

WITNESS STATEMENT

Agency Ref : **S151A**
PF Ref :

Surname : ROBSON Other or previous surname :

Forenames : Colin DoB : [REDACTED] 1980 Age : 35

Occupation : Police Officer Other Occupation : DI 980919 Call Sign
PW400

Police Station : Years Service : 16

Disclosable address :

Post Code:

This statement was taken :

Date and time : 2nd of June 2015 09.40

By : DSI KEITH HARROWER
Place : Kirkcaldy Police Station, Kirkcaldy

In the presence of : INV ROSS STEWART

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 have previously provided a statement in relation to the death of Sheku Bayoh,
which occurred on Sunday 3 May 2015.

I have been asked by the Police Investigations and Review Commissioner to provide
an additional statement regarding my involvement in this incident.

I am Colin Robson. I am 35 years of age and have completed 16 years police
service.

WITNESS STATEMENT

At present I am in charge of the Pro-Active Investigations Unit, based at 'P' Division Headquarters of Police Scotland at Glenrothes. I have charge of a team tasked with investigation of matters related to serious and organised crime, or any matters which meet divisional priorities. I have been in that role for the past eight months or so. Collectively I have 12 years experience in the Criminal Investigation Department.

As part of my role I am given a call sign PW400. This is a unique identifier for myself and is logged in from SCOPE when I am on duty. If I am logged on, then this call sign would be attributed to me on any incident I was involved in and recorded on the STORM/UNITY system.

Between Thursday 30 April and Wednesday 6 May 2015 I was on my 'duty week'. This role involves updating senior management on all significant crimes and incidents over the preceding 24 hours. During this week I am required to start my duty early to prepare myself, so I normally start around 0600 hours. As part of this role, particularly during a weekend, where a serious incident occurred I would be expected to respond and take initial control, where appropriate.

The local Police Incident Officer, normally a Police Inspector would also carry out a similar role. During a generic serious incident I would ensure that the locus was appropriately managed, witnesses were traced and the direction of the enquiry was set. I would require to be in a position to provide senior management with an overview of the incident.

About 0600 hours on Sunday 3 May 2015 I started my duty at Kirkcaldy Police Station and first of all went to the General CID office. I began my review of the incident or crimes, effectively for the past 12 hours to brief myself. There was no other CID officers in the building at this time.

Sometime between 0640 and 0650 hours two local CID officers started duty at Kirkcaldy. They were due to start their duty at 0700 hours. I spoke to both the officers, Detective Sergeant Samantha Davidson and Detective Constable Derek Connell.

At this time they were wearing what I would describe as business dress. To the best of my recollection Detective Sergeant Davidson was wearing suit trousers and a dress shirt or blouse. Detective Constable Connell was wearing suit trousers and a shirt and tie. I cannot be more specific than that.

About 0715 hours that morning I was in the General CID office with these two officers. I had my personal Airwave radio set beside me. I heard a call on radio channel Kirkcaldy 1 being broadcast for a general response. The initial broadcast was generally to the effect that there was a male reported to be in the Hendry Road area in possession of a knife. My recollection was that there were three or four subsequent updates to the information, at least one from a different complainer confirming that the male, a black man, was in possession of a knife and was trying to stop vehicles, resulting in motorists having to take evasive action. Within seconds of the first call being broadcast I could hear a number of officers footsteps passing near to the CID office. I assumed the early shift officers were attending the incident. After the third or fourth incident, which were roads in the same area, namely Templehall

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Avenue, Hendry Road and Hayfield Road, my colleagues DS Davidson and DC Connell decided to attend the incident. I did not instruct them to attend they just went as a matter of course. I saw the officers put on their officer safety vests. I did not see them put on their baton, cuffs and CS Spray, but I assumed they would have done that as it is mandatory. Both officers put on overcoat type waterproof jackets but I can't recall what colour they were.

At that stage I remained in the office. There was no need for me to attend at that stage but I continued to monitor the Airwave radio, particularly as a knife had been reported to be involved.

