

OFFICIAL/SENSITIVE
WITNESS STATEMENT

Agency Ref : **S180**
PF Ref :

Surname : PATON Other or previous surname :

Forenames : Alan DoB : [REDACTED]/1973 Age : 41

Occupation : Police Officer Other Occupation :

Police Station : Years Service : 14

Disclosable address :

Post Code:

This statement was taken :

Date and time : 4th of May 2015 11.15

By : ALEX MCGUIRE IO

Place : [REDACTED]

In the presence of : RICKY CASEY SI

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 Alan Paton. I am 41 years of age. I am a Police Constable with Police Scotland based at Kirkcaldy Police Office. I have 14 years police service. My shoulder number is 010694. I am officer safety trained. I last qualified on the 4th January 2015. I am based in team 4 operational response at Kirkcaldy Police Office.

I am today being interviewed by Investigator McGuire and Senior Investigator Casey from the Police Investigations and Review Commissioner's Office. I have been advised that my status is that of a witness.

[REDACTED] I have been advised that I can ask for this statement to be

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stopped at any point. The point of this statement to PIRC is an initial statement to PIRC.

I have previously submitted a statement to John Sallens from Professor Watson. I think the company is PBW Law. I do not have a hard copy of this document but I do have an electronic copy which I have agreed to submit electronically by email to Investigator McGuire. I have signed the documentary production backing sheet.

I have been shown by Investigator McGuire the following productions

Label No OST Scope Record of PC694 Alan Paton P Division, Police Service of Scotland

Label No Scope image of PC 694 Alan Paton, Kirkcaldy, P Division, Police Service of Scotland

I can confirm that records are mine and are accurate.

I would describe my physical appearance as 41 years old, I am 6'4", proportionate build, short brown hair. I would have been clean shaven on the morning of the 3rd May 2015. On Sunday 3rd May 2015 I was rostered 0700-1600 hours at Kirkcaldy Police Office. I would have arrived at the office in civilian clothes as instructed. I took a few moments to get into uniform.

Part of getting into uniform I would have gone into the rest room - this is where the stab proof vests are kept. I do not wear a belt and my handcuffs and baton are part of my stab proof vest. They are both in pockets with a stud fastener on the vest. My baton is of the expandable ASP variety. I have had this since the change of the PR24 batons. My handcuffs are engraved with my No 694. I do not think that my baton is engraved.

I then went into the airwave corridor where I collected my airwave terminal and my CS canister. I do not know what the allocated numbers for these are. Both of these items are located within a locked cabinet. I used my personal key to open the cabinet that morning.

I would like to say that my CS canister is within a velcro lock which goes around it. I then attach this to a lanyard and attach it to my vest. Once it is connected to the lanyard it is permanently attached to it.

I then went in for muster. It usually starts at seven o'clock or thereabouts. Acting Sergeant Scott Maxwell carried out the briefing/muster that morning. I cannot really remember much of the muster. I remember I was working with Craig Walker.

I would have been given my call sign. This is generally allocated on a daily basis depending on which vehicle you are using that particular day. I don't remember what my call sign was that day. I was allocated the large marked Ford Transit. This has a prisoner cage in the back of it.

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When I left the office that morning I would have been in full police uniform with a hi-visibility stab proof vest.

At the muster that morning the following persons were present. A/Sgt Scott Maxwell, Constable Craig Walker, Constable Danny Gibson, Constable James McDonagh, Constable Nicole Short and Constable Ashley Tomlinson and Kayleigh Good. A briefing was carried out. There was nothing unusual with the briefing. I do not remember any specific instructions being given.

Towards the end of the muster that morning there was an airwave message from the control desk asking for Ashley and Nicole to attend an alarm activation at a business premises on the esplanade. Ashley was heading to speak with A/Sgt Maxwell so I volunteered with Craig Walker to take the call. I went through to the Sgt's office, picked up the keys to the Ford Transit we were using and left the building.

We picked the vehicle up in the back yard. Craig was driving the vehicle and I was the passenger. I knew exactly where we were going to, it was just along the road. I am sure it was called East View Complimentary Therapy.

