

IN THE SHEKU BAYOH INQUIRY

OPENING STATEMENT ON BEHALF

OF

PC ALAN PATON (retired)

1. My name is Brian McConnachie QC and I appear alongside Ms Radcliffe, Advocate on behalf of Alan Paton. We are instructed by Paul Kavanagh of KM Law.
2. This opening statement is made on behalf of Alan Paton. He has been granted core participant status in the Sheku Bayoh inquiry. This statement will explain who he is and outlines what he is seeking from the inquiry.
3. Firstly, on behalf of Alan Paton we thank the chair for affording us the opportunity to make this opening statement.
4. Alan Paton was a Police Constable with Police Scotland based at Kirkcaldy Police Office. He was on duty on the 3rd May 2015. At approximately 07.20hrs he, along with a colleague attended a call relating to several reports of a black male in possession of a knife on Hendry Road, Kirkcaldy. They were the first officers to attend the scene. On

arrival, he saw Mr. Bayoh in the street directly in front of the police vehicle. He was involved in the subsequent restraint of Mr. Bayoh. Thereafter he assisted in administering CPR until the paramedics arrived.

5. We would wish to express our sympathy to the family and friends of Sheku Bayoh and our thoughts and condolences remain with them. Alan Paton understands that his death has had a dramatic effect on the family. He also understands that the family hope to obtain answers to the many questions which they have surrounding the circumstances of Mr. Bayoh's death and the aftermath. Questions which remain despite the fact more than 7 years have now passed.
6. The aim of this inquiry is twofold. Firstly to establish the circumstances surrounding the death of Sheku Bayoh and make recommendations to prevent deaths in similar circumstances. Secondly the inquiry will assess the post incident management process and subsequent investigation making recommendations if appropriate and consider the extent (if any) to which the events leading up to and following his death, in particular the actions of the officers involved, were affected by his actual or perceived race and make recommendations to address any findings in that regard.
7. In this initial part of the hearing the issues to be addressed are set out in the document SBPI-00003. Primarily in relation to Mr. Paton these would appear to be:-
 - a) Risk Assessment
 - b) Initial Contact with Mr. Bayoh
 - c) The restraint

d) The calling of the ambulance

e) Completion of paperwork

8. It is hoped that with the assistance and cooperation of all core participants that the inquiry will discover the truth of what happened and offer the family closure. That furthermore if there are lessons to be learned from any part of the inquiry's remit that these are highlighted and taken on board.

9. The Chair of the inquiry has already stated that the family of Sheku Bayoh and their interests will be at the heart of the inquiry and it is acknowledged that this is entirely appropriate.

10. However they are not the only people who have been adversely affected by the events of the early morning of 3 May 2015. The death of Sheku Bayoh has also impacted significantly upon the life of Alan Paton and his family. After a lengthy period of illness he retired from Police Scotland due to ill health. He has not worked since. He has been diagnosed with Post Traumatic Stress Disorder. He has been subjected to unjustified vilification on social media and in both written and broadcast media. He has been made the focus of attention from the representatives of Mr Bayoh's family and his involvement in matters has been singled out falsely as being motivated by race. There has been extensive media coverage naming him as being involved in the incident and alleging racism and violence on his part. Mr. Paton denies all of these various accusations.

11. Members of his immediate family whilst accompanied by the representative of Mr. Bayoh's family have gone public with various allegations against Mr. Paton. These allegations were it is believed motivated by a family feud and were false. In addition they relate to matters which have no bearing whatsoever on the issues which this Inquiry has to deal with arising from the events of 3 May 2015.
12. Statements have been disclosed relating to historical complaints against Mr. Paton arising from his time as a serving police officer with no attempt to balance these complaints with the many positive appraisals arising from that same service. Alan Paton carried out his responsibilities as a police officer without fear or favour for many years. He carried out his duties diligently and properly.
13. Alan Paton has confidence that the inquiry can, and hopes that it will, deliver on its terms of reference and meet its objectives by exploring the evidence and discovering the truth. Alan Paton believes that the inquiry will be able to establish on the evidence that there was no wrongdoing on his part and that none of the decisions he made nor actions he took were affected in any way by Mr. Bayoh's race or perceived race.
14. Alan Paton was faced with a dynamic set of circumstances where decisions had to be taken as a matter of urgency. The inquiry may find mistakes were made and that with the benefit of hindsight other decisions could have been taken. However mistakes made, if any, were honest ones in the context of the circumstances which faced Mr. Paton and his colleagues.

15. It is hoped that the Inquiry will deliver on its terms of reference and meet its objectives. Mr. Paton and his representatives look forward to continuing to work with the inquiry team in this and subsequent hearings in an effort to establish the facts and learn any lessons arising from them.