

OFFICIAL - SENSITIVE

WITNESS STATEMENT

Agency Ref :S130B
PF Ref :

Surname : DAVIDSON Other or previous surname :

Forenames : Samantha DoB : ████████ 1983 Age : 31

Occupation : Detective Sergeant Other Occupation : 918 (050918)

Police Station : Years Service : 10

Disclosable address :

Post Code:

This statement was taken :

Date and time : 2nd of June 2015 17.20

By : JOHN FERGUSON IO
Place : Kirkcaldy Police Office

In the presence of :

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

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

States :

I am currently a Detective Sgt with the Police Service of Scotland. I am based within Fife 'P' Division at Kirkcaldy Police Station and I have completed 10 years police service.

I have today 2/6/15 Tuesday been interviewed by IO Ferguson and IO Bonner both of PIRC. I have been provided a copy of my statements. The first statement was on 4/5/15 and was submitted by me personally. My second statement on 29/5/15 was taken from me by IO John McAuley and IO Rooney of PIRC. I am aware that I am being interviewed about the circumstances surrounding the death of Sheku Bayoh on 3/5/15 in Kirkcaldy.

I have been shown

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Prod No.

OST Scope Record of DS 418 Samantha Davidson P Division Police Service of Scotland.

I can confirm from this document that I completed my OST, Officer Safety Training requalification on 4/2/15 and my OST - First Aid SPELS requalification was on 04/02/15. I have signed the production backing sheet to this effect.

On Sunday 3rd May 2015 I was on duty working rostered hours 0700hrs to 1600hrs. I was at Kirkcaldy Police Office. When I arrived there DI Colin Robson (witness was at the office in his capacity as Duty SIO or DI. At 7pm, DC Derek Connell came on duty. DI Robson was in casual wear.

Both myself and DC Connell were dressed in day suit attire.

About 0715hrs I was within the main CID room with both DI Robson and DC Connell. At this time an immediate call came in and was transmitted by the ACR Room Bilston.

My understanding was this was a priority 1 call requiring immediate response.

I do not recall exactly what was said but I remember that it was that a "black male" was in possession of a knife in the area of Hendry Rd Kirkcaldy. I also recall that there was another call mentioning that this male was on Victoria Rd. I believe this was wrong. I know that one of the callers possibly the first caller had been within a vehicle. I also recall that part of the description of the male was that he was muscular in build and that the knife was large.

Both myself and Derek Connell decided to attend this call immediately, and responded right away as soon as the call was put out over the airwave.

Whilst at the police office I shouted in over the radio that I was attending. I used my call sign Papa Whisky one-o-one. I do not recall if Derek Connell shouted in with his call sign Papa Whisky one-o-four. I think it may have been me that said this "over the air".

Team 4 was the uniform team of officers who were "mustering". They were upstairs from our office in the CID. I can only assume they were mustering due to the time.

I know a lot of the officers on Team 4 and their supervisors.

I walked across the corridor which links the main CID room to my Detective Sgt's room on the same floor. I was aware of approx 4 or 5 uniform officers running downstairs from the floor above towards the back yard. I entered the DS room and I picked up my body armour vest and I put this on. I removed my baton and handcuffs from my separate harness used for plain clothes duties. I attached my baton to my

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vest. I held onto my "cuffs" in my hand and I later put them down in the police vehicle I left in . This was a marked silver Vauxhall Corsa used for CID duties [REDACTED].

I also got my PAVA canister from my locker in the corridor. I am "locker 22". I have no record of what the serial number of my PAVA canister is. The canister was only issued possibly 1 week prior to this by PC Shirley Buttercase who is based at Headquarters. She is responsible for the issue of these cannisters. The force is currently moving from CS spray to PAVA spray. I still have my handcuffs. The serial number of which is 635669. I have had these for over 12 years now.

At the request of PIRC I have handed them over to IO Ferguson and IO Bonner. I have signed a label to this effect. I can get access today to another set of handcuffs temporarily.

DC Derek Connell also recovered his vest from the office. I did not notice if he had his baton handcuffs or PAVA. I do know that I instructed him to put on his vest and to carry PPE (personal protective equipment) which encompasses handcuff baton and PAVA. This also includes his radio which I know he had.

When we left in the CID car I was not conscious of any uniform cars ahead of us. DI Robson was still in the office and was aware of our attendance.

