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PRODUCTION LABEL		pirc																
PIRC Ref. No:	<table border="1"><tr><td>A</td><td>I</td><td>R</td><td>C</td><td>0</td><td>1</td><td>0</td><td>5</td><td>1</td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	A	I	R	C	0	1	0	5	1	5							Police Investigations & Review Commissioner
A	I	R	C	0	1	0	5	1	5									
Production Book Ref. No:	437																	
PF Ref. No:		Owner: ANDREW MITCHELL DETECTIVE CASPARY																
Forensic Lab Ref. No:		Address: GLENROSES POLICE OFFICE MAPLE ROAD GLENROSES																
Officer I/C Case:	AS1 LITTLE	Tel. No:																
Officer(s) Seizing:	INV STEWART DS1 HARRISON	Signature:																

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**PRODUCTION LABEL**

LABEL No:



Case against / Incident ..... DEATH OF SHEKUN  
BAIOM

Description of Article ..... POLICE NOTEBOOK -  
DETECTIVE CONSTABLE ANDREW MITCHELL  
NO APE / GL / 717 / 13

Where found ..... KILKILDEA POLICE OFFICE

..... on: 02 / 06 20 15

Signature (s) & Print Name (s) or Person (s) identifying article

	<u>Andrew Mitchell</u>	6		<u>GARRY SWINCHUR</u>
	<u>ROSS STEWART</u>	7		
	<u>WILLIAM DAVISON</u>	8		
		9		
	<u>KEITH HARROLD</u>	10		

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**POLICE  
SCOTLAND**

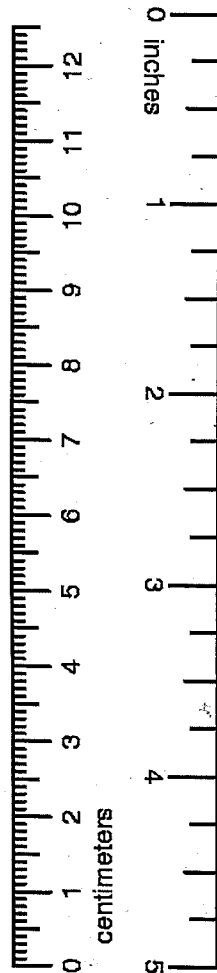
Rank/Number: *DC 16* .....

Name: *MITCHELL* .....

**Notebook Number:**

**FIFE/GL/717/13**

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**1. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 Procedure under Section 13**

To be used when a police officer has reasonable grounds for suspecting an offence is being/has been committed at any place i.e. where he/she has some evidence or information from a credible witness.

Police officer must comply with the following:

- (a) read statements to suspect or potential witness;
- (b) record all details in notebook as soon as possible;
- (c) no suspect to be taken to police station to carry out procedure unless absolutely necessary.

**STATEMENT RE SUSPECT**

"In terms of Section 13 of the Criminal Procedure (Scotland) Act 1995, I suspect you of committing/having committed an offence, namely \_\_\_\_\_ (state general nature of offence). I require you to give me your name, address, date of birth, place of birth and nationality. You are not obliged to say anything further by way of explanation but anything you do say will be recorded and may be given in evidence."

"I also require you to remain with me while I verify your name, address, date of birth, place of birth and nationality and note any explanation given by you. Failure, without reasonable excuse either to give your name, address, date of birth, place of birth and nationality or to remain with me when required to do so constitutes an offence for which you may be arrested."

**STATEMENT RE POTENTIAL WITNESS**

"In terms of Section 13 of the Criminal Procedure (Scotland) Act 1995, I suspect that an offence has been/is being committed, namely \_\_\_\_\_ (state general nature of offence) and I believe you have information relating to the offence. I require you to give me your name, address, date of birth, place of birth and nationality and failure to do so without reasonable excuse constitutes an offence for which you may be arrested."

**RECORD THE FOLLOWING IN NOTEBOOK**

**SUSPECT**

- (1) Name, address, date of birth, place of birth and nationality.
- (2) Time, date and locus procedure carried out.
- (3) Suspected offences.
- (4) Time and by whom name and address verified. (Note: Verification must be obtained quickly).
- (5) Suspect's explanation, if any given.
- (6) Time of release/arrest.
- (7) Name, rank and number of persons present.

**POTENTIAL WITNESSES**

- (1) Name, address, date of birth, place of birth and nationality.
- (2) Time, date and locus procedure carried out.
- (3) Suspected offence(s).
- (4) Name, rank and number of persons present.

**NOTE**

If either suspect or potential witness commits an offence under this procedure caution and charge and note additional particulars:

- (1) Full particulars of accused.
- (2) Time and place caution and charge(s) made.
- (3) Nature of charge(s).
- (4) Accused's reply if any.

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**2. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995. Procedure under section 14  
(Detention at police station)**

To be used for facilitating the carrying out of investigations where a police officer has reasonable grounds for suspecting an offence punishable by imprisonment is being/has been committed i.e. where the officer has evidence or information from a credible witness.

Police officer must comply with the following:

- (a) read statements to suspect;
- (b) record all details in notebook at place of detention or as soon as possible thereafter;
- (c) take suspect as quickly as is reasonably practicable to a police station;
- (d) on arrival at police station, carry out set procedure and complete necessary form;
- (e) only if considered absolutely necessary, should questioning take place prior to arrival at police station. Searching should, however, be conducted in accordance with Officer Safety Training procedures.

**STATEMENT TO SUSPECT**

"I am detaining you under Section 14 of the Criminal Procedure (Scotland) Act 1995, because I suspect you of committing/having committed an offence punishable by imprisonment, namely \_\_\_\_\_ (state general nature of offence). The reasons for my suspicions are \_\_\_\_\_ (state circumstances). You will be detained to enable further investigations to be carried out regarding the offence and/or as to whether or not you should be reported. You will be taken to a police station where you will be informed of your further rights in respect of detention."

"I require you to give me your name, address, date of birth, place of birth and nationality. You are not obliged to answer any further questions but anything you do say will be recorded and may be given in evidence."

**RECORD THE FOLLOWING IN NOTEBOOK**

- (1) Time, date and place detention commenced.
- (2) Time suspect informed of rights.
- (3) Suspected offence(s).
- (4) Reason for suspicion.
- (5) Name, address, date of birth, place of birth and nationality of suspect.
- (6) Further reply by suspect, if any.
- (7) Name, rank and number of persons present.
- (8) Police station to which suspect taken.
- (9) Time of arrival at police station.

**NOTE**

On arrival at police station the set procedure will be followed and the necessary form completed. It is not necessary to record that part of the procedure in the officer's notebook, as the form itself will be the official record.

**3. PROCEDURE ON ARREST - RIGHTS OF ACCUSED**

Immediately on arrest, or as soon as practicable thereafter, a police officer must:

- (a) administer formal caution;
- (b) inform accused of reason for arrest;
- (c) take accused to suitable police station;
- (d) at police station read rights to accused:
  - (i) 16 years or over: re solicitor and one named person;
  - (ii) Under 16 years: re solicitor and parent/guardian;
- (e) carry out set procedure and complete necessary forms.

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**CAUTION**

"I am going to charge you, but before I do so I must caution you that you do not need to say anything in answer to the charge, but anything you say will be noted and may be used in evidence. "Do you understand?" (await reply).

"The charge against you is that you did (specify wording of charge).

"Do you understand the charge?" (await reply).

"Have you anything to say?" (note any response).

**RACE RELATIONS**

**Definition of a Racist Incident**

A racist incident is any incident which is perceived to be racist by the victim or any other person.

**DOMESTIC INCIDENTS-**

**Definition of Domestic Abuse**

Any form of physical, sexual or mental and emotional abuse, which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, co-habiting civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere.

**4. DOMESTIC ABUSE / CIVIL INTERDICTS POWER OF ARREST**

**Matrimonial Homes (Family Protection) Scotland Act 1981**

Where an interdict with power of arrest has been granted under the above Act, and copies have been served on the non-applicant spouse and received by the Chief Constable, a police officer may arrest without warrant if there is a reasonable cause to suspect the non-applicant spouse of being in breach of the interdict. Corroboration is not essential. Although the discretion to arrest is discretionary, the Lord Advocate's Guidelines state that the presumption should be that the offender will be arrested in all but trivial or unintentional cases.

**Civil Interdicts with Power of Arrest attached under the Protection from Abuse (Scotland) Act 2001**

The power of arrest is conditional on the police officer having reasonable cause for suspecting that the person is in breach of the interdict and considering that there would if that person were not arrested, be a risk of abuse or further abuse by that person in breach of the interdict.

The power of arrest is in line with common law powers but there is no requirement to prove a criminal offence in order to detain the perpetrator for appearance at court. Breach of Civil Interdict is subject to the standard of civil proof.

**Criminal Justice and Licensing (Scotland) Act 2010, section 38 & 39  
Section 38 - Threatening or abusive behaviour**

(1) A person ('A') commits an offence if:

- a. 'A' behaves in a threatening or abusive manner
- b. The behaviour would be likely to cause a reasonable person to suffer fear or alarm, and
- c. 'A' intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm

(2) It is a defence for a person charged... to show that the behaviour was in the particular circumstances reasonable

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- (3) Subsection (1) applies to:
- behaviour of any kind including...things said or otherwise communicated as well as things done, and
  - behaviour consisting of
    - a single act, or
    - a course of conduct

**Note:** In situations where a charge of Breach of the Peace would have been appropriate if the relevant behaviour had taken place in public, consideration should be given to labelling a section 38 offence

**Section 39 – Offence of Stalking**

- (1) A person ('A') commits an offence, to be known as the offence of stalking, where 'A' stalks another person ('B')
- (2) For the purposes of subsection (1), 'A' stalks 'B' where:
- 'A' engages in a course of conduct,
  - Subsection (3) or (4) applies, and
  - 'A's course of conduct causes 'B' to suffer fear or alarm.
- (3) This subsection applies where A engages in the course of conduct with the intention of causing B to suffer fear or alarm
- (4) This subsection applies where 'A' knows, or ought in all the circumstances to have known, that engaging in the course of conduct would be likely to cause 'B' to suffer fear or alarm.

Following sections are summarised:

- (5) Statutory defences include behaviour authorised by law/enactment engaged in, to prevent or detect crime, or which was in the particular circumstances reasonable.
- (6) Defines 'conduct' and includes the following: contacting, attempting to contact, publishing any statement or other material, monitoring the use of the internet, e-mail or other e-communication, entering premises, loitering in any place (whether public or private), interfering with property, leaving anything where it may be found, given to or brought to the attention of 'B', watching or spying, acting in any way that might reasonably be expected to cause fear or alarm and 'course of conduct' involves conduct on at least two occasions.

**5. COMMON LAW CAUTION/CHARGE**

"I am going to charge you, but before I do so I must caution you that you do not need to say anything in answer to the charge but anything you do say will be noted and may be used in evidence. Do you understand?" (Await reply). "The charge against you is that you did (specify wording of charge). Do you understand?" (Await reply). "Have you anything to say?"

