

**The Sheku Bayoh Public Inquiry**

**Witness Statement**

**PIO Stephen Kay**

Taken by [REDACTED] by MS Teams  
on Friday 4 March 2022

**Witness details and professional background**

1. My full name is Stephen Kay. I am 53 and I work out of Corporate Services Division at [REDACTED] Police Headquarters, Scotland. My contact details are known to the Inquiry.
2. I'm a Fife officer, [REDACTED]. I know the town of Kirkcaldy well.
3. I started in the police in 1996. I went to be a Detective Constable early on in my career, it would be about 2001. I was then a Sergeant for 3 or 4 years.
4. My rank is now Inspector. Including my temp stint, it would be pushing 8 years now as Inspector.
5. On 28 February 2022 I took up a role in [REDACTED]. Before that I was at Headquarter at Glenrothes in a Support Police Incident Officer (PIO) role. Before that I was Community Inspector at Dalgety Bay for 3 and a half years.

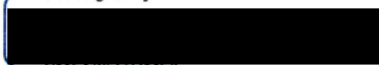
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6. The Support PIO role is to provide any support that the PIO requires. So if the PIO is really busy or there's a high risk misper come in I would take the high risk misper off them and let them get on with daily business.
7. On 3 May 2015 I was a temporary Inspector in a role as a PIO. I'd been in that role since November 2014. If you're a temp it means you're doing it for a sustained period of time. It's different from acting up. At that time I was waiting for my interview to come through to be promoted to Inspector.
8. I've worked at Dunfermline, Cowdenbeath, Glenrothes, Dalgety Bay and Levenmouth.
9. I have been asked what training I did to be a temporary Inspector. Just experience I gained in my role. As a Community Sergeant I would deputise for the Community Inspector a lot of times at meetings, chairing meetings, going to meetings and just general experience. And prior to throwing my hat in the ring, in layman's terms, to go into the PIO role I would shadow two or three different Inspectors to get a flavour of how they run the job and what they done. So I wasn't going to just dive in blinded. I knew what I was coming into and what was required.
10. I've been around, I've dealt with lots of stuff. With being a manager you're given guidance on how to deal with lots of staff or you're trying to drive the standards.

**PIO role on 3 May 2015**

11. The PIO role is pretty much office-based because you're watching all the calls coming in, you're running the division, so you're speaking to four or five Sergeants at a time. But also there's certain things come in that you can go to, if there's any locus on or any serious incident.

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12. But everybody's different. I used to try and get out and about quite a lot because I've got staff up in St Andrews, I've got staff out in Dunfermline and I would see the Kirkcaldy staff a lot, but I was conscious at shift-overs or if it appeared to be a bit quieter I would try to get out and about. But it's predominantly office-based.
13. I just make sure I'm visible. They know that they've got support from me if they need it, let them know I'm approachable.
14. It's one of these things that when you become two ranks detached, when I walk into the room the story stops, if that makes sense. But if you're a cop or you're a Sergeant the story continues. The Inspector doesn't get to know the team banter.
15. My values are the same as Police Scotland's values. The values are to make sure we're delivering to the communities what they expect. They're professionals, they're in a well-paid job, they're serving the public, so they need to make sure the service delivery is proper. We make sure we're getting there timeously. Those kind of values.
16. My role covered St Andrew, Cupar, Levenmouth, Kirkcaldy, Glenrothes, Galgaty Bay, Cowdenbeath, Dunfermline.
17. I was a senior officer. You've also got the Station Inspector and the Community Inspector at the same rank as me. You would also have an Inspector on for the CID if it was their rota. There's always a Chief Inspector. So the Chief Inspector would be the go-to. But it's the PIO that runs the division.

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18. I had an Inspector in the Area Control Room (ACR) and you've got an on-call Super, so there's plenty to go to. But if everything's going smoothly, it's the PIO that would be expected to run the daily business.
19. My senior officer on 3 May 2015 was Chris Stones, the Chief Inspector. He was in Dunfermline, if I recall. I think he was currently at the college at that time. He thereafter attended at Kirkcaldy quite sharp.

