

RESPONSE TO RULE 8 REQUEST

PC DANIEL GIBSON

Please provide your **full name, date of birth, personal or business address.**

Daniel [REDACTED] Gibson

[REDACTED] 1990

c/o Police Service of Scotland, Glenrothes Police Station, Detroit Road, Glenrothes
KY6 2RJ

10 years service

Shoulder number 724

Notwithstanding the answers noted below, I reserve the right to rely on the privilege against self-incrimination in the event of issues arising which have not previously been addressed.

Issue 3 – Risk Assessment

1. Describe how you became involved with the incident at Hayfield Road.

As I said to the PIRC in my statement taken on 4 June 2015 at 1050 hours, muster had just finished. I saw PC Nicole Short. It was clear from her demeanour that she was going to something. I asked her what she was going to. She told me that she was going to a call about a man kicking about Henry Road with a knife. My radio was not on, so I had not heard the call.

I said to her that me and PC James McDonough would attend the call as well as that is what tends to happen when there has been a call regarding someone with a knife, the whole shift attends.

I then turned on my airwave radio. I think PC McDonagh had heard the call as well as he came through to the main hall and I met him. We then went down the back stairs to the rear yard.

2. What vehicle did you travel in?

I went in a marked police vehicle which I think was a silver Vauxhall estate. I don't know the registration number.

What route did you take?

I went left out of the yard at the police station and drove to the traffic lights. I got to the traffic lights where there is an Esso Garage and the Adam Smith

Theatre at opposite corners of the junction. I turned right at those lights. The Adam Smith Theatre was then on my right and the train station was on my left. I then continued to the next set of lights. I turned left over Bennochty bridge. I then continued up Bennochty Road until it meets Hendry Road. I then proceeded along Hendry Road until we reached the roundabout where it meets Hayfield Road.

3. **What risk assessment, if any, did you carry out during your journey to Hayfield Road on 3 May 2015? If you did not carry out a risk assessment, why not?**

I did not carry out a risk assessment on route as I was waiting until I arrived to see what the situation was then.

4. **What training did you receive in carrying out risk assessments in advance of 3 May 2015?**

I completed Officer Safety Training (OST) which includes risk assessments.

5. **What risk assessment, if any, did you carry out on arrival at the scene of Hayfield Road on 3 May 2015? If you did not carry out a risk assessment, why not?**

When I arrived at the scene, I carried out a risk assessment based on what I saw was happening there.

6. **What risk factors did you consider on your arrival? What account did you take of risk to officers, the public or Mr Bayoh?**

Before I arrived at the scene, I was aware that a call had been received about a man carrying a knife and that one of my colleagues had pressed their emergency button.

When I arrived at the scene, I saw batons and CS cannisters on the ground. This indicated that there may have been a struggle involving police officers.

I saw PC Craig Walker struggling with a male, who I now know to be Mr Bayoh, on the ground. He didn't have control of him so that is a risk to the officer and to Mr Bayoh. It stood out to me that PC Walker, who is a well-built officer, was struggling to control Mr Bayoh.

When Mr Bayoh was on the ground he was kicking out with his legs, and he was actively resisting my colleagues who were trying to restrain him.

What account, if any, did you have to the threat level?

I took no account of the threat level. This was just a knife call.

Did Mr Bayoh's race or perceived race play any part in how you assessed the risk?

Definitely not.

Issue 4 – Response by Police Scotland and/or Individual Officers

(i) Initial Contact

7. Describe any discussions you had with PC McDonough on route to Hayfield Road.

I asked PC McDonough to confirm whether the emergency button had been pressed. He was slow in responding so I looked down at my radio and saw the red border meaning someone had pressed it.

8. Describe what you were thinking and how you were feeling on route to Hayfield Road.

I was concentrating on driving the police vehicle so that I could arrive at the scene quickly and safely.

I was just hoping that everyone was ok, including whoever the subject was.

9. To what extent did Mr Bayoh's race or perceived race impact your views?

It didn't.

10. What did you do when you arrived at the scene?

I got out the car and assessed the situation. I saw the signs of a struggle as already described. I then saw my colleagues struggling with Mr Bayoh. Then I went over to where Mr Bayoh was in order to assist.

11. Who did you see and what were they doing when you arrived?

With the passage of time, I am not entirely sure who was present when I first arrived.

What I said to the PIRC was that I saw PC Walker struggling with Mr Bayoh. That stuck out to me then and it continues to stick out to me.

I also told PIRC that PC Ashleigh Tomlinson was beside Mr Bayoh, but I was not sure if he was standing or on the ground or if he had a hold of Mr Bayoh at that point. That was my best recollection at the time.

