



The Sheku Bayoh Public Inquiry

Witness Statement

Kevin Nelson

Taken by [REDACTED]
In Kirkcaldy
On 22 December 2021

1. My name is Kevin Nelson. I am 42 years old. I live at [REDACTED]
[REDACTED] I wear glasses for driving at night or for watching football in a stadium as I struggle to see the other end of the pitch clearly so I use them on occasions when I need my sight to be a little sharper. I work as a [REDACTED]
2. I think it was the morning of the 5th or 6th of May 2015. I woke up around 6.45 or 7am. The dog woke me, he was pacing about and needing out. I got up and dressed and took the dog out. [REDACTED] was away for the night, so I was alone with the [REDACTED] in the house. The flat is a ground floor cottage flat. There is path that leads from the front door and a garden area to the side of the path. There is then a couple of steps up to the garden gate that leads out to the path which runs alongside Hayfield Road. So the house is on slightly lower level than path outside on Hayfield Road. The gate has a hedge on either side separating the garden from the path. The living room is at the front of the flat and the living room windows face out onto Hayfield Road.
3. I just ventured across to the grassy area just in front of my flat on the opposite side of Hayfield Road. I threw the dog's ball about there for five or ten minutes because I knew I couldn't go far from the house and wanted to keep it

Signed [REDACTED]

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just in view because the [REDACTED] were younger then. Then I went back to the flat and just came back in. I put the kettle on, came through to the living room, turned the TV on and opened the blinds. And then I seen the police van going past which, when you see that at that time on Sunday morning, just got my attention – just never seen it before. I was standing at the living room window and could see, from my left, the police van coming down the road at a fast speed and that's what caught my eye. The police van came to a stop just to my right-hand side looking out the window in a layby on the opposite side of the road from my flat. I have marked the number 1 on the attached map showing the van's location.¹ At that time, there was a bus shelter there with a layby there in front of it. The van was parked towards the beginning, or toward the left hand side, of that layby before the bus stop. However, since then the layby has been filled in and paved over.

4. I wasn't wearing my glasses at the time but I wouldn't need them for simply seeing what was happening on the other side of the road. I seen the police getting out and the pointing and the shouting starting. I saw one male and one female, both in police uniform, get out the police van. The policeman was probably about 6 ft, he was quite a big guy. I can't remember if he had his hat on or if he was bald or not now. The policewoman was, in comparison to him, quite small. Because of the double glazing and, they were at the other side of the road, I couldn't make out the words exactly. I could just hear there were raised voices. I presume what was being said, going with the emotions and what they were doing, that they were saying "Stop!". The police officers appeared to be pointing and shouting at something to a little further up the road to my right. That's what made me look a little bit further down towards the bus shelter and that's when I seen the guy. I caught a glimpse of him to the right of the police van but then his disappeared behind the van. He then walked out from behind the left hand side of the van and was walking up the street towards the officers. I can't say whether he was on the road or the

¹ Hayfield Road Map – SBPI-00005

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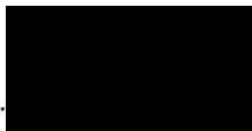
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pavement at this point as I can't see the pavement because of the hedge. I could see the guy from the waist up. He was quite a tall guy, probably about 6 ft again. I could tell he was quite muscular because he just had a shirt on. Quite an athletic looking guy. He was black. Other than that, there was nothing else distinguishable about him – apart from the fact it was horrible weather and he had just a shirt on. I didn't notice him carrying anything.

5. There was nothing obvious to me about why the police were shouting at him. He just seemed to be a guy walking along the street. To me, it seemed as though he didn't register the police were in front of him to begin with, which looking back, strikes me as odd. The man didn't react. He just kept walking: if somebody's shouting and pointing in front of you, particularly the police, my first reaction would be to stop. He just kept walking like they weren't there. He never stopped. The police officers were still shouting and bawling. I was aware of the male officer holding a can, possibly of CS spray. I didn't see the female officer using or holding a can. I can't remember how long the can was visible for; however, it wasn't like a quick draw out of the belt they wear, and then spraying straight away. Then I seen the spray, possibly CS spray getting discharged by the male police officer. But because it was windy, it didn't have any affect. It looked like silly string. I seen it coming out, but then blown back in with the wind because the weather that morning was horrible. It looked like it came back and hit the male officer. And then from then, that's when, they got a reaction from the man. Things just kind of changed and it was like a switch went. From walking from my right to my left, the direction changed towards this block of flats. And he then came towards the two officers, and what I presumed was he was just trying to try to just get away and tried to run between the officers.
6. By that point, because he started to move quite quickly towards here, he was closer to the policeman, he swung to hit the policewoman, she was the one he was closest to. By that point, the officers were around 30 yards away from me. They were walking backwards away from the man – they were taking