The distance between Kirkcaldy Police Office and Hayfield Road is approx a few minutes, 3 to 5 minutes. We did not have blue lights or sirens in our car. We responded as quick as we could. I drove left from the rear yard onto Saint Brycedale avenue. It was at this point an "emergency airwave activation" took place. I do recall a show safety message being past over the air just before we left the yard. It was along the lines of "To risk assess the situation on arrival". It was along these lines. This was due to the fact the male was armed with a knife. I was conscious also of APS Maxwell requesting a dog unit and possibly ARV (armed response vehicle) to attend or respond. This was prior to the emergency activation.

I recall on the radio/airwave the mic became live just as we turned into Brycedale Avenue. From the radio transmission at this point I can only recall "screaming" and muffled sounds but nothing audible. I did not recognise anyone immediately but shortly after this I heard PC Craig Walker shouting "officer down". I was still in the region of Brycedale Avenue. I actually thought at this point that possibly an officer had been "stabbed". This was a "gut reaction" due to the nature of the call. I actually said to Derek Connell that I thought somebody had been stabbed. Derek continued to drive onto Gow Cres then onto Sang Rd then Bennoch Rd, then onto Hendry Rd.

En-route I recall the ACR trying to get an update but they did not actually get one due to what was going on. I do remember going from Bennoch Rd into Hendry Rd, 1 minute away from locus at Hayfield Rd. When I shouted to control to advise them that I would be arriving in 1 minute and I would update them on arrival.

What I do recall was that PC Nicole Short had been physically assaulted but not stabbed as I thought. This was before I got to Hayfield. This was as a result of a radio transmission from possibly PC Craig Walker. I do not remember when I found out that she had been struck on the head but I do not remember if I heard this before I

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got to Hayfield Rd or once I had arrived there. I do not recall any other particular transmissions at this point. This was as I first arrived at the scene. There was no transmission that identified who was responsible for the assault. I assumed it had been the deceased Sheku Bayoh who had carried out this assault on PC Short. I do not recall any other transmissions that identified the PC Shorts injuries.

Around 0720hours same date we arrived at Hayfield Rd, turning right from Hendry Rd onto Hayfield Rd. I just remember getting there.

When we arrived Derek parked the CID car on Hayfield Rd on the left hand side as we entered the Rd. I think there was a uniform car parked on the same side of the road. The uniform car was facing the same direction I think.

I saw immediately to the right of the CID vehicle a black male lying face down on the ground. The majority of his body, his head, body and upper legs were on the path. His feet were stretched out on the road. His head was nearer to the perimeter hedge of the houses there. He was moving at this point. I could see his both legs moving. This was the only movement I remember.

I saw 4 officers in particular at this point as I got out of the passenger side of the car. These officers were PC Craig Walker, PC Alan Paton, PC Ashley Tomlinson and PC Daniel Gibson.

PC Alan Paton was on the deceased's right hand side "controlling" the deceased but I don't know how. PC Craig Walker was lying on the deceased's left side, his upper shoulder area, he was lying effectively on his right hand side facing away from the deceased. I cannot remember if the deceased said anything. I do not remember if his face was on the left or the right. It was not face down.

PC Ashley Tomlinson was at the male's feet on the male's left side. PC Daniel Gibson was also at the feet of the deceased right side at the feet. I think Ashley Tomlinson was holding his lower legs, but his legs were moving. I cannot recall what PC Gibson was doing. I remember somebody saying 'leg restraints'. I believed somebody was going to put leg restraining straps on his legs. I do not recall seeing them being put on the deceased Bayoh.

I remember PC Craig Walker was stressed in his speech, he said to me "he is struggling". I asked PC Craig Walker 'where is Nicole' he said in the van. I asked him where the van keys were as I intended to drive the van closer to the officers as I knew this male was being arrested.

I recall that I shouted into control that the male was restrained and officers had control of him.

I do not believe that Bayoh had handcuffs applied to his hands at any point when I first arrived. This is based on the fact that the two officers Walker and Paton were holding or securing his left and right arms down on the ground. Certainly Walker anyway. I do not recall seeing Bayoh's hands at any point initially. I do recall his white t-shirt, and dark jeans or bottoms, I'm not sure though of this. I felt at this point

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when I saw the officers dealing with Bayoh, that they were "gaining control" of him and I did not need to assist them.

I am conscious that in my initial statement I provided that I make reference to the fact that "as the officers were applying leg restraints" this is incorrect. I meant by this statement that the officers were "verbally" discussing applying leg restraints and this is all I recall. I do not remember seeing an officer placing leg restraints onto his legs.