It was whilst we were driving in Nicol Street in Kirkcaldy that I overheard an airwave message dispatching Nicola and Ashley to the call. The gist of this call was a report of a male in the street, Hendry Road, the male had a knife. This message was broadcast over airwave. Myself and Craig heard this message. We were the only mobile crew out at this point and we advised Control that we would take the call. I cannot remember whether it was myself or Craig that made that call.

We done a u-turn on Nicol Street and started making our way towards Hendry Road.

Around this time there was a further airwave message from the Control Room of a similar nature. This time it gave the location as Victoria Road.

Given that I [REDACTED] know the streets well and realised there is about a mile between the two locations, and that sometimes people get Hayfield Road mixed up thinking it is Victoria Road because of the hospital, I pointed out this discrepancy to the Control Room. The rest of the guys on the shift are younger in service and do not have the same local knowledge.

I think I continued to Hendry Road. We were using "blues & twos" (illuminated blue lights and audio system - emergency lights and sirens).

Around about that point A/Sgt Maxwell came onto airwave advising then that all units would be attending. I assumed from that he had told all the units in the station to go to the incident. At that point I still had not arrived.

There was a further airwave broadcast from the control room of a further report of a "large black male in Poplar Crescent" and there was also a mention of Gallaghers. I know that Poplar Crescent is a small street off Hayfield Road and that Gallaghers is a public house that sits to the side of the roundabout at the side of Hendry Road at the end of Hayfield Road. I do not remember specifically the wording of this call. I do remember that there was definitely a mention of a knife in this message.

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I think it took me about a minute to two minutes to arrive at Hayfield Road. When I arrived I came up Hendry Road and turned right at Gallaghers public house into Hayfield Road.

Upon entering Hayfield Road I was the first police vehicle on the scene.

I could clearly see a large black male in the street in front of me. He was wearing a light-coloured t-shirt. I remember the t-shirt being tight-fitting around his shoulders and biceps. He was standing in the road which takes you to Victoria Hospital. He was near to the bus stop and the path which leads to Hendry Road.

He was facing me. He was walking towards me with his arms at his sides with his palms facing forwards. There was no knife in his hands. I did not see any knife about his body at that point.

Craig stopped the vehicle on the road at an angle. Probably just before the vehicle stopped I was getting out of the vehicle. Craig parked the nose of the vehicle towards the kerbside. His door would have been closer to the man.

Straight away I remembered that there had been the rumour going about Kirkcaldy Police Station that somebody intended to cause harm to a female cop. Numerous officers had asked managers to confirm if there was any known truth in the rumour. But this had never been confirmed to my knowledge. The rumour still remains strong and it is believed by the officers that this had contributed to all officers in Kirkcaldy being double crewed whilst on patrol. For a number of months checks have also been getting carried out by officers at a number of identified locations in Kirkcaldy due to increased terrorist risk. It also ran through my mind that this male could be part of a terrorist plot.

I was straight out of the passenger side door of the van and I immediately took my CS Spray out of my vest. I continued to think that he may still have been in possession of a knife, and I wasn't taking any risks. As I have already said I was still conscious of the fact that just because I could see his palms he might still have the knife in his waistband or secreted somewhere else about his person. With my spray in my right hand and pointing in the direction of the man, I shouted loudly and very clearly "GET DOWN ON THE GROUND". The guy was walking towards me and completely ignored me. He kept walking towards me with his palms out and I remember thinking how crazy he looked and as if he was on a mission. I was in genuine fear for my life and at this point I pressed my red emergency button and shouted loudly and clearly "GET DOWN ON THE FUCKIN GROUND". My shouting and my pointing of my spray had absolutely no bearing on him and he kept walking towards me ignoring me as if he was in a one-track mind. I was terrified and thought I was going to get attacked by him.

When he was about 10 feet away from me I sprayed my CS Spray towards the boy's face. Some of the spray hit him in the face but the wind on that day was blowing on that day from the direction of the hospital towards us. Most of my spray was blowing back to hit my face. So I thought there was not much point to carry on discharging my CS.