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small, backwards steps. because they were pointing and they were walking back at the same time, they were probably more-- not almost dead in line with me, but just off centre to me when I was standing here. He was swinging his arms, and made a punching motion directed towards the female officers head. It wasn't just like one punch. It's quite hard to describe, it's like both hands went. It was like if, if he didn't get with one swing of the arm, he might get with the other. The first blow landed as I saw the police woman stumbling back and to the side from the force of the blow. I'm not sure if the second blow struck the woman. Well, at that point, she kind of stumbled. He tried to move again from my right to my left and that's when the other police officer tried to stop him. I think he managed to grab hold of him or get an arm 'round him, to try to stop him. They then started to move diagonally across the road from the right hand side to the left hand side of the road. I don't know if they were entangled at this point. I'm not sure if the male police officer got a hold of him, but he certainly reached out and tried to restrain the guy. But I can't remember now if he managed to actually get him at that point, and they were kind of wrestling each other or if he just had tried to get him and the chap was too quick. I can't really remember that part.

7. Once I seen them pass my gate, at that point, I don't know why, I decided to go outside. Up to this point, I had been watching these events for around 30 seconds, I think. I can't remember exactly now. I walked from the living room window and went straight outside to my garden gate. I was standing on the top step which is level with the pavement on Hayfield Road. I have marked the number 2 on the attached map showing my location. I've been asked to time myself walking, in the speed and manner that I would have done on that day, from this window to standing at the garden gate. The time it takes is 15 seconds. By the time I got to the gate, the male police officer and the guy were on the ground. So I never seen the moment that they hit the ground. There was a few more police officers there by that point as well and maybe 3 police vehicles including the police van. I can't remember when the other police officers started to arrive. It may have been when I was at the living

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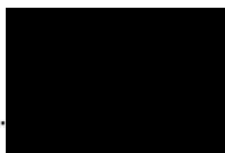
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room window but I can't be sure now. There might have been four police officers there, there might've been more. I couldn't put a number on it because there was a few on the ground and there was a few standing over.

8. I now know the guy was called Sheku. However, I didn't know that at the time. I didn't know who he was. Sheku was on the ground on the pavement. This was around 20 yards away from me to the left of me, just to the left of my neighbour's driveway. The police officers were on top of him. I have marked the number 3 on the attached map showing the their location. There was arms and legs everywhere. I couldn't tell whose arms belonged to whose legs because it looked like a collapsed scrum at the rugby. It just looked like there was a mass. If somebody scores at the football and everybody jumps on, it was kind of like that. It looked like there was people definitely on top of Sheku. Whether or not they were lying or pressing on him, I don't know. There was legs moving about and arms moving about. There was lots of shouting. There was lots of swearing going on. There was two or three, maybe even four, five voices going off at one time. I couldn't say that I was aware of any of the voices being Sheku's voice. I wouldn't have known what his voice sounds like. However, there was nothing I heard that would make me think that it was the voice of the guy on the ground. For example, there was nobody shouting "Get off me" or "Stop" or anything. It was all just shouting, so I couldn't make out whose voice was whose or 100 percent of what was being said or shouted. I couldn't see much of Sheku other than his arms and legs. I'm not sure if I seen his head. I remember seeing the police officers restraining his legs with what looked like cable ties. His legs were bent upwards at the knees so he must have been face down on the ground.