### **Morning supervision**

20. I pitch up in the morning I would log on. I would get my handover from the nightshift PIO. So he would tell me if there was anything on the go or if anything was a bit hotter than normal, needed immediate attention or, for example, if anybody was on constant observation or at the hospital, etc. So he would give me the basics. Then after that, I would speak with the Kirkcaldy Sergeant. I would go the briefing if I could. If my handover was of an ilk that I couldn't, I would concentrate and do that and I would phone the Chief Inspector.
21. Then I would thereafter, at 7:15/7:20, I would phone every Sergeant that was on to get their numbers, any issues, anything that was on the go. But same again, if I had a siege in Dunfermline, the first thing I would do would be phoning that Dunfermline sergeant at 6:50 and maybe even make my way through.
22. But basically I get my handover. If everything was pretty much under control or in hand I would go to the Kirkcaldy briefing because I was there, if I could, depending on what I had on, then once everybody got settled I would phone round and have a chat with each Sergeant.

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23. I would phone them. I would ask: "How are you getting on? What staff have you got on? Have you got anything pressing?" Then I would tell them what I expect them to do and my expectations for the day.

24. It was a pretty good system, I thought, because at the end of the day they're the team Sergeants and I was the Inspector. It's their role to run their team. But I would step in where required.

#### **Team 4**

25. I would be the senior officer for Team 4 and the Sergeants in the station. I've got two ranks higher than the cops and a rank higher than the Sergeants.

26. I knew Team 4 professionally, not personally. I will be vague because I had a Sergeant that was dealing with them and although I was dealing with them I had another 6/7 teams on the go. I would know them slightly better than the Levenmouth Team 4 but I wasn't there long enough to be involved in appraisals or anything along they lines.

27. On 3 May 2015 I followed the same shift pattern as Team 4. At that time you had two PIOs. When I was working nightshift, I done a pattern. I actually worked out of Dunfermline. So there was two of us because you had to do complaints and that at the same time. So you had a sort of admin week and an operational week.

28. So, my shift rotation of six days on and four days off, it just so happened that I followed Team 4.

29. APS Scott Maxwell was a capable enough officer. Pedantic. Pragmatic. Always thought things through. Always polite. Had a good way about him. Obviously been brought up proper by his family, you could see that in about

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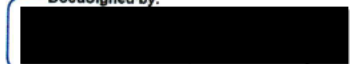


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him. He was conscientious. Maybe too conscientious. But a good enough officer. Very keen to get on.

30. "Very keen to get on" means everything was very thorough, what he done. He was an acting rank, so if he had done well he would then have the chance to go and try and pass his assessment or his interview to get promoted. So everything he's done was thorough, to a good standard.
31. PC Daniel Gibson, I knew of him. He was capable enough, always thought he maybe would have went up to be a Detective. He had a sort of lateral thinking brain in him. Definitely capable cop.
32. PC Kayleigh Good was a probationer. She had just come in. I couldn't comment on her.
33. PC James McDonough was the same. He had barely just came into the job as well.
34. PC Alan Paton was one of the senior cops on the shift. Really capable, as you would expect. Had a lot of experience. Seemed relaxed and calm. Always helped other officers.
35. PC Nicole Short actually used to work at the station in Glenrothes when I was there. Confident enough officer. Quiet individual. A wee bit low in confidence sometimes, but not glaring issues from my point of view.
36. PC Alan Smith was ex-forces. Was always pristine, as you would expect. Did OST training. Had good standards. Always kind of tutored the cops because he had a good way about him. Quite officious. He was a good enough cop as well.


