



The Sheku Bayoh Public Inquiry

Witness Statement

PC Austin Barratt

Taken by [REDACTED] on MS Teams on Friday 01 April 2022

Witness details and professional background

1. My full name is Austin [REDACTED] Barratt. My date of birth is in 1977. The public inquiry has my contact details.
2. I joined the police in April 2001, and resigned in February 2021. I worked in several stations during my 20 years, starting Cowdenbeath, then Glenrothes in the roads policing department, then Dunfermline, Dalgety Bay, Kirkcaldy, Glenrothes and finished up at Leven.
3. I was a police constable all the time I was in the police. I have had various different roles within that, from response, roads policing, firearms officer, Taser officer, custody officer and various other roles, but always at a constable level.
4. I can't remember the years I worked in Kirkcaldy, but it was, I think, for four or five years. I was, I think, two years in Glenrothes, let's say 2019, so maybe up until 2017 for five or six years prior to that. Something like that. I was working in Kirkcaldy on 03 May 2015. By that time I'm in this community investigation

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unit. I'm in there by 2015, so I must have been a couple of years at Kirkcaldy prior to that.

5. On 03 May 2015 I was in the community investigation unit based at Kirkcaldy which was basically dealing with enquiries that weren't quite as quick as response were doing. I worked in a team of, I think, two or three at the time, and that's what I was doing.

Federation role

6. In addition to that, I was a Federation officer. I had just, I think in the January of 2015, got on to the Federation as a constables rep for Fife. I was elected. I can't remember if it was one or two positions came up for Fife. I put myself forward for that and then it went to a vote from all the constables in Fife and I was chosen to be a representative for the constables for Fife.
7. I had not long started that role, so there wasn't really much done. I think I'd only been to one meeting and it was mainly the queries and that. At the time the police weren't very good at explaining things and helping staff. Things like officers would come in if they had been asked to work on a rest day or overtime, and they didn't explain things to them, so that was mainly it.
8. I was a Federation rep until I resigned from the police.
9. I didn't get any training for my SPF role prior to this incident. There were training courses, I had done two or three of them. I couldn't tell you when they were. I was in the conduct committee, so I had training for that, and just basic regs as well, but I don't think they were prior to this incident.
10. For Fife there were three constable reps, and you basically covered whatever station you were at and there or thereabouts, and that was it. We weren't in any sort of teams as such.

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11. I have been asked whether by 03 May 2015 I had had any experience of advising officers in relation to on-duty criminal complaints or misconduct. The answer is no. I had done conduct stuff for a little while after that. I knew that area well. A lot of stuff I don't know now, but I certainly did whilst I was there. I would say that when I was doing the job at the end I was knowledgeable at the time.
12. Amanda Givan was our Federation rep for the whole of my police career. She was a constable's rep in Fife and then she got a full-time permanent job and was the conduct lead for the east of Scotland, and then I think she is now, or was certainly when I left, the conduct lead for the whole of Scotland.
13. I have been asked if in my role at Kirkcaldy police station I was involved with the media on behalf of SPF. The answer is no. At that time I would imagine that all media, either announcements or conversations, would happen with the office in Glasgow.
14. I have been asked if journalists every tried to contact me for details of things that were going on. The answer is no.

Officers in Kirkcaldy Police Station

15. I have been asked if I knew all the officers who worked in Kirkcaldy police station. I would say so. I knew everybody on Team 4 obviously, because that was my team that was on duty. I was Team 4. I knew the whole team: Alan Paton; Craig Walker – big guy; Alan Smith; wee Nicole; Daniel Gibson; Kayleigh Good; James McDonough; Ashley Tomlinson. Scott Maxwell wasn't normally on Team 4, I don't think. I was seconded to the community investigation unit, it would appear, at the time of this incident but it just so happened that my team, Team 4, were the team that were on duty when this incident took place.

