

WITNESS STATEMENT

Agency Ref : **S177**

PF Ref :

Surname : GIBSON Other or previous surname :

Forenames : Daniel John DoB : [REDACTED]/1990 Age : 25

Occupation : Police Officer
No. 120724

Other Occupation : Constable 724 Reg

Police Station : Kirkcaldy Years Service : 3

Disclosable address :

Post Code:

This statement was taken :

Date and time : 4th of June 2015 10.50

By : INV JAMES BONNER & DSI EDWARD MILES

Place : Home Address

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 Police Constable employed by Police Scotland based at Kirkcaldy Police Office. When I joined the police, I think it was the 20 February 2012, it was still Fife Constabulary. I have only ever served at Kirkcaldy Police Office. My shoulder no. is 724 and my reg. no. 120724. In January this year (2015) I joined Team 4 at Kirkcaldy, prior to that I had done a stint in the Community Team.

Team 4 consists of an Inspector, a Sergeant and approx 10 officers.

Desc: 25 yrs, 5' 10", slim build, short brown hair, no marks visible, no tattoos visible, clean shaven.

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My appearance has not changed since the date of the incident 3 May 2015.

I am currently Officer Safety Trained and was current on the 3 May 2015. I had a requalification at the end of March/start of April 2015, I cannot recall the exact date. I have been shown by Investigator James Bonner

Prod No. OST Scope Record of PC 724 Daniel Gibson 'P' Division, Police Service of Scotland

this shows that it is recorded on this record that on 4 March 2015, I received OST Officer Safety Requalification and OST First Aid (SPELS) Requalification at Glenrothes. I am satisfied that this record is accurate and the training did take place at Glenrothes, it was Constable Alan Smith and an officer with the surname [REDACTED], I think it is [REDACTED].

On Sunday 3 May 2015 I was scheduled to be a dayshift tour of duty 0700-1600 hrs at Kirkcaldy.

I arrived at Kirkcaldy Police Office about quarter to seven that morning (Sunday 3 May 2015). When I went into the office I was in civilian clothes (due to the current threat level we are instructed not to travel to work in uniform).

I had a bag with me that contained my police issue trousers and police issue top and working boots. the rest of my uniform was at the office.

I changed into my uniform and went into the muster room, when I went into the muster room I was in possession of my handcuffs, baton, stab proof vest and my CS Spray. I had retrieved my airwave radio and CS Spray from my individual airwave locker, the airwave radio and the CS Spray are stored in the same locker.

About 7am the muster started, it was Acting Sergeant Scott Maxell who was the supervisor that day, he is a Constable attached to our shift but has been carrying out duties as an Acting Sergeant for about 6 months.

I cannot recall if the Inspector was at the muster that day, it is usually Inspector Steven Kay.

The other officers at the muster were: Kayleigh Good, James McDonagh, Ashley Tomlinson, Craig Walker, Alan Amith, Alan Paton, Nicole Short that's what I recall. I was allocated duties on the Diary Car that day, along with Constable James McDonagh, he only has about six months service.

The Diary Car is used attend calls by appointment, i.e. non-emergency calls, the first appointment that day would have been half past eight.

The muster had finished and about 5-10 minutes after the muster I was in the writing room and PC Nicole Short had come through from one of the other rooms to the writing room, it was obvious that she was going to something by her demeanour and I asked her what she was going to. She told me she was going to a call about a man

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kicking about Hendry Road with a knife. I hadn't heard the call as my radio was not on at that point. I said to her that me and James (PC McDonagh) would attend as well, that tends to happen if there is a call of that nature the whole shift would attend.

I turned on my airwave radio. I think James (PC McDonagh) had heard the call as he came through to the main hall and I met him.

We both (myself and PC McDonagh) went down the back stairs to rear yard.

PC Alan Smith and Kayleigh Good left about the same time as myself and James (PC McDonagh).

(11.25hrs - [REDACTED] left house).

Myself and James (PC McDonagh) went to a police vehicle, it was a marked Astra estate car, I do not know the registration number, it is relatively new to Kirkcaldy's fleet of cars. I think the call sign of the Diary Car is Papa Mike 641 (PM641), you would generally use the call sign of the car. If I was speaking on the radio and not using the car call sign I would just say 'PC Gibson'. I don't use my shoulder number or my other call sign to identify myself.