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- 37. PC Ashley Tomlinson was young in service. I know he was keen to go on to become a Detective and try two or three of the various departments. Seemed capable enough, but I never had any issues with him.
- 38. PC Craig Walker was sort of floating in about the shift. Experienced officer just because I knew he had a bit of service. But a bit non-descript, to be honest, never stuck out in the team. Never sort of came forward for anything. He was just quite happy being part of the team and keeping in the shadows.

### **Kirkcaldy Police Station**

- 39. I never worked out of Kirkcaldy Police Station. I believe it's all changed now. I think the Fiscal and that works out of Kirkcaldy now. I haven't been in Kirkcaldy Police Station for easy 5/6 years. I've no reason to go. I couldn't even tell you the back door code to get in.
- 40. I was in the Drug Enforcement Team, so I used to work out of all stations, so that's why I know Kirkcaldy without working there. But I was equally in Methil and I was equally there. And the crime rate will be different, it's going to be higher in Kirkcaldy than it is in St Andrews.
- 41. The demographics and the people you're dealing with are different so the policing style might be different to others. I didn't deal with it enough to put my slant on it. I was only in or out for certain instances in the Drug Enforcement Team, so my clientele were drug abusers, so I couldn't speak about the rest.
- 42. It's a busy station. It's one of the busiest. So the cops will all be good cops, because geographically it tells you they deal with stuff that's different. Up east, the demographics is different. So they'll be capable officers and certainly none of them would be lazy, because you don't get the chance at Kirkcaldy because it's a busy station. There will be a high volume of calls.

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- 43. More calls come in; I can't say if they all go to crimes or not. That would be for an analyst to do. But there's certainly a high volume of crimes. Whether they end up being crime-related or not I couldn't answer that, because there's different, mispers, sudden deaths, mental health calls.
- 44. In Kirkcaldy Police Station, the Writing Room would probably be where most cops hang about. If you had a couple of important memos to write or a couple of important reports that were becoming late or to be submitted timeously you could maybe go and get a separate room. Everybody is pretty much in the same room.
- 45. There would be CCTV cameras in the cells. I wouldn't have thought they would be in the actual building, back then, but I couldn't recall. It would be known the cameras record video and sound. The custody bowl would have one, if not two, cells where they had cameras for observations. They've probably all got them now. Every cell will have a camera now.
- 46. And there was cameras at the front of the custody bowl. If you were processing somebody, that was covered as well for fairness for both police and who you were booking in. And when the solicitor used to turn up you used to do a lot of the charging and processing there as well.

**Morning of 3 May 2015**

- 47. My shift was 7 'til 4, but I would always try and get in at 6:30, get my handover, let the nightshift away to their bed. Just trying to do the decent thing. And it also allowed me that wee half hour to prepare before you kind of clocked on as normal. So, I would get my handover.
- 48. I would thereafter phone up ACR. Basically I would say to them that was me in the hot seat, I was now dayshift PIO, nightshift was away, any business send it to myself. If there's anything intense I would speak to the Chief

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Inspector, if not I would thereafter have a look at what I've got. I would get myself prepared for the day. I would have a quick look at all the shifts before I phoned them. So, then I would do that.

### **Morning briefing**

49. That morning, I went to the morning briefing, I think it had maybe started by the time I got there. I used to like to be there for visibility and to tell my team why there was a exigency of duty. I liked to be present, let them know I'm approachable. So they were doing their stuff. There wasn't anything really for me. So I thereafter came out.
50. The briefing follows a template from most Sergeants, it would be your standard template they would go through. There's things for awareness, there's things good to know, there's things you must know and if anything was ongoing that would be what you would be discussing first. Give people their duties, meal break times, just to make sure your team is running like a watch, basically.
51. I couldn't recall if there were any concerns or points of interest in this briefing. I don't remember what the mood of the team was like.