**6. POWERS OF SEARCH**

**CONTROLLED DRUGS – MISUSE OF DRUGS ACT 1971 S23**

If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations made there under, the constable may:

- search that person and detain him/her for the purpose of searching him/her;
- search any vehicle or vessel in which the constable suspects that the drug may be found and for that purpose require the person in control of the vehicle to stop it;
- seize and detain, for the purposes of proceedings, anything found in the course of the search which appears to the constable to be evidence of an offence under this Act.

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**OFFENSIVE WEAPONS – CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995 S48**

Where a constable has reasonable grounds for suspecting that any person is carrying an offensive weapon and has committed or is committing an offence under Section 47 of this Act, the constable may search that person without warrant and detain him for such time as is reasonably required to permit the search to be carried out; and he/she shall inform the person of the reason for such detention.

(2) Any person who:

- intentionally obstructs a constable in the exercise of the constable's powers or
- conceals from a constable acting in the exercise of those powers an offensive weapon, shall be guilty of an offence.

A constable may arrest without warrant any person who he has reason to believe has committed or is committing an offence under subsection (2) above.

**STOLEN PROPERTY – CIVIC GOVERNMENT (SCOTLAND) ACT 1982, SECTION 60**

If a constable has reasonable grounds to suspect that a person is in possession of stolen property, the constable may without warrant:

- search that person or anything in his/her possession and detain him/her as long as is necessary for the purpose of that search;
- enter and search any vehicle or vessel in which the constable suspects that the stolen property may be found and for that purpose require the person in control of the vehicle or vessel to stop it and keep it stopped (only by constable in uniform);
- enter and search any premises occupied by a second hand dealer or metal dealer for the purposes of his business;
- seize and detain anything found in the course of any such search that appears to the constable to have been stolen or to be evidence of the commission of the crime of theft;

and may in doing so, use reasonable force.

**7. CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 (SECTION 164) CODE OF PRACTICE - TAKING OF WITNESS STATEMENTS**

**1. Positioning for Containment or Observation**

At the end of every statement, the officer taking it should insert the following sentence:

**"I confirm that this statement is true and accurate record"**

The witness should then be invited to read the statement and sign underneath this sentence. If the witness wishes to make any amendments to the statement prior to signing, the officer should make these amendments and the officer and witness initial beside them.

If a witness is unable to read, then the statement should be read back to them and the witness should be asked to confirm that it is accurate. The officer should then note at the end of the statement that this has been done.

If a witness refuses to sign his/her statement this should be clearly recorded at the end of the witness statement, along with any reason given by the witness for refusing to sign.

If a witness is physically unable to sign the witness statement, this should be also be clearly recorded at the end of the statement.

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**8. WARNING IN TERMS OF SECTION 1 ROAD TRAFFIC OFFENDERS ACT 1988**

You will be reported for consideration of the question of a prosecution under one or other of Sections 2, 3, 22, 28, 29, 35 or 36 of the Road Traffic Act 1988 and Section 16, 17(4), 88(7) or 89 of the Road Traffic Regulation Act 1984.

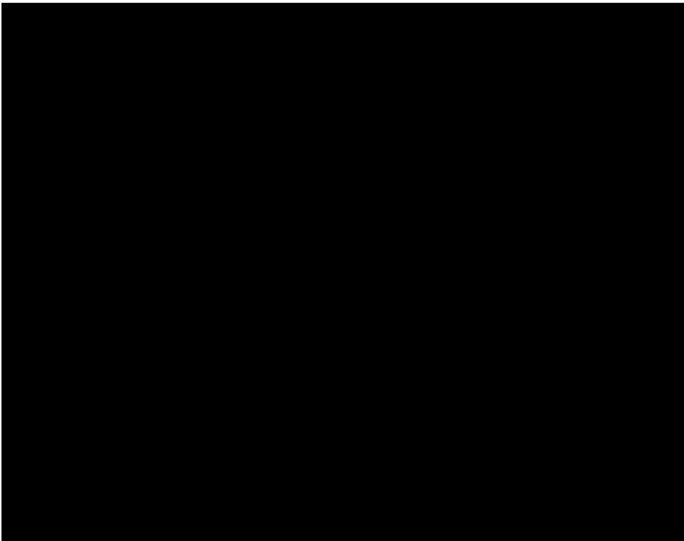
**9. WARNING IN TERMS OF SECTION 6 ROAD TRAFFIC ACT 1988**

"I have reasonable cause to suspect that you have (alcohol or a drug in your body) (committed a traffic offence whilst the vehicle was in motion) (been involved in an accident) and, in terms of Section 6 of the Road Traffic Act 1988, I require you to provide a specimen of breath for a breath test. I must warn you that failure to provide such a specimen without reasonable excuse, is an offence and may render you liable to prosecution. Do you agree to provide a specimen of breath for a breath test and, if not, what is your reason for refusing?"

Note any reply or statement before continuing with the procedure.

**10. SECTION 172(2) ROAD TRAFFIC ACT 1988**

I am duly authorised by the Chief Constable, Police Service of Scotland, in terms of Section 172(2) R.T.A. 1988 to require that you provide me with the name and address or identity of the driver of \_\_\_\_\_ Motor vehicle Reg. Mk \_\_\_\_\_ about (time) on (date) at (locus) the driver of which is alleged to have committed the offence of \_\_\_\_\_ and I must warn you that should you fail to provide that information, that you may be guilty of an offence.



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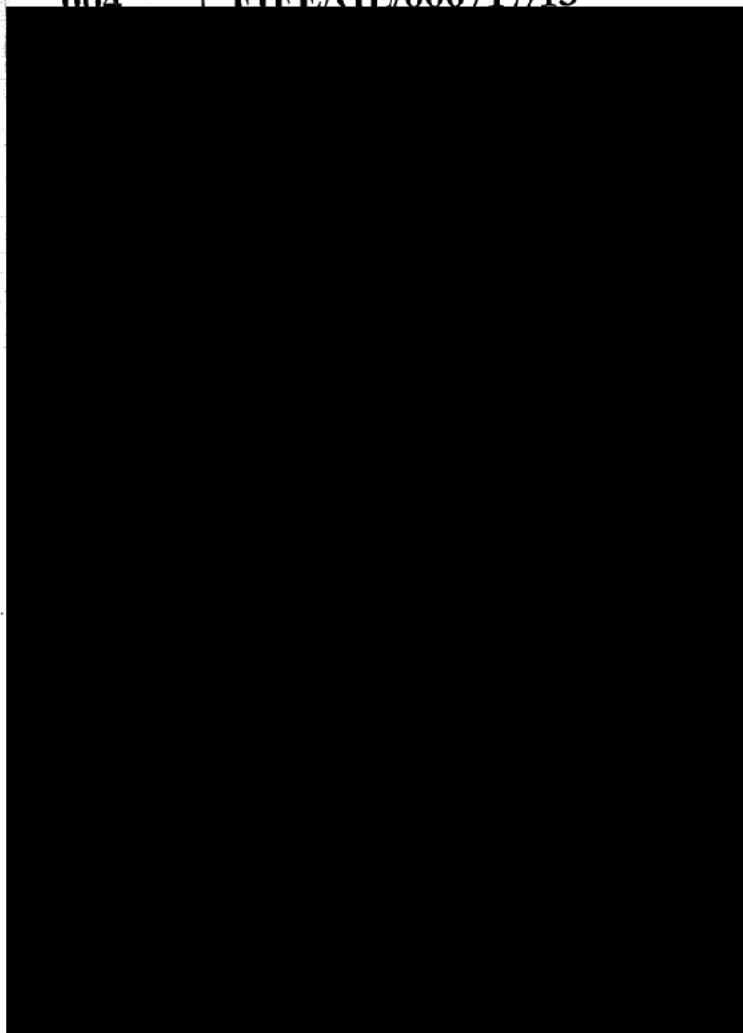


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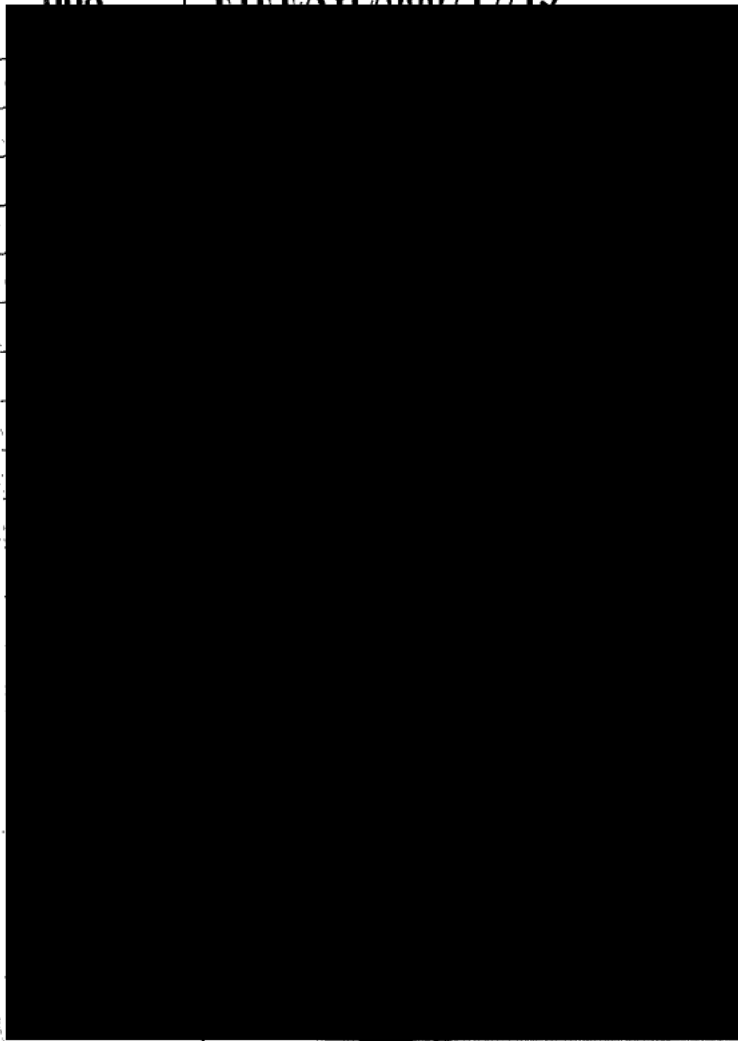