I don't know how I got booked onto the STORM system, I didn't have any involvement in that.

I left the rear yard with PC McDonagh, I was driving the police vehicle and PC McDonagh was in the front passenger seat, there was no other officer in the vehicle. When we (myself and PC McDonagh) left the office we were dressed in our full uniform, we both had hi-viz vests on, the only difference between myself and PC McDonagh was that I had my big winter fleece under my vest.

When I left the yard I'm sure that PC Alan Smith and Kayleigh Good drove out ahead of myself and PC McDonagh, they were also in a marked police vehicle. I'm not sure, it might have been one of the vans, but I couldn't say for certain. I was trying to get one of my epaulettes on so I wasn't paying too much attention to who was in the yard or leaving it.

When I left the yard my only knowledge of the incident was what PC Nicole Short had told me, I was not aware of any other updates on the radio.

I left the yard, I turned left into the street, I think it's called Miller Street and drove past the police office (on left hand side) to the traffic lights at the Esso garage, I then turned up right (Victoria Road?) past the Adam Smith Theatre and the the library and train station, at the next set of traffic lights I turned left over the Bennoch Bridge to the roundabout where I went straight on up Bennochay Road, at the next roundabout I took the second exit onto Hendry Road. I continued along Hendry Road to one roundabout and then straight onto the next roundabout which is at the junction of Hendry Road and Hayfield Road.

I had activated the blue lights on the police vehicle when I left the yard and they were on the whole journey to the locus. I may have used the siren but I'm not really sure.

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I was on Hendry Road (near to Valente's Chippy) when I felt my radio vibrating (this usually happens when the emergency button is activated, the radio vibrates and there are a couple of beeps). As I was driving I asked James (PC McDonagh) to check his radio to confirm this, he was a bit slow in looking at his radio so I looked myself at my own radio and saw that the screen had the red borders (this happens when an emergency button is pushed).

The transmissions were very muffled but I heard 'Officer down', I think it was PC Alan Paton, I could see on my screen that it was his number 694 that came up on the screen of my airwave radio, there was muffled breathing like someone was out of breath, I got the impression that there was a struggle going on due to this but the only words I heard distinctively were "Officer down".

I was only about a minute away from Hayfield Road when I heard the "Officer down" message, I still wasn't sure at that point where this was happening, so I headed up Hendry Road to the roundabout at Gallagher's pub and that's when I saw officers and police vehicle in Hayfield Road on the right hand side of the road (houses side). I drove into Hayfield Road.

I think I drove round the roundabout at Hendry Road turning right into Hayfield Road. There was a police vehicle already on the right hand side of the road facing into the kerb, a marked Corsa, I don't know the registration number. I brought my vehicle in beside that vehicle also parked facing the kerb at an angle.

There was nobody in the other police vehicle.

I saw there were officers on the ground with a male. I got out my vehicle and made my way to the officers and the male, as I approached I got a clearer view. I then saw a black male lying on the ground, he was on his side (left hand side facing me), not sure of clothing worn by the male. There were two officers with the male that I noticed, that was PC Ashleigh Tomlinson and PC Craig Walker.

I didn't notice any other officers at that time, there could have been other officers but I didn't notice them.

PC Ashleigh Tomlinson was at the legs of the male, I'm not sure if PC Tomlinson was standing or on the ground. The male's legs were to the roadway, his head towards the houses. His whole body was on the pavement. I cannot recall if PC Tomlinson had a hold of the male at that point.

PC Walker was struggling with the male, he was at the rear of the male who was on his left side, leaning over him and trying to grab the male's arms, the male was struggling, he was kicking his legs about, swaying back and forward with his arms and shoulders, I do not know if the male was handcuffed at that point. I do not know if PC Walker managed to get a hold of his arms or not.