### **Awareness of incident**

52. Then when I done that I returned to phone the Chief Inspector. So I phoned Chris Stone. Whilst I was on the phone to him, if I recall, I'm sure the call came in that there was a man with a knife. So I'm speaking to him and I was watching it, I was listening to radio transmissions from Bilston Glen at the time. Bilston Glen is our ACR.
53. As Inspector, everything has got to come through me, anything of a serious note. So I'm keeping the force and the officers safe. I'm thinking about

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scrutiny, I'm thinking about anything that's going to be coming through, so anything of a serious note or, in fact, any call that comes in I generally would look at.

54. It was a male, large build, he was waving a knife. It came across my personal radio. Control allocated a unit to it. And I'm sure at that time I either asked for if there was a dog or an ARV in the area, which would be standard for me. And whilst I was listening to the radio, I was continually updating the Chief Inspector.
55. This was totally bizarre or unique where I was actually on the phone to him when the call came in. But I would do update him anyway, there's a hierarchy and there's a food chain for a reason. So although I'm PIO for the division, he's CI for the division, so he's going to have to log and have to report back. It's just protocol and process that he has to know.
56. I have been asked if the CI offered any advice on the situation. I cannot recall.
57. Then I'm sure the transmissions got a bit more frequent, so it escalated a wee bit, and I think when I asked for the dog and the ARV there maybe wasn't any locally, because sometimes when you phone up the dog might be in Edinburgh, might be in Stirling, depending what it had been deployed to before.
58. The ARV wasn't there. I shouted after hearing that there's an officer down, emergency button got pressed, I shouted to keep the airwaves clear and urgent messages only to make sure we didn't miss anything. Then I'm sure at that time I said to the Chief Inspector for him to monitor the call card and the radio as well.
59. I can recall the struggle, that was definite, because it's definitely escalated. Nobody had been injured with the knife and there's an altercation where we're

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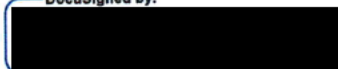
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kind of hands on. So I knew that had happened. And I can see PC Short's been injured, that would be the "officer down". I could remember the ambulance was a bit late as well. They said they were sent to the wrong locus.

**Risk assessment**

- 60. I have been referred to my previous operational statement (PS00345) at page 2: *"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."*
- 61. I have been asked to explain the rationale and risk assessment made by A/PS Maxwell. You've got a male with a knife. Sometimes knife calls are accurate and some are not. So if you're looking about, you've got a graveyard there, you've got a hospital and we're sending one unit. So if it is an accurate call and for whatever reason they've got a knife, if you've got other units you can block off the road, you can make the public more safe, you could contain the area, we can make it sterile to get negotiators in and there's the obvious safety issue that the more units the better, but be careful you don't escalate the matter or whatever.
- 62. I have been asked if the "large built male" description factors into the risk assessment. No, a male with a knife's a male with a knife. It's irrelevant to me. The risk's the risk.
- 63. I couldn't recall if I knew at that point that the male was black. It's not relevant, even if I knew at the time. It would only be relevant, I imagine, if he went missing or there was a chase or whatever. It would be the same if he had a blue top on or if he had red hair.

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64. What made it more dangerous is that it escalated. There were two or three other calls came in quite quick, so we'd realised it was quite serious, because what you've got to remember there's calls for a knife, there's call for a gun, there's call for large crowd and sometimes there's nobody there. So when you're getting two or three coming in there's a wee bit of accuracy there so we've actually probably got a male with a knife.
65. When you go to these kind of things, Bilston Glen or I would put out a "stay safe" and you've got a strategy and a protocol to approach these things. Officers would get told to stay safe and do this and do that and the tactic might be to approach, the tactic might be to contain.
66. The officers are the eyes and ears. Advice from me or Sergeant Maxwell might not fit the situation. There might be actually nothing ongoing or there might be two people there might be three, but you go along with the set protocol to make sure you do it professionally and correctly then that's where you need the sit reps or the updates. Everything's fluid and everything's dynamic and it's forever changing.
67. The officers would normally update you, then the Sergeant would do it. If I didn't agree with the tactic in any incident, not just this one, I would tell them what I would expect or I would point to point them away from the radio traffic to get a succinct, up-to-date, thorough, comprehensive update which might change it. But this didn't happen on that occasion because it was so fast-moving.
68. I have been asked if I was surprised it was so fast-moving. I couldn't answer that because I was on the phone the CI. I was watching what was coming in, then you've got make sure is it genuine, is it accurate, is there more, is there less, has it been escalated, has it been exaggerated. So you're waiting to get a true reflection of what's happened. Then all of a sudden there was more and