As I previously mentioned I was aware that the officers were updating the Area Control Room and I also heard a 'stay safe' message which did not come from the controller but someone else, possibly Overview. A risk assessment was also requested from the officers on their arrival to facilitate a decision on how the incident would be dealt with. I do not know who made this request but it is quite routine to establish if there is a requirement for specialist assistance, such as dogs, firearms officers or other resources.

About 0720 hours, as I said, an emergency button on an Airwave terminal had been activated. In effect this gives free dialogue on that radio for between 20 and 30 seconds without interruption. My understanding is that no one else can broadcast on that channel at the time. It sounded like chaos with a number of voices being heard. I could also hear what I thought was a female screaming and a lot of shouting. I could not make out much of the dialogue, but I could hear some sort of scuffle and a male officer (nfd) shout "officer injured" or "officer down" or words to that effect. There was also some mention of a knife just before the update on the officer being down.

At this point I decided to attend the locus. Primarily, I made this decision as a police officer to assist my colleagues, not as a supervisory officer.

At this time I did not have any of my officer safety equipment with me, this was all at Glenrothes at my own office. Even in the circumstances I decided to attend, I didn't pay that side of things any attention.

I left the office alone to attend the incident. At this time I had my own Airwave Terminal and my work mobile telephone. I think I left my personal mobile telephone in a bag in the office. I was wearing at that time a green waist length waterproof jacket, blue denim jeans and a pair of light coloured training shoes. I would describe myself as male, 35 years, 5'8" tall, medium build with short dark hair with a light growth on my face.

I travelled to the locus in a grey (dark) coloured 5 door Vauxhall Astra motor car, registration number [REDACTED]. This vehicle is fitted with strobe lighting to the front grill and rear window. I had been using this car as part of duty role that week. The car is normally based at Glenrothes.

I updated the Area Control Room that I was attending the locus. I don't recall if I provided my call sign PW400.

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As I stated, whilst on route to the locus I received an update from DS Davidson. I was about halfway to the locus by this time. This update was not personal to me but was over the radio to the Control Room.

As I said, during the update she mentioned that CS Spray may have been used. I had no personal contact with her at that stage. This broadcast included that there had been an altercation and that PC Short had been assaulted. Either the Control Room or the Police Incident Officer (Inspector Stephen Kay) had sought clarity regarding the knife, which DS Davidson clarified had not been used to assault PC Short and the man was no longer in possession of it.

I presumed that the man had been disarmed of the knife during the confrontation with the officers. However, I had not received confirmation of that from anyone at that stage.

A short time later I arrived at the locus. I drove up Hendry Road towards the roundabout at the junction with Hayfield Road. The strobe lights on the vehicle were activated at this time. As I approached the roundabout I saw DS Davidson who was standing on the south east portion of the roundabout opposite the westbound carriageway of Hayfield Road. I could also see a uniformed police woman with blonde hair standing on the roundabout at the junction diverting traffic away from Hayfield Road.

As I approached the roundabout, I pulled over to the right on the roundabout, effectively on the wrong side of the road in front of DS Davidson.

Before I got out of the vehicle it was immediately obvious that there was a group of police officers about 15-20 yards from where I stopped. They were positioned on the south pavement and they were immediately identifiable from their high visibility jackets.

My recollection was that there were six police officers, approximately, all in uniform. I could also see a male lying on the ground between the officers. I alighted from the vehicle and approached DS Davidson. I had a clear view of the group of officers, three of whom I know from working at Kirkcaldy Police Station. They were Constables Alan Paton, Craig Walker and Alan Smith. I believe three of the officers had their backs to me in a sort of crouched position with the man in front of them. The other three police officers were in a similar crouched position on the other side of the man facing generally towards me, but I didn't have a clear view of them. I did see PC Alan Smith was at the far right side, facing me, near to the mans head. I'm not sure at that point the position of PC's Paton and Walker.

I could see that the man was a black male and he was lying in the recovery position on his left side with his head facing towards me and his body was essentially at right angles to me. I could only clearly see his head and his legs from the knees down. He was wearing leg restraints on the lower section of his legs and he didn't appear to be moving. I couldn't see his arms or if he was handcuffed, although I do recall being told by DS Davidson at some time, either over Airwave or personally, that he had been handcuffed to the rear.