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At that point Craig had come out of the van and had come round to the front of the van. He would be pretty much side on with the boy on the boy's left side. Craig also had his spray out. I remember seeing it was PAVA, it had the red top on it, and Craig also discharged it towards the boy's face. Some of it hit the boy but some of it blew into my face. I remember Craig shouting something like "It's no fucking working" or "It's having nae effect". The boy continued to walk towards me with his palms open facing me, he was smiling at Craig and wiped the CS Spray off his face.

As far as I am aware we were still the only police vehicle there at that point.

At no point hear the boy say a single thing.

With the effect of PAVA and CS on me I could not keep my eyes clear and I was very vulnerable. I went to the back of the police van. I basically curled up, braced myself. I was probably rubbing my eyes. I was expecting to feel pain of some sort. It felt like slow motion. But I felt that I would get plunged (stabbed) or struck to the head. That's what was going through my head. I kept thinking about the Lee Rigby boy, the soldier who was killed. That's what was in my head. I must have been at the back of the van for seconds. I did not actually get touched at all by the guy. I could not see at this point. I was not aware of anyone else's arrival. I heard Nicole screaming behind me. She was between the van and Hendry Road. I am not aware of any of the police vehicles arriving. My eyes were still streaming at that point. I tried to open my eyes. I could see Nicole trying to get up to her feet. Every time she tried to get up she fell down. I went over and lifted her up. She was hysterical. She was standing up but I was holding her lapels. When she was able to stand on her own I told her to go and sit in my van. I think she made her own way over there.

I passed a message over the airwave that an officer had been injured and that more units were required.

At this point I could not see where the guy was or what units had attended. I was completely disoriented.

As I started to keep my open a bit more I became aware of Craig and other officers struggling on the ground with the guy on the opposite carriageway. The carriageway in Gallagher's direction. I was still struggling and I made my way over to Craig and the other officers on the ground.

Around the same time that I was lifting or holding Nicole up I remember Craig shouting at me "I've no got my baton" or "Gimme your baton". I removed my baton from my vest and I think, I'm not sure, that I threw it at him or in his direction. I cannot remember whether I had extended the baton or not.

I genuinely don't know how many police officers were there. I remember Craig at the top end of the boy's body.

The boy was face up. He was always lying on his back face up. Craig was lying on his left hand side facing the boy's feet. Craig was lying across the chest of the boy.

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I was starting to get my bearings again and I remember wiping my face/eyes on Craig's t-shirt.

I had got down on the ground to help restrain the boy as he was still struggling. The officers were struggling to keep him on the ground. There were no punches from what I could see.

Ashely and Alan Smith, incidentally he was at the muster, I forgot to mention him; I think it was Alan Smith, I was still a bit disoriented, they were at the guy's feet/legs end of his body. The guy was still struggling at this point.

Ashely, Alan and Craig are big guys and they were struggling to control him. I remember hearing the guys talking about trying to get control enough to try and get handcuffs onto him. I remember saying "link the handcuffs" or something like that. I am still struggling at this point. My eyes were still streaming and my nose was running.

I remember that Craig was still at the top end (chest) of the guy. I saw Craig get lifted by the guy. He was lifting Craig with his body weight. Craig is about 25 stones. I cannot emphasise the strength of this guy. Alan is an ex-marine. Ashley is a big guy as well. I'm thinking to myself if he gets back onto his feet then we've got real problems as well.

I heard the guys at the legs of the guy talking about leg restraints. I did not see them apply leg restraints. At this point I was at the left shoulder of the body facing towards Craig's back. I was trying to hold the left area of his body. It was a muscular bicep. He was still definitely struggling at this point with me and the other officers.

I saw a baton ASP, it had been extended. It was not my baton. My baton has a smooth handle, this had ribs down it. The baton was lying on the ground at the back of Craig's legs. I picked up the baton and put it across the boy's bicep. I had the baton across the boy's bicep. I was holding both ends of the baton and I was in a push up position with my whole body weight with the pressure on the baton over the boy's bicep but he was still struggling. I know that this is not a trained method of restraint but in the circumstances I was trying to bring him under control to assist with keeping in control and for handcuffs to be put on him.

At this point I then became aware of Danny Gibson, DC Derek Connell, DS Samantha Davidson and Scott Maxwell being on the scene and other police vehicles being there as well. I have no idea from what direction they came from or who had arrived in what vehicle.