9. I don't remember any of the officers holding or using batons. I don't remember this at the time Sheku was being restrained, or earlier when I saw the CS spray being used. Once the officers put the cable ties on Sheku's legs, I thought, "Well, he's been restrained now. That's that. They'll put him in a van, away he goes." I just came back into the flat. When I came in, I just

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sat down, the TV was on, and there was a chap at the door. I answered the door and it was a policeman, quite out of breath, asking me for a glass of water. That made me think was that because of the spray from earlier. I wondered if the guy that got some of the spray in his face and it was irritating his eyes. I got the guy a pint of water. He drank it, swirled it around his mouth and spat it out in the garden, then handed me the glass back. So, I took the glass off him, and I looked back across at what was going on, and I'm sure the ambulance was there at that point. And I thought, "Something's happened." I couldn't see Sheku at that point because of the hedge as I was on my doorstep. I just seen from mid-chest upwards of the police who were standing and I could see the ambulance on the corner. I could see lots of people going back and forward. There was lots of people, both uniformed and wearing suits, at that time on a Sunday morning.

10. I'm asked about the statement I gave to PIRC on 5 May 2015. I'm told my statement reads *"I saw the police van park just to the right of my house on the opposite side of the street just before the bus stop. I then saw a male police officer dressed in police uniform with an HV (yellow) jacket vest on. He was white skinned and I would describe him as tall and cuddly. I could see that he contained an extended black baton in his right hand."* If I said that at the time, that's what I must have seen. The main thing I remember now is the shouting, the officer pointing, and him having the canister. Whether or not he had a baton or something in the other hand with the pointing, right now, I couldn't be 100 percent sure of that. But I'm sure, if I said that at the time, then that's what I would have saw.

11. I'm told this statement also says that *"I remember being aware of at least a further two police marked vehicles approaching from my left and at least one from my right. I remember noting that the male suddenly appeared to realise that the police officer was talking to him and he turned and started shouting back, again I didn't know what was said. I then saw him using one of his hands, I'm not sure which, to gesture with his finger to the police officer, as in*

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give him the finger, the gesture implying to me that he was telling him to "fuck off". As this was happening I became aware of a second male police officer appear from the side of the police van, he was also dressed in uniform wearing a yellow HV. He was about 6' in height, mid-30s, with an average build. He stood to the right of the female who was then in the middle of the two male officers." Again, I don't remember this now. It fits with what I remember. There are certain things I can remember very clearly, other details on the periphery have faded. Also, my memory was of everything happening and escalating very quickly. I remember other police vehicles and more police officers being there but it's hard to remember the order of when they arrived now. However, I accept that if I said that at the time, then it would be true.

12. I'm told my statement also says that *"The black male then stepped forwards towards the female officer and appeared to lunge at her with his left fist towards her face, head area. I believe he struck at her with his closed fists at least 3 times. I heard her scream out, so I cannot be positive but I believe that at least one of these fists struck her."* Yeah, I remember this because it was like a switch had just went. It was like he just woke up. It's like from going just walking along the street as you would to just reacting, and it just like an explosion just went. And I remember him just going towards her his arms swinging, and she stumbled and fell to the side. Because of the hedgerow there, I couldn't see her actually land onto the ground, but she went down. I didn't see him move towards her to strike her again. He appeared to be trying to get away. So, as she was going down, he was moving away from her. He was going towards my left-hand side. It was all like in one motion. It was like as if he was swinging whilst running if that makes sense. He never stopped in front of her and started swinging, he was swinging as they were moving – they were both moving at that point. The female officer was moving slowly backwards away from him. By that point, Sheku and the male officer weren't too far apart, so it was about a second or two before the officer grabbed him. By the time I left the window, Sheku had moved away from the female police

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officer and would have been maybe a step away from the pavement. I couldn't see the pavement from where I was at the window, but that's where he appears to be from his position.

13. I'm told that my statement continues *"I exited my house via the front door and stood looking over my gate. In this time the black male now appeared to be face down on the pavement to the left of my house on my side of the street. I could no longer get a clear view of this male, there appeared to be five or six male police officers attempting to restrain him. All of these officers were dressed in uniform wearing yellow HV. I observed one officer appeared to be kneeling on the ground with the weight of his upper body by use of his arms to the black male's shoulder/back of neck area. I would not be able to describe this police officer. The other police officers appeared to be laying across the black male's body, I believed in an attempt to keep him on the ground. I recall hearing the words, "Calm down" being repeated. I also remember a male voice say, "Get his legs" as the black male appeared to be kicking his legs."* Yes, that makes sense with what I remember of the events now. I remember there being a struggle and there was definitely an attempt to keep him down and stop him breaking free while they got the restraints on. I can't remember the details of the male officer kneeling on the ground and using his weight of his upper body on Sheku's back. I just have an image of the officers lying on him, the collapsed rugby scrum that I have described. But again, if that's what I said in my statement at the time, then I accept that would be the truth of what I saw.