I do not remember anything being shouted by the male on the ground or by the officers at that point, it was just a struggle. PC Walker was having difficulty controlling the male at that point, so I decided to intervene and I went down onto the

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ground at the feet of the male. I lay across the male's legs. I have been trained to do that in OST. I was lying across the male's legs, leaning on the legs with the right hand side of my body. I was facing across to the other side of the roadway (grass) so I could not see what was happening behind me towards the male's upper body/head. PC McDonagh was near me at the feet of the male but I'm not sure what he was doing as I was trying to concentrate on controlling the male's feet. I kept my weight on the feet of the male as he was still kicking off, he was a strong dude.

I'm not 100% sure but I think at some stage PC Alan Smith (he is an OST trainer) was at the legs and he mentioned Fast Straps, I remember PC McDonagh saying he had Fast Straps (I did not have these, they have never been issued to me but apparently new officers get them now).

PC McDonagh started off trying to apply the Fast Straps to the male's legs, by this point I was aware that PC Kayleigh Good was there and she was assisting to pull the straps through, by this time the male was on his front, when the straps were through PC Alan Smith crossed the straps over and tightened them. I still stayed on his legs as the male was still moving but he was not able to kick out as much due to the fast straps.

(12.25 hrs [REDACTED] - into room and present).

The Fast Straps were applied just below the knee.

At that point I noticed the two CID officers come onto the scene (DC Connell and DS Sammy Davidson).

That's when I noticed Nicole Short, that's the first I had seen her since I spoke to her in the police office.

I was still lying on the male's legs facing away from his upper body so I could not see what any other officer was doing, that was behind me. I do not know who else (police officers) were present at that time. I don't know if the male was handcuffed at that time.

DS Davidson came across and all I remember is hearing her voice, she was asking someone "Is there a knife been recovered" or "has there been a knife", if was something like that. A male voice (I don't know who that was) answered her back saying "It's lying on the grass".

DC Connell was with DS Davidson when this was said.

DC Connell went across the other side of the road, I could see him and where he went as I was still lying across the male's legs facing towards the grass area. That's when I looked down Hayfield Road and saw PC Nicole Short beside a police van (marked, make unknown), she was staggering on the road, holding her stomach, she had her hand across her stomach I didn't see anyone with her at that time.

I looked back and saw DC Connell on the grass, he was looking about, he had a bag, a paper brown bag, a production bag. I'm not sure if he had this with him when

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he first went over, my attention was distracted looking down the road and seeing PC Short. I didn't see DC Connell pick anything up. My attention was all back and forward as I was still concentrating on holding the male's legs.

I don't know where DS Davidson went after the conversation about the knife or what she done.

The next thing I heard was someone saying "Get off him". I think it was PC Alan Smith. I got off the male's legs and got to my feet, the male was not struggling or anything then. I got up and stood at the male's feet facing him, the male was on his front, the left hand side of his face was on the pavement facing down to Hendry Road.

I remember that the male had a black top on, like a shirt-like top, I don't know what else.

At that point I seen PC Craig Walker, PC Alan Paton (that's the first I had seen him) and PC Alan Smith. PC Walker was crouched to the left hand side of the male facing towards him at his upper body, he was not holding the male or having any physical interaction with him. That's the first time I saw the male was handcuffed, he was handcuffed to the front . I know that as PC Alan Smith checked the man's breathing (I think he did that as he is an OST instructor, there was no indication that anything was wrong that I'm aware of, PC Smith confirmed that the male was breathing verbally, I think he said something like "He's breathing"). when he done this he moved him to his side, that's when I saw the handcuffs to the front of the male.

PC Alan Paton was crouched on the ground at the head of the male, he wasn't touching him that I could see, or holding him.

PC Smith was to the right hand side of the male's body, he was on the ground and as I said he was touching the male, checking his breathing.

I don't know where the other officers were at that point, that's my recollection of what officers were present: PC Walker, PC Smith, PC Paton.

I think PC McDonagh was away doing a traffic point but I cannot be sure.

The male was lying still on the ground, I remembered PC Paton and PC Smith discussing about the breathing, I cannot recall what was being said. I then saw someone, I'm not sure which officer, bring out the bag that is used for mouth to mouth. I don't know where it came from, that was the first point I thought something was wrong.