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16. I was good friends with Alan Smith. We used to socialise quite a lot together. Craig Walker and Alan Paton, I don't think they were on the team when I was on it. I think they went after I was seconded, the same as Nicole. I don't think she was on the team when I was there. She went after, or during my secondment, but I always knew them all.

Members of Team 4

17. Dan Gibson's a nice wee guy. Quite a keen wee worker, but a nice guy. I socialised with him as well. I don't know where he works now. Aye, he was a good wee guy. Dan would have had a few years' service I think at the time of incident.

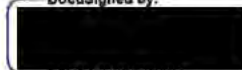
18. Kayleigh Good didn't have a lot of service, I don't think, at the time. She was quite new. I didn't socialise with her a great deal.

19. James McDonough wouldn't have had a lot of service at that time as well. It wasn't somebody I knew a great deal. I knew he was on the shift but I didn't know him a great deal. I don't think I ever worked with James, because I don't think he had a lot of service, and then by the time he had come to the team, then I would have been round about then I went on the secondment thing.

20. I don't think Scott Maxwell was on the team at all when I was on it. He was based at Kirkcaldy, I'm sure, but I don't think he was on the same team as me, and he certainly wasn't a sergeant on the team when I was there, but again, I know Scott. From what I could see, Scott was quite meticulous with things, but I had never worked with him.

21. Alan Paton had quite a bit of service as well. I knew of the guy, but I never worked with him. The only thing I could say about him would be, quiet. I don't think there's anything else I could say over him.

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22. Nicole Short wasn't on the team when I was there. I can't remember where she came from, but I think she had had some issues at another station and then she got moved to Kirkcaldy.
23. Alan Smith is a nice guy. He was on the shift the whole time I was at Kirkcaldy. He was very good to work with. Knowledge-wise, of procedures, etcetera – very good. Officer safety instructor, really nice guy. He would help with anything. He's such a nice guy.
24. Ashley Tomlinson was on the team when I was there, and again Ash was a decent boy. I don't think I ever worked with Ashley. I don't think I ever went out with him, but I'm sure Alan Smith was his tutor. I don't think Ash had a lot of service as well at that time, but, again, if Alan had been his tutor, he would have been a decent worker if Alan had showed him the ins and outs of things. It was only, I think, three of us on the shift that were tutors. I was one, Alan was another and I think the other was Brian Geddes.
25. Craig Walker wasn't on the team when I was there. He had went after I was on the secondment.
26. I am not in touch with any of them now.

Culture in Kirkcaldy police station

27. I have worked in various stations and have been to numerous stations throughout the country and I think that from an approachable or friendly point of view it was not like other places. I think some people are harder to communicate with or to get on with. I don't know what it is, but every other station I have been in seems to be better than Kirkcaldy, but I wouldn't say there was a particular thing about the place. There was a notable difference, and I don't know why that was.

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28. I have been asked about 'canteen culture' within Kirkcaldy police station. I understand that to mean having a laugh and stuff. Primarily folk would get along with each other at their breaks because back then it used to be you'd all get a break together. I think they tried to do it half of you at a time so that there was still people out, but I would say that the teams were reasonably close together.

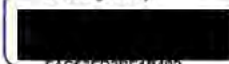
29. I have been asked if racism is a part of policing in Kirkcaldy. The answer is no, not at all. I would say that it is something that certainly in my whole career, never mind just when I was at Kirkcaldy, it was never raised. It was never something that anybody brought up, any form of racism, or, indeed, the homophobia thing.

30. I have been asked if I ever experienced or witnesses any kind of homophobia or sexism or other such behaviour, either in canteen culture or the police force more generally. The answer is no. I have been asked if I ever heard jokes of that nature. The answer is no.

CCTV in Kirkcaldy police station

31. There are CCTV cameras in Kirkcaldy Police Station. At the time of working at that station, I would say I probably knew where they all were. I would be surprised if they recorded audio. There was quite old systems that they had. The ones internally I would say around about the custody area are audio, but the audio is not in the camera – I think it is in little boxes within the station. Externally I think they are just a camera.

