

OFFICIAL - SENSITIVE

WITNESS STATEMENT

135(1)

Agency Ref : S185

PF Ref :



Surname : KAY Other or previous surname :

Forenames : Steven DoB : [REDACTED] 1969 Age : 46

Occupation : Police Officer

Other Occupation : Inspector

Police Station : Years Service :

Disclosable address :

Post Code:

This statement was taken :

Date and time : of

By : SELF

Place :

In the presence of :

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 a Police Sergeant based at Group 4 Response Policing Unit at Dunfermline Police Station. I am 46 years of age and have 18 years Police service. At the time of this incident, I was Temporary Inspector based at Kirkcaldy Police Station on Group 4 shift cycle.

On Sunday the 3rd of May 2015 I was working a 0700hrs to 1600hrs tour of duty as Duty PIO Inspector for P Division based at Kirkcaldy Police Station. My allocated call sign for the shift was PI411.

About 0640hrs I arrived at work and received my customary handover from the nightshift PIO for the following day's business. At 0700hrs I thereafter attended the

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morning briefing chaired by A/PS Maxwell along with PC's Paton, Walker, Smith, Good, Tomlinson, Short, Gibson and McDonough.

About 0712hrs same date, on the conclusion of the briefing I returned to my office to liaise with the other Sergeants on duty and Chief Inspector Stones who was the duty officer.

About 0715hrs, same date, whilst on the telephone to Chief Inspector Stones, I was aware of a radio transmission from control at Bilston Glen stating that a member of the public had called the police having witnessed a large built male in possession of a large knife in the Victoria Road area of Kirkcaldy. The male was described as wearing a white t-shirt and jeans.

Control allocated a single unit, crewed by PC's Tomlinson and Short to the call. As a result A/PS Maxwell made himself known on the radio and requested that all available units attended in the immediate area to offer assistance to the first allocated unit. On hearing this, I agreed with the rationale and risk assessment made by A/PS Maxwell.

I was continually updating Chief Inspector Stones and continued to monitor the situation.

I then heard on radio transmissions that more calls had been received regarding this male brandishing a knife at vehicles and was still walking about the streets (Hayfield Road) armed. At this time I heard A/PS Maxwell request an armed response vehicle and dog unit to attend due to the severity of the reports. This request was not acknowledged and it took several attempts to receive an acknowledgment stating contact was made.

I immediately realised that this was a very serious report of which officer safety and public safety was at risk.

I was aware via radio that PC's Paton and Walker had arrived at Hayfield Road and had the suspect in sight. Almost immediately I became aware of the emergency button on the airwave terminal being activated. I then heard shouts for assistance similar to 'officer down' and that an officer was injured possibly PC Short.

I immediately terminated my telephone call and asked for an update on the situation asking for brevity and accuracy in an attempt to keep the airwaves clear for urgent messages only.

I then put my officer safety equipment on and started to leave the station to attend at locus to fully assess the situation and provide supervision.

During constant radio traffic I was aware of the following:-

c Officers were struggling with the male on the ground and that PAVA spray had been deployed.

c Male continued to struggle and resist with officers and handcuffs and leg restraints were deployed to gain control.



- c Male now in recovery position and control gained.
- c Male now unresponsive and officers were carrying out CPR.
- c PC Short had been injured.
- c 2 Ambulances had been requested ( appear to have been sent to wrong locus)

I was then aware that DI Robson and DS Davidson had attended at locus as well as 2 x SAS crews. I requested that DS Davidson give me a current update. She informed me that PC Short had been assaulted and that the male was now unresponsive and had received CPR from officers at locus.

On arrival at locus I was briefed by DS Davidson and A/PS Maxwell to the effect that the exact locus was on the south side of Hayfield Road and pointed out the area. I was then made aware that both PC Short and the male had been conveyed to the Victoria Hospital, Kirkcaldy in separate Ambulances for further treatment. CID officers accompanied the male to hospital for police presence. The male was still unresponsive and was being worked on by SAS crew. I then instructed DS Davison to secure locus and forensically secure any evidence and a common approach path to protect the integrity of the scene.

I was then further briefed by A/PS Maxwell that:-

PC's Smith, Walker, McDonough, Good, Paton and Gibson were initially involved in trying to restrain the male. This involved the officers holding the male down by asserting their body weight onto the male at various points, which is a recognised method of gaining control. PC Paton appeared to be suffering from shock and after effects of the PAVA and CS spray deployed'

A/PS Maxwell further informed me that the male ran at officers and was given the command to stop and get back! After a similar command and the male refusing, officers deployed their PAVA and CS Spray, but the male displayed no effects and did not stop and kicked PC Short to the ground by swiping her legs thereafter kicking her to the head. The male was restrained with handcuffs and leg restraints were applied.

He also stated that officers were aware of the dangers of positional asphyxia, especially PC Smith who is an officer safety instructor. The male was placed within the recovery position. A/PS Maxwell also stated that PC Tomlinson claimed he may have struck the male on the head with his police issue baton.

A/PS Maxwell stated he observed no visible injuries to the male at this time.

DS Davidson informed me that CID officers had recovered the knife and that the male was still unresponsive. At this point I was aware that this would be deemed a critical incident and potentially a death in custody. In addressing the extreme sensitivity of this incident, I restricted the call card preventing third party trauma. I removed officers from locus for personal welfare and preservation of evidence. I instructed wider Divisional resources deploy to the area for a briefing from myself to ensure locus protection.

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I then instructed an officer not connected with the enquiry to attend at the hospital and offer PC Short support and provide me with an update re her condition. I also instructed that Media be made aware to inform members of the public that the roadways at locus were closed off to reduce the volume of vehicular and pedestrian traffic.

I then attended back at Kirkcaldy Police Station and made contact with all officers involved in the canteen area. To further protect the integrity of the enquiry and officer welfare, I personally appraised officers into the pitfalls of discussing the incident highlighting anticipated media attention. I also offered basic TRIM and gave them guidance and answered any questions or doubts they had.

I informed them that they would have all outer equipment seized for evidential purposes although they were not under suspicion for any offences.

No officers were willing to discuss the incident in full until they had spoken with the Police Federation. I informed them to utilise the canteen area as respite and I would bar other officer's access to the canteen to offer privacy and ensure the area was sterile. I also informed them I would source food and drinks and cover any welfare issues.

On speaking with senior management, I was made aware that this would be a PIRC / MIT led investigation and that the male had unfortunately passed away. I returned to my PIO duties and secured resources for the following shifts / days to come. I also attended at the canteen to offer support to officers involved.

Aware of conjecture and speculation, prior to terminating duty I briefed all additional resources emphasising the requirement to show dignity, respect and gave firm instruction in relation to social media sites.

From information received and the body language displayed by officers after the incident, I believe the officers were faced with a harrowing and very dangerous set of circumstances. Most were displaying signs of shock and stress and were confused.

Majority of those involved are experienced, competent officers and contained this incident to locus, which had the potential to have a far more devastating effect if they not responded as quickly to locus. They acted professionally and quickly in carrying out CPR in an attempt to revive deceased.

I can identify all officers involved only.

I cannot identify deceased.

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Signed :

(Witness)

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WITNESS STATEMENT

CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : KAY      Forenames:      Steven  
Alias/known as :

Place of birth :      Age : over 18

Home address :      Telephone :

Post code :

Business address :      Telephone :  
Police Scotland  
Dunfermline Police Station  
Holyrood Place  
Dunfermline

Post Code :

Mobile :

Email :

Fax/Pager :

Other :

Dates when unavailable in next 12 months :

Other Confidential Material :

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