I saw Mr Bayoh on the ground, and he was kicking his legs. He was not face down at that point.

12. What experience do you have of attending incidents involving an alleged perpetrator with a knife?

At that time, I had limited experience, but I would have attended incidents involving knives. However, it is hard to remember which incidents I have attended involving knives were before the incident involving Mr Bayoh and which I have attended afterwards.

My experience of such incidents remains limited. Taser officers are now typically sent to knife incidents, and I have not been a response officer for around a year, so I have not been exposed to a knife incident during that time.

13. Did you consider that you had adequate training for dealing with the incident?

Yes, I thought I had adequate training. However, I was also aware that a dog unit or an ARV are sometimes deployed to that kind of situation.

The training was adequate as it taught me how to risk assess, the techniques to use and it let me practise them.

14. Did you use any of the equipment available to you? If so, what equipment did you use? Describe how you used that equipment? Was your use of that equipment in keeping with the training you had received on how to use that equipment?

I do not use any equipment.

15. Did Mr Bayoh's race or perceived race play any part in how you approached Mr Bayoh or handled the incident?

It played no part.

What difference would it have made if Mr Bayoh had been white?

It would have made no difference.

(iii) Restraint of Sheku Bayoh

16. Please provide as much detail as you can about the restraint of Mr Bayoh. Did you become involved in the restraint? If so, how did you restrain Mr Bayoh? Where was he restrained?

I was involved in the restraint of Mr Bayoh. Mr Bayoh was on the ground. I dropped down on to Mr Bayoh's thighs with the side of my upper body. I was leaning on the right side of my body, facing his feet. This is a recognised OST technique. I was doing this to gain control of his legs to prevent him kicking out.

I do not know whether I rolled or slid down, but I ended up further down his legs, closer to his feet.

At some point other officers put 'fast straps' on Mr Bayoh while I was restraining his legs.

- 17. Describe the position of Mr Bayoh? Was he prone? If so, how long was he prone? If Mr Bayoh's position changed during the restraint please provide as much detail as you can as to when that position changed, how that position changed and why that position changed.**

I cannot clearly recollect now how Mr Bayoh was positioned when I was restraining his legs.

- 18. What was your position during the restraint? Did your positioning change during the restraint? If yes, please provide as much detail as you can as to when your position changed, how that position changed and why that position changed.**

Please see my answer to question 16.

- 19. What was your impression of Mr Bayoh when you first arrived; and any risk he posed to himself, the public or police officers?**

He was actively struggling with PC Walker when I first arrived. That was a risk to both him and the officer.

From what I saw he appeared aggressive and strong because PC Walker was unable to get control of him.

Describe whether and to what extent you considered Mr Bayoh was having a mental health crisis or was under the influence of drink/drugs?

I didn't have the opportunity to consider it because I only interacted with him when he was on the ground, and I was restraining his legs.

- 20. Describe any training you had received regarding assessing whether a person was suffering from a mental health crisis or was under the influence of drink or drugs.**

You receive limited training about this in OST. This is in the context of being aware of impact factors and risks to the subject. There is also training about situations where you should seek medical help.

I recall discussion at OST about some mental health conditions, specifically schizophrenia and personality disorders.

- 21. Describe any prior experience you had of assessing whether a person was suffering from a mental health crisis or was under the influence of drink or drugs.**

Because of the passage of time, I am not now able to pinpoint a specific example of this before the incident with Mr Bayoh.

- 22. What weight, if any, did you place on Mr Bayoh as he was on the ground; where did you apply weight? What force, if any, did you apply to Mr Bayoh as he was on the ground; where did you apply that force? Please describe, as far as possible, the level of force applied by you.**

I applied my upper body weight to lie on Mr Bayoh's upper legs then his lower legs.

Once the 'fast straps' were applied, I felt able to take my weight off him slightly.

How long was the weight or force applied?

I applied a greater amount of weight before the 'fast straps' were applied. After that, I applied a lesser degree of weight before coming off Mr Bayoh when I heard PC Alan Smith saying to get off Mr Bayoh.

I can't say how long I applied the weight in minutes or seconds.

- 23. Please describe the weight applied by other officers to Mr Bayoh and where they applied such weight.**

At the point I was involved in the restraint of Mr Bayoh, I was facing towards Mr Bayoh's feet so I couldn't see what weight, if any, was being applied by officers behind me.

- 24. Did Mr Bayoh have handcuffs applied? If so, in what position was he handcuffed?**

The first time I remember seeing that Mr Bayoh was handcuffed was after I got off his legs.