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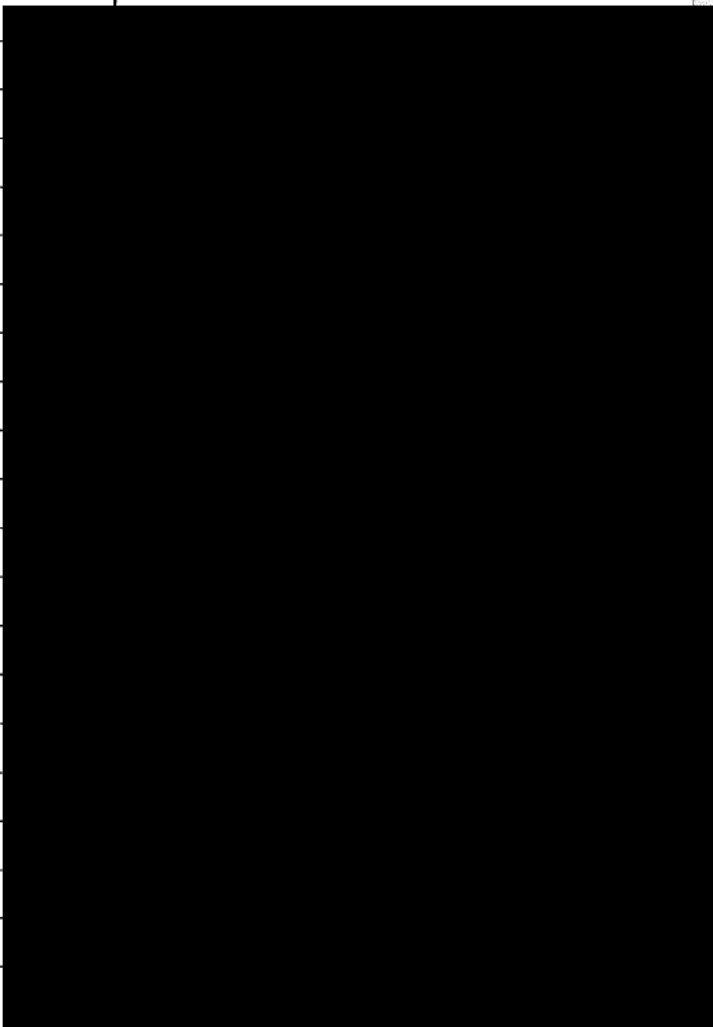
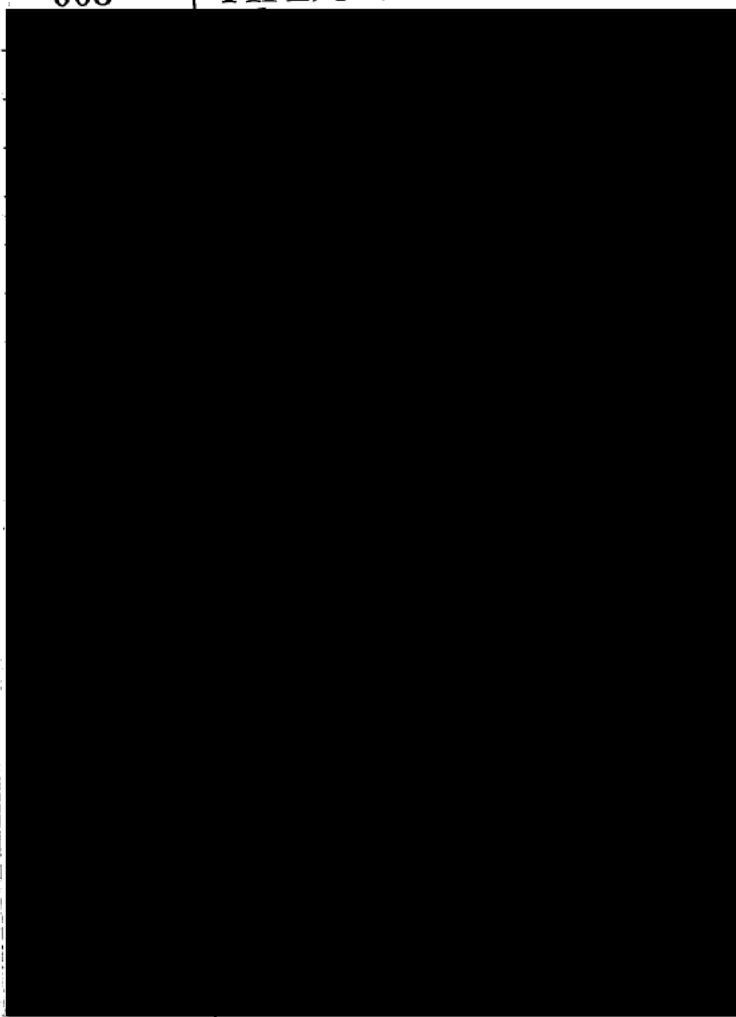


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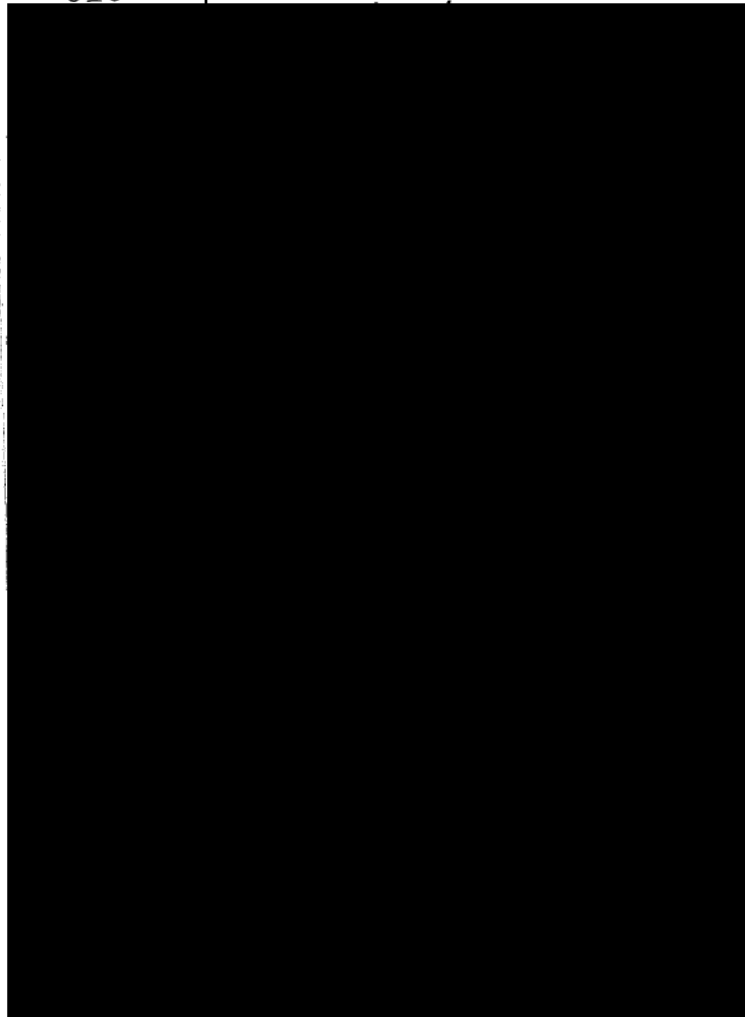


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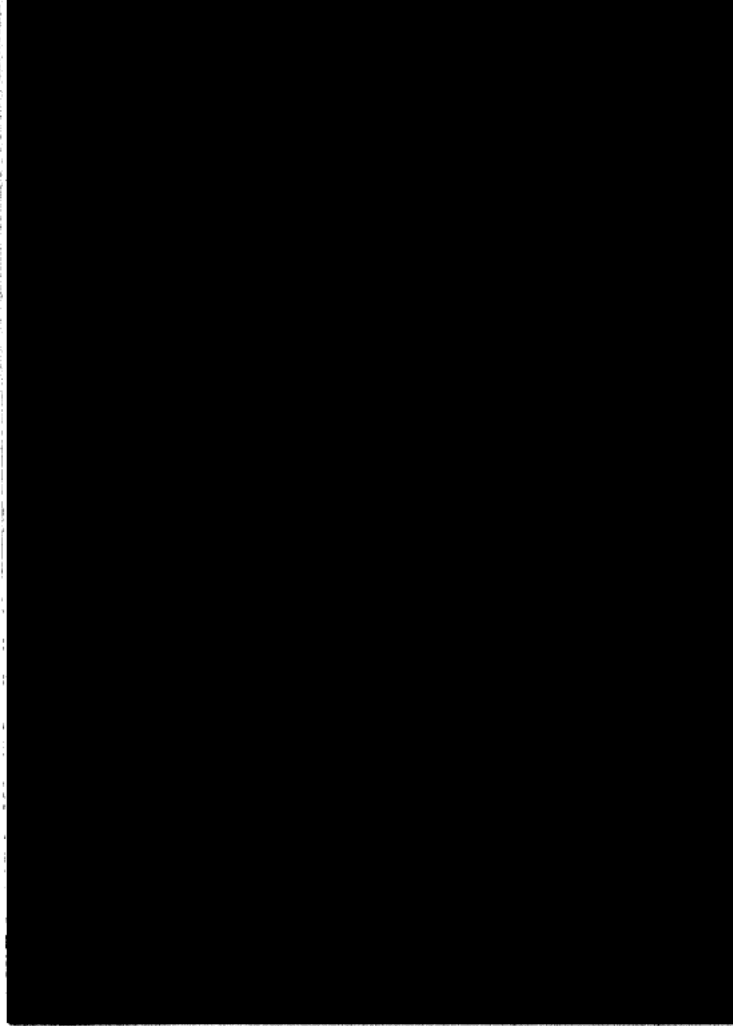