Sunday 03 May 2015

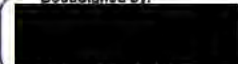
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32. On Sunday 03 May 2015 I was working a dayshift. That was 0800 until 1600, maybe. Something like that. Certainly an 0800 start. I can't remember a great deal, to be fair. I always like to go to work early. I like a wee brew before I started, and just check up on what happened the day before to see if there's anything lying and stuff, so I like to do that before the start of my shift so that I was ready for things, and that's always just how I was. I think you should be like that and not be at the cow's tail and you should be prepared for your day, so I was in early as always.

33. It must have been about twenty to, quarter to eight. I was alone, sitting having a cuppa in the office I worked in. If you go in the car park where the police vehicles go, and you look at the building, it's pretty much the only door you can see there. It's a ground floor door. You go in there and immediately to the left on the ground floor is an office, and that's where I was. Internally you can get to it from the stairs. You come out of the office – there's basically two offices at the ground floor area – and from there the stairs lead up to the rest of the building.

34. Alan and Craig came in and said that they needed Federation help or advice. I jokingly said I hadn't started work yet, and I didn't start until 0800, because I didn't think they were really wanting anything. I thought they were just having a laugh, and then they said that they needed advice because they had just killed someone. Craig said "We've just killed someone." I'm pretty sure that's exactly what they said.

35. I have been asked if Craig and Alan came to speak to me because I was the Federation rep, and not because we were friends. I imagine they seen me sitting at my computer, because when they've obviously returned and driven into the car park, I would be in the office right in front of where they've parked, so they have obviously seen me sitting in the office.

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36. I remember it was Craig that was doing all the talking. Alan didn't speak at all. He was standing behind Craig and then they said that. They said that a guy was away to hospital, and that Nicole had been injured by a guy. I think they just said that she was away to hospital. I don't want to get mixed up with when it was said, but certainly someone said that. I'm pretty sure that she was away to hospital. I see from my previous statement (PIRC-00311) that I've said that someone had been jumping on her back and stuff. I can't remember who said that. That's further in on my statement. It says:

"Craig told me that Nicole (PC Short) had been injured and that the guy had been stamping on her back and that she had been taken to hospital. He told me didn't know how she was. I told both officers not to speak to anyone and said that I would phone Amanda Givan."

37. I see that in the statement, but I don't recall that now.

38. They told me where it happened. I had a look at the call card thing and seen that the incident had taken place. When anybody phones the police, it's logged on a STORM system call card, and it's given a unique reference number that is basically the date and whatever call it is on that day. As people were phoning in, initially they certainly would have went on as separate, and then what they would do is put it all onto one 'lead' call card. That's what would have happened with it, so the details would be all in there.

39. I have been asked if I remember whether, when they came to me, Craig Walker and Al Paton were wearing any equipment such as their protective armour. I don't know if they were. I don't think it was compulsory at that time. I think there was several people didn't wear it at that station. I couldn't say. I think certainly they had a uniform on so that you would be able to see they were police officers, but I don't know if they had their PPE on them.

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40. Then I telephoned Amanda Givan. I had a number on my phone for Amanda. Maybe it was a works phone. I'm not sure to be honest. I don't think I had telephoned her for advice before 03 May 2015. Given what they had said it was clear to me that certainly she should be there as well as whoever else she could get from a Federation point of view for the officers to assist them with whatever was going to then take place. I think she said for the officers not to speak to people outwith the group that were there, and that she would be there as soon as.

41. Alan and Craig went away. I think everybody was in the canteen, and all the guys and that were there. I went in a couple of times to see them and I took them coffees and teas. I would have telephoned Amanda first, just to give her the heads up, I would have thought, then gone and spoken to the officers. That would have been what I've done.