My memory of the position is now not clear, but what I said to the PIRC was that he was cuffed to the front and that was my best recollection at that time.

- 25. Did you use any of the equipment available to you during the restraint? If yes, what equipment did you use and how did you use it?**

I used no equipment.

- 26. How did Mr Bayoh react to the restraint?**

Before I got involved, Mr Bayoh was actively struggling and kicking out his legs. Even after I was restraining his legs, he was still attempting to kick. I could feel that his legs were still moving.

After the 'fast straps' were applied, his legs were still moving but that movement was reduced.

What was he saying? What was he doing?

I don't remember hearing him say anything.

At what point did he stop breathing? Describe what was happening at that moment?

With the passage of time, I can't remember clearly, but what I said to the PIRC was that after I got off Mr Bayoh's legs, I was aware of PC Smith checking his welfare and condition and saying that Mr Bayoh was breathing.

It was only when I saw an officer bringing out the bag used for mouth to mouth that I thought that something was wrong.

27. Did you say anything to Mr Bayoh during the restraint?

I didn't say anything.

28. Did Mr Bayoh's race or perceived race play any part in how you carried out the restraint?

No.

29. Who else was involved in the restraint?

I saw PC Walker trying to restrain Mr Bayoh when I first arrived.

PC Kayleigh Good, PC McDonough and PC Smith were involved in applying the 'fast straps'.

I do not know what PC Tomlinson and PC Paton did or did not do.

30. Please describe what the other officers were doing?

Please see my answer to question 29 above.

31. What comments, if any, do you have about the manner of the restraint and the techniques adopted by the other officers?

I don't have any comment to make.

32. What training had you received in restraint and the techniques to use?

I had completed OST during which I learnt about how to use various restraint techniques.

33. What restraint techniques or equipment did you use when restraining Mr Bayoh? Were these techniques and any equipment used in keeping with the training you had received on restraint?

The restraint technique I used to restrain Mr Bayoh's legs was a recognised technique that I was taught in OST. Please see my answer to question 16 above.

34. What comments, if any, do you have about the techniques or equipment used by the other officers involved?

The 'fast straps' were applied properly and appeared effective.

Issue 5 After the Restraint and Calling the Ambulance

35. Please provide as much detail as you can about when you became aware that Mr Bayoh had lost consciousness. Could you see Mr Bayoh at this time?

I was not aware of Mr Bayoh losing consciousness.

36. What were the other officers doing at this time? Describe in detail how they were assisting.

I can't answer that as I was not aware of Mr Bayoh losing consciousness.

37. When did you first become aware that Sheku Bayoh was not breathing? What was happening immediately prior to him stopping breathing? What was happening at the moment you noticed he was not breathing? What position was he in?

Please see my answer to question 26 above.

38. What were the other officers doing at this time? Describe in detail how they were assisting.

PC Paton and PC Smith were checking him. Someone then brought the mouth to mouth bag.

PC Smith and PC Walker performed CPR to Mr Bayoh. PC Paton may have assisted with that, but I can't remember exactly.

39. Did you have any involvement in trying to resuscitate Mr Bayoh? If so, please describe in detail your involvement and what you did?

No, I was not involved.

40. What comments, if any, do you have about the manner in which attempts were made to resuscitate Mr Bayoh?

From what I saw, officers appeared to be performing CPR in accordance with training. I think they were doing everything they could to help Mr Bayoh.

41. Describe in detail any difficulties you encountered during the attempts to resuscitate Mr Bayoh.

I was not involved in the attempt.

42. Did you consider you had adequate training in how to deal with that situation?

Yes, CPR is covered in OST as is seeking medical help.

43. Describe what you were thinking and how you were feeling during the attempts being made to resuscitate Mr Bayoh.

I was in shock about the situation. I had never been in a situation like that before.

44. Describe, in detail, how Mr Bayoh was presenting during this time.

Mr Bayoh was unresponsive and on his back. He was not moving.

45. Who called the ambulance?

I think PC Smith called the ambulance.

46. Do you recall how long it took for the ambulance to arrive?

It seemed longer than it should have taken. It did seem to take a long time, but I can't recall the exact time in minutes.

47. Please look at photograph PIRC 03374. You will see from that photograph that you are identified. Please confirm that you are the person identified as "PC Gibson" in the photograph. If this is not you please identify yourself from the photograph.

PIRC 03374 – Photograph 1 – I cannot confirm that I am correctly identified because the image is unclear.

Photograph 2 – I am correctly identified.