I also make reference to my initial statement that "I cannot recall exact restraining actions of individual officers".

The reason for this is that I have no accurate recollection of how exactly they were restraining Mr Bayoh's body, for example I was concentrating on PC Walker as it was him who was answering my question. I'm unsure of exactly what PC Alan Paton and PC Daniel Gibson were doing.

I am aware that there was other officers present at this scene i.e. PC Allan Smith, PC Kayleigh Good and PC James McDonough. I do not recall where these officers were or what they were doing.

I do know there was officers near Mr Bayoh but I cannot exactly say who they were.

I have been asked to describe the officers demeanour when I first arrived. I have said already that PC Walker was "stressed". He was breathing heavily, he was "loud and sharp" in his verbal responses.

I did not see him struggling with effects of CS or PAVA at this point, I was however only with him for approx 1 minute. I did not see any injuries on him or blood.

PC Alan Paton was quiet "puffed out" he was not vocal, he is by nature quiet, he had no injuries or blood present on him.

PC Ashley Tomlinson was quiet and appeared to be in shock. He was "wide eyed" and agitated, his glasses were still on his face. He was very quiet and was concentrating on Sheku Bayoh's legs. I did not see any injuries or blood on him.

I did not make any observations on PC Danny Gibson initially but I later whilst carrying out the cordons felt that he was affected by the incident in that he was also in shock "quiet".

I do not remember the demeanour of PCs Good, McDonough or Smith. PC Good had only 3 weeks service on the beat. PC McDonough is only months in front line response. PC Smith has roughly plus 10 years service.

PCs Good and McDonough were "bewildered" due to their level of service. They had to be guided, I had to tell them to carry out roles at the scene such as locus protection.

Whilst I was at the scene initially talking to PC Walker I was conscious of DC Connell in possession of baton and cuffs. I continued to talk to PC Walker. I did not see

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where he got these things from and I had not seen them earlier. I saw him place them in the CID vehicle - or to be exact I saw him walk towards the police vehicles in possession of them. They were not in 'brown bags'.

It was at this point I left the officers behind, by this time no more than 2 minutes had passed when I start to walk towards the police van which was parked at the bus stop on Hayfield Rd and was parked diagonally across the road.

I do not recall hearing any verbal response from Sheku Bayoh whilst I had been standing with the officers earlier. Nothing crossed my mind to suggest he was unwell at this time.

As I approached the van I saw APS Maxwell walking towards the officers and Sheku Bayoh, as if he had left the van area. I got into the drivers side of the van. I saw PC Nicole Short sitting there.

At this point 2100 to 2145 a comfort break is given to DS Davidson (PIRC).

When I first saw her she was crying, there was tears running down her face. Her hands were shaking, her hands were trembling, she was visibly shaking and in shock. She is very small and of slight build. I think she has only 5 years police service. I queried the injuries she had to her. She said that the back of her head was "sore". She had been struck to the back of the head, she did not say how. She said "he did it". I took it this was Sheku Bayoh she referred to. She said something similar to he was going to jump on her head and if it was not for "Craig", meaning PC Walker, then she broke down more. When I made reference in my earlier statement to "other officers present protected her" I believe she meant PC Craig Walker.

I did not see any injuries on her. I walked to the passenger side and helped Nicole from the van. I looked at the back of her head. I did not see any injury. She has a lot of hair though. She was probing the back of her head with her fingers indicating she had pain there.

It was at this point I recall seeing DI Colin Robson. I remember seeing his astra (blue) behind the van. I spoke with DI Robson that Nicole was in shock and needed to go to hospital as she had been struck to the back of the head. I did not see any marks on her uniform. I did not pay any attention to her uniform. I was not aware of any references on any transmissions over airwave to the effect that she had been "stood on" or "stamped on".

He decided that he would convey PC Short to hospital in his CID car. I think he took her in his car soon after this. I got back into van and drove this vehicle back towards Sheku Bayoh. As I drove towards Sheku Bayoh and officers there, I became aware of an officer shouting in that "the male was unresponsive" and requested an ambulance. I do not know who the officer was. I was aware that an ambulance was summoned to attend. I parked the van approx 10 feet in front of Bayoh. I saw that Bayoh was on his left side now facing the direction of Gallaghers PH and police officers were around him. I saw Allan Paton, PC Walker and Sgt Maxwell. I could not say accurately who was in exact position in respect of Mr Bayoh not at this point. I got out of the van and I heard DC Connell shout "Sammy". I looked over and saw DC

