police Station not to return to the operational side of the building and to remain in the canteen until further instructions. As a result, my ability in any case to complete the relevant paperwork was removed from me. The day after the incident I returned to work but had no welfare support from senior officers and as such was forced to commence a period of absence from work. I was thereafter signed off by my GP as unfit to work; again making the completion of paperwork impossible. However during the period of time following the incident I awaited confirmation in writing of my status.

84. Due to the passage of time I cannot accurately recall the details of conversations had with other officers. I took advice from the Scottish Police Federation representative Amanda Given to seek legal advice before filling in such paperwork with a view to clarifying my status as a witness or a suspect. As I understood it, Police Scotland was not in a position to make this decision and this was a decision for PIRC following an investigation.

85. Due to the passage of time, my recollection of the exact conversation that took place between myself and Amanda Given, the Scottish Police Federation representative is no longer known. My original statement to PIRC covered this matter. In broad terms, the advice I was given was to seek legal advice prior to providing a witness statement. This legal advice centred around clarifying my status as a witness or a suspect. I do recall her showing concern about my state of mind following the incident after acting Police Sergeant Scott Maxwell told her about me being overcome with emotion.

86. I do not recall the subject of operational statements being discussed in the canteen at Kirkcaldy Police Station after the incident on the 3rd May 2015. I was advised later by my appointed legal representative Professor Peter Watson not to provide a statement to Police until such time as my status as a witness or as a suspect was clarified.

I am of the view an attempt was made by Police Scotland to use trickery and deception to obtain a statement from me prior to this decision having been made by the PIRC.

Due to the passage of time, I am unable to recall the exact date of this attempt. I am able to state the following.

In the days following the incident at Hayfield Road, Kirkcaldy the then Chief Constable Sir Stephen House met with the officers involved. The Chief Constable, Sir Stephen House, attended at Kirkcaldy Police Station and was in the company of other senior officers (whom I do not recall the names). Conversations took place regarding staff welfare and the receiving support. In the days following this, a welfare meeting was arranged. From my recollection the meeting was arranged by either then Police Inspector Alan Seath or then Scottish Police Federation representative Amanda Given. All officers were asked to attend at Kirkcaldy Police Station for said meeting.

On arrival, it was disclosed that there was in fact no welfare meeting and Inspector Seath and SPF Amanda Given denied this meeting had ever existed leading myself and other officers to become disappointed by the deception.

Inspector Alan Seath led me to a small table in a corridor within the Police Station to be met by two detective officers (whom I do not recall their rank). I was asked to provide a statement about my involvement in the incident at Hayfield Road. Based upon the advice of my legal representative Professor Peter Watson, I declined to provide a statement until my status as a witness or suspect was clarified.

The detective officers attempting to take this statement will be in possession of this document.

I recall also having been followed by then Inspector Alan Seath to the carpark of Kirkcaldy Police Station where I expressed my disappointment at their deception and lack of welfare meeting. He reminded me of his rank. I recall reminding him I was signed off work sick by my GP as a result of the incident.

(vi) Examination of Officers:

87. I did attend a forensic medical exam whilst at Kirkcaldy Police station on 3rd May 2015, Due to the passage of time I cannot recall which room this was in other than to describe it as a side room. I also cannot recall who carried out this forensic medical.

88. I am unable to recall this detail.

89. This information appears correct from what I am able to recall.

90. Due to the passage of time I cannot recall the conversations I had with the FME.

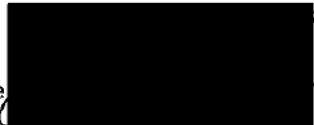
91. Yes, I do not recall the exact nature of my physical injuries other than reddening to my knuckles and a red line across my back.

92. No physical treatment was required. No attempts to enquire about my mental welfare were ever made.

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 above I reserve my right to invoke my privilege against self incrimination in respect of either the request for further statements or the provision of oral evidence at the Inquiry Hearing due to commence on 10 May 2022.

Signature



PC 691 Ashley Tomlinson.

Date:

13/04/2022.