42. The officers were all sitting in wee huddly groups, I think, because of the way that the canteen was set up. The only thing they told me was that they'd been on a call, the guy had had a knife, they'd tried to spray him, that hadn't worked; I think they'd batoned him and that didn't work. I can't remember who said what and who was there. I would hazard a guess that it was a male officer who told me that because, percentage-wise, there was more males there than there was females, but I couldn't say who.

43. I have been asked if I gave the officers any advice. I'm sure I told them that I'd phoned Amanda and that she was on her way. I think I must have passed on what Amanda said about not speaking to people outwith the group that was there. That would have happened anyway, because I think as some sort of control of them, everybody from the shift was put in the canteen. I don't think senior officers knew what to do with them. That's where they were, so that was a form of control of them.

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44. I didn't know what to do myself, so I think it was a case of just wait here until Amanda comes and she'll advise as to what was to happen then, and certainly would assist on it. I think all the line managers for everywhere that were on duty were there, or on their way there. I don't know if anyone else came and gave them advice. I mean, there were other officers, not loads of officers, but some officers, and I think line managers were there, but I don't know what advice they gave them or anything. Stephen Kay was there, Colin Robson probably, Jane Combe.


45. I mind wee Dan looked shocked. He looked really shocked when I seen him.

46. Amanda arrived and she kind of dealt with everything from there, and I just went back to doing my job. She stayed in a little village in Fife. If I called her at 8-ish, back of 9 maybe she would have arrived, something like that. She was quite quick, to be fair. I did not stay a great deal of time after she arrived. I don't think it was all that long.

47. I have been asked about the advice Amanda gave the officers. I'm pretty sure the only thing was when we were on the phone, she had said for them not to speak outwith the group. I don't think there was any, "Don't give a statement", because, realistically, statements wouldn't be noted at that time anyway for an incident like that. She would have said not to speak to people as I am sure it was what the SPF's stance was regarding anything in order for them to have a handle on what had/hadn't been said.

48. I have been directed to the entry in my statement to the PIRC (PIRC-00311) that reads:

"I think Al Paton and Craig had asked what they should do. Al looked all shook up, more than anybody else. They had said that they had sprayed the guy and it was them who were overcome as it didn't affect the guy, and the guy on Nicole's arrival had went for her and had

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knocked her to the ground. I thought that Al Paton felt bad as he couldn't help her. They had said this to me whilst in the canteen."


I have been asked if I remember that. The answer is no.

49. I have been directed to the entry in my statement to the PIRC (PIRC-00311) that reads, *"I would like to add that when I saw PC Nicole Short come into the canteen, she was with a male officer, I think it was Danny."* That would be Dan Gibson, young Dan. What that looks like that means is that when Nicole came in, she was with Danny.

50. I don't know how long I spent in the canteen. It was cumulative, because I was going back and forward. I went and made them all coffees and got them sweeties and that. It would have been seven o'clock they would have started, so I was going back and forward getting stuff for them. It wasn't a massive amount of time or anything, but I couldn't say "It was an hour" or "It was forty minutes". It was in and out.

51. I have been directed to the entry in my statement to the PIRC (PIRC-00311) that reads, *"I did call PC Smith at home that evening just to see how he was as I'd worked with him for quite some time."*, and asked if I remember doing so. The answer is no, but I would have imagined it would have been something I would have done, because Alan and I were friends.

52. I have been told that Craig Walker said that on arrival to Kirkcaldy police station he spoke to me because he thought there was a need for SPF representation as it looked like it might be a death in custody, that he told me what happened, that he didn't tell me much about the incident, that he went into the writing room where Scott Maxwell and Ash Tomlinson were, and Tomlinson was crying and said that he struck Sheku Bayoh to the head with a baton. I have been asked if I remember that. The answer is no. I wasn't in the writing room – I was in my other wee office. The only place I went was

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into the canteen. I don't think I was in the writing room. The writing room is just like the room where constables who are on duty kind of gather. It was on the first floor at that time, I think the major works done there. At that time the writing room was basically just where the computers were and the sort of wee dookets where you kept your stuff and done your writing. It wouldn't be writing now, it's all typing. It's just basically that.