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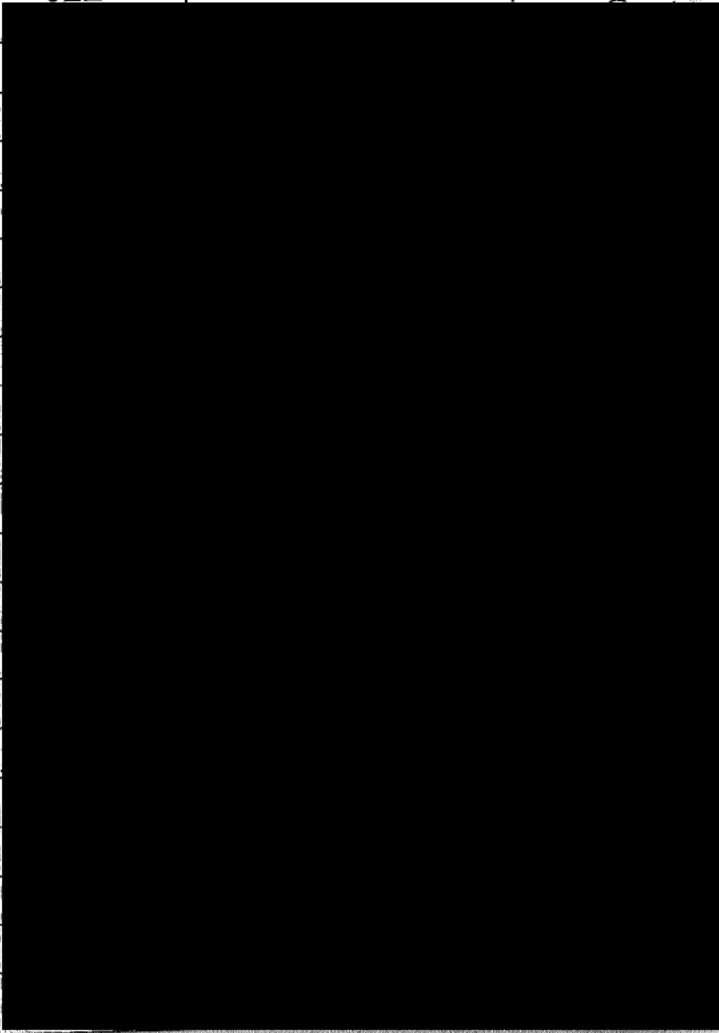
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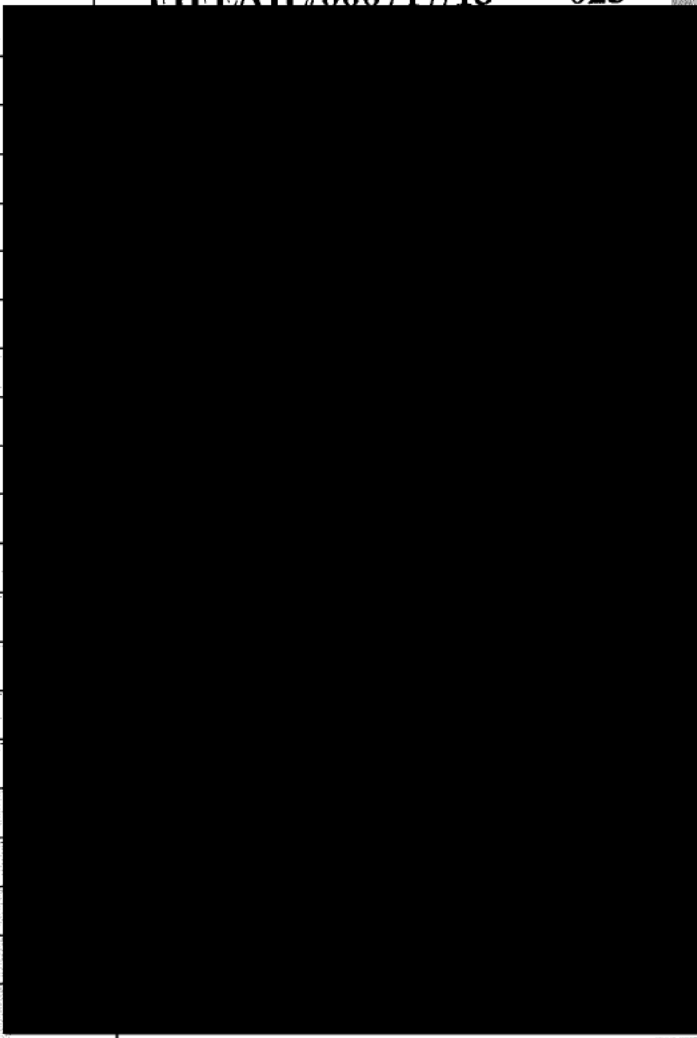
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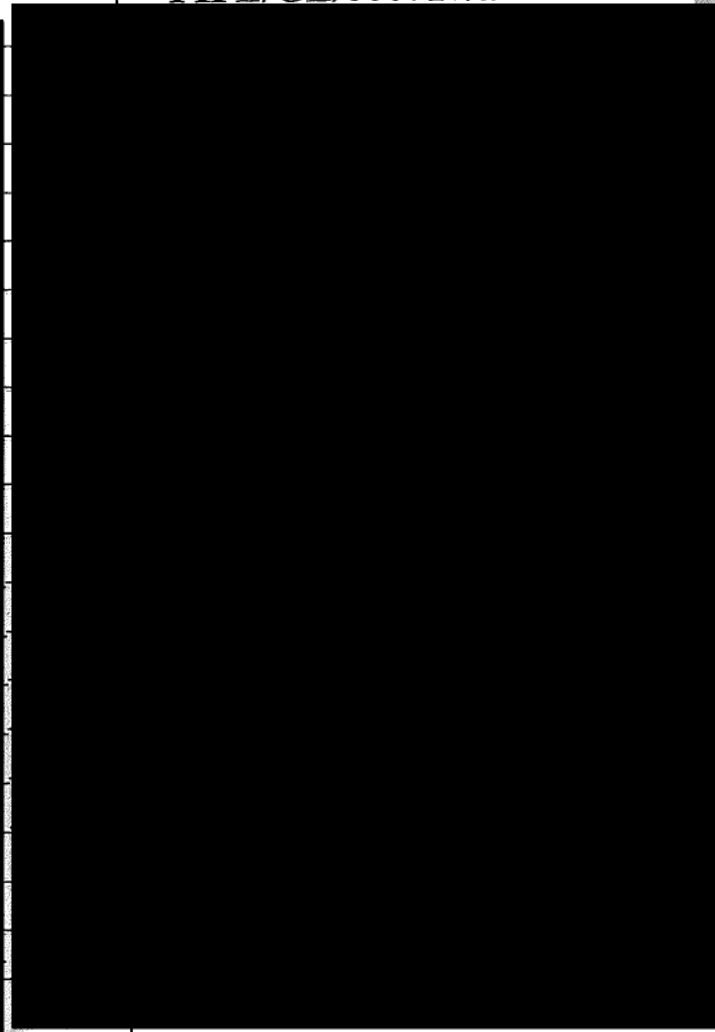
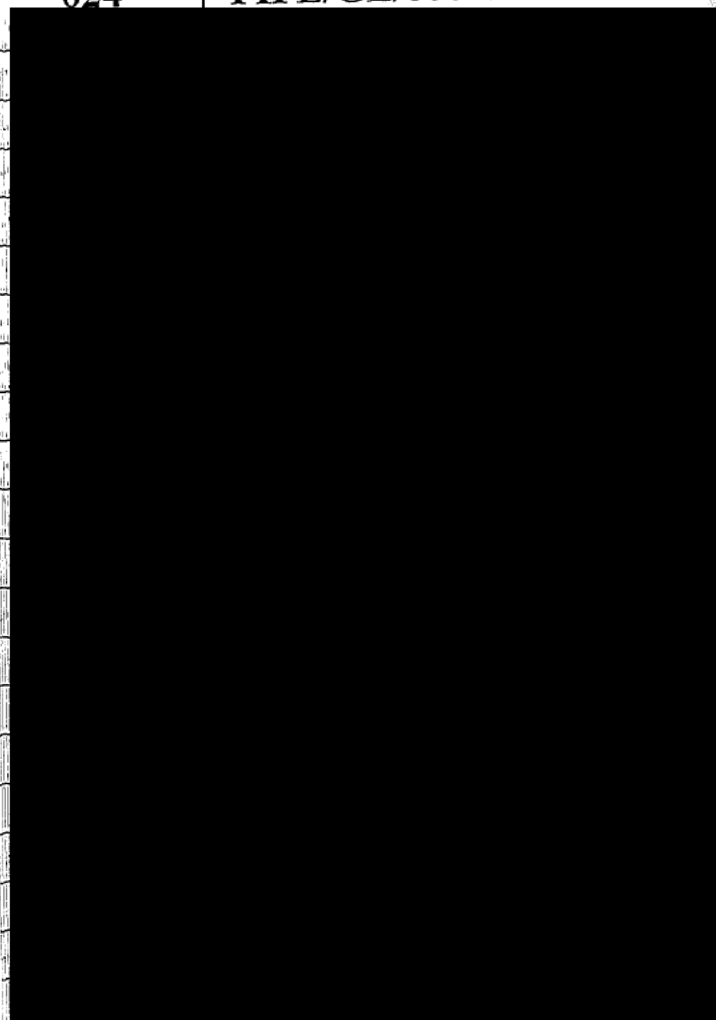


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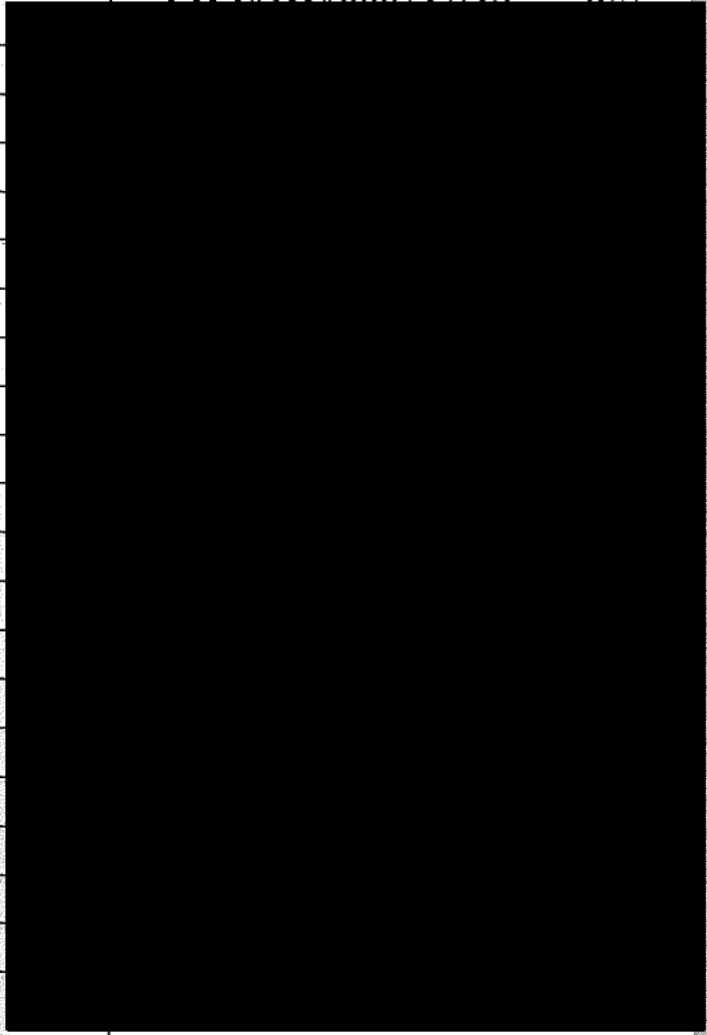