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more calls coming in which gave me the feeling that it was accurate, then then I heard "officer down" and I left to get up there.

69. I have been asked if I would expect the Constables on the ground who approached the scene to give the Sergeant and me an account of what was happening. No, because everything's unique, everything's situational. They might go to four jobs that day and update the Sergeant when they come back. Some have got a lot of experience, you've got to have trust them. They're trained, they're professional. You're not leading them by hand, they know what they're doing.
70. It also depends on the supervisor. Some are a bit more on top, some of them almost micromanaging. Some trust them more. It depends on your team, it depends on your experience and it depends on the situations. We can go to 10 knife calls and there would be nobody there. So I can't lead them by the hand. On my shift that day there was maybe 300 calls came in. All varying calls, so you can't be scrutinising every single one. When one comes in with the heading "a male with a knife", common sense tells you that's taken the interest.
71. If he's trying to slash vehicles on the way past or he's trying to stab them or whatever he's doing it's not rational behaviour. So you'll be thinking what's the reason behind it.
72. When you have got a male with a large knife, the armed response and the dog unit is more professional and more safer to engage and hopefully come to a safe conclusion than the officers will be because a dog's a dog and armed response are kitted up to deal with such things.

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**Attending locus**

- 73. Then I put my vest and my jacket on and I went up to the locus. So, when I went up to the locus I'm hearing the constant stuff that's coming in on the radio.
- 74. The CID pretty much just beat me to the locus. The CID was DI Colin Robson. He's the same rank as me but if we have an incident then once I've got control I'll pass it to the CID, or road traffic. He would do the crime side and I would deal with everything else.
- 75. When I got there I was aware officers had been struggling with a male on the ground. I can't remember anything else about this restraint. I presume they were struggling if he was particularly strong or whatever.
- 76. I have been referred to my operational statement at page 3: "*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.*" There's nothing else I can add to that. I've done my OST, if I'm lying on the backs of your legs it stops you kicking up.
- 77. When I got there I spoke with the DS, Sam Davidson. Then Scott Maxwell, the Sergeant, gave me a quick update of the area, told me where locus was, etc. At this time he made me aware that PC Short and a male who had been receiving CPR were away to the Victoria Hospital, the local hospital.
- 78. PAVA had been deployed. I remember the male had no effect from the spray and I think they got a shock by that.
- 79. In my operational statement at page 3 I stated: "*PC Paton appeared to be suffering from shock and after effects of the PAVA and CS spray deployed*". This is what Sergeant Maxwell has told me. He's said PC Paton's walking

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about on his own trying to get the air to clear him and that's the recognised technique for that.

80. Ambulance was then at the scene and CPR was being carried out. I have been referred to my operational statement at page 3: *"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."* I wouldn't have asked that. He's told me that. I am sure he would have just told me that without me asking.

81. I have been referred to my operational statement at page 3: *"A/PS Maxwell also stated that PC Tomlinson claimed he may have struck the male on the head with his police issue baton"*. I can't recall him telling me that. There are two things to that. The first is was it a situation where he was fearful. The police striking somebody to the head, it's got to be justified and lawful and legal. And, secondly, to document it properly.

### **Locus protection**

82. So, to protect the integrity of the scene and forensically for anything I made sure DS Davidson had put on a cordon. I asked her to put a second cordon on as well, because it was pretty much near the junction, just for traffic to come in, just for safety of the officers and the public, to secure any witnesses, any productions, got a common approach path.