53. I have been asked if I remember seeing Colin Robson that morning or making any comment to him. The answer is no.

54. I have been asked if I know an officer called Mark Hay or remember him being in Kirkcaldy police station that morning. The answer is no. I recognise the name. I don't think he was on with the team. I don't know where he worked. I have never worked with the guy.

55. I have been told that Ash Tomlinson says that he met Al Paton and Craig Walker, that I had said to him that Amanda Givan was on her way, and that "We were all talking about what had happened and our main concern was the condition of Nicole". I have been asked if I remember discussions with Ash Tomlinson, Craig Walker and Al Paton about what had happened. The answer is no. I don't think I was there.

Notebook

56. I have been asked if for SPF purposes I would have prepared a note about what's happened. No. Again, there is something right at the very end of my statement that goes on about some sort of learning thing. That's not how I speak. But I think that a point from me would have been to have some sort of logbook to take notes. I don't know why I didn't do it, because as a police officer, I suppose it's something you do all the time when you're at situations and that. I didn't have a Federation book as such, but it probably would have been handy.

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57. My only explanation I think I could give for not putting anything in my police notebook would be that – I don't know why, stupidly or what – I wasn't thinking of myself as a police officer. I think I was solely thinking as a Federation rep, and looking to check for the welfare of the guys and girls to make sure that they were okay, and I think that I have obviously just forgotten the sort of basics, really.

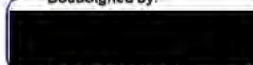
Statements and use of force forms

58. In any sort of major incident, you don't do statements straight away. There would be a time of, I don't know, reflection. It's not something, I don't think, that would have happened straight away. I think it is something to do with recollection. You might remember different. I think that's it. I don't know if there is a prescribed time. You don't want to leave it seven weeks down the line, but not straight away. A day later perhaps. I don't know what it is but I wouldn't say it would be straight away.

59. I think that for the most of policing and the most of the things that you do, it is a case of you noting stuff as near as the time that things have happened, for vandalisms, minor assaults, etcetera. When I was at the roads police and I'm dealing with fatal road collisions, you wouldn't take a note of statements at that time. It would be like a day or a couple of days later, and I don't know if it's that you remember things better.

60. I've been asked if my understanding of statement procedures comes from my experience as a police officer or from training. I'm not sure.

61. I've been asked if what I've said also applies to officers preparing operational statements after an incident. Use of force forms have to be filled in before you terminate duty, but I don't think a statement has to be filled in on that day. I think you can do it, perhaps, the next day. That's in the procedures.

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Sheku Bayoh's race or perceived race

62. I have been asked whether, in relation to anything I was involved in on the morning of 03 May 2015, anything was done or not done either by me or other people because Sheku Bayoh was a Black man. The answer is no. As far as I can make out from the call, I'm sure it was just, "I have somebody in the street with a knife.". It didn't distinguish between black, white, Chinese, anything. I'm more than sure that was it. At the time when they came in, I've read the call card and I think there was numerous people had phoned it in, I'm more than sure, but I think it was all just, "There was a guy with a knife.". As I've said, there was never any racial or homophobic incidents at any time during my career there.

Senior colleagues & superiors

63. I would very much doubt that I had a superior officer working in Kirkcaldy that morning. There was somebody who was in charge of that place I was seconded to, but I don't think they ever worked at the weekends. I think it was then the CID sergeant would be overseeing where you were, and the response sergeant as well would give you stuff if they needed you for anything.