14. I'm asked about the statement I gave to the Crown Office and Procurator Service (COPFS) on 6 October 2016. Specifically about where I describe going outside and say *"I saw two officers on the ground struggling to restrain him [Sheku Bayoh]. They were now on my side of the road and about 20 yards further to the left towards the junction. There was lots of shouting and swearing. Everyone was shouting and swearing. It was 'Get the fuck off me' and 'Calm the fuck down'."* Yes, I remember a bit now. At the time I gave that

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statement, my presumption was it would have been from him, Sheku, shouting that, rather than one of the police shouting it, because he was the one restrained on the ground. However, I don't know because I don't know what Sheku sounded like. I didn't know what any of them sounded like so I wouldn't recognise their voices or their shouts. I can't remember now whether it was the same voice that shouted both 'Get the fuck off me' and 'Calm the fuck down' or whether it different voices.

15. I can confirm that the statements I gave to PIRC and to COPFS were true and accurate. The first statement I gave to PIRC, I remember having the opportunity to read over it a few times. I'm unsure whether I read over the other statements. My memory of the events were definitely clearer at the time that PIRC took the statement from me. If there is any discrepancy between what I've said in this statement compared to my PIRC statement, the PIRC statement would be the one to be preferred.

16. I'm asked about the interview I gave to Panorama. After the incident, we were getting chaps at the door quite a lot, whether it be local newspapers, the TV channels that were camped out on the street for two or three days. Even Sheku's family came and chapped on my door. Then one day, I was at work, and I think it was [REDACTED] for Panorama that came. I just ignored it. And then I stopped buying newspapers 'round about the time it happened because that was when my work went into administration as well. Between what happened on Hayfield Road and what happened at my work, none of what was reported seemed to be true, so I just stopped reading anything about it. People were saying that Sheku was stamping on a policewoman and everything I thought, "No. He hit her, but he didn't stamp on her. That's not right if that's what people are thinking." I tried to block it out pretty much, just wanted to kid on it never happened. I ignored it for a few years until there was a documentary about George Floyd. And then when [REDACTED] got in touch again, I told him that I didn't agree with what I'd hear about the stamping. Then [REDACTED] asked me to do the interview, and I said no three or four times.

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But I said would meet up with [REDACTED] and just talk to [REDACTED] but not be filmed. Then when [REDACTED] came out, [REDACTED] managed to persuade me to do a bit in front of the camera.

17. I'm asked about the part of the Panorama interview I spoke of Sheku punching the female police officer and that there was no further contact: that I didn't see Sheku stamping on the female police officer. I described Sheku as "running off after the punch, and that was it, there was no more attack on her at all." That is correct and that's what I've said in my statement today. I'm 100 percent sure that he made his way away from the female police officer. So no, I can't see how he could have stamped on her. I don't think it's possible that that Sheku could have stamped on the female police officer in the 15 seconds that I was walking from the window to my gate. I don't think it's possible because of the way they were moving and the police officer grabbing him. I can't see Sheku having time to go back, stamp on the officer and then get back to where he was on the ground with the police officers on top of him within 15 seconds. I don't think that's possible at all.

18. I'm also asked about the fact that, in the interview, I don't make any mention of leaving my viewpoint at the window to go outside and whether this was something that I was asked about in the interview. I was asked quite a lot of questions compared to what was included in the TV programme. They had a copy of my statement and went through my statement line by line and asked me about it, so I'm sure this would have come up as it would be in my statement. I don't have a copy of my statement, I wasn't given a copy by PIRC. I don't know how the interviewer got my statement. I asked [REDACTED] about this and [REDACTED] just said "People have got things", [REDACTED] pretty much glossed over it. I can confirm that I wasn't paid for my TV interview. I never asked for money and it wasn't offered to me to take part.