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There were no officers I could see on top of the man at that time, as I said, the officers were crouched beside him. I was unable to see if they had hands on him or not.

As I'm taking these observations, I had met with DS Davidson and she began to give me a briefing of what had occurred. She told me that when the cops arrived at the locus the man came from the area of the bus stop, which I could see was located about 50-75 yards away on the north footpath on Hayfield Road. She said he immediately engaged with the cops and was in possession of a knife, then there was an altercation with him during which Constable Nicole Short was assaulted. She did not provide detail on the nature of the assault. She also stated that the man was relieved of the knife, however, I didn't ask for clarity on how that happened. She confirmed that he was thereafter restrained by the officers.

DS Davidson then pointed out to a general area where the knife was believed to be located. This was on the north side of Hayfield area where there is a small grass area and footpath approximately 30 to 40 yards from the roundabout.

I then asked DS Davidson where PC Short was and she confirmed that she was quite shaken and was seated in a van along Hayfield Road. During the briefing she provided to me, DS Davidson did not mention that CS or PAVA Spray had been deployed or batons had been used by the officers. However, during one of the updates she provided over Airwave on route, CS may have been used. I never received clarity on that.

While still standing at the roundabout I saw two or three police issue ASP batons lying on the road behind where the officers were located on the footpath.

As regards the man on the ground, I was quite happy that situation was well under control and the situation had been defused. It appeared to me that PC Alan Smith was in control of the care and welfare of the man. I was aware that PC Smith was a divisional trainer for Officer Safety Training and has a good knowledge of what was required in the circumstances. He appeared to be going through a care and welfare process and I heard him make reference to the man being, 'in the recovery position' and 'his airway is open', or words similar.

While I was still DS Davidson, either myself or her, I can't recall which, told DC Connell to try and locate the knife in the general area that had been pointed out to me.

At this point I was aware that an ambulance was on route to deal with PC Short and the male. DS Davidson walked up towards the van where PC Short was, as I was keen to check on her welfare and condition. I think at this point I got back in my Astra vehicle and moved it along Hayfield Road, westwards closer to where PC Short was in one of the police vans.

I moved the vehicle and came to halt just past the bus stop on the north pavement. I stopped somewhere in the middle of the road. DS Davidson and PC Short walked towards me from one of the vans just in front of me. She got into the front passenger seat of the car. I was outside the vehicle at this stage.

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At this point DS Davidson told me that she was going to move the police van that PC Short had been in closer to the officers who were with the man (now deceased). As she went towards the van DC Connell approached me first and updated me that he found a knife on the grass area, in the general location that had been pointed out to me earlier by DS Davidson. I walked over towards this area to look at the knife. As I walked along Hayfield Road towards the roundabout I looked over again at the group of officers. The man (now deceased) was still there lying on the ground, there appeared to be no change. I did not see him move. At this point I did recognise another officer, Acting Sergeant Scott Maxell who was standing on the south footpath, about 5 to 10 yards east of the group of officers. There were approximately six officers around the man (now deceased) in a crouched position.

DC Connell took me along the north footpath of Hayfield Road and then onto the grass area, approximately half way between the roundabout and the bus stop.

The knife was lying flat. It had a large blade, approximately 6-12 inches long and a dark handle. I considered the situation and told DC Connell to take a Record and Recover approach. I told him to photograph the knife insitu with his mobile telephone and recover the knife as a production. Based on the information I had the only potential offences at that time were Criminal Law Consolidation Act, Possession of an Offensive Weapon namely a knife, Police Assault and Resist Arrest. Given the gravity of the offences I did not think it was appropriate to introduce locus protection methods and for the knife to be left in situ pending a forensic recovery.

Furthermore, I also considered the weather conditions, in it was raining, hard and public safety, given the members of the public that had gathered in the area.

I am aware of situations in the past where mobile telephones have been used to capture evidence of this type.

At this time, I took decisions on the basis of the information available to me. It was a judgement call.

I also told DC Connell to remove and recover the police batons on the roadway. I did not consider any forensic aspects in this regard, it was purely for safety reasons.

