

WITNESS STATEMENT

Agency Ref : **S183A**

PF Ref :

Surname : MAXWELL (NON PIRC ST)

Other or previous surname :

Forenames : Scott DoB : [REDACTED]/1979

Age : 36

Occupation : Police Officer

Other Occupation : Temp Sergeant

Police Station : Years Service : 7

Disclosable address :

Post Code:

This statement was taken :

Date and time : of .

By : SELF

Place :

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 a Police Constable based at Team 4 Response Policing Unit at Kirkcaldy Police Station. I am 36 years of age and have just short of seven years Police service.

I am an authorised and fully trained acting Sergeant.

I am fully trained in Officer Safety Techniques and fully authorised to carry CS Spray and Pava. I was last trained in November 2014 .

On Sunday the 3rd of May 2015 I was working a 0700hrs to 1600hrs tour of duty as Duty Sergeant for Team 4 Response at Kirkcaldy Police Station. My allocated call sign for the shift PS411. About 0620hrs I arrived at work and allocated units as follows:

PR41A - PC's Paton and Walker

PR41 B - PC's Smith and Good

PR41 C - PC's Tomlinson and Short

WITNESS STATEMENT

PM601 - PC's Gibson and McDonough

About 0700hrs same date I started the team briefing with all officers present. On concluding the team briefing about 0715hrs same date I heard a radio transmission from dispatch stating that a member of the public had witnessed a black male in possession of a large knife in the Victoria Road area of Kirkcaldy.

The male was described as wearing a white t-shirt and jeans.

Dispatch then allocated PR41 C only to the call. I immediately overruled that request sending all units to this report, as this was clearly a very serious report of which officer safety and public safety was at risk.

I communicated the stay safe message to officers in attendance. This meant that officers should not engage unless absolutely necessary.

At that point I requested that dispatch contact an armed response vehicle and dog unit to attend due to the severity of the reports . This request was not acknowledged by dispatch at the time and it took several

attempts to receive an acknowledgment stating they had been contacted

I immediately put my officer safety equipment on and started to leave the station to assist my team .

My officer safety equipment consisted of, Stab proof vest, Airwave radioterminal, Baton, CS Spray, Handcuffs and leg restraints.

At that point around 4 further reports came in from various members of the public reporting the same that a black male in a white t-shirt was running about in possession of a knife, this time in the Hayfield Road area of Kirkcaldy.

On leaving the Station I drove in a response mode with blue lights and sirens activated.

I left Kirkcaldy Police Station, took a left onto St Brycedale Avenue to the traffic lights, right onto Bennoch Road heading North, took a left at the traffic lights again staying on Bennoch Road still heading North.

At that point I was aware that PR41A, PC's Paton and Walker had arrived at Hayfield Road and had the suspect in sight. Around 20 seconds later I was then aware of the emergency button on the airwave terminal being activated. I then heard shouts for assistance and that an officer had been badly injured.

I immediately thought the worse and that one of my officers had been stabbed or worse. I intimated via radio that I was almost at locus. At this point I was at the Roundabout on Bennoch Road and took the second

exit onto Hendry Road still heading north. I continued North on Hendry Road until I reached locus which was at the roundabout connecting Hayfield Road.

On arrival at locus I witnessed a black coloured male wearing a white t-shirt and jeans lying on the pavement on the southern side of Hayfield Road with officers trying to restrain him.

I parked my vehicle next to the roundabout nearer Hayfield Road and went to assist.

The male at that time was still actively resisting officers and as such officers were still trying to gain control.

I only saw one civilian witness, a male who seemed to come from the houses overlooking Locus on the south side of Hayfield Road. I was aware however of several vehicles passing on Hendry Road.

OFFICIAL - SENSITIVE

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From my observations I believe PC's Smith, Walker, McDonough, Good, Paton and Gibson were initially involved in trying to restrain the male. This involved the officers holding the male down by asserting their body weight onto the male at various points, which is a recognised method of gaining control.

I witnessed officers on the legs, buttock and shoulder area in order to keep the male from struggling.

I cannot directly recall which officer was in what position.

PC Paton who was suffering from shock and the after effects of the PAVA and CS spray stated to me something similar to, "The male came at us, we shouted on him to stop but he continued" "We sprayed him with CS and Pava "but he did not stop and he kept coming" "He went for Nicole and kicked and punched her to the ground".

About a minute after my arrival the male was restrained with handcuffs and leg restraints applied.