I'm sure that PC Walker asked for an ambulance and the next thing the male was turned onto his back, I don't know who done that, and then CPR started, chest compressions. It was still PC Walker, PC Smith and PC Paton who were round the male, it was a bit frantic by this time. The first person I remember doing CPR was PC Craig Walker, PC Smith and PC Paton were at some stage doing CPR but I'm not sure exactly at what point.

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By this time I was aware that something was seriously wrong as the male was not breathing. I was still standing and to be honest was in shock, so it's all a bit mixed up from here to say exactly what I did and didn't see.

I remember seeing PS Maxwell but I'm not sure when he appeared, but I remember seeing him whilst CPR was being commenced.

I recall at one point I went away to put tape across the road at Hendry Road, this was before the ambulance arrived. I recall I had went back over to where the male was before the ambulance arrived, I remember standing beside PS Maxwell when the ambulance arrived, my recollection is that it was the same three officers that were dealing with the male (PC Walker/PC Smith/PC Paton). There could have been other officers there but I just remember seeing those three.

It seemed forever before (5-10 minutes) before the ambulance arrived. When the ambulance arrived two ambulance men got out. I didn't see what the ambulance staff did to the male. I was still in shock at this point, standing near PS Maxwell. I then went down to assist PC Good at the traffic point (Hendry Road/Hayfield).

I wasn't told to do that, I just went over to help her, there was nothing else I could do to assist the male, the ambulance was there.

The ambulance went away, I recall PC Alan Smith was driving the ambulance, I don't know who else was in the ambulance.

I was then told to head back to the station by PS Scott Maxwell.

At no time whilst I was at the locus did I draw or use any of my OST equipment (baton, handcuffs, CS Spray). I still had them in my possession when I returned to the office.

At no time whilst I was at the locus did I see any other officer draw or use any of their OST equipment (baton, handcuffs, CS Spray).

On my arrival I did see two police issue batons lying on the roadway, they were lying on the roadway to the side of the male towards Hendry Road.

I was not aware that CS had been discharged, there was nothing on arrival that gave me the impression it had been used.

I don't know what happened to the two batons that were lying in the roadway.

I at no time seen a knife at the locus or in the possession of anyone at the locus.

I cannot recall any of the radio messages that were being passed during this incident, I was not paying any attention to it whatsoever. I did not pass any radio messages on my airwave set about the incident after my arrival.

I travelled back to the police office alone as PC McDonagh was still on a traffic point at that time.

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I travelled back in a marked police vehicle but I'm not sure if it was the same one as I had arrived at the locus in. I was driving the vehicle, it was a car, it could have been the same vehicle.

I cannot be exact as to the time I arrived back at the police office, it was around 8am I think.

I went upstairs to the writing room, I went in there and PC Craig Walker and PC Alan Paton were in there. I remember PC Walker saying that the Federation were coming, there was no discussion between us about what had happened. I was only in the office for about 5 minutes and PS Maxwell came in and told me to go to the hospital to pick up PC Alan Smith. I left the office by myself to pick up PC Smith. I had a marked Corsa (reg. no. unknown). I got to the Victoria Hospital, I went into the hospital, I tried to point to point him on the radio but he did not answer. When I was in the hospital I saw PC Nicole Short, she was in there getting treatment. I did not have any discussion about what had happened to her, I just asked her if she was all right. She was with PC Mark Hay (Glenrothes), I did not have any discussion with him. I found PC Smith and the two of us came back to the police office. I was speaking to PC Smith on the way back but what about I don't recall, I don't remember anything specifically being mentioned about the incident, PC Smith never said anything about the male's condition. I was still quite shocked by this whole incident so my recollection of any conversation is unsure.

When I went back into the office I was in the canteen, I was only away about half an hour at the hospital.

I spent the rest of the time in the canteen.

When I got back I remember PC Walker, PC Paton and other officers were there but I cannot recall who was all there, to be honest in the canteen I just sort of zoned out and I wasn't paying any attention to what was being said by others. I was not sure what was going to happen, I have not got any previous experience of what happened at the police office (Post Incident Procedure).

There was a Federation officer, a female, who spoke to us as a group, I remember her saying that the PIRC would be dealing with it, I cannot recall all that she said, I remember her telling us to "Just say nothing just now", as it had all just happened.