I think it was about thirty seconds to a minute that I was personally struggling with the guy on the ground.

I don't remember seeing any other officer discharge CS or PAVA at the man although I do believe that Ashley did from a conversation after the event.

At no point did I strike him with a baton. I never saw anyone strike the guy with a baton.

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I do not remember seeing any officer place the guy in leg restraints. I am fairly certain that I saw the leg restraints being taken off the guy.

I do not remember seeing any of the officers place him in handcuffs. I don't remember seeing him in handcuffs.

It was whilst I was still holding his bicep with the baton I noticed there was no resistance with regard him trying to lift up his arm. I am only really conscious of his arm. I could not really see the rest of the torso because of Craig's back. The guy did not speak or scream throughout the incident.

Alan said at this point. He must have stood up at the head end, and said "Is he still breathing?" He was standing at the guy's left hand side of the head end. He was just in front of me. Alan then said "Aye, he is". I looked at the guy and in my opinion he was still breathing. I said "Aye, he's still breathing". I could see movement in his skin. I just thought that he was still conscious, I did not get down and check for breaths. Craig was still lying on top of the guy at this point. I was still on the ground with the guy.

Alan is an Officer Safety Trainer and qualified in First Aid. He did my last refresher course as well. He is very methodical as well. I remember thinking if that's good enough for Alan then that's good enough for me.

I remember something along the lines where Alan said "I don't think he is breathing" or something to that effect.

At that point everybody backed off him and he continued to lie on the ground. He wasn't moving.

I have been shown by Investigator McGuire a diagram called

Label no. DEATH OF SHEKU AHMED TEJAN BAYOH

I have indicated on the diagram to the best of my recollection the position of the officers at the guy when he was on the ground.

I cannot remember who or at what point an ambulance was called.

Alan said "We are going to start CPR". I was quite happy that he was taking the lead role as he is the expert in this.

Craig identified that he was going to be doing the chest compressions. Alan identified that he was going to be putting the breaths in. I identified that I was going to hold the mask. I am talking about the mask with the one-way valve thing. I took out the face mask from my vest. these are with me at all times whilst I am on duty. I opened the package and tried to get the valve into the boy's mouth but I was unable to do so because his teeth were clenched shut. I remember slapping the guy on the side of the face twice to attempt to rouse him, this had no reaction at all. I could not get the valve between his teeth as they were clenched shut. I tried to get my fingers

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between his teeth to get his mouth open but was unable to do so and also to force his jaw open, again this was unsuccessful.

I was aware at that point that an ambulance had been called for because I heard someone say "Where the fuck's the ambulance". I do not remember who said that.

Around about the same time I remember hearing Ashley say "I hit the boy off the back of the head with my baton". I believe he said this for the benefit of A/Sgt Scott Maxwell who was present and was passing back radio transmissions.

At this point I was kneeling at the guy's left hand side trying to get the mask in on hearing this I put my left hand behind the guy's head and felt around the guy's head. I did not feel any swelling to the head nor did I see any blood on my hand that felt around his head. There was a small amount of blood above one of his ears, I cannot remember which one, it was from a cut or a graze.

I could not get the valve in because of his teeth. I tried to create a seal around his mouth. Alan tried to get a couple of breaths in but he couldn't. There were no chest rises that I could see. I tried to raise his neck higher with my left hand and to form a seal around the valve. Alan tried a good few times to get breaths in via the valve. The mask was covered in saliva, CS etc. Alan said he was getting contaminated and Alan said we'll just go to compressions. Craig started compressions and kept going until he was tired. This was for a couple of minutes. I remember Craig saying to Scott Maxwell "That's a couple of ribs away". It was repeated numerous times where the ambulance had got to but I cannot remember who said that.

I then took over chest compressions and I kept going until the ambulance arrived a couple of minutes later.

When the ambulance arrived I gave the paramedic/technicians an update of what had happened and went back and sat in the van.

Craig came back to the van moments later. It was then agreed by everybody that we would muster back at the station.

I do not know who went in the ambulance with the guy to the hospital. I do not remember if anyone assisted the ambulance crew. The ambulance stopped between where he was on the ground and my van. I did not see anything after that.