All Officers, who were aware of the dangers of positional asphyxia, then moved off the male who was then put into the recovery position awaiting further instruction.

I witnessed no visible injuries to the male at this time.

I asked where the knife was and was advised it was on the grass on the opposite side of the road. I cannot recall which officers offered that information to me.

At that point DS Davidson and DC Connell from the Criminal Investigation Department arrived and I advised them to deal with locus and preserving evidence.

DC Connell recovered a knife nearby on the grass and three Police batons that had been 'used in the altercation.

I then turned my attentions to PC Short who I had been advised had been badly injured. She intimated to me that the male had tried to kill her and that she had been kicked and punched. She was inconsolable stating that the male was going to kill her.

I checked that ambulances had been contacted for both the male and PC Short. I returned to the male and at that point the male closed his eyes and refused to respond to officers

PC Smith who is an officer safety and first aid trainer immediately took control of the welfare of the male.

PC Smith monitored his breathing and responses to stimuli. PC Smith intimated to me that the male was now not breathing. PC Smith immediately commenced CPR with the aid of PC's Paton and Walker.

At this point PC Tomlinson, who was in a clearly distressed state approached me and stated something similar to "I MAY HAVE STRUCK THE MALE TO THE HEAD"

As such I immediately informed dispatch to make this clear to ambulance and have this recorded on the call card for transparency. I contacted dispatch to find out where the ambulances were. It turned out that

the dispatcher had sent the ambulance to Seafield Road, Kirkcaldy instead of Hayfield Road, Kirkcaldy.

This may have led to undue delay in ambulance attendance?

Whilst awaiting ambulance I was notified by dispatch that no Armed Response Units were currently on duty and that the dog unit was in Edinburgh.

On ambulance arrival CPR was still ongoing by PC's Smith, Walker and Paton. The male was conveyed to the Victoria Hospital in Kirkcaldy for treatment.

All officers involved were clearly in shock and under the effects of CS and PAVA contamination.

OFFICIAL - SENSITIVE

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As the scene was now under control I gathered all officers together and ordered them back to the Police Station for their welfare. No officers were willing to tell me the full circumstances until they had spoken with the Police Federation.

A fellow officer who is not a witness in this case conveyed PC Short due to ambulance delay, to Hospital.

On arrival at the Police Station all officers involved were gathered in the canteen and remained there until I sought guidance from senior officers. I identified the canteen area of Kirkcaldy Police Station as a welfare room for those involved.

On arrival at the canteen I remained with the Team for the duration and throughout that time the incident was not discussed between the team. The only conversations had, were in relation to welfare of others and how

everyone was feeling. Having worked with the majority of the officers for many years I have not seen

them so upset and in shock. They were in fear for their lives and the life of their fellow colleague PC Short who had been attacked by the male .

I was required; to give hugs and reassurance to male officers who were in my opinion strong willed and not easily phased by much. They were in tears and on verge of breaking down as they consoled in me that they may never have seen their families again .

I had all outer equipment seized for evidential purposes although I never interacted with the male at any time.

At no point did I deploy or use any officer safety equipment as ultimately the male was under control on my arrival.

I strongly believe that the officers involved were faced with an extremely hostile and dangerous situation and that the actions described to me were fully justifiable.

A part of me considered this to be terrorism related incident based on recent intelligence and the threat level to serving Police Officers in the United Kingdom.

The Officers involved were in my view extremely competent and experienced officers and only did what they had to for the good of their own lives and that of their colleagues.

The officers did not have any form of support from Armed Response Vehicle or dog unit due to either being unavailable or a considerable distance away and had only what was available to them. Having this support nearby may have assisted in a potentially more suitable outcome to the incident.

From my arrival at locus I have only seen professionalism at work. Officers restraining in the correct manner, after care administered in a timely fashion once control had been gained, CPR commencing quickly and correctly.

I can identify all officers involved and the male who sadly is now deceased .

Signed :

(Witness)

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WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : MAXWELL (NON PIRC ST) Forenames:
Alias/known as :

Scott

Place of birth : [REDACTED] Age : over 18

Home address : [REDACTED] Telephone :

Post code : [REDACTED]

Business address : Police Scotland
Kirkcaldy Police Office
St. Brycedale Avenue
Kirkcaldy

Post Code :

Mobile : [REDACTED]

Email :

Fax/Pager :

Other :

Dates when unavailable in next 12 months :

Other Confidential Material :