



The Sheku Bayoh Public Inquiry

Witness Statement

Hazel [REDACTED] Sinclair

Taken [REDACTED]
By MS Teams
On 15 December 2021

1. My name is Hazel [REDACTED] Sinclair. I am 38 years old. I live at [REDACTED]
[REDACTED] Eyesight is fine and I had no concerns about my sight back in 2015. I don't wear glasses.
2. I work as a specialist midwife in the community. I hold a Bachelor of Science degree in Midwifery and a Master's degree in child protection. I have been a midwife since 2004. I receive yearly resuscitation training in my role as a midwife. However, I have never required to resuscitate a person as part of my job.
3. I am asked about an incident in 2015. I cannot remember exactly when this was but I think it was in May 2015. I was staying at my friend's flat in Kirkcaldy. The friend was Ashley Wyse and she stayed in Hayfield Road, Kirkcaldy. I cannot remember the number of the address. It was a first floor flat that she lived in. We had been on a night out in town, by that I mean a night out in Kirkcaldy. I was staying over as at that point I lived in Rosyth so it would have been a costly journey home so I just stayed with her in Kirkcaldy.

A large black rectangular redaction box covering the signature area.

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4. We went to a few pubs that night. I couldn't say how much I had had to drink but I wouldn't say I was really intoxicated but I was under the influence of alcohol. It would probably be fair to say that my memory's quite good of the night. I can't remember what time we arrived home. I would be guessing if I said what time. We normally would come home when things kind of end, which is usually about two. Then we would go for something to eat after that, so I would say it would be after two at some point. But I couldn't say for certain. I normally would stay up for a short time once we got home and then go to bed. So far as I can remember I went straight to sleep.

5. The next thing I remember is that it was early morning. Ashley came through and woke me up. I was sleeping in Ashley's [REDACTED] bedroom which was the back bedroom in the flat. Ashley said to me I needed to come through and look out of the window. It must have been about the back of 7am so a little bit after 7am, although it could have been earlier. It was light outside. I can't remember what the weather was like. I went through to Ashley's bedroom at the front of the flat which overlooks Hayfield Road and looked out of the window. I saw a man lying on the pavement directly outside the flat. It was obvious it was a man lying there. I think he was of average build and mixed race. I couldn't tell his age. I can't remember what he was wearing - possibly dark clothing. The man was directly in front of us so he was on the side of the road closest to the flat, about 20 yards away. The man was lying on the pavement with his head towards the hedge and his feet towards the road. So at that angle. There were around police officers kneeling around the man. I remember seeing the reflection from restraints around his hands and ankles. Like a green or yellow fluorescent colour. There were also police vehicles on Hayfield Road. I can't remember how many.

6. The pavement ran alongside Hayfield Road. There was also hedge that separated the garden of the flats from that pavement. I couldn't see all of the man's body due to angle I was standing at. I could see part of his head, but

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not his face, and the majority of his body down to his feet. My view wasn't completely clear. The hedge outside the flat and the police officers there were partly blocking the view. My memory is that the man was on his back. I think that because I could see his hands in front of him. I'm pretty sure I could see his hands tied near his chest. It looked as though the man was being restrained by the police. The man wasn't moving. I wouldn't say that he was unusually still if that makes sense. I didn't expect the man to be moving if the man was restrained. So I didn't think there was anything strange about that.

7. There were around 7 or 8 officers around the man. A few of the police officers were kneeling down. They were not kneeling on the man just kneeling next to the man. I don't recall anyone being on top of the man. I'm asked if any of the officers had their hands on the man, I don't recall that. It was all quite calm as if waiting for someone to come to help them out. It didn't look strange in the way there were position or anything like that. Some of the officers were just standing around. Nothing really happened for a couple of minutes so far as I'm aware. However, Ashley and I were chatting to one another so I wasn't concentrating on what was happening outside. Ashley was saying that she had been at the window for a wee while before she woke me up so she had seen a bit of what had happened. So we were just talking about that. Then we looked back and it was like a switch was flicked, like mass panic which was slowly filtering to the other officers next to each other as if they realised "This guy's not breathing". They started talking to one another and then the CPR started. You could tell something had happened but I only realised what it was when I saw CPR starting.

8. I don't remember seeing them checking the man to see if he was breathing. It might be that I don't remember that or maybe I didn't see it because I was talking to Ashley at that point. I just remember turning round and seeing them all looking at each other like, "Oh, my God," type thing as though something



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had happened. You could just tell by the atmosphere and then one of the officers then started to do CPR.