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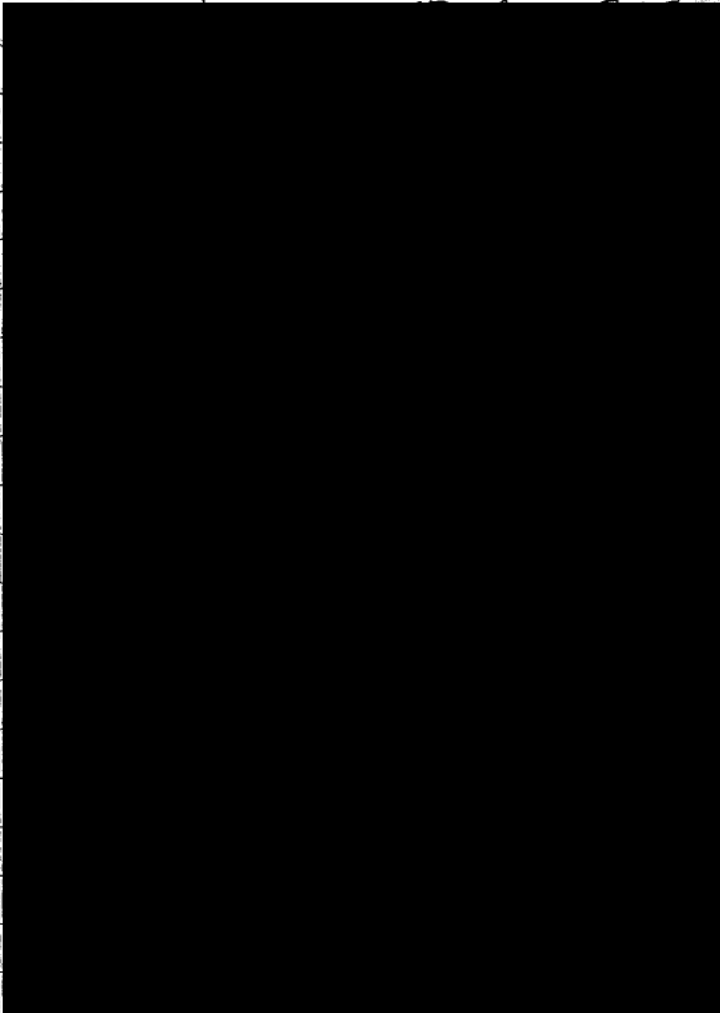
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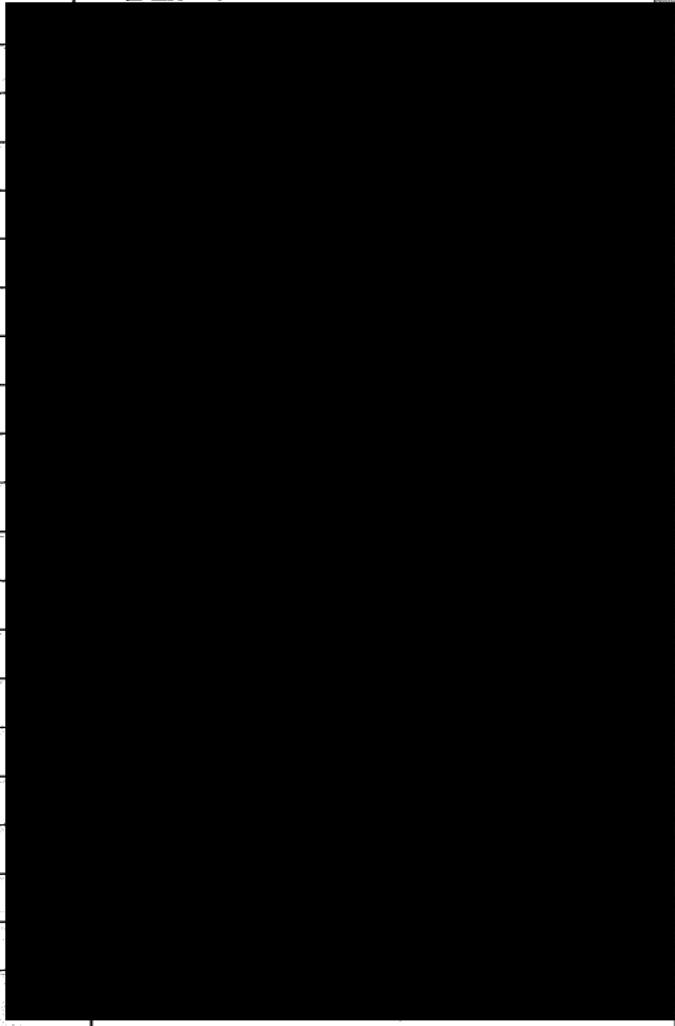
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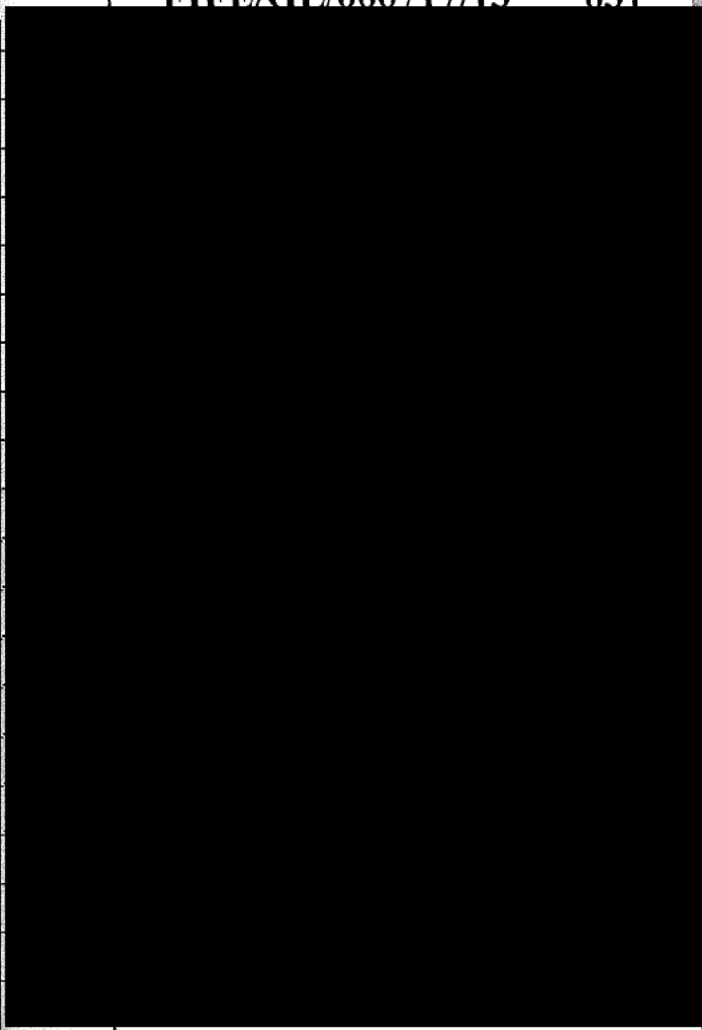
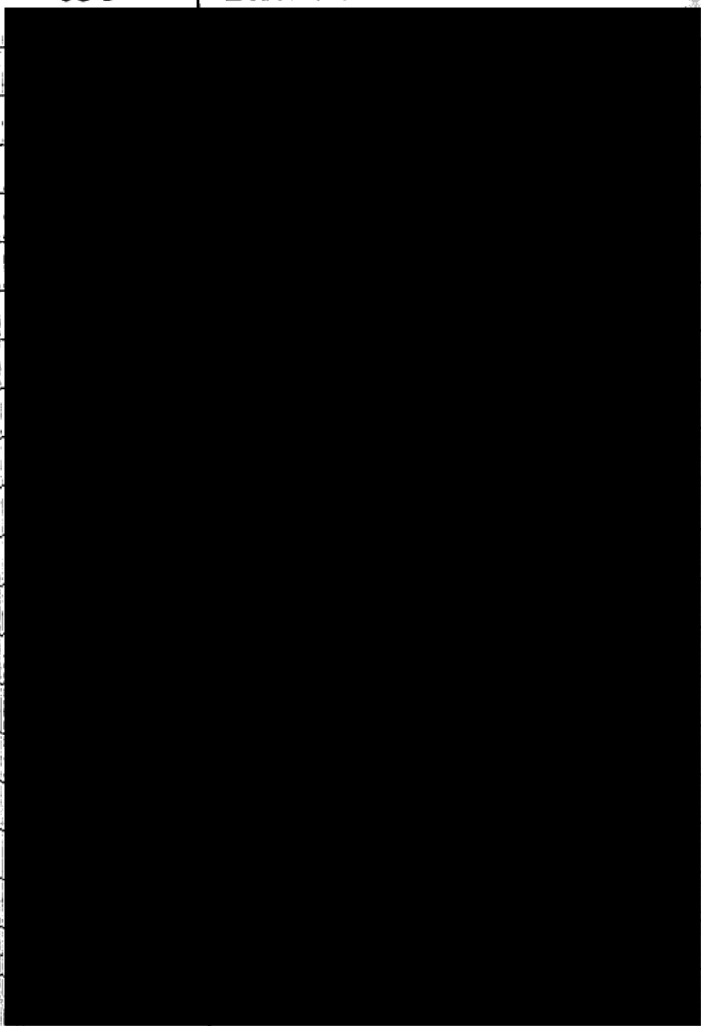