A Chief Inspector from somewhere arrived, I don't know him, I've never seen him before, I don't know his name. He was there the whole day. I really don't know what he was saying, I didn't pay much attention to him, it was possible he was explaining what was going to happen I just wasn't taking it in.

I remember that CI Nicola Shepherd, the Kirkcaldy CI came in at one point, she said that the family have the right to know what happened. She only came in for about 5 minutes.

I don't know why she said that, I'm assuming that was because the Federation officer (female) had told us to say nothing at that stage.

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Much later on I was told that my clothing and equipment was going to be taken.

I do remember that PS Maxwell had addressed myself and the other officers in the canteen and said something like "It's been confirmed that the male is deceased", I don't know exactly when that happened.

I didn't know who the male that was deceased was at that time, nobody knew.

About ten to seven that night (3 May 2015) I got my clothing and equipment seized. I was told to go to an office at the top of the staircase, I don't know whose or what the office is. It was two male police officers, they were dressed in white forensic suits, I don't know who they were.

There was brown paper on the floor. They asked me to take items off and put them on the brown paper on the floor. I was asked to put the clothing I was wearing into production bags the officers had.

I handed over both boots, trousers, trouser belt, utility belt (that had my baton and handcuffs on) CS Spray, t-shirt, micro-fleece, big fleece, stabproof vest, epaulettes and airwave radio.

The clothing and equipment I handed over was the same uniform clothing and equipment I was wearing at the locus of the incident and on return to the police office.

I do not know the serial no's of my baton, handcuffs or CS Spray.

On the day of the incident I was not asked by anyone to provide an operational statement regarding my involvement in the incident.

Within the week, I'm not sure of exactly when I was spoken to by the two officers from the MIT team and asked to provide an operational statement, I don't know who the officers were. I made them aware that I wouldn't be, after being told that the PIRC were investigating the incident I found it weird that the MIT team would ask for a statement. I had also been given legal advice after a meeting with Peter Watson, lawyer. He told us not to provide a statement as the status was to be confirmed.

The meeting with the lawyer was a group meeting. I subsequently got an email from Peter Watson saying that the status was agreed, that I was to be interviewed by PIRC as a witness and that I should co-operate.

I have not made any notes in my notebook about the incident or any other notes since the incident.

I recall that someone had asked the Federation representative on the day of the incident about making notes in our notebooks about the incident, and they had been told that it would be better if we did not. I do not know who asked that, it was the Federation rep female who gave that advice. I think I would have been incapable of making notes on the day anyway, just the state I was in.

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I was totally shocked.

I have been shown

Prod No. Notebook Number 019114 as compiled by PC 724 Dan Gibson, as completed pages 1-60 (Monday 6 April 2015 - Monday 27 April 2015)

I can confirm that this is my personal issue notebook. I can confirm that the last entry made in the notebook relates to Monday 27 April 2015, pages 54-60 of the notebook.

I was on duty the day prior to 3 May 2015, Saturday 2 May 2015 however I was at the football in Edinburgh so that is why there is no entry for that day.

There is no entry at all for the 3 May 2015 as the incident occurred just after we came on duty.

I do not know Sheku Bayoh, I have had no previous dealings with him as a police officer. I do not know anything about him.

I have been asked if at any time on my arrival or subsequently did I see any injury on the male Sheku Bayoh, I did not observe any injuries.

I have been asked to plot the position of the police vehicles and officers on a

Prod No. Map of locus (PC Daniel Gibson 4/6/15)

that I have referred to in this statement, this I have done.

I have signed the documentary production backing sheet attached to the productions referred to in this statement.

I can confirm that this is a true and accurate account.

Signed :

(Witness)

.....

WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : GIBSON Forenames: Daniel John
Alias/known as :

Place of birth : [REDACTED] Age : over 18

Home address : [REDACTED] Telephone : [REDACTED] [REDACTED]

Post code : [REDACTED]

Business address : Police Scotland
Kirkcaldy Police Station
St Brycedale Avenue
Kirkcaldy
Fife

Post Code : KY1 1EU

Mobile : [REDACTED]
Email : [REDACTED]

Fax/Pager :
Other :

Dates when unavailable in next 12 months :

Other Confidential Material :