19. The newspapers also have my statement. I know this because I got a quite aggressive voicemail from a reporter, who was obviously quoting a line out

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the statement. It was [REDACTED] at the [REDACTED] on 21 January 2021. [REDACTED] was quite aggressive asking me why when the police officer was knocked down and I left the house for 15 to 20 seconds to go outside, why didn't I say this, this is a key part of the story and could I call [REDACTED] back. And then [REDACTED] said, "you know you'll have to go to court, and give evidence on oath". I felt harassed so I didn't phone [REDACTED] back. I do remember seeing something in the [REDACTED] shortly afterwards. I was aware that they were going to print something because I phoned [REDACTED] at the [REDACTED] shortly after receiving the voicemail. [REDACTED] said if I received any calls to contact [REDACTED] and if I needed any help, they had had a legal team there if I was threatened with anything, so I made a call to [REDACTED] and he said, basically, "Just leave it with me. I'll let you know what I find out." [REDACTED] called me back a few hours later to say that [REDACTED] had been in contact with someone at the [REDACTED] and that they were going to print something on the Saturday morning. At that point, it was already on the [REDACTED] online and it had my either my old workplace, the age I was at the time and a few personal things about me in it. But [REDACTED] said that article online had been edited there and then to remove some of these details, and the edited version would appear in the [REDACTED] the next day. Pretty much the same story that was online in the [REDACTED] the next day, and it was. I knew it was going out, I went and bought the paper to see what they were saying. It was on about page 14 or 15, quarter of a page, pretty much just what was on online on the Friday. The edited version. removed quite a bit of the personal details about me and there was nothing new than what had been in the papers earlier in the week after the Panorama programme went out. The way I read the article was, that they had said I had omitted from the Panorama interview about me leaving, and that I have to stand up on oath and say this, which isn't true because it was talked about in the Panorama interview but it was edited such that it wasn't included in the programme but it was discussed with them.

20. I'm also asked about the statement I gave to PIRC in May 2015 and the statement I gave to COPFS in October 2016. I'm told that neither of these statements mention that I saw Sheku move away or run away from the female

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police officer. As I say, it was a moving scene I was watching. The officer were moving away, Sheku was moving towards them, it seems to me he was trying to get past them and she swung at the female officer as he was going past. So they were moving already, if that makes sense. It's not as if he stopped to swing at her and then ran away. He was running and swinging at the same time, moving across the road. I don't remember ever being asked by PIRC or the Crown about Sheku stamping on anyone.

21. I'm asked about an occasion when a member of Sheku's family came to my door. I can't recall exactly how long after it was after this incident, maybe a week or two. I couldn't tell you the date or the exact time. It was an evening and mustn't have been that long after we had dinner, so I would imagine between six and half seven roughly. I think it was either his brother or his brother-in-law came to the door, and I answered it, and he introduced himself. He was relatively tall, probably around six-foot, shortish hair. I can't recall whether or not he had any facial hair. If I remember correctly, he was wearing glasses. I don't remember having seen him before. You could tell he was upset, and he just asked if I had seen anything. I wimped out and said "No, I never seen anything." Which, now, I wish I did tell him. I've thought about that bit a lot. He just thanked me and away he went. I wasn't intimidate by this person. Not when I opened the door and he introduced himself. You can tell someone's been upset: his eyes were red, and his voice was quivering. I don't remember why Sheku's brother or brother-in-law came to my house – I don't remember a photo or a still being mentioned. There was a lot of talk at the time about the lady upstairs at the time had recorded it, so he may have made reference to that at the time. However, now I can't remember him specifically raising that. I'm sure that around time there was a couple of his friends had chapped the door and just asked if we'd seen anything. Not long after that, PIRC got in touch with me – I'm guessing he must have been chapping a lot of the doors and someone must have reported it. PIRC reminded me that I shouldn't be speaking about it to anybody.

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22. I'm told my PIRC statement of 24 August 2015 states *"I recognised this man from having previously been present on Hayfield Road. I cannot remember exactly where. I had, however, never had any interaction with this man before. My initial thought was this man was a friend or relative of Sheku Bayoh. I thought this as I'd been told previously that a black man had been at the door of my neighbour, Ashley Wyse."* Yes, I remember this now. I remember her asking [REDACTED] if anybody came to our door because she was quite intimidated with people coming to her door.