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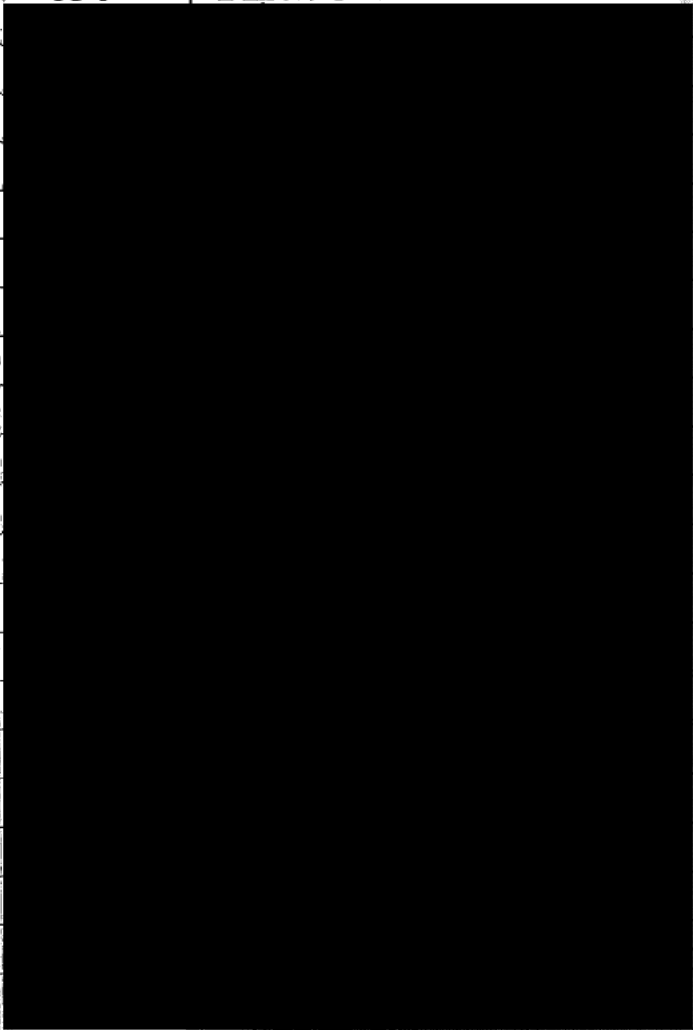
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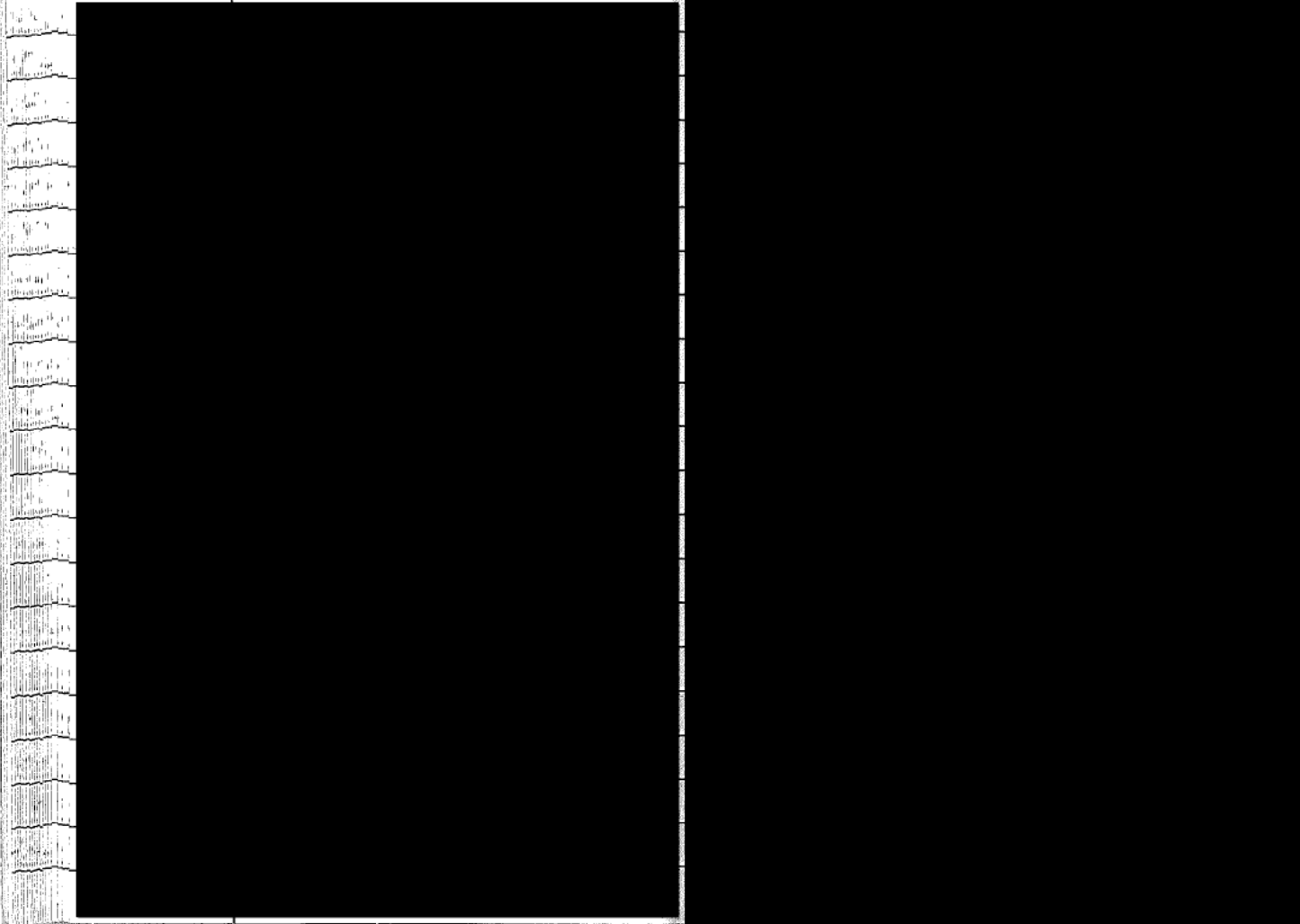


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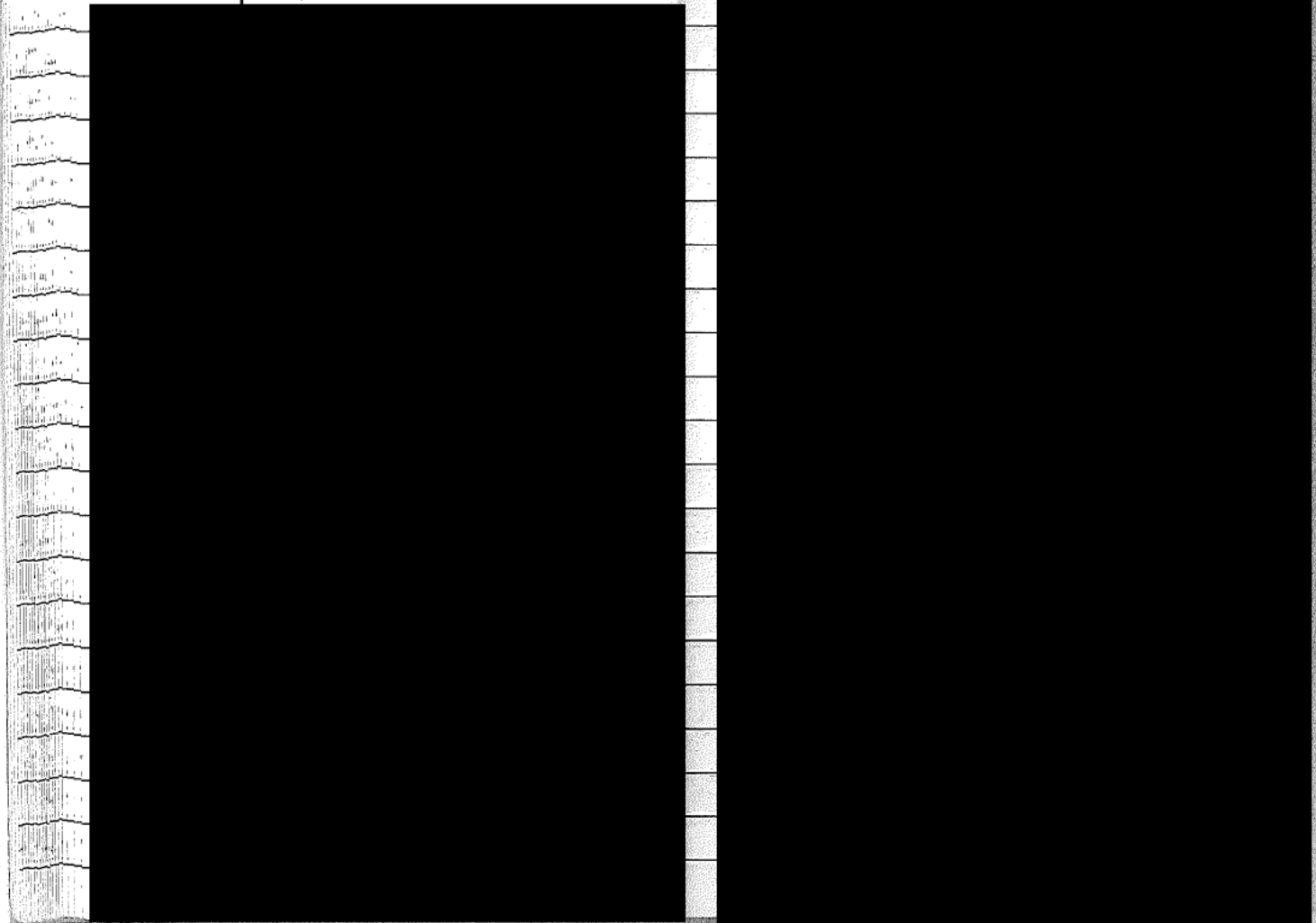


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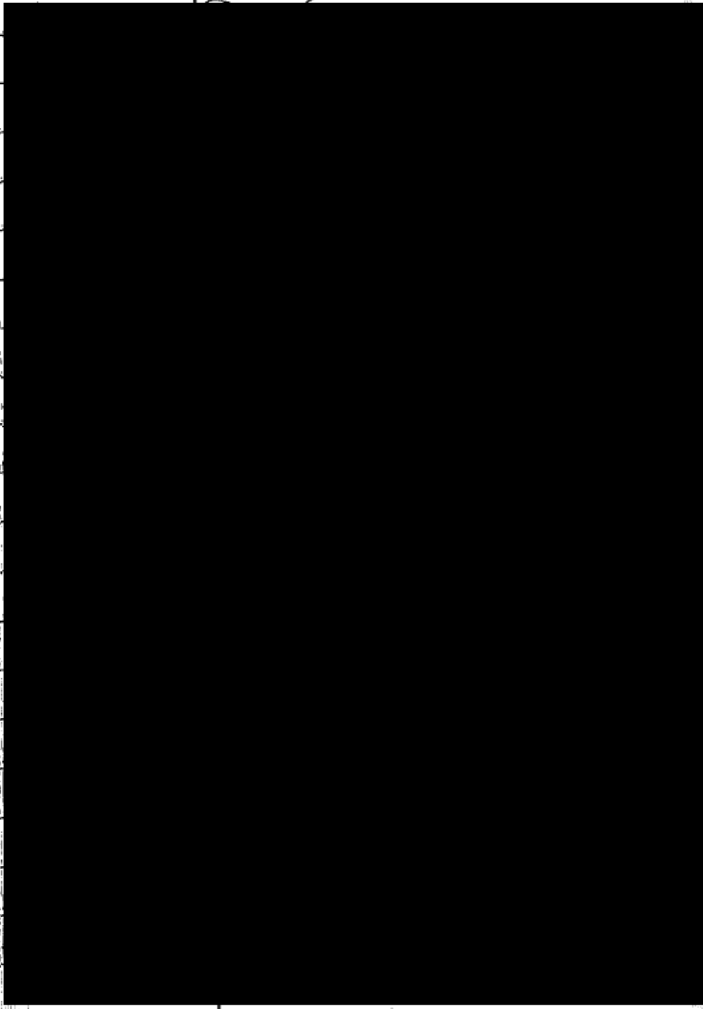