NB. The photograph numbers are written in the bottom right-hand corner of the image.

Item 7 Items Recovered at the Scene

48. Please describe any role you carried out in relation to preservation of the scene? Who asked you to carry out your role?

I was not asked to carry out such a role.

49. Did you see anyone recover a knife at the scene?

No, but I did hear someone tell DS Davidson that it was lying on the grass.

50. Could you see Mr Bayoh or the other officers when you were carrying out your other duties? If so please describe their positions and what they were doing.

I did not carry out any other duties.

51. How long were you asked to carry out these duties before returning to KPO?

I did not have any other duties.

52. Did you speak to anyone during this time? If so who and what did you discuss?

I did not remain at the scene to carry out further duties.

Issue 8 - Return to Kirkcaldy Police Station (KPO)

(i) Conferral

53. Did any senior officer speak to you prior to leaving the scene? If so, please describe that conversation and what was said. Please explain whether you were instructed not to discuss the incident with other officers.

I do not recall any senior officer speaking to me before I left the scene.

54. How did you get back to KPO? Who were you with? Did you discuss the incident? If so, what was said.

I drove back myself in a marked police vehicle. I do not recall the registration of that vehicle.

55. Describe how you were feeling on the return to KPO.

I was still in shock. I didn't know the outcome of what happened as Mr Bayoh was taken away in an ambulance. I didn't know what would happen when we got back to the police station in terms of procedure.

56. What happened on your return to KPO? Who did you speak to on your return to the KPO?

On my return, I think I went into the writing room. PC Walker was there, and I think he said that someone needs to call the Federation. I think PC Paton was also there at that time. I didn't say anything to them.

57. Where did you go? Who was there?

I was only in the station for about 5 minutes before PS Scott Maxwell told me to go to Victoria Hospital to collect PC Smith.

Once I got back with PC Smith, I went to the canteen.

58. Where did you sit and who were you with?

I sat at the table in the canteen. Other officers were also there but I cannot recall who was there exactly.

59. How long did you remain in the canteen?

I stayed in the canteen until I was asked to go and hand over my clothes before I went off duty. The only time I left was to go to the toilet which is right beside the canteen.

I must have also attended with the Forensic Medical Examiner, but I do not remember that.

60. What advice or instruction were you given prior to or after entering the canteen about not speaking to anyone about the events at Hayfield Road? By whom?

I do not recall any other officer saying do not speak to anyone about the incident (see below in relation to the advice received from the Federation).

61. Did you or any of the officers involved discuss the incident that led to the death of Mr Bayoh?

I do not now remember discussing the incident. There would have been general conversation, but I cannot recall any details. I was in shock, so I was hardly taking anything in.

62. If yes, what was said and by whom?

Please see my answer to question 61 above. I cannot now remember specific conversation.

63. Did anyone specifically discuss the incident between Nicole Short and Mr Bayoh?

Not to my knowledge.

64. If yes, what was said and by whom?

Please see my answer to question 63.

65. Did you speak to Nicole Short on her return to KPO? If so, what did you say and what did Nicole Short tell you about what had happened to her?

I do not even remember Nicole Short coming back.

66. Did Mr Bayoh's race or perceived race play any part in the approach taken or the discussion about the incident?

No

67. In your view, would anything have been different had Mr Bayoh been white?

No

(ii) Recovery of equipment

68. What were you wearing on 3 May 2015?

I was wearing my stab proof vest with a high-vis cover, an airwave radio, an outer fleece, a microfleece, a black police t-shirt, a utility belt, a baton, handcuffs, CS spray, epaulettes, police issue trousers, a belt for my trousers and boots.

69. When you returned to Kirkcaldy Police Office, what did you do with your equipment and uniform?

I am sure I would have taken off my stab proof vest and utility belt when I was in the canteen. I would have kept them beside me though.

70. What equipment was recovered from you on return to KPO?

I handed over my stab proof vest with my stab proof vest with a high-vis cover, an airwave radio, an outer fleece, a microfleece, a black police t-shirt, a utility belt, a baton, handcuffs, CS spray, epaulettes, police issue trousers, a belt for my trousers and boots.

71. Who did you give that equipment to?

I handed these over to two males in white forensic suits.

(iii) Status of Officers

72. What did you understand your status to be at that time, namely as a witness or a suspect? How was that information shared with you and who by?

I did not have an understanding of my status at that time.

73. Did you receive any advice regarding your status?

At that time, I did not receive any advice regarding my status. I subsequently received advice from a solicitor, Prof Peter Watson.

74. If yes, who gave you that advice and what was the advice you were given?

I didn't get advice on my status at that time.