23. I'm told my statement goes on to say that *"Then he started to talk about having seen a photographic still from around this area. I understood this to mean from around the area of my house. I remember him pointing to Ashley's gate. He went on to say that the still appeared to be from the angle of looking downwards and that it had shown his brother with police officers around him. He said that the still must have come from this block. I live in a block of four. He then implied that the still was from one of the upstairs flats."* I vaguely remember this. I don't know if it's because I've seen the footage since, that I know what he's talking about. The footage was on one of the TV documentaries. So it's a hard one to answer because if I said that at the time, that would be correct as my memory was obviously really fresh. Now, looking back, my memory of it is a bit hazy.

24. However, at that time, they weren't the only ones chapping the door: every time the door chapped, we wondered who it would be. Sometimes we just never answered it. Some of the other people that came at the door were, because they weren't connected to it, quite cold and demanding for me to speak to them. There was a couple of guys that said they were from various newspapers. There was [REDACTED] from Panorama. I wasn't in and [REDACTED] spoke to him. Another day, [REDACTED] just coming into through the garden gate when a guy pulled up outside in a van and asked if [REDACTED] would speak to him in the back of the van. He said there was a camera in the back of the van and asked if he could have a word. [REDACTED] said no and just came in the house. A lot

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of the time, it was [REDACTED] that was dealing with this type of thing and people coming to the door, as I was at work. But that didn't bother [REDACTED], I think she was more worried if the [REDACTED] got asked anything if they were going in and out of the garden, which was my concern as well. I wouldn't say it affected me that much. It's maybe selfish, but it was more of an annoyance. Given what actually had happened, in the bigger picture it was nothing.

25. There was also two guys who came to my house who said they representing the police in the matter. One of the men was called John Sallens. He showed me some kind of photo ID. I took it to be that he was representing the police service and that they were just wanting to double check some things with me. It was just basically a chat. However, the guy was telling me negative things about Sheku and telling me [REDACTED] and what he was up to. I realised that he wasn't representing the police a good while after when I heard something on the radio that the police couldn't comment on the investigation as it was in the hands of PIRC, that they couldn't investigate. That made me wonder who it was that was at my house. A couple of years later I saw a TV programme about the murder of Jodie Jones. This guy who came to my house was on the programme as a detective trying to solve the crime. The programme said he was a former police officer with so many years' experience of trying to solve these cases. I turned to [REDACTED] and said "that is the guy who came to our house – what is going on?". I feel like I was duped by them. With hindsight, I now think he was just trying to figure out what I told the guys at PIRC. I mentioned this to [REDACTED] and [REDACTED] at the time I was interviewed by them and got the impression they didn't think it was quite right; that they weren't who they claimed to be.

26. I was asked to be in a further documentary by [REDACTED] to look at these kind of issues regarding the guys who were coming to my door and their actions. However, I declined it and told them I wasn't interested. I had done what I had done and I wasn't going to be taking part in anything else. The phone call I

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had had from [REDACTED] at the [REDACTED] following the first documentary spooked me a wee bit I don't know how they get all this information about me. I thought somebody must be giving them it. But I've done what I've done. If I could go back, I wouldn't do the [REDACTED] documentary either after what happened.

27. I'm asked if I have read much in the media about Sheku Bayoh and the investigation. I've not read much just little bits. Until [REDACTED] had made contact with me again and then I watched the first documentary they done on it. When the Inquiry got launched, I seen that on the news. I got the letter a couple of weeks ago saying that the Inquiry would be in contact with me and I had look on the Inquiry website but that's pretty much been it. I've purposely not followed it with any detail. I don't feel like the little I've read has affected my evidence in any way, other than the bits that was said that made me think "Well, wait a minute, that's not right" for example when I heard about the stamping.

28. I'm asked if I know any of the other witnesses. Other than Ashley Wyse, who lived upstairs, I don't know any other witnesses. I didn't really speak to Ashley about it because PIRC told us not to talk about it to anyone at that time. And since then, Ashley's moved. As [REDACTED] gets her haircut with her, she has sometimes asked Ashley a bit about it. But I've never spoken to her directly about it.

29. 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.

Signed.....

[REDACTED]

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