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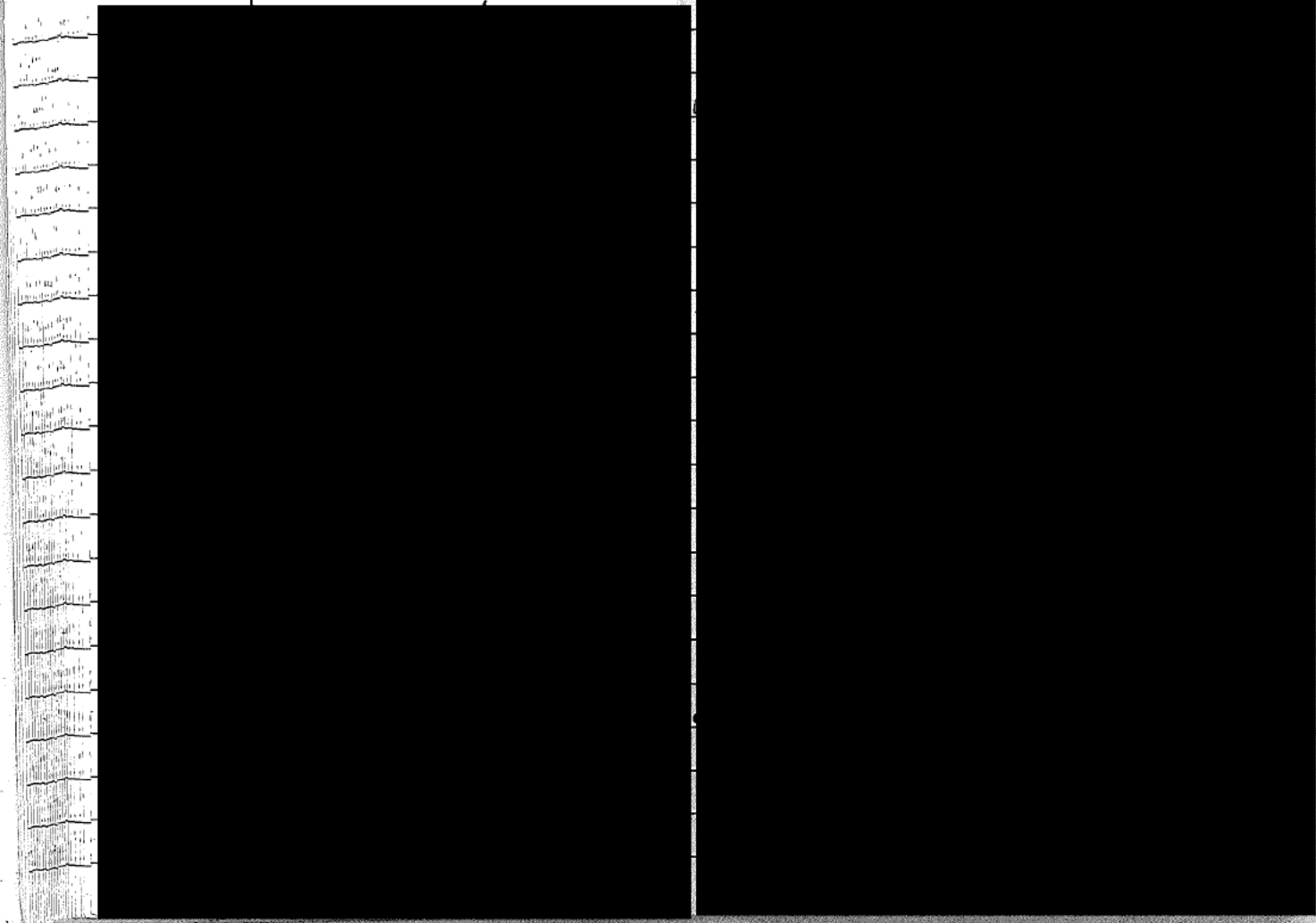


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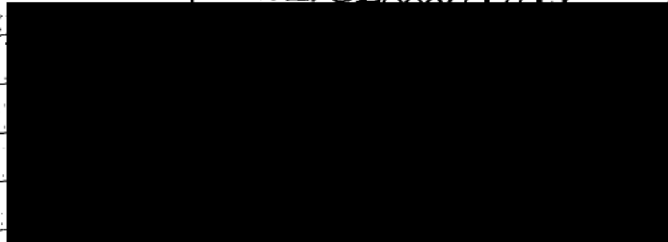
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044

FIFE/GL/000717/13



0900

FIFE/GL/000717/13 045

Attends at Collette Bell address at Arran Crescent

Via NPL

0920

With householder Collette

Bell

88

Sun 3<sup>rd</sup> May 2015

Met with home with 15 week

0945

Attends at ...

old B&B

SMH 0720 - 1600 hrs

1030

Seized locus from 2 B&B

... of ...

own locusts

Station

1100

Attends to KPS with Collette

0740

Comments by DS

Bell & ...

During ...

1325

Last entry

Attends KPS

0810

Attends at KPS, ...

In my presence, DC ...

By DS' ...

wrote a statement from

... with ...

Collette Bell - ...

to a ...

reviews at ...

Police, who is now in

events. All ...

casualty ...

starts at 112hrs

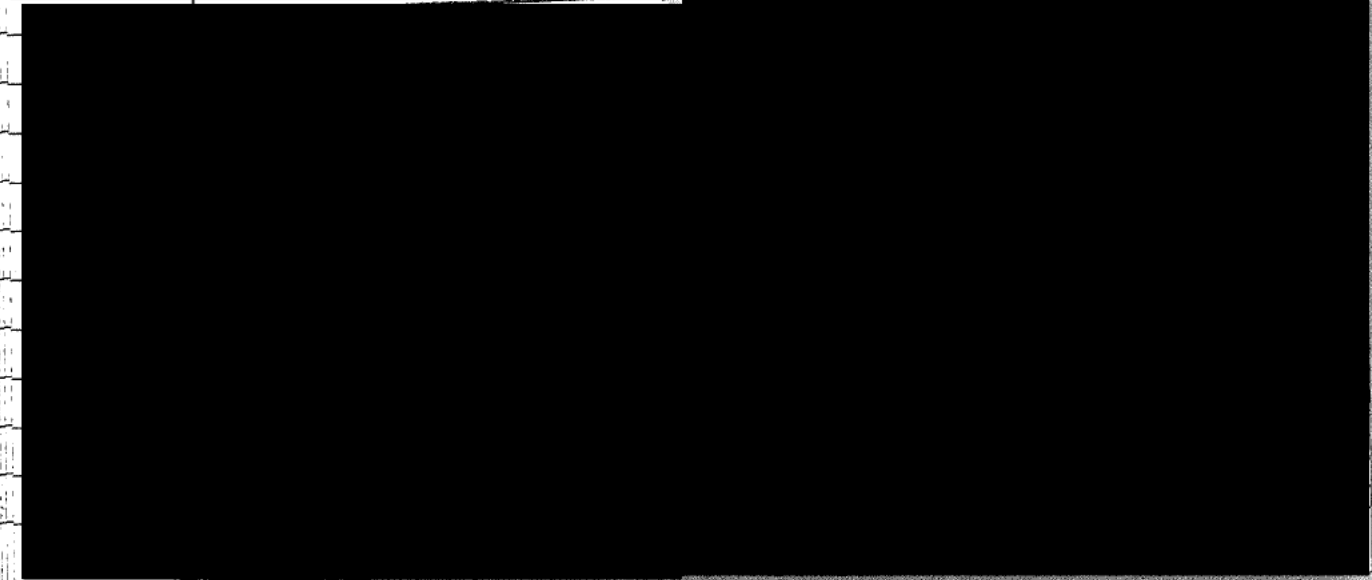
046 1510	FIFE/GL/000717/13 Kadi Johnson, [REDACTED] 77-200	FIFE/GL/000717/13 047 LARI ENTIRE
	[REDACTED]	ARTERIAL SURVIVAL WITH
	[REDACTED]	ONLY SUPT & NOMINATED FEEL
	[REDACTED]	AND DISCUSSED DISCLOSURE WITH
	[REDACTED]	FAMILY, DEATH MESSAGES ETC.
	DEATH MESSAGES PASSED TO -	Occurring at 1830 hrs.
	Kadi, in return to - 2105	Revised from am.
	Her brother, Steven	Monday 4 <sup>th</sup> May 2015
	BETON.	[REDACTED]
1540	Aunts to return to [REDACTED]	
	[REDACTED]	
	AND PROVIDED A STATEMENT.	
	TO FAMILY, AS MENTIONED	
	PAGE 118. STATEMENT	
	PROVIDED BY DS DUNN	
	WHILE AT THE ADDRESS.	
	TOLD FAMILY PER	
	COMMANDER HAD TO BE IN	
	TOUCH, WITH RECORDS TO	
	COMIN TO SEE THE FAMILY.	

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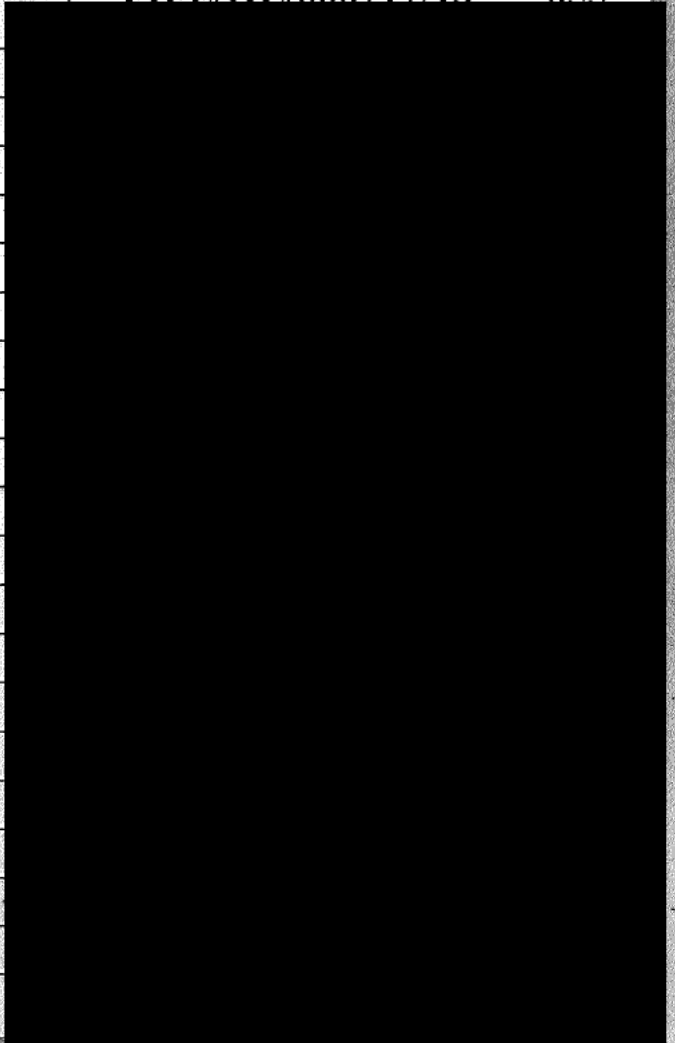
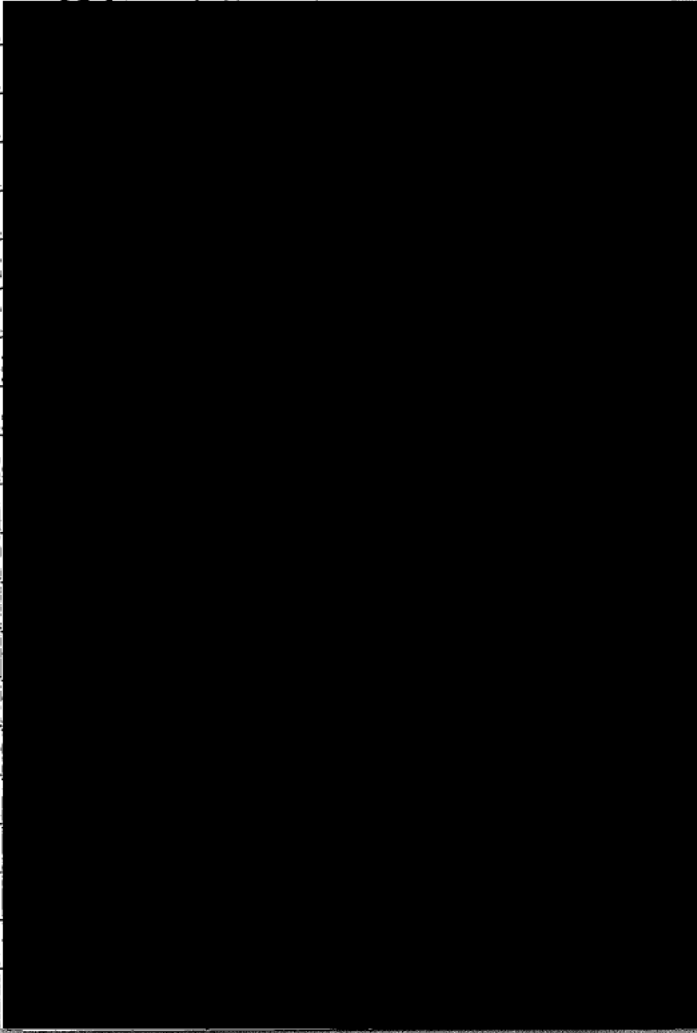