83. So, after that I got a further update from PC Maxwell pretty much telling me what was involved.

84. I then got an update from the ambulance crew to say that they were still working on the gentleman and I think we were at 35 of 40 minutes by this stage, which I then knew it was getting quite serious.

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85. I was just aware that it was going to go one way as soon as it went critical. Even just through my experience when they were working on him 40 minutes. Even the ambulance crew, I can mind of one of them saying to me that it probably wasn't going to end well. Just wee things like that live with you forever.
86. I made sure there were officers with the male and our cops as well who weren't sort of linked to it, just for a wee bit of integrity as well, to make sure that they weren't sort of immediately connected.
87. We had recovered the knife.
88. At that time I'm sure I shouted up to control to say that there was to be no point to point. If we do point to point, it doesn't come over the airwaves, and I said keep it transparent, make sure everything's recorded.
89. I thereafter got them to restrict the call card. I would do that anyway. But also basically for third party trauma, because there was a few officers that were working that day that their partners were in the police or were probably or possibly even working.
90. So I thereafter removed all officers back to Kirkcaldy and I arranged to get further officers to come in to take over the scene. I explained to them what was required and the expectations.
91. Myself and DI Colin Robson, from the CID, when it looked like the male was going to pass or had passed, can't quite recall, I knew I had to withdraw everybody back, for the integrity of the inquiry, for the integrity of Police Scotland and fairness to members of the public. The inquiry is because we have got a death in police custody.

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92. Because I'm PIO I then brought other staff in from all over the county. So, I redeployed police officers to the locus and to the hospital and I withdrew all the officers back.

### **Return to Kirkcaldy Police Station**

93. Then I went back to the station to the canteen. Amanda Givan from the Federation was there. DI Robson was there. We made the canteen sterile and a separate eating area for everybody.
94. I asked them to stay in the canteen. You're not wanting the cross-contamination/transference of anything, so, I asked them to stay.
95. I remember having a chat with the officers. Myself and DI Robson spoke to the officers to say that they were probably going to have to give up their clothing and their boots for evidence, and this didn't mean to say that they were victims or guilty, it was just protocol, transparency, and that would be the way forward. We made sure their wellbeing was fine.

They were probably thinking "Am I getting sacked? Have I done anything wrong? Have I done anything right?" I've got young cops saying to me "Why are you taking my stuff?" I was just saying to them that we've got a death in custody and youse have come into contact. Common sense says we're going to take your clothing. It's just protocol. It's the proper thing to do for transparency. I was saying they were not under suspicion for any offences bearing in mind I've got probationers there who had maybe been in the job 6 weeks.

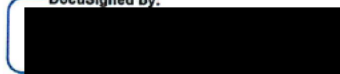
96. I spoke to them about the pitfalls of discussing this incident with others, highlighting the anticipated media attention. If you've got a death in police custody nobody should be speaking about the incident at all 'til the officers speak with their representatives. You've got to show basic integrity to the

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families. You've got to find out the ins and outs of what happened. Social media is everywhere now, even the media with high powered lenses, you know what the platforms are like. So, it was just making sure that nobody was silly or over-keen or eager to be speaking to someone else about something they shouldn't be.