64. There is always somebody senior on call in the SPF. There is an on-call rota, I think it is, so there is people there. They have in the SPF three different things: conduct, health and safety and something else, so each of those three things had lead officers, so if something happened for one of those things they would be the sort of people to go to. I had only been a Federation rep for, I think, three or four months, so if something was outwith my capability I would have said at the time. If you couldn't find correspondence on something to assist somebody with then you would either go to one of the other constable reps, if they were available, and / or whoever was on call,

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depending on what it was, or send an email to the office if it wasn't an immediate thing.

SPF conduct training


65. I have been shown the SPF basic conduct course slideshow, and have been asked if I have done any training with it. I think I did have training after the May. I remember we went to training in a hotel somewhere, and it was conduct training, I think, and something else. It might have been this slideshow. This is a little bit newer and fancier, I think, than what I would have done. It certainly wouldn't be the conduct regs.

Media coverage

66. I wouldn't say I follow this case in the media. I obviously see every now and again Mr Anwar is in the news again for things but no, it's not something I follow.

67. People have given their views, and the family have obviously expressed concerns and given their views, but I think the true events will all come out. What took place took place. It doesn't matter who was the guy with the knife in the street – a large male, large female – it doesn't matter whoever had the knife. Obviously their family is going to be upset because they've lost a loved one.

68. Clearly at some point there's been racism suggested, but racism is not an issue in the police. It's something that I have never experienced in all my time there. I think that it's certainly a view that a proportion of people have, however no chance was racism a problem. There's some sort of racism allegation, but for the proportion of the officers I knew very well there was no way that that would be the case.

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69. There has also been stuff about Alan Paton [REDACTED]
[REDACTED] I couldn't comment on the guy. I knew nothing about him. I didn't know him in the police, I didn't know him at all out of it. He wasn't somebody that I spent any time with so I couldn't make any comments on him at all.

Previous statement

70. There's words in my statement to PIRC that aren't mine. This is the first time I've looked at it. There's certainly words in here that I don't use. It says, "*I'm attached*". I wouldn't say that. I would have just said, "I'm on Team 4". I wouldn't say, "I am attached" to somewhere. It says, "*I do not know my registered number*". I don't know that even means. "*I'm officer safety trained and last requalified*" – I wouldn't know that. If somebody was sitting me down and noting a statement off me I couldn't tell you when I last done my officer safety training. It says "*I am a local Scottish Federation East Representative*" and "*Firstly I would like to describe*". I would never say anything like that. It says "*These duties were in essence*". I've never used the word "essence" in my life. It says, "*PC Amanda Given*". I would never have called her that. I didn't even know her as a PC. I'm sure she was a DC. It says, "*Kirkcaldy police office*". That sounds like the guy was from the West, because that's the way they speak. It says, "*This then takes me to the morning of*". I wouldn't say that. It says, "*When I start, I collect all my equipment as I am effectively a deployable resource*." and "*the chap*". They are not my words.

71. The statement says it was taken at Kirkcaldy police office by two PIRC officers. I can't remember how many people were there. There was clearly one, whoever's noted it. I couldn't recall who was there from them. I couldn't tell you when it was taken. It says 24 June 2015 at 1600. It was a wee bit after the incident, certainly. I can't remember when they got in touch. I can't even remember if it was an email I got about it, or what. I can't remember how they gave notice. I really don't recall that.

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72. I have been asked if I was happy or reluctant to give the statement. I don't know. I think I had heard that many bad things about the way that they had conducted themselves with people that I maybe was wary. I think the way and the timings and length of timings and is it a statement or is it interrogation they were doing was something, I think, that had been said about them. I don't think delaying was an option at all.


73. I have been asked if my statement to PIRC is the only statement I have previously given about this case. I think it was.

74. I have been asked if I told the truth when I was interviewed by PIRC. Yes. Certainly I answered everything they asked. I have been asked if I gave them an accurate account to the best of my knowledge at the time. Yes. I have been shown a handwritten copy of my PIRC statement. My signature is at the bottom of each page.

75. 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.

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