(iv) Advice given to officers

75. Did you receive advice or instruction on your return to KPO from any senior officers or anyone from the Scottish Police Federation ? If so can you please explain who gave you advice, in what capacity and what that advice was?

I received no advice or instruction from a senior officer.

I believe that Amanda Given from the Federation told us not to give a statement at that time as the incident had just happened.

76. As far as you are aware, was race or the perceived race of Sheku Bayoh a factor in any of the advice given?

No.

(v) Completion of paperwork: use of spray forms; use of force forms; notebooks; statements

77. What did you understand your obligations to be in relation to completing paperwork, including your notebook; a use of force form; a use of spray form insofar as these relate to the events at Hayfield Road?

At that time, I was not aware of my obligations concerning the completion of my notebook in relation to events like that at Hayfield Road. At that time I would have generally used my notebook for recording statements or, for example, recording that I had cautioned and charged someone. I cannot recollect what, if any, training there was at that time with respect to the use of notebooks following an incident like that involving Mr Bayoh.

At the time of this incident I was aware that there was a system in place for checking officers' notebooks by senior officers. I had never been told by a senior officer that I was not using my notebook correctly.

At that time, I did not think my involvement in the incident would have required me to submit a use of force form. That was because I was just restraining Mr Bayoh on his legs.

I did not fill in a use of spray form as I did not use my spray, so I did not have to do so.

78. As a police officer, what training do you receive, or what rules are you required to follow, in terms of completion of your notebook; use of force forms; use of spray forms; and the preparation of operational statements?

Please see my answer to question 77 in relation to training about use of notebooks.

In terms of the training regarding the completion use of force and use of spray forms, I think the completion of these forms is covered in OST. There are also online training packages about completing those forms.

My recollection is not clear about what training I received at the Scottish Police College about the preparation of operational statements, but I will have done 'on the job' learning regarding how to prepare them. I was not aware of any particular rules about the preparation of operational statements.

79. Depending on your status as mentioned at (iii) above, what did you understand your obligations to be regarding the completion of such paperwork?

At that time, I did not know what my obligations were regarding completing paperwork depending on whether my status was as a witness or a suspect.

80. Did you comply with those obligations regarding the completion of paperwork, after the incident on 3 May 2015? If not, why not?

I was not under any obligation to complete the use of force and use of spray forms.

In terms of recording an account of what had happened, I did not fill in my notebook or prepare an operational statement as Amanda Given told us not to give a statement at that time as the incident had just happened. Thereafter, I received advice from my solicitor not to provide an account until my status was confirmed.

Also, on 3 May 2015 I would not have been capable of making notes given the state I was in.

81. What, if anything, did you or any other officers present say about the completion of such paperwork? Did you advise any other officers not to complete any of the paperwork? If yes, why did you give that advice?

No officers said anything about the paperwork to my knowledge. I would not have advised anyone about the paperwork.

82. What was said by PC Amanda Given, Scottish Police Federation Representative, about the completion of paperwork, including notebooks; use of force forms; use of spray forms; and the provision of operational statements?

Please see my answers to questions 75 and 80.

83. Did someone to advise you not to complete a statement? If yes, who gave you that advice and what did they say?

Amanda Given on 3 May 2015 and Prof Watson thereafter.

(vi) Examination of Officers

84. Did you attend a Forensic Medical Examination on 3 May 2015 whilst at the KPO? If yes, who carried out the examination?

I do not have any memory of attending the examination, but I now know that I did. The disclosed report shows that it was performed by Dr Gillian Norrie.

85. Did the Forensic Medical Examiner (FME) measure your height and weight during the examination? If not, did you tell the FME your height and weight during the examination?

I do not have any memory of attending the examination, but I now know that Dr Norrie recorded my height as 5'11 and my weight as 12 stone and that was correct at the time.

86. Please confirm that on 3 May 2015 you were 5' 11 tall and weighed 12 stones, were 25 years of age and had completed 3 years' service.

Yes.

87. What did you tell the FME about the incident involving Mr Bayoh?

I do not recollect what, if anything, I told the FME.

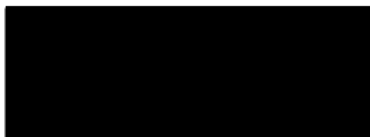
88. Did you have any injuries?

I do not now remember if I sustained any injuries, but I know the report says I had an abrasion on my hand.

89. Did you require treatment or medication?

No.

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.



Daniel Gibson - rule 8 statement 150422 v.final

(1)

Final Audit Report

2022-04-15

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