- 97. I have been asked if I know if any of the officers went against my advice and spoke to anybody about the incident. No, not that I'm aware.
- 98. I can't recall saying anything about talking to each other in the canteen about the incident. I certainly didn't tell them not to. At the same time, the ones that were there, I wouldn't see any issues with them doing that because it is unprecedented. I would imagine they would be shocked. I would imagine some of them might even have been quite agitated/frightened. I would think they would speak about it, probably. They weren't on trial at court. They weren't under oath.
- 99. I offered basic TRIM at the time. This is just trauma. It's your basic counselling that you offer to everybody. Amanda from the Federation was there throughout. We spoke about just nipping locally to get them clothes and training shoes or whatever. Made sure that the CID were going to take all sort of equipment/clothing for evidential purposes.
- 100. After TRIM, they were kind of speaking with the DI and the CID and the Federation, so I was getting diluted away. There were all these people with shirts and ties, senior officers, so my role was reassurance and just trying to be humble with the officers.
- 101. Thereafter I spoke with the on-call Super, who made it a critical incident because of what happened. Federation were made aware and were present. Then I'm sure there was other sort of Supers and that coming because with

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the PAVA deployed there was technically maybe a CUF incident, with that being a firearm.

102. We got food and drinks for the officers to cover any welfare issues.

103. I thereafter got three days-worth of hi-vis door-to-door teams and you get mutual aid through the on-call Super from likes of J Division and C Division.

104. I also went and spoke to the oncoming shift and spoke with the oncoming supervisors, making them aware of conjecture and speculation, to show respect and dignity, gave them firm instruction about speaking out of school and keeping well clear of social media sites and any pitfalls around that.

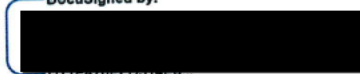
105. Whilst that I was happening, I got an Inspector in, Jane Combe, who was on in Cowdenbeath, through to help out. She linked in with Gary McEwan, who was their commander but was actually the on-call Super. Then the MIT. So I sort of tidied up what I had to do then Jane was going to be the conduit, the go-between from me and them.

106. The MIT would come in totally unbiased and neutral because they were based in Edinburgh or they were based in Glasgow or Alloa so they were totally unconnected. So apart from it's their remit to deal with serious stuff, and they could, they would have no footprint in it.

107. Thereafter I was still being PIO, so I then returned to do the daily duties.

108. Post incident management will be irrelevant to me because very shortly after the incident I returned back to Dunfermline and the new Inspector come in to do my job.

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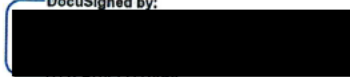
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### Operational statement

109. I have read my previous operational statement (PS00345). There is no date on the statement, but I would have done it sharp. I like to keep my to-do list down. I would probably do it within a week of 3 May 2015.
110. My operational statement would be more succinct to the finer details, but anything you could ask me I could probably answer without looking at my statement. In the event there is a contradiction between my statement to the Inquiry and my operational statement, I would want you to prefer my previous statement. In my operational statement I gave a true account and that's as accurate for my integrity and as transparent as you'll get. That's what your operational statement is. It's a chance for me to provide my side of the story.
111. I have been asked why I prepared this operational statement. If you and I are both working in a car together or in a van and we go and deal with somebody and they say we're being uncivil or we're uninterested and we've not taken it serious, they would put a formal complaint against the police. Then it would go to PSD, it gets allocated to the Inspector.
112. The Inspector would say, "Look, this is your complaint and it's about you being uncivil and not being interested, being unprofessional and go and give me your operational statement." The statement would be what happened: "We went up, we went to speak to her, we were courteous, we were this, we were that, she was explained there was no evidence so we'll keep an eye on it".
113. But because maybe the complainer didn't get their own way, wanting somebody locked up, they've taken the hump and complained about you. And we would just explain everything we'd done, we were professional, we explained this, we explained that. There has to be two evidences to lock somebody up. We would explain it away. And you would detail all that in your operational statement to say, "We've basically not done anything wrong."

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Then you would go back to that sort of complainer, explain the law, explain the need for corroboration and you would say, "Sorry you feel this way, but your complaint has not been upheld," if that makes sense.

114. I have been asked if I gave my operational statement in anticipation of some sort of investigation. Yeah, and also because I was asked. I don't recall who asked me to do this. But me being me, I would probably imagine I would have started writing it before I got asked.