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Connell standing on the north side of Hayfield Rd at its junction with Henry Rd. I saw him holding a large full metal silver coloured knife. It was approx 8 or 9 inches in length. He did not have it in a brown bag. I do not know where he found this. I was not aware of an instruction between DI Robson and DC Connell that the knife was to be photographed on DC Connell's phone and recovered. We came together at some point and went to the back of the CID car and I got a large brown bag and I opened it. DC Connell placed the knife into it at the police vehicles. I placed the bag into the front passenger footwell. It was at this point I saw 3 police batons and a set of handcuffs. My own

Label No Handcuffs

had not been left in the CID car at any time. I think DC Connell was gloved at the time of recovery. I cannot be sure though.

I signed labels in relation to the handcuffs, 3 batons and knife seized.

I thereafter approached the deceased and PCs Paton, Smith and Walker. The now deceased was in the recovery position on his left side. Bayoh's eyes were closed, he had saliva coming from his mouth. I did not see any injuries. The left part of his face was on the ground. He did appear "unresponsive". PC Paton was kneeling at the deceased's head, no contact to the body.

PC Smith was kneeling in front of the deceased's upper torso, I think he was trying to get a response from him saying "hello" "can you hear me".

PC Walker was kneeling behind Mr Bayoh further back, he did not appear to be doing anything. I put my two fingers to his neck to attempt to trace a pulse, this met with a negative result. I asked PC Smith to check which he did. I did not actually see him check for a pulse as I was distracted by somebody. He was moved by this time onto his back by someone. I don't know who and PC Walker began chest compressions. I watched him try and revive him this way. Mr Bayoh was not responsive at all. He continued to do this as far as I am aware. I do not know if anybody helped him. I became conscious that this incident was becoming even more serious requiring scene containment. I got police barrier tape and began to cordon off the area. I was aware that handcuffs were still on Mr Bayoh's wrists to the front. I did not see the officers remove the handcuffs but I know they must have been at some point as he did not have them on when he was put into the ambulance on a stretcher.

I placed barrier tape across the junction of the footpath, Hayfield Rd at the junction with Henry Rd junction.

As I placed barrier tape across Poplar Rd I allowed the ambulance to enter. It could have been 3 to five minutes after the request had been made. This had been questioned by Sgt Maxwell and PC Walker during this time. By the time I returned to the scene I saw the deceased on a stretcher and was being placed into the ambulance by both crew members. PC Walker was carrying out CPR on the deceased.

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I told DC Connell to go with the deceased to the hospital. I now know an officer drove the ambulance to the hospital.

DI Robson was back at the scene by this time. I know we had a discussion about cordons and he reviewed this. A discussion took place between Police Inspector Kay, Sgt Maxwell and me regarding replacing the officers at the scene and that the officers involved to go to the canteen of Kirkcaldy PO. DC Good and McDonough remained on scene. I recall PC Paton and Walker running to the van.

In relation to PC Paton and PC Walker I recall seeing both officers suffering after effects of CS hitting them in the face when it was deployed earlier. The first time I was aware of this when I saw their both eyes "red" from this whilst dealing with Mr Bayoh when he was in the recovery position in Hayfield Rd.

I have been shown Prod No 4 images from witness Wyse mobile phone number 1 to 4.

Images 1 and 4 together depict the time when Sheku Bayoh is "unresponsive".

I have identified the position of officers involved on the photos.

Images 2 and 3 were taken approximately at the same time. I have indicated on both photos the officers concerned.

I returned to Kirkcaldy PO around 0800 hrs. I remained myself as DC Connell had gone to Victoria Hospital to be with Sheku Bayoh. I had not spoken to any senior officers on my return. I briefed DC Balsillie and Brown of Kirkcaldy CID to attend at Victoria Hospital and remain with Sheku Bayoh whom was still alive at this point.

I told them to liaise with hospital staff as to treatment and that should Sheku Bayoh "pass away" that they remain with him and that he be removed to a resus side room to assist hospital staff continue about their emergency treatment area and other patients. The medical intervention was to be left in situ.

DI Robson asked me and DC Connell to attend at the canteen area as most of the officers involved were at the canteen area for a welfare debrief. DI Robson and DI Stephen Kay oversaw this.

This consisted of DI Robson, PI Kay at that there was a serious situation and that the officers would remain at the canteen meantime. I do not think discussion took place around taking their statements. I think one of the cops discussed federation support in the matter. I think DI Robson reassured the officers in relation to this matter as it more centred around their welfare.