9. One of the officers, a man with a bald head, started doing the CPR. I think this officer had been kneeling next to the man prior to the CPR starting. I felt that the CPR was being done properly. I remember counting along with him as he did the chest compressions. When you are in that situation you are gripped by what you see and you aren't going to go off to another room and make a cup of tea. You're obviously going to stay there and see what was happening so we basically witnessed them doing CPR. I didn't have any concerns about their ability to do it or the way that they did it. I don't remember anyone swapping over or taking turns. I just remember it being done. I don't recall what the other police officers were doing at this point.

10. The officer did CPR for a good amount of time. Possibly 15 minutes, it's hard to say, but it felt like a long time. Then an ambulance arrived. It came from the left hand side as you look out onto Hayfield Road from the roundabout, not from the direction of the hospital. The ambulance crew got out, 2 male ambulance crew, and came over had a discussion and appeared to assess the man on the ground. CPR was ongoing through this time. However, the ambulance crew didn't take over the CPR. With a medical background, I thought that was really strange. I've never worked in emergency medicine so I don't know what the rules are for resuscitation. However, I was under the impression that if someone is being resuscitated that you would respond to that incident and the medical staff would take over that resuscitation but that's not really what happened. I felt it was a bit strange. It really stuck out for me. It was almost like they knew at that point there was no point in carrying on type thing. I can't remember if he had a mask put on his face by the ambulance staff. I can't remember if the restraints were still on his hands and feet.



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11. The man was then transferred onto a trolley and then into the ambulance on a trolley. I don't remember how the man got onto the trolley, whether he was lifted by the ambulance crew or not. However, I remember that the CPR stopped once the man was on the trolley. I initially thought he must have been resuscitated. If you've never seen an incident like that before then all you've got to go on is what you have seen on TV programmes and you almost have in your head that someone would be on top of them continuing to do CPR as they go into the ambulance and in the ambulance on the way to hospital. That's not what happened either, which I found a bit strange. I said to my friend at the time that they've obviously assessed him on the ground there and that's it, there's no more. They just put him in the back of the ambulance. I don't know if I remember this correctly. I'm aware your memory can play tricks on you and, as a medical person, I possibly overanalyse these things. The memory that I have is that the man was assessed, nothing really happened and then he was put in the back of the ambulance without any police officer just with one of the ambulance crew. As far as I can remember the ambulance left promptly.

12. I also remember that [REDACTED] was watching what was going on from his gate. I don't remember when I first noticed him or how long he was there. I do remember him giving a glass of water to one of the police officers at one point. I think it was to the guy with the bald head that was doing the CPR.

13. I remember also there were police batons were on the ground. I presumed the officers had placed them on the ground. I have a memory of them putting the batons down but I'm not sure if that's an organic memory or if I've presumed they must have put them down. I didn't see the batons being used at all. Ashley said that she saw the batons being used but I didn't see anything like that. After the ambulance left, the batons weren't tidied up. That's when I began to think something was wrong. Most of the police

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officers got into their cars and went away. Some officers stayed – I can't remember who left and who stayed. Some plain clothes officers then arrived and the scene of crimes officers arrived in their suits. They were searching the grass across from the flat and seemed to be looking for something. They were putting the batons into evidence bags.

14. After that there was a police car stopping traffic from coming in to Hayfield Road and then they obviously shut the road all day because I couldn't get my car out to go home. I went out to speak to a police officer and said, "when am I going to be able to go home?" and they said "We don't know. The road's going to be shut for a while" I said, "Well, I really need to get stuff out of my car," so I had went and got some bits and bobs out of my car and I said to the police officer that was almost escorting me to my car, "That was certainly something, eh? That whole incident was quite serious." and she asked, "Well, then, what have you seen?" At that point I think she realised we had witnessed something of what happened. Within half an hour, we had the CID at the door. They put us into different rooms and took a statement from us. I wasn't allowed out of the street until eight or nine maybe at night. It was quite late anyway.

15. I would say the majority of my memory of the incident is pretty good. I don't have any strong memories of still being heavily under the influence of alcohol that morning. I don't feel like my memory's in any way clouded by that at all. I feel it's more the passage of time that has affected it more than anything. My memory hasn't been helped by the media coverage I've read and seen either. Also, as I live in the local area I also hear stories about this. I have friends in the police etc and have heard their comments on what they've read in the media. I feel like my memory has been affected in some details in comparison to what I would have originally said in my statement. The detail in my original statements will be much clearer and more accurate. This is partly why there are certain details I'm struggling with as to whether it is in my

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memory or whether it's mixed with something I have seen or heard afterwards. What I told the police or the PIRC in my statement would have been true and accurate. If there is any difference between what I have said now and those earlier statements, those statements should be preferred.