I then returned on foot to where PC Short was in my vehicle. There appeared to me to be no change with the man (now deceased) at this time. I had no concerns regarding him and no issues had been intimated to me by any of the police officers.

I had heard on update over Airwave that the ambulance arrival would be about 9 minutes. As the Victoria Hospital was so close I decided I would take PC Short to the hospital myself. My view was that I was the appropriate and only person to do that as all other officers were engaged carrying out other tasks.

When I first met PC Short she was in full uniform and was wearing her body armour and utility belt. I am unsure if she had possession of her baton, handcuffs or CS or PAVA Spray. She was visibly very upset and was crying. I could see her physically

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shaking. She complained of soreness to the back of her head but I didn't ask her what happened. Because she was upset I wanted just to reassure her. I think we left Hayfield Road about 0730 hours and I drove her to the Accident and Emergency Department at the Victoria Hospital, Kirkcaldy. The journey there only took a couple of minutes. I was conscious of her condition at the time and I deliberately didn't ask her any specific questions. I was generally happy I was aware of the circumstances and I didn't require any further information from her at that stage. However, during the journey she came out with a purely spontaneous statement, saying that all she could remember was a foot coming towards her head and there was nothing she could do. She was still visibly shaken at this time and was still crying.

At some point on route to hospital I updated the Control Room that I was conveying PC Short to hospital and on my arrival there.

When we arrived at the hospital I took PC Short in through the A&E entrance doors and turned left to the reception. She wasn't really fit to provide information to them so I gave them her details and a brief summary of the situation and that she was complaining of a sore head.

I acknowledged the presence of a nurse behind the reception area and PC Short was left with her and I left the hospital to return to the locus. I told her I would arrange for someone come and sit with her.

I jumped back into my car and almost immediately I heard an update over the radio and the position at the locus had changed. I heard that the male had stopped breathing and CPR had been commenced. A request was made for a 'hurry up' of the ambulance, which the ETA was about 3 minutes.

As I previously stated I arranged for DS Davidson to initiate locus protection measures. On returning to the locus I drove west along Hayfield Road and came to a halt near to the junction of Poplar Crescent.

I got out of the vehicle and walked along Hayfield Road and met DS Davidson near to the bus stop. At this time a male uniform officer who I did not know was manning the junction of Hayfield Road and Poplar Crescent.

At this time I did not have a clear view at all of the officers with the now deceased. I had a brief discussion with DS Davidson regarding the locus protection parameters. She had already put police barrier tape in place at the roundabout and we finalised where the boundaries would be placed for the locus at Hayfield at Poplar Crescent and restrictions on pedestrian movement. I also instructed that DC Connell should accompany the man (now deceased) to hospital in the ambulance.

The ambulance arrived about 0735 hours and travelled west along Hayfield Road from the hospital passing me. I did not speak to them. At this time I was receiving a number of calls on my mobile telephone and had difficulty hearing so I returned to my vehicle. I received calls from the Duty Chief Inspector Chris Stones, East Overview (unknown) and D/ Supt Pat Campbell.

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After I left this location I travelled down Poplar Crescent, turned right into Myrtle Crescent and right into Hendry Road and stopped at the roundabout at the junction with Hayfield Road. My purpose was to speak to the Police Incident Officer, Stephen Kay. I stopped right on the roundabout and spoke to him for about 30 seconds during which time he told me the officers involved in the incident had returned to Kirkcaldy Office. A short time later I travelled back to the office also.

As I previously stated I was aware that a mobile phone, believed to be owned by the now deceased was found at the locus. I am unaware of who recovered this.

I returned to the Kirkcaldy Office alone and entered through the rear door. The car park is covered with CCTV. The only other area with CCTV is the public office area. I would have got back to the office just prior to 0800 hours.

Firstly I went to the main CID office and met with DS Graeme Dursley and two of his DC's Calum Clayton and Wayne Parker. They were joined later by DC Andrew Mitchell from Glenrothes Police Station. I had requested their attendance to assist with enquiries.

Sometime between 0830 and 0900 hours I attended the canteen where I was aware the officers involved in the incident were gathered. They were all there except PC Short, who was still at the hospital and PC Smith who had driven the ambulance to the hospital.