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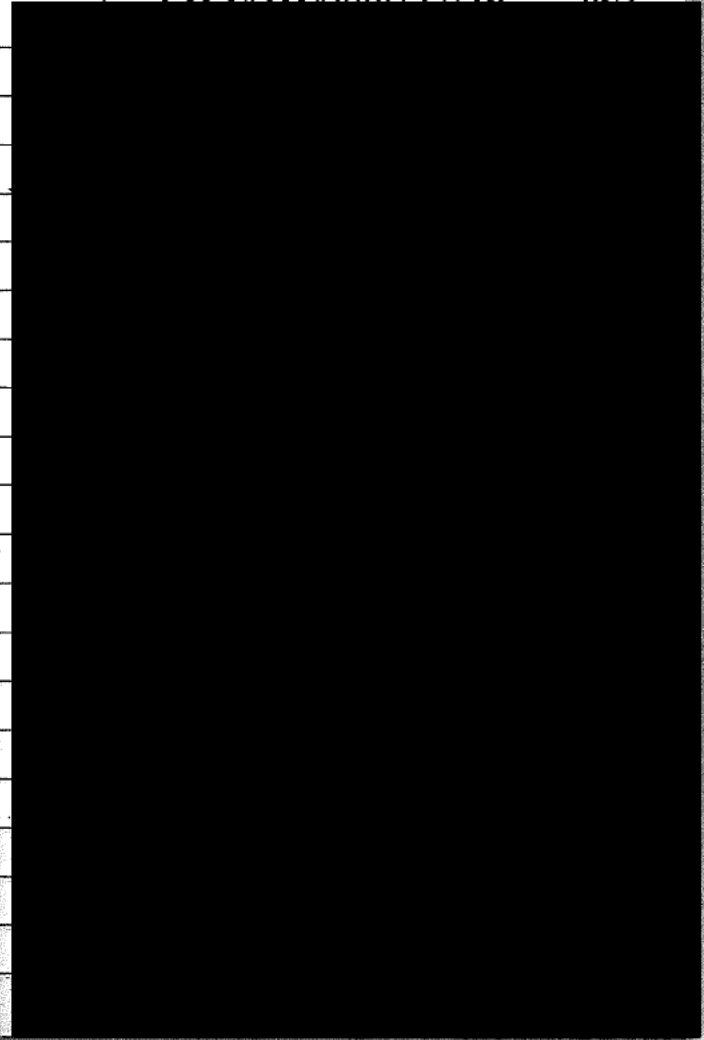


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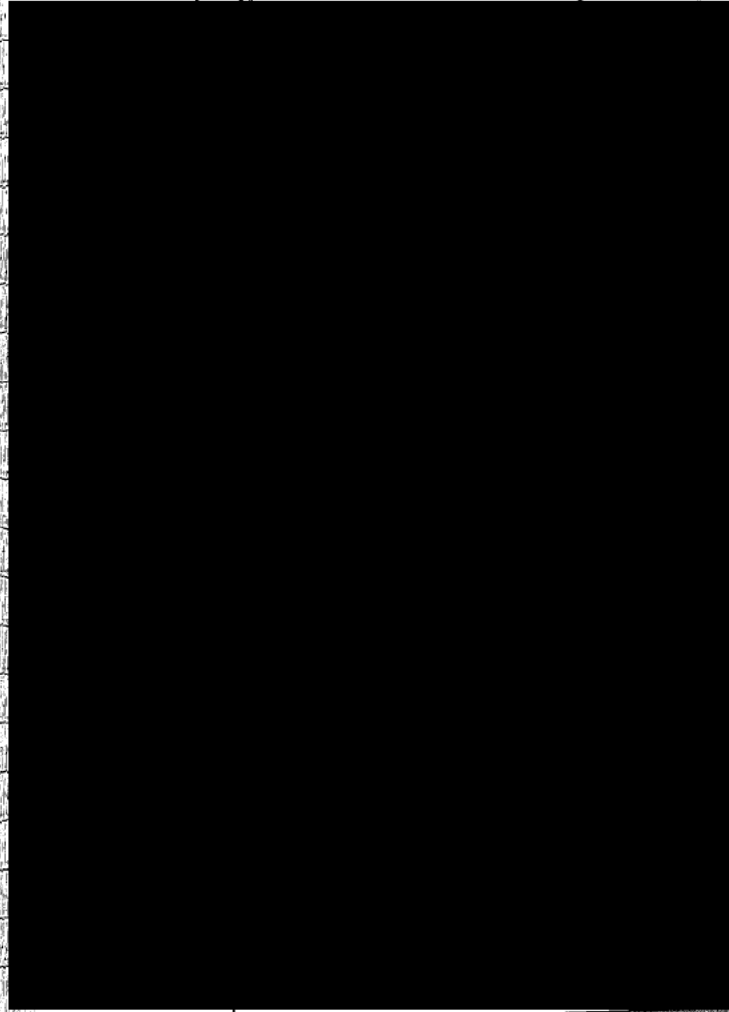


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061



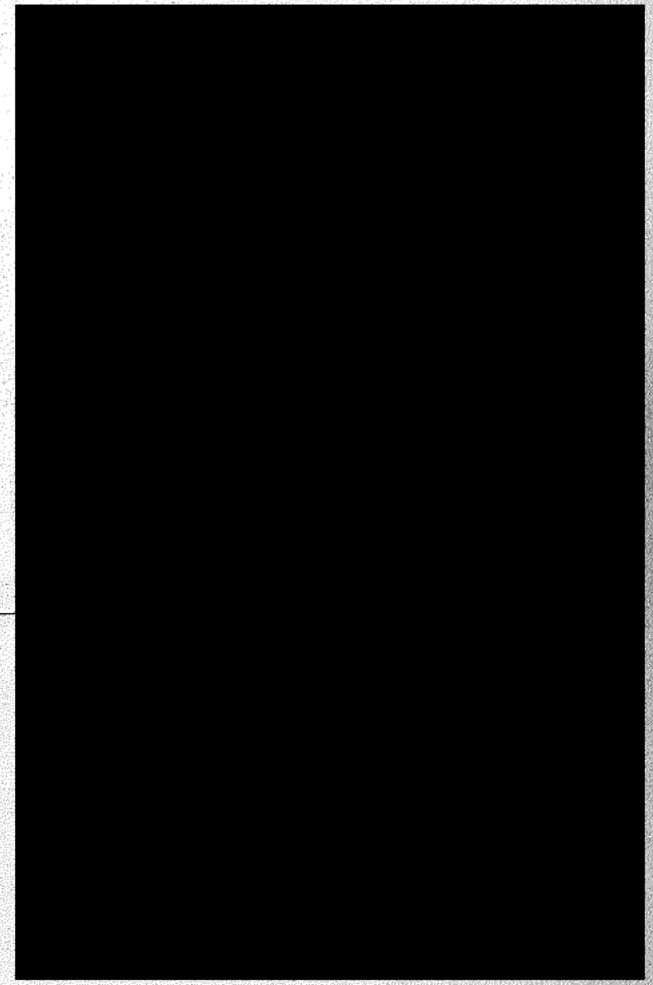




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FIFE/GL/000717/13

RESTRICTED



RESTRICTED

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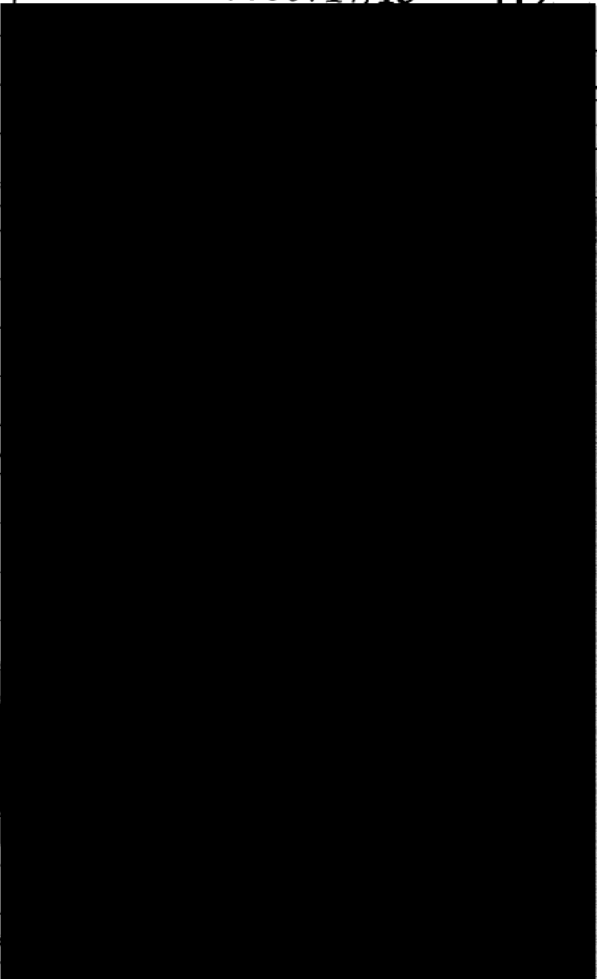
FIFE/GL/000717/13

" follow as incident 110  
 narrow to the right  
 no action at the  
 objects from PS who  
 been attempting to meet  
 Susan Byron, during  
 high time for who  
 become unconscious  
 conveyed to hospital  
 by SAS & police  
 by staff by reason  
 staff, also stated  
 after 9 AM "

for the above.

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**SCOTLAND POLICE**

Station Glenrothes

Rank/No./Name DC 16 Miranec

Holder's Signature 

Issued by (Supervisor's Signature) 

From 23 / 2 / 15 To .....

**Completed Notebook Checked and Filed at Station**

Supervisor's Signature ..... Date .....

Previous Notebook Number .....