16. [REDACTED] a friend of Shek's and I've been told was with him on that night before he died. I mean the early hours of the morning when he had been at a party or something like that. The friend is Zahid Saeed.

[REDACTED] There has been unintentional conversation about the incident. One evening about 6 months after Sheku died, in fact it was at new year, [REDACTED] In the way that you do, we were having conversations about things happening over the past year and I said "wow there's been a few big things happened in Kirkcaldy". I mentioned this situation. He mentioned another situation that he was also involved in. [REDACTED]

[REDACTED] I'm sure you know this already. So I was like "wow tragedy follows you about" type thing like trying to be flippant about it. However, I genuinely do think that about this guy which is why I wouldn't say he is a friend. He started talking about Shek and surprisingly he was actually being quite negative about it. I thought he would have been like "oh he is my friend; he did nothing wrong" and actually said the complete opposite to what I thought he would, which put another slant on it for me.

17. Zahid's comments were negative about Shek as a person. I had imagined that if he was friends with him that he would have been like "oh that's terrible what happened to him". Actually, he wasn't: it was more a case of "I was with him that night, there was drugs consumed. Shek was acting like a bit of a looney" I think, in his words and you know "it was inevitable that something was going to happen because of the way he was conducting himself and because he was under the influence of drugs." That was his opinion which I was surprised about. If you've watched any of the stuff or heard any of the

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stuff or followed any of the stuff from Shek's family, it's all kind of one-sided. I thought that that's the way his friend would have viewed it also but it was actually the opposite which I really found quite bizarre.

18. Zahid also said that they had had an argument in the house and the argument had been about Shek's girlfriend, Colette. Apparently, the argument got really heated and that Shek had gone into the kitchen and got a knife and he was kind of wielding it and Zahid said that lay in the garden and pretended that he was unconscious. My understanding was that they actually had a physical fight and he lay in the garden and pretended that he was unconscious or, pretended that he wasn't awake so that he wouldn't hurt him. I think it's possibly Shek's house that Zahid was talking about but I'm not sure. From what Zahid said as well, the house was pretty trashed and that Shek trashed the house as well. After that after that Shek then ran away with the knife

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20. I find this quite interesting because I had had the last six months sort of being interviewed and having all this stuff and then there was loads of stuff in the media and loads of stuff on social media, you know, about this supposed knife that didn't exist and all this kind of stuff and then I've got Zahid saying this to me and I'm kind of thinking, "Well, he was there and he saw a knife," so, you know, it just makes your head a bit fuzzy about the whole thing and as I said, he's [redacted] and he doesn't come across as somebody that I feel is that trustworthy either so I wasn't quite sure how accurate his account was but that's definitely what he told me.



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21. I don't know any of the other witnesses, other than Ashley Wyse and Zahid Saeed. I've told you about the conversation I had with Zahid Saeed. I have discussed the incident with Ashley Wyse. We were very good friends at the time and spoke about it and had text messages back and forth. It was more discussing how she was feeling about it. I think she was quite shocked at the amount of attention that it grabbed. But, to be honest, not much chat about what we saw. I've mentioned I have friends in the police but none of them have connections with this case. When I was interviewed, the police told me to keep it to myself and not to broadcast it. I've tried to do that but it is difficult when you've seen something that upsetting for you to keep it to yourself.

22. I know Ashley was getting knocks at the door from the press, she was getting knocks at the door from Shek's family and she also got a leaflet or a card put through the door saying, "Have you seen anything". It wasn't in a threatening way. I think it was just the man's family looking for answers but wanting her to contact them to give them information what had happened. Also, the press wanting a statement from her, making the assumption that she'd obviously seen something because she was in that flat. However, I think Ashley felt quite hassled by it all. She's quite an anxious person, whereas I gave it some thought for a couple of weeks and then, you know, I just got on with my life. Whereas I think Ashley really had quite a lot of anxiety after it. My experience was different also. I didn't have anyone turning up at my house. I recall getting some sort of correspondence from a lawyer at some point but I just didn't engage with it. I don't have the letter or remember in detail what it said. I think it was like a lawyer out Glasgow way. They wanted information prior to it going to court. I thought that was normal for lawyers to do that. But I didn't engage with that. It didn't bother me. I knew because I've been to court a couple of times in connection with my work so I knew that I didn't have to engage with that process. I knew I only had to engage with what's been asked of me from the court, rather than from lawyers.