Present was

DC Connell, PC Smith, PC Walker, PS Maxwell, PC Paton, PC Gibson

I do not recall PC Good or PC McDonough being present they may have been at locus. PC Short was still at hospital.

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The debrief lasted 5 to 10 minutes. I did not attend any briefing thereafter.

During the debrief within canteen whereby DI Robson and DI Kay were present there was no discussion that the officers had "not to confer" or discuss the matter. I did prepare from available statements

Prod No Synopsis of events created for sudden death report pages 1 to 4

This was created by me to assist DS More and DI Wilson from the MITS to submit a sudden death report on Monday 4/5/15

I did not discuss the matter with any of the officers involved.

I did not provide information to DI Robson suggesting that Sheku Bayoh was in possession of a knife at the time when he engaged with the police at Hayfield Rd Kirkcaldy on 3/5/15.

Around 0815 DC Connell returned to Kirkcaldy PO and showed me

Label No Mobile Phone (Gold)

Label No Lighter

I recalled seeing these items being placed into the ambulance with DC Derek Connell. I do not know who provided them to me.

DC Connell explained he had taken a photograph of the

Label Knife

in situ at Hayfield Rd. He had been instructed by DI Robson to do this. He showed me the photograph that was printed from this image which was sent to his police e-mail address.

DS Dursley attended from Levenmouth Police Office to assist with this enquiry to take over from me.

I spoke to him on the 3rd May 2015 and told him essentially what had happened verbally.

At 11.00 I attended at A&E Victoria Hospital and met DCs Balsillie and Brown.

I was in possession of a [REDACTED] printed image of Mr Bayoh on paper. This was provided by DI Robson to me with a view to identification of the deceased.

DC Clayton who was with Collette Bell, partner of the deceased, sent to me 5 images from Sheku Bayoh's facebook account with a view to identifying him from more recent images.

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I was able to identify scarring on the facebook image on his left shoulder. Also distinctive marks on his cheeks. I viewed the deceased within the side room. I did not need to touch him his left shoulder was exposed. I saw the scar on his shoulder as per the facebook picture. I contacted DS Dursley and confirmed the deceased was Sheku Bayoh. I don't know what he did with this info.

I have been asked if Kirkcaldy PO has CCTV. There is CCTV coverage on the front counters, cell area, rear yard.

I made up my

Label No Police Notebook (DS Davidson) Fife / KY/1443/13

I removed later from the CID car

Label No Knife
Label No Police Issue Baton 1
Label No Police Issue Baton 2
Label No Police Issue Baton 3
Label No Police Issue Cuffs

in the presence of DC Connell

These items were placed into brown bags and I signed labels attached

Label No Knife

was placed into a knife tube.

At approx 19.15 hrs on 3rd May 2015 I was asked by PI Combe to provide the following article of clothing I had been wearing at the time of the incident namely,

Left Boot (JM023)
Right Boot (JM024)
Trousers (JM025)
Jacket (JM026)
Jumper (JM027)
Vest with baton (JM028)
PAVA Spray (JM029)

Both officers Combe and McAuley stood me on a

Label Brown Bag

which I saw them produce.

They were both wearing white protective suits

I have been asked to explain entries in my police notebook

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Label No Police Notebook DS Davidson Fife KY/1443/13

my notes in relation to 3/5/15 on p72 to 83 of this notebook. I have been asked when these entries were made in the notebook.

72 to 81 were all made after we returned to the police office. This refers to the items removed from the police vehicles and synopsis of events.

The timings recorded on P72, 73 and 81 are my recollection of the times that events took place rather than the time I recorded them in my police notebook. When I completed my notebook I used the STORM entries for the incident to refer to.

The entries on P82 and 83 were made after my return to the police office from the hospital following identification of the deceased.

The entry relating to 4/5/15 on P83 of the notebook in particular 1000hrs referring to the Gold Group meeting was made prior to attending this meeting. The Gold Group meeting was chaired by Supt Pat Campbell

I have signed labels attached to

Label No Police notebook DS Davidson Fife KY/1443/13

Label No Synopsis of events created for sudden death report pages 1 to 4

Label No Handcuffs serial no 635669

Prod No 4 images from witness Wyse mobile phone

I have completed

Label 2 google maps of Hayfield Road at Hendry Road, Kirkcaldy

and I have completed the location of the now deceased Bayoh, police officers and vehicles involved in this incident on 3/5/15 at the time of my arrival.

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

Signed :

(Witness)

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