Craig and I returned to the police office in the same van we arrived in. Craig was driving.

There is CCTV in the van I was in, I believe. I am not sure if it was operational or if it records, what records. It is a hard drive, there is no need to change tapes etc. CCTV does not form any part of the vehicle check(s).

I do not remember what time I got back to Kirkcaldy Police Office. I went to the writing room initially and then once everybody came back we mustered in the canteen. We were told to go to the canteen by I believe it was Scott Maxwell, although I cannot be certain of that. I forgot to mention that as soon as I got back to

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the office, as I went in the back door and spoke to Austin Barrat, who is Police Federation Representative. Craig asked him to arrange for Federation representation as he believed we would require.

It must have been about 10 minutes to eight when we got back to the office as I remember Austin saying I don't start until 8, but he then got involved when he realised what was happening.

Everybody who was on shift was in the canteen. Everybody involved in the incident at Hayfield Road. Amanda Given, who is a Federation Representative, was there. Austin was there for a time. Various people popped in from time to time. There was a Chief Inspector Conrad Trickett there as well. I cannot be certain of timescales throughout the day or what was said or by whom.

The next thing I remember is being told that my uniform clothing was being taken.

In the canteen we were all talking between ourselves. It was about the incident. I cannot really be specific about what we were talking about. I was in shock. I remember talking about Nicole and asking how she was.

I remember Mark Hays popping into the canteen. He had been at the hospital and told me that Nicole was ok. Nicole came to the canteen later.

I cannot remember if the Federation gave us any advice. I think I was watching the television. I just wanted to be left on my own. I sat on the settees on my own watching the TV. I was going over things in my head. I think Craig may have been sitting as well. from what I recall I think the rest of the officers were sitting at a table. It was a bit of strange really. I cannot recall what happened then.

With regards my baton, I never got my baton back. I seem to recall Derek Connell picking up batons from the scene. I did not use my handcuffs at any point. My CS was still attached to my vest.

I did not complete any Use of Force forms or Discharge of CS Spray forms.

When I arrived at the office I went upstairs and changed out of my uniform as it had been contaminated by CS Spray and PAVA Spray. I put my CS Spray back into my locker along with my airwave radio. I put my uniform in locker room 4 outside my locker.

I cannot recall being instructed not to fill in /out any of the normal forms. I cannot tell you what the usual procedure is. It changes week to week. I would rely on my supervisor to remind me.

[REDACTED]

The Federation rep was in the canteen with us all day. She popped out from time to time.

I cannot recall any advice that she gave.

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I remember that Chief Inspector Trickett had been appointed as a sort of welfare, go-between co-ordinator. I cannot recall anything he said. He gave me a card. A Superintendent with a sun tan popped in later in the afternoon but I cannot recall what he said. I do remember getting advice from one of them, I don't remember who though, to phone home. I did not phone home. I believe it was Amanda the Fed Rep had advised/encouraged us to do this.

I have been shown by Investigator McGuire my notebook 099-001. I can identify this as my notebook. There are no entries in my notebook for this incident. I did not put anything into my notebook. I did not receive any instructions not to put in any entries in my notebook or to fill out CS/PAVA forms.

I have not had any dealings with the guy before.

CS Spray has never been weighed before issue in legacy Fife area. My CS Spray is current and valid.

I cannot recall if I had to sign for it when it was issued to me.

Prior to the start of this interview I was issued with a PIRC leaflet "A guide for the Police and staff on the role of the PIRC".

I have previously offered to email Investigator McGuire a copy of my statement which had been submitted to Professor Watson. However I have referred to it in this statement and do not feel the need now to do so.

This statement is accurate and correct to the best of my knowledge and belief.

Signed :

(Witness)

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CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : PATON Forenames: Alan
Alias/known as :

Place of birth : [REDACTED] Age : over 18

Home address : [REDACTED] Telephone : [REDACTED]

Post code : [REDACTED]

Business address : Telephone :

Post Code :

Mobile : [REDACTED]
Email : [REDACTED]
Fax/Pager :
Other :

Dates when unavailable in next 12 months :

Other Confidential Material :