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23. I've been shown four videos clips which I'm told were taken by Ashley Wyse.¹ These look very similar to what my view was like from Ashley's window. By that I mean the view I had of the man, with the police officers around him and the roundabout in the background. I have a recollection of being able to see a bit more of the man's body than I can see in the video. In the video, I can see the police officers are kneeling around the man, with one or two police officers on their feet. That's similar to what I saw. From the view in the video I'm watching now, I'm not clear if the man is on his back. However, as far as I can remember when I was watching the incident myself, he was on his back. I can see the man and the police are not directly in front of us as I said earlier but they are to the left hand side of the window. However, I remember now that this was the angle at which I was watching the incident. It just looks further away than I remember it. But I'm aware when you are filming something on a phone that it can make it look further away than it looks to your eyes. Other than that this, this is as I remember it. I think these sections of videos were taken by Ashley before she woke me. So far as I recall, she took some photos and videos and posted them to snapchat before I was even in the room. She then deleted them, I think. I don't remember Ashley videoing anything when I was there. We had no idea what was about to happen, we had no idea that someone would die.

24. I also viewed photographs or still images of the restraint.² These are similar to what I saw that morning. However, in [REDACTED] the man looks as though he is in the recovery position or possibly on his front, which is not what I saw.

25. I'm told that in the first statement that I gave to the police, that I'd said that *"There were lots of batons lying in the road, it was obvious there had been a struggle, there could have been as many as 5 batons, but I can't be sure of*

¹ PIRC 03368, PIRC 03369, PIRC 03370, PIRC 03371

² [REDACTED]

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the exact number." I can't remember now how many there were or thinking there had been a struggle but I think that would have been my assumption at the time, that if you're seeing a baton lying about, that something's happened."

26. I'm told that in the first statement that I gave to the PIRC, that I described the man on the ground as a *"Black man, aged mid 30's, about 6 feet tall, very well built, wearing a white t-shirt, dark trousers or jeans and dark shoes. He had a lighter colour pair of boxer shorts showing above his trousers."* It's quite interesting because now I don't really have a recollection of that anymore. It's kind of ringing a bell now but I wouldn't be able to tell you that.

27. I am told PIRC statement describes the position of the police officers around the man. *"No.1 - A female uniform police officer, aged late 20's or early 30's, 5'6 tall, very slim build, long dark hair in a ponytail. She was wearing a black stab vest, a police hat and grey trousers with black trim on the pockets, which looked different from the others. I saw her picking up wee black stick things from the road, which may have been police batons because I saw one of the other officers later when I got interviewed by the police. I also saw this police women carrying a clear evidence bag at one point. No.2 - A male police officer in plain clothes. He was late 20's or early 30's wearing a blue coloured jacket. He had an earpiece in one of his ears, and was talking on the phone near the roundabout. No.3 - This officer was in uniform and was knelt down on the pavement facing away from me near the man's head. He appeared to be bald and looked like he was doing mouth to mouth resuscitation on the man on the ground. This only started 30 seconds after I looked out of the window. No.4 - This officer was also in uniform. I would describe this officer as very hefty build. He was positioned to the right of the man as I looked out. He was kneeling in the ground over the man. A short time later he began doing chest compressions on the man while the other officer (No.3) was doing*



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28. *mouth to mouth.*" All of this rings a bell and seems to make sense based on what I can remember but I can't remember all those details now.

29. I'm also told that my PIRC statement says *"Just after the ambulance left I think it was Ashley showed me some video footage she had taken of the incident on her mobile telephone... The video showed the man I saw on the ground in the same place in the street. There was a policeman lying on top of him, almost straight up and down, as if he had rugby tackled him. The man was either on his front or in the recovery position on his side."* Now that you've said it, I do remember saying that. Although I couldn't see that clearly in the footage that you showed me today but I do remember there being one specific person, leaning on him or being on the man I'm not sure, either way that was doing something down on the ground, trying to get him restrained. But, as I say, I didn't physically see that. I just remember from looking at the footage, which is difficult to see when somebody's filmed it on their phone.

30. 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..........Date.....4/5/2022.....