115. I have been referred to my operational statement at page 4: *"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."*

116. I have been asked if it is normal to put in an opinion on the situation in an operational statement. Yeah, in an operational statement, I'm always trying to be a bit more comprehensive. You have got a lot of experienced officers there who were displaying signs of shock. The young officers, I would probably say, whether they admit or not, looked frightened and were definitely confused. This was clearly a devastating thing and it definitely doesn't happen every day in the police. You can't get trained to deal with this kind of thing.

117. I have been asked if I wrote these two paragraphs with a view to the MIT or PIRC reading this statement. Through my experience, and I could be wrong, I'll stand corrected, but if you've got a death in police custody you're going to have a PIRC inquiry. And when I'm writing statements if something I say is not

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upheld, they can refer it to PIRC as well and they can have a look at my situation. So I know at that time when we were going a lot more transparent, but that was definitely a process. We've got a death in police custody, we can't manage it ourselves, so you were always going to have an outside body coming in. I'm certainly not trying to show bias towards the officers.

118. I wasn't there, but when you've got 2 officers of 20-odd years' service and a couple I think who have got an edge to be going to be a half decent detective, you've maybe got a whole team who are looking shocked and stressed and you've got all these hierarchy running about and they've just had their full uniform taken off them and I'm telling them they can't really speak to loved ones, I just think it's a natural reaction to write this.

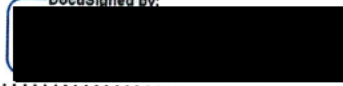
**PIRC statement**

119. I have read my previous statement to PIRC dated 12 January 2017 (PIRC-00271). I remember giving this statement. I was in my moon boot in Cowdenbeath when I snapped my Achilles.

120. I had nothing else to offer them. They'd seen my other statement and that was it. I wasn't awkward or over-revealing or anything. They were maybe in a hurry. I don't know. They would have been interviewing people for 6-8 hours and I was maybe down the end of the line. I can't remember the questions they asked me. I was surprised at how quick it was, put it that way.

121. I have been referred to my PIRC statement at page 2: "*I also cannot recall any briefing being given regarding a threat to a female officer.*" We've heard that somebody who's got grief or beef with the police might be a threat to a female cop, you've kind of heard that in the past. I could imagine why they've asked me about this, but at that time I didn't recall anything that I've said about a threat to a female cop. There was no instance that I could remember about that at all.

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**Airwave transcript**

- 122. I have been shown a transcript of Airwave calls prepared by PIRC (PIRC-01399). My shoulder number is PO285.
- 123. I say "India 4" meaning I'm the Inspector for Team 4. "PS Marshall" on page 5 should be "PS Maxwell". It might have been my mistake, I know another Team 4 officer called Marshall.
- 124. On page 6 I state: "Yes yes can I get an update on any injury". That means an injury to anyone. The male's not any less important than the cops.
- 125. On page 6 I state: "Yes yes just continually to stay safe and keep full control use all restraints necessary." I say stay safe because nobody's told me we've got control of the knife. I've said use all control necessary because we don't want him jumping up and going and getting the knife.

**Media**

- 126. You've got some incidents, like, if it was a misper you would release a media. But at that time our Corp Comms was actually just coming in where at one time the Inspector used to put it out on behalf of the Chief Inspector or whoever. It was around about that time that that was kind of getting removed from us and we would work with Corp Comms just to make sure it was accurate and we were comfortable with it.
- 127. But I used to put out basic stuff when I was a Community Sergeant, whether it would be Twitter or other stuff, but it was mostly through mispers or if you had a serious accident you were trying to keep the footfall away from there for congestion. It all goes through Corp Comms now, the media department.

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128. In May 2015, if I recall properly, I thought I said to the ACR that if anybody phones in or if media did phone in to go through the proper channels. That was the protocol. If that was process or protocol, I will have done that, 100%.

129. 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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April 26, 2022 | 8:56 AM E

Signature of witness..... Date.....