I spoke to the officers concerned and started by saying I empathised with their positions, however, it was natural there would be an investigation to get an accurate account. I requested that they not actively discuss the incident at this time and just relax, watch TV and have a cup of tea or coffee. Also present at this time was PC Austin Barrett who is a Police Federation Representative. He made no comment at that time. As far as I was aware Sergeant Scott Maxwell was looking after their welfare.

As indicated, Detective Sergeant Dursley made me aware of the call from Collette Bell, who I later established was the partner of the now deceased, Sheku Bayoh.

Detective Sergeant Dursley sent two officers (unknown) to see her. I'm not sure what the direct briefing was but we were clearly trying to confirm identity and confirm whether the address of Collette Bell's home address at Arran Crescent was significant.

At an early juncture that morning, probably around 0900 hours, I commenced an Action Book for this incident to record all activity in relation to the incident. I made in the region of 70 entries in this Action Book, which is entitled 'Death of Sheku Bayoh', over that day.

The Action Book was subsequently passed to DS Robert More within the Major Investigation Team. I handed this over personally about 1230 hours on Monday 4 May 2015. The fact that this incident was recorded as a Critical Incident by Chief Superintendent McEwan was recorded in this book.

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DSI Harrower from PIRC has shown CCTV footage from a disc:-

Label No. Working copy 2 of PIRC production 269

This is footage of CCTV material showing aftermath of the incident at Hayfield Road on 3 May 2015 and my arrival in the Vauxhall Astra vehicle at the scene. The time shown on the footage begins at 07 13 06 hours and shows my police vehicle being driven up Hendry Road, turning right on the incorrect side of the road on the roundabout into Hayfield Road and coming to a halt near the bus stop after negotiating my way past some vehicles. I can confirm the strobe lights are visible on that footage. I cannot recall driving straight into Hayfield Road as it shows, but I accept I must have done so. Neither do I recall walking back towards the roundabout to speak to DS Davidson. However, I am positive that my description of events from when I met with her are completely accurate, including where I was standing. Furthermore, I definitely moved the car further forward at a later date to facilitate taking PC Short to hospital.

On the same disc I have also viewed a still image which shows me in the middle of the screen on the phone and wearing a green jacket. This was just after I had viewed the knife with DC Connell and DS Davidson had moved the van to near to the now deceased, which is also seen to the right of me in the footage. The officers, I previously mentioned, namely PC's Walker, Paton, Smith and Sgt Maxwell are also shown close to the male. PC Paton is positioned at the head of the now deceased, PC Smith is immediately to PC Paton's left, behind him is DS Davidson, standing on his own is Sgt Maxwell. PC Walker is walking towards the group across me. In addition, the blonde police woman standing to PC Smith's left took on traffic control at the roundabout as I described earlier. I still don't recognise the other three police officers. I can also see DC Connell wearing the blue jacket in the background on the north pavement near the roundabout. At the end of providing this statement I was shown:-

Label No. Aerial Photograph and Map of Area Around Locus

This document contained two sheets produced from Google Maps on 1 June 2015. One was an aerial photograph of Hayfield Road near the locus and surrounding area. The second was a section of map showing the locus and immediate surrounding area. I was asked to place crosses on this map showing the position of officers, vehicles, the now deceased and the location where the knife was recovered. It also shows where the police batons were positioned.

I endorsed the map with the crosses and DSI Harrower identified each item.

I can confirm that I was never provided with any information on how the knife got to the location it was recovered.

I have signed the labels attached to the productions I have referred to.

I can confirm this is a true and accurate record.

Signed : (Witness)

OFFICIAL - SENSITIVE

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OFFICIAL - SENSITIVE

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CONFIDENTIAL MATERIAL - NOT TO BE DISCLOSED

Surname : ROBSON Forenames: Colin
Alias/known as :

Place of birth : Age: over18

Homeaddress : Telephone:

Post code:

Business address Telephone:
Glenrothes Police Station, 'P' Division HQ, Detriot Road,
Glenrothes

Post Code : KY61HN

Mobile : [REDACTED]
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Other : [REDACTED]

Dates when unavailable in next 12 months